



**PITTSYLVANIA**  
COUNTY, VIRGINIA

# ZONING ORDINANCE

*Public Review Draft*

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## **ARTICLE I. – In General.**

### **Division 1. Enactment and Authority.**

#### **Section 1-1-1. Title.**

This Chapter, the full title of which is “The Zoning Ordinance of Pittsylvania County, Virginia,” shall be permitted, for convenience, to be referred to as the “Zoning Ordinance” or “Ordinance.”

#### **Section 1-1-2. Authority.**

Pursuant to the Code of Virginia, § 15.2-2280 et seq., as amended, Pittsylvania County, Virginia, is given the authority to classify and regulate land development under its jurisdiction.

#### **Section 1-1-3. Purpose.<sup>1</sup>**

- (A) The Zoning Ordinance of Pittsylvania County, Virginia, is intended to promote the health, safety, and general welfare of the public; to implement the adopted Pittsylvania County Comprehensive Plan for the orderly and controlled development of the County; to implement good zoning practice and the aesthetic values and priorities of the local citizenry; and to further accomplish the objectives of § 15.2-2200, as amended, of the Code of Virginia. To these ends, the Ordinance shall be designed to give reasonable consideration to each of the following purposes:
- (1) Provide for adequate light, air, convenience of access and safety from fire, flood, impounding structure failure, crime, and other dangers;
  - (2) Reduce or prevent congestion in the public streets;
  - (3) Facilitate the creation of a convenient, attractive, and harmonious community;
  - (4) Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
  - (5) Protect against destruction of or encroachment upon historic areas and working waterfront development areas;
  - (6) Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, impounding structure failure, panic or other dangers;
  - (7) Encourage economic development activities that provide desirable employment and enlarge the tax base;

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<sup>1</sup> Editor’s Note: This section is proposed to replace Section 35-3. Purpose expanded to include all items supplied in the Code of Virginia for the purpose of Zoning Ordinances.

- (8) Provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;
  - (9) Protect the approach slopes and other safety areas of licensed airports, including United States government and military air facilities;
  - (10) Promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the County as well as reasonable proportion of the current and future needs of the planning district within which the County is located;
  - (11) Provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard;
  - (12) Provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 or state and federal fair housing laws, as applicable; and,
  - (13) Protect surface water and ground water as defined in the Code of Virginia § 62.1-255, as amended.
- (B) It is not the intent of this Ordinance to exclude any economic, racial, religious, or ethnic group from enjoyment of residence, land ownership, or tenants within Pittsylvania County, nor is it the intent of this Ordinance to use public powers in any way to promote the separation within Pittsylvania County of economic, racial, religious, or ethnic groups, except as may be the incidental result of meeting the purposes outlined in (A) above.<sup>2</sup>

#### **Section 1-1-4. Applicability.<sup>3</sup>**

- (A) Pursuant to the Code of Virginia, § 15.2-2281, as amended, the provisions of this Ordinance shall apply to all property within the entire unincorporated territory of Pittsylvania County, Virginia, including all land, structures, water areas, and waterways or watercourses, with the exception that any property held in fee simple ownership and used by the United States of America, the Commonwealth of Virginia, or the government of Pittsylvania County shall not be subject to the provisions contained herein. Upon transfer of ownership or control of any portion of government lands to private interests, the regulations of the district in which the land is located shall automatically apply.
- (B) Pursuant to the Code of Virginia, § 15.2-2284, as amended, the zoning regulations and districts as herein set forth have been drawn with reasonable consideration for the existing use and character of property, the Comprehensive Plan, the suitability of properties 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, housing, schools, parks, playgrounds, recreation areas, and other public services; and the conservation of natural resources, the preservation of flood plains, the protection of life and property from

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<sup>2</sup> Editor's Note: Section 35-3.1 of the existing Ordinance has been proposed for integration into this section.

<sup>3</sup> Editor's Note: Proposed as a new section to replace Sections 35-45 and 35-46.

impounding structure failures, the preservation of agriculture and forestal land, the conservation of properties and their values, and the encouragement of the most appropriate use of land throughout the County.<sup>4</sup>

### **Section 1-1-5. Conformity with Ordinance Required.<sup>5</sup>**

- (A) Except as otherwise provided in this Ordinance or as modified through a zoning approval, all land, buildings, structures, and/or premises within the County shall only be used, occupied, erected, constructed, removed, enlarged, and/or altered in conformance with this Ordinance's regulations.
- (B) All the departments, officials, and public employees of this jurisdiction that are vested with the duty of authority to issue permits or licenses shall conform to the provisions of this Ordinance. They shall issue permits for uses, buildings, or purposes only when they are in compliance with the provisions of this Ordinance.

### **Section 1-1-6. Severability.<sup>6</sup>**

Should the courts decide that any Section or provision of this Ordinance is unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part held to be unconstitutional or invalid.

## **Division 2. Ordinance Conflicts and Interpretation.**

### **Section 1-2-1. Interpretation.<sup>7</sup>**

- (A) The Zoning Administrator shall interpret this Ordinance based upon the following criteria:
  - (1) Provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare;
  - (2) Unless otherwise specified, the standards of this Ordinance are the minimum required;
  - (3) Whenever provisions within this Ordinance conflict with each other, or any local, state, or federal statute, or regulation with respect to requirements or standards, the most severe or stringent requirement or standard shall prevail;
  - (4) It is not the intent of this Ordinance to interfere with or repeal or annul any easements, covenants or other agreements between parties; however, pursuant to the Code of Virginia § 15.2-2315, as amended, where this Ordinance conflicts with any other lawfully adopted statute, regulation, or ordinance, the most restrictive, or the higher standard, shall control to the extent necessary to resolve the conflict;

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<sup>4</sup> Editor's Note: Section 1-1-4(B) text is carried over from Section 35-4 of the existing Ordinance; however, the text has been slightly edited for clarity and to align more fully with Code of Virginia § 15.2-2284.

<sup>5</sup> Editor's Note: Proposed as a new section.

<sup>6</sup> Editor's Note: Text has been carried over from Section 35-24 of the existing Ordinance.

<sup>7</sup> Editor's Note: Section 1-2-1 integrates text from existing Sections 35-25, 35-27, and 35-689. This text has been edited and expanded upon for clarity, for consolidation, and to align more fully with the Code of Virginia.

- (5) A building, structure, or use which was not legally existing on \_\_\_\_\_ (effective date of revised ordinance) shall not be made lawful solely by adoption of this Ordinance;
- (6) In case of any dispute over the meaning of a word, phrase, or sentence, whether defined herein or not, the Zoning Administrator is hereby authorized to make a definitive determination thereof; and
- (7) Any condition imposed or proffer accepted as part of a zoning proposal in accordance with Code of Virginia § 15.2-2261.1 et seq. prior to \_\_\_\_\_ (effective date of revised Ordinance) shall be continued in effect and shall be construed to be a "local regulation." However, as stated in Code of Virginia § 15.2-2261.1, as amended, if there is a conflict between conditions imposed through those land use decisions and the regulations of this Ordinance, the conditions shall apply. If there is no condition that addresses a specific use or development standard of this Ordinance, the requirements of this Ordinance shall govern.

### Section 1-2-2. Figures and References in Ordinance.<sup>8</sup>

- (A) Where figures are contained in this Ordinance, they are provided for demonstrative purposes only and are not a substantive part of this Ordinance.
- (B) If any section of this Ordinance incorporates by reference any state statute or regulation, then the Ordinance incorporates future amendments of the state statute or regulation.

## Division 3. Zoning Districts Map.

### Section 1-3-1. Establishment, Maintenance, and Amendment.<sup>9</sup>

- (A) The unincorporated areas of Pittsylvania County, Virginia, are hereby divided into zoning districts, as shown on the official "Zoning Map of Pittsylvania County, Virginia." The Zoning Map of Pittsylvania County, Virginia shall be, for convenience, referred to as the "Zoning Map."
- (B) A certified copy of the Zoning Ordinance and its Zoning Map shall be filed in the office of the Clerk of Circuit Court of Pittsylvania County, Virginia.
- (C) The Zoning Map shall be available for examination and inspection by the public at all reasonable times.
- (D) The Administrator shall keep and maintain the zoning index as part of the Zoning Map.
- (E) The original Zoning Map shall be filed in the office of the Zoning Administrator and such original shall be updated from time to time as the result of the following Board of Supervisors action:
  - (1) Amendments to the Ordinance;
  - (2) Approval of a Rezoning (see Article III, Section 2, of this Ordinance); or

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<sup>8</sup> Editor's Note: Proposed as a new section.

<sup>9</sup> Editor's Note: Proposed as a new section; some text from Sections 35-810 and 35-8 of the existing Ordinance has been included.

(3) Approval of Conditional Zoning (see **Article III, Section 3**, of this Ordinance).

(F) If the official Zoning Map is destroyed, lost, or damaged beyond the point of reasonable readability and interpretation, the Board of Supervisors may, by resolution, adopt a new official Zoning Map that shall supersede the prior official Zoning Map. No such correction shall have the effect of amending the original official Zoning Map or any subsequent amendment thereof without a public hearing in accordance with Code of Virginia § 15.2-2204, as amended.

### **Section 1-3-2. Incorporated by Reference.<sup>10</sup>**

The Zoning Map, as amended, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

### **Section 1-3-3. Interpretation of Zoning District Boundaries.<sup>11</sup>**

(A) The Zoning Map associated with this text and showing the division of the territory into districts shall be interpreted with the following rules when uncertainty exists with respect to the boundaries of any of the districts:

- (1) Where district boundaries are fixed by dimensions or otherwise shown or described, there shall be no uncertainty.
- (2) Zoning district boundaries shall not divide a parcel of land. Each parcel of land in the County shall have only one district zoning classification as depicted on the Official County Zoning Map.
  - (i) Where a district boundary line as appearing on the official Zoning Map divides a lot, which is in single ownership at the time of this enactment, the use classification of the larger portion may, on rezoning application, be extended to the remainder by the Board of Supervisors.
- (3) Where district boundaries are indicated as approximately following or at right angles to the centerlines of streets, highways, alleys or railroad tracks, or rights-of-way of the same, such centerline, or lines at right angles to such centerlines, shall be construed to be such boundaries.
- (4) Where a district boundary is indicated to follow a river, stream, creek, or branch or other body of water, said boundary shall be construed to follow the centerline at low water or at the limit of the jurisdiction, and in the event of change in shoreline, such boundary shall be construed as moving with the actual shoreline.
- (5) Where a public road, street, or alley is officially vacated or abandoned, the adjacent zoning district shall apply to such vacated or abandoned road, street, or alley. In the case of more than one adjacent district, the Board of Zoning Appeals shall determine the appropriate zoning district.

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<sup>10</sup> Editor's Note: Section 1-3-2 text is carried over from Section 35-6 of the existing Ordinance.

<sup>11</sup> Editor's Note: This section is proposed to replace Section 35-47 of the existing Ordinance. The content is materially the same, but reworded and reorganized for readability.



- (6) If distances or other dimensions are not specifically indicated on the Zoning Map, they will be determined by the scale of the map.
- (7) If the specific location of a boundary cannot be determined from notations on the Zoning Map or application of the above standards, it will be determined by using the map scale to determine the boundary's distance from other features shown on the map.
- (8) In any case in which there is uncertainty, contradiction, or conflict as to the location of any zoning district boundary – due to scale, illegibility, lack of detail, physical or natural features vary from those on the Zoning Map, or any other circumstances not covered by this section – the Zoning Administrator will have the authority to interpret the district boundaries in accordance with Section 2-1-1 of this Ordinance.<sup>12</sup>
- (9) The Zoning Administrator's interpretations may be appealed to the BZA in accordance with Article III, Division 10 of this Ordinance. The BZA will not have the power to change substantially the locations of district boundaries.

### Section 1-3-4. Unauthorized Changes.<sup>13</sup>

No changes of any nature shall be made on said Zoning Map or any matter shown thereon except in conformity with the procedures and requirements of this Ordinance. It shall be unlawful for any person to make unauthorized changes on the official Zoning Map.

## Division 4. Transition of Regulations After Adoption.

### Section 1-4-1. Effective Date of Ordinance.<sup>14</sup>

This Ordinance was adopted on \_\_\_\_ (date of adoption of revised ordinance). This Ordinance shall become effective on \_\_\_\_ (effective date of revised ordinance) and repeals and replaces any prior Zoning Ordinance adopted in Pittsylvania County. Its provisions shall be in force until repealed or amended.

### Section 1-4-2. Violations Continue.

Any development or activity in violation of the previous Zoning Ordinance will continue to be a violation under this Ordinance unless the development or activity complies with the express terms of this Ordinance.

### Section 1-4-3. Nonconformities.

If any use, structure, lot, sign, or site feature legally existed immediately prior to \_\_\_\_ (effective date of revised ordinance) but does not fully comply with the standards of this Ordinance or any amendment thereto, the use, structure, lot, sign, or site feature is considered nonconforming under this Ordinance

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<sup>12</sup> Editor's Note: The existing Ordinance gives the BZA the authority to interpret zoning district boundaries. This is a common, but outdated, practice; recommend interpretation of zoning district boundaries as an administrative procedure with option to appeal to the BZA.

<sup>13</sup> Editor's Note: New section proposed to simplify the Section 35-6 of the existing Ordinance and separate unrelated regulations.

<sup>14</sup> Editor's Note: Proposed as a new section.

and must comply with the requirements in **Article IX, Nonconforming Uses, Lots, and Structures**, of this Ordinance.

#### **Section 1-4-4. Complete Applications.**

- (A) This Section pertains to applications for the following:
  - (1) Zoning Text and Map Amendments (rezoning);
  - (2) Proffers for Zoning Map Amendments (Conditional Zoning);
  - (3) Special Use Permits;
  - (4) Variances; and
  - (5) Subdivision Plats.
- (B) Applications and/or plats deemed by the Administrator to be complete prior to \_\_\_\_ **(effective date of revised ordinance)**, but still pending final action as of that date, will be processed in accordance with the regulations in effect when the submittal was accepted.
- (C) An applicant with a pending application and/or plat accepted prior to \_\_\_\_ **(effective date of revised ordinance)**, may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending submittal and submitting a new application and/or plat in accordance with the procedures and standards of this Ordinance.
- (D) Applications and/or plats accepted as complete prior to \_\_\_\_ **(effective date of revised ordinance)**, will be processed in accordance with any time frames for review, approval, and completion established in the regulations in effect at the time the submittal was accepted as complete.<sup>15</sup>
- (E) To the extent such a complete application and/or plat is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, will be nonconforming and subject to the requirements of **Article IX, Nonconforming Uses, Lots, and Structures**, of this Ordinance.<sup>16</sup>

#### **Section 1-4-5. Other Approved Permits and Development Approvals.<sup>17</sup>**

- (A) This Section pertains to applications for the following:

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<sup>15</sup> Editor's Note: Text has been incorporated from Section 35-49 of the existing Ordinance but has been modified for clarity.

<sup>16</sup> Editor's Note: Section 35-49 of the existing Ordinance states that if construction does not commence within thirty (30) days after the effective date of the Ordinance, or if construction discontinues for a period of six (6) months or longer, further construction shall be in conformity with the provisions of the Ordinance for the district in which the construction is located. However, Code of Virginia § 15.2-2261 states that an approved final subdivision plat shall be valid for up to five years from the date of approval. It is also important to note that zoning permits should have construction deadlines in the conditions, and building permits have their own requirements for construction and timeframes.

<sup>17</sup> Editor's Note: Proposed as a new section.

- (1) Site Development Plans;
  - (2) Zoning Permits; and
  - (3) All other permit and development approvals not provided for in Section 1-4-4, above.
- (B) Any other permits or development approvals granted prior to \_\_\_\_ (effective date of revised ordinance), will remain valid until their expiration date.
- (C) Developments with valid permits or development approvals granted prior to \_\_\_\_ (effective date of revised ordinance), may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or development approval is valid and has not expired.
- (1) If the prior approval expires or is revoked, any subsequent development or use of the site will be subject to the procedures and standards of this Ordinance.
- (D) To the extent a prior-approved permit or development approval that does not comply with this Ordinance, the subsequent development or use, although permitted, will be nonconforming and subject to the requirements of Article IX, Nonconforming Uses, Lots, and Structures, of this Ordinance.

#### Section 1-4-6. Vested Rights.<sup>18</sup>

- (A) The provisions of this Ordinance shall not impair a vested right of a property owner. The Administrator shall be authorized to make determinations on whether a property owner's right is deemed vested in a land use. Vested rights determinations shall be made in accordance with the Code of Virginia § 15.2-2307, as amended.
- (B) Nothing contained herein shall require any change in the plans or construction of any building or structure for which a building permit was granted prior to \_\_\_\_ (effective date of revised ordinance).

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<sup>18</sup> Editor's Note: Proposed as a new section. The current Ordinance does not address vested rights, but this is required for inclusion per the Code of Virginia.

## **ARTICLE II – Administration.**

### **Division 1. Zoning Administrator.**

#### **Section 2-1-1. Appointment; Powers; and Duties.<sup>1</sup>**

- (A) The Pittsylvania County Administrator shall have the authority to designate an individual to serve as Zoning Administrator (Administrator). Said Administrator shall have all authority empowered by this Ordinance in the administration and enforcement of all articles of this Ordinance. The Administrator shall exercise their authority at the pleasure of the Pittsylvania County Administrator.
- (B) The Administrator may designate a Deputy Administrator or other designee to assist in these duties.
- (C) The Administrator may also hold another office in the County.
- (D) The Administrator may act as Staff to the Pittsylvania County Planning Commission and the Pittsylvania County Board of Zoning Appeals.
- (E) The Administrator shall have such duties as are conferred by this Ordinance and the Code of Virginia § 15.2-2286 (4) and § 15.2-2299, as amended, including:
  - (1) Administer and enforce this Ordinance;
  - (2) Administer and enforce conditions attached to a rezoning or amendment to the Zoning Map;
  - (3) Remedy any violation of this Ordinance, as outlined in Division 4 of this Article;
  - (4) Interpret zoning district boundaries;
  - (5) Where appropriate, issue zoning permits and certificates;
  - (6) Make necessary inspections;
  - (7) Maintain the Zoning Map;
  - (8) Review and approve Site Development Plans, as outlined in Article III, Permits and Applications, of this Ordinance;
  - (9) Make determinations on whether a property owner’s right is deemed vested in a land use, as outlined in Article I, In General, of this Ordinance;
  - (10) When necessary for Irregular Lots, determine the boundary line(s) from which the setback(s) shall be measured; and
  - (11) When necessary, call for opinions or decisions, either verbal or written, from other departments, boards, authorities, or state agencies.

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<sup>1</sup> This section replaces Sections 35-685 and 35-686 of the existing Ordinance to provide a clear, streamlined list of powers and duties, as well as to include reference to and language from the Code of Virginia.

- (12) In addition to the regulations contained herein, the Administrator may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration and efficient permit processing of this Ordinance.

## Division 2. Planning Commission.

### Section 2-2-1. Appointment and Membership.<sup>2</sup>

The Planning Commission shall be created, organized, and removed pursuant to the Code of Virginia, § 15.2-2210 and § 15.2-2212, as amended and as outlined in Chapter 13 of the Pittsylvania County Code.

### Section 2-2-2. Powers and Duties.<sup>3</sup>

- (A) The Planning Commission shall perform the duties as provided in this Ordinance and pursuant to the Code of Virginia, § 15.2-2221 and § 15.2-2230, et seq, § 15.2-2232, and § 15.2-2285, as amended, including but not limited to the following:
- (1) Serve in an advisory capacity to the Board of Supervisors and Board of Zoning Appeals in the administration of this Ordinance;
  - (2) Review applications for amendments to the text of this Ordinance or to the Zoning Map and make recommendations to the Board of Supervisors as necessary;
  - (3) Review applications for variances, rezonings, and Special Use Permits and make recommendations to the Board of Zoning Appeals as necessary;
  - (4) Review and make comments and/or recommendations on special matters referred to the Planning Commission by the Board of Supervisors or the Board of Zoning Appeals for the purpose of carrying out the intent of this Ordinance;
  - (5) Review Site Development Plans submitted in accordance with Article III, Division 6, of this Ordinance; and
  - (6) Review the general location, character, and extent of streets, street connections, park or other public areas, public buildings or public structures, public utility facility or public service corporation facility, except a railroad facility or an underground natural gas or underground electric distribution facility of a public utility, for accordance with the adopted Comprehensive Plan.
    - (i) Widening, narrowing, extension, enlargement, vacation, or change of use of streets or public areas shall likewise be submitted for approval.

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<sup>2</sup> Editor's Note: Chapter 13 of the County Code also supplies regulations for the Planning Commission. To prevent text conflicts, the proposed text references the Code of Virginia and the County Code instead of enumerating these items.

<sup>3</sup> Editor's Note: This section includes text from Section 35-854 of the existing Ordinance, but reorganizes the content and adds references to the Code of Virginia for compliance.

- (ii) Paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless involving a change in location or extent of a street or public area.

### **Section 2-2-3. Meetings and Procedures.**

- (A) The Planning Commission shall conduct meetings and public hearings pursuant to the Code of Virginia §15.2-2214-2217, as amended.
- (B) Pursuant to the Code of Virginia § 15.2-2287.1, as amended, members are required, prior to or at a hearing on a matter, make a full public disclosure of any business or financial relationship that such member has, or has had within the 12-month period prior to such hearing and shall be ineligible to vote or participate in any way upon the matter.<sup>4</sup>

## **Division 3. Board of Zoning Appeals.**

### **Section 2-3-1. Appointment<sup>5</sup>; Terms; Membership; Compensation; Removal<sup>6</sup>**

- (A) Pursuant to the Code of Virginia, § 15.2-2308, et seq., as amended, a Board of Zoning Appeals (BZA) shall be created and organized as follows:
  - (1) A BZA consisting of seven members, who are residents of Pittsylvania County, shall be appointed by the circuit court.<sup>7</sup>
  - (2) The term of office shall be for five years; except, that of the first five members appointed, one shall serve for five years, one for four years, one for three years, one for two years and one for one year. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
  - (3) The secretary of the BZA shall notify the court at least 30 days in advance of the expiration or a term of office, or promptly if a vacancy occurs. A member whose term expires shall continue to serve until the successor is appointed and qualifies.
  - (4) Members of the BZA may be reappointed to succeed themselves but may hold no other public office in Pittsylvania County; except that one member may be a member of the Planning Commission, any member may be appointed to serve as an officer of election as defined in Code of Virginia § 24.2-101, as amended, and any elected official of an incorporated town may serve on the board of the county in which the member also resides.
  - (5) Members of the BZA shall receive such compensation as may be authorized by the Board of Supervisors, from time to time, by Ordinance or resolution.

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<sup>4</sup> Editor's Note: This item is not currently provided in the County Code, but is required by the Code of Virginia.

<sup>5</sup> Editor's Note: Text for BZA appointment could incorporate Code of Virginia § 15.2-2308 by reference, rather than expounding, if desired.

<sup>6</sup> Editor's Note: This section replaces Sections 35-845, 35-846, and 35-847 of the existing Ordinance, reorganizing and modifying content for clarity. This section also includes reference to the Code of Virginia for compliance.

<sup>7</sup> Editor's Note: The membership of the BZA can be extended to include alternates that may stand in when regular members will be absent. The County should consider if they desire adding this measure.

- (6) Any BZA member or alternate may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the court which appointed them, after a hearing held after at least 15 days' notice.

### Section 2-3-2. Powers and Duties.<sup>8</sup>

- (A) Pursuant to the Code of Virginia § 15.2-2309, as amended, the BZA shall have the following powers and duties after required notice and hearing as provided in the Code of Virginia § 15.2-2204, as amended:
  - (1) **Appeals.** To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this Ordinance as outlined in Article III, Division 10 of this Ordinance.
  - (2) **Special Use Permits.** To hear and decide applications for Special Use Permits, as outlined in Article III, Division 4 of this Ordinance.
  - (3) **Variance.** To authorize upon appeal or original application in specific cases such variance, as defined in the Code of Virginia § 15.2-2201, as amended, from the terms of this Ordinance when the strict application of the Ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and if the applicant proves through a preponderance of evidence that a literal enforcement of the provision will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial justice done. Standards and procedures for determining variances are outlined in Article III, Division 5 of this Ordinance.
  - (4) **Boundary Interpretations.** To hear and decide applications for interpretation of the Zoning Map where there is any uncertainty as to the location of a district boundary, only if:
    - (i) The Administrator is unable to interpret boundaries, as outlined in Article I, Division 3, of this Ordinance; or
    - (ii) If an applicant appeals the Administrator's interpretation.
    - (iii) After notice to the owners of the property affected by any such question, and after public hearing with notice as required by Code of Virginia § 15.2-2204, as amended, the BZA may interpret the map in such way as to carry out the intent and the purpose of this Ordinance for the section or district in question.
- (B) The provisions of this section shall not be construed as granting the BZA the power to rezone property, substantially change the locations of district boundaries as established by this Ordinance, or to base decisions on the merits of the purpose and intent of local ordinances duly adopted by the Board of Supervisors.

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<sup>8</sup> Editor's Note: This section replaces Section 35-849 of the existing Ordinance. It incorporates some of the existing text, which has been modified and reorganized for clarity. This section also includes reference to the Code of Virginia for compliance.

- (C) The BZA may, within the limits of funds appropriated by the Board of Supervisors, employ or contract for such secretaries, clerks, legal counsel, consultants, and other technical and clerical services as the BZA may deem necessary for transaction of its business. These services may also be provided by County staff with concurrence of the Board of Supervisors.

### **Section 2-3-3. Meetings and Procedures.<sup>9</sup>**

- (A) The BZA shall adopt such rules and regulations as it may consider necessary.
- (B) Meetings of the BZA shall be held at the call of its Chairperson or at such time as a quorum of the BZA may determine.
- (C) A quorum shall be at least four members. A favorable vote of four members of the BZA shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter on which the BZA is required to pass.
- (D) The BZA shall choose annually its own chairperson and vice-chairperson. The vice-chairperson shall act in the absence of the chairperson and may administer oaths and compel the attendance of witnesses.
- (E) The BZA shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the BZA and shall be public record.
- (F) All meetings of the BZA shall be open to the public.
- (G) A non-legal staff member of the County, applicant, landowner, or landowner's agent/attorney may have ex parte communications with a member of the BZA prior to a hearing but may not discuss the facts or law relative to a particular case. However, all ex parte communications must comply with the requirements of the Code of Virginia § 15.2-2308.1, as amended.
- (H) Pursuant to the Code of Virginia § 15.2-2287, as amended, members are required, prior to or at a hearing on a matter, to make a full public disclosure of any business or financial relationship that such member has or has had within the 12-month period prior to such hearing and shall be ineligible to vote or participate in any way upon the matter.

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<sup>9</sup> Editor's Note: This is a new section, added to establish meeting and procedural requirements for the Board of Zoning Appeals and comply with the Code of Virginia. Notable additions are (G) addressing ex parte communications and (H) addressing conflicts of interest.



## Division 4. Enforcement.

### Section 2-4-1. Authority.<sup>10</sup>

- (A) As provided in Article I, In General, of this Ordinance, conformity with the Ordinance is required. Failure to comply with the requirements of the Ordinance constitutes a violation thereof and is declared to be unlawful.
- (B) As authorized by the Code of Virginia § 15.2-2286(A)(4), as amended, the Administrator or designee shall be responsible for enforcing the provisions of this Ordinance. The Administrator may be assisted in the enforcement of this Ordinance by the local offices of the Virginia Department of Health, Sheriff, and all other officials of Pittsylvania County pursuant to their respective authorities and responsibilities.
- (C) Any person who knowingly makes any false statements, representations, or certifications in any record, report, or other document, either filed or requested pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required or used by the Administrator under this Ordinance in monitoring discharges, shall be guilty or liable of this Article.

### Section 2-4-2. Complaints and Inspection.

- (A) Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Administrator. Such complaint shall state fully the cause and basis thereof and the location of the alleged violation. The Administrator or designee shall record properly such complaint, immediately investigate the facts thereof, and take action as provided by this Ordinance.<sup>11</sup>
- (B) The Administrator may enter upon or inspect any land or structure to ensure compliance with the provisions of this Ordinance, after requesting and receiving approval of the landowner to enter upon land for these purposes. If consent is not given by the landowner, the Administrator may enter upon land in accordance with the Code of Virginia § 15-2.2286(A)16, as amended.

### Section 2-4-3. Notice of Violation.<sup>12</sup>

- (A) Upon becoming aware of any violation of any provisions of this Ordinance, the Administrator shall serve notice of such violation on the person committing or permitting the same.
- (B) Notice of violation shall be mailed by registered or certified mail or hand delivered.
- (C) The notice of violation shall state:

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<sup>10</sup> Editor's Note: This section replaces Section 35-811 of the existing Ordinance, providing additional information regarding authority.

<sup>11</sup> Editor's Note: This item contains streamlined text from Section 35-876 of the existing Ordinance.

<sup>12</sup> Editor's Note: This section streamlines text from Section 35-874 of the existing Ordinance and adds additional information to address required contents of the notice of violation and appeals of notice of violation, as permitted by the Code of Virginia.

- (1) The nature of the violation;
  - (2) Date that the violation was observed;
  - (3) The remedy or remedies necessary to correct the violation;
  - (4) A reasonable time period for the correction of the violation;
  - (5) A statement informing the recipient that they may have a right to appeal the notice of zoning violation or written order within 30 days in accordance with the Code of Virginia § 15.2-2311, as amended;
  - (6) The applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal; and
  - (7) That the decision shall be final and unappealable if not appealed within 30 days.
- (D) Appeals of notice of violation shall be heard by the BZA in accordance with the procedures set forth in Article III, Division 10 of this Ordinance.

#### **Section 2-4-4. Remedies and Penalties for Violation.<sup>13</sup>**

- (A) Upon becoming aware of any violation and determining validity of any of the provisions of this Ordinance, the Administrator or designee may initiate appropriate action or proceedings, as permitted by law, including injunction, mandamus, abatement to restrain, correction, or abatement.

The remedies provided in the penalties sections below are cumulative and not exclusive except to the extent expressly provided therein.

**(1) Criminal Penalties.**

- (i) Any violation of the requirements of this Ordinance resulting in injury to a person or persons or where such civil penalties exceed \$5,000, shall be a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than \$10 and not more than \$1,000.
- (ii) If the violation is uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in compliance with this Ordinance, within a time period established by the court. Failure to remove or abate such violation within the time period established by the court shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period, punishable by a fine of not less than \$100 nor more than \$1,500.

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<sup>13</sup> Editor’s Note: The existing Ordinance only provides for criminal penalties (misdemeanors). This section now includes full detail establishing civil penalties as a first line of defense for violations of the Ordinance, as well as updated text to incorporate applicable sections of the Code of Virginia. All penalty amounts are from the Code of Virginia.

- (2) **Civil Penalties.** Any violation other than as provided in Section 2-4-4 (B) (1), above, for criminal penalties, shall be subject to the following civil penalties, as provided in Virginia Code § 15.2-2209, as amended, and subject to the following:
- (i) **Procedure.** Proceedings seeking civil penalties for violations of this Ordinance shall commence either by filing a civil summons in the general district court or by the Administrator or Agent issuing a ticket.
  - (ii) **Civil summons or ticket.** A civil summons or ticket shall contain, at a minimum, the following information:
    - (a) Name and address of the person charged;
    - (b) Nature of the violation and the Ordinance provisions being allegedly violated;
    - (c) Location, date, and time violation occurred or was observed;
    - (d) Amount of the civil penalty for the violation; and
    - (e) Right of the recipient to elect to either pay the penalty or stand trial for the violation and the date of such trial. The summons shall state that if the person elects to pay the penalty, the person must do so by making an appearance in person or in writing by mail to the County Treasurer at least 72 hours prior to the time and date fixed for trial and, by such appearance, enters a waiver of trial and admits liability for the offence charged. The summons shall provide that a signature is an admission of liability that shall have the same force and effect as a judgement of the court. However, such admission shall not be deemed a criminal conviction for any purpose.
  - (iii) **Failure to Enter Waiver.** If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law or equity and it shall be the County's burden to provide the violator's liability by a preponderance of the evidence. A finding of liability shall not be deemed a criminal conviction for any purpose.
  - (iv) **Fines.**
    - (a) **Amount of Civil Penalty.** A civil violation shall be subject to a civil penalty of \$200 for the initial summons, and a civil penalty of \$500 for each additional summons arising from the same set of operative facts.
    - (b) **Daily Offense.** Each day during which a violation exists shall constitute a separate violation. However, in no event shall a violation arising from the same set of operative facts be charged more frequently than once in any 10-day period.
    - (c) **Maximum Aggregate Penalty.** The total civil penalties from a series of violations arising from the same set of operative facts shall not exceed \$5,000. If the violations exceed the \$5,000 limit, the violation may be prosecuted as a criminal misdemeanor as outlined above.

## Division 5. Fees.

### Section 2-5-1. Fees and Charges.<sup>14</sup>

- (A) The Board of Supervisors shall establish, by ordinance, a schedule of fees, charges and expenses, and collection procedures for zoning permits, special exceptions, variances, appeals, amendments, site plan reviews, and other matters pertaining to this Ordinance.
- (B) The schedule of fees shall be available for inspection in the office of the Administrator and may be altered or amended by the Board of Supervisors by ordinance amendment, as directed in Code of Virginia § 15.2-107, as amended.

## Division 6. Taxes and Expenses Paid.

### Section 2-6-1. Delinquent Taxes and Charges.<sup>15</sup>

- (A) Pursuant to the Code of Virginia § 15.2-2286 (B), as amended, prior to the initiation of an application 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 percent, for a special use permit, variance, rezoning, or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the County Treasurer.
- (B) Upon receipt of an application, together with supplementary materials and payment of the application fee and provision of proof that all outstanding payments set forth this section have been paid and satisfied. The Administrator may waive this requirement for reasons of health, safety, or public welfare, provided that the applicant or owner has entered into a plan with the County Treasurer to pay all delinquent taxes, fees, and charges as set by the Board of Supervisors.

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<sup>14</sup> Editor's Note: This section replaces Section 35-866 of the current Ordinance. As a best practice, it is recommended that the existing administrative fee structure be removed from the Zoning Ordinance and a separate ordinance stating all County fees, including those associated with zoning, be adopted. This allows ease of review and facilitation of public hearings during annual budgeting processes.

<sup>15</sup> Editor's Note: This is proposed as a new section of the Ordinance. Code of Virginia § 15.2-2286 (B) is an optional provision that allows the County to require a property owner to provide satisfactory evidence that any delinquent charges or fees have been paid in full. It is recommended that Pittsylvania County incorporate this optional provision as a best practice.

## **ARTICLE III – Permits and Applications.**

### **Division 1. In General.**

#### **Section 3-1-1. Preapplication Meeting.<sup>1</sup>**

Prior to filing an application for a Special Use Permit, zoning text and/or map amendment (rezoning), conditional zoning, or Site Development Plan, the developer may confer with the Administrator or designee and such other agencies of the County and the Commonwealth as the Administrator deems advisable concerning the general proposal. During this meeting the applicant may submit Concept Plans for preliminary review, comment, and recommendation by the Administrator and other County officials. Such action does not require formal application or a Site Development Plan and is not to be construed as filing an application nor shall it be included in computing time limitations.

#### **Section 3-1-2. Minimum Submission Standards.<sup>2</sup>**

- (A) The Administrator shall establish minimum standards for submission requirements of all applications associated with the Zoning Ordinance. Applications shall contain all information required to meet the minimum standards.
- (B) Upon written request by an applicant, the Administrator may waive or modify a submission requirement(s) upon a determination that the information is not necessary to evaluate the merits of the application. Such waivers or modifications are for application requirements only and do not include variances or modifications from district or use standards.
- (C) Additional information may be required as deemed reasonably necessary by the Administrator.
- (D) The Administrator may request electronic submission of applications and supporting documents in addition to, or in lieu of physical submission of applications as outlined in this Article.

#### **Section 3-1-3. Forms.<sup>3</sup>**

Applications for amendments to the Ordinance or Official Zoning Map, site plans, variances, Special Use Permits, Certificates of Occupancy, or zoning permits, and any other request requiring action shall be made on forms provided by the County.

#### **Section 3-1-4. Ownership Disclosure.<sup>4</sup>**

An applicant must disclose all equitable ownership of the real estate included in an application. In the case of corporate ownership, the name of stockholders, officers, and directors shall be provided, and

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<sup>1</sup> Editor's Note: This section is proposed to replace existing Section 35-250 of the existing Ordinance. Text has been modified for clarity and to include the option of a preapplication meeting for not only a site plan but for special use permits, rezonings, and conditional zonings.

<sup>2</sup> Editor's Note: Proposed as a new section with new text.

<sup>3</sup> Editor's Note: Proposed as a new section with new text.

<sup>4</sup> Editor's Note: This is an optional provision of the Code of Virginia, and a general best practice recommended for inclusion in the Ordinance.

in any case the names and addresses of all real parties of interest in accordance with the Code of Virginia § 15.2-2289, as amended.

### Section 3-1-5. Oath Required.<sup>5</sup>

Applications for amendments to the Zoning Ordinance or Official Zoning Map, variances, or Special Use Permits, shall be sworn to under oath before a notary public, or other official before whom oaths may be taken.

## Division 2. Zoning Text and Map Amendments.

### Section 3-2-1. In General.<sup>6</sup>

Pursuant to the Code of Virginia § 15.2-2286 (7), as amended, whenever public necessity, convenience, general welfare, or good zoning practice requires, the Board of Supervisors may, from time to time, amend, supplement, or change by Ordinance the boundaries of the districts or the regulations established in this Ordinance.

### Section 3-2-2. Standards and Procedures.

(A) **Initiation of change.**<sup>7</sup> Pursuant to the Code of Virginia § 15.2-2286 (7), as amended, any amendment to this Ordinance or the Zoning Map may be initiated by:

- (1) Resolution of the Board of Supervisors stating that the public necessity, convenience, general welfare, and good zoning practice requires the amendment;
- (2) Resolution or motion of the Planning Commission stating that the public necessity, convenience, general welfare, and good zoning practice requires the amendment; or
- (3) Application of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed Zoning Map amendment, addressed to the Board of Supervisors or the Pittsylvania County Planning Commission, who shall forward such application to the Board of Supervisors.

Upon initiation either by the Board of Supervisors or the Planning Commission, the proposed amendment is automatically referred to the Planning Commission.

(B) **Zoning Map Amendments.** An application filed on forms provided by the County must be submitted to the Administrator and must be accompanied by:

- (1) **Concept Plan.** One original and eight (8) copies of an acceptable Concept Plan, printed on 11" x 17" paper, or larger as may be required by the Administrator to evaluate the proposal. The purpose of the Concept Plan is to depict graphically the concept or reasons for the requested

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<sup>5</sup> Editor's Note: Proposed as a new section with new text.

<sup>6</sup> Editor's Note: This section is proposed to replace Section 35-803 of the existing Ordinance.

<sup>7</sup> Editor's Note: Section 3-2-2(A) is proposed to replace Section 35-806 of the existing Ordinance. Text has been updated and reorganized for clarity.

action relative to the Ordinance and its provisions. The Concept Plan may be general and schematic and shall show:

- (i) A certified plat of the subject property showing metes and bounds of all property lines, existing streets, easements, and subdivisions – with reference to a record subdivision plat or the County’s tax map.<sup>8</sup>
  - (ii) The names and addresses, as shown on the current real estate tax assessment books, of property owners abutting the property or owners located across the road/street.
  - (iii) Topography as shown by contour lines with a contour interval not more than five feet.
  - (iv) Proposed land uses to be developed.
  - (v) The general layout, orientation, and information describing buildings and improvements, including but not limited to parking, landscaping, fencing, signs, and trash enclosures, height, setbacks, and restriction lines.
  - (vi) If any, the approximate total number, density, type, and price range of dwelling units and the range of lot sizes for the various dwelling types.
  - (vii) If any, the general location of proposed open space and recreational areas.
  - (viii) If any, the general location and type of commercial uses to be developed.
  - (ix) The general location and character of the proposed roads, pedestrian circulation, trails, public utility, and storm drainage systems.
- (2) A statement on the proposed development schedule.
  - (3) A written analysis of the public facilities, roadway improvements, and public utilities that will be required to serve the development.
  - (4) A written description of the nature and extent of the amendment desired together with an explanation of the reasons for seeking a change.
  - (5) Concept Plans shall be drawn to scale and include a scale bar.<sup>9</sup>
  - (6) Additional studies, including but not limited to traffic impact analyses and environmental studies, prepared at the applicant’s expense, as identified during the preapplication meeting or as identified during the review of the application, to appropriately evaluate the proposal and required public improvements.
  - (7) Any additional information as deemed reasonably necessary by the Administrator.

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<sup>8</sup> Editor’s Note: The existing Ordinance requires only a freehand sketch; proposed to require a certified plat for accuracy and to ensure the County has accurate and correct information regarding dimensional standards and locations of property lines.

<sup>9</sup> Editor’s Note: This item was added based on staff comments after the December 20, 2022 worksession. Concept Plans are currently being required to be scaled in practice; text therefore should be added to the Ordinance reflecting this requirement.

- (8) The Administrator may require a full Site Development Plan in lieu of a Concept Plan if the project is deemed complex and requiring additional detail for review.<sup>10</sup>
- (C) **Zoning Text Amendments.** The application for a text amendment to the Ordinance shall be filed with the Administrator. If the application proposes a change in a zoning classification or map boundaries, there shall be attached to the application:
- (1) Items required in Section 3-2-2 (B), as shown above.
  - (2) A written description of the nature and extent of the amendment desired together with an explanation of the reasons for seeking a change.
- (D) **Standards for Review.**
- (1) Once the application is submitted in accordance with Division 1 of this Article and has been determined to be complete, the County shall evaluate the application and may request that the applicant make revisions, as necessary.
  - (2) The application for a rezoning or zoning text amendment, once complete, shall be referred to the Planning Commission for public hearing and recommendation. The Planning Commission shall present their recommendation on the proposed ordinance or amendment, including the district maps, to the Board of Supervisors for public hearing and action. No recommendation or action shall be rendered until public notifications and hearings have been conducted in accordance with Division 11 of this Article and the Code of Virginia.
  - (3) The Planning Commission shall advise the Board of Supervisors of their recommendation within 100 days from its first meeting following referral. If after 100 days no recommendation has been made, the governing body shall assume that the Planning Commission concurs with the applicant and supports the amendment. The Board of Supervisors shall thereafter take any action it deems appropriate, unless the applicant requests an extension<sup>11</sup> for a defined period not to exceed a total of 90 calendar days from the date of the public hearing.
  - (4) All motions, resolutions, or applications for amendment to the Ordinance and/or Zoning Map shall be acted upon, and a decision made within such reasonable time as may be necessary, which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution, or application for amendment to the Ordinance or map, or both; otherwise, the amendment shall be deemed approved.<sup>12</sup> In the event of a withdrawal by the applicant, processing of the motion, resolution, or petition shall cease without further action as otherwise would be required for the initial request.

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<sup>10</sup> Editor's Note: This gives the County flexibility to require a full Site Development Plan if the application is too complex to be reviewed appropriately based off a concept plan alone.

<sup>11</sup> Editor's Note: This provision is a recommended best practice to allow more time if a complex case would benefit from additional time. The County can extend the applicant-requested extension period if desired.

<sup>12</sup> Editor's Note: Section 35-807 of the existing Ordinance states that the Board of Supervisors has 60 days from the time of public hearing to decide on the proposed zoning amendment. The Code of Virginia permits up to 12 months to decide a proposed zoning amendment.



- (5) In determining what, if any, amendments to this Ordinance or the Zoning Map are to be adopted, the governing body is not limited to, but may:
  - (i) Consider the proper relationship of such amendment to the entire zoning plan.
  - (ii) Consider the integrity and validity of the zoning districts described in this Ordinance.
  - (iii) Avoid isolated, unplanned spot-zoning changes in the Zoning Map.
  - (iv) Recognize that a certain element of stability is desirable in land use controls, but conditions and standards will change.
  - (v) Consider the right of all citizens to be treated reasonably.
  - (vi) Evaluate all changes based on the Comprehensive Plan and a comprehensive analysis of community conditions.
- (E) The Administrator shall cause the Zoning Map to be updated as frequently as necessary to ensure that zoning data shown thereon are both accurate and current. Accordingly, all changes affecting the Zoning Map that are approved by the Board of Supervisors shall be entered onto the official Zoning Map within 60 days<sup>13</sup> following the approval of such changes. After updating sections of the Zoning Map, working prints of any updated section thereof upon which modifications have been made shall be inserted into all sets of the Zoning Maps that are used for public viewing and administration.

### **Section 3-2-3. Reconsiderations.**

- (A) If denied by the Board of Supervisors, then such application, or one substantially similar, shall not be reconsidered sooner than 12 months after the previous denial.
- (B) If withdrawn by the applicant, such application, or one substantially the same, shall not be reconsidered within 6 months from the date the original application has been withdrawn.
- (C) The limits on reconsideration shall not impair the right of either the Planning Commission or the Board of Supervisors to propose any amendment to this Ordinance on their motion at any time.

## **Division 3. Conditional Zoning and Proffers.**

### **Section 3-3-1. Purpose and Intent.**

Conditional zoning provides a method for permitting the reasonable and orderly development of land through zoning map amendment with reasonable conditions governing the use and development of such property. As authorized under the Code of Virginia §§ 15.2-2296 through 15.2-2303.4, as amended, reasonable conditions may be voluntarily proffered for the protection of the community when combined with existing Zoning Ordinance district regulations. The exercise of authority shall not be construed to limit or restrict powers otherwise granted nor to affect the validity of any Ordinance

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<sup>13</sup> Editor's Note: This timeframe is a recommended best practice and adds clarity to this provision included in the existing Ordinance.

adopted by the locality which would be valid without regard to this Division. In addition, the provisions of this Article shall not be used for the purpose of discrimination in housing.

### Section 3-3-2. Standards and Procedures.

(A) Proffer of Conditions; Standards of Consideration.<sup>14</sup>

- (1) Any owner of property or their agent making an application for a change in zoning or zoning map amendment may, as part of the application (outlined in Division 2 of this Article), voluntarily proffer in writing reasonable conditions which shall apply to the subject property in addition to the regulations provided by the zoning district sought in the rezoning application. Any such proffered conditions must:
  - (i) Be made prior to any public hearing before the Board of Supervisors (including joint public hearings with the Planning Commission);
  - (ii) Be in accordance with the procedures and standards contained in the Code of Virginia § 15.2-2297, as amended.
- (2) Proffered conditions shall be subject to the following limitations:
  - (i) The rezoning itself must give rise to the need for the conditions.
  - (ii) The conditions shall have a reasonable relation to the rezoning.
  - (iii) The conditions shall not include a cash contribution to the County.<sup>15</sup>
  - (iv) The conditions shall conform to the Pittsylvania County Comprehensive Plan.
  - (v) The conditions must not include payment for, or construction of, off-site improvements except those provided for in the Code of Virginia § 15.2-2241 and § 15.2-2303.4;
  - (vi) The conditions shall not include a requirement that the applicant create a property owners' association under the Property Owners' Association Act (§ 55.1-1800 et seq.) that 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 the Code of Virginia § 15.2-2241; 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 Department of Transportation; and,
  - (vii) The condition shall relate to the physical development or physical operation of the property.

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<sup>14</sup> Editor's Note: Text from Sections 35-808 and 35-809 of the existing Ordinance is included in this subsection. However, amendments have been made for clarity and organization, as well as to include correct reference to applicable Code of Virginia sections.

<sup>15</sup> Editor's Note: The Code of Virginia does allow the acceptance of cash proffers. The County should consider if they want to utilize this type of proffer.

- (3) At the time each proffer is submitted to the County, it shall be accompanied by a statement signed by the applicant and the owner or their agents which states:<sup>16</sup>
  - (i) “Each proffer made in connection with this application for rezoning was made voluntarily and complies with applicable law. No agent of the County has suggested or demanded a proffer that is unreasonable under applicable law.”
  - (ii) “I hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission.”
- (4) Each application for rezoning which proposes proffered conditions to be applied to the property shall be accompanied by the following items beyond those required by conventional rezoning requests:<sup>17</sup>
  - (i) An application for rezoning meeting the requirements of Section 3-2-2 (B) and listing and detailing the nature and location of any proffered conditions and those proposed circumstances that prompted the proffering of such conditions.
  - (ii) An impact analysis demonstrating justification of proposed proffers. The impact analysis shall identify the impacts of the proposed activity or development, prepared at the applicant’s expense, together with proposed conditions to mitigate those impacts. The impact analysis must be based on current data and sound methodology and demonstrate a nexus and rough proportionality between the condition and the impact.
  - (iii) A statement describing the nature of the proposed development and explaining the relationship of the development to the Comprehensive Plan.
  - (iv) A statement setting forth a maximum number of dwelling units or lots proposed, including density and open space calculations where applicable to any residential development, or a statement describing the types of uses proposed and the approximate square footage for each nonresidential development.
  - (v) A statement detailing any special amenities that are proposed.
  - (vi) A statement identifying any surrounding areas that have scenic assets or natural features deserving of protection and preservation, with a statement of how protection and maintenance will be accomplished.
  - (vii) A statement or visual presentation of how adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed development. This includes vehicular access plans, proposed screening and buffering, and any additional setbacks for the periphery of the development.

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<sup>16</sup> Editor’s Note: This provision is not included in the current Ordinance but is being proposed for inclusion as a best practice.

<sup>17</sup> Editor’s Note: This is being proposed as new text.

(viii) A statement of the public improvements, both on and off site, that are proposed for dedication and/or construction and an estimated schedule and responsibility for providing such improvements.

(ix) A statement setting forth the proposed approximate development schedule.

### **Section 3-3-3. Amendments and Variations Prior to Final Decision.<sup>18</sup>**

(A) The Board of Supervisors may accept amended proffers if they:

- (1) Do not materially affect the overall proposal and are made voluntarily, and in writing, prior to the deadline for preparation of the advertisement of the public hearing by the Board of Supervisors on the rezoning request.
- (2) If the Board of Supervisors determines that the amendment materially affects the overall proposal, the application with the amended proffers shall be remanded back to the Planning Commission for a public hearing and recommendation.

### **Section 3-3-4. Effect of Condition; Period of Validity.<sup>19</sup>**

(A) All such conditions shall be in addition to the regulations provided for the underlying zoning district by this Ordinance.

(B) Upon the approval of any such rezoning, all conditions so proffered and accepted by the Board of Supervisors shall remain in full force and effect until amended or varied by the Board of Supervisors.

- (1) If the Board of Supervisors rezones the land as part of a new or substantially revised Zoning Ordinance, such conditions shall continue in full force and effect automatically *without* notice or filing.

### **Section 3-3-5. Record of Conditional Zoning.<sup>20</sup>**

Each conditional rezoning shall be designated on the Zoning Map by an appropriate symbol designed by the Administrator. In addition, the Administrator shall keep and maintain a conditional zoning index which shall provide ready access to the ordinance creating such conditions, in addition to the regulations provided for in the particular zoning district and which shall be available for public inspection. The Administrator shall update the Index annually and no later than November 30 of each year.

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<sup>18</sup> Editor's Note: Section 3-3-3 is proposed as a new section with new text.

<sup>19</sup> Editor's Note: This section integrates text from Section 35-309 of the existing Ordinance, modified slightly for clarity.

<sup>20</sup> Editor's Note: Section 3-3-5 is proposed to replace Section 35-810 of the existing Ordinance and incorporates new text to add specificity to provide language from § 15.2-2300 of the Code of Virginia. The keeping of a zoning index is also mentioned in Article I of the Ordinance.

### Section 3-3-6. Reconsiderations.<sup>21</sup>

- (A) Applications requesting an amendment or change to the Zoning Map that includes proffered conditions:
  - (1) If denied by the Board of Supervisors, then such application, or one substantially similar, shall not be reconsidered sooner than 12 months after the previous denial.
  - (2) If withdrawn by the applicant, such application, or one substantially the same, shall not be reconsidered within 6 months from the date the original application has been withdrawn.
- (B) The limits on reconsideration shall not impair the right of either the Planning Commission or the Board of Supervisors to propose any amendment to this Ordinance on their motion at any time.

## Division 4. Special Use Permits.

### Section 3-4-1. Purpose and Intent.<sup>22</sup>

- (A) A use requiring a Special Use Permit is a use that may be appropriate in a zoning district, but because of its nature, extent, or external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this division is to establish procedures and standards for review and approval of Special Use Permits that provide for such special consideration.
- (B) The following will be met either by the proposal made in the application or by the proposal as modified and amended and made part of the Special Use Permit:
  - (1) **Conformity with Comprehensive Plan and policies.** The proposal as submitted or as modified shall conform to the Comprehensive Plan of the County or to specific elements of such plan and to official policies adopted in relation thereto, including the purposes of this Ordinance.
  - (2) **Impact on neighborhood or abutting properties.** The proposal as submitted or as modified shall not have undue adverse impact on abutting properties or the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration with due regard for timing of operation, screening, or other matters that may be regulated to mitigate adverse impact.

### Section 3-4-2. Applicability.<sup>23</sup>

In accordance with Code of Virginia § 15.2-2286, as amended, a Special Use Permit is required for the development of any use designated in Article VI, Use Matrix, of this Ordinance, as a use requiring a Special Use Permit in accordance with this section.

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<sup>21</sup> Editor's Note: Proposed as a new section with new text.

<sup>22</sup> Editor's Note: Proposed as a new section with new text to explain the purpose of the Division's regulations.

<sup>23</sup> Editor's Note: This is proposed as a new section to reference the Code of Virginia and the proposed Use Matrix in Article VI.

### Section 3-4-3. Standards and Procedures.<sup>24</sup>

- (A) In addition to the general application requirements supplied in Division 1 of this Article, the applicant must provide information and data to:
- (1) Demonstrate that the proposed use, when complemented with additional measures, if any, will be in harmony with this Ordinance and with the purposes of the specific district in which it will be placed;
  - (2) Demonstrate that there will be no undue adverse impact on the surrounding neighborhood in terms of public health, safety, or general welfare and show measures to be taken to achieve such goals;
  - (3) Demonstrate that the use will not tend to create congestion in streets, roads, alleys, and other areas; and
  - (4) Show that the proposal meets the applicable specific and general standards required by this Ordinance.
- (B) An application for a Special Use Permit filed on forms provided by the County must be submitted to the Administrator and must be accompanied by:
- (1) **Concept Plan.** One original and eight (8) copies of a Concept Plan, printed on 11" x 17" paper, or larger as may be required by the Administrator to evaluate the proposal. The purpose of the concept plan is to depict graphically the concept or reasons for the requested action relative to the Zoning Ordinance and its provisions. The Concept Plan may be general and schematic and shall show:<sup>25</sup>
    - (i) A certified plat of the subject property showing metes and bounds of all property lines, existing streets, and subdivisions – with reference to a record subdivision plat or the County's tax map.<sup>26</sup>
    - (ii) The names and addresses, as shown on the current real estate tax assessment books, or property owners abutting the property or owners located across the road/street.
    - (iii) Topography as shown by contour lines with a contour interval not more than five feet.
    - (iv) Proposed land uses to be developed.

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<sup>24</sup> Editor's Note: The text proposed in this section is similar to the text found in Section 35-712 of the existing Ordinance but is intended to more clearly reflect the Code of Virginia and holistically address applicant requirements.

<sup>25</sup> Editor's Note: Currently, a site development plan is required for both Special Use Permits and rezonings. Concept Plans are allowed as an option the Administrator may grant. The removal of the Site Plan requirement at this phase in the development process makes the process more business friendly, which was a desire raised in the community engagement phase.

<sup>26</sup> Editor's Note: The existing Ordinance allowed a freehand sketch to be submitted; proposed to require a certified plat to ensure the County has accurate and correct information regarding dimensional standards and locations of property lines.

- (v) The general layout, orientation, and information describing buildings and improvements, including but not limited to parking, landscaping, fencing, signs, and trash enclosures, height, setbacks, and restriction lines.
  - (vi) If any, the approximate total number, density, type, and price range of dwelling units and the range of lot sizes for the various dwelling types.
  - (vii) If any, the general location of proposed open space and recreational areas.
  - (viii) If any, the general location and type of commercial uses to be developed.
  - (ix) The general location and character of the proposed roads, pedestrian circulation, trails, public utility, and storm drainage systems.
- (2) A statement on the proposed development schedule.
  - (3) A written analysis of the public facilities, roadway improvements, and public utilities that will be required to serve the development.
  - (4) Additional studies, including but not limited to traffic impact analyses and environmental studies, prepared at the applicant's expense, as identified during the preapplication meeting or as identified during the review of the application, to appropriately evaluate the proposal and required public improvements.
  - (5) Any additional information as deemed reasonably necessary by the Administrator.
- (C) The Administrator may require a full site development plan in lieu of a concept plan if the project is deemed complex and requiring additional detail for permit review.<sup>27</sup>
- (D) **Standards for Review.**
- (1) The Administrator shall review any application requesting a Special Use Permit for its compliance with the provisions of this Ordinance.
  - (2) When it has been determined that the application is complete, the Administrator shall submit the application to the Planning Commission, which shall hold a public hearing after notice as outlined in Division 11 of this Article and make a recommendation to the Board of Zoning Appeals (BZA) or appear at the hearing. Failure of the Planning Commission to report its recommendation to the BZA within sixty (60) days after the first meeting of the Planning Commission, after the application has been referred to the Planning Commission shall be deemed recommendation of approval.<sup>28</sup>
  - (3) The application for Special Use Permit shall be referred to the BZA for public hearing and action. No recommendation or action shall be rendered until public notifications and hearing have been conducted in accordance with Division 11 of this Article and the Code of Virginia.

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<sup>27</sup> Editor's Note: This gives the County flexibility to require a full site development plan if the application is too complex to be reviewed appropriately based off a concept plan alone.

<sup>28</sup> Editor's Note: The current Ordinance includes language that states the Planning Commission may hold a public hearing on Special Use Permits in accordance with the Code of Virginia. While permissible by state code, this language has been removed to streamline the review and public hearing process for Special Use Permit applications.

- (4) The BZA may attach such conditions to its approval as it deems necessary to bring the plan of development and operation into conformance with the purposes and standards of this Ordinance.<sup>29</sup>
- (i) Such conditions shall relate to the purposes of this Ordinance, including, but not limited to:
1. The prevention of smoke, dust, noise, traffic congestion, flood and/or other hazardous otherwise undesirable substance or condition;
  2. The provisions of adequate police and fire protection;
  3. Transportation, water, sewerage, drainage, recreation;
  4. Community design including lighting, landscaping and/or screening, buffering, parking, and sign requirements;
  5. The establishment of special requirements relating to front, side, and rear setbacks;
  6. Property ingress and egress;
  7. Construction materials and design;
  8. Hours of operation; and
  9. Outside storage of materials.
- (ii) Any condition imposed under the authority of this Ordinance shall be deemed to be essential to and not severable from the Special Use Permit itself.
- (iii) Pursuant to Code of Virginia § 15.2-2309, as amended, the BZA may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be followed.
- (5) If an applicant seeks both an amendment to the Ordinance and a Special Use Permit for the same property, both applications may be made jointly and processed at the same time.

**(E) Procedures for Approvals and Denials.<sup>30</sup>**

- (1) If the BZA approves the application for a Special Use Permit, the Administrator shall issue a Special Use Permit indicating the special nature of the use and required conditions.
- (2) If the BZA disapproves the application for a Special Use Permit, the BZA shall inform the applicant of the decision in writing within sixty (60) days from the date of the public hearing, stating the reasons for disapproval. The Administrator shall retain one (1) copy each of the original application, any plans, and the refusal and keep them as a public record.

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<sup>29</sup> Editor's Note: This text is supplied from Section 35-714 of the existing Ordinance and has been reorganized and edited for clarity and readability.

<sup>30</sup> Editor's Note: This section incorporates existing language from Section 35-714 of the existing Ordinance, edited and reorganized for clarity.



### Section 3-4-4. Effect of Decision; Period of Validity.<sup>31</sup>

- (A) A Special Use Permit authorizes only the particular use(s) and associated development that is approved and shall not ensure approval for any other permit or development approval.
- (B) A Special Use Permit, including any approved plans and conditions, shall run with the land, and shall not be affected by a change in ownership, but shall expire as provided in (D) below.
- (C) Unless otherwise specified in this Ordinance or specified as a condition of approval, the height limits, yard spaces, lot area, sign requirements, and other specified standards shall be the same as for other uses in the district in which the special use is located.
- (D) A Special Use Permit shall expire upon the first to occur of the following:
  - (1) If the applicant does not obtain Site Development Plan approval or commence the use granted by the Special Use Permit within eighteen months (or such longer time as the governing body may approve) from the date of the approval;
  - (2) If an activity operating under an approved Special Use Permit ceases for a period greater than two years; or
  - (3) Upon expiration of a Site Development Plan for the use granted by the Special Use Permit.

### Section 3-4-5. Revocations.<sup>32</sup>

Any Special Use Permit previously issued pursuant to this Ordinance may be revoked by the Administrator, after notice and hearing as provided in Division 11 of this Article and in accordance with the Code of Virginia § 15.2-2204, as amended, if it is determined there has not been compliance with the conditions of the Permit.

### Section 3-4-6. Reconsiderations.<sup>33</sup>

- (A) If the BZA denies the application for a zoning permit for a proposed Special Use Permit, then such application, or one substantially similar, shall not be reconsidered sooner than 12 months after the previous denial.
- (B) If withdrawn by the applicant, such application, or one substantially the same, shall not be reconsidered within 6 months from the date the original application has been withdrawn.<sup>34</sup>

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<sup>31</sup> Editor's Note: Section 3-4-4 incorporates some language from Sections 35-715 and 35-717 of the existing Ordinance; this text has been edited and reorganized for clarity.

<sup>32</sup> Editor's Note: This section is proposed to replace Section 35-717 of the existing Ordinance. Existing text has been simplified and edited to include correct reference to the Code of Virginia.

<sup>33</sup> Editor's Note: This section is proposed as a new section but incorporates text from Section 35-714 of the existing Ordinance.

<sup>34</sup> Editor's Note: Proposed text that provides a timeframe for applicant withdrawal of a Special Use Permit; the existing Ordinance provides for no similar petitions within a 12-month period. The timeframes provided are consistent with those for other applications.

## Division 5. Variances.

### Section 3-5-1. Purpose and Intent.<sup>35</sup>

Pursuant to the Code of Virginia § 15.2-2309, as amended, the purpose of a variance is to allow for a reasonable deviation from the provisions of this Ordinance 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 Ordinance would unreasonably restrict the utilization of the property, other relief or remedy is not available, such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the Ordinance.

### Section 3-5-2. Standards and Procedures.<sup>36</sup>

#### (A) Authority.<sup>37</sup>

- (1) Pursuant to the Code of Virginia § 15.2-2309 (2) and (6), as amended, the BZA is authorized to review applications for a variance, if the applicant proves the burden and provides evidence that the application meets the standard for a variance and the criteria set out in this Ordinance.
- (2) The BZA may approve, approve with conditions deemed necessary in the public interest, including limiting the duration of a permit and requiring a guarantee or bond to ensure the conditions will be complied with, or deny an application for a variance in accordance with the procedures and standards of this Article.

#### (B) Standards for Review.<sup>38</sup>

- (1) After application is made as required in Division 1 of this Article, the Zoning Administrator shall review the application for compliance with this Ordinance.
- (2) When it has been determined that the application is in proper form, the Administrator shall submit the application to the BZA for a public hearing. No recommendation or action shall be rendered until public notifications and hearing have been conducted in accordance with this Division 11 of this Article and the Code of Virginia. The Administrator shall also transmit a copy of the application to the local Planning Commission, which may send a recommendation to the BZA or appear as a party at the hearing.
- (3) Pursuant to the Code of Virginia §15.2-2309 (2), as amended, a variance shall be granted if the evidence shows that the strict application of the terms of the Ordinance would

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<sup>35</sup> Editor's Note: Section 3-5-1 is proposed as a new section to explain the purpose of the Division's regulations.

<sup>36</sup> Editor's Note: Section 3-5-2(4) and Section 3-5-2(5) have been proposed as new sections to reflect Code of Virginia requirements regarding variances that pertain to individuals with a disability.

<sup>37</sup> Editor's Note: The text in this section is similar to text included in Section 35-849(2) of the existing Ordinance. However, it has been rewritten for clarity, reorganized for readability, and updated to include correct reference to the Code of Virginia.

<sup>38</sup> Editor's Note: The text in this section is similar to text included in Section 35-849(2) of the existing Ordinance. However, it has been rewritten for clarity, reorganized for readability, and updated to include correct reference to the Code of Virginia, as well as Code of Virginia regulations requiring compliance with the Americans with Disabilities Act.

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 its improvements at the time of the effective date of the Ordinance, and:

- (i) 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;
  - (ii) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
  - (iii) That such hardship is not shared generally by other properties and could be resolved with an amendment to this Ordinance;
  - (iv) 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
  - (v) The relief or remedy sought by the variance application is not available through the process for a special use permit that is authorized in the Ordinance pursuant to Code of Virginia § 15.2-2309(6), as amended, at the time of the filing of the variance application.
- (4) Any variance granted to provide a reasonable modification to a property or its improvements requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable.
- (5) If a request for a reasonable modification is made to a locality and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted by the locality unless a variance from the BZA under this section is required in order for such request to be granted.

### **Section 3-5-3. Effect of Decision; Period of Validity.<sup>39</sup>**

- (A) Issuance of a variance shall authorize only the particular variance that is approved. A variance, including any conditions, shall run with the land, and not be affected by a change in ownership.
- (B) Use or development authorized by the variance shall not be carried out until the applicant has secured all other permits required by this Ordinance or any other applicable Ordinances and regulations of the County. A variance, in itself, shall not ensure that the development approved through said permit shall receive subsequent approval for any other necessary applications for permit or development approval.
- (C) After the BZA has granted a variance, it shall become void after 12 months if no substantial construction or change of use has taken place in accordance with the plans for which such variance was granted, or if the BZA does not specify some longer period than one year for good cause shown.

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<sup>39</sup> Editor's Note: Section 3-5-3 is proposed as a new section to establish validity and expiration for issued variances.

### Section 3-5-4. Reconsiderations<sup>40</sup>.

(A) Applications for a variance:

- (1) If denied by the BZA, then such application, or one substantially similar, shall not be reconsidered sooner than 12 months after the previous denial.
- (2) If withdrawn by the applicant, such application, or one substantially the same, shall not be reconsidered within 6 months from the date the original application has been withdrawn.

## Division 6. Site Development Plans<sup>41</sup>.

### Section 3-6-1. Purpose and Intent.<sup>42</sup>

(A) The purpose of this section is to encourage innovative and creative design; to facilitate the orderly development of land in Pittsylvania County and to ensure that land be used in a manner which is efficient and harmonious with surrounding property; in accordance with the provisions of this Ordinance and with the Pittsylvania County Comprehensive Plan; and in the interest of the general public health, safety, and welfare. More specifically, a Site Development Plan shall be used to review:

- (1) The project's compatibility with its environment and with other land uses and buildings existing in the area;
- (2) The ability of the project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians;
- (3) The quantity, quality, utility, and type of the project's required community facilities; and
- (4) The location and adequacy of the project's landscape improvements and provision for drainage and utilities.

### Section 3-6-2. Applicability.

(A) **General.**<sup>43</sup>

- (1) Pursuant to Code of Virginia, § 15.2-2286. A.8, as amended, all development in the County requires approval of a Site Development Plan in accordance with the procedures and

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<sup>40</sup> Editor's Note: Section 3-5-4 is proposed to replace Section 35-852 of the existing Ordinance. Text has been revised and simplified for clarity.

<sup>41</sup> Editor's Note: Division 6 is proposed to replace Article 5, Division 4, "Site Development Plan" of the existing Ordinance. The existing Ordinance's various provisions for Site Development Plans have been incorporated in this Division to reduce redundancy. Additional text is added and the process for review of site plans has been streamlined and reorganized.

<sup>42</sup> Editor's Note: Section 3-6-1 is proposed to replace Section 35-741 of the existing Ordinance. Text has been reduced, edited, and reorganized for clarity. Items (1) through (4) are proposed as new content.

<sup>43</sup> Editor's Note: Text from Section 35-772 of the existing Ordinance is proposed for inclusion. However, text from Section 35-742 has been omitted for streamlining purposes and to prevent conflicting text.

standards in this Division prior to the issuance of a Building Permit or a Certificate of Occupancy, or any land disturbance, with the following exceptions:<sup>44 45</sup>

- (i) The construction or change in occupancy of any single-family dwelling on a tract or parcel with no existing dwellings;
  - (ii) The construction or change in occupancy of a single-family dwelling on a tract or parcel with one (1) existing dwelling;
  - (iii) The construction of a two-family dwelling on any tract or parcel with no existing dwellings;
  - (iv) Any accessory structure or improvement to a single-family dwelling or two-family dwelling;
  - (v) Subdivisions exempted by the county Subdivision Ordinance;
  - (vi) Off-street parking with less than 10 spaces;
  - (vii) Bona fide agricultural operations and the customary accessory uses and/or structures associated with bona fide agricultural operations; and
  - (viii) Repairs of a general nature to existing buildings.
- (2) All previously approved Concept Plans must also submit a Site Development Plan for administrative approval prior to any site development.
  - (3) When a change of use is proposed that requires additional off-street parking or changes to exterior elements of a previously approved Site Development Plan, an amended Site Development Plan shall be submitted for review to ensure that the change of use can be accomplished within the regulations of this Ordinance.
  - (4) The Planning Commission, BZA, or the Administrator may waive the requirement for a Site Development Plan in a particular case upon a finding that they have the authority to act and after finding that the requirement of such plan would not forward the purposes of this Ordinance or otherwise serve the public interest.
  - (5) Compliance with the provisions of this Article shall in no event be construed to relieve the applicant of the duty of compliance with all other applicable provisions found elsewhere in this Ordinance or in other County Ordinances.<sup>46</sup>

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<sup>44</sup> Editor's Note: This section only includes exemptions from the Site Development Plan requirement for clarity. The County should consider removing exemptions from this list, specifically (iii) and (iv) as a best practice.

<sup>45</sup> Editor's Note: Section 35-742 of the current Ordinance includes a list of uses required to submit a site development plan and states that the Zoning Administrator has the discretion to require a site development plan for additional uses not listed. As a best practice, the County should be requiring site development plans for all uses, with the exception of uses exempt as included in Section 3-6-2(A). This eliminates questions of arbitrary or capricious decision making.

<sup>46</sup> Editor's Note: Items (4) and (5) are new and proposed to replace Section 35-772 of the existing Ordinance.

### Section 3-6-3. Site Development Plan Specifications and Contents.<sup>47</sup>

- (A) Site Development Plans, or any portion thereof, involving engineering, architecture, landscape architecture, or land surveying, shall be prepared by persons professionally certified in the Commonwealth of Virginia to do such work.
- (B) Site Development Plans shall be prepared to the scale of 100 ft. per inch.
- (C) Site Development Plans may be prepared on one or more sheets to clearly show the information required by this Section and to facilitate the review and approval of the plan. If prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.
- (D) When more than one sheet is required to cover the entire project, a cover sheet, general in nature, shall be provided to identify all individual sheets of an application in proper relationship to each other.
- (E) Profiles must be submitted on plan sheets. Special studies as required may be submitted on standard cross section paper and shall be an appropriate scale.
- (F) All horizontal dimensions shown on Site Development Plans shall be in feet and decimals of a foot to be closest to one tenth of a foot; and all bearings in degrees, minutes, and seconds to the nearest ten seconds.
- (G) When the development is to be constructed in stages or units, a final development schedule shall be included with the Site Development Plan that shows the order of construction of such stages, an approximate completion date for the construction of each stage, and a final cost estimate of all improvements within each stage.
- (H) The Site Development Plan shall show the following, unless the Administrator determines that certain information is unnecessary due to the scope and nature of the development proposed:
  - (1) A title page containing the following:
    - (i) The project title, tax map reference, magisterial district, voting district, street address, date of drawing, number of pages, and name of subdivision, if applicable;
    - (ii) The name, mailing address, and phone number of the applicant and property owner;
    - (iii) The name, mailing address, phone number, signature, seal, and registration number of the plan preparer, and the preparation date of the plan;
    - (iv) A 3-inch by 5-inch area reserved for signatures and/or stamps of approving agencies and/or authorities;
    - (v) The north point, scale, and a vicinity map showing adjacent roads, landmarks, streams, bodies of water, railroads, subdivisions, to clearly identify the location;

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<sup>47</sup> Editor's Note: This section is proposed to replace Section 35-753 of the current Ordinance. New text has been integrated for clarity and to ensure best practices are being met; current text has been edited and reorganized for clarity.

- (vi) A table (with computations) estimating the lot coverage ratio and impervious surface ratio;
  - (vii) A table (with computations) stating the total number of dwelling, commercial, or industrial units of various types in the project and the overall project density in dwelling, commercial, or industrial units per gross acre; and
  - (viii) A table (with computations) to include the total site acreage included in the project, and the amount and percentage of the site thereof proposed to be allocated to the several dwelling types, any nonresidential uses, off-street parking, green areas, streets, parks, schools, and other reservations.
- (2) Plan sheets containing the following:
- (i) A legend for all symbols shown on the plan;
  - (ii) Zoning, including overlay districts, of the parcels included within the project and of all adjacent parcels;
  - (iii) The boundaries of the property or properties involved, all existing property lines, setback lines, streets, buildings, easements, rights-of-way, watercourses, waterways, wetlands, or lakes, and other existing physical features in or adjoining the project. If on an adjoining property, physical features such as watercourses, waterways or lakes need only be shown in approximate scale and proportion;
  - (iv) Any proposed parcel lines, easements, rights-of-way, and the locations, dimensions, height, and setbacks for proposed buildings, structures, and other improvements;
  - (v) Proposed building use type, major excavations, and the total square footage of the floor area by proposed use;
  - (vi) Topography of the project area with contour intervals of 2 ft. or less;
  - (vii) The proposed traffic circulation pattern including the location and width of all access points, roads, streets, alleys, driveways, pedestrian, cycling or bridle path systems, and the relationship of internal traffic to external roads;
  - (viii) The estimated daily vehicular trips generated by the proposed development on each road segment shown on the plan;
  - (ix) Typical roadway pavement and design section for all proposed streets, roads, and driveways including curbs and gutters, and all curb cuts;
  - (x) The proposed and required off-street parking and loading areas, including parking and access for the handicapped as specified in the Virginia Uniform Statewide Building Code, as amended;
  - (xi) Proposed connections with existing sanitary sewers and existing water supply, or locations of the alternate means of sewage disposal and water supply;

- (xii) Detailed utility layout including water and sanitary sewer plan with profiles; locations of electrical transmission lines, gas pipelines, street, lights, and fire hydrants; locations of garbage and trash disposal facilities; location of standpipes for fire protection;
- (xiii) A table estimating the daily public water usage and sewage flow attributable to the proposed development in gallons per day, including the timing of any necessary connections;
- (xiv) Location and general design of outdoor lighting;
- (xv) A landscape plan showing the location, dimensions, and material descriptions of all existing and proposed screens, buffer yards, or landscaping. The plan shall include the location, height, type, and material of all fences, walls, screen planting, and landscape details of all buildings and grounds;
- (xvi) The location of all trees existing on the site prior to construction with a caliper of 8 inches or greater. The Site Development Plan shall show wooded areas which shall be designated by symbols coincident with the area of trees and an indication of which trees are to be retained and which are to be removed;
- (xvii) Provisions for collecting and discharging surface drainage and other provisions for the adequate control of storm water drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures, and including drainage calculations;
- (xviii) The location and dimensions of proposed recreation areas, open spaces, recreation facilities, and other amenities and improvements, including a statement of whether such open areas are to be dedicated to the public;
- (xix) The location of any grave, object, or structure marking a place of burial;
- (xx) The location of any known historic building or feature;
- (xxi) The approximate limit of any floodplain limits, any drainage district, or mapped dam break inundation zone;
- (xxii) A plan or report indicating the extent, timing, and estimated cost of all off-site improvements, such as roads, sewer, and drainage facilities deemed necessary to construct the proposed development, and the extent, timing, and estimated cost of all facilities deemed necessary to serve the development such as schools, libraries, and police substations. This plan or report shall relate to the sequence of the development schedule if the development is to be constructed in stages or units;
- (xxiii) Documentation of all existing permits and applications relevant to the parcel, including, but not limited to: Health Department permits for all wells and septic drain fields; all existing Zoning Permits and zoning applications; applications for rezoning, Special Use Permits, and zoning variances and evidence of all Wetlands Permits required by Federal, State, and local laws and regulations applicable to the site, lot, or parcel;



- (xxiv) A copy of all covenants, restrictions, and conditions pertaining to the use, maintenance, and operation of all open space areas, and bylaws of a Homeowner's Association if applicable; and
- (xxv) Any additional information as required by the Administrator necessary to evaluate the character and impact of the proposed project.

#### Section 3-6-4. Standards and Improvements.<sup>48</sup>

- (A) **Improvements Required.** All improvements required by this Ordinance shall be installed at the cost of the developer and in accordance with design and construction standards of Pittsylvania County.
- (B) **Specifications.** In cases where specifications have been established either by the Board of Supervisors of Pittsylvania County, the Virginia Department of Transportation for construction of streets, etc., or this Ordinance for related facilities and utilities, such specifications shall be followed. The most restrictive specifications will prevail.
- (C) **Performance Bond.** After a Site Development Plan has been approved, and before any construction or land disturbance can occur, the developer shall furnish to the County an irrevocable letter of credit, cash escrow, or bonds (collectively referred to as "performance bond") from a certified Virginia Lending Institution by corporate surety in a form and amount sufficient to guarantee the completion of the construction of such facilities or all required improvements.
  - (1) The cost of required improvements shall be determined by a bona fide estimate of construction cost prepared by a duly licensed engineer and such estimate shall be provided at the expense of the developer.
  - (2) The amount of the performance bond or other guarantee shall be 110% of the estimated construction cost.
  - (3) In the event the Administrator has rejected any such agreement or bond, the owners or developer shall have the right to have such determination made by the Board of Supervisors.
  - (4) If such performance bond contains an expiration date, provisions shall be made for the extension thereof if all improvements have not been completed 30 days prior to the expiration date.
  - (5) The performance bond or other appropriate security shall not be released until construction has been inspected and accepted by the Administrator and by the Virginia Department of Transportation or other local or state department, where appropriate.
- (D) **Standards and Improvements.** In addition to those improvements and standards specified in other sections of this Ordinance, the following minimum standards and improvements shall also be required for all Site Development Plans:

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<sup>48</sup> Editor's Note: This is a new section with new text.

- (1) Adequate easements shall be provided for drainage and all utilities. Where easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of 5 feet from any building.
  - (2) The developer shall provide for all utilities and services required, to include both on-site and off-site improvements. The determination of the exact improvements required, i.e., size of lines and capacities, is to be established by the developer in conference with the County agent acting on the advice of appropriate officials, authorities, departments, and/or consultants having expertise on the subject.
  - (3) Tests and/or other methods of soil evaluation deemed necessary by the Virginia Department of Health wherever required shall be the responsibility of the developer.
  - (4) Utilities shall include but not be limited to electric, gas, water, sewer, storm drainage, telephones, broadband, and/or cable television.
  - (5) Adequate fire hydrants, with assurance of adequate water supply and distribution systems, will be provided by the developer. Fire hydrants will be provided in the total area to be planned and in such locations as are approved by the Planning Commission or its designated agent.
  - (6) All landscaping, streets, parking, and other standards must be designed in compliance with Article VIII, Community Design Standards, of this Ordinance.
- (E) **Supervision and Inspections.** It shall be the responsibility of the developer to provide adequate supervision and inspections on the site during the installation of all required improvements, and to have a responsible supervisor together with one set of approved plans, profiles, and specifications at the site at all times when work is being performed.
- (F) **Acceptance of Improvements.** The approval of the Site Development Plan or the installation of the improvements as required in this Ordinance shall in no case serve to bind the County to accept such improvements for maintenance, repair, or operation thereof. Such acceptance of each type of improvements shall be subject to the County and/or State regulations.

### Section 3-6-5. Review.

- (A) **Administrative Review.** Site Development Plans required under Section 3-6-2 are subject to administrative approval by the Administrator.
- (1) The Administrator is responsible for the review, processing, and the requesting of additional agency and consultant reports relative to a Site Development Plan which has been submitted.
  - (2) Developers are encouraged to discuss the proposals contained in the Site Development Plan as submitted with the staff officials of Pittsylvania County prior to official request for approval of that plan.

- (B) **Site Development Plan Review Process.** Unless otherwise provided in another Article of this Ordinance, 8 paper copies of the Site Development Plan shall be provided to the Administrator who shall take the following actions:<sup>49</sup>
- (1) Review the Site Development Plan for completeness. If deemed incomplete or having insufficient information for review, the application will be refused and returned to the applicant with a written list of deficiencies.
  - (2) Site Development Plans will be provided to other relevant County departments and reviewing agencies for written comment.
  - (3) A Site Development Plan for a particular development stage or unit other than the first, shall not be approved until the Site Development Plan has been approved for the immediately preceding stage or unit.
  - (4) The Administrator shall notify the applicant of the action taken with respect to the Site Development Plan, which may include approval or disapproval.
- (C) **Time Period for Approval.**<sup>50</sup>
- (1) Pursuant to Code of Virginia, § 15.2-2259, as amended, Site Development Plans shall be approved or disapproved within 60 days after it has been officially submitted for approval or, if state agency review is required, within 35 days of receipt of approvals from all reviewing agencies. If disapproved, the reasons for disapproval shall be identified by reference to specific duly adopted Ordinances, regulations, or policies and shall identify, to the greatest extent practicable, modifications or corrections that will permit approval of the plan.
  - (2) Pursuant to Code of Virginia, § 15.2-2259, as amended, a Site Development Plan that has previously been disapproved but has been modified, corrected, and resubmitted shall be acted on within 45 days of resubmission.

### Section 3-6-6. Amendment of Site Development Plans.<sup>51</sup>

- (A) If it becomes necessary for an approved Site Development Plan to be changed, the Administrator may, at the applicant's request, administratively approve a minor amendment to the Site Development Plan if the change or amendment does not:
- (1) Alter a recorded plat.
  - (2) Conflict with the specific requirements of this Article.

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<sup>49</sup> Editor's Note: Currently, the Planning Commission reviews and issues approval of a site development plan. This process is proposed to be completely administrative in nature, as the Planning Commission and Board of Supervisors review and approve the concept plan as part of zoning permit issuance.

<sup>50</sup> Editor's Note: Sections 35-751 and 35-854 give Planning Commission 45 days to review a site development plan. This timeframe is more stringent than what is provided for in the Code of Virginia; text has been updated to include reference to the Code of Virginia as well as allow for the full 60-day review period.

<sup>51</sup> Editor's Note: This Section is proposed to consolidate and replace Sections 35-766, 35-767, 35-768, 35-769, and 35-770 from the existing Ordinance. Text has been refined and reorganized with some new text included for readability and clarity.

- (3) Change the general character or content of an approved development plan or use.
  - (4) Have an appreciable effect on adjoining or surrounding property.
  - (5) Result in any substantial change of major external access points.
  - (6) Increase the approved number of dwelling units or other buildings or height of buildings.
  - (7) Decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces required by Ordinance.
  - (8) Amendments not in accordance with (1) through (7) of this Section shall be considered as new site development plans and submitted under Section 3-6-3 of this Article.
- (B) All submittal procedures outlined in Section 3-6-3 (A) through (I) shall be met for submissions of revised Site Development Plans.
- (1) Insufficient submittals may be returned to the applicant with written notification of deficiencies from the Administrator.
- (C) The Administrator shall review the plans for compliance with applicable development regulations and approved Concept Plans and issue final approval or denial within 45 days. The Administrator shall provide a set of all submittals to relevant agencies or departments for their review and written comments.
- (D) If the Administrator fails to act on a request for a minor amendment to a Site Development Plan within 45 calendar days, it shall be considered approved.
- (E) Upon final approval of the revised site development plan by the Administrator, the Administrator shall transmit an approved set of plans to the authorized project agent and retain one copy of any correspondence and plans for County record.

### **Section 3-6-7. Compliance with Approved Site Development Plan Required.**

- (A) It shall be unlawful for any person to construct, erect, or substantially alter any building or structure, or develop, change, or improve land for which a Site Development Plan is required, except in accordance with an approved Site Development Plan. Deviation from an approved Site Development Plan without the written approval of the Administrator shall void the Site Development Plan and require submission of a new Site Development Plan for approval.
- (B) No permit shall be issued for any structure in any area covered by the Site Development Plan that is required under the provisions of this Article except in conformity with such Site Development Plan which has been duly approved.
- (C) The Building Official shall be responsible for enforcing the requirements as set forth in the final approved Site Development Plan before issuing a certificate of occupancy and shall give written notice to the Administrator that the Site Development Plan has been completed before issuing the Certificate of Occupancy.
- (D) Upon the satisfactory completion of the installation of all required improvements shown on the approved Site Development Plan, the developer shall submit to the Building Official and

Administrator one copy each of the completed As-Built Plans, which shall include specifications for all improvements, including roadways, utilities, permanent drainage and storm-water management facilities, water and sewer facilities, and fire hydrants.<sup>52</sup> The As-Built Plans shall be submitted at least one week prior to the anticipated receipt of the certificate of occupancy for the review and approval by the County agent for conformity with the approved Site Development Plan and the ordinances and regulations of the County and State agencies.

- (E) Where structures are completed and ready for occupancy prior to the completion of all improvements required by the Site Development Plan, the owner may provide bond with surety adequate to guarantee the completion of Site Development Plan, as outlined in Section 3-6-6 above, and upon providing of such bond with surety as agreed upon by the Administrator, a permit may be issued for the occupancy of those structures already completed.

### **Section 3-6-8. Period of Validity.<sup>53</sup>**

- (A) In accordance with Code of Virginia, § 15.2-2261, as amended, approval of a Site Development Plan submitted under the provisions of this Article shall expire 5 years after the date of such approval unless building permits have been obtained for construction in accordance therewith.
- (B) The application for and approval of minor modifications to an approved Site Development 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.

## **Division 7. Zoning Permits.**

### **Section 3-7-1. Applicability.<sup>54</sup>**

- (A) No buildings or other structures shall be started, reconstructed, enlarged, or altered without the owner or owners first obtaining a permit issued by the Administrator verifying that the building, structure, or use complies with the requirements of this Ordinance.<sup>55</sup>
- (B) No such permit shall be issued for a building, structure, or use unless it complies with the provisions of this Ordinance, or a Special Use Permit, variance, or written order from an appeal has been approved as provided by this Ordinance.

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<sup>52</sup> Editor's Note: Section 35-771 of the existing Ordinance.

<sup>53</sup> Editor's Note: This Section is proposed to replace Sections 35-765, 35-769, and 35-780 of the existing Ordinance. The existing Ordinance currently states that approval of a site development plan expires after eighteen months of approval unless actual construction has commenced; however, the time frame has been extended to five years to comply with the Code of Virginia.

<sup>54</sup> Editor's Note: Section 35-51 of the current Ordinance includes a list of uses exempt from a zoning permit. This list is proposed for inclusion in Article VI, Use Matrix.

<sup>55</sup> Editor's Note: This text is included in Section 35-700 of the current Ordinance. It has been proposed for inclusion in this section and has been amended and revised for clarity.

### Section 3-7-2. Standards and Procedures.<sup>56</sup>

- (A) The Administrator shall review each application for a Zoning Permit to ensure that the building, structure, or use proposed is in accordance with the terms of this Ordinance.
- (B) The following shall be submitted to the Administrator for review:
  - (1) Site Development Plans shall be submitted as required in Division 6 of this Article.
  - (2) When Site Development Plans are not required, each Zoning Permit application shall be accompanied by one copy of the most recent plat of record of the land to be built upon. If no such plat exists, the applicant shall provide a copy of the most recent deed description thereof, along with a survey when the property has not ever been surveyed, with dimensions, that shows:
    - (i) Lot lines;
    - (ii) Location of buildings on the lot including setback measurements from each property boundary;
    - (iii) Suitable notations indicating the proposed use of all land and buildings;
    - (iv) Points of connection to public water and sewer and/or location of wells and septic systems and reserve drainfields;
    - (v) The proposed nature and manner of grading the site, including proposed treatment of slopes more than 10% to prevent soil erosion and excessive runoff. In cases where an erosion and sedimentation control permit is required, the necessary plans and data shall be submitted as required in Chapter 4, Article 2 of the Pittsylvania County Code.
    - (vi) Delineation of all floodplain limits;
    - (vii) Delineation of any overlay areas as defined in Article V, Overlay Districts;
    - (viii) Such other information as may be necessary to provide for the enforcement of these regulations; and
    - (ix) A statement signed by the applicant which states:<sup>57</sup>
      - a. “The information given is correct to the best of my/our knowledge, including any attached plans, drawings, or supplemental information; and I/we accept liability for any land disturbance or construction that is in violation of the Pittsylvania County Zoning Ordinance and the Pittsylvania County Subdivision Ordinance.”

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<sup>56</sup> Editor’s Note: The current Zoning Ordinance does not provide standards and procedures related to application for Zoning Permits. The text proposed for incorporation is based on general best practice and intended to ensure that other applicable standards, such as those included in Article 4, Buildings of the Pittsylvania County Code, are met as necessary.

<sup>57</sup> Editor’s Note: This is a recommended best practice that requires the applicant to state that any and all information provided in the process of obtaining a Zoning Permit is accurate.

- (C) If the proposed building or use is in conformity with the provisions of this Ordinance, a permit shall be issued to the applicant by the Administrator.
- (D) A Zoning Permit in itself shall not ensure that the development approved through said permit shall receive subsequent approval for any other necessary permits or development approvals as otherwise required.<sup>58</sup>

## Division 8. Certificates of Occupancy.<sup>59</sup>

### Section 3-8-1. Applicability.

It shall be unlawful to use or permit the use of any building or premises, or part thereof; hereafter created, converted, enlarged, or otherwise altered; wholly or partly in its use or structure, until the issuance of a Certificate of Occupancy by the Building Official.

### Section 3-8-2. Standards and Procedures.

- (A) Such certificate shall show that such building, premises, or part thereof, and the proposed use thereof is in conformity with the provisions of this Ordinance, provided the following standards are met in full:
  - (1) All structures are fully completed and ready for occupancy prior to the completion of any improvements required by the original permits and any required Site Development Plan;
  - (2) The Building Official has determined that the site may be occupied consistently with the overall public health, safety, and welfare; and
  - (3) Improvements deemed directly related to health and safety have been installed and are operational.
- (B) The owner or applicant may provide bond with surety adequate to guarantee the completion by time certain of such Site Development Plan improvements as related to the building for which the permit is sought, and upon the providing of such bond with surety and approval by the Administrator, a permit may be issued for the occupancy of those structures already completed.
  - (1) Improvements deemed directly related to health and safety shall not be bonded.
  - (2) The County may accept a cashier's check in lieu of a corporate surety. Such cashier's check shall be made payable to the Pittsylvania County Board of Supervisors and may be placed in an escrow account whereby the developer may draw interest. If a cashier's check is provided as a performance bond, there shall be a reasonable fee paid by the developer for cost incurred by the County to perform necessary work involved.

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<sup>58</sup> Editor's Note: This text has been proposed for inclusion in order to better clarify that just because a zoning permit has been issued does not guarantee subsequent or automatic approval for other necessary permits.

<sup>59</sup> Editor's Note: This section is proposed to replace Section 35-703 of the existing Ordinance. The text included from existing Section 35-703 has been reorganized and lightly edited for readability.

## Division 9. Written Determinations.<sup>60</sup>

### Section 3-9-1. Intent.

In administering, interpreting, and enforcing this Ordinance, the Administrator shall provide a written response to persons who have filed a specific request in writing for a decision or determination on zoning matters within the scope of the Administrator's authority.

### Section 3-9-2. Standards and Procedures.

- (A) The Administrator's response shall be provided within 90 days of the date of the request unless the requestor agrees to a longer period.
- (B) When the requestor is not the owner or the owner's agent of the property subject to the request, the Administrator in accordance with the Code of Virginia § 15.2-2204 (H), as amended, shall provide written notice within 10 days of receipt of the request to the owner of the property at the owner's last known address as shown on the County's real estate assessment records.
- (C) The Administrator's written decision or determination shall include a statement informing the recipient of the right to appeal the decision as provided in Division 9 of this Article.

## Division 10. Appeals.<sup>61</sup>

### Section 3-10-1. Appeals of Zoning Administrator Determinations and Decisions.<sup>62</sup>

- (A) Pursuant to the Code of Virginia § 15.2-2311, as amended, appeal to the BZA may be taken by any person aggrieved or by any officer, department board or bureau of the County affected by any decision of the Administrator or from any order, requirement, decision, or determination made by any other administrative officer in the administration or enforcement of this Ordinance.
- (B) Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Administrator and with the BZA, a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.
- (C) A decision or interpretation of the Administrator shall be presumed correct and may not be reversed or modified unless there is evidence in the record that the decision is not correct, based on the relevant procedures and review standards of this Ordinance.

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<sup>60</sup> Editor's Note: This Division proposes all new text; the existing ordinance mentions various determinations but does not provide procedures or general standards for a written determination from the Zoning Administrator. This proposed language conforms with the Code of Virginia.

<sup>61</sup> Editor's Note: The existing Ordinance provides for appeals and variances together. This Division is proposed to focus solely on appeals, including their processes and procedures.

<sup>62</sup> Editor's Note: Section 3-10-1 is proposed to replace Section 35-850 of the current Ordinance. The text has been reorganized for readability and edited to include reference to the pertinent Code of Virginia section.



### Section 3-10-2. Appeals to Board of Zoning Appeals Procedure.<sup>63</sup>

- (A) Pursuant to the Code of Virginia § 15.2-2312, as amended, procedures for submitting an appeal shall be as follows:
- (1) **Mailing Procedure.** Appeals shall be mailed from the applicant seeking appeal to the BZA in care of the Administrator, and a copy of the appeal shall be mailed to the secretary of the Planning Commission. A third copy should be mailed to the individual, official, department, or agency concerned, if any.
  - (2) **Hearing.** The BZA shall fix a reasonable time for the hearing of an application or appeal, give public notice as outlined in Division 11 of this Article as well as due notice to the parties in interest, and decide the same within ninety (90) days of filing of the appeal.<sup>64</sup>
  - (3) **Decisions.** In exercising its powers, the BZA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from. The concurring vote of four (4) members 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 is being heard. In any appeal, if a BZA'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.<sup>65</sup>

### Section 3-10-3. Appeals of Board of Zoning Appeals, Planning Commission, or Board of Supervisors.<sup>66</sup>

- (A) Pursuant to the Code of Virginia § 15.2-2314, and §15.2-2285, as amended, any person or persons jointly or severally aggrieved by any decision of the BZA, Planning Commission, or Board of Supervisors, or any taxpayer or any officer, department, board, or bureau of the County, may appeal the decision to the Circuit Court of Pittsylvania County.
- (B) An application specifying the grounds on which the applicant is aggrieved must be submitted 30 days after the filing of the decision in the office of the BZA.

### Section 3-10-4. Construction in Violation of Ordinance without Appeal to BZA.<sup>67</sup>

- (A) Pursuant to the Code of Virginia § 15.2-2313, as amended, construction of a building with a valid building permit deemed in violation of this Ordinance may be prevented, restrained, corrected, or

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<sup>63</sup> Editor's Note: Section 3-10-2 is a new section, proposed to incorporate text from Section 35-852 from the current Ordinance as relevant. However, new text has been proposed for addition to clarify mailing procedure, as well as to reference the pertinent Code of Virginia section.

<sup>64</sup> Editor's Note: The existing Ordinance provides that the BZA has 60 days to reach its decision; the Code of Virginia allows for 90 days, and the text has been updated to reflect that timeframe.

<sup>65</sup> Editor's Note: New text has been proposed to address procedures in the event of a tie vote among the BZA.

<sup>66</sup> Editor's Note: This section is proposed to replace Section 35-853 of the existing Ordinance. Existing text has been reorganized and edited lightly for clarity, as well as amended to include correct reference to pertinent sections of the Code of Virginia.

<sup>67</sup> Editor's Note: New section proposed for inclusion in the Ordinance. The purpose of this section is to incorporate the provisions of Code of Virginia § 15.2-2313. This addition is a recommendation from the Diagnostic Report.

abated by suit filed within 15 days after the start of construction by a person who had no actual notice of the issuance of the permit.

- (B) The court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the Administrator to the BZA.

### **Section 3-10-5. Stay of Proceedings.<sup>68</sup>**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrator certifies to the BZA that by reason of facts stated in the certificate, a stay would, in their 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 BZA or by a court of record, on application and on notice to the Administrator and for good cause shown.

## **Division 11. Public Hearings and Notifications.**

### **Section 3-11-1. Public Hearing Required.<sup>69</sup>**

- (A) In accordance with the Code of Virginia § 15.2-2204, as amended, the Planning Commission shall not recommend, nor shall the Board of Supervisors adopt or approve any plan, ordinance, amendment, nor shall the BZA approve any variance or Special Use, until it has held a duly advertised public hearing. Advertising and notice procedures shall be conducted according to the procedures under the Code of Virginia § 15.2-2204, as amended, as outlined in this Division.
- (B) The Planning Commission and Board of Supervisors may hold a joint public hearing after public notice as set forth herein, and if such joint hearing is held, public notice as set forth below need be given only by the Board of Supervisors.
- (C) 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 pursuant to the Code of Virginia § 15.2-2204, as amended.

### **Section 3-11-2. Advertisement and Mailings.<sup>70</sup>**

- (A) The notice for each proposal shall provide:

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<sup>68</sup> Editor's Note: New section proposed for inclusion in the Ordinance. It incorporates some text from Section 35-850 of the current Ordinance.

<sup>69</sup> Editor's Note: This proposed section intends to replace existing sections 35-807 and 35-812 and incorporate more explicit language from the Code of Virginia for clarity. Additionally, (B) and (C) are not included in the current Ordinance but are proposed for inclusion as they are permissible by § 15.2-2204.

<sup>70</sup> Editor's Note: This section is a new addition proposed for the Zoning Ordinance. The existing Ordinance complies with notice requirements in Code of Virginia through incorporating reference to § 15.2-2204. However, as a best practice and to increase clarity among the public, it is recommended to integrate some of the text from the Code of Virginia § 15.2-2204 and § 15.2-2206.

- (1) A descriptive summary of the application;<sup>71</sup>
    - (i) In the case of a proposed amendment to the Zoning Map (rezoning), the public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the Comprehensive Plan.
  - (2) The location of the property, if applicable;
  - (3) Where copies of the proposal may be examined; and
  - (4) The time and place of any hearing at which persons affected may appear and present their views.
- (B) Notice of public hearings shall also be published once a week for two successive weeks in some newspaper published or having general circulation in the County.
- (1) The term "two successive weeks" means that such notice shall be published at least twice in such newspaper, with not less than six days elapsing between the first and second publication.
  - (2) The hearing shall be held not less than five days nor more than 21 days after the second advertisement shall appear in such newspaper.
- (C) In accordance with Code of Virginia § 15.2-2206, as amended, property owner notification shall be sent by the Department of Community Development.
- (1) The developer/applicant shall provide the Department of Community Development with a list of tax map numbers, names, and mailing addresses including zip codes for all adjoining property owners as part of the application submission, which the County shall confirm is current at the time of public hearing.<sup>72</sup>
  - (2) Notifications must be mailed to:
    - (i) The owner, owners, or their agent of the subject property;
    - (ii) Persons owning any adjacent property, including property across any road, railroad right-of-way or body of water;
    - (iii) A locality's chief administrative officer or their designee when the subject property is located within 0.5 mile of the boundary of the adjoining locality at least 10 days prior to the hearing;

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<sup>71</sup> Editor's Note: While the Code of Virginia § 15.2-2204(A) does not explicitly detail what a descriptive summary shall entail, the included text outlines what are generally accepted best practices to satisfy the requirement of a descriptive summary.

<sup>72</sup> Editor's Note: This is currently being done in practice, but new text has been added to formalize the process and aid in administration. The County should be confirming the accuracy of submitted adjoining property owner information as a legal safeguard.

- (iv) The commander of the applicable military operation when the subject property is located within 3,000 feet of the boundary of a military base, installation or airport, excluding armories operation by the Virginia National Guard, at least 30 days prior to the hearing;
  - (v) The owner of a public use airport when the subject property is located within 3,000 feet of such airport at least 30 days prior to the hearing;
  - (vi) For rezonings, the incorporated property owners' association within a planned development where the subject property is located within the planned development and the association's members also own property in the planned development that is located within 2,000 feet of any portion of the subject property; and
  - (vii) In lieu of each individual unit owner, the unit owners' association or proprietary lessee's association when the property adjacent to the subject property is a condominium or cooperative, respectively.
- (D) The following exceptions shall apply to property owner notification requirements, as outlined in this section:
- (1) When a proposed amendment to the Ordinance involves a tract of land not less than 500 acres owned by the Commonwealth of Virginia or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract.
  - (2) For Zoning Map amendments impacting more than 25 parcels or Ordinance amendments that decrease residential density:
    - (i) Adjacent property owner notification is not required.
    - (ii) Owner notification is not required for lots less than 11,500 square feet and shown on approved and recorded subdivision plat.
- (E) Notice, as required above, shall be sent by registered or certified mail to the last known address of such property owner(s) as shown on the current real estate tax assessment records. Notice may be sent by first class mail; however, a representative of the County shall sign an affidavit that such mailings have been made and file such affidavit with the papers in the case.
- (F) The cost of all notice requirements shall be paid by the developer/applicant in addition to any other fees involved in the application. The County shall bill the applicant for such costs.<sup>73</sup>

### **Section 3-11-3. Posting Notice on Property.<sup>74</sup>**

- (A) Additional notice of all public hearings involving Special Use Permits and rezonings shall be provided by means of a sign or signs posted on the subject property which indicates that Zoning

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<sup>73</sup> Editor's Note: This is currently being done in practice, but new text has been added to formalize the process and aid in administration.

<sup>74</sup> Editor's Note: This Section combines, consolidates, refines, and reorganizes text from Sections 35-816, 35-817, 35-818, and 35-819 of the current Ordinance.

action is pending. The Administrator shall provide the sign, of which the applicant shall be responsible for posting and maintaining on the subject property as required below.

- (1) The notice must be posted by Pittsylvania County on the subject property at least fourteen (14) days preceding the public hearing on the proposed Special Use Permit or rezoning.
  - (2) Notice shall be removed no later than fourteen (14) days after the public hearing.
  - (3) The notice shall specify the date, time, and location of the public hearing.
  - (4) If the application addresses more than one property, signage shall be placed on each parcel.
  - (5) The sign shall be erected within ten (10) feet of whatever boundary line of such land abuts a road and shall be so placed as to be clearly visible from the road, with the bottom of the sign not less than two and one-half (2 1/2) feet above the ground.
  - (6) If more than one (1) road abuts the property, then a sign shall be erected in the same manner as above for each such abutting road.
  - (7) If no road abuts the property, then signs shall be erected in the same manner as above on at least two (2) boundaries of the property abutting land not owned by the property owner.
  - (8) The notice shall be posted at reasonable intervals along roads abutting the subject property, or if there is no abutting road, at the proposed road or entrance into the property, in locations reasonably visible from existing roads.
  - (9) The holding of a public hearing or the validity of action on an application shall not be affected by the unauthorized removal of a notice which has been posted in accordance with this section.
  - (10) It shall be unlawful for any person, except the Administrator, to remove or tamper with any sign furnished during the period it is required to be maintained under this Section.
- (B) It shall be the duty of the property owner or applicant at the hearing to prove by affidavit to the Department of Community Development that they have fully complied with the requirements of this section and has continuously maintained the sign or signs, up to the time of the hearing.

#### **Section 3-11-4. Waiver of Notice.<sup>75</sup>**

Actual notice of, or active participation in, a public meeting for which written notice is required shall waive the right of that party to challenge the validity of the proceedings based on failure of notice.

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<sup>75</sup> Editor's Note: Proposed new text as a best practice.

## ARTICLE IV. – District Standards.

### Division 1. Establishment and Purpose.

#### Section 4-1-1. General.

- (A) **Zoning Districts Established.** Land within the County, as it exists at the time of this Ordinance being enacted, is hereby divided into classes of primary zoning districts to:
- (1) Regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes in accordance with the objectives of the Pittsylvania County Comprehensive Plan;
  - (2) Regulate and restrict the location, height, and size of buildings hereafter erected or structurally altered; and
  - (3) Ensure adequate setbacks, open spaces, and public facilities to support the County’s population.
- (B) **Primary Zoning Districts.** To carry out the purpose stated in **Article I**, In General, of this Ordinance and (A) above, Pittsylvania County is hereby divided into the following primary zoning districts:

**Table IV-1. Primary Zoning Districts**

Agricultural Districts	
A-1	General Agriculture
Residential Districts	
R-E	Residential Estates
R-1	Residential Suburban Subdivision
RC-1	Residential Combined Subdivision
RMF	Residential Multifamily
MHP	Residential Manufactured Housing Park
Commercial Districts	
B-1	Limited Business
B-2	General Business
Industrial Districts	
M-1	Light Industry
M-2	Heavy Industry
Planned Development Districts	
RPD	Residential Planned Unit Development
Conservation Districts	
C-1	Conservation District

- (B) Overlay Districts are established in **Article V**, Overlay Zoning Districts, of this Ordinance.

## Section 4-1-2. References to District Names<sup>1</sup>.

For the purpose of reference throughout this Ordinance, unless specifically provided to the contrary, the term “agricultural district” shall include the A-1 district; “residential district” shall include R-E, R-1, RC-1, RMF, and MHP districts; “commercial district” shall include B-1 and B-2 districts; “industrial district” shall include M-1 and M-2 districts; “planned development district” shall include the RPD district; and “conservation district” shall include the C-1 district.

## Section 4-1-3. Purpose and Intent of Primary Zoning Districts.<sup>2</sup>

### (A) Agriculture.

- (1) **A-1, General Agriculture.** This district includes areas of the County that are occupied by various open uses of farming and forestry. This district is established for the purpose of facilitating existing and future farming operations and preserving farm and forest lands. Residential uses shall consist of sparse single-family dwellings, primarily located to serve farm owners and their families. This is a rural area where widespread extension of public utilities is not planned. It should also be presumed that agricultural and forestry activities may produce some noise, odors, and other effects, and a certain level of tolerance for these effects must be expected of those who dwell in this district.

### (B) Residential.

- (1) **R-E, Residential Estates.** The intent of this district is to protect persons occupying residential properties in large lot developments with three (3) or more lots. This district's regulations are designed to stabilize and protect the essential characteristics of large lot residential development and to prohibit activities of a commercial nature<sup>3</sup>.
- (2) **R-1, Residential Suburban Subdivision.** The intent of this district is to recognize single-family residential areas within the County and to maintain separation of these residential uses from commercial uses. This dwelling district allows for single-family dwellings, religious assembly uses, public uses, and accessory uses that are compatible with residential surroundings. The regulations for this district are designed to stabilize the residential nature, promote single-family dwellings, and to prohibit high-impact commercial activity.
- (3) **RC-1, Residential Combined Subdivision.** The intent of this district is to provide increased opportunities for affordable housing and to promote cost-effective site development. This combined district provides locations where manufactured housing communities may harmoniously develop in a residential area in with a mix of other housing types<sup>4</sup>.
- (4) **RMF, Residential Multifamily.** The intent of this district is to provide for locations of multi-family residences and is used for construction of apartments, townhouse developments, or other multi-unit residential developments in appropriate locations. Uses compatible with

<sup>1</sup> Editor's Note: This is a new Section added for clarity.

<sup>2</sup> Editor's Note: Section 4-1-3 is a new Section, proposed to combine and streamline all sections in the current Zoning Ordinance that address purpose for each primary zoning district.

<sup>3</sup> Editor's Note: Language from Section 35-191 of the existing Ordinance has been condensed for clarity.

<sup>4</sup> Editor's Note: Language from Section 35-266 of the existing Ordinance has been condensed for clarity.

residential neighborhoods, such as religious assembly uses, public uses, and accessory uses, are also permitted. The regulations for this district are designed to provide a range of residential dwellings, promote varied neighborhood types, and to prohibit high-impact commercial activity. Certain commercial uses may be allowed through Special Use Permits<sup>5</sup>.

- (5) **MHP, Residential Manufactured Housing Park.** The intent of this district is to accommodate manufactured housing parks exclusively. The regulations are intended to ensure an attractive and harmonious environment for manufactured home dwellings and their residents<sup>6</sup>.

(C) **Commercial.**

- (1) **B-1, Limited Business.** The intent of this district is to recognize existing light commercial uses and to provide an opportunity to expand these and other retail opportunities. The district should accommodate a range of retail, personal service, and office uses that are compatible with adjacent residential areas and provide for the convenience and day-to-day needs of residents of nearby neighborhoods. The intent of these regulations is not to limit business development in the County, but rather to encourage it in appropriate locations where it will not produce adverse impacts on residential uses.<sup>7</sup>
- (2) **B-2, General Business.** The intent of this district is to recognize existing commercial and/or service trade uses within the County and provide an opportunity to expand these and related general commercial opportunities. This district should accommodate a range of retail, wholesale, service, and office uses that cater to the traveling public and serve the County and the surrounding region. The district is designed to provide attractive and accessible shopping along principal highways. Examples of uses permitted in General Business district include, but are not limited to, event venues, large retail stores, and offices<sup>8</sup>.

(D) **Industrial.**

- (1) **M-1, Light Industry.** The intent of this district is to encourage the development of manufacturing and wholesale business establishments which do not create a danger to health and safety in surrounding areas and that do not produce high levels of smoke, smell, noise, light, dust, and other nuisances. Uses should operate primarily within enclosed structures and should not deal with large volumes of customers on a regular basis. The intent is also to make available more attractive locations for these businesses and industries.

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<sup>5</sup> Editor's Note: Language from Section 35-279 of the existing Ordinance has been condensed for clarity. Some new language has been added to clarify uses permitted.

<sup>6</sup> Editor's Note: Language from Section 35-315 of the existing Ordinance has been condensed for clarity.

<sup>7</sup> Editor's Note: This is new text proposed to replace Section 35-345 of the existing Ordinance for clarity and to better capture the intent of the B-1 district.

<sup>8</sup> Editor's Note: This is new text proposed to replace Section 35-364 of the existing Ordinance for clarity and to better capture the intent and uses permitted in the B-2 district.



Certain commercial uses are permitted, primarily for service to employees in the district and as accessory uses to manufacturing conducted on site<sup>9</sup>.

- (2) **M-2, Heavy Industry.** The intent of this district is to provide locations for larger scale manufacturing, processing, and warehousing operations which may require public utilities and access to transportation facilities, have open storage, large product display areas, and service areas, and generate heavy truck traffic. The creation of any significant noise, vibration, smoke, dust, lint, odor, heat, or glare shall be mitigated with industry best practices for the compatibility of the surrounding uses and the preservation of the environment<sup>10</sup>.

(E) **Planned Development.**

- (1) **RPD, Residential Planned Unit Development District.** The purpose of this district is to promote innovative and creative large-scale development as a means of creating a well-planned living environment. The intent of district regulations is to encourage variety in housing, to allow supporting community facilities, along with appropriate commercial uses through Special Use Permits, and to protect the natural landscape using advantageous construction techniques, the preservation of natural features, and the integration of open space. Residential planned unit development districts should provide for increased community amenities, safety and conveniences, and other public and private benefits<sup>11</sup>.

(F) **Conservation Districts.**

- (1) **C-1, Conservation District.** The purpose of this district is to recognize portions of the County which are occupied by unique natural features such as steep slopes, forest, parks, marshland, lakes, or watersheds deserving of protection. This district is established for the specific purpose of conserving water and other natural resources, reducing soil erosion, protecting watersheds, reducing hazards from flood and fire, and preserving wildlife areas of the County<sup>12</sup>.

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<sup>9</sup> Editor's Note: Language from Section 35-382 of the existing Ordinance has been amended for clarity. Some new language has been added to address intent and provide the example of industrial parks.

<sup>10</sup> Editor's Note: Language from Section 35-401 of the existing Ordinance has been condensed for clarity. Some new language related to mitigating adverse impacts has been included.

<sup>11</sup> Editor's Note: Language from Section 35-293 of the existing Ordinance has been amended for clarity.

<sup>12</sup> Editor's Note: Language from Section 35-329 of the existing Ordinance has been modified for clarity.

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## Division 2. General District Standards.

### Section 4-2-1. General.<sup>13</sup>

- (A) The requirements specified in this Article shall be considered the minimum required to promote public health, safety, and general welfare.
- (B) Regulations shall apply uniformly to each use, structure, and lot within the zoning district.
- (C) Except as provided in **Article IX**, Nonconforming Uses, Lots, and Structures, of this Ordinance, every structure hereafter constructed shall be located on a lot meeting the minimum requirements for the district in which it is located.<sup>14</sup>
- (D) The State Health Official may require a larger minimum lot area for permitted uses, as needed, to meet Department of Health requirements for use of individual wells and/or sewage disposal systems.
- (E) Photographs, graphics, and/or diagrams in this Article are included for illustrative purposes only. If there is any inconsistency between them and the text of this Ordinance, including tables, the text will govern.

### Section 4-2-2. Additional Standards<sup>15</sup>.

In addition to the provided standards for each district, additional standards may apply, as listed below:

- (A) **Use Performance Standards.** **Article VII**, Use Performance Standards, of this Ordinance establishes additional standards pertaining to specific uses.
- (B) **Community Design Standards.** **Article VIII**, Community Design Standards, of this Ordinance establishes additional standards for:
  - (1) Lighting;
  - (2) Landscaping and screening;
  - (3) Walls and fences;
  - (4) Parking and loading;
  - (5) Signs;
  - (6) Open space;
  - (7) Utilities; and
  - (8) Streets and Sidewalks.

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<sup>13</sup> Editor's Note: This is a new Section, integrating both text from Sections 35-15 and 35-16 of the existing Ordinance and new text.

<sup>14</sup> Editor's Note: Rather than repeat for each district, it is included here and applicable to all.

<sup>15</sup> Editor's Note: Added as new text.

- (C) **Drainage.** Provisions shall be made for proper stormwater drainage from streets, parking, and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provisions shall be made for protection against erosion and sedimentation in accordance with applicable County ordinances.

### Section 4-2-3. Height Regulations.

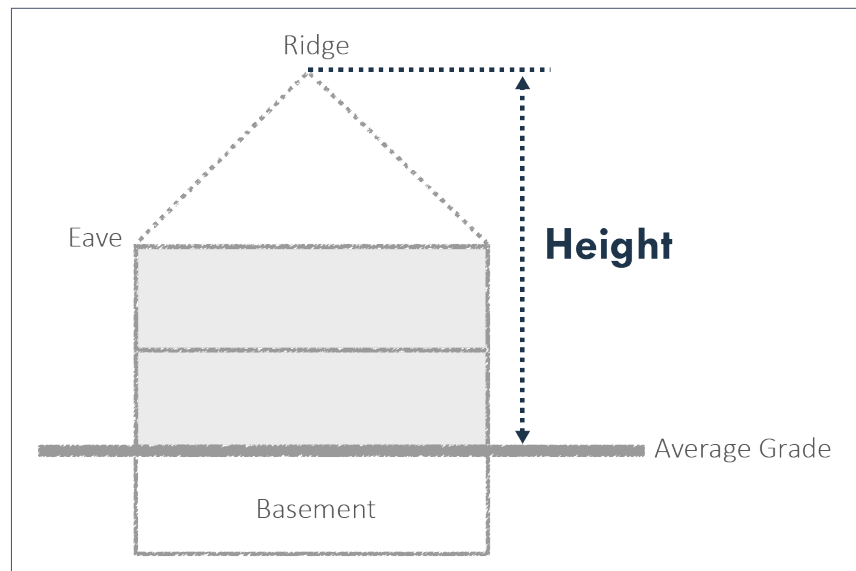
(A) **Purpose.**

- (1) It is the intent of the height regulations of this Ordinance to secure safety, to provide light and air, and to protect the character of districts and the interests of the public. No building shall be erected, constructed, or altered to exceed the height limitations specified in the district regulations set in this Ordinance.

(B) **Measuring Height.**

- (1) Building height is measured, in feet, from the average grade to the top of the highest point of a roof. **See Figure IV-1<sup>16</sup>.**
- (2) Average grade is determined by calculating the average of the highest and lowest elevations along natural or improved grade (whichever is more restrictive) along the wall<sup>17</sup> of the structure that is parallel to the front setback.

**Figure IV-1. Height Measurement in Primary Districts**



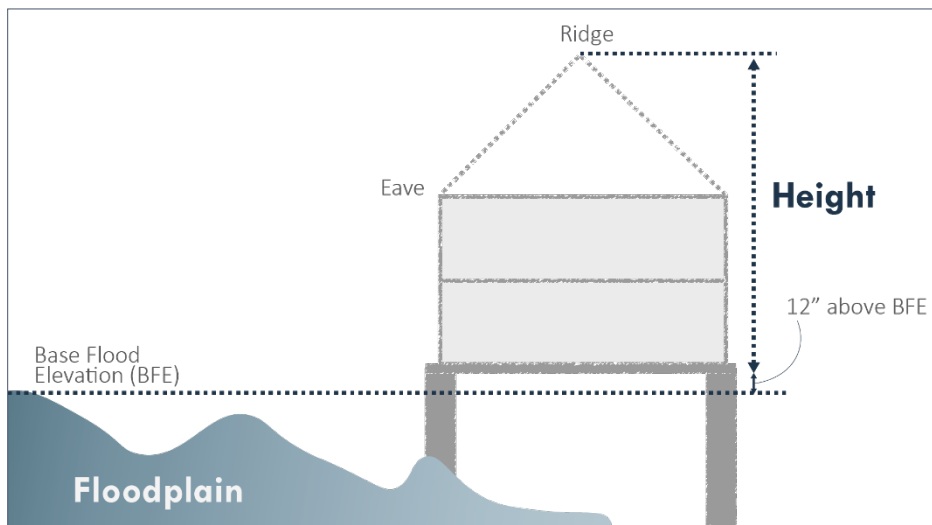
<sup>16</sup> Editor's Note: This figure is a new addition.

<sup>17</sup> Editor's Note: Replaced "front of the" with "wall" for clarification. The front of a structure may not be the side of the structure that is parallel with the front setback, as specified, here.

(C) **Exceptions.**

- (1) For structures that are in V, VE, AE, AH, and A Flood Zones, as identified on the official Flood Rate Insurance Map (FIRM) and further regulated in Chapter 23, Flood Plain Management, of the Pittsylvania County Code, the following applies:
  - (i) Height is measured from 12 inches above the base flood elevation<sup>18</sup> for the building site. *See Figure IV-2<sup>19</sup>.*
  - (ii) In cases where there is a ground floor enclosure below the base flood elevation, height shall be measured from the average grade, as shown in *Figure IV-1.*

**Figure IV-2. Height Measurement of Raised Structures in Floodplain Areas**



**Section 4-2-4. Determination and Measurement of Lots.**

(A) **General.**

- (1) No lot(s) existing at the time of adoption of this Ordinance shall be reduced in area below the minimum requirements established in this Article. Lot(s) created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance<sup>20</sup>.
- (2) Whenever there shall be plans in existence, approved by either the Virginia Department of Transportation (VDOT) or by the Board of Supervisors for the widening of any street or highway, the Administrator may require additional setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way.

<sup>18</sup> Editor's Note: This is a new regulation to create consistency with Chapter 23 of the Pittsylvania County Code, which recommends at least a 1 ft. freeboard. Having a freeboard helps to protect life and property, as well as lowers flood insurance rates for property owners.

<sup>19</sup> Editor's Note: This figure is a new addition.

<sup>20</sup> Editor's Note: This is an adaptation of Section 35-65 of the existing Ordinance.

- (i) Such additional setback shall be the minimum required in the underlying zoning district, measured from the edge of the planned right-of-way (ROW) line.<sup>21</sup>

(B) **Determination of Lot Front.**

- (1) **Interior Lots.** The front shall be construed to be the portion adjacent to the street.
- (2) **Corner Lots.** The front shall be construed to be the shortest boundary fronting a street. If the lot has equal frontage on two (2) or more streets, the front shall be construed in accordance with the prevailing building pattern, or the prevailing lotting pattern if a building pattern is not established.

(C) **Required Setbacks.**

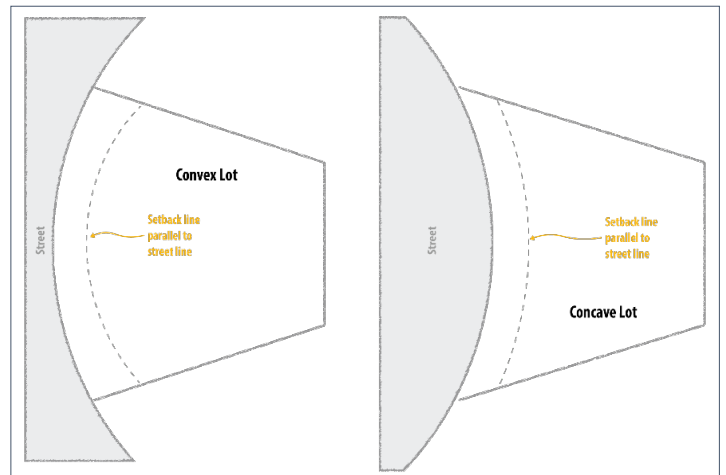
- (1) Interior Lots, Through Lots, and Stem Lots shall have the following setbacks:
  - (i) One front, two sides, and one rear.
- (2) Corner Lots and Through Corner Lots shall have the following setbacks:
  - (i) One front, two sides, and one rear.

(D) **Measurement Methods.** The following methods shall be used for measuring setbacks:

- (1) **All Setback Types.** Setbacks shall be measured in such a manner that the lot line and the setback line are parallel to one another.
  - (i) Rounded lots shall be measured as follows:

- (a) Where lots are convex or concave, required setbacks shall be measured radially from the edge of the ROW. **See Figure IV-3<sup>22</sup>.**
- (b) In accordance with **Article II**, Administration, of this Ordinance, the Administrator shall determine the boundary line(s) from which the setback(s) shall be measured for Irregular Lots.

**Figure IV-3. Setback Measurement for Convex and Concave Lots**



- (2) **Front Setback.** Except as otherwise provided in this Article, every lot shall

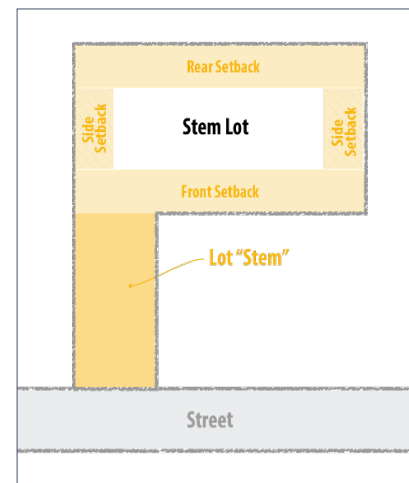
<sup>21</sup> Editor's Note: This text is consistent with Section 35-70 of the current Ordinance, although the Administrator is now given the authority to require additional setbacks, consistent with responsibilities granted in Articles II and III.

<sup>22</sup> Editor's Note: Text has been added to address how setbacks are measured for convex and concave lots. Figure IV-3 is a new addition to help illustrate this regulation.

front on an existing street; whether public or private. Front setbacks are determined as follows<sup>23</sup>:

- (i) A front setback shall be included for the full width of the lot frontage, measured between the side lot lines.
- (ii) Depth of the front setback shall be measured from the edge of the ROW, inward towards the lot, until the distance required in the district standards is met.
  - (a) If the lot has frontage on a private road, the depth of the front setback shall be measured from the centerline of the road, inward towards the lot, until the distance required in the district standards is met.<sup>24</sup>
  - (b) Areas in parking bays shall not be considered as part of the street or access easement for purposes of determining front setback depth.
- (iii) Interior Lots shall have one front setback that is the portion along the street.
- (iv) Through Lots shall have one front setback that is determined by the prevailing building pattern or, if a prevailing building pattern has not been established, the prevailing lotting pattern. If neither building nor lotting patterns exist, the lot front shall be along the lot frontage that is the narrowest.
- (v) Through Corner Lots<sup>25</sup> shall have one front setback construed to be the shortest boundary along a street.
- (vi) Stem Lots shall have one front that is measured from the boundary delineating the end of the “stem” and then in towards the lot until the distance required in the district standards is met. **See Figure IV-4<sup>26</sup>.**
- (vii) The front setback required for nonconforming lots may be the average of the front setbacks within three hundred (300) feet on either side of the lot, except that no front setback shall be required to be greater than the minimum required for the underlying zoning district.
  - (a) To maintain the pattern of the neighborhood, if the adjacent lots are vacant, the average(s)

**Figure IV-4. Stem Lot Front Setback**



<sup>23</sup> Editor’s Note: New language is included in this section for clarification. Some language from Section 35-62 of the existing Ordinance has been retained.

<sup>24</sup> Editor’s Note: The current Ordinance does not clearly specify how front setbacks are measured for lots that front on a public road versus lots that front on a private road. Language has been added to clarify what is being done in practice.

<sup>25</sup> Editor’s Note: Localities do not typically include provisions for Through Corner Lots. This is included for consideration, but can be removed, if desired.

<sup>26</sup> Editor’s Note: Figure IV-4 is a new addition.

of the nearest developed lot(s) on the same side of the street shall be used.

**(3) Side Setback.**

- (i) Side setbacks shall be measured from the front setback to the rear setback.
- (ii) Depth of a side setback shall be measured from the lot line in towards the lot until the distance required in the district standards is met.
- (iii) On corner lots, the required side setback shall be construed to be the longest boundary fronting a street. The distance required of the side setback fronting a street shall be the same as the front setback<sup>27</sup>. The distance required of subsequent side setbacks shall be the distance established in the underlying zoning district standards.

**(4) Rear Setback.**

- (i) A rear setback shall be included for the full width of the rear of the lot, measured between the side lot lines.
- (ii) Depth of a rear setback shall be measured from the rear lot line in towards the lot until the distance required in the district standards is met.

**(5) Lot Width.**

- (i) Minimum lot width for all lots shall be measured at the front setback line.

### **Section 4-2-5. Lot Coverage and Siting.<sup>28</sup>**

- (A) Except as otherwise specifically provided in computations to determine lot coverage by buildings, building coverage shall be construed as including all areas under roofs or projections from buildings on the lot.
- (B) All buildings and other structures shall be located and arranged on lots to provide safe and convenient access for fire protection, servicing, and off-street parking located on the premises.
- (C) No structure requiring a building permit shall be erected upon a lot which does not have frontage on a public or private road, except as specifically provided in Chapter 18, Subdivision Ordinance, of the Pittsylvania County Code.

## **Division 3. Exemptions and Encroachments.<sup>29</sup>**

### **Section 4-3-1. Structures in Required Setbacks.**

- (A) **General.** The following uses and structures are permitted in required setbacks, subject to the limitations provided:

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<sup>27</sup> Editor's Note: This text is consistent with Section 35-64 of the current Ordinance.

<sup>28</sup> Editor's Note: This is a new Section, integrating both new text and text from Sections 35-65 and 35-66 of the existing Ordinance.

<sup>29</sup> Editor's Note: Proposed as a new section.

- (1) Fences, walls, and hedges, subject to visibility clearance requirements on corner lots as outlined in **Article VIII**, Community Design Standards, of this Ordinance.
- (2) Covered porches (on any façade) may project not more than 4 ft. into any required setback but shall not be closer to 10 ft. to any lot line.<sup>30</sup>
  - (i) Except for Residential Planned Unit Development (RPD) districts, where porches or stoops must maintain a 10 ft. front setback.<sup>31</sup>
- (3) Uncovered porches and decks may project not more than 4 ft. into a required rear or side setback.<sup>32</sup>
- (4) Architectural features, chimneys, eaves, and other similar building features may not project more than 4 ft. into any required setback but shall not be closer than 10 ft. to any lot line.
  - (i) Except for Residential Planned Unit Development (RPD) districts, where architectural features, chimneys, eaves, and other similar building features shall not be closer than 2 ft. to any lot line.<sup>33</sup>
- (5) Balconies may not project more than 4 ft. into any required side or rear setback but shall not be closer than 10 ft. to any lot line.<sup>34</sup>
- (6) Accessory structures are subject to the requirements and regulations of **Article VII**, Use Performance Standards, of this Ordinance.

### Section 4-3-2. Reduction of Setbacks.

- (A) No setback existing at the time of adoption of this Ordinance shall be reduced in dimension below the minimum requirements established in this Article, unless such setback requirements reduce the buildable area to unreasonable dimensions.
  - (1) Any person desiring to amend a setback to a distance not in accordance with the regulations prescribed in this Article may apply for a variance from these regulations in accordance with **Article III**, Permits and Applications, of this Ordinance.
- (B) Every part of a required setback shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of balconies, sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend into the required yard areas for a distance exceeding two (2) feet, as provided for in Section 4-3-1 (A) (4).

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<sup>30</sup> Editor's Note: The distance that covered porches may be from a lot line has been reduced from 15 ft. to 10 ft. to be less restrictive and for better alignment with setbacks in primary zoning districts.

<sup>31</sup> Editor's Note: As a result of Ordinance amendments adopted by the Board on 8/15, an exception has been added for RPD districts.

<sup>32</sup> Editor's Note: An encroachment distance for uncovered porches and decks has been added and is applicable to both rear and side setbacks.

<sup>33</sup> Editor's Note: As a result of Ordinance amendments adopted by the Board on 8/15, an exception has been added for RPD districts, and the encroachment distance for architectural features in all other zoning district has been revised to match what is permitted for balconies.

<sup>34</sup> Editor's Note: The distance that architectural features may be from a lot line has been reduced from 15 ft. to 2 ft. to eliminate conflicting requirements in the Ordinance.



### Section 4-3-3. Exemptions.

(A) **All regulations.** The following structures and uses shall be exempt from all regulations of this Ordinance:

- (1) Underground and above ground utility equipment, including but not limited to wires, cables, conduits, pipes, mains, and valves.
  - (i) Such utility equipment must be located in a street right-of-way or in an easement less than forty (40) feet in width.
  - (ii) Exemptions shall not apply to any substation located on or above the surface of the ground.
- (2) 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.
- (3) Mailboxes.

(B) **Height regulations.** The following structures and uses shall be exempt from the height regulations of this Ordinance:<sup>35</sup>

- (1) Belfries;
- (2) Cupolas;
- (3) Chimneys;
- (4) Flues;
- (5) Flagpoles under 40 feet in height;
- (6) Television antennas;
- (7) Public monuments or memorials;
- (8) Radio aerials;
- (9) Silos and other farm buildings; and
- (10) Water tanks.

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<sup>35</sup> Editor's Note: The height limit for flagpoles has been introduced at 40 ft. Farm buildings have been added as a use exempt from the height regulations of this Ordinance.

**Division 4. Agricultural Districts Dimensional Standards.<sup>36</sup>**

**Section 4-4-1. Agricultural District Regulations.**

**Table IV-2. Agriculture District Regulations.**

<b>A-1</b>	
<b>Minimum Lot Area</b>	
All lots	1 acre <sup>37</sup>
<b>Density</b>	
All lots	1 residential unit per 1 acre <sup>38</sup>
<b>Minimum Required Setbacks</b>	
<i>Front (includes all structures)</i>	
Lots fronting a public road (setback measured from the edge of the ROW)	35 ft.
Lots fronting a private road (setback measured from centerline)	60 ft.
<i>Side<sup>39</sup></i>	
Principal structures	35 ft.
Farm animal structures*	50 ft.
Accessory structures	10 ft.
<i>Rear</i>	
Principal structures	20 ft.
Farm animal structures*	50 ft.
Accessory structures	10 ft.
<b>Maximum Structure Height</b>	
Principal structures	40 ft.
Accessory structures	40 ft.
* Farm animal structures do not include intensive livestock structures, which are a separate use and have use standards outlined in Article VII, Use Performance Standards.	

<sup>36</sup> Editor’s Note: This Division replaces Article III, Division 1 of the current Ordinance.

<sup>37</sup> Editor’s Note: The minimum lot size has been proposed to increase from 20,000 square feet to 1 acre, in response to requests for the protection of agriculture.

<sup>38</sup> Editor’s Note: The density has been proposed to decrease from 2 units per acre to 1 unit per acre, in response to requests for the protection of agriculture.

<sup>39</sup> Editor’s Note: Side setbacks are currently determined to be 10% of the lot frontage with a minimum of 10 ft. To ensure that standards are being uniformly applied within the A-1 district, a single distance for the side setback has been proposed.

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(A) **General.**<sup>40</sup>

(1) Number of Principal Structures Allowed.

- (i) For lots 0.5 acres or less in area, no more than one (1) principal structure shall be permitted.
- (ii) For lots greater than 0.5 acres in area, no more than two (2) principal structures shall be permitted.

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<sup>40</sup> Editor's Note: This provision has been added based on discussion with staff.

Division 5. Residential Districts Dimensional Standards.<sup>41</sup>

Section 4-5-1. Single Family Residential District Regulations.

**Table IV-3. Single Family Residential District Regulations.**

	R-E	R-1	RC-1
<b>Minimum Lot Area</b>			
All lots	5 acres	-	-
Public Water <i>AND</i> Sewer	-	10,000 sq. ft.	10,000 sq. ft.
Public Water <i>OR</i> Sewer	-	15,000 sq. ft.	15,000 sq. ft.
<i>NO</i> Public Utilities	-	20,000 sq. ft.	20,000 sq. ft.
<b>Minimum Lot Width<sup>42</sup></b>			
Public Water <i>AND</i> Sewer	100 ft.	75 ft.	75 ft.
Public Water <i>OR</i> Sewer	100 ft.	75 ft.	75 ft.
<i>NO</i> Public Utilities	150 ft.	100 ft.	100 ft.
<b>Density<sup>43</sup></b>			
All lots	1 residential unit per 5 acres	1 residential unit per 0.25 acres*	1 residential unit per 0.25 acres
<b>Minimum Required Setbacks<sup>44</sup></b>			
<i>Front</i>			
Principal structures	35 ft.	35 ft.	35 ft.
Accessory structures	Not permitted in front yard		
<i>Side</i>			
Principal structures	20 ft.	15 ft.	10 ft.
Accessory structures	10 ft.	10 ft.	10 ft.
<i>Rear</i>			
Principal structures	30 ft.	30 ft.	25 ft.
Accessory structures	15 ft.	15 ft.	15 ft.
<b>Maximum Structure Height</b>			
All structures	40 ft.	40 ft.	40 ft.

<sup>41</sup> Editor’s Note: This Division replaces Article III, Division 2 of the current Ordinance.

<sup>42</sup> Editor’s Note: Minimum lot width is a new dimensional standard for residential districts and is proposed to be tied to the availability of public utilities to align with minimum lot area requirements.

<sup>43</sup> Editor’s Note: Density is proposed to be determined by acreage, not by lot, for ease of administration.

<sup>44</sup> Editor’s Note: Uniform front, side, and rear setbacks are proposed for all districts.

(A) **General.**

(1) Number of Principal Structures Allowed.

- (i) For lots 0.5 acres or less in area, no more than one (1) principal structure shall be permitted.
- (ii) For lots greater than 0.5 acres in area, no more than two (2) principal structures shall be permitted.

Section 4-5-2. Multi-Family Residential District Regulations.

**Table IV-3. Multi-Family Residential District Regulations.**

R-MF	
Minimum Lot Area	
<i>Single-Family Dwellings and Non-Residential Structures<sup>45</sup></i>	
Public Water <b>AND</b> Sewer	5,000 sq. ft.
Public Water <b>OR</b> Sewer	11,000 sq. ft.
<b>NO</b> Public Utilities	13,125 sq. ft.
<i>Multi-Family, Two-Family, and Townhouses</i>	
Multi-Family and Two-Family Dwellings	As above for the first two units, plus 2,100 sq. ft. for each additional dwelling unit.
Townhouses	1,500 sq. ft. with public water <b>AND</b> sewer, otherwise as above
Minimum Lot Width <sup>46</sup>	
<i>Single-Family Dwellings and Non-Residential Structures<sup>47</sup></i>	
Public Water <b>AND</b> Sewer	75 ft.
Public Water <b>OR</b> Sewer	75 ft.
<b>NO</b> Public Utilities	100 ft.
<i>Multi-Family, Two-Family, and Townhouses</i>	
Multi-Family and Two-Family Dwellings	As above
Townhouses	18 ft.
Maximum Density <sup>48</sup>	
All lots	16 dwelling units per acre
Maximum Lot Coverage	
Two-family Lots	35%
Townhouse and Multi-family Lots	40%
Minimum Distance Between Principal Buildings	
All lots	20 ft.

<sup>45</sup> Editor’s Note: Minimum lot area has NOT changed, but rather been made more clear to reflect one unit per lot for single-family residential dwellings.

<sup>46</sup> Editor’s Note: New standards for minimum lot width have been introduced to differentiate between single-family and multi-family residential uses, and to tie dimensional standards to the availability of public utilities.

<sup>47</sup> Editor’s Note: Minimum lot width for single-family dwellings and non-residential structures is consistent with regulations in the R-1 district.

<sup>48</sup> Editor’s Note: Maximum density has been increased from 13 to 16 dwellings per acre; recommended increase based on community feedback expressing a need for housing. Increasing the density coupled with a decreased lot area incentivizes building near public water and sewer, further protecting agricultural lands.

<b>R-MF</b>	
<b>Minimum Required Setbacks<sup>49</sup></b>	
<i>Front</i>	
Principal structures	50 ft.
Accessory structures	Not permitted in front yard
<i>Side<sup>50</sup></i>	
Principal structures	10 ft.
Accessory structures	5 ft.
<i>Rear</i>	
Principal structures	20 ft.
Accessory structures	10 ft.
<b>Maximum Structure Height</b>	
All structures	80 ft.

<sup>49</sup> Editor’s Note: Setback requirements for accessory structures have been introduced.

<sup>50</sup> Editor’s Note: Side setbacks are currently determined to be 10% of the lot frontage with a minimum of 10 ft. To ensure that standards are being uniformly applied within the RMF district, a single distance for the side setback has been proposed.

Section 4-5-3. Manufactured Home Park District Regulations.

**Table IV-4. Manufactured Home Park District Regulations.**

	MHP - Individual Pad Sites	MHP - Total Park Area <sup>51</sup>
Minimum Lot Area		
All lots	6,000 sq. ft.	3 acres
Minimum Lot Width		
Public Water <i>AND</i> Sewer	50 ft.	
Public Water <i>OR</i> Sewer	50 ft.	
<i>NO</i> Public Utilities	100 ft.	
Maximum Density		
All lots		7 dwelling units per acre
Minimum Number of Accesses to Public Road <sup>52</sup>		
50 or fewer units		1
51 or more units		2
Minimum Required Setbacks <sup>53</sup>		
<i>Front</i>		
Lots fronting a public road (setback measured from the edge of the ROW)	25 ft. from internal roads and pad site boundary	50 ft.
Lots fronting a private road (setback measured from centerline)	25 ft. from internal roads and pad site boundary	60 ft.
Accessory structures, all lots	Not permitted in front yard	Not permitted in front yard
<i>Side</i>		
Principal structures	10 ft.	20 ft.
Accessory structures	10 ft.	10 ft.
<i>Rear</i>		
Principal structures	10 ft.	20 ft.
Accessory structures	10 ft.	10 ft.

<sup>51</sup> Editor’s Note: The current Ordinance does not provide regulations for the total park area of an MHP district. Regulations have been added as a best practice to ensure safe and attractive manufactured home parks.

<sup>52</sup> Editor’s Note: This is a new addition to provide standards for safe ingress/egress in manufactured home parks.

<sup>53</sup> Editor’s Note: The current Ordinance requires front setbacks to be 20 ft. from lot lines and 30 ft. for public roads. These distances have been proposed to be edited slightly to streamline review, and to provide more distance from the overall MHP area to a road.



	<b>MHP - Individual Pad Sites</b>	<b>MHP - Total Park Area<sup>51</sup></b>
<b>Minimum Distance Between Structures</b>		
All structures	20 ft.	20 ft.
<b>Maximum Structure Height</b>		
All structures	35 ft.	35 ft.

(A) **Development Standards.**<sup>54</sup>

- (1) Each manufactured home park shall have a sign at all entrances on a public road designating the name of the manufactured home park. Signs shall be designed and erected in accordance with the standards of **Article VIII**, Community Design Standards.
- (2) All manufactured home parks must have at least 10% of their total area dedicated to recreational use.
  - (i) 50% of the total recreational use area shall be outside of designated floodplain areas and have a slope of not more than 5%.
  - (ii) Either active or passive recreation uses, as defined in **Article X**, Definitions, of this Ordinance, shall be integrated into recreational use areas.

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<sup>54</sup> Editor’s Note: These are new requirements intended to ensure the development of safe and attractive manufactured home parks.

## Division 6. Commercial Districts Dimensional Standards.

### Section 4-6-1. Commercial District Regulations.

**Table IV-6. Commercial District Regulations.**

		B-1	B-2
<b>Minimum Lot Area<sup>55</sup></b>			
Public Water <i>AND</i> Sewer		No required minimum	No required minimum
Public Water <i>OR</i> Sewer		15,000 sq. ft.	15,000 sq. ft.
<b>NO</b> Public Water/Sewer		20,000 sq. ft.	20,000 sq. ft.
<b>Minimum Road Frontage<sup>56</sup></b>			
All Lots		50 ft.	50 ft.
<b>Minimum Required Setbacks</b>			
<i>Front</i>			
Principal structures		35 ft.	35 ft.
Accessory structures		Not permitted in front yard	
<i>Side<sup>57</sup></i>			
All structures	<i>Adjacent to agriculture, residential, or conservation district</i>	20 ft.	20 ft.
	<i>Adjacent to all other districts</i>	10 ft.	10 ft.
<i>Rear</i>			
All structures	<i>Adjacent to agriculture, residential, or conservation district</i>	40 ft.	40 ft.
	<i>Adjacent to all other districts</i>	20 ft.	10 ft.
<b>Maximum Structure Height</b>			
Principal structures*		60 ft.	60 ft.
Accessory structures		No taller than principal structure	No taller than principal structure
*Buildings may be erected to a height of 70 ft.; provided that required front, side, and rear setback minimum standards shall be increased 1 foot for each foot in height over 60 ft. <sup>58</sup>			

<sup>55</sup> Editor’s Note: Minimum lot area requirements are new dimensional standards for commercial districts and are tied to the availability of public utilities.

<sup>56</sup> Editor’s Note: Minimum road frontage requirements are new dimensional standards for commercial districts.

<sup>57</sup> Editor’s Note: Side and rear setbacks are new dimensional standards for commercial districts. Setback distances are set to promote fire safety and to promote compatibility between differing uses.

<sup>58</sup> Editor’s Note: As a result of comments from the 2/9/23 worksession, a standard has been added to allow buildings over 60 feet in height in commercial districts, provided that all setback standards are adjusted accordingly.

**Division 7. Industrial Districts Dimensional Standards.**

**Section 4-7-1. Industrial District Regulations.**

**Table IV-7. Industrial District Regulations.**

		<b>M-1</b>	<b>M-2</b>
<b>Minimum Lot Area<sup>59</sup></b>			
Public Water <i>AND</i> Sewer		15,000 sq. ft.	20,000 sq. ft.
Public Water <i>OR</i> Sewer		15,000 sq. ft.	20,000 sq. ft.
<b>NO</b> Public Water/Sewer		1 acre	1 acre
<b>Minimum Road Frontage</b>			
All lots		75 ft.	100 ft.
<b>Minimum Required Setbacks</b>			
<i>Front<sup>60</sup></i>			
All structures		50 ft.	50 ft.
<i>Side<sup>61</sup></i>			
All structures	<i>Adjacent to M-1 or M-2 districts</i>	None required	None required
	<i>Adjacent to all other zoning districts</i>	50 ft.	50 ft.
<i>Rear</i>			
All structures	<i>Adjacent to M-1 or M-2 districts</i>	None required	None required
	<i>Adjacent to all other zoning districts</i>	50 ft.	50 ft.
<b>Maximum Structure Height*</b>			
Principal structures		80 ft.	80 ft.
Accessory structures		No taller than principal structure	No taller than principal structure
*The maximum building height in both M-1 and M-2 may be increased to 120 ft. for principal structures within a recognized Industrial Park.			

<sup>59</sup> Editor’s Note: Minimum lot area is a new dimensional standard for industrial districts.

<sup>60</sup> Editor’s Note: Front setback minimums have been increased to 50 ft. for all structures in both M-1 and M-2 districts.

<sup>61</sup> Editor’s Note: Side and rear setbacks for industrial lots adjacent to other types of lots are new dimensional standards.

## Division 8. Planned Development Dimensional Standards.

### Section 4-8-1. Residential Planned Unit Development District.

**Table IV-8. Residential Planned Unit Development District Regulations.**

		RPD
Minimum Lot Area		
Entire RPD District		5 contiguous acres*
Density <sup>1</sup>		
Single-Family, Detached		3 units per acre
Two-Family		5 units per acre
Townhouses		10 units per acre
Multi-Family		15 units per acre
Minimum Required Setbacks <sup>62</sup>		
<i>Front</i>		
Principal structures	If lot is adjacent to exterior property line of RPD:	35 ft.
	All other lots	20 ft.
Accessory structures		Not permitted in front yard
<i>Side</i>		
Principal structures	If lot is adjacent to exterior property line of RPD:	10 ft.
	All other lots	6 ft.
Accessory structures		10 ft.
<i>Rear<sup>63</sup></i>		
Principal structures	If lot is adjacent to exterior property line of RPD:	30 ft.

<sup>62</sup> Editor’s Note: As a result of Ordinance amendments approved by the Board on 8/15, minimum required setbacks have been updated to include differentiation between the minimum required for lots adjacent to the exterior property line of RPD and the minimum required for all other lots.

<sup>63</sup> Editor’s Note: Rear and side setback standards are new additions for RPD districts.

		RPD
Principal structures	All other lots	20 ft.
Accessory structures		20 ft.
<b>Maximum Structure Height</b>		
All structures		80 ft.
<b>Minimum Distance between Buildings<sup>64</sup></b>		
All lots		15 ft.
<i>*None of the 5 contiguous acres required for an RPD can be under water or within a flowage easement.</i>		

(A) **General.**<sup>65</sup>

- (1) **Character of Development.** Development within RPD districts should encourage development form and character that is aesthetically pleasing and is different from conventional suburban development, which typically includes the following:
  - (i) Neighborhood friendly streets and paths;
  - (ii) Interconnected streets and transportation networks;
  - (iii) Open space amenities;
  - (iv) Appropriately scaled buildings and spaces;
  - (v) Mixture of housing types and affordability; and
  - (vi) Environmentally sensitive design.

(B) **Application and Procedures.**<sup>66</sup>

- (1) RPD districts shall be established by amendment to the Zoning Map in accordance with **Article III**, Permits and Applications, of this Ordinance.
- (2) Before filing the application, the applicant(s) shall meet with the Administrator for a pre-application meeting to discuss the proposed RPD development and review applicable requirements and approval procedures. The applicant(s) shall provide a concept plan of the proposed RPD development for review and discussion during a pre-application meeting.
  - (i) Concept plans shall be developed in accordance with the standards of **Article III**, Permits and Applications, of this Ordinance.
- (3) No development within an RPD – including, but not limited to clearing, grading, excavating, road building, site preparation, or structural improvements – shall occur prior to approval of

<sup>64</sup> Editor’s Note: As a result of Ordinance amendments approved by the Board on 8/15, the minimum distance between buildings has been decreased from 20 ft. to 15 ft.

<sup>65</sup> Editor’s Note: This is new text proposed to provide clarity regarding the intended character of RPD development.

<sup>66</sup> Editor’s Note: Section 4-8-1 (A) is new text included to establish procedures for establishing an RPD district within the County.

- a Site Development Plan in accordance with **Article III**, Permits and Applications, of this Ordinance.
- (4) All development and subsequent operation within an RPD shall be undertaken in accordance with the provisions of the approved RPD Application and Site Development Plan.
- (i) Major modifications to the RPD Site Development Plan – including changes to housing types, densities, permitted uses, architectural elevations, or general location of any elements, or other aspects of the RPD Site Development Plan – where the change is not in keeping with the concept of the approved RPD Site Development Plan shall require an amendment to the RPD Site Development Plan in accordance with **Article III**, Permits and Applications, of this Ordinance.<sup>67</sup>
- (ii) Minor modifications to the RPD Site Development Plan, which clearly are in substantial conformity with the approved RPD Site Development Plan, may be approved by the Administrator without applying for an amendment to the Site Development Plan. Substantial conformity shall mean that conformity which leaves a reasonable margin for adjustment due to final engineering data, but conforms to the general nature of the development, the specific uses, the general layout depicted by the plans, profiles, elevations, and other demonstrative materials presented by the applicant.
- (5) A proposed development may vary from the guidelines outlined in this Division, except for uses subject to approval of a rezoning or Special Use Permit in accordance with **Article III**, Permits and Applications, of this Ordinance. Any waiver from the standards and guidelines shall be specifically acknowledged by means of a proffer or conditions. A request for waiver must:
- (i) Clearly outline the requested waiver(s), and
- (ii) Justify the need or benefit to the public and community should the waiver be granted.

**(C) Open Space Requirements**

- (1) Open space shall be defined for the purposes of this Section as that total land or water within the boundaries of an RPD development, designed and intended for use and enjoyment, and not improved with buildings, structures, streets, roads, parking areas, or utilities, except for recreational structures.
- (2) The required open space shall not be less than thirty (30) percent of the total gross area of the RPD development.<sup>68</sup>
- (i) Appropriate active and passive recreational uses as defined in **Article X**, Definitions, of this Ordinance, shall be provided within the open space area to serve the development.

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<sup>67</sup> Editor's Note: This provision covers and simplifies the language outlining procedures for amending RPD development adopted by the Board on 8/15.

<sup>68</sup> Editor's Note: The required percentage of open space in an RPD district has been reduced from 50% to 30%, so as not to pose unreasonable regulations on developers. However, 50% of the open space is required to be dedicated to active recreation uses, ultimately creating more recreational opportunities than what is required under the current Ordinance.

- (ii) Fifty (50) percent of all open space within an RPD development shall be dedicated to active recreation uses.
- (3) All open space, including developed open space, shall be specifically included in the development schedule, and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.
- (4) There shall be established a non-profit association, a stock or membership corporation, trust, or property owners' association (POA) to ensure maintenance of open spaces.
  - (i) When the open space is to be maintained through a non-profit association, corporation, trust, or POA, said organization shall conform to the following requirements:
    - (a) The developer must establish the organization prior to the sale of any lots.
    - (b) Membership in the organization shall be mandatory for all residential property owners, present or future within the RPD development, and said organization shall not discriminate in its members or shareholders.
    - (c) The organization shall manage all open space and recreational facilities and shall provide for the maintenance, administration, and operation of said land and improvements, and shall secure adequate liability insurance on the land.

**(D) Development Standards<sup>69</sup>**

- (1) All fencing, lighting, signage, landscaping, streets, sidewalks, and parking and loading areas within RPD developments shall be designed in accordance with the standards of **Article VIII**, Community Design Standards, of this Ordinance.
- (2) Areas between buildings used as service yards, storage of trash, or other utility purposes should be designed to be compatible with adjoining buildings.
- (3) Setbacks shall not interfere with public safety issues such as intersection sight distance or utilities, including other public infrastructure such as sidewalks, open space, etc.
- (4) Alleys should be avoided wherever possible except where approved as part of the Site Development Plan process for the residential planned unit development as part of the rezoning process.<sup>70</sup>
- (5) Within RPD developments, all newly installed utilities shall be installed underground. Systems which require above-ground installations shall be effectively screened.<sup>71</sup>
  - (i) Screening shall be designed and installed in accordance with the standards of **Article VIII**, Community Design Standards, of this Ordinance.

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<sup>69</sup> Editor's Note: This is new text included to address design standards within RPD developments.

<sup>70</sup> Editor's Note: As a result of Ordinance amendments adopted by the Board on 8/15, added language to address avoidance of alleys wherever possible.

<sup>71</sup> Editor's Note: Text is carried over from Section 35-306 of the current Ordinance.

- (ii) RPD developments shall be served by centralized water and sewer utilities, whether public or privately operated, and shall be designed and constructed to public standards as approved by the Pittsylvania County Service Authority.
  - (iii) Unless otherwise operated by a public or private utility, private centralized utilities shall be maintained by the POA.
- (6) Residential Uses:
- (i) Residential units should be designed in a logical and attractive manner to best fit the site.
  - (ii) All RPD districts shall contain at least two different types of residential uses.<sup>72</sup>
  - (iii) The gross and net residential densities shall be shown on the approved Site Development Plan by area and for the overall development in dwelling units per acre (du/acre) and shall be binding upon its approval.

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<sup>72</sup> Editor's Note: The requirement that RPD development shall have at least two types of residential units was based on staff and community input desiring requirements that facilitated the provision of affordable housing options to meet regional demand.



## Division 9. Conservation Districts Dimensional Standards.

### Section 4-9-1. Conservation District Regulations.<sup>73</sup>

**Table IV-9. Conservation District Regulations**

<b>C-1</b>	
<b>Minimum Lot Area</b>	
All lots	1 acre
<b>Maximum Density</b>	
All lots	1 dwelling unit per 1 acre
<b>Minimum Required Setbacks<sup>74</sup></b>	
<i>Front</i>	
Lots fronting a public road (setback measured from the edge of the ROW)	35 ft.
Lots fronting a private road (setback measured from centerline)	60 ft.
Accessory structures, all lots	Not permitted in front yard
<i>Side</i>	
Principal structures	35 ft.
Accessory structures	10 ft.
<i>Rear</i>	
Principal structures	20 ft.
Accessory structures	10 ft.
<b>Maximum Structure Height</b>	
Principal structures	40 ft.
Accessory structures	40 ft.

### Section 4-9-2. Protection Measures.<sup>75</sup>

- (A) All Concept Plans and Site Development Plans for any development in the conservation district shall include specific and detailed plans and measures by the owner or agent addressing erosion and sediment control in accordance with Chapter 4, Buildings, of the Pittsylvania County Code.

<sup>73</sup> Editor’s Note: Dimensional standards for the C-1 district have been edited to be consistent with A-1 district standards. The current Ordinance states that the requirements for the C-1 and A-1 districts shall be the same.

<sup>74</sup> Editor’s Note: Side and rear setbacks are new dimensional standards for the C-1 district.

<sup>75</sup> Editor’s Note: Text is carried over from Section 35-532 of the current Ordinance. It has been reorganized and lightly edited for readability.

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Such plans shall satisfy the Administrator that any possible authorized activities will not contaminate or otherwise incapacitate the land and waters of the zone.

- (1) Failure to properly document these plans to conserve and protect the water, the watershed, the natural resources, and the land will result in denial of use.
- (B) Commercial timber harvesting of more than five (5) acres in the Conservation Districts shall have a written Preharvesting Plan (Forest Management Plan). The purpose of this plan is to reduce soil erosion and subsequent stream sedimentation through the proper design, layout, construction, maintenance, and use of logging roads, skid roads, and loading decks used in conjunction with timber harvesting operations.
  - (1) Such Preharvesting plan will be prepared by a professional forester and shall be submitted to and approved by the Administrator prior to commencing operations.

## ARTICLE V. - Overlay Zoning Districts.

### Division 1. Establishment.<sup>1</sup>

#### Section 5-1-1. General.

This article establishes overlay districts, which apply additional standards to the development and design requirements of land in the County. These district standards exist as overlays to the existing underlying zoning districts, and, as such, the provisions for the overlay districts do not replace, but shall serve to supplement the underlying district provisions. Pittsylvania County is hereby divided into the following overlay zoning districts:

**Table V-1. Overlay Zoning Districts.**

All Overlay Districts	
LSOD	Lake Surface Overlay District
FOD	Floodplain Overlay District
AOD	Airport Overlay District

### Division 2. Lake Surface Overlay District (LSOD).<sup>2</sup>

#### Section 5-2-1. Purpose and Intent.

- (A) **Purpose.** The purpose of the LSOD is to encourage public health, safety, and welfare with equitable and enforceable conditions for waterfront development in Pittsylvania County.
- (B) **Intent.** The intent of these regulations is to protect shoreland, enhance public recreation and water safety, and advance the public’s general welfare and quality of life on the lakes within the jurisdiction of Pittsylvania County.
  - (1) Where the LSOD exists, only the following primary zoning districts shall be permitted under the LSOD to protect the health, safety, and welfare of water and lakes within the jurisdiction of Pittsylvania County:<sup>3</sup>
    - (i) A-1, General Agriculture
    - (ii) R-E, Residential Estates

<sup>1</sup> Editor’s Note: This is a new Division proposed for inclusion to establish all Overlay Zoning Districts and to establish the relationship between these overlays and underlying primary zoning districts.

<sup>2</sup> Editor’s Note: Most of this text is carried over directly from Article IV, Division 1 of the current Zoning Ordinance. It has been reorganized and simplified where possible for readability.

<sup>3</sup> Editor’s Note: This text is added for clarity and protection of the water. This may be occurring in practice based on the districts with LSOD rear setbacks already designated in the current Ordinance.

- (iii) R-1, Residential Suburban Subdivision District
- (iv) RC-1, Residential Combined Subdivision District
- (v) RMF, Residential Multifamily District
- (vi) RPD, Residential Planned Unit Development District
- (vii) C-1, Conservation District

### Section 5-2-2. Applicability.

- (A) These provisions shall apply to the surface waters of Smith Mountain Lake, Leesville Lake, and other lakes of one hundred (100) acres or greater in Pittsylvania County, and to all parcels immediately adjacent to the same.<sup>4</sup>
  - (1) These provisions shall also apply to the flowage easement area of Smith Mountain Lake, as established by the Appalachian Power Company.
- (B) Peripheral boundaries of the LSOD may overlap district zones of the applicable primary district zones as listed in Section 5-2-1 (B) (1), above.

### Section 5-2-3. Development and Design Standards.<sup>5</sup>

- (A) In addition to the development standards specified in this Ordinance for underlying primary districts, the following additional standards shall apply in all LSOD overlays:
  - (1) **Setbacks.**<sup>6</sup>
    - (i) All front and side setbacks shall adhere to the standards of the underlying zoning district, as outlined in **Article IV**, Primary Zoning Districts, of this Ordinance.
      - (a) Front yards for lots and lots in subdivisions that border Smith Mountain Lake shall be assumed to be located between the principal building on the lot and the road fronting the lot. Front yards shall not be the area between the principal building and the lake.
    - (ii) The rear setbacks for all structures within an LSOD shall be as follows:

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<sup>4</sup> Editor's Note: Section 35-545 of the existing Ordinance includes text applying the provisions of the LSOD to lakes with four or more shoreline landowners. This text has been removed due to conflict with other provisions of the LSOD and due to its restrictive nature.

<sup>5</sup> Editor's Note: This is a new Section proposed for inclusion to address development and design standards for the LSOD.

<sup>6</sup> Editor's Note: Rear setbacks for parcels within the LSOD are currently included in each zoning district's regulations. They are proposed for inclusion in this Division for greater clarification and to streamline all dimensional standards for parcels in the LSOD.

**Table VI-2. Lake Surface Overlay District Rear Setbacks.<sup>7</sup>**

Primary Zoning District	Smith Mountain Lake	Leesville Lake; all other lakes 100 acres or greater
<b>Agricultural Districts</b>		
A-1	40 ft.	40 ft.
<b>Residential Districts</b>		
RE	40 ft.	40 ft.
RC-1	20 ft.	30 ft.
R-1	20 ft.	40 ft.
R-MF	30 ft.	30 ft.
RPD	30 ft.	20 ft. for single-family detached dwellings only
<b>Conservation Districts</b>		
C-1	40 ft.	40 ft.

- (2) **Fencing.** All fences erected in LSOD districts shall comply with the standards of **Article VIII**, Community Design Standards, of this Ordinance.
- (3) **Lighting.** All lighting installed in LSOD districts shall comply with the standards of **Article VIII**, Community Design Standards, of this Ordinance.
- (4) **Signs.** All signs erected in LSOD districts shall comply with the standards of **Article VIII**, Community Design Standards, of this Ordinance.
- (5) **Parking and Loading Areas.** All parking and loading areas in LSOD districts shall comply with the standards of **Article VIII**, Community Design Standards, of this Ordinance.
- (6) **Landscaping.** All landscaping in LSOD districts shall comply with the standards of **Article VIII**, Community Design Standards, of this Ordinance.
- (7) **Erosion and Sediment Control.** All development in LSOD districts shall adhere to the standards required in Chapter 4, Buildings, of the Pittsylvania County Code.

**Section 5-2-4. Piers, Docks, and Boathouses.**

(A) **Piers and Docks.** The following regulations shall apply to all piers and docks located within the LSOD:

<sup>7</sup> Editor’s Note: The current Ordinance establishes these setbacks within the primary district dimensional standards; they have been moved to this Article for clarity.

- (1) All piers and docks may extend over the water for a maximum distance of eighty (80) feet from the shoreline regardless of water depth at full pond height.
    - (i) If the lake depth at full pond height is ten (10) feet or greater, piers and docks may extend to a maximum distance of one hundred and twenty (120) feet from the shoreline.
    - (ii) If the pier or dock is in a cove, it shall not extend more than one-third of the width of the cove, measured from the shore at the point of the proposed construction to the nearest point on the opposite shoreline.
  - (2) All piers and docks shall extend into the water to remain confined within a projection of the side or rear lot lines of the parcel on which the pier is located.
  - (3) Construction of all piers and docks shall conform to the provisions of this Ordinance and all other applicable local, state, and U.S. Army Corps of Engineers regulations.
- (B) **Boathouses and Similar Structures.** The following regulations shall apply to all boathouses and similar structures located within the LSOD:<sup>8</sup>
- (1) All boathouses and similar structures shall be required to conform to the length requirements as stated in (A), above.
  - (2) No boathouse or similar structure shall exceed a height greater than twenty (20) feet from full pond level if it has a flat roof, or twenty-eight (28) feet from full pond level if it has a pitched roof.
  - (3) Boathouses or similar structures shall not have septic hookups or be used as living quarters of any kind.
  - (4) No boathouse or similar structure shall have more than two (2) stories.
    - (i) Second stories of boathouses or similar structures shall not be enclosed.
  - (5) Screened areas of all boathouses or other similar structures are not considered enclosed areas. Construction of all boathouses shall conform to the provisions of this Ordinance and all other applicable local, state, and U.S. Army Corps of Engineers regulations.
- (C) There shall be no more than three separate, freestanding piers, docks, or boathouses on any one residential lot.<sup>9</sup>

### Section 5-2-5. Moorings and Floats.

- (A) Moorings and floats shall be placed in lakes for navigational purposes only with the expressed written approval of the Administrator.<sup>10</sup>

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<sup>8</sup> Editor's Note: (2), (3), and (4) are new standards introduced to ensure that boathouses are constructed and used only as defined in Article X, Definitions.

<sup>9</sup> Editor's Note: This is a new regulation intended to limit the number of structures and associated land disturbance on residential lots in the LSOD.

<sup>10</sup> Editor's Note: The current Ordinance gives the Board of Supervisors the authority to review and approve all moorings and floats; however, this is proposed to be an administrative process to streamline application review.

(B) The following regulations shall apply to all moorings and floats located within the LSOD:

- (1) Moorings and floats shall be located to permit unobstructed passage of boats.
- (2) Moorings and floats shall not be anchored in any manner to deny or obstruct access to lakes from boathouses, piers, docks, or boat launch ramps.
- (3) Moorings and floats shall be separated on every side from any other mooring or float by a minimum distance of fifty (50) feet.

### Section 5-2-6. Variances.

Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this Article may apply for a variance from these regulations in accordance with **Article III**, Permits and Applications, of this Ordinance.<sup>11</sup>

## Division 3. Floodplain Overlay District (FOD).<sup>12</sup>

### Section 5-3-1. Purpose and Intent.

The purpose of the FOD 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.

### Section 5-3-2. Regulations.

Regulations for all use, activities and development in floodplain areas as designated on the official Flood Insurance Rate Map (FIRM) shall be controlled by Chapter 23, Flood Plain Management, of the Pittsylvania County Code.

## Division 4. Airport Overlay District (AOD).<sup>13</sup>

### Section 5-4-1. Purpose and Intent.

(A) **Purpose.** The purpose of this section is to regulate and restrict land development and the use of property in the vicinity of the Danville Regional Airport through the establishment of the Airport Overlay District.

- (1) Land development which constitutes an airport hazard endangers the lives and property of the users of the airport and of the occupants of land in its vicinity.
- (2) Airport hazards in effect reduce the size of the area available for landing, take-off, and maneuvering of aircraft, therefore tending to destroy or impair the utility of and public investment in the Danville Regional Airport.

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<sup>11</sup> Editor's Note: This is a new regulation to address applications for variances for all structures within an LSOD.

<sup>12</sup> Editor's Note: This Division is proposed to replace Article IV, Division 2 of the current Ordinance.

<sup>13</sup> Editor's Note: Most of Division 4 is text is directly from Article IV, Division 4 of the current Ordinance. It has been reorganized and simplified where possible for readability.

(3) Accordingly, it is declared necessary in the interest of the public health, safety, and general welfare of the citizens of Pittsylvania County, that the prevention of hazards shall be accomplished by the application and enforcement of special regulations relative to hazards referred to in this Division.

(B) **Intent.** It is the intent of the AOD to regulate vertical encroachment obstructions within the airport safety zone area and to regulate land uses within designated existing or projected airport noise impact areas.

### Section 5-4-2. Applicability.

These provisions shall apply to all parcels within the AOD, the boundaries of which are established on the Pittsylvania County Zoning Map.

### Section 5-4-3. General Regulations.

(A) **Airport Safety Zones.** Title 14 of the Code of Federal Regulation, Subchapter E (Airspace), Part 77.25 et seq., or in successor federal regulations, shall delineate the locations of airport safety zones within the AOD.<sup>14</sup>

(B) **Permits.** All Site Development Plans and applications for building permits, rezonings, variances, and Special Use Permits within the AOD shall be reviewed by the Administrator to ensure compliance with this Division and with applicable regulations enforced by the Federal Aviation Administration (FAA) and the Virginia Department of Aviation.

(1) It shall be unlawful to construct, alter, repair, remove, or demolish, or to commence the construction, alteration, removal, or demolition of a building or structure within the AOD without first filing a Zoning Permit application in writing with the Administrator, as provided for in **Article III**, Permits and Applications, of this Ordinance.<sup>15</sup>

(2) Any such application shall be so conditioned as to require the owner of the property or structure in question, at their expense, to install, operate, and maintain such markings and lights as may be deemed necessary by the Administrator, acting with the advice and recommendation of the FAA and the manager of the Danville Regional Airport.

(3) Nothing in this Division shall prohibit the filing of an amendment or change to an application. Any amendments shall be filed and processed in the manner of a new application.

(C) **Nonconforming Uses, Lots, and Structures.** Nothing in this Ordinance shall require changes in the plans, construction, or designated use for a legally nonconforming use, lot, or structure, as provided for in **Article IX**, Nonconforming Uses, Lots, and Structures, of this Ordinance.

(1) Notwithstanding the provisions of this Section, the owner of any existing valid nonconforming use, lot, or structure shall permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the FAA, the Virginia Department of

<sup>14</sup> Editor's Note: This is new text added to include reference to the federal regulations for airport safety zones.

<sup>15</sup> Editor's Note: The current Ordinance refers to a "zoning clearance" for new structures within an AOD. This is outdated language; text has been updated to reflect what is occurring in practice.



Aviation, or the Administrator to indicate to operators of aircraft the presence of that airport obstruction.

- (i) Markers and lights shall be installed, operated, and maintained at the expense of the owner of the nonconforming use, lot, or structure.<sup>16</sup>

#### Section 5-4-4. Development and Design Standards.<sup>17</sup>

- (A) Where there is any conflict between the provisions or requirements of any of the AOD and those of any underlying district, the more restrictive provisions shall apply. In addition to the development standards specified in this Ordinance for underlying primary zoning districts, the following additional standards shall apply in all AOD areas:
- (1) **Setbacks.** All setbacks shall comply with the standards of the underlying zoning district, as outlined in **Article IV**, Primary Zoning Districts, of this Ordinance.
  - (2) **Height.**
    - (i) No structure or building within an AOD shall exceed 40 feet in height.
    - (ii) No structure, building, tower, antenna, smokestack, chimney, overhead transmission line, or any other object shall be erected, constructed, altered, or enlarged in such a manner as to create a hazard or obstruction in the AOD.
  - (3) **Fencing.** All fences erected in the AOD shall comply with the standards of **Article VIII**, Community Design Standards, of this Ordinance.
  - (4) **Lighting.** All lighting installed in the AOD shall comply with the standards of **Article VIII**, Community Design Standards, of this Ordinance, in addition to applicable regulations of the FAA.
  - (5) **Signs.** All signs erected in AOD districts shall comply with the standards of **Article VIII**, Community Design Standards, of this Ordinance, in addition to applicable regulations of the FAA.
  - (6) **Parking and Loading Areas.** All parking and loading areas in the AOD shall comply with the standards of **Article VIII**, Community Design Standards, of this Ordinance.
  - (7) **Landscaping.** No landscaping in the AOD shall exceed 40 feet in height. All landscaping in the AOD shall comply with the standards of **Article VIII**, Community Design Standards, of this Ordinance.
  - (8) **Erosion and Sediment Control.** All development in the AOD shall adhere to the standards required in Chapter 4, Buildings, of the Pittsylvania County Code.

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<sup>16</sup> Editor's Note: This is new text, included to clarify that property owners of nonconforming uses, lots, and structures within an AOD are still required to comply with any local, state, or federal requirements for safety markers and lighting.

<sup>17</sup> Editor's Note: This is a new Section proposed for inclusion to address development and design standards for the AOD.

### Section 5-4-5. Use Regulations.

- (A) **Use Restrictions.** No use is allowed within the AOD which:
- (1) Creates electrical interference with radio communications between aircraft and the airport;
  - (2) Increases the difficulty of flyers to distinguish between airport lights and other lights;
  - (3) Results in glare in the eyes of pilots using the airport;
  - (4) Emits smoke which impairs visibility of the airport; or
  - (5) Otherwise endangers the landing, take-off, or maneuvering of aircraft.
- (B) The following uses as established in **Article VI**, Use Matrix, of this Ordinance shall not be erected or otherwise located in the AOD to protect the health, safety, and welfare of the public.<sup>18</sup>
- (1) Commercial Indoor Recreation
  - (2) Dwelling, Multi-Family
  - (3) Education Facilities
  - (4) Group Home
  - (5) Hospitals
  - (6) Hotels
  - (7) Nursing Homes
  - (8) Park, Manufactured Home
  - (9) Recreation facilities
  - (10) Religious Assembly
  - (11) Store, Large, exceeding 150,000 gross square feet.

### Section 5-4-6. Variances.

Any person desiring to erect or increase the height or size of any structure or vegetation not in accordance with the regulations prescribed in this Article may apply for a variance from these regulations in accordance with **Article III**, Permits and Applications, of this Ordinance.<sup>19</sup>

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<sup>18</sup> Editor's Note: The uses prohibited within an AOD have not changed from the current Ordinance; however, the names of the uses have been altered to match the new use names in Article VI.

<sup>19</sup> Editor's Note: This is a new regulation to address applications for variances within an AOD.

## ARTICLE VI. – Use Matrix.

### Division 1. Uses Provided.

#### Section 6-1-1. Organization.

The Use Matrix organizes permitted uses by use zoning district, use categories, and use types. The Use Matrix, [Article VII](#), Use Performance Standards, and [Article X](#), Definitions, of this Ordinance, together provide a systematic basis for identifying and organizing uses and distinguishing unidentified uses to determine whether a particular use is allowable in a particular zoning district.

- (1) **Use classifications.** Use classifications identify broad general classifications of land use and include agricultural uses; residential uses; public, civic, and recreational uses; commercial uses; industrial uses; and miscellaneous uses.
- (2) **Use types.** The specific use types identify the specific principal uses that fall within each use classification.

(B) If a use’s definition states that the particular use is permitted as ancillary or accessory to another use, a second Zoning Permit is not required for that ancillary or accessory use.

#### Section 6-1-2. Abbreviations in Use Matrix.

- (A) **Permitted Uses.** “P” in a Use Matrix cell indicates that the use type in that row is allowed by-right in the zoning district at the head of that column, subject to any Use Performance Standards of [Article VII](#) of this Ordinance.
- (B) **Special Uses.** “SUP” in a Use Matrix cell indicates that the use type in that row is allowed in the zoning district at the head of that column only upon approval of a Special Use Permit, in accordance with [Article III](#), Permits and Applications, and subject to any Use Performance Standards of [Article VII](#) of this Ordinance.
- (C) **Prohibited Uses.** Blank cells in the Use Matrix indicate that the use type in that row is prohibited in the zoning district at the head of that column.

### Division 2. Uses Not Provided.

#### Section 6-2-1. Uses Not Provided.

- (A) Any use that is not specifically listed as a permitted use or a Special Use is prohibited.
- (B) The Administrator will determine whether an unlisted use is part of an existing use category or use type as defined in [Article X](#), Definitions, of this Ordinance. Upon determining the most similar use type, the Administrator will treat the proposed use the same as the most similar use.
- (C) If the Administrator determines that the proposed use is not similar to any listed use type, that use is prohibited.

**Table VI-1. Use Matrix.**

Use	Primary Zoning Districts												Use Performance Standards
	A-1	R-E	R-1	RC-1	RMF	MHP	B-1	B-2	M-1	M-2	RPD	C-1	
<i>B = By-Right    SUP = Special Use Permit    Blank = Not Permitted</i>													
<b>Agricultural</b>													
Agriculture	B											B	
Agriculture, Intensive	B												7-2-1
Agriculture, Residential	B	B	B			B						B	7-2-2
Agritourism	B											B	7-2-3
Anaerobic Digester	SUP												
Greenhouse	B						B	B	B			B	
Processing Facility, Small-Scale	SUP								B	B		SUP	7-2-4
Slaughterhouse	SUP									SUP			
Stable, Commercial	B											SUP	7-2-5
Stable, Private	B	SUP										B	7-2-6
Wayside Stand	B	B										B	7-2-7
<b>Residential</b>													
Bed and Breakfast	SUP	SUP					B					SUP	7-3-1
Day Care, Family Home (1-4 Children)	B	B	B	B	B							B	B
Day Care, Family Home (5-12 Children)	B	B	SUP	SUP							SUP		
Dwelling, Accessory	B	B	B	B								B	B
Dwelling, Manufactured Home	B			B		B							7-3-3
Dwelling, Multi-Family					B							B	7-3-4
Dwelling, Single-Family	B	B	B	B	B							B	B

Use	Primary Zoning Districts												Use Performance Standards
	A-1	R-E	R-1	RC-1	RMF	MHP	B-1	B-2	M-1	M-2	RPD	C-1	
	<i>B = By-Right    SUP = Special Use Permit    Blank = Not Permitted</i>												
Dwelling, Two-Family				B	B						B		
Dwelling, Townhouse				B	B						B		7-3-5
Family Health Care Structure, Temporary	B	B	B	B	B						B	B	7-3-6
Group Home	B	B	B	B	B						B	B	
Halfway House	SUP							SUP					
Home Occupation, Class A	B	B	B	B	B	B	B					B	7-3-7
Home Occupation, Class B	B	SUP	SUP	SUP								B	7-3-8
Life Care Facility	SUP	SUP	SUP		B			B			SUP <sup>1</sup>		
Manufactured Home Park						B							
Shelter, Residential							SUP	SUP					
Short-Term Rental	B	B	SUP				B					B	7-3-9
Public, Civic, and Recreational													
Airport, Public	SUP								SUP	SUP			
Amateur Radio Tower	B	B	B						B			B	
Camp	SUP											SUP	7-4-1
Campground	SUP											SUP	7-4-2
Campground, Primitive	SUP											SUP	7-4-3
Cemetery	B						B	B	B				
Club	B	SUP	SUP				B	B			B	B	7-4-4
Community Center	SUP	SUP	SUP	SUP	SUP		B	B			SUP	SUP	

<sup>1</sup> Editor’s Note: As a result of Ordinance amendments adopted by the Board on 8/15, updated to allow Life Care Facilities through SUP in RPD.

Use	Primary Zoning Districts												Use Performance Standards	
	A-1	R-E	R-1	RC-1	RMF	MHP	B-1	B-2	M-1	M-2	RPD	C-1		
	<i>B = By-Right SUP = Special Use Permit Blank = Not Permitted</i>													
Conservation Area	B	B										B	B	
Educational Facility, College, University, Business, or Trade							SUP	B	SUP					
Educational Facility, Primary or Secondary	SUP	SUP	SUP				B	B					SUP	
Park	B	B	B	B	B	B	B	B				B	B	
Public Use	B	B	B	B	B	B	B	B	B	B	B	B	B	
Recreational Facility, Private	SUP				B	B						B		
Recreational Facility, Public	B						B	B					B	
Religious Assembly	B	B	B	B	B	B	B	B				B	B	
Shelter, Animal	B						B	B						
Telecommunications Facility	SUP							SUP	SUP	SUP				7-4-5
Telecommunications Facility, Small-Cell	B	B	B	B	B	B	B	B	B	B	B	B	B	7-4-6
Utility Service, Major	SUP						SUP	SUP	SUP	SUP			SUP	7-4-7
Utility Service, Minor	B	B	B	B	B	B	B	B	B	B	B	B	B	7-4-8
Wildlife Preserve	B												B	

Use	Primary Zoning Districts												Use Performance Standards
	A-1	R-E	R-1	RC-1	RMF	MHP	B-1	B-2	M-1	M-2	RPD	C-1	
<i>B = By-Right SUP = Special Use Permit Blank = Not Permitted</i>													
<b>Commercial</b>													
Adult Use								SUP					7-5-1
Auction House	SUP						SUP		B				
Brewery or Distillery, Micro-	B						B	B	B				
Car Wash							B	B	B				7-5-2
Catering Services							B	B					
Construction Material Sales								B	B				
Crematories									B	B			
Day Care Center	SUP	SUP	SUP		SUP		B	B			B		
Event Venue	SUP						SUP	B					7-5-3
Farmer's Market	B						B	B			B	B	
Funeral Home	SUP						B	B					
Gasoline Stations	SUP						B	B	B	B			7-5-4
Hospitals							B	B					
Hotel or Motel							B	B			SUP <sup>2</sup>		
Kennel, Commercial	SUP						SUP	B					7-5-5
Manufactured/Mobile Home Sales								B	B				
Marina	SUP						B	B			SUP	SUP	7-5-6
Mini Warehouse							SUP	B	B				
Office, General							B	B	B				
Office, Medical/Clinic							B	B					

<sup>2</sup> Editor’s Note: As a result of Ordinance amendments adopted by the Board on 8/15, updated to allow Hotel or Motel through SUP in RPD.

Use	Primary Zoning Districts												Use Performance Standards
	A-1	R-E	R-1	RC-1	RMF	MHP	B-1	B-2	M-1	M-2	RPD	C-1	
	<i>B = By-Right    SUP = Special Use Permit    Blank = Not Permitted</i>												
Outdoor Sales, Seasonal							B	B					7-5-7
Personal Services							B	B	B		SUP		
Raceway	SUP								SUP	SUP			
Recreation/Amusement, Indoor							B	B					
Recreation, Outdoor	SUP						B	B			B		7-5-8
Recreational Entertainment, Outdoor							SUP	SUP			SUP		
Recreational Vehicle Storage Facility	SUP							B			B		7-5-9
Restaurant, General							B	B	B				
Restaurants, Mobile	B	B	B	B	B	B	B	B	B	B	B	B	7-5-10
Shooting Range, Outdoor	SUP											SUP	
Special Event	SUP						SUP	SUP					7-5-11
Store, Convenience	SUP						B	B	B		SUP		7-5-12
Store, Large							B	B	B		SUP <sup>3</sup>		
Store, Small							B	B	B		SUP <sup>4</sup>		
Tradesperson Service							B	B	B				7-5-13
Truck Stop								SUP	SUP	B			7-5-14
Vehicle Repair Service	SUP						SUP	B	B				7-5-15
Veterinary Hospital	SUP						B	B					7-5-16
Winery, Micro-							B	B					

<sup>3</sup> Editor’s Note: As a result of Ordinance amendments adopted by the Board on 8/15, updated to allow Store, Large through SUP in RPD.

<sup>4</sup> Editor’s Note: As a result of Ordinance amendments adopted by the Board on 8/15, updated to allow Life Care Facilities through SUP in RPD.



Use	Primary Zoning Districts												Use Performance Standards
	A-1	R-E	R-1	RC-1	RMF	MHP	B-1	B-2	M-1	M-2	RPD	C-1	
	<i>B = By-Right SUP = Special Use Permit Blank = Not Permitted</i>												
<b>Industrial</b>													
Battery Storage Facility	SUP								SUP	SUP			7-6-1
Brewery or Distillery									B	B			
Construction Yard								B	B	B			
Data Center									SUP	SUP			7-6-2
Hazardous Materials, Manufacturing, Storage, and Distribution										SUP			
Junkyard/Salvage Yard										SUP			7-6-3
Laboratory, Research, and Development								SUP	B	B			
Laundry Service, Commercial									B				
Manufacturing, Heavy										B			
Manufacturing, Light									B	B			
Manufacturing, Small-Scale								B	B	B			
Mining; Minerals Extraction & Processing	SUP								SUP	SUP			7-6-4
Oil/Gas Exploration	SUP									SUP			7-6-5
Recycling Facility	SUP								SUP	B			
Sawmill or Planing Mill, Permanent	SUP								B	B			
Sawmill, Temporary	B								B	B		B	7-6-6
Truck/Freight Terminal									B	B			
Warehousing and Distribution								SUP	B	B			

Use	Primary Zoning Districts												Use Performance Standards
	A-1	R-E	R-1	RC-1	RMF	MHP	B-1	B-2	M-1	M-2	RPD	C-1	
<i>B = By-Right    SUP = Special Use Permit    Blank = Not Permitted</i>													
Miscellaneous													
Accessory Structure	B	B	B	B	B	B	B	B	B	B	B	B	7-7-1
Boathouse	B	B	B	B	B	B					B	B	7-7-2
Construction Building or Yard, Temporary	B	B	B	B	B	B	B	B	B	B	B	B	7-7-3
Kennel, Private	B	B	B									B	7-7-4
Mixed-Use Structure							B	B			B		7-7-5
Outdoor Display							B	B	SUP	SUP			7-7-6
Outdoor Storage	B						SUP	SUP	B	B			7-7-7
Parking, Off-Site							B	B	B	B			
Piers, Private	B	B	B	B	B	B					B	B	7-7-8
Residential Yard Sale	B	B	B	B	B	B					B	B	7-7-9
Solar Energy Facility, Large-Scale	SUP						SUP	SUP	B	B			7-7-10
Solar Energy Facility, Small-Scale	B	B	B	B	B	B	B	B	B	B	B	B	7-7-11
Solar Energy Facility, Utility-Scale	SUP								SUP	SUP			7-7-12
Transportation Services	SUP						B	B	B			SUP	

## **ARTICLE VII. – Use Performance Standards<sup>1</sup>.**

### **Division 1. General.**

#### **Section 7-1-1. Purpose and Intent.<sup>2</sup>**

The following additional regulations apply to specific uses as set forth below. These regulations are intended to serve as the minimum standards for these uses and are not intended to exclude other provisions of this Ordinance that may apply. The standards set forth in this Article for a specific use apply to the individual use, regardless of the review procedure by which it is approved, unless otherwise specified in this Ordinance.

#### **Section 7-1-2. Must Meet Other Regulations.**

(A) Each use provided in this Article may also require permits and approvals, including:

- (1) Zoning Permit;
- (2) Special Use Permit;
- (3) Site Development Plan Approval; and/or
- (4) Other Pittsylvania County required permits, such as a business license.

(B) Applicants should consult with Pittsylvania County staff to ensure all permits and requirements are met.

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<sup>1</sup> Editor's Note: Unless otherwise noted, all following use performance standards are new additions and not provided in the existing Ordinance.

<sup>2</sup> Editor's Note: Proposed to replace Section 35-111 in the existing Ordinance.

## Division 2. Agricultural Use Standards.

### Section 7-2-1. Agriculture, Intensive.<sup>3</sup>

#### (A) Acreage.

- (1) Beef or Dairy Cattle.
  - (i) **Animal Units.** Intensive beef or dairy cattle facilities shall be considered any confined and fed agricultural operation with a minimum of 300 cattle.
  - (ii) **Lot Area.** Minimum lot area of 100 acres.
- (2) Poultry.
  - (i) **Animal Units.** Intensive poultry facilities shall be considered any confined and fed agricultural operation with a minimum of 16,500 turkeys or 30,000 laying hens or broilers.
  - (ii) **Lot Area.** Minimum lot area of 20 acres.
- (3) Swine.
  - (i) **Animal Units.** Intensive swine facilities shall be considered any confined and fed agricultural operation with at least 750 swine weighing 55 pounds or more.
  - (ii) **Lot Area.** Minimum lot area of 100 acres.
- (4) Acreage for intensive agriculture uses is permitted to be non-contiguous if common ownership can be proved.

#### (B) Setbacks.<sup>4</sup>

- (1) Large swine operations.
  - (i) Swine operations of 7,400 to 9,400 hogs or 1,200 to 2,400 sows shall comply with the following minimum setbacks:
    - (a) 500 ft. from any existing dwelling unit in the A-1 zoning district.
    - (b) 800 ft. from any existing dwelling unit in any other zoning district.
  - (ii) Swine operations of more than 9,400 hogs or 2,400 sows shall be located at least 1,800 ft. from any existing dwelling unit, regardless of the primary underlying zoning district.
    - (a) Setbacks may be reduced from 1,800 ft. to 1,500 ft. if a 10 ft. wide vegetative buffer at least 6 ft. in height is planted.

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<sup>3</sup> Editor's Note: Standards for intensive agriculture uses are included in Section 35-189 of the existing Ordinance; they have been reorganized and rewritten for clarity.

<sup>4</sup> Editor's Note: Section 35-189.3.3 of the existing Ordinance includes requirements for setbacks and buffering for individuals constructing a new residential dwelling on property adjacent to an intensive agriculture use; these requirements have been removed due to unreasonable burden on adjacent property owners.

- (b) Setbacks may be reduced from 1,800 ft. to 1,000 ft. if a 10 ft. wide vegetative buffer at least 6 ft. in height is planted.
- (2) Operations other than large swine as noted above.
  - (i) All structures associated with intensive agriculture uses shall be located at least 250 ft. from any property line.
  - (ii) All structures associated with intensive agriculture uses shall be located at least 250 ft. from any private or public roadway.
  - (iii) All structures associated with intensive agriculture uses shall be located at least 300 ft. from any existing dwelling unit in the A-1 zoning district, and at least 600 ft. from any existing dwelling unit in all other zoning districts.
    - (a) Setbacks from existing dwelling units not in the A-1 zoning district may be reduced to 400 ft. if a Type D buffer is planted in accordance with Article VIII, Community Design Standards, of this Ordinance.
- (3) Lagoons and land application of manure. Any land application of manure, wastewater or nutrient of any nature from a lagoon type treatment facility shall comply with those setback requirements as outlined in Section 62.1- 44.17.1 of the State Water Control Law, 1994 and the General Permit Regulation VR 680-14-01, regulatory citation 9 VAC 25-192.

**(C) Permits and Plans.**

- (1) **Site Development Plans.** Prior to issuance of a building permit, all intensive agriculture uses shall submit a Site Development Plan in accordance with Article III, Permits and Applications, of this Ordinance.
- (2) **Nutrient Management Plans.** All intensive agriculture uses shall submit an approved Nutrient Management Plan and any required federal and state permits prior to the issuance of any building or Zoning Permits for the use.
  - (i) After the effective date of this Ordinance, no intensive agriculture facility shall commence operation until a Nutrient Management Plan has been reviewed and approved by the Virginia Department of Conservation and Recreation or by the Virginia Cooperative Extension Service or by a person certified or employed by the Commonwealth as a nutrient management planner.
  - (ii) If off-site disposal is part of the Nutrient Management Plan, the operator shall provide, as part of that Nutrient Management Plan, written documentation of an agreement with the receiver of the wastes produced at the operator's facility or a notarized affidavit, that states the operator's intention to dispose of the waste through sale in retail establishments or otherwise marketing to consumers.
    - (a) Documentation shall specify the duration of the agreement and the nature of the application or use of the wastes.

- (b) A Nutrient Management Plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such an agreement expires or is terminated by either party.
- (c) The operator shall notify the Administrator whenever such an agreement is terminated before its stated expiration date within 15 days of such termination.
- (iii) The facility shall also provide for a site, with or without a permanent structure, for the storage of animal waste if required by the Commonwealth of Virginia and meet all applicable standards.
  - (a) Notwithstanding the above, if an operator is unable to locate a storage site on the same parcel of land because of insufficient acreage or topographical hardship, then the Administrator, after consultation with the operator's engineer, may permit the storage site to be located on adjacent land owned by the operator; or, if there is a valid agreement for off-site disposal as provided in this Section, the Administrator may permit the storage site be located on a parcel specified in the agreement for off-site disposal.
  - (iv) The Nutrient Management Plan shall be reviewed and updated every 5 years by an agent of the Virginia Department of Conservation and Recreation, the Virginia Cooperative Extension Service, or by a person certified or employed by the Commonwealth as a nutrient management planner.
- (3) **Certified Plat.** The owner or operator of an intensive agriculture use constructed or completed after the effective date of this Ordinance shall file with the Administrator a certified plat, which shall include the following:
  - (i) The entire parcels on which the intensive agriculture facility is located; and
  - (ii) The location of the intensive agriculture facility within the parcel or parcels.
  - (iii) The owner or operator shall also include a written statement, sworn to and subscribed before a notary public, certifying to the Administrator that the intensive agriculture facility shown on the plat meets all applicable setback requirements of this Ordinance.

**(D) Disposal of Dead Animals.**

- (1) The owner or operator, or any employee of an intensive agriculture use, shall only dispose of dead animals by the following methods:
  - (i) An on-site composting facility;
  - (ii) An off-site rendering facility;
  - (iii) An on-site incineration facility; or
  - (iv) Disposal in an approved Subtitle D landfill.
  - (v) Open pit disposal is expressly prohibited.

(vi) No owner or operator, or any employee of an intensive agriculture use, shall dispose of dead animals in a public or private road, or knowingly leave a dead animal unburied upon the property.

(E) **Exemptions.** The provisions of Chapter 29, Waste Ordinance, and Chapter 32, Solid Waste Siting, of the Pittsylvania County Code shall not apply to intensive agriculture facilities.

## Section 7-2-2. Agriculture, Residential.

(A) **Applicability.** This Section applies to lots of 10 acres or less.

(1) The keeping of livestock animals on 10 or more acres shall be considered an Agriculture use as permitted in **Article VI**, Use Matrix, of this Ordinance, and defined in **Article X**, Definitions, of this Ordinance.

(B) **Definitions.**

(1) **Animal Unit:** For the purpose of determining the number of livestock animals permitted to be kept as residential agriculture, one (1) animal unit shall consist of domestic or domesticated animals/fowl based on the following:<sup>5</sup>

- (i) One (1) animal unit = one (1) adult bovine (cattle, buffalo);
- (ii) two (2) juvenile bovine animals less than one (1) year old;
- (iii) one (1) equine animal (horse, donkey, mule);
- (iv) five (5) camelid animals (llamas, alpacas);
- (v) five (5) capridae animals (goats);
- (vi) two (2) porcine animals (pigs);
- (vii) sixteen (16) small poultry (chickens, ducks);
- (viii) eight (8) medium poultry (turkeys, geese); or
- (ix) three (3) large poultry (ostriches, emus).

(C) **Lot Area.**<sup>6</sup> There shall be a minimum of 1 acre per animal unit.

(D) **Maximum Permitted.**<sup>7 8</sup>

- (1) Maximum of 2 animal units in the R-1, RMF, and MHP zoning districts.
- (2) Maximum of 4 animal units in the R-E and C-1 zoning districts.

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<sup>5</sup> Editor's Note: Animal unit equivalents are based on best practice.

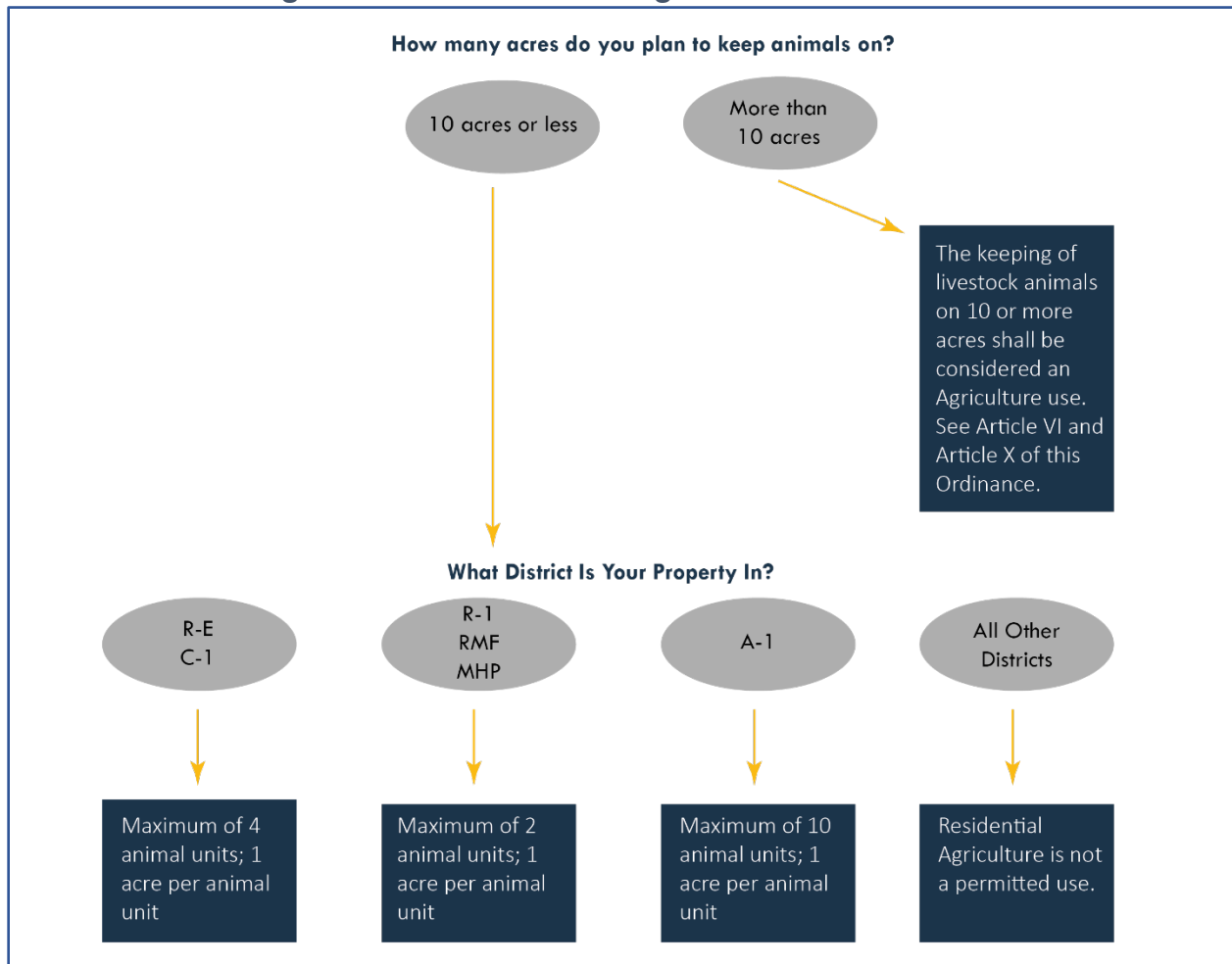
<sup>6</sup> Editor's Note: Recommended minimum to ensure animal safety and welfare.

<sup>7</sup> Editor's Note: As a result of feedback during the 6/8 worksession, the maximum permitted in the A-1 district has been removed.

<sup>8</sup> Editor's Note: As a result of staff feedback, (3), (4), and (5) have been added to provide greater clarity for maximum permissions and for determining the number of animal units that may be kept on a property.

- (3) Different combinations of domesticated animals/fowl may be kept on the same property, so as long as the total number of animal units does not exceed the maximum permitted.
- (4) Animal units may be halved but shall not be further divided.
- (5) In calculating the maximum number of animal units permitted on a lot, if the maximum number is a fraction, the maximum number permitted shall be rounded down to the nearest whole number.

**Figure VII-1. Residential Agriculture Standards.<sup>9</sup>**



<sup>9</sup> Editor’s Note: As a result of feedback during the 6/8 worksession, this figure has been added to help explain residential agriculture standards.



**Table VII-1. Example of Determining Residential Agriculture Permissions.<sup>10</sup>**

	District	Acres	Animals Desired	Number of Animals that Meet Maximum Permitted
<b>Information from Property Owner</b>	Primary residence is in R-1	5 acres for animal keeping	Would like to have chickens and pigs	Maximum of 4 animal units permitted
<b>Permitted by Ordinance</b>	Permitted by-right in R-1	1 acre required for each animal unit	Maximum of 4 animal units permitted 1 animal unit = 16 chickens 1 animal unit = 2 pigs	<i>Possible Combinations:</i> 16 chickens & 2 pigs 24 chickens & 1 pig 8 chickens & 3 pigs

*Note: The information in this table is an example reflecting a hypothetical situation and should not be interpreted to apply to all instances of residential agriculture.*

**(E) Chickens.**

- (1) **Lot Area.** Minimum lot area of 20,000 sq. ft. per 8 chickens.
- (2) **Maximum Units.** Maximum of 30 chickens.
- (3) **Setbacks.**
  - (i) All enclosures, runs, and coops shall be located at least 10 ft. from any property line and at least 30 ft. from any dwelling not owned by the applicant.
- (4) **General Standards.**
  - (i) The keeping of chickens shall comply with all relevant state and federal laws.
  - (ii) The keeping of roosters shall be prohibited in the R-1, RMF, and MHP districts.
  - (iii) Chickens shall be used only for non-commercial domestic purposes. The harvesting of chickens for commercial purposes is prohibited.
  - (iv) No enclosures, runs, or coops shall be located in a front setback or within the front yard of a lot.
    - (a) The Administrator may grant an exception to this requirement in cases where due to unusual lot configuration, steep slopes, or proximity of neighbors, another area of the yard is more suitable for such an activity.
  - (v) Chickens shall not roam beyond the property line of the owner.
    - (a) In the R-1 and MHP districts, chickens shall always remain in a covered enclosure or coop.

<sup>10</sup> Editor’s Note: As a result of feedback during the 6/8 worksession, this table has been added to help explain residential agriculture standards.

- (vi) All coops shall provide at least 3 sq. ft. of area per chicken and all runs shall provide at least 10 sq. ft. per chicken.

**(F) Bees.**

**(1) Lot Area.**

- (i) 2 hives permitted with a minimum 15,000 sq. ft. of lot area.
- (ii) 3 hives permitted with a minimum 20,000 sq. ft. of lot area.
- (iii) 4 hives permitted with a minimum 25,000 sq. ft. of lot area.
- (iv) 5 or more hives permitted with a minimum 1 acre of lot area.

**(2) Setbacks.**

- (i) Located a minimum of 10 ft. to any property line and at least 30 ft. from any dwelling not owned by the applicant.

**(3) General Standards.**

- (i) Bees shall only include European Honeybees, otherwise known by the species name *Apis Mellifera*.
- (ii) No hives shall be located in a front setback or within the front yard of a lot.
- (iii) A constant supply of fresh water shall be provided on the lot within 20 ft. of all hives.
- (iv) A fly away barrier of at least 6 ft. in height shall shield any part of a property line that is within 25 ft. of a hive.
  - (a) Fly away barriers shall consist of dense vegetation, a wall, or a solid fence. Any wall or fence shall comply with **Article VIII**, Community Design Standards, of this Ordinance.
- (v) Any sale of bees on combs or hives, used beekeeping equipment, or appliances shall have a certificate of health as required by the Code of Virginia § 3.2-4407, as amended.
- (vi) A minor sign, in accordance with **Article VIII**, Community Design Standards, shall be provided for reasonable warning of the presence of beehives.
- (vii) Beekeepers shall abide by the Beekeeping Best Management Practices provided by the Virginia Department of Agriculture.

**Section 7-2-3. Agritourism.**

- (A) Applicability.** This section applies only to events and activities and does not apply to the agricultural operation itself.

- (1) Any agriculture operation event may be held only if the bona fide agricultural operation to which it is subordinate has:
  - (i) A minimum of 10 acres of land in active agricultural production on-site, or on any abutting lot under the same ownership.

- (a) For lots smaller than 10 acres, applicants may seek a Special Use Permit, in accordance with **Article III**, Permits and Applications, of this Ordinance.
  - (ii) At least 1 growing season per calendar year.
- (B) **Trip Generation.**<sup>11</sup> The event or activity shall generate no more than 250 visitor vehicle trips per day and each event or activity shall have 500 or fewer attendees at any single time.
  - (1) Events or activities that generate more than 250 visitor vehicle trips per day shall require a Special Use Permit, in accordance with **Article III**, Permits and Applications, of this Ordinance.
- (C) **Noise.** All noise shall comply with Chapter 41, Noise Control, of the Pittsylvania County Code.
  - (1) There shall be no amplified music between 10:00 p.m. and 7:00 a.m., seven days a week.
- (D) **Structures.** Any structure intended for occupancy by members of the public shall provide emergency vehicle access and fire and safety measures to the extent permissible under the VA Administrative Code 13VAC5-63-20 and VA Administrative Code 13VAC5-63-200.
- (E) **Sanitary facilities.** Sanitary facilities used in conjunction with an agritourism event shall be provided in accordance with Virginia Department of Health standards set forth in the Virginia Administrative Code 12VAC5-610-980, as amended.
- (F) **Food and beverage items.** All food and beverage items available for sale shall be prepared in accordance with applicable federal, state, and local regulations.
- (G) **Parking.**
  - (1) Adequate parking shall be provided that prevents dust and mud from leaving the site to the extent possible. No parking shall be allowed on highway rights-of-way.
  - (2) Grass parking area shall be maintained to grass height of no more than 6 in. from grade.
  - (3) Grass parking areas shall be maintained in good condition with uniform grass coverage and free from rill or gully erosion.
- (H) **Access.** All agritourism operations shall have a minimum of one access point to a state-maintained road.

#### Section 7-2-4. Processing Facility, Small-Scale.

- (A) **Exempt.** In accordance with the Code of Virginia, the slaughtering and processing of animals raised and/or kept on the associated parcel, and used for personal use by the owner, is exempt from these provisions.
- (B) **Minimum Lot Area.**
  - (1) Minimum lot area of 5 acres.

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<sup>11</sup> Editor's Note: Based on feedback from the 6/8 worksession, the number of visitor vehicle trips per day and the number of attendees at any point in time have been increased to 250 and 500, respectively.

- (C) **Location.** No portion of the use, excluding required screening and landscape buffers, shall be located within:
  - (1) 200 ft. from any property lines; and
  - (2) 500 ft. from any dwelling not on the associated parcel.
- (D) **Customers.**
  - (1) No more than 5 customers daily.
- (E) **Hours of Operation.**
  - (1) Hours of operation shall be limited to Monday through Saturday, 7:00 a.m. to 8:00 p.m.
- (F) **Noise.** All noise shall comply with Chapter 41, Noise Control, of the Pittsylvania County Code.
- (G) **Compliance.** All operations of the Small-Scale Processing Facility, including the handling and disposal of waste, shall operate in compliance with all applicable state, federal, and local regulations, including the Pittsylvania County Code, Virginia Department of Health regulations, U.S. Department of Agriculture regulations, and Virginia Department of Agriculture and Consumer Services regulations, as applicable.
- (H) **General Standards.**
  - (1) All activity associated with the meat processing facility shall be performed within a completely enclosed building.
  - (2) Entrances shall be approved and in accordance with Virginia Department of Transportation (VDOT) standards for commercial entrances.
  - (3) Exterior storage of meat processing related equipment, trailers, materials, or otherwise shall be screened from view using plantings, fences, walls, or other appropriate means so as to not be visible from any public right-of-way. If a fence or masonry wall is used, it shall be painted or stained and kept in a state of good repair.

### Section 7-2-5. Stable, Commercial.

- (A) **Lot Area.** Minimum of 2 acres for one horse, plus 1 additional acre for each additional horse.
- (B) **Location.**
  - (1) Any buildings, barns, pens, and areas for the keeping of animals or animal waste storage shall be located at least 75 ft. from any lot line, highway, or other right-of-way for passage.
- (C) **General Standards.**
  - (1) Riding surfaces shall be covered and maintained with a substance to minimize dust and erosion.
  - (2) Fencing and other means of animal confinement shall be maintained at all times.<sup>12</sup>
  - (3) Pens, stalls, and grazing areas shall be maintained in a sanitary manner.

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<sup>12</sup> Editor's Note: This requirement is included in Section 35-114 of the current Ordinance.

### Section 7-2-6. Stable, Private.

- (A) **Lot Area.** Minimum of 2 acres for one horse, plus 1 additional acre for each additional horse.
- (B) **Location.**
  - (1) Any buildings, barns, pens, and areas for the keeping of animals or animal waste storage shall be located at least 75 ft. from any lot line, highway or other right-of-way for passage.
- (C) **General Standards.**
  - (1) Riding surfaces shall be covered and maintained with a substance to minimize dust and erosion.
  - (2) Fencing and other means of animal confinement shall be maintained at all times.<sup>13</sup>
  - (3) Pens, stalls, and grazing areas shall be maintained in a sanitary manner.

### Section 7-2-7. Wayside Stands.<sup>14</sup>

- (A) **Location.** Wayside stands, including vehicles, shall be located at least 35 ft. from any highway or other right-of-way for passage.
- (B) **General Standards.**
  - (1) Wayside stands shall not exceed 600 sq. ft. in aggregate floor area.

## Division 3. Residential Use Standards.

### Section 7-3-1. Bed and Breakfast.

- (A) **Owner/Operator Occupied.** Bed and breakfasts may be allowed as accessory to a single-family detached dwelling and shall be occupied by the owner/operator during operation.
- (B) **Licensure.** The operator shall hold a valid business license from the County and, where applicable, a permit from the Virginia Department of Health.
- (C) **Registration.**
  - (1) The operator of a bed and breakfast shall maintain a log of all patrons, including their name, address, and their length of stay. The log shall be made available to County staff upon request.
  - (2) Guests may stay no longer than 30 consecutive days in any six-month period.
- (D) **General Standards.**
  - (1) Signage and parking shall comply with the regulations of **Article VIII**, Community Design Standards, of this Ordinance.
  - (2) Every room occupied for sleeping purposes shall comply with the Uniform Statewide Building Code.

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<sup>13</sup> Editor's Note: This requirement is included in Section 35-114 of the current Ordinance.

<sup>14</sup> Editor's Note: Proposed to replace Section 35-130 of the current Ordinance.

- (3) Guest rooms shall not have cooking facilities.
- (4) Food services in connection with the use shall be limited to meals provided to guests taking lodging at the facility. Restaurant service open to the general public is a separate use, permitted according to the underlying district regulations.
- (5) Additional activities, including receptions, parties, and other events, are not permitted unless specifically authorized under a Special Use Permit.

### Section 7-3-2. Dwelling, Accessory.

(A) **Special Use Permit Required.** A Special Use Permit in accordance with **Article III**, Permits and Applications, will be required if the provided standards in this Section cannot be met.

(B) **General Limitations.**

- (1) An accessory dwelling is allowed only as accessory to a single-family detached dwelling.
- (2) An accessory dwelling may be within (e.g., a downstairs or upstairs apartment), or attached to the principal dwelling or exist as a detached building (e.g., an apartment above a detached garage or in a guesthouse).
  - (i) If detached from the principal structure, the accessory dwelling shall be separated from the principal structure by a distance of at least 20 ft.<sup>15</sup>
- (3) The accessory dwelling shall not be subdivided or otherwise segregated in ownership from the principal dwelling.

(C) **General Standards.**

- (1) An accessory dwelling shall not be offered, leased, or rented for tenancies of less than 30 days; this would be considered a Short-Term Rental, as defined in **Article X**, Definitions, of this Ordinance and as permitted in **Article VI**, Use Matrix, of this Ordinance.
- (2) An accessory dwelling shall obtain all proper permits and comply with all applicable requirements of the Virginia Department of Health and the Virginia Uniform Statewide Building Code.
- (3) A recreational vehicle, travel trailer, camper, or similar vehicle, or manufactured home shall not be used as an accessory dwelling.
- (4) Maximum of one kitchen per accessory dwelling.

(D) **Development Standards.**

- (1) **Lot Area.**
  - (i) Agricultural and Conservation Districts:
    - (a) All lots: 2 acres.

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<sup>15</sup> Editor's Note: This distance has been increased to 20 ft. per County staff direction.

- (ii) Residential and Planned Development Districts:
  - (a) With public water and sewer: 15,000 sq. ft.
  - (b) With public water OR sewer: 1 acre.
  - (c) No public water or sewer: 2 acres.
- (2) **Limit.** Maximum of 1 accessory dwelling per lot.
- (3) **Maximum Size.**
  - (i) The floor area of a detached or attached accessory dwelling shall not exceed 800 sq. ft. or 40% of the finished floor area of the principal dwelling (excluding carports, garages, and unfinished basements), whichever is greater.
  - (ii) An accessory dwelling that is contained within a single-family dwelling, such as a basement or attic, shall not exceed the existing finished square footage of the primary dwelling's first floor footprint.
- (4) **Setbacks.**<sup>16</sup>
  - (i) A detached accessory dwelling shall not be closer than fifteen (15) feet to the rear or side lot line or a principal dwelling unit.
  - (ii) No detached accessory dwelling shall be located in a front setback or within the front yard of a lot.
- (E) **Design Standards.**<sup>17</sup>
  - (1) A detached accessory dwelling shall not cover more than 30% of the total yard area.
  - (2) Where an accessory dwelling is attached to the principal structure, at least 50% of one wall of the accessory dwelling shall be an integral part of the principal structure.
  - (3) A minimum of 1 off-street parking space shall be provided in addition to those required for the principal dwelling.
  - (4) No additional driveways shall be created.
    - (i) The Administrator may waive this requirement and allow an additional driveway if the applicant can demonstrate the need for an additional driveway.
  - (5) Accessory dwellings should be architecturally compatible to the principal dwelling.

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<sup>16</sup> Editor's Note: These regulations are included in Section 35-74.2 of the current Ordinance.

<sup>17</sup> Editor's Note: (1), (2), and (3) are included in Section 35-74.2 of the current Ordinance; they have been amended for clarity.

### Section 7-3-3. Dwelling, Manufactured Home.<sup>18</sup>

- (A) The manufactured home shall comply with the Virginia Manufactured Housing Construction and Safety Standards Law.
- (B) The manufactured home dwelling shall be placed on a permanent foundation and shall comply with the requirements of the Virginia Uniform Statewide Building Code, including skirting requirements.
- (C) Manufactured home dwellings shall not be joined or connected as one dwelling, nor shall any accessory building, excluding decks or similar structures, be attached to a manufactured home dwelling. This does not prohibit manufactured home dwellings designed and manufactured as multi-section homes.

### Section 7-3-4. Dwelling, Multi-Family.

- (A) **Spacing Between Buildings.** Minimum distance between buildings shall be 15 ft.
- (B) **Pedestrian Access.** Pedestrian access shall be provided with a dustless surface to all common area elements, including mail kiosks, parking lots, refuse collection areas, recreational amenities, and to adjoining properties and along public roadways.
- (C) **Roads and Private Pavement.** All roads and private pavement shall have concrete curb and gutter.
- (D) **Screening of Mechanical Equipment and Refuse Collection.** Whether ground level or rooftop, any refuse collection or mechanical equipment visible from adjacent property or roads shall either be integrated into the architectural treatment of the building or screened from view in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
- (E) **General Design and Building Layout.** The development shall be designed with special attention to compatibility of adjacent land uses, topography, existing vegetation, and orientation. The development shall incorporate an attractive building layout that relates to and enhances natural vegetation and terrain or incorporates natural design features, such as preservation of scenic vistas or other unique elements of the site.
- (F) **Architecture Standards.**
  - (1) Buildings shall be designed to impart harmonious proportions and avoid monotonous facades and large masses.
  - (2) Buildings shall maintain architectural variety, while at the same time maintaining an overall cohesive residential character.

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<sup>18</sup> Editor's Note: Chapter 28 of the Pittsylvania County Code includes regulations for manufactured homes, manufactured home parks, and site development plans for manufactured homes and home parks. These regulations are largely consistent with those of Articles III, IV, and VII of the draft Zoning Ordinance. Recommend repealing Chapter 28 upon adoption of the updated Zoning Ordinance to allow the Zoning Ordinance to govern and eliminate any inconsistencies.



(i) Residential character shall be achieved through the creative use of design elements such as, but not limited to, balconies, terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, or varied roof lines.

(G) **Guest Parking.** Guest parking spaces/areas shall be provided at the minimum number of spaces provided in **Article VIII**, Community Design Standards, of this Ordinance. Guest parking areas shall be provided on the same lot as the multi-family dwelling, and to the extent possible, should be located in a way to be centrally accessible by all buildings/units.

### Section 7-3-5. Dwelling, Townhouse.

(A) **Placement.** No more than 6 adjoined townhouses shall be constructed in a single row.

(B) **Architectural Treatment of Townhouses.** The facades of each unit of a townhouse structure shall be varied by utilizing variations in materials or design.

(C) **Vehicular Access.**<sup>19</sup> Each townhouse unit shall have unencumbered access from a dedicated public street that is built to Virginia Department of Transportation standards.

(D) **Pedestrian Access.** Pedestrian access shall be provided with a dustless surface to all common area elements, including mail kiosks, parking lots, refuse collection areas, recreational amenities, adjoining properties, and along public roadways.

(E) **Guest Parking.** Parking for each townhouse's guests shall be provided on the same lot, or within 25 ft. of the townhouse, and designed in accordance with **Article VIII**, Community Design Standards, of this Ordinance.

(F) **Roads and Private Pavement.** All roads shall have concrete curb and gutter.

(G) **Landscaping and Buffers.** Landscaping shall be installed as required in **Article VIII**, Community Design Standards, of this Ordinance.

(H) **Screening of Mechanical Equipment and Refuse Collection.** Whether ground-level or rooftop, any refuse collection or mechanical equipment visible from adjacent property or roads shall either be integrated into the architectural treatment of the building or screened from view in accordance with **Article VIII**, Community Design Standards, of this Ordinance.

(I) **Stormwater.** Any permanent wet pond stormwater best management practice (BMP) shall be designed and developed as a water feature amenity or designed and landscaped in a manner consistent with the surrounding development. Wet ponds shall include adequate aeration features for movement of water.

(J) **Open Space and Amenities.** In any townhouse project resulting in the creation of any open space and amenities thereon, broadly defined, the maintenance and upkeep of such areas and elements shall be provided for by an arrangement acceptable to the County and in compliance with this Article or applicable state statutes.

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<sup>19</sup> Editor's Note: This standard can be changed to allow for private alleys that are not required to be built to VDOT standards, if desired.

### Section 7-3-6. Family Health Care Structure, Temporary.

#### (A) Development Standards.

- (1) All temporary family health care structures shall comply with all setback requirements that apply to the primary structure.
- (2) Only 1 family health care structure shall be allowed on a lot or parcel of land.
- (3) The structure shall be no more than 300 gross sq. ft. and shall comply with all applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.).

#### (B) General Standards.

- (1) Any family health care structure shall comply with all applicable requirements of the Virginia Department of Health.
- (2) No signage shall be permitted on the exterior of the structure or anywhere on the property.
- (3) Any temporary family health care structure 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 family member receiving services or assistance.

### Section 7-3-7. Home Occupation, Class A.

(A) **Size of Use.** The maximum area permitted in conjunction with a home occupation shall be as follows:

- (1) No more than 500 sq. ft. or 30% of the floor area of the dwelling, whichever is greater, or
- (2) Up to 100% of the floor area of an accessory structure.

#### (B) Employees and Customers.

- (1) There shall be no employees other than family members residing in the dwelling unit.
- (2) Customers shall be prohibited from coming to the site.

#### (C) General Standards.<sup>20</sup>

- (1) There shall be no change in the exterior of the structure and/or property to indicate the home occupation use.
  - (i) Signage advertising the home occupation use shall be prohibited.
- (2) No equipment or process shall be used which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable off the property.
- (3) Exterior storage of business-related equipment, trailers, materials, or merchandise is prohibited.

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<sup>20</sup> Editor's Note: (1), (2), and (3) are regulations included in Section 35-40 of the current Ordinance. They have been reworded for clarity.

- (4) The type of traffic generated by the home occupation shall be consistent with the type of traffic of other dwellings in the area.

### Section 7-3-8. Home Occupation, Class B.

(A) **Size of Use.** The maximum area permitted in conjunction with a home occupation shall be as follows:

- (1) No more than 500 sq. ft. or 40% of the floor area of the dwelling, whichever is greater, or
- (2) Up to 100% of the floor area of an accessory structure.

(B) **Employees and Customers.**

- (1) No more than 2 full- or part-time employees, other than family members residing in the dwelling unit, shall be permitted at the dwelling unit for business purposes.
- (2) No more than 5 customers may be on the property at any one time.
  - (i) Customers may come to the site by appointment only.

(C) **Hours of Operation.**

- (1) Hours of operation shall be limited to Monday through Saturday, 8:00 a.m. to 8:00 p.m.

(D) **General Standards.**

- (1) There shall be no change in the exterior of the structure and/or property to indicate the home occupation use.
- (2) One minor sign shall be permitted, in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
- (3) No equipment or process shall be used which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable off the property.
- (4) Sufficient parking shall be provided for the allowed number of customers, and in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
  - (i) Parking area(s) shall be provided on the lot that the home occupation is associated with and shall not be on any streets or rights-of-way.
- (5) Exterior storage of business-related equipment, trailers, materials, or merchandise is prohibited.
- (6) The type of traffic generated by the home occupation shall be consistent with the type of traffic of other dwellings in the area.

### Section 7-3-9. Short-Term Rental.

(A) **Definitions.** The following shall apply as used in this section:

- (1) *Guest or transient.* A person who occupies a short-term rental unit.

- (2) *Short-term rental.* A residential dwelling unit that is used or advertised for rent for transient occupancy in increments of fewer than 92<sup>21</sup> consecutive days. This use type does not include bed-and-breakfast establishments and does not apply to month-to-month extensions following completion of a year's lease.
- (3) *Primary resident (or host).* The owner of the short-term rental unit, or lessee of the short-term rental unit with a lease agreement that is one year or greater in length, who occupies the property as his or her principal place of residence and domicile. In determining compliance with these regulations, the host has the burden of demonstrating that the dwelling unit is his or her primary residence.
- (4) *Residential dwelling unit.* A residence where one or more persons maintain a household.

**(B) Registration and other requirements.**

- (1) No host shall operate a short-term rental business without having registered with the Administrator as required by Virginia Code § 15.2-983, as amended.
- (2) The Administrator will report all registrations to the Pittsylvania County Commissioner of the Revenue for the collection of all appropriate tax, including transient lodging tax, and any required business licensure fees.
- (3) The registration form shall include the following information:
  - (i) The name, telephone number, address, and email address of the host.
  - (ii) A reminder about the importance of having appropriate levels of insurance that covers the short-term rental, the host, and the guests.
- (4) The registration shall be valid January 1<sup>st</sup> (or from whatever date the registration first occurs) through December 31<sup>st</sup> of the calendar year and shall be renewed annually.

**(C) Use Regulations.**

- (1) The unit shall meet all applicable building codes.
- (2) One minor sign shall be permitted, in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
- (3) No recreational vehicles, buses, travel trailers, or manufactured homes shall be used in conjunction with the short-term rental use to increase the occupancy of the rental unit.
- (4) The host shall not permit occupancy of a short-term rental unit for a period of less than overnight, or more than 92<sup>22</sup> consecutive days, including all extensions and renewals to the same person or a person affiliated with the lessee, in accordance with Code of Virginia § 58.1-3510.4, as amended.

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<sup>21</sup> Editor's Note: The day-limit aligns with that which is provided in Code of Virginia § 58.1-3510.4.

<sup>22</sup> Editor's Note: This timeframe aligns with what is permissible under Code of Virginia § 58.1-3510.4.

- (5) The physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood.
- (6) All noise shall comply with Chapter 41, Noise Control, of the Pittsylvania County Code.
  - (i) There shall be no amplified music between 10:00 p.m. and 7:00 a.m., seven days a week.
- (7) All trash shall be stored in closed containers and properly disposed of upon the conclusion of each rental period.

**(D) Registration Revocation, Suspension, or Cancellation.**

- (1) A registration may be revoked, suspended, or cancelled for the following reasons:
  - (i) Failure to collect and/or remit the transient occupancy tax or other business taxes required by Pittsylvania County.
  - (ii) 3 or more substantiated complaints (including, but not limited to, noise and excess trash) within a rolling 12-month period.
- (2) A formal complaint shall be filed with the Administrator to be considered received.
  - (i) If violations occur, as supplied in (D)(1), above, the Administrator may revoke, suspend, or cancel the registration.
- (3) Before any revocation, suspension, or cancellation can be effective, the Administrator shall give written notice to the short-term rental host.
  - (i) The notice of revocation, suspension, or cancellation issued under the provisions of this Ordinance shall contain:
    - (a) A description of the violation(s) constituting the basis of the suspension or cancellation; and
    - (b) If applicable, a statement of acts necessary to correct the violation.
- (4) In accordance with **Article III**, Permits and Applications, of this Ordinance, an applicant may appeal the Administrator's decision for revocation, suspension, or cancellation of the registration.

**(E) Penalty.**

- (1) Any short-term rental business in violation of zoning regulations, including operation without registering, is subject to all relevant penalties as set forth by Pittsylvania County.
- (2) It shall be unlawful to operate a short-term rental:
  - (i) Without obtaining a business license and a registration as required by this Article;
  - (ii) After a registration has been suspended or cancelled; or,
  - (iii) In violation of any other requirement of this Article.

## Division 4. Public, Civic, and Recreational Use Standards.

### Section 7-4-1. Camp.

- (A) **Lot Area.** The minimum area for a camp shall be 5 contiguous acres.
- (B) **Structures.**
  - (1) Multiple structures such as cabins, lodges, gyms, and dining facilities may be constructed on the property, provided that all structures comply with the setback requirements for a principal structure from adjoining property lines.
  - (2) All structures shall comply with all applicable requirements of the Virginia Department of Health and the Virginia Uniform Statewide Building Code.
  - (3) Any structure intended for occupancy shall provide emergency vehicle access and fire and safety measures to the extent permissible under the VA Administrative Code 13VAC5-63-20 and VA Administrative Code 13VAC5-63-200.
  - (4) Recreational vehicles, travel trailers, and manufactured homes are prohibited.
- (C) **Sanitary facilities.** Sanitary facilities used at a camp shall be provided in accordance with Virginia Department of Health standards set forth in the Virginia Administrative Code 12VAC5-610-980, as amended.
- (D) **Food Items.** All food items shall be prepared in accordance with applicable federal, state, and local regulations.
- (E) **Noise.** All noise shall comply with Chapter 41, Noise Control, of the Pittsylvania County Code.
  - (1) There shall be no amplified music between 10:00 p.m. and 7:00 a.m., seven days a week.
- (F) **General Standards.**
  - (1) Provisions for outdoor cooking, campfires, bonfires, and fire pits shall be subject to approval of the Pittsylvania County Fire Marshal.
  - (2) Any camp shall comply with all applicable requirements of the State Board of Health.
  - (3) Prior to operation, all camps shall obtain a license and other required documentation in accordance with Code of Virginia § 35.1-18, as amended.

### Section 7-4-2. Campground.

- (A) **Lot Area.** The minimum area for a campground shall be 3 contiguous acres.<sup>23</sup>
- (B) **Applications.**
  - (1) Prior to construction, the owner/operator of a campground shall submit a Site Development Plan to the Administrator in accordance with **Article III**, Permits and Applications, of this Ordinance.

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<sup>23</sup> Editor's Note: The minimum lot area is the same as that included in Section 35-138(2) of the current Ordinance.

- (C) **Permanent Residences.** No more than 1 permanent residence shall be allowed in a campground, which shall only be occupied by the owner or operator.
- (D) **Registration.**
- (1) The campground operator shall maintain a log of all patrons, including their name, address, license plate number and state, and their length of stay. The log shall be made available to County staff upon request.
  - (2) Patrons in campgrounds may stay no longer than 14 nights in any 60-day period or 45 nights in any one calendar year.
- (E) **Service Buildings.** The campground’s service buildings, including restrooms and all sanitary facilities, shall be provided in accordance with all applicable Virginia Department of Health requirements.<sup>24</sup>
- (F) **Water Supply.** An adequate supply of water shall be furnished in accordance with Virginia Department of Health standards.<sup>25</sup>
- (G) **Noise.** All noise shall comply with Chapter 41, Noise Control, of the Pittsylvania County Code.
- (1) There shall be no amplified music between 10:00 p.m. and 7:00 a.m., seven days a week.
- (H) **Lighting.** Any lighting that is provided on the campground will be directed downwards, so as to not produce a glare on adjoining properties, and shall comply with all applicable standards of **Article VIII**, Community Design Standards, of this Ordinance.
- (I) **Individual Site Standards.**<sup>26</sup>
- (1) Individual sites shall be no less than 1,600 sq. ft.
  - (2) Each site shall have a minimum width of 25 ft.
  - (3) There shall be no more than 20 sites per acre.
  - (4) All individual sites must be setback at least 25 ft. from all property lines.
  - (5) Each individual site shall also have 1 parking space, with minimum dimensions of 10 ft. by 20 ft.
- (J) **General Standards.**
- (1) Main campground roads shall be paved or treated to prevent dust.

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<sup>24</sup> Editor’s Note: Included in Section 35-138(4) of the existing Ordinance but modified for clarity.

<sup>25</sup> Editor’s Note: Included in Section 35-138(4)(b) of the existing Ordinance but modified for clarity.

<sup>26</sup> Editor’s Note: Individual site standards are included from Section 35-138(2) of the existing Ordinance. Individual campsite setbacks have been increased to 25 ft. from all property lines to reduce adverse impacts of campsites on adjacent residential properties.

- (2) All campgrounds shall have a permanent sign at their entrance designating the name of the campground. Signage shall be designed in accordance with **Article VIII**, Community Design Standards, of this Ordinance.<sup>27</sup>
  - (3) The overall design shall evidence a reasonable effort to preserve the natural amenities of the site.
  - (4) Retail sales for the convenience of campground tenants are permitted. Items are limited to food, concessions, recreational supplies, personal care items, and other items clearly supportive of campground tenants' needs.
  - (5) Structures for ancillary retail sales shall be no more than 10% of the total campground, or 1 acre, whichever is lesser.
  - (6) Accessory structures or recreation facilities, washrooms, swimming pools, game courts, and the like shall not be located closer than 100 ft. to any campground boundary or closer than 200 ft. to any lot in a residential district.
  - (7) The parking, sale, and/or storage of recreational vehicles is strictly prohibited; nothing herein prohibits an applicant from seeking the permits for a Recreational Vehicle Storage Facility, as provided in **Article VI**, Use Matrix, of this Ordinance and **Section 7-5-9** of this Article.
- (K) **Open Space.** No less than 5% of the total acreage shall be reserved as common open space, broadly defined, and recreation facilities.
- (1) Open space shall not include setback areas, pedestrian ways, parking areas, or streets.
- (L) **Refuse.**
- (1) **General.** All bulk solid waste receptacles shall be maintained in a clean condition. Such receptacles shall be enclosed on all four sides to shield them from public view or from unauthorized access.
  - (2) **Health and Safety.** The storage, collection, and disposal of garbage in the campground shall not create health hazards, rodent harborages, insect breeding areas, accident or fire hazards, or air pollution.
  - (3) **Collection.** All garbage shall be collected at least twice weekly and transported from the campground. The owner of the campground shall be responsible for providing this service.

### Section 7-4-3. Campground, Primitive.

#### (A) General Standards.

- (1) Permanent occupancy shall be prohibited. No camping unit shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time.

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<sup>27</sup> Editor's Note: This standard is included in Section 35-138(2) of the current Ordinance but has been amended slightly to allow Article VIII to govern design of signage, and to remove outdated requirements.



- (i) Primitive campground users may stay no longer than 10 nights in any 60-day period or 45 nights in any one calendar year.

(B) **Occupancy.**

- (1) Maximum of two sites with no more than six individuals per site.

- (C) **Refuse.** All waste and garbage shall be kept in sealed containers or bags and properly disposed of at a trash collection site upon conclusion of the visit. On-site dumping shall be prohibited.

### Section 7-4-4. Club.<sup>28</sup>

- (A) **Setbacks.** All clubs shall have a minimum setback of 75 ft. from all property lines, and a minimum setback of 125 ft. from any existing residential dwelling unit.

- (1) Minimum setbacks may be reduced to 25 ft. if the adjacent property is commercially or industrially zoned.

- (B) **Events.** Subordinate events and fund-raising activities such as bingo, raffles, and auctions shall be conducted in enclosed buildings only.

- (1) No such activity shall be conducted between the hours of 11:00 p.m. and 8:00 a.m, seven days a week.

### Section 7-4-5. Telecommunications Facility.

(A) **Uses.**

- (1) **Principal or accessory use.** For the purposes of determining compliance with the standards of this Ordinance, telecommunications facilities may be considered either principal or accessory uses.

- (i) An existing use or an existing structure on the same lot shall not preclude the installation of a telecommunications facility on such lot.

- (ii) For purposes of determining whether the installation of a telecommunications facility complies with district regulations, the dimensions of the entire lot shall control, even though the facility may be located on leased area within such lots.

- (2) **Nonconforming Uses.** Telecommunications facilities that are constructed, and antennas that are installed, in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.

- (3) **Excluded Uses.** The following uses are not subject to the requirements of this Section for telecommunications facilities:

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<sup>28</sup> Editor's Note: Standards for events at clubs have been retained from Section 35-113 of the existing Ordinance. Setbacks have been proposed as additional standards for compatibility with any adjacent agricultural or residential uses.

- (i) Amateur radio operations as regulated by § 15.2-2293.1 of the Code of Virginia, as amended.
  - (ii) Television reception antennas that are less than 35 ft. above ground level (AGL) and used exclusively for non-commercial purposes.
  - (iii) Ground-mounted satellite earth station antennas that are less than or equal to 10 ft. AGL, less than or equal to 6 ft. in diameter, and used exclusively for non-commercial purposes.
  - (iv) Micro-wireless facilities, provided that they are less than or equal to 80 ft. AGL. Co-location of additional antennae should be sought. The County reserves the right to require “stealth technology” to hide or camouflage wireless facilities for micro-wireless facilities.
  - (v) Satellite earth station antennas. Ground-mounted satellite earth station antennas that are less than or equal to 10 ft. AGL, less than or equal to 6 ft. in diameter, and used exclusively for non-commercial purposes.
  - (vi) County owned or operated wireless telecommunication facilities are exempt from the requirements of this Article, but are expected to adhere, to the extent reasonably possible, to the goals described herein.
  - (vii) Any wireless communication antenna that meets the definition of an “Administrative review-eligible project” as defined in the Code of Virginia § 15.2-2316.6, as amended, is considered a “Utility Service, Minor” by this Article and is not subject to the provisions of this Section.
- (B) **Local Government Access.** Owners of all new telecommunication facilities shall provide, at no cost to the County, colocation opportunities as a community benefit to improve radio communication for County departments and emergency services (including both tower space and sheltered equipment space on the ground). All proposals for a telecommunication facility shall acknowledge the critical role of the County’s radio system for emergency services including fire, rescue, and law enforcement personnel and shall warrant that no interference with the County’s radio system shall result from such installation.
- (C) **Location Preference<sup>29</sup>.** The following sites shall be considered by applicants as the preferred order of location of proposed telecommunications facilities, (1) being the most preferred, and (5) being the least preferred:
- (1) Existing telecommunication facilities (towers).
  - (2) Co-locating on structures, such as water towers, utility structures, fire stations, bridges, steeples, and other buildings not utilized primarily for residential uses.
  - (3) Property zoned agricultural.
  - (4) Property zoned commercial or industrial.
  - (5) Property zoned residential.

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<sup>29</sup> Editor’s Note: This list can be amended and rearranged to the preference of the County, or altogether removed.

**(D) Co-Location Requirements.**

- (1) Existing towers may be extended to allow for additional users provided that the overall height of the tower is not increased by more than 15 ft. for each new user and that the overall height of the structure does not exceed 199 ft.
- (2) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of Pittsylvania County that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna shall consist of the following minimum information:
  - (i) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
  - (ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
  - (iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
  - (iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
  - (v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt to an existing tower or structure for sharing are unreasonable; and;
  - (vi) The applicant demonstrates that there are other limiting factors that render the existing towers and structures unsuitable.

**(E) Design Standards.**

- (1) Broadcasting or communication towers shall be of a monopole design unless the Board of Supervisors determines that an alternative design would better blend into the surrounding environment.
- (2) Towers shall be designed to collapse fully within the lot lines of the subject property in case of structural failure.
- (3) Unless utilizing camouflaging designs, towers shall either maintain a galvanized steel finish, or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color, to reduce visual obtrusiveness.
- (4) Dish antennas will be of a neutral, non-reflective color with no logos. Towers that are painted shall be repainted if the original color has significantly degraded as the result of fading, peeling, flaking, or rust.

- (5) At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structures.
  - (6) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.
  - (7) Towers shall be illuminated as required by the Federal Communications Commission (FCC), but no lighting shall be incorporated if not required by the FCC, other than essential security lighting. Site lighting shall be full cut-off and directed downward. When incorporated into the approved design of the tower, light fixtures shall be used to illuminate ball fields, parking lots, or other similar areas may be attached to the tower.
  - (8) No advertising of any type shall be placed on the tower or accompanying facility.
  - (9) All towers shall meet or exceed current standards and regulations of the FAA and the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. Towers that are painted, as required by the FAA, shall be repainted as necessary to maintain minimum visibility requirements as set forth by the FAA.
  - (10) To ensure structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations.
  - (11) The area immediately surrounding the tower and access road shall be kept free of trash and debris.
  - (12) All electrical devices, fixtures, and wires, to include electric generators and fuel tanks, shall be maintained in compliance with the requirements of the National Electrical Safety Code.
  - (13) Tower owners shall maintain towers, telecommunication facilities, and antenna support structures in safe condition so that the same shall not menace or endanger the life or property of any person.
- (F) **Setbacks.** The following setback distances for towers shall be required and shall replace the setbacks otherwise required in the zoning district in which the facility is located.
- (1) The tower shall be set back from any off-site residential structure at least 400 ft.
  - (2) Towers, guys, and accessory facilities shall be set back:
    - (i) 100 ft. from any property line which abuts a residential or agricultural district; and
    - (ii) 50 ft. from any property line which abuts a commercial or industrial district.
  - (3) No habitable structures or places where people gather shall be located within any “fall zone” as certified by a registered professional engineer licensed in Virginia.

- (4) A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the Board of Supervisors, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light pole, utility pole, water tower, public facility, or similar structure.
- (G) **Height Restrictions.** Telecommunication facilities shall be designed not to exceed an overall height of 199 ft. except as otherwise approved in the conditions of the Special Use Permit.
- (H) **Security Fencing.** Ground-mounted towers and equipment shall be enclosed by security fencing to protect against unauthorized access. Unless otherwise specified, a minimum 6 ft. high chain link fence, incorporating an anti-climb device and locked access gate, shall be provided.
- (I) **Landscaping.** Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least 4 ft. wide outside the perimeter of the facilities.
- (1) Natural vegetation sufficient to serve as a buffer may be used in lieu of planting a landscaped buffer.
- (2) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
- (3) All plant material, used as landscaping and/or buffering, shall be tended and maintained in a healthy growing condition. Dead plant material shall be replaced in-kind.
- (J) **Signage.** Signage on site shall be limited to no trespassing, safety, or FCC required signs to be positioned on the fence surrounding the facility. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- (1) The appropriate signage as required by FCC guidelines governing Electromagnetic Energy Fields (EMEF) shall be clearly posted.
- (2) A 24-hour emergency contact information shall be posted at the site by the owner and each co-locator.
- (3) FCC tower registration shall be clearly posted.
- (K) **Required Application Information.**
- (1) Actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include foreground, the midground, and the background of the site.
- (i) County staff reserves the right to select the locations for the photographic images and require additional images. As photo simulations may be dependent upon a balloon test first being conducted, the applicant is not required to submit photo simulations with their initial application but shall provide them prior to the public hearing with the Planning Commission.
- (2) An engineering report, certifying that the proposed tower is structurally suitable and of adequate height for co-location with a minimum of 3 users including the primary user.

- (3) Copies of the co-location policy. The applicant shall provide copies of propagation maps demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary.
- (4) A copy of the FAA airspace study shall be provided prior to the issuance of a building permit for the construction tower. The FAA airspace study shall provide confirmation that the tower will not pose any hazard to air navigation.
- (5) A commitment from a service provider to locate on the proposed tower.
- (6) An agreement allowing the County to collocate on the tower for the purpose of emergency service communications.
- (7) A proposed construction schedule.
- (8) Site Development Plans for telecommunications facilities shall include:
  - (i) Radio frequency coverage and tower height requirements.
  - (ii) All designated “fall zones” as certified by a registered professional engineer licensed in Virginia.
- (9) Any other information to assess compliance, deemed necessary by the Administrator.

**(L) Application Process.**

- (1) **Balloon Test.** If determined to be necessary by the Administrator, a balloon test may be required for new towers prior to the public hearing. If required, the balloon test shall comply with the following:
  - (i) The applicant shall arrange to raise a colored balloon (no less than 3 ft. in diameter) at the maximum height of the proposed tower and within 50 horizontal ft. of the center of the proposed tower.
  - (ii) The applicant shall inform the Administrator and adjacent property owners in writing of the date and times of the test at least 7, but no more than 14 days in advance. The notice will direct readers to a new date if the test is postponed due to inclement weather. The applicant shall request in writing permission from the adjacent property owners to access their property during the balloon test to take pictures of the balloon and to evaluate the visual impact of the proposed tower on their property.
  - (iii) The date, time, and location of the balloon test shall be advertised in the County's newspaper of record by the applicant at least 7 but no more than 14 days in advance of the test date. The advertisement will direct readers to a new date if the test is postponed due to inclement weather.
  - (iv) The balloon shall be flown for at least 4 consecutive hours during daylight hours on the date chosen.
  - (v) Signage shall be posted on the property to identify the property where the balloon is to be launched. The signage will direct readers to a new date if the test is postponed due to

inclement weather. This signage shall be posted a minimum of 72 hours prior to the balloon test. If inclement weather postpones the test, then cancellation of the test for that day shall be clearly noted on the signage.

(vi) If the wind during the balloon test does not allow the balloon to sustain its maximum height or there is significant fog or precipitation which obscures the balloon's visibility, then the test shall be postponed and moved to the alternate inclement weather date provided in the advertisement. County staff reserves the right to declare weather inclement for purposes of the balloon test.

(2) **Community Meeting.** A community meeting shall be held by the applicant prior to the public hearing with the Planning Commission.

(i) The applicant shall inform the Administrator and adjacent property owners in writing of the date, time, and location of the meeting at least 7 but no more than 14 days in advance.

(ii) The date, time, and location of the meeting shall be advertised in the County's newspaper of record by the applicant at least 7 but no more than 14 days in advance of the meeting date.

(iii) The meeting shall be held within the County, at a location open to the public with adequate parking and seating facilities which shall accommodate persons with disabilities.

(iv) The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant, and provide feedback.

(v) The applicant shall provide the Administrator with a complete summary of any input received from members of the public at the meeting.

(3) **Approval Process and Time Restrictions.**

(i) The approving bodies, in exercise of the County's zoning regulatory authority, may disapprove an application on the grounds that the tower's aesthetic effects are unacceptable, or may condition approval on changes in tower height, design, style, buffers, or other features of the tower or its surrounding area. Such changes need not result in performance identical to that of the original application.

(ii) Factors relevant to aesthetic effects are: the protection of the view in sensitive or particularly scenic areas, and areas containing unique natural features, scenic roadways or historic areas; the concentration of towers in the proposed area; and, whether the height, design, placement or other characteristics of the proposed tower could be modified to have a less intrusive visual impact.

(iii) The approving bodies, in accord with Code of Virginia § 15.2-2316.4:2, as amended, may disapprove an application based on the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant.

- (iv) Unless some other timeframe is mutually agreed upon, an application for a tower shall be reviewed by the County and a written decision shall be issued within 150 days of a completed submission.
  - (v) Unless some other timeframe is mutually agreed upon, an application for collocation shall be reviewed by the County and a written decision shall be issued within 90 days of a completed submission.
  - (vi) A complete application for a project shall be deemed approved if the locality fails to approve or disapprove the application within the applicable period specified or mutually agreed upon.
  - (vii) If the County disapproves an application, it shall provide the applicant with a written statement of the reasons for disapproval. If the locality is aware of any modifications to the project as described in the application that if made would permit the locality to approve the proposed project, the locality shall identify them in the written statement provided. The written statement shall contain substantial record evidence and be publicly released within 30 days of the decision.
- (M) **Structural Certification and Inspections.** All proposed towers shall be certified by a licensed professional engineer to be structurally sound and in conformance with the requirements Structural Standards for Steel Antenna Towers and Antenna Supporting Structures (ANSI/TIA/EIA-222-F), International Statewide Building Code and all applicable, county, state, and federal laws.
- (1) For new structures, or the extension of existing structures, such certification shall be submitted prior to issuance of the building permit. For existing towers being utilized for co-location, certification shall be provided to verify its capability to support additional loading.
  - (2) Over the life of the tower, the County may require the tower owner to inspect and certify the structural integrity of the tower should there be a reason to believe that the tower has degraded to the point where it is believed to pose a legitimate threat to life and/or property. Structural analysis shall be performed within 30 days, upon formal written request of the County.
  - (3) The County reserves the right to perform inspections, upon reasonable notice to the tower owner. The County and its agent retain authority to enter onto the property for the purpose of assessing compliance with the statewide building code and all other construction standards provide by the County code and federal and state law. If defects had been identified on previous inspections, the County may, at its discretion require the tower owner to bear the cost of the inspection.
  - (4) The tower or telecommunication facilities owner shall certify to the County on an annual basis that it is in compliance with all of the requirements set forth above.
- (N) **Review Fee.** Any out-of-pocket costs incurred by the County for the review of any of the above required information shall be reimbursed by the applicant.



- (O) **Bond.** To secure the removal of abandoned structures, the County shall require the tower owner to post a bond, or provide some other reasonable assurance, in an amount to be determined by the County based upon the anticipated removal cost of the tower.
- (P) **Abandoned Towers.** Any antenna or tower that is not operational for a continuous period of 24 months shall be considered abandoned, and the owner of each such antenna or tower shall remove the tower.
  - (1) Removal includes the removal of the tower, all tower and fence footers, underground cables, and support buildings. The buildings may remain with the owner’s approval.
  - (2) If there are 2 or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
  - (3) The County may dismantle and remove the tower and recover the cost of the same from the owner.
  - (4) In the event that the Bond amount is insufficient to cover the cost of removal, the County reserves the right to seek the remaining balance from the owner.

#### **Section 7-4-6. Telecommunications Facility, Small Cell.**

- (A) In accordance with Code of Virginia § 15.2-2316.4, as amended, small cell telecommunications facilities shall be permitted by-right in all zoning districts subject to the following general performance standards.
- (B) **Installation.**
  - (1) The small cell telecommunications facility shall be installed by a wireless services provider or wireless infrastructure provider on an existing structure.
  - (2) The wireless services provider or wireless infrastructure provider has obtained permission from the owner of the existing structure to collocate the small cell telecommunications facility on the existing structure and to collocate the associated transmission equipment on or proximate to the existing structure.
  - (3) Each antenna is located inside an enclosure of, or the antenna and all its exposed elements could fit within an imaginary enclosure of, no more than 6 cubic ft.; and
  - (4) Excluding electric meter, concealment, telecommunications demarcation boxes, backup power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services, all other equipment associated with the facility does not exceed 28 cubic ft., or such higher limit as may be established by the Federal Communications Commission.
- (C) **Application and Review.**
  - (1) A wireless services provider or wireless infrastructure provider may submit up to 35 permit requests for small cell telecommunications facilities on a single application. Permit application fees shall be in accordance with Code of Virginia § 15.2-2316.4, Paragraph B (2) of the Code of Virginia, as amended.

- (2) Permit applications for small cell telecommunications facilities shall be reviewed and approved as follows:
- (i) Permit applications for the installation of small cell telecommunications facilities shall be approved or disapproved within 60 days of receipt of the complete application. The 60-day period may be extended by staff upon written notification to the applicant, for a period not to exceed an additional 30 days.
  - (ii) Within 10 days of receipt of an application submission and a valid electronic mail address for the applicant, the applicant shall receive an electronic mail notification if the application is incomplete. If the application is determined to be incomplete, the notification shall specify the missing information which needs to be included in a resubmission in order to be determined complete.
  - (iii) Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval. The disapproval may be based only on any of the following reasons:
    - (a) Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;
    - (b) Public safety or other critical public service needs; and/or
    - (c) In instances where the installation is to be located on or in publicly owned or publicly controlled property (excluding privately owned structures where the applicant has an agreement for attachment to the structure), aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property.
  - (iv) A permit application approval shall not be unreasonably conditioned, withheld, or delayed.
  - (v) An applicant may voluntarily submit, and staff may accept, any conditions that address potential visual or aesthetic effects resulting from the placement of small cell facilities.
  - (vi) The submission of a permit application shall represent a wireless services provider's or wireless infrastructure provider's notification of the County as required by Code of Virginia § 15.2-2316.4(A), as amended.

#### **Section 7-4-7. Utility Service, Major.**

- (A) No major utility service shall be located within 100 ft. of an existing dwelling unit.
- (B) Buildings and facilities shall be designed and constructed to be compatible with the surrounding area.
  - (1) All buildings and facilities in residential primary zoning districts, as established by **Article IV**, District Standards, of this Ordinance, shall be screened from view from any adjacent right-of-

way by a building by an opaque fence or wall in accordance with **Article VIII**, Community Design Standards, of this Ordinance.

- (C) All sewer and water utility services shall be publicly owned and operated by a government agency unless otherwise recommended by the Pittsylvania County Service Authority and approved by the Board of Supervisors.
- (D) Sewer and water utility services shall be designed with a service area and capacity consistent with the purposes of the respective zoning district and the recommendations of the Pittsylvania County Comprehensive Plan.
- (E) Any utility infrastructure, including but not limited to towers, transformers, and transmission lines, which are abandoned, damaged, in a state of disrepair, or otherwise in a state threatening the general public health, safety, and welfare, shall be required by the Administrator to be removed within a reasonable time period.<sup>30</sup>
- (F) **Landfills.**<sup>31</sup>
  - (1) All landfills shall obtain approval from all appropriate local and state agencies prior to issuance of a Special Use Permit.
  - (2) No improvements shall be constructed in or upon any landfill for a period of 20 years following the termination of any landfill operation without the prior approval of the Board of Supervisors.

#### **Section 7-4-8. Utility Service, Minor.**

- (A) For utility uses requiring a structure, not including public water and sewer lines and appurtenances, service lines to consumers, water towers, and above and below ground cables, wires, or pipes where such uses are located in easements:
  - (1) If visible from adjacent Residential or Planned Development districts and/or properties that are occupied by a residential dwelling, the use shall be located within an enclosed structure having a style and character compatible with the surrounding residential structures or shall be screened from view in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
  - (2) A minor utility shall not include facilities for construction, repair, service, or storage of vehicles or off-site utility equipment.
  - (3) An access easement at least 20 ft. wide shall be provided to the site of any pumping station, water storage tank, or well house.

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<sup>30</sup> Editor's Note: Standard included in Section 35-123 of the current Ordinance.

<sup>31</sup> Editor's Note: Standards for landfills included in Section 35-125 of the current Ordinance.

## Division 5. Commercial Use Standards.

### Section 7-5-1. Adult Use.

- (A) **Purpose.** It is a purpose of this ordinance to regulate adult uses in order to promote the health, safety, and general welfare of the citizens of the County and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult uses within the County. The requirements of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.
- (B) **Findings.** Based on evidence of the adverse secondary effects of adult uses, and on findings, interpretations, and narrowing constructions incorporated in numerous legal cases, it is recognized that:
- (1) Adult uses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, declining property value, urban blight, litter, and sexual assault and exploitation.
  - (2) Adult uses should be separated from sensitive land uses, including schools, churches, parks, libraries, public recreation areas, and residential areas, to minimize the impact of their secondary effects upon such uses and should be separated from other sexually oriented businesses to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
  - (3) Each of the foregoing negative secondary effects constitutes a harm, which the County has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects exists independent of any comparative analysis between adult uses and non-adult uses. Additionally, the interest in regulating adult uses to preventing future secondary effects of either current or future adult uses that may locate in the County. The County finds that the cases and documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.
- (C) **Establishment.** The establishment of an adult use as referred to herein shall include the opening of such use as a new use, the relocation of such use, the enlargement of such use in either scope or area, or the conversion, in whole or part, of an existing business into an adult use.

(D) **Measurements of Distance**<sup>32</sup>. All distances specified in this section shall be measured from the property line of one use to another. The distance between an adult use and a residentially zoned district shall be measured from the property line of the use to the nearest point of the boundary line of the residentially zoned district.

- (1) No adult use shall be established within 3 miles of any other adult use in any zoning district.
- (2) No adult use shall be established within 1,000 ft. of any existing residential use; religious assembly; educational facility; parks; recreational facility; day care centers; or community centers as defined in **Article X**, Definitions, of this Ordinance.

(E) **Hours of Operation.**

- (1) No adult use shall be open:
  - (i) More than 72 hours in any week (a week being consecutive days from Sunday to Saturday);
  - (ii) More than 12 hours within any 24-hour period; or
  - (iii) Prior to 9 a.m. or later than 11 p.m.

(F) **Signs**<sup>33</sup>.

- (1) Any signs shall be in accordance with the regulations of **Article VIII**, Community Design Standards, of this Ordinance.
  - (i) No adult use shall display adult media, depictions of specified sexual activities or specified anatomical areas in its window, or in a manner visible from the street, highway, or public sidewalk, or the property of others. Window areas shall remain transparent.
  - (ii) Signs shall not include graphic or pictorial depiction of material available on the premises.

## Section 7-5-2. Car Wash.

(A) **Location.**

- (1) Car washes shall be located and designed so that vehicular circulation does not conflict with traffic movements in adjacent streets, service drives, and/or parking areas.
- (2) Buildings, structures, and vacuuming facilities shall be a minimum of 100 ft. from any residential district or use.

(B) **Prohibited.** No sales, repair, or outside storage of motor vehicles shall be conducted on the site.

(C) **Design Standards.**

- (1) Any light used to illuminate the area shall be in accordance with the regulations of **Article VIII**, Community Design Standards, of this Ordinance.

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<sup>32</sup> Editor's Note: (D)(1) is included in 35-395.3(A) of the existing Ordinance. The setback distance in (D)(2) has been reduced from 2,500 ft. to 1,000 ft. to ensure that performance standards do not preclude the use.

<sup>33</sup> Editor's Note: (F) integrates the sign regulations included in 35-395.3(B) of the existing Ordinance. Language has been amended slightly for clarity.

- (2) The site shall be screened in conformance with the regulations of **Article VIII**, Community Design Standards, of this Ordinance.
- (3) An appropriately sized and designed in-ground grease and oil separator device shall be installed on-site and properly maintained to prevent grease and oil entry into the wastewater system.
- (4) An automatic water reclamation system shall be used to recover a minimum of 70% of the car wash rinse water for reuse.

**(D) Hazardous Materials Standards.**

- (1) The discharge of fuel, oil, solvents, anti-freeze, and/or other pollutants, hazardous materials, or flammable substances into any public sewer, storm drainage, or other surface waters is prohibited.
- (2) The owner/operator shall prepare an emergency spill notification Contingency Plan to be approved by the County and posted on the premises before the issuance of any occupancy permits. The owner/operator/tenant shall be responsible for notifying all County departments identified in the Contingency Plan immediately in the event of a spill or any petroleum product, chemical waste, or other hazardous substance on the property. The owner/operator shall assume full responsibility for all public and private expenses incurred in the clean-up of such spills.

**Section 7-5-3. Event Venue.**

- (A) **General Design Standards.** All landscaping and screening, signage, lighting, and parking shall be designed in accordance with applicable standards of **Article VIII**, Community Design Standards, of this Ordinance.
- (B) **Temporary Elements.** Temporary tents, fencing, seating, catering arrangements, or other elements of an event may be used during the event only and shall be removed within 24 hours after the event concludes, and the building or premises shall be returned to its normal condition.
- (1) Building Permits must be obtained for tents, amusement devices, and other similar temporary structures, as required by the Building Code of Pittsylvania County.

**(C) Minimum Lot Area.**

- (1) Agricultural Districts: 10 acres.
- (2) Commercial Districts: ½ acre.

**(D) Access and Parking.**

- (1) Off-street parking requirements shall be in accordance with **Article VIII**, Community Design Standards, of this Ordinance, as well as the following:
  - (i) Parking shall be setback a minimum of 50 ft. from any public road.
  - (ii) Grass parking areas shall be allowed where no more than 24 events are permitted in a calendar year. A calendar year runs from January through December.

- (iii) Grass parking areas shall be maintained to a grass height of no more than 6 in. from grade.
- (iv) Grass parking areas shall be maintained in good condition with uniform grass coverage and free from rill or gully erosion.
- (2) Travel lanes shall be sufficient width to accommodate emergency services vehicles.
- (3) Entrance into the property shall be designed, approved, and constructed to meet Virginia Department of Transportation (VDOT) entrance standards.
- (4) If deemed necessary by the Administrator, a Traffic Impact Analysis may be required as part of the Site Plan process.
- (E) **Noise.** All noise shall comply with Chapter 41, Noise Control, of the Pittsylvania County Code.
  - (1) There shall be no amplified music between 10:00 p.m. and 7:00 a.m., seven days a week.
- (F) **Sanitary Facilities.** Sanitary facilities shall be provided in accordance with Virginia Department of Health standards set forth in the Virginia Administrative Code 12VAC5-610-980, as amended.
- (G) **Occupancy Limitations.** For all indoor and outdoor areas, occupancy limits shall comply with all local and state laws.
  - (1) Any structure or building utilized for an event, or as an event venue, shall meet the International Building Code requirements for public occupancy.

#### Section 7-5-4. Gasoline Stations.

(A) **Location and Dimensional Requirements.**

- (1) Entrances to the gas station shall be minimized and located in a manner promoting safe and efficient traffic circulation while minimizing the impact on the surrounding neighborhood.
- (2) All gas station driveways and access points shall be a minimum of 200 ft. from any residentially zoned district or residence.
- (3) All fuel pump islands, compressed air connections, and similar equipment shall be 20 ft. from any property line.

(B) **Screening.**

- (1) A 6 ft. solid fence, wall, or landscaping shall be provided along all property lines separating the site from any residentially zoned district or lot containing any residential dwelling unit.
- (2) Dumpsters or other refuse shall be screened in accordance with **Article VIII**, Community Design Standards, of this Ordinance.

(C) **Design Standards.**

- (1) Applicants shall demonstrate that the gas station will be compatible with the neighborhood with regards to traffic circulation, parking, and appearance and size of structures.
- (2) Gas canopy shall be designed and built to be compatible with the principal use.
- (3) Outdoor speakers shall not be audible beyond the property lines.

- (4) Under-canopy lighting shall consist of recessed, flat lens fixtures.
- (5) All stormwater runoff from refueling areas shall pass through an in-ground grease and oil separator.
- (6) An appropriately sized and designed in-ground grease and oil separator device shall be installed on-site and properly maintained to prevent grease and oil entry into the wastewater system.

**(D) General Standards.**

- (1) There shall be no storage of automobiles, trailers, recreational vehicles, boats, or similar equipment.
- (2) Sales of limited fuel oil or bottled gas is permitted as an accessory use.
- (3) Fuel dispensers, pump islands, overhead canopy, and air and water dispensers shall be removed upon cessation of the use for a period of more than 1 year.
- (4) The Administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.

**(E) Hazardous Materials Standards.**

- (1) All hazardous materials shall be handled, recycled, or disposed of according to federal, state, and local laws.
- (2) The owner/operator shall prepare an emergency spill notification Contingency Plan to be approved by the County and posted on the premises before the issuance of any occupancy permits. The owner/operator/tenant shall be responsible for notifying all County departments identified in the Contingency Plan immediately in the event of a spill or any petroleum product, chemical waste, or other hazardous substance on the property. The owner/operator shall assume full responsibility for all public and private expenses incurred in the clean-up of such spills.

### **Section 7-5-5. Kennel, Commercial.**

**(A) Minimum Lot Area.**

- (1) Minimum lot area of 5 acres.

**(B) Location.** Except where animals are confined in soundproofed buildings, no portion of the use, excluding required screening and landscape buffers, shall be located within:

- (1) 100 ft. from the property lines of adjoining agricultural zoned property;
- (2) 200 ft. from the property lines of adjoining residential zoned property; and
- (3) 200 ft. from any dwelling not on the associated parcel.

**(C) General Standards.**

- (1) All exterior runs, play areas, or arenas shall be designed with a minimum 6-foot-high opaque screen from adjacent lot lines and street rights-of-way.



- (2) Kennels shall be kept free of waste on a regular basis to minimize impacts of odor and reduce propagation of pests.
- (3) All boarded animals shall be kept within a totally enclosed part of the structures between the hours of 10:00 p.m. and 8:00 a.m.

### Section 7-5-6. Marina.

- (A) **Compliance.** All marinas shall comply with any applicable regulations in **Article V**, Overlay Zoning Districts, of this Ordinance, in addition to all relevant State laws and regulations, including but not limited to those protecting soil and water quality.
- (B) **Water Frontage.**
  - (1) Minimum of 300 ft. of water frontage.
- (C) **Outdoor Storage.** Outdoor storage shall conform with the standards of Outdoor Storage, as provided in **Section 7-7-7** of this Article.
- (D) **Recreational Vehicle Storage.** Any storage of watercraft or recreational vehicles as an accessory use to a Marina operation shall conform with the standards of Recreational Vehicle Storage Facility, as provided in **Section 7-5-8** of this Article.

### Section 7-5-7. Outdoor Sales, Seasonal.

- (A) **Permits.**
  - (1) No more than 4 permits shall be issued for the same lot during a calendar year.
  - (2) No permit shall be issued to an applicant, unless or until:
    - (i) A minimum of 30 consecutive days after a permit issued to that applicant for the same or an adjacent lot or parcel has expired.
- (B) **Time Limits.** Each stand shall be permitted for a period not to exceed 60 consecutive days.
- (C) **Setbacks.** The outdoor sales stand or display shall be setback at least 15 ft. from any public right-of-way and outside any required landscape buffer.
- (D) **Parking.** Parking shall be supplied on the site of the primary use and not along the public right-of-way.
- (E) **Hours of Operation.** Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m.

### Section 7-5-8. Recreation, Outdoor.

- (A) **General Standards.** All parking, lighting, signage, and landscaping and screening shall be in accordance with applicable regulations of **Article VIII**, Community Design Standards, of this Ordinance.
- (B) **Noise.** All noise shall comply with Chapter 41, Noise Control, of the Pittsylvania County Code.
  - (1) There shall be no amplified music between 10:00 p.m. and 7:00 a.m., seven days a week.

(C) **Sanitary Facilities.** Sanitary facilities shall be provided in accordance with Virginia Department of Health standards set forth in the Virginia Administrative Code 12VAC5-610-980, as amended.

(D) **Drive In Theaters.**<sup>34</sup>

- (1) Minimum lot area shall be 5 acres.
- (2) Movie screens shall be reasonably located as to be unobtrusive to a right-of-way and sight distance triangle.
- (3) **Additional Parking Requirements.** Adequate parking shall be provided that prevents dust and mud from leaving the site to the extent possible. No parking shall be allowed on highway rights-of-way.
  - (i) Grass parking area shall be maintained to grass height of no more than 6 in. from grade.
  - (ii) Grass parking areas shall be maintained in good condition with uniform grass coverage and free from rill or gully erosion.
  - (iii) Parking spaces for vehicles shall be clearly designated in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
  - (iv) All parking areas must be neat in designated rows with ample travel ways for the flow of traffic and emergency vehicle access.

(E) **Swimming Pools.**<sup>35</sup>

- (1) **Setbacks.** Commercial swimming pools, equipment, and any ancillary structures or facilities shall have a minimum setback of 75 ft. from all property lines, and a minimum setback of 125 ft. from any existing residential dwelling unit.
  - (i) Minimum setbacks may be reduced to 25 ft. if the adjacent property is commercially or industrially zoned.

### Section 7-5-9. Recreational Vehicle Storage Facility.

(A) **Activity.**

- (1) Recreational Vehicle Storage Facilities are intended for recreational vehicles and watercraft only.
- (2) Spaces may be rented for parking and/or storing recreational vehicles, but no other business of any kind shall be conducted in the structure.
- (3) No service or repair work shall be permitted in association with the parking facility except under emergency service work.
- (4) No outdoor storage of inoperable recreational vehicles or equipment.

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<sup>34</sup> Editor's Note: Standards included in Section 35-118 of the current Ordinance.

<sup>35</sup> Editor's Note: Standards included in Section 35-127 of the current Ordinance.

- (B) **Design.** To retain all recreational vehicles and watercraft completely within the parking lot, a rail, fence, wall, or other continuous barricade of no less than 6 ft. tall shall be provided except at exit or access driveways.
- (C) **Screening.** Screening shall be provided on each side of the parking lot which:
  - (1) Abuts upon any residential district or use; or
  - (2) Faces across a street, alley, or place from any lot in a residential district or use.
  - (3) Screening shall be in accordance with the regulations of **Article VIII**, Community Design Standards, of this Ordinance.

### Section 7-5-10. Restaurant, Mobile.

- (A) **Exceptions.** The Administrator may waive any of the following standards if the mobile restaurant is in conjunction with a temporary or special event.
- (B) **Licensure and Permits.**
  - (1) Mobile restaurants shall obtain a business license from the Pittsylvania County Commissioner of the Revenue.
  - (2) Mobile restaurants shall maintain a valid health permit issued by the Virginia Department of Health.
  - (3) Mobile restaurants shall comply with all applicable requirements of the Pittsylvania County Fire Marshal's Office.
  - (4) Mobile restaurants shall be within a movable licensed vehicle or an enclosed trailer. Any vehicles or trailers shall be properly registered with the Virginia Department of Motor Vehicles.
  - (5) Mobile restaurants cannot be on a detached flat bed, truck bed, or similar structure.
- (C) **Noise.**
  - (1) All noise associated with the mobile restaurant – including operation of the mobile restaurant, music, or use of a generator – shall be no louder than 50 dBA at 100 ft. away.
    - (i) Excessive complaints about vehicle or generator noise will be grounds for the Administrator to require that the mobile restaurant change location on the site or move to another property.
- (D) **Hours of Operation.** Mobile restaurants may operate between 6 a.m. and 9 p.m. Sunday to Thursday and between 6 a.m. to 11 p.m. Friday and Saturday (including set-up and break-down) on any one day at any single location. The vehicle and all accessory structures shall be removed each day.
- (E) **Signs.** No signs shall be displayed except:
  - (1) Those permanently affixed to the vehicle;
  - (2) 1 A-framed sign not to exceed 4 ft. in height and 6 sq. ft. of display for each of the two sides; and

(3) The sign cannot block any pedestrian or vehicle passageways.

**(F) Trash and Waste.**

(1) Trash receptacles shall be provided, and all trash, refuse, or recyclables generated by the use shall be removed from the site by the operator at the end of the business day.

(2) No liquid wastes shall be discharged from a mobile restaurant.

**(G) Location.**

(1) Mobile restaurants shall only locate on private property in conjunction with a non-residential primary use. Examples include commercial businesses, religious assemblies, day care centers, schools, etc.

(2) No mobile restaurant shall locate within 100 ft. of an entrance to any brick-and-mortar restaurant (determined by measuring the edge of the mobile restaurant to the main public entrance of the brick-and-mortar establishment) unless permission by the owner of the brick-and-mortar restaurant is provided.

(3) No mobile restaurant shall locate within 50 ft. of a single family or two-family residential use.

(4) Mobile restaurants shall also be positioned at least 15 ft. away from fire hydrants, any fire department connection (FDC), driveway entrances, alleys, and handicapped parking spaces.

(5) Mobile restaurants shall not block:

- (i) The main entry drive isles or impact pedestrian or vehicular circulation overall;
- (ii) Other access to loading areas; or
- (iii) Emergency access and fire lanes.

**(H) Parking.**

(1) No mobile restaurant shall park on any fire lane, road, or right-of-way, whether public or private.

(2) Parking of mobile restaurants shall not impact required parking for other uses.

**Section 7-5-11. Special Event.**

**(A) Temporary Elements.** Temporary tents, fencing, seating, catering arrangements, or other elements of a special event may be used during the event only and shall be removed within 24 hours after the special event concludes, and the building or premises shall be returned to its normal condition.

(1) Building Permits must be obtained for tents, amusement devices, and other similar temporary structures, as required by the Building Code of Pittsylvania County.

**(B) Noise.** All noise shall comply with Chapter 41, Noise Control, of the Pittsylvania County Code.

(1) There shall be no amplified music between 10:00 p.m. and 7:00 a.m., seven days a week.

(C) **Hours of Operation.** All special events shall be limited to 8:00 a.m. and 11:59 p.m., seven days a week.<sup>36</sup>

(D) **Trash and Waste.**

- (1) Trash receptacles shall be provided in a sufficient manner to store all trash and waste generated by the special event.
- (2) All trash, refuse, or recyclables generated by the Special Event shall be properly removed from the site by event staff at the end of the day.

(E) **Parking.**

- (1) Off-street parking requirements shall be in accordance with **Article VIII**, Community Design Standards, of this Ordinance, as well as the following:
  - (i) Parking shall be setback a minimum of 50 ft. from any public road.
  - (ii) Travel lanes and parking areas shall be sufficient width to accommodate emergency services vehicles.

(F) **Sanitary Facilities.** Sanitary facilities shall be provided in accordance with Virginia Department of Health standards set forth in the Virginia Administrative Code 12VAC5-610-980, as amended.

(G) **Occupancy Limitations.** Occupancy limits shall comply with all local and state laws.

## Section 7-5-12. Store, Convenience.

(A) **Design Standards.** All landscaping and screening, signage, lighting, and parking shall be designed in accordance with applicable standards of **Article VIII**, Community Design Standards, of this Ordinance.

(B) **General Standards.**

- (1) Entrances to the site shall be minimized and located in a manner promoting safe and efficient traffic circulation while minimizing the impact on the surrounding area.
- (2) There shall be no fuel pumps or the selling of fuel for motor vehicles.
- (3) There shall be no storage of automobiles, trailers, recreational vehicles, boats, or similar equipment.
- (4) The Administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.

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<sup>36</sup> Editor's Note: As a result of feedback from the 6/8 worksession, requirements for hours of operation have been added to prevent adverse impacts of noise and parties on nearby properties.

### Section 7-5-13. Tradesperson Service.

- (A) **Outdoor Storage.** All outdoor storage shall conform with the standards of Outdoor Storage, as provided in **Section 7-7-7** of this Article.
- (B) **General Standards.**
  - (1) Sufficient parking shall be provided for the allowed number of employees and customers.
    - (i) Parking area(s) shall be provided on the lot that the tradesperson service is associated with and cannot be on any streets or right-of-way.
  - (2) All parking, lighting, signage, and landscaping and screening shall be in accordance with applicable regulations of **Article VIII**, Community Design Standards, of this Ordinance.

### Section 7-5-14. Truck Stop.

- (A) **Minimum Lot Area**
  - (1) All truck stop sites shall be a minimum of ten acres.
- (B) **Location and Dimensional Requirements.**
  - (1) Entrances to the truck stop shall be minimized and located in a manner promoting safe and efficient traffic circulation while minimizing the impact on the surrounding area.
  - (2) All truck stop driveways and access points shall be a minimum of 200 ft. from any residentially zoned district or residence.
  - (3) All fuel pump islands, compressed air connections, and similar equipment shall be 75 ft. from all property lines and 150 ft. from all residential dwelling units.
- (C) **Screening.**
  - (1) An 8 ft. solid fence, wall, or landscaping shall be provided along all property lines separating the site from any agricultural or residentially zoned district or lot containing a dwelling unit.
  - (2) Dumpsters or other refuse shall be screened in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
- (D) **Design Standards.**
  - (1) Applicants shall demonstrate that the truck stop will be compatible with the neighborhood with regards to traffic circulation, parking, and appearance and size of structures.
  - (2) Gas canopies shall be designed and built to be compatible with the principal use.
  - (3) Outdoor speakers shall not be audible beyond the property lines.
  - (4) Under-canopy lighting shall consist of recessed, flat lens fixtures. All other lighting shall be sited and designed in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
  - (5) Truck parking shall not be in the front or side yards of the property.

- (6) All stormwater runoff from refueling areas shall pass through an in-ground grease and oil separator.
- (7) An appropriately sized and designed in-ground grease and oil separator device shall be installed on-site and properly maintained to prevent grease and oil entry into the wastewater system.

**(E) General Standards.**

- (1) There shall be no storage of automobiles, trailers, recreational vehicles, boats, inoperable vehicles, or similar equipment.
- (2) Sales of limited fuel oil or bottled gas are permitted as an accessory use.
- (3) Fuel dispensers, pump islands, overhead canopy, and air and water dispensers shall be removed upon cessation of the use for a period of more than 1 year.
- (4) The Administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.
- (5) Minor vehicle repair facilities included at a truck stop use shall only provide minor adjustments, service, and repairs to vehicles, including but not limited to diagnosis and tune-up; auto glass repair and installation; tire sales and services; and brake repair.
  - (i) Minor repair shall not include body and engine work.

**(F) Hazardous Materials Standards.**

- (1) All hazardous materials shall be handled, recycled, or disposed of according to federal, state, and local laws.
- (2) The owner/operator shall prepare an emergency spill notification Contingency Plan to be approved by the County and posted on the premises before the issuance of any occupancy permits. The owner/operator/tenant shall be responsible for notifying all County departments identified in the Contingency Plan immediately in the event of a spill or any petroleum product, chemical waste, or other hazardous substance on the property. The owner/operator shall assume full responsibility for all public and private expenses incurred in the clean-up of such spills.

## **Section 7-5-15. Vehicle Repair Service.**

**(A) Development Standards.**

- (1) All principal and accessory structures shall comply with the district standards for which they are located.
- (2) No portion of the use, excluding required screening and landscape buffers, shall be located within 200 ft. of a residential district or structure containing a dwelling unit.
- (3) There shall be no storage or display of vehicles within 10 ft. of a property line.

**(B) Parking Standards.**

- (1) All parking shall comply with **Article VIII**, Community Design Standards, of this Ordinance.
- (2) All parking shall be located to the side or rear of the establishment.

**(C) General Standards.**

- (1) All repairs and maintenance of vehicles, including parts installation, shall be performed within a completely enclosed building.
- (2) No vehicle or equipment displays shall be located within a required setback, fire lane, travel way, sidewalk, or landscaped area.
- (3) The temporary on-site storage of vehicles awaiting repair, service, or removal shall be on the side or rear of the principal structure and screened from view from any adjacent right-of-way by a building, or by an opaque fence or wall, in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
  - (i) Temporary on-site storage of vehicles is 30 days or less.
- (4) Nothing, including vehicles and vehicle equipment, shall be displayed on the top of a building.
- (5) An appropriately sized and designed in-ground grease and oil separator device shall be installed on-site and properly maintained to prevent grease and oil entry into the wastewater system.
- (6) No outdoor storage of inoperable vehicles or equipment.

**(D) Hazardous Materials Standards.**

- (1) The discharge of fuel, oil, solvents, anti-freeze, and/or other pollutants, hazardous materials, or flammable substances into any public sewer, storm drainage, or other surface waters is prohibited.
- (2) The owner/operator shall prepare an emergency spill notification Contingency Plan to be approved by the County and posted on the premises before the issuance of any occupancy permits. The owner/operator/tenant shall be responsible for notifying all County departments identified in the Contingency Plan immediately in the event of a spill or any petroleum product, chemical waste, or other hazardous substance on the property. The owner/operator shall assume full responsibility for all public and private expenses incurred in the clean-up of such spills.

**(E) Tire and Outdoor Storage Standards.**

**(1) Location.**

- (i) No tire and/or outdoor storage shall be located within 50 ft. of a residential district.

**(2) General Standards.**

- (i) Tire and outdoor storage as an accessory use shall not exceed 30% of the total site area and shall be subject to the use standards of **Section 7-7-7** of this Article.
- (ii) Outdoor displays of tires shall be subject to the use standards of **Section 7-7-6** of this Article.



(a) No more than 10 tires shall be included in outdoor displays.

(iii) All tire and/or outdoor storage shall meet the requirements of the Pittsylvania County Fire Marshal.

**(3) Screening, Buffering, and Landscaping.**

(i) All tire and/or outdoor storage shall be screened by a solid wall or fence not less than 6 ft. in height. All screening shall be in accordance with **Article VIII**, Community Design Standards, of this Ordinance.

(ii) Tire and/or outdoor storage shall be located on the side or rear of the main structure and screened from view from any adjacent roadway.

(iii) Tires, parts, materials, and any other equipment stored outdoors shall not be stacked higher than 4 ft.

**Section 7-5-16. Veterinary Hospital.**

(A) **Location.** Except where animals are confined in soundproofed buildings, no portion of the use, excluding required screening and landscape buffers, shall be located within:

(1) 100 ft. from the property lines of adjoining agricultural or residentially zoned property; or

(2) 200 ft. from any dwelling unit not on the associated parcel.

(B) **General Standards.**

(1) All boarded animals shall be kept within totally enclosed parts of the structures between the hours of 10:00 p.m. and 8:00 a.m.

(2) All exterior runs, play areas, or arenas shall be designed with a minimum 6-foot-high opaque screen from adjacent lot lines and street rights-of-way, and shall be in accordance with **Article VIII**, Community Design Standards, of this Ordinance.

(3) Veterinary hospitals/clinics shall be kept free of waste on a regular basis to minimize impacts of odor and reduce propagation of pests.

**Division 6. Industrial Use Standards.**

**Section 7-6-1. Battery Storage Facility.**

(A) **Setbacks.** Battery Energy Storage Facilities shall be setback at least 100 ft. from all property lines.

(B) **Configuration.** All Battery Energy Storage Facilities shall be configured so that battery cells shall be placed in a Battery Energy Storage System (“BESS”) with a Battery Management System (“BMS”). The BESS shall provide a secondary layer of physical containment to the batteries and be equipped with cooling, ventilation, and fire suppression systems.

(C) **Operation.** Battery Energy Storage Facilities shall be constructed, maintained, and operated in accordance with applicable codes and standards, including but not limited to applicable fire, electrical, and building codes adopted by the County; National Fire Protection Association (NFPA)

855, Standard for the Installation of Stationary Energy Storage Systems, 2020 Edition and subsequent additions; Underwriters Laboratories (UL) 9540A Ed. 4-2019, Standard for Test Method for Evaluating Thermal Runway Fire Propagation in Battery Energy Storage Systems and subsequent editions.

**(D) Utilities.**

- (1) Public water, or an existing commercial well, and fire hydrants shall be available to the property.
- (2) All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

**(E) Screening and/or landscaping shall be necessary to ensure that facilities are not visible.** Facilities shall be fully screened on all sides from view.

- (1) All screening and landscaping shall be in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
- (2) Areas within 20 ft. on each side of Battery Energy Storage Facility shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt, provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

**(F) Location.** Due to their potentially combustible nature, the siting of Battery Energy Storage Facilities shall be to:

- (1) Buffer the facility from the surrounding areas by siting toward the interior of the lot; and
- (2) Take advantage of existing topography, structures, and vegetation to provide extra screening.

**(G) Emergency Access.** Access to the property for Pittsylvania County fire, rescue, and emergency services shall be provided in a matter acceptable to the Pittsylvania County Fire Marshal.

**(H) Safety Operation Standards.**

- (1) Each individual battery shall have 24/7 automated fire detection and extinguishing technology built in.
- (2) The Battery Management System shall monitor individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access.
- (3) The Battery Management System shall be capable of shutting down the system before thermal runaway takes place.

**(I) Warning Signage.** NFPA 704 placards shall be placed on building entrances along with emergency contact information.

- (J) **Security Fencing.** The facilities shall be enclosed by security fencing.
- (1) All security fencing shall be a minimum of 6 ft. in height and topped with razor/barbed wire, as appropriate.
  - (2) All security fencing shall be placed behind the buffer and screened from view.
  - (3) All security fencing shall be constructed so as to substantially lessen the likelihood of entry by unauthorized individuals.
  - (4) A performance bond reflecting the costs of anticipated security fence maintenance shall be posted and maintained.
  - (5) Failure to maintain the security fencing shall result in revocation of the Zoning Permit and the facility's decommissioning.
- (K) **Decommissioning Plan.** Applications for Battery Energy Storage Facilities shall include a Decommissioning Plan to be implemented upon abandonment and/or in conjunction with removal of the facility. All Decommissioning Plans shall be certified by an engineer or contractor with demonstrated expertise in solar facility removal, and shall include the following:
- (1) The anticipated life of the project;
  - (2) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all components of the battery energy storage facility;
  - (3) An estimated deconstruction schedule;
  - (4) A description of mediation procedures for the release of hazardous materials or other emergency events during the decommissioning process;
  - (5) The estimated decommissioning cost in current dollars; and
  - (6) The estimated cost of decommissioning shall be guaranteed by bond, letter of credit, or other security approved by the County.
    - (i) The owner shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the battery energy storage facility.
    - (ii) The escrow account agreement shall prohibit the release of the bond without the written consent of the County. The County shall consent to the release of the bond upon the owner's compliance with the approved Decommission Plan. The County may approve the partial release of the bond as portions of the approved Decommission Plan are performed.
    - (iii) The dollar amount of the bond shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
    - (iv) The owner or occupant shall recalculate the estimated cost of decommissioning every 5 years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by 10%, then the owner or occupant shall deposit additional funds into the bond to meet the new cost estimate. If the recalculated estimated

cost of decommissioning is less than 90% of the original estimated cost of decommissioning, then the County may approve reducing the amount of the bond to the recalculated estimate of decommissioning cost.

- (7) Decommission shall include removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural uses.

(L) **Emergency Plan.** Applications for battery energy storage facilities shall include an Emergency Plan that, at minimum, contains the following:

- (1) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, release of hazardous materials, and personal injuries, and for safe start-up following cessation of emergency conditions.
- (2) Procedures for inspection and testing of associated alarms, interlocks, and controls.
- (3) Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service, and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- (4) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- (5) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

### Section 7-6-2. Data Center.

- (A) Due to the high water demand, data centers shall be connected to a public water system if a water-based cooling system is utilized.
  - (1) Data centers shall not establish commercial wells for any operations.
- (B) Power generators, water cooling systems, storage facilities, and any other mechanical infrastructure necessary for the operations of the data center shall be within an enclosed structure screened as not to be visible from any adjacent street, use, or building. All screening shall comply with **Article VIII**, Community Design Standards, of this Ordinance.
  - (1) Ground mounted mechanical equipment is prohibited in front yards.
  - (2) Solid screening walls must be constructed with a design, materials, details, and treatment compatible with those used on the nearest Principal Facade of a building but may include perforated surfaces as needed for ventilation of mechanical equipment.
- (C) Generator testing shall be limited to weekdays between 8:00 a.m. and 5:00 p.m.

- (D) No data center shall be built until evidence has been given as part of the application that the owner has been approved by the utility company.
- (E) Principal façade requirements apply to all building facades that face adjacent existing or planned public roads or that face an adjacent property with existing residential development, an approved plat showing residential development, or zoning district permitting residential dwellings. Principal facades must have differentiated surfaces, consistent design and fenestration to create visual interest and consistency with community character.
- (F) Ground mounted mechanical equipment must be setback from adjacent property with existing residential development, an approved plat showing residential development, or zoning district permitting residential dwellings, a minimum of 75 ft. from the property line.
- (G) During operation, a data center shall not produce a noise level that exceeds 65 dBA as measured at the property line.
- (H) **Noise Testing.**<sup>37</sup> Operation of all data center uses shall not commence until conformance with the requirements of this Section is confirmed.
  - (1) After completion of construction and prior to commencement of operation, the applicant shall submit a sound test prepared by a qualified full member of the Acoustical Society of America (ASA), a Board Certified member of the Institute of Noise Control Engineering (INCE), or other credentialed professional as approved by the Administrator. The purpose of such test is to confirm noise levels after completion of construction and prior commencement of operation meet the general standards provided above and/or any additional use performance standards and conditions associated with the use.
    - (i) If the sound test finds that noise levels exceed the maximum permissible dBA stated in Section 7-6-2(G), above, or any additional use performance standards and conditions associated with the use, then there shall be no commencement of the use.
    - (ii) For projects completed in phases, the above testing requirements shall apply after construction of each phase and prior to full operation.
  - (2) **Annual Testing.** Noise testing as required in **Section 7-6-2(A)**, above, shall be conducted annually and submitted to the Administrator no later than July 1 of each calendar year for the life of the use.
    - (i) If the sound test finds that noise levels exceed the maximum permissible dBA stated in this Division or any additional use performance standards and conditions associated with the use, the applicant shall have 48 hours to mitigate the violation or operations shall be suspended and the Applicant shall cease the use until such time that the Applicant can demonstrate the noise levels are in compliance with this Section.

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<sup>37</sup> Editor's Note: Noise testing requirements for data center uses are proposed; this is a best practice to mitigate mechanical noise emitted by data centers.

### Section 7-6-3. Junkyard/Salvage Yard.

(A) **General Standards.** In accordance with Code of Virginia § 33.2-804, as amended, junkyards are permitted through a Special Use Permit, with the following standards.

(1) All junkyards/salvage yards shall be:

- (i) Setback at least 1,000 ft. from the nearest edge of any interstate or primary highway, and 500 ft. from all other roadways.<sup>38</sup>
- (ii) Completely screened by a solid wall or fence, including solid entrance and exit gates, not less than 8 ft. nor more than 12 ft. in height.<sup>39</sup>
  - (a) All screening shall be in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
  - (b) Vehicles, parts, materials, and equipment stored shall not be stacked higher than the screening wall or fence.
  - (c) When walls or fences are adjacent to commercial or residential districts, a landscaped buffer shall be provided to break visibility of the fence in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
- (iii) Operated and maintained in such a manner as not to allow the breeding of rats, flies, mosquitoes, or other disease-carrying animals and insects.
- (iv) Operated in compliance with all federal and state record keeping and reporting requirements.

(2) Shall not:

- (i) Involve collection or storage of any material containing, or contaminated with, dangerous explosives, chemicals, gases, or radioactive substances.

### Section 7-6-4. Mining; Minerals Extraction and Processing.<sup>40</sup>

(A) **Setbacks.**

- (1) No mining or minerals extraction operation shall be conducted within 200 ft. of a property line.
- (2) Setbacks shall not be used for any purpose during active excavation periods, including overburden and spoil storage, except the minimum necessary for access roads.

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<sup>38</sup> Editor's Note: Section 35-120 of the current Ordinance includes a requirement that junkyards shall not be within 1,000 feet of the nearest edge of any interstate or primary highway; this has been retained with the 500 ft. setback proposed for all other roadway types.

<sup>39</sup> Editor's Note: This standard is included in Section 35-120 of the current Ordinance.

<sup>40</sup> Editor's Note: These standards are included in Section 35-139 of the existing Ordinance and have been reorganized and amended slightly for clarity. Additional general standards and requirements for Site Development Plans have been added.

- (B) **Hours of Operation.** All blasting shall occur between the hours of 9:00 a.m. and 6:00 p.m., Monday through Friday.
- (C) **Security Fencing.** All open and active quarries and mines shall be entirely enclosed by security fencing.
- (1) All security fencing shall be a minimum of 6 ft. in height and topped with razor/barbed wire, as appropriate.
  - (2) All security fencing shall be constructed so as to substantially lessen the likelihood of entry by unauthorized individuals.
  - (3) Security fencing shall be located at least 15 ft. from the edge of any excavation.
- (D) **General Standards.**
- (1) All mining and minerals extraction/processing operations shall comply with all local, state, and federal laws and regulations.
  - (2) Mining and minerals extraction/processing operations shall be screened by a solid wall or fence, or a vegetative landscape buffer. All screening shall be in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
  - (3) Access to the site shall be located so that truck traffic does not travel through any existing residential subdivisions or residentially zoned properties.
  - (4) Access roads and parking areas shall be maintained in a dust-free manner.
- (E) **Site Development Plan.** In addition to the requirements of Site Development Plans, as provided in **Article III**, Permits and Applications, of this Ordinance, the following shall be provided:
- (1) Documentation of all physical changes or improvements to the property.
  - (2) Methods for controlling drainage, runoff, and potential ponding on the site.
  - (3) Erosion and sediment control measures to be employed.
  - (4) A written evaluation of the impact on the proposed activity of nearby groundwater resources.
  - (5) A phasing plan including time frames for the extraction activities.
  - (6) A decommissioning and reclamation plan upon completion of the mining or excavation activity.
- (F) **Decommission and Reclamation.**
- (1) The owner and/or operator of a mining and minerals extraction/processing operation that is scheduled to be terminated or ceased shall notify the Administrator of the proposed date of termination of operations.
  - (2) The owner and/or operator of a mining and minerals extraction/processing operation shall comply with all applicable federal, state, and local laws and regulations.
  - (3) To prevent or control erosion, the site shall be graded and re-seeded or replanted within 12 months of removal and/or ceasing of mining and minerals extraction/processing operation on

all abandoned slopes, and/or extraction areas to restore it to as natural a pre-development condition as possible.

- (4) Any exception to site restoration, such as leaving driveways, entrances, or landscaping in place, or substituting plantings, shall be requested by the landowner in writing, and this request shall be approved by the Board of Supervisors.
- (5) Hazardous material from the property shall be disposed of in accordance with federal and state law.

### Section 7-6-5. Oil/Gas Exploration.

(A) **Proof of Ownership.** Each application shall be accompanied by proof of ownership of the oil and/or natural gas rights for the entire site. This proof may take the form of signed contracts, leases, affidavits, or other documents.

(B) **General Standards.**

- (1) All oil/gas exploration shall comply with all local, state, and federal laws and regulations, including those set by the Virginia Department of Energy's Mineral Mining and Oil and Gas divisions.
- (2) As part of the application, operators shall submit a copy of any assessments, operations plan(s), and reclamation plans, as required by state or federal agencies.
- (3) The Administrator may require additional information that may be necessary for a complete technical review of the application.
- (4) Grading and alteration of natural drainage shall be minimized.
- (5) If the exploratory drilling program is unsuccessful the well site shall be abandoned/closed, in accordance all local, state, and federal regulations.
- (6) Storage in excess of 600 gallons of petroleum products shall not be established without the approval of the Pittsylvania County Public Safety Director.

(C) **Setbacks.**

- (1) No building or structure used with oil/gas exploration shall be located within 200 ft. of any public road or any adjoining property.
  - (a) Buildings devoted solely to office and administrative uses shall be located no less than 100 ft. from a public road or adjoining property.

(D) **Lot Area.** Maximum drill site of 4 acres.

- (1) The drill site may contain any number of boreholes.

(E) **Site Development Plan.** In addition to the requirements of Site Development Plans, as provided in **Article III**, Permits and Applications, of this Ordinance, the following shall be provided:



- (1) The proposed locations for all buildings, structures, and equipment, including rig placement(s), location and size of drill pad, derricks, structures, equipment, storage tanks, gathering lines and all permanent improvements to the site.
  - (2) The area to be permitted and bonded, as required by the Virginia Department of Energy.
    - (a) The estimated cost of decommissioning shall be guaranteed by bond, letter of credit, or other security approved by the County.
    - (b) The owner shall deposit the required amount into the approved escrow amount before any permit is issued to allow construction of the oil and/or natural gas drilling operation.
    - (c) The escrow account agreement shall prohibit the release of the bond without the written consent of the County.
    - (d) The dollar amount of the bond shall be the full amount of the estimated decommissioning and reclamation cost without regard to the possibility of salvage value.
    - (e) The owner or occupant shall annually recalculate the required bond.
- (F) **Narrative.** As part of the application process, a narrative shall be provided that details the following:
- (1) Proposed sources and quantities of water to be used in any drilling operation.
  - (2) Means of recycling and reusing wastewater to:
    - (a) Protect and manage the quality and quantity of local aquifers;
    - (b) Adhere to local and regional water supply and protection plans;
    - (c) Avoid excessive use of public water supplies or groundwater resources; and
    - (d) Reduce wastewater ultimately requiring disposal.
  - (3) Means of storage, transportation, and disposal of all wastewater generated by or during any drilling operations, in accordance with all local, state, federal regulations.
  - (4) Means of reporting and tracking any wastewater or wastes generated by or during drilling operations that are transported off-site for storage or disposal.
  - (5) Hours of operation and noise attenuation to ensure minimal impact on neighboring properties.
  - (6) For any proposed storage or disposal of wastewater generated by or during any drilling operations through a wastewater treatment facility:
    - (a) Written certification from the facility shall be provided that it will accept and properly treat such wastewater, and the maximum amount or volume of wastewater it will accept and properly treat.
  - (7) For any proposed storage or disposal of waste, including; but not limited to, drilling muds and cuttings generated by or during any drilling operations through a landfill or other facility:

- (a) Written certification shall be provided that the landfill and/or facility will accept and properly treat such waste or wastewater and the maximum amount or volume of wastewater or waste that the landfill and/or facility will accept and properly treat.

**(G) Setbacks.**

- (1) No exploratory or production oil or gas well bore shall be permitted within 1,000 ft. of a public groundwater supply well.
- (2) Boreholes shall not be located within 100 ft. of any property line.

**(H) Emergency Preparedness.** The applicant shall develop and provide the drilling operations' emergency plan and contact information to the Pittsylvania County Fire Marshal prior to commencement of any drilling operation.

- (1) An appropriate site visit for orientation of emergency services personnel, as determined by Pittsylvania County, shall be provided prior to commencement of any drilling operation.
- (2) In the event of a governmental declaration of emergency due to drought, Pittsylvania Board of Supervisors may require water withdrawals from ground or surface water to cease for drilling operations.

**(I) Baseline Environmental Consultant's Services.**

- (1) Within no more than 12 months prior to drilling, the applicant shall provide a baseline environmental data report. The report shall document existing environmental conditions within a 750-ft. radius of the proposed drilling site.
- (2) The report shall include water quality samples taken from springs; public water supply intakes; and private wells.
- (3) The report shall provide a narrative description of the sampling plan and justification for how the plan provides adequate information to give a complete description of the existing surface water quality and the quality and current yield/quantity of groundwater wells within the 750-ft. radius from the proposed drilling site.
- (4) All water sampling shall be conducted by a laboratory certified by the Virginia Department of General Services, Division of Consolidated Laboratory Services (DCLS). Well yield shall be determined by draw down per guidelines established by the Virginia Department of Health.
- (5) All water testing shall comply with the Virginia Administrative Code, 12VAC5-590-440.
- (6) The County may require water analysis for additional chemicals that are not currently included in state or federal regulations listed above.
- (7) The applicant shall coordinate a reasonable time and manner to obtain water samples on private property. Should a property owner refuse the applicant access to obtain a water sample, the applicant shall notify the Administrator in writing of such refusal or prevention.

- (8) The County shall submit the baseline environmental report to an independent environmental consultant for review and recommendations regarding the sufficiency of the baseline environmental data provided in the report.
- (a) The cost of all services shall be charged to the applicant.
  - (b) The independent consultant shall have 90 days to review the report and provide a notice of either insufficiency or sufficiency to the County.
  - (c) An environmental data report deemed sufficient by the independent environmental consultant shall be accepted by the County before drilling may commence.
- (J) **Drilling Environmental Consultant’s Services.** Once every 12 months after drilling has commenced, the applicant shall provide a drilling environmental data report.
- (1) The report shall document existing environmental conditions within a 750 ft. radius of the drilling site.
  - (2) The report shall include all information and follow same procedure as provided in **Section 7-6-3(E)(7)**, above.
- (K) **Post Drilling Environmental Consultant’s Services.** No more than 6 months after drilling is complete, the applicant shall provide a post-drilling environmental data report.
- (1) The report shall document existing environmental conditions within a 750 ft. radius of the drilling site.
  - (2) The report shall include all information and follow same procedure as provided in **Section 7-6-3(E)(7)**, above.
- (L) **Termination of Drilling Operation.**
- (1) The owner and/or operator of a drilling operation scheduled to be terminated shall notify the Administrator of the proposed date of termination of operations.
  - (2) The owner and/or operator of a drilling operation shall comply with all applicable federal, state, and local laws and regulations for the plugging and closing of wells.
  - (3) If the drilling operation, or any part thereof, is inoperable or does not operate for more than 180 days and the owner and/or operator of the operation does not give such notice to the Administrator, the operation shall be considered terminated.
  - (4) Within 12 months of the date of termination, the owner and/or operator shall physically remove the operation. The County may extend this period at the request of the owner and/or operator. Physical removal shall include but is not limited to:
    - (a) Removal of the drilling rigs, all machinery, equipment, equipment shelters, security barriers, and all appurtenant structures from the lot.
    - (b) Proper disposal of all wastewater or waste, including but not limited to solid or hazardous materials, generated by or during a drilling operation, in accordance with all applicable federal, state, and local laws and regulations.

- (c) Restoration of the location of the drilling operation to its natural, pre-existing condition, as agreed to by the property owner.
- (d) Removal of foundations to a depth of 4 ft. below ground level. The County has discretion to waive or alter this requirement for any other legally authorized use. Restoration shall be verified by the Administrator.

### Section 7-6-6. Sawmill, Temporary.

#### (A) Setbacks.<sup>41</sup>

- (1) No temporary sawmill shall be located within 100 ft. of any property line.
  - (i) Trees and vegetation within the 100 ft. setback shall be maintained as a buffer to adjoining properties and uses.
- (2) No saw, planer, chipper, conveyor, chute, or other similar machinery shall be located closer than 600 ft. from any dwelling on any lot other than the lot on which the sawmill, planing mill, or wood yard is located.

#### (B) General Standards.

- (1) A temporary sawmill shall only be established to process timber cut from the parcel on which the temporary sawmill is located or on immediately adjacent parcels under common ownership.
- (2) No processing, milling, finishing, or artificial means of drying green lumber shall be associated with a temporary sawmill.
- (3) Green lumber and all other products and by-products from the temporary sawmill shall be removed from the site at least every 60 days.
- (4) Buildings associated with a temporary sawmill shall be limited to shelter for the sawmill equipment and essential shelter for personnel. No building shall be erected for the storage, processing or drying of green lumber.
- (5) Outdoor storage of lumber, logs, chips, or timber shall conform with the standards of Outdoor Storage, as provided in [Section 7-7-7](#) of this Article.
- (6) All timbering and milling operations, including reforestation/restoration and the disposal of snags, sawdust, and other debris, shall be conducted in accordance with all applicable regulations of the Virginia Department of Forestry.

## Division 7. Miscellaneous Use Standards.

### Section 7-7-1. Accessory Structure.

- (A) **Exemptions.** Residential accessory structures including, but not limited to, flag poles, basketball hoops, clotheslines, arbors, swings, structures less than 6 sq. ft., or residential yard ornaments shall

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<sup>41</sup> Editor's Note: 7-6-8(A) is included in Section 35-126 of the existing Ordinance.

be exempt from the minimum setback, lot area, and certification requirements as specified in this Section.

**(B) Development Standards.**

- (1) Accessory structures shall meet the standards of the underlying zoning district, including setbacks and height regulations.
- (2) Accessory structures are not permitted in front setbacks, except in agricultural districts.
- (3) Accessory structures shall not exceed 40% of the gross floor area of the main structure.
  - (i) Accessory structures in agricultural districts are exempt from this provision.
- (4) Accessory structures shall be setback at least 15 ft. from the principal structure.<sup>42</sup>

**(C) Permanent Portable Storage Containers.**

- (1) **Where Permitted.** Permitted in agricultural districts only. Prohibited in residential, commercial, industrial, and planned development districts.
- (2) **Standards.**
  - (i) Portable storage containers used as permanent storage located outside of a fully enclosed building or structure in an agricultural district, and visible from adjacent properties or highways shall be screened and/or buffered in compliance with **Article VIII**, Community Design Standards, of this Ordinance, and kept in good condition.
  - (ii) A Zoning Permit is required for any portable storage container located on a lot for more than 15 calendar days.
  - (iii) The portable storage container shall meet all setback requirements for the district in which it is located.
  - (iv) Other than the required Zoning Permit, no sign shall be attached to a portable storage container except to provide the contact information of the container provider.
  - (v) Portable storage containers shall not be used in conjunction with a Class A or Class B Home Occupation or used as a principal use or main building or structure.
  - (vi) The vertical stacking of portable storage containers and the stacking of any other materials or merchandise on top of any storage container shall be prohibited.

**(D) Temporary Portable Storage Containers.**

- (1) **Where Permitted.** Permitted in all zoning districts.
- (2) **Standards.**
  - (i) A Zoning Permit is required for any portable storage container used temporarily and located on a lot for more than 15 calendar days.

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<sup>42</sup> Editor's Note: This provision has been added as a result of discussion with staff. This provision is included in Section 35-74 of the current Ordinance.

- (a) No permit shall be granted for more than 60 calendar days.
  - (ii) The portable storage container shall be placed a minimum of 5 ft. from the property line, or on the driveway of the lot.
    - (a) When it can be demonstrated that space is not available on the lot, one portable storage container may be placed in a legal parking space on the street for a period no longer than 15 days, with the approval of the Pittsylvania County Public Works Department and the Pittsylvania County Fire Marshal.
  - (iii) Other than the required Zoning Permit, no sign shall be attached to a portable storage container except to provide the contact information of the container provider.
  - (iv) The vertical stacking of portable storage containers and the stacking of any other materials or merchandise on top of any storage container shall be prohibited.
- (E) The provisions of this Section shall not apply to properties where construction is actively occurring under a valid building permit. For those uses, see **Section 7-7-3**, Construction Building or Yard, Temporary.

### Section 7-7-2. Boathouse.

**Compliance.** All boathouses shall comply with any applicable regulations in **Article V**, Overlay Zoning Districts, of this Ordinance, in addition to all relevant State laws and regulations, including but not limited to those protecting soil and water quality.

### Section 7-7-3. Construction Building or Yard, Temporary.<sup>43</sup>

- (A) **Intent.** Construction temporary uses are intended for administration offices, storage facilities, and/or portable toilet facilities used during construction on a site.
- (B) **Location.** Construction temporary uses shall be located within the recorded subdivision it serves or on the same lot where the construction project is located.
- (C) **General Standards.**
  - (1) Construction temporary uses shall have the name of the construction company printed on a maximum of 4 ft. by 8 ft. sign permanently affixed on the outside of the building.
  - (2) Construction temporary uses shall meet all requirements of the Building Code, including tie down requirements for mobile structures.
  - (3) Structures containing toilet facilities shall:
    - (i) Have a contract for sewage pump-out or exchange;
    - (ii) Shall be strapped down; and

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<sup>43</sup> Editor's Note: Section 7-7-3(B), (C)(4), and (D)(1)(i) are all requirements in Section 35-129 of the existing Ordinance. An existing requirement that construction temporary uses be removed within 60 days of completion of construction has been amended to removal within 30 days of completion.

(iii) Shall have means of pollution prevention, in accordance with County stormwater regulations.

- (4) All construction temporary uses shall be maintained in such a manner as to prevent dust or debris from spreading onto adjacent properties or onto any public right-of-way.
- (5) Any construction temporary use shall be removed within 30 days of the date on which the permanent structure's construction is complete and a final approval or Certificate of Occupancy is issued, or an associated bond is released.

**(D) Setbacks.**

- (1) Construction temporary uses, excluding portable toilet facilities, may be located within required setbacks, provided that the location does not constitute a safety hazard to the public or a nuisance to surrounding properties.
  - (i) No portion of a construction temporary use shall be located closer than 150 ft. to any existing residential dwelling unit.

**Section 7-7-4. Kennel, Private.**

- (A) **Definition.** A private kennel means any place which is equipped and/or used to house, keep, or otherwise care for, outside of the primary dwelling, 5 or more dogs that are over 6 months of age, and for which no compensation is received.
- (B) **Lot Area.** Minimum lot area of 20,000 sq. ft.<sup>44</sup>
- (C) **Location.** Except where animals are confined in soundproofed buildings, no portion of the use, excluding required screening and landscape buffers, shall be located within:
  - (1) 20 ft. from the property lines of adjoining agricultural zoned property;
  - (2) 50 ft. from the property lines of adjoining residential zoned property; and
  - (3) 50 ft. from any dwelling not on the associated parcel.
- (D) **General Standards.**
  - (1) Screening shall be provided to visually block runs, pens, and kennels from adjacent properties.
  - (2) Kennels shall be kept free of waste on a regular basis to minimize impacts of odor and reduce propagation of pests.
  - (3) Kennels shall be maintained in a sanitary and humane condition in accordance with Code of Virginia, § 3.2-6503, as amended.

**Section 7-7-5. Mixed-Use Structure.**

- (A) Dwelling units shall be allowed by-right on the second or higher floor.

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<sup>44</sup> Editor's Note: The proposed minimum lot area for private kennels is consistent with the minimum lot area for properties in the R-1 district with no public utilities available. This can be amended, if desired.

- (B) Dwelling units occupying the first floor of any structure shall only be allowed under the following circumstances:
  - (1) The first-floor residential units are not visible from a public street;
  - (2) If the building fronts on a public street, the residential portion on the first floor shall be shielded by office or retail space or a lobby that maintains a commercial appearance; and
  - (3) At least 50% of the first floor area shall be dedicated to non-residential use.

### Section 7-7-6. Outdoor Display.

- (A) **Setbacks.** The outdoor display shall be setback at least 15 ft. from any public right-of-way and outside any required landscape buffer.
- (B) **Time Limits.** Each outdoor display shall be permitted for a period not to exceed 60 consecutive days.
- (C) **Location.**
  - (1) Outdoor displays shall not impede movement along pedestrian pathways or vehicular travel ways.
  - (2) No outdoor display shall encroach into a sight distance triangle.
- (D) Outdoor displays shall contain no more than 10% of the merchandise offered for sale on the premises.

### Section 7-7-7. Outdoor Storage.

- (A) **Intent.** The following standards are intended to mitigate impacts of outdoor storage as a principal use, or as an accessory use to commercial and industrial businesses. Examples include construction materials, such as stacks of lumber or stone; equipment; surplus goods; among other items.
- (B) **Location.** No outdoor storage shall be located within 50 ft. of a residential district.
- (C) **Screening, Buffering, and Landscaping.**
  - (1) Outdoor storage areas shall be screened by a solid wall or fence, including solid entrance and exit gates, not less than 6 ft. nor more than 10 ft. in height.
  - (2) All walls and fences shall have a uniform and durable character and shall be properly maintained.
  - (3) All screening shall be in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
  - (4) When walls or fences are adjacent to commercial or residential districts, a landscaped buffer shall be provided to break visibility of the fence in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
  - (5) Outdoor storage shall be located on the side or rear of the main structure and screened from view from any adjacent roadway.
  - (6) No wall or fence screening a storage area shall encroach into a sight distance triangle.



- (7) Parts, materials, and equipment stored in a storage area shall not be stacked and/or piled higher than the screening wall or fence.

### Section 7-7-8. Piers, private.

**Compliance.** All private piers shall comply with any applicable regulations in **Article V**, Overlay Zoning Districts, of this Ordinance, in addition to all relevant state laws and regulations, including but not limited to those protecting soil and water quality.

### Section 7-7-9. Residential Yard Sale.

- (A) **Hours of Operation.** Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. every day of the week.
- (B) **Signs.** Any signage posted to advertise the residential yard sale shall be in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
- (C) **Noise.** All noise shall comply with Chapter 41, Noise Control, of the Pittsylvania County Code.
- (D) **Frequency of Residential Yard Sales.** There shall be no more than four residential yard sales in a consecutive 12-month period at a single residential dwelling.
- (1) Yard sales shall be a maximum of two consecutive days.
- (E) **Location.**
- (1) Outdoor displays of goods for sale shall not encroach into a right-of-way or roadway.
- (2) All outdoor displays of goods for sale shall not locate in the rear yard of the property in the RC-1, RMF, and MHP zoning districts.
- (3) Outdoor displays of goods shall be removed within 12 hours of the conclusion of the residential yard sale.

### Section 7-7-10. Solar Energy Facility, Large-Scale.<sup>45</sup>

- (A) **Intent.**
- (1) The intent of this Section is to allow large-scale solar energy facilities in a manner that promotes the development of renewable energy sources, while limiting and mitigating impacts on natural resources and existing agricultural, forestry, residential, commercial, industrial, historical, cultural, and recreational uses of property, or the future development of such uses of property within the County.
- (2) The purpose of this Section is to outline the process and requirements for the construction, installation, operation, and decommissioning of large-scale solar energy facilities that ensures

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<sup>45</sup> Editor's Note: Most requirements for large-scale solar energy facilities are new additions, based on County and community feedback for a more robust solar ordinance that addresses potential adverse impacts on adjacent properties and the environment.

the protection of health, safety, and welfare, while also avoiding adverse impacts on County resources.

- (3) This Section is not intended to abridge safety, health, environmental, or land use requirements contained in other applicable laws, codes, regulations, standards, or ordinances. This Section does not supersede or nullify any provision of local, State, or Federal law that applies to solar energy facilities.

**(B) Compliance.**

- (1) All large-scale solar energy facilities shall fully comply with all applicable local regulations, as well as all applicable state and federal regulations, including but not limited to, the U.S. Environmental Protection Agency (EPA), Federal Aviation Administration (“FAA”), State Corporation Commission (“SCC”) or equivalent, any state departments related to environmental quality, parks, and wildlife protection, as well as all the applicable regulations of any other agencies that were in force at the time of the permit approval.
- (2) The design and installation of all large-scale solar energy facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations and shall comply with all fire and safety requirements.

**(C) Lot Area.** Maximum lot area of 5 acres.

**(D) Consumption.** Generated electricity may only be used for on-site consumption.

**(E) Pre-Application Meeting.** A pre-application meeting shall be held with the Administrator to discuss the location, scale, and nature of the proposed use and what will be expected during that process.

**(F) Land Disturbance.**

- (1) The clearing, grading, and overall site disturbance is limited to only that which is necessary; superfluous clearing and grading is not permitted, in order to retain existing trees and other groundcover.

**(G) Grid Tied System.** No grid-tied system shall be installed until evidence has been given as part of the application that the owner has been approved by the utility company to install the system.

**(H) Height Limits.**

- (1) If the large-scale solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, the facility’s height shall not exceed 15 ft. at the tallest point.
- (2) If the large-scale solar energy facility is roof-mounted or otherwise integrated into a principal or accessory building, the facility’s height shall not exceed the maximum height limit of the district in which it is located.

**(I) Base Setbacks.** Ground mounted large-scale solar energy facilities that are located on contiguous lots, shall;

- (1) Not have minimum setbacks for interior, or abutting, lot lines;

- (2) All fences and ancillary equipment/buildings shall be at least 200 ft. from any property line.
- (3) All panels shall be at least 250 ft. from any property line.

**(J) Location Standards.**

- (1) Wetlands, waterways, and floodplains shall be avoided.
- (2) Ground mounted large-scale solar energy facilities shall not be located on non-contiguous lots.
- (3) No large-scale solar facility shall be located within 5 miles of another existing or permitted large-scale solar facility.

**(K) Landscaping and Screening.** A buffer shall be located within the setbacks required under this Section and shall run around the entire perimeter of the property.

- (1) All landscaping and screening shall be in accordance with **Article VIII**, Community Design Standards, of this Ordinance, and must comply with Buffer Type C in Table VIII-2, except that the minimum buffer width shall be 100 ft. wide. The first 50 ft. adjacent to the property line shall be planted as described in Type C and the remaining 50 ft. shall be planted with staggered rows of evergreen tree plugs, except to the extent that existing vegetation provides the same screening.
- (2) All buffers and landscaping shall be maintained for the life of the facility.
- (3) Existing forest resources shall be preserved by maintaining natural buffers whenever possible.

**(L) Coordination of Local Emergency Services.** The owner or operator shall coordinate with the Pittsylvania County Fire Marshal to provide materials, education, and/or training on how to safely respond to on-site emergencies. Emergency personnel will be given a key or code to access the property in case of an on-site emergency. All ingress and egress roads shall be constructed and maintained wide enough to accommodate safe ingress and egress of emergency vehicles.

- (1) Prior to generation of power, a Fire Suppression Plan shall be submitted and approved by the Public Safety Director.

**(M) Noise.** During operation, a large-scale solar facility shall not produce a noise level that exceeds 60 dBA as measured at the property line or 50 dBA as measured at the nearest neighboring dwelling.

**(N) Maintenance.** The owner or operator shall maintain the solar facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the equipment and structures, as applicable, maintenance of the roads, buffer areas, and landscaping. Site access shall be maintained to a level acceptable to the County. The owner or operator shall be responsible for the cost of maintaining the solar facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation.

**(O) Groundwater Monitoring.** Ground water monitoring to assess the level of groundwater contamination shall take place prior to, and upon completion of construction of the project, throughout the entire area of the solar facility.

- (1) Ground water monitoring shall take place every 5 years of the operation of the project, and upon completion of decommissioning.
- (2) Results from said monitoring shall be delivered to the Pittsylvania County Department of Community Development.

**(P) Security Fencing.**

- (1) The facilities shall be enclosed by security fencing.
- (2) All security fencing shall be a minimum of 6 ft. in height and topped with razor/barbed wire, as appropriate.
- (3) All security fencing shall be placed behind the buffer and must be screened from view.
- (4) All security fencing shall be placed around sections of the infrastructure (not the entire site) to provide access corridors for wildlife to navigate through the facility.
- (5) All security fencing shall be constructed so as to substantially lessen the likelihood of entry by unauthorized individuals.
- (6) A performance bond reflecting the costs of anticipated security fence maintenance shall be posted and maintained.
- (7) The location of security fencing shall be shown on the Site Development Plan submitted.
- (8) Failure to maintain the security fencing shall result in revocation of the Special Use Permit, and the facility's decommissioning.

**(Q) Wildlife Corridors.** The large-scale solar facility shall provide access corridors for wildlife to navigate through the facility, at a number and design based on the Department of Wildlife Resources' guidance and acceptable to the County.

- (1) The proposed wildlife corridors shall be shown on the Site Development Plan submitted.
- (2) Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.

**(R) Signage.** No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law.

- (1) Signage shall not exceed 40 sq. ft. displaying the facility name, address, and emergency contact information, unless additional signage is required by National Electric Safety Code.
- (2) Warning signage shall be placed on solar equipment to the extent appropriate or legally required.
- (3) Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy project.
- (4) All signs, flags, streamers, or similar items, both temporary and permanent, are prohibited on solar equipment except as follows:
  - (i) Manufacturer's or installer's identification;

- (ii) Appropriate warning signs and placards;
  - (iii) Signs that may be required by a federal agency; and
  - (iv) Signs that provide a 24-hour emergency contact phone number and warn of any danger.
- (5) Educational signage providing information about the utility-scale solar energy facility and the benefits of renewable energy may be allowed, provided such signage conforms with this Section and all applicable standards of **Article VIII**, Community Design Standards, of this Ordinance.

**(S) Design Standards.**

- (1) The lowest surface of any panel shall be a maximum of 4 ft. above the finished grade on which the panel is located.
- (2) Panels shall be located and installed so that the sum of the glare is directed away from structures and the public right-of-way to the extent possible.
- (3) Any new electrical transmission lines may be located either above or below ground in a manner to be least intrusive and mitigate their impact to surrounding properties.
- (4) Any tie lines shall be located and buffered to block visibility from public roads or other right-of-way.
- (5) The design of support buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and surrounding structures.

**(T) Liability Insurance.** The owner shall provide proof of adequate liability insurance for a large-scale solar facility prior to beginning construction and before the issuance of any permits.

**(U) Inspection.**

- (1) Power generated by the solar energy facility shall not be sold until a final inspection has been conducted to determine compliance with the requirements of this Ordinance and the Special Use Permit.
- (2) The owner shall allow designated County staff access to the facility for inspection purposes.
  - (i) The owner shall provide the name and contact information of a person with authority over the facility who can provide access for any requested inspections.
  - (ii) County staff shall provide the owner with a 3-day notice prior to such inspection when practicable.
- (3) The owner shall reimburse the County its costs in obtaining an independent third-party inspector to conduct inspections required by local and state laws and regulations, including the Uniform Statewide Building Code.

**(V) Herbicide Land Application Plan.**

- (1) EPA approved herbicides shall be used for vegetative and weed control at the facility by a licensed applicator.
  - (2) An Herbicide Land Application Plan shall be submitted prior to approval of a final Site Development Plan.
  - (3) The plan shall specify the type of herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, streams, and the distances from land application areas to features such as wells, wetlands, streams, and other bodies of water.
  - (4) The operator shall notify the County prior to application of pesticides and fertilizers.
- (W) **Grading Plan.** A Grading Plan that limits grading to the greatest extent practicable by avoiding steep slopes and laying out arrays parallel to landforms. The Grading Plan shall include:
- (1) Existing and proposed contours;
  - (2) Locations and amount of topsoil to be stripped and stockpiled onsite (if any);
  - (3) Percent of the site to be graded;
  - (4) An earthwork balance achieved on-site with no import or export of soil; and
  - (5) Indication of natural flow patterns in drainage design and amount of impervious surface.
- (X) **Decommission and Reclamation.**
- (1) All applications for a large-scale solar energy facility shall require a Decommission and Reclamation plan, as provided in **Section 7-7-10(Y)**, below.
  - (2) Large-scale solar energy facilities which have reached the end of their useful life, have been abandoned, or have not been in active and continuous service for a period of 12 months shall be removed at the owner's or operator's expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the Board of Zoning Appeals may require evidentiary support that a longer repair period is necessary.
  - (3) The owner or operator shall notify the Administrator by certified mail of the proposed date of discontinued operations and plans for removal.
  - (4) If the owner of the facility fails to remove the installation in accordance with the requirements of the Decommission and Reclamation Plan, or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the installation.
  - (5) If a facility is abandoned and the owner receives a notice of abandonment from the Administrator, the owner shall either complete all decommissioning activities and remove the solar energy facility in accordance with the Decommission and Reclamation Plan or resume regular operation within 30 days.
- (Y) **Decommission and Reclamation Plan.**
- (1) All Decommissioning and Reclamation Plans shall be certified by an engineer or contractor with demonstrated expertise in solar facility removal, and shall include the following:

- (i) The anticipated life of the project;
- (ii) An estimated deconstruction schedule;
- (iii) The manner in which the project will be decommissioned; and
- (iv) The estimated decommissioning cost in current dollars, provided in an itemized format by a Virginia Licensed Professional Engineer (PE).
- (v) The estimated cost of decommissioning shall be guaranteed by bond, letter of credit, or other security approved by the County.
  - (a) The owner shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the utility-scale solar facility.
  - (b) The escrow account agreement shall prohibit the release of the bond without the written consent of the County. The County shall consent to the release of the bond upon the owner's compliance with the approved Decommission and Reclamation Plan. The County may approve the partial release of the bond as portions of the approved Decommission and Reclamation Plan are performed.
  - (c) The dollar amount of the bond shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
  - (d) The owner or occupant shall recalculate the estimated cost of decommissioning every 5 years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by 10%, then the owner or occupant shall deposit additional funds into the bond to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than 90% of the original estimated cost of decommissioning, then the County may approve reducing the amount of the bond to the recalculated estimate of decommissioning cost.
- (2) Decommission shall include removal of all solar electric systems, buildings, cabling, electrical components to a depth of at least 36 inches, and security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural uses.
- (3) The site shall be graded and re-seeded or replanted within 12 months of removal of solar facilities to restore it to as natural of a pre-development condition as possible.
  - (i) Any exception to site restoration, such as leaving driveways, entrances, or landscaping in place, or substituting plantings, shall be requested by the landowner in writing, and this request shall be approved by the Board of Zoning Appeals.
- (4) Hazardous material from the property shall be disposed of in accordance with federal and state law.

### **Section 7-7-11. Solar Energy Facility, Small-Scale.**

#### **(A) Intent.**

- (1) The intent of this Section is to allow small-scale solar energy facilities in a manner that promotes the development of renewable energy sources, while limiting and mitigating impacts on natural resources and existing agricultural, forestry, residential, commercial, industrial, historical, cultural, and recreational uses of property, or the future development of such uses of property within the County.
- (2) The purpose of this Section is to outline the process and requirements for the construction, installation, operation, and decommissioning of small-scale solar energy facilities that ensures the protection of health, safety, and welfare, while also avoiding adverse impacts on County resources.
- (3) This Section is not intended to abridge safety, health, environmental, or land use requirements contained in other applicable laws, codes, regulations, standards, or ordinances. This Section does not supersede or nullify any provision of local, State, or Federal law that applies to solar energy facilities.

**(B) Compliance.**

- (1) All small-scale solar energy facilities shall fully comply with all applicable local regulations, as well as all applicable state and federal regulations, including but not limited to, the U.S. Environmental Protection Agency (EPA), Federal Aviation Administration (“FAA”), State Corporation Commission (“SCC”) or equivalent, any state departments related to environmental quality, parks, and wildlife protection, as well as all the applicable regulations of any other agencies that were in force at the time of the permit approval.
- (2) The design and installation of all small-scale solar energy facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations and shall comply with all fire and safety requirements.
- (3) Site Development Plans shall be required for all small-scale solar energy facilities, in accordance with **Article III**, Permits and Applications, of this Ordinance.

**(C) Consumption.** Generated electricity may only be used for on-site consumption.

**(D) Land Disturbance.**

- (1) The clearing, grading, and overall site disturbance is limited to only that which is necessary; superfluous clearing and grading is not permitted, in order to retain existing trees and other groundcover.

**(E) Height Limits.<sup>46</sup>**

- (1) If the small-scale solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, the facility’s height shall not exceed 15 ft. at the tallest point, as measured from the base of the facility at grade to its highest point.

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<sup>46</sup> Editor’s Note: Standards included in 35-141(A) of the existing Ordinance; they have been reworded for clarity.



(2) If the small-scale solar energy facility is roof-mounted on a principal or accessory building, the facility's height shall not exceed the maximum height limit of the primary underlying zoning district.

(F) **Setbacks.**<sup>47</sup> All small-scale solar energy facilities shall comply with all setback requirements of the underlying zoning district in which it is located.

(G) **Landscaping and Screening.** Landscaping and screening shall be provided for ground mounted solar to block visibility of the panel(s) and ancillary equipment from adjacent properties. All landscaping and screening shall be in accordance with **Article VIII**, Community Design Standards, of this Ordinance.

(H) **Design Standards.**

(1) If the small-scale solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, then:

(i) The lowest surface of any panel shall be a maximum of 3 ft. above the finished grade on which the panel is located.<sup>48</sup>

(ii) All wiring not on the solar arrays shall be underground except where necessary.

(2) All small-scale solar energy facilities shall utilize components which have a UL listing or equivalent and fully comply with all applicable building and electrical codes and shall not generate or create electrical interruptions or interference with existing electrical or electronic uses.<sup>49</sup>

(3) All ground-mounted small-scale solar energy facilities shall be sited to avoid glare and heat transference to adjacent properties.

(I) **Inspection.**

(1) The owner will allow designated County staff access to the facility for inspection purposes. The County staff will provide the owner with 24-hour notice prior to such inspection when practicable.

(2) The owner shall reimburse the County its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.

(J) **Decommission.**

(1) Small-scale solar energy facilities which have reached the end of their useful life, have been abandoned, or have not been in active and continuous service for a period of 12 months shall be removed at the owner's or operator's expense, except if the facility is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the County may require evidentiary support that a longer repair period is necessary.

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<sup>47</sup> Editor's Note: Standard included in 35-141(A) of the existing Ordinance; reworded for clarity.

<sup>48</sup> See above.

<sup>49</sup> See above.

- (2) The owner or operator shall notify the Administrator by certified mail of the proposed date of discontinued operations and plans for removal.
- (3) If a facility is abandoned and the owner receives a notice of abandonment from the Administrator, the owner shall either remove the solar energy facility or resume regular operation within 30 days.
- (4) If the owner of the solar facility fails to remove the installation within the proposed date of decommissioning, a hired third party may enter the property to physically remove the installation.
- (5) Decommission shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural uses.
- (6) Hazardous material from the property shall be disposed of in accordance with federal and state law.

### **Section 7-7-12. Solar Energy Facility, Utility-Scale.<sup>50 51</sup>**

#### **(A) Intent.**

- (1) The intent of this Section is to allow utility-scale solar energy facilities in a manner that promotes the development of renewable energy sources, while limiting and mitigating impacts on natural resources and existing agricultural, forestry, residential, commercial, industrial, historical, cultural, and recreational uses of property, or the future development of such uses of property within the County.
- (2) The purpose of this Section is to outline the process and requirements for the construction, installation, operation, and decommissioning of utility-scale solar energy facilities that ensures the protection of health, safety, and welfare, while also avoiding adverse impacts on County resources.
- (3) This Section is not intended to abridge safety, health, environmental, or land use requirements contained in other applicable laws, codes, regulations, standards, or ordinances. This Section does not supersede or nullify any provision of local, State, or Federal law that applies to solar energy facilities.

#### **(B) Compliance.<sup>52</sup>**

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<sup>50</sup> Editor's Note: All amendments to the solar ordinance adopted by the Board of Supervisors in March 2023 have been included in this Section.

<sup>51</sup> Editor's Note: Most requirements for utility-scale solar energy facilities are new additions, based on County and community feedback for a more robust solar ordinance that addresses potential adverse impacts on adjacent properties and the environment.

<sup>52</sup> Editor's Note: The current Ordinance only requires compliance with UL industry standards; compliance requirements have been expanded to ensure all applicable regulations and industry standards are being met.

- (1) All utility-scale solar energy facilities shall fully comply with all applicable local regulations, as well as all applicable state and federal regulations, including but not limited to, the U.S. Environmental Protection Agency (EPA), Federal Aviation Administration (“FAA”), State Corporation Commission (“SCC”) or equivalent, any state departments related to environmental quality, parks, and wildlife protection, as well as all the applicable regulations of any other agencies that were in force at the time of the permit approval.
- (2) The design and installation of all utility-scale solar energy facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations and shall comply with all fire and safety requirements.

**(C) Lot Area.**<sup>53</sup>

- (1) No more than two percent (2%) of the total acreage within a single zoning district shall be approved for use as a utility-scale solar energy facility.
  - (i) Utility-Scale Solar Energy Facilities shall be exempt from **Section 7-7-12(C)(1)**, above, if the proposed project has entered into a Power Purchase Agreement (“PPA”), or similar agreement, with a tenant company located within the defined boundaries of the Southern Virginia Megasite at Berry Hill, which also has an approved local performance agreement with the Board of Supervisors.

**(D) Consumption.** Generated electricity may be provided to electric cooperative member-customers (non-retail, from behind the meter) or distributed for commercial consumption.

**(E) Land Disturbance.** The clearing, grading, and overall site disturbance is limited to only that which is necessary; superfluous clearing and grading is not permitted, in order to retain existing trees and other groundcover.

**(F) Height Limits.**<sup>54</sup>

- (1) If the utility-scale solar energy facility is ground-mounted, the facility’s height shall not exceed 15 ft. at the tallest point, including appurtenances, as measured from the base of the facility at grade to its tallest point.
  - (a) The Board of Zoning Appeals may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated.
- (2) If the utility-solar energy facility is roof-mounted or otherwise integrated into a principal or accessory building, the facility’s height shall not exceed the maximum height limit of the district in which it is located.

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<sup>53</sup> Editor’s Note: Standard included in Section 35-141(C) of the current Ordinance.

<sup>54</sup> Editor’s Note: Standards included in Section 35-141(F) of the current Ordinance. (A) has been added to allow the Board of Supervisors greater flexibility as needed on a case-by-case basis.

(G) **Base Setbacks.**<sup>55</sup>

- (1) Ground mounted utility-scale solar energy facilities that are located on contiguous lots, shall;
  - (a) Not have minimum setbacks for interior, or abutting, lot lines;
  - (b) All fences and ancillary equipment/buildings shall be at least 200 ft. from any property line.
  - (c) All panels shall be at least 250 ft. from any property line.

(H) **Additional Setbacks and Location Standards.**<sup>56</sup>

- (1) Any tie lines shall be located and buffered to block visibility from public roads or other right-of-way.
- (2) Wetlands, waterways, and floodplains shall be avoided.
- (3) Ground mounted utility-scale solar energy facilities shall not be located on non-contiguous lots.
- (4) No utility-scale solar facility shall be located within 5 miles of another existing or permitted utility-scale solar facility.
  - (i) Utility-Scale Solar Energy Facilities shall be exempt from Section 7-7-12(H)(4), above, if the proposed project has entered into a Power Purchase Agreement (“PPA”), or similar agreement, with a tenant company located within the defined boundaries of the Southern Virginia Megasite at Berry Hill, which also has an approved local performance agreement with the Board of Supervisors.

(I) **Buffer.**<sup>57</sup> A buffer shall be located within the setbacks required under this Section and shall run around the entire perimeter of the property.

- (1) The buffer shall be maintained for the life of the facility.
- (2) Existing forest resources shall be preserved by maintaining natural buffers whenever possible.
- (3) Utility-scale facilities shall be in accordance with **Article VIII**, Community Design Standards, of this Ordinance, and must comply with Buffer Type C in Table VIII-2, except that the minimum buffer width shall be 100 feet wide.
  - (i) The first 50 feet adjacent to the property line shall be planted as described in Type C with evergreen plantings of varieties native or adaptable to the region and a minimum of 6 ft height at time of planting, with one row consisting of a variety expected to reach a minimum height of 25 ft. and the remaining rows of varieties designed to reach at least 15 ft. in height at maturity, and the remaining 50 feet shall be planted with staggered

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<sup>55</sup> Editor’s Note: Setbacks for both fences/ancillary structures and panels have been increased by 50 ft. each.

<sup>56</sup> Editor’s Note: (4) is an existing standard in Section 35-141(C) of the current Ordinance; (1), (2), and (3) are proposed additions.

<sup>57</sup> Editor’s Note: Currently required in Section 35-141(D) of the current Ordinance but reorganized for clarity and to require conformance with all applicable requirements of Article VIII.

rows of evergreen tree plugs, except to the extent that existing vegetation provides the same screening.

- (J) **Coordination of Local Emergency Services.** The owner or operator shall coordinate with the Pittsylvania County Fire Marshal to provide materials, education, and/or training on how to safely respond to on-site emergencies. Emergency personnel will be given a key or code to access the property in case of an on-site emergency.
- (1) Prior to generation of power, a Fire Suppression Plan shall be submitted and approved by the Public Safety Director.
  - (2) All access roads to the utility-scale solar facility shall be wide enough to accommodate safe ingress and egress of emergency vehicles.<sup>58</sup>
- (K) **Noise.**<sup>59</sup> During operation, a utility-scale solar facility shall not produce noise levels that exceed the following dBA measurements:
- (1) 77 dBA as measured from the property line of all adjacent industrially zoned properties;
  - (2) 60 dBA as measured from the property line of all adjacent properties not zoned industrially; and
  - (3) 50 dBA as measured from the exterior of the nearest residential dwelling unit.
- (L) **Maintenance.** The owner or operator shall maintain the solar facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the equipment and structures, as applicable, maintenance of the buffer areas, and landscaping. Site access shall be maintained to a level acceptable to the County. The owner or operator shall be responsible for the cost of maintaining the solar facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation.
- (M) **Groundwater Monitoring.** Ground water monitoring to assess the level of groundwater contamination shall take place prior to, and upon completion of construction of the project, throughout the entire area of the solar facility.
- (1) Ground water monitoring shall take place every 5 years of the operation of the project, and upon completion of decommissioning.

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<sup>58</sup> Editor's Note: Based on feedback from the 6/8 worksession, language has been added to require safe access for emergency vehicles. Additional conditions for access can be added on a case-by-case basis, if deemed necessary by the County.

<sup>59</sup> Editor's Note: Section 35-141(F) of the current Ordinance states that all utility-scale solar energy facilities must comply with Pittsylvania County's Noise Control Ordinance, but the requirements shall be no more stringent than for other development in the underlying zoning district. This has been removed to apply a standard maximum noise level based on the zoning of adjacent properties. 77 dBA in industrial districts is consistent with the regulations of Chapter 41 of the Pittsylvania County Ordinance; 60 dBA from the property line of all other districts and 50 dBA from the nearest residential dwelling are best practices.

- (2) Results from said monitoring shall be delivered to the Pittsylvania County Department of Community Development.

(N) **Security Fencing.**

- (1) The facilities shall be enclosed by security fencing.
- (2) All security fencing shall be a minimum of 6 ft. in height and topped with razor/barbed wire, as appropriate.
- (3) All security fencing shall be placed behind the buffer and must be screened from view.
- (4) All security fencing shall be placed around sections of the infrastructure (not the entire site) to provide access corridors for wildlife to navigate through the facility.
- (5) All security fencing shall be constructed so as to substantially lessen the likelihood of entry by unauthorized individuals.
- (6) A performance bond reflecting the costs of anticipated security fence maintenance shall be posted and maintained.
- (7) The location of security fencing shall be shown on the Site Development Plan submitted.
- (8) Failure to maintain the security fencing shall result in revocation of the Special Use Permit, and the facility's decommissioning.

(O) **Wildlife Corridors.** The utility-scale solar facility shall provide access corridors for wildlife to navigate through the facility, at a number and design based on the Department of Wildlife Resources' guidance and acceptable to the County.

- (1) The proposed wildlife corridors shall be shown on the Site Development Plan submitted.
- (2) Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.

(P) **Signage.**<sup>60</sup> No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law.

- (1) Signage shall not exceed 40 sq. ft. displaying the facility name, address, and emergency contact information, unless additional signage is required by National Electric Safety Code.
- (2) Warning signage shall be placed on solar equipment to the extent appropriate or legally required.
- (3) Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy project.
- (4) All signs, flags, streamers, or similar items, both temporary and permanent, are prohibited on solar equipment except as follows:

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<sup>60</sup> Editor's Note: (4) and (5) are regulations included in Section 35-141(F) of the existing Ordinance; (1), (2), and (3) are proposed for addition.

- (a) Manufacturer's or installer's identification;
  - (b) Appropriate warning signs and placards;
  - (c) Signs that may be required by a federal agency; and
  - (d) Signs that provide a 24-hour emergency contact phone number and warn of any danger.
- (5) Educational signage providing information about the utility-scale solar energy facility and the benefits of renewable energy may be allowed, provided such signage conforms with this Section and all applicable standards of **Article VIII**, Community Design Standards, of this Ordinance.

**(Q) Additional Design Standards.**

- (1) The lowest surface of any panel shall be a maximum of 4 ft. above the finished grade on which the panel is located.
- (2) Panels shall be located and installed so that the sum of the glare is directed away from structures and the public right-of-way to the extent possible.
- (3) Any new electrical transmission lines may be located either above or below ground in a manner to be least intrusive and mitigate their impact to surrounding properties.
- (4) The design of support buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and surrounding structures.

**(R) Grid Tied System.** No grid-tied system shall be installed until evidence has been given as part of the application that the owner has been approved by the utility company to install the system.

**(S) Liability Insurance.**<sup>61</sup> The owner shall provide proof of adequate liability insurance for a utility-scale solar facility prior to beginning construction and before the issuance of any permits.

**(T) Inspection.**

- (1) Power generated by the solar energy facility shall not be sold until a final inspection has been conducted to determine compliance with the requirements of this Ordinance and the Special Use Permit.
- (2) The owner shall allow designated County staff access to the facility for inspection purposes.
  - (i) The owner shall provide the name and contact information of a person with authority over the facility who can provide access for any requested inspections.
  - (ii) County staff shall provide the owner with a 3-day notice prior to such inspection when practicable.

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<sup>61</sup> Editor's Note: Regulation is currently included in Section 35-141(D) of the current Ordinance.

(3) The owner shall reimburse the County its costs in obtaining an independent third-party inspector to conduct inspections required by local and state laws and regulations, including the Uniform Statewide Building Code.

(U) **Application Requirements.** In addition to any requirements of **Article III**, Permits and Applications, of this Ordinance, applications for utility-scale solar energy facilities shall include the following.

(1) **Pre-Application Meeting.** A pre-application meeting shall be held with the Administrator to discuss the location, scale, and nature of the proposed use, what will be expected during that process, and the potential for a siting agreement.

(2) **Neighborhood Meeting.** A public meeting shall be held to give the community an opportunity to hear from the applicant and ask questions regarding the proposed project. The meeting shall adhere to the following:

(i) The applicant shall inform the Administrator and adjacent property owners in writing of the date, time, and location of the meeting, at least 14 but no more than 21 days, in advance of the meeting date.

(ii) The date, time, and location of the meeting shall be advertised in a newspaper of record in the County by the applicant, at least 14 but no more than 21 days, in advance of the meeting date.

(iii) The meeting shall be held within the County, at a location open to the public with adequate parking and seating facilities that will accommodate persons with disabilities.

(iv) The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant, and provide feedback.

(v) The applicant shall provide the Administrator a summary of any input received from members of the public at the meeting and copies of any written submissions from the public.

(3) **Siting Agreement.**<sup>62</sup> Prior to application for a Special Use Permit, the applicant shall enter into a Siting Agreement with the County, in accordance with Code of Virginia § 15.2-2316.7, as amended.

(4) **Project Narrative**<sup>63</sup>. A detailed narrative that:

(i) Identifies the applicant, facility owner, site owner, and operator;

(ii) Describes the proposed facility, including:

(a) An overview of the project and its location;

(b) The size of the site and the total project area;

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<sup>62</sup> Editor's Note: Standard included in Section 35-141(C) of the current Ordinance; the Code of Virginia reference has been added for clarity.

<sup>63</sup> Editor's Note: Any required narrative components included in Section 35-141(D) of the current Ordinance have been retained; text has been reorganized for clarity and new text has been proposed for a complete narrative.



- (c) The current use of the site;
- (d) The estimated time for construction and proposed date for commencement of operations;
- (e) The planned maximum rated capacity of the facility;
- (f) The approximate number, representative types, and expected footprint of solar equipment to be constructed; including the maximum number of photovoltaic panels and ancillary facilities; and
- (g) How and where the electricity will be transmitted, including the location of the proposed electrical grid interconnection.

(iii) **Site Development Plan.** In addition to the Site Development Plan requirements of **Article III**, Permits and Applications, of this Ordinance, all Site Development Plans for utility-scale solar energy facilities may also require additional information as determined by the Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

(5) **Construction Schedule.** An estimated construction schedule.

(6) **Visual Impact Analysis.**<sup>64</sup> The analysis demonstrates project siting and proposed mitigation, if necessary, so that the facility minimizes impact on the visual character of the municipality.

(i) The applicant shall provide accurate, to scale, photographic simulations showing the relationship of the facility and its associated amenities and development to its surroundings. The photographic simulations shall show such views of solar structures from locations such as property lines, roadways, and any historic properties listed on the Virginia Landmarks Register or the National Register of Historic Places within 5 miles of the proposed facility as deemed necessary by the Administrator to assess the visual impact of the facility.

(ii) The total number of simulations and the perspectives from which they are prepared shall be established by the Administrator after the pre-application meeting.

(7) **Community Impact Assessment.** An assessment of the impact on the immediate vicinity of the proposed solar project as well as the greater Pittsylvania County community.

(i) The report shall be prepared by a professional acting within his or her competency, shall be presented in written form and shall analyze in specific terms the probable impact of the project on the vicinity and community over time.

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<sup>64</sup> Editor's Note: Replaces the viewshed protection plan currently required in Section 35-141(D).12, adding additional requirements for impact analysis.

- (ii) Specific attention, as may be appropriate to the individual proposal, should be given but not limited to the following elements:
  - (a) Anticipated direct revenues to the County from real estate and personal property taxes;
  - (b) An assessment of employment opportunities to be created by the proposed development;
  - (c) An assessment of the short- and long-term economic impact of the proposed development;
  - (d) If the development is replacing an existing enterprise, including agriculture and forestry, an assessment of the impact the current enterprise has on the local economy and how the local economy will be impacted by the loss of the existing enterprise; and
  - (e) Fire, rescue, and law enforcement requirements as compared to existing capacities and facilities.
- (iii) The Administrator may waive certain elements of the Community Impact Assessment, where the nature of the proposed facility makes such elements inapplicable.

(V) **Environmental Impact Assessment.**<sup>65</sup> A statement regarding any site and viewshed impacts, including direct and indirect impacts to national or state forests and grasslands, national or state parks, County parks, wildlife management areas, conservation easements, or recreational areas, on or within 5 miles of the proposed facility.

- (1) Wetlands, rivers and streams, and floodplains shall be inventoried, delineated, and mapped to provide baseline data for the evaluation of the current proposal and to determine satisfactory decommissioning as required in this Section.
  - (i) The inventory and mapping of floodplain shall not be construed to allow development within regulatory flood plain areas.

(W) **Traffic Study.**

- (1) Information about the proposed facility's traffic impacts, modeling both the construction and decommissioning processes, to include:
  - (i) The time of day that transport will occur;
  - (ii) Characteristics of the loaded vehicles, including:
    - (a) Length, height, width, curb weight;
    - (b) Maximum load capacity;
    - (c) Number of axles, including trailers; and
    - (d) Distance between axles.

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<sup>65</sup> Editor's Note: Required in Section 35-141(D) of the current Ordinance; text has been amended for clarity.

- (iii) The number of vehicles transporting goods;
    - (iv) The frequency of vehicle arrival at the site; and
    - (v) The number of drivers the project will employ.
  - (2) The haul route(s) shall be provided and approved for construction impacts.
  - (3) After review of the application’s traffic impact information, the County may require a full traffic study to be accepted by an engineer approved by the County.
- (X) **Grading Plan.** A Grading Plan that limits grading to the greatest extent practicable by avoiding steep slopes and laying out arrays parallel to landforms. The Grading Plan shall include:
  - (1) Existing and proposed contours;
  - (2) Locations and amount of topsoil to be stripped and stockpiled onsite (if any);
  - (3) Percent of the site to be graded;
  - (4) An earthwork balance achieved on-site with no import or export of soil; and
  - (5) Indication of natural flow patterns in drainage design and amount of impervious surface.
- (Y) **Landscaping Plan.**
  - (1) The Landscape Plan shall be prepared by a certified landscape architect or other qualified, licensed person.
  - (2) The Landscaping Plan shall indicate:
    - (i) All ground cover, screening and buffering materials, landscaping, and elevations.
      - (a) All landscaping, screening, and buffering shall be in accordance with **Article VIII**, Community Design Standards, of this Ordinance, and Section 7-7-12(I), above.
      - (b) Ground cover shall be native vegetation where compatible with site conditions.
      - (c) Screening vegetation shall include pollinator plants where compatible with site conditions.
    - (ii) Locations of wildlife corridors.
    - (iii) Maintenance requirements.
- (Z) **Herbicide Land Application Plan.**
  - (1) EPA approved herbicides shall be used for vegetative and weed control at the facility by a licensed applicator.
  - (2) An Herbicide Land Application Plan shall be submitted prior to approval of a final Site Development Plan.
  - (3) The plan shall specify the type of herbicides to be used, the frequency of land application, the identification of approved groundwater wells, wetlands, streams, and the distances from land application areas to features such as wells, wetlands, streams, and other bodies of water.

(4) The operator shall notify the County prior to application of pesticides and fertilizers.

**(AA) Decommission and Reclamation.<sup>66</sup>**

- (1) All applications for a utility-scale solar energy facility shall require a Decommission and Reclamation plan, as provided in **Section 7-7-12(BB)**, below.
- (2) Utility-scale solar energy facilities which have reached the end of their useful life, have been abandoned, or have not been in active and continuous service for a period of 12 months shall be removed at the owner's or operator's expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the Board of Zoning Appeals may require evidentiary support that a longer repair period is necessary.
- (3) The owner or operator shall notify the Administrator by certified mail of the proposed date of discontinued operations and plans for removal.
- (4) If the owner of the facility fails to remove the installation in accordance with the requirements of the Decommission and Reclamation Plan, or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the installation.
- (5) If a facility is abandoned and the owner receives a notice of abandonment from the Administrator, the owner shall either complete all decommissioning activities and remove the solar energy facility in accordance with the Decommission and Reclamation Plan or resume regular operation within 30 days.

**(BB) Decommission and Reclamation Plan.**

- (1) All Decommissioning and Reclamation Plans shall be certified by an engineer or contractor with demonstrated expertise in solar facility removal, and shall include the following:
  - (i) The anticipated life of the project;
  - (ii) An estimated deconstruction schedule;
  - (iii) The manner in which the project will be decommissioned; and
  - (iv) The estimated decommissioning cost in current dollars, provided in an itemized format by a Virginia Licensed Professional Engineer (PE).
  - (v) The estimated cost of decommissioning shall be guaranteed by bond, letter of credit, or other security approved by the County.
    - (a) The owner shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the utility-scale solar facility.

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<sup>66</sup> Editor's Note: A decommission plan is required in Section 35-141(E) of the current Ordinance; text has been amended and reorganized for clarity. Additional requirements have been added to address proper disposal of equipment and grading and re-seeding of property.

- (b) The escrow account agreement shall prohibit the release of the bond without the written consent of the County. The County shall consent to the release of the bond upon the owner's compliance with the approved Decommission and Reclamation Plan. The County may approve the partial release of the bond as portions of the approved Decommission and Reclamation Plan are performed.
  - (c) The dollar amount of the bond shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
  - (d) The owner or occupant shall recalculate the estimated cost of decommissioning every 5 years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by 10%, then the owner or occupant shall deposit additional funds into the bond to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than 90% of the original estimated cost of decommissioning, then the County may approve reducing the amount of the bond to the recalculated estimate of decommissioning cost.
- (2) Decommission shall include removal of all solar electric systems, buildings, cabling, electrical components to a depth of at least 36 inches, and security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural uses.
- (3) The site shall be graded and re-seeded or replanted within 12 months of removal of solar facilities to restore it to as natural of a pre-development condition as possible.
- (i) Any exception to site restoration, such as leaving driveways, entrances, or landscaping in place, or substituting plantings, shall be requested by the landowner in writing, and this request shall be approved by the Board of Zoning Appeals.
- (4) Hazardous material from the property shall be disposed of in accordance with federal and state law.

## ARTICLE VIII. Community Design Standards.<sup>1</sup>

### Division 1. Visibility Clearance.

#### Section 8-1-1. General.<sup>2</sup>

- (A) For protection against traffic hazards, no planting, sign, structure, or other impediment to visibility greater than 3 ft. in height shall be erected, placed, allowed to grow, or maintained within a visibility triangle on any corner lot.
- (B) The apex of the triangle shall be at the intersection of the Virginia Department of Transportation (VDOT) or other designated right-of-way lines (extended in the case of rounded corners), the sides being 20 ft. in length along the right-of-way lines, and the base of the triangle running through the lot.
- (C) **Exemptions.** Where terrain features present substantial obstacles to provision and maintenance of such sight distance, the Administrator may, subject to the final approval of VDOT, permit the provision of maintenance of lesser visibility clearance.

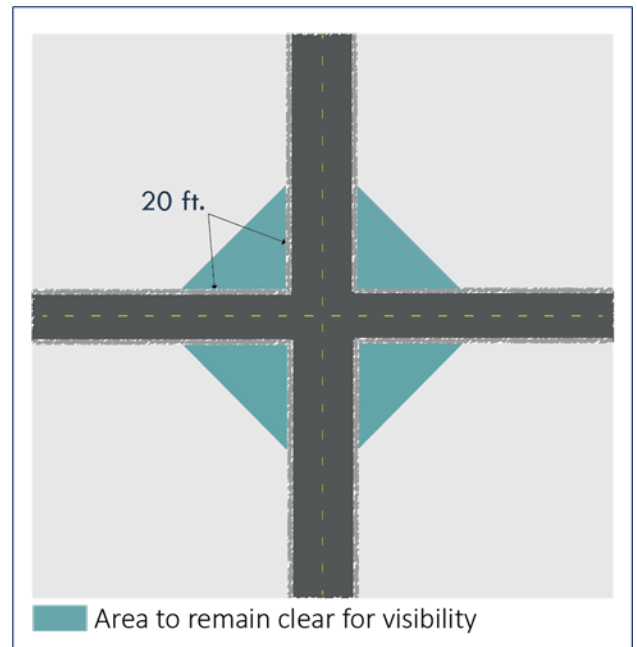
- (1) Such clearance approved shall be the maximum allowable to reasonably maintain and ensure the safety of road users.

### Division 2. Lighting.

#### Section 8-2-1. Purpose and Intent.

- (A) The purpose of this Division is to:
  - (1) Permit the use of exterior lighting at the minimum level necessary for nighttime safety, utility, security, productivity, enjoyment, and commerce;
  - (2) Ensure exterior lighting does not adversely impact land uses on adjacent land by minimizing light trespass, obtrusive light, and glare;

Figure VIII-1. Visibility Clearance.



<sup>1</sup> Editor's Note: Unless otherwise noted, the community design standards proposed in this Article are new additions and not included in the current Zoning Ordinance.

<sup>2</sup> Editor's Note: Section 8-1-1 is proposed to replace Section 35-52 of the existing Ordinance. Language has been modified, with the illustration and additional language added, for complete clarity.

- (3) Curtail light pollution, reduce sky glow, and preserve the nighttime environment for astronomy, wildlife, and enjoyment of residents and visitors; and
- (4) Ensure security for persons and property.

### Section 8-2-2. Applicability.

(A) **General.** Unless exempted by (B), below, the standards of this Division shall apply to:

- (1) All commercial zoning districts, industrial zoning districts, the RMF Residential Multifamily District, the RPD Residential Planned Development District, and any property located within any zoning district that is used for non-residential purposes through a permitted use or a Special Use Permit, and
- (2) To the maximum extent practicable, redevelopment of an existing structure, building, parking lot, or use when it is expanded, enlarged, or otherwise increased in intensity equivalent to or beyond 50% of its existing state.

(B) **Exemptions.** The following are exempted from the exterior lighting standards of this Article:

- (1) Lighting within a public right-of-way or easement that is used principally for illuminating a roadway;
- (2) Lighting for single- and two-family residential development;
- (3) Lighting for agricultural uses;
- (4) Lighting exempt under State or Federal law;
- (5) Lighting for public monuments and statuary;
- (6) Lighting that is required under the Uniform Statewide Building Code;
- (7) Construction lighting, provided the lighting is temporary and discontinued upon completion of the construction activity each day;
- (8) Emergency, or holiday decorative lighting, provided such lighting does not create unsafe glare on street rights-of-way;
- (9) Temporary lighting for circuses, fairs, carnivals, theatrical, and other performance areas, provided such lighting is turned off not more than 1 hour after the last performance/event of the day and discontinued upon completion of the final performance/event;
- (10) Security lighting, provided it is directed downward, does not glare onto adjacent property, and is controlled and activated by motion sensor devices for a duration of 15 minutes or less, unless it can be demonstrated otherwise that there is a need for constant security lighting;
- (11) Lighting for flags of the United States of America or the Commonwealth of Virginia, or any department, division, agency or instrumentality thereof, and other noncommercial flags expressing constitutionally protected speech;
- (12) Architectural lighting of 40 watts incandescent or less;

- (13) Field lighting for an outdoor athletic facility, provided such lighting is directed and falls within the primary playing area and is turned off at the end of the sports event;
  - (14) FAA-mandated lighting associated with a utility tower or airport; and
  - (15) The replacement of a failed or damaged luminaire that is one of a matching group serving a common purpose installed prior to the adoption of this Division.
- (C) **Conformance with All Applicable Codes.** All outdoor lighting shall be installed in accordance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code.
- (D) **Time of Review.** Review for compliance with the standards of this Division shall occur as part of the review of an application for a Site Development Plan, Residential Planned Development, Zoning Permit, Special Use Permit, or Variance.
- (E) **Signs.** Lighting for signage shall be governed by the standards set forth in **Division 6**, Signs, of this Article.

### Section 8-2-3. Standards.

- (A) **Hours of Illumination.** Public/civic/recreational uses, commercial uses, and industrial uses (as identified in **Article VI**, Use Matrix, of this Ordinance) that are adjacent to existing residential development or residential zoning districts shall extinguish all exterior lighting, except lighting necessary for security or emergency purposes, within 1 hour after closing and shall not turn on such lights until within 1 hour of opening.
- (1) For the purposes of this subsection, lighting necessary for security or emergency purposes shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways and parking areas, or to illuminate outdoor storage areas. Lighting activated by motion sensor devices is encouraged for these purposes.
- (B) **Uniformity.** Outdoor luminaires shall be of uniform style for each project site and conform to the design of the project.
- (C) **Shielding.** Each outdoor luminaire subject to these outdoor lighting requirements shall be dark sky compliant with a full cutoff luminaire and aimed and controlled such that light is directed inward to the property and confined to the object intended to be illuminated. Directional control shields shall be used when necessary to limit stray light and prevent glare to adjacent properties and vehicular public rights-of-way.
- (D) **Color Temperature.** All exterior lights shall be 3,000 Kelvin light color temperature or less.
- (E) **Type.** Low-pressure sodium vapor (LPS), high-pressure sodium vapor (HPS), or light emitting diode (LED) lights shall be the preferred type of exterior site lighting.
- (F) **Maximum Illumination Levels.** All lighting visible from outside, except for street lighting and pedestrian area lighting, must be designed and located so that the maximum illumination at any



lot line abutting an agricultural district, residential district, dwelling, or any public right-of-way, does not exceed 0.5 footcandles.

(G) **Canopy Lighting.** Light fixtures under any gasoline canopy or other structural canopy shall be recessed into the canopy ceiling with a flat lens to prevent glare.

(H) **Window and Decorative Lighting.**

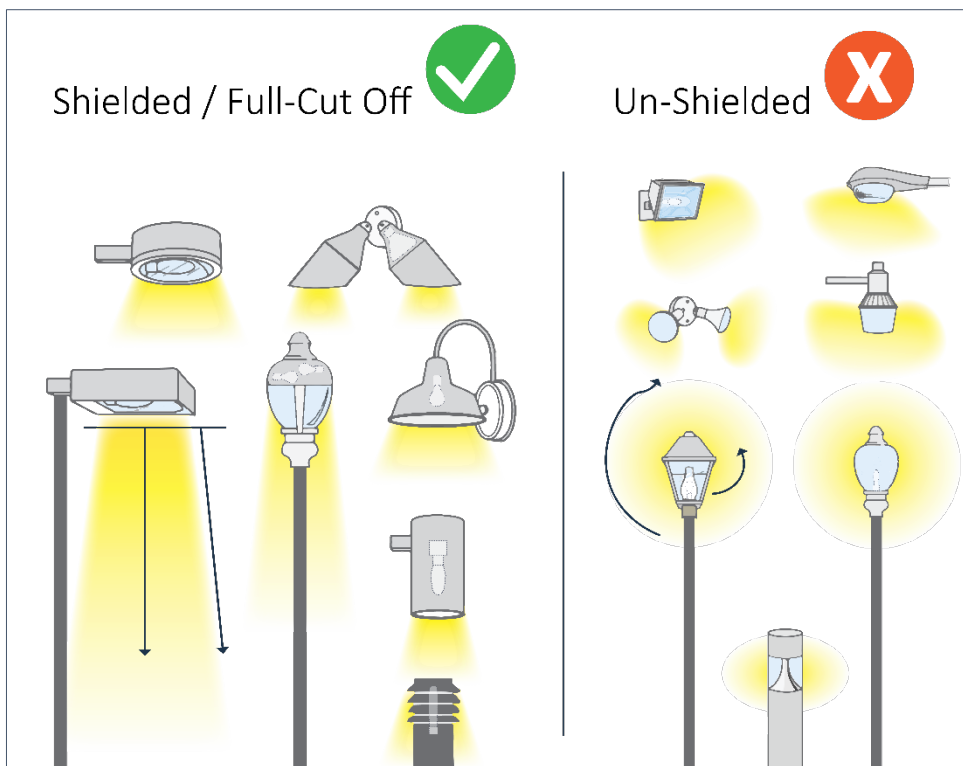
(1) Window and decorative lighting as defined in Article X, Definitions, of this Ordinance:

(i) Shall not exceed the Kelvin light color temperature provided in (D), above.

(ii) Shall not flash, strobe, blink, or change color.

(I) **Height.** Any pole-mounted exterior lighting shall not exceed a height of 30 ft. in industrial districts and 20 ft. in all other districts.

**Figure VIII-1. Lighting Examples**



**Section 8-2-4. Modifications and Compliance.**

(A) Modifications of the lighting standards contained herein may be approved by the Administrator upon a determination that the lighting is necessary for nighttime safety, utility, security, productivity, and commerce and does not adversely impact pedestrians, traffic, or adjacent properties.

(B) Modifications shall only be approved by the Administrator if the applicant proves the burden and provides evidence to the above.

## Division 3. Landscaping and Screening.

### Section 8-3-1. Purpose and Intent.

- (A) The purpose of this Division is to establish standards for landscape architecture, site design, site buffering, and landscape screening. With the intent of preserving and promoting the health, safety, and general welfare of the County, this Division is intended to:
- (1) Preserve and enhance the aesthetic character and visual harmony of the County;
  - (2) Protect the quality of the County's natural rivers, streams, lakes, and wetlands;
  - (3) Enhance erosion control;
  - (4) Improve the relationship between adjacent properties through screening, buffering, and proper placement and design of landscaping and screening;
  - (5) Promote economic development in the County's commercial districts and main thoroughfares; and
  - (6) Ensure the safety, security, and privacy of properties.

### Section 8-3-2. Application of Landscaping and Screening Requirements.

- (A) **General.** The requirements of this Division shall apply to new construction, developments, or redevelopments in all zoning districts requiring an approved Site Development Plan, Special Use Permit, or Zoning Permit specified by this Ordinance.
- (B) **Exemptions.** The following are exempted from the landscaping and screening standards of this Article:
- (1) Agricultural uses as identified in **Article VI**, Use Matrix, of this Ordinance; and
  - (2) Single- and two-family development on individual lots (not part of a Major Subdivision or Residential Planned Development)
- (C) **Timing of Review.** Review for compliance with the standards of this Division shall occur as part of the review of an application for a Site Development Plan, Residential Planned Development, Zoning Permit, Special Exception, or Variance.

### Section 8-3-3. Landscape Plan Requirements.

- (A) **Landscape Plan Required.** A Landscaping Plan shall be required for all new construction, developments, or redevelopments in all zoning districts requiring an approved Site Development Plan, Special Use Permit, or Zoning Permit specified by the Ordinance. The Landscaping Plan shall:
- (1) Be prepared and/or certified by a certified professional or firm qualified to create such a plan; provided, however, that in the case of a single lot disturbing less than 2,500 sq. ft., the landscaping plan may be prepared by the property owner.
  - (2) Cover the entire project area included in the overall Site Development Plan or development plan for which approval is sought.

- (B) **Landscape Plan Contents.** The landscape plan shall include:
- (1) Location, species, size, height, and number of proposed plantings;
  - (2) Planting specifications or installation details with consideration of the appropriateness of plants and locations for the specific characteristics of the site and the purpose for installation;
  - (3) Information about the general location, composition, and extent of existing vegetation (plants, trees, shrubs, etc.) to be retained during construction, as well as protection measures to be implemented during construction;
    - (i) The information shall include the successional stage of the vegetation, a list of the primary tree species, a list of the prominent non-native invasive species, and a statement regarding the general age, health, and condition of the vegetation.
  - (4) Location, size, and other related design details for all hardscape improvements, ground-mounted signage, recreational improvements, open space areas, fences, walls, barriers, and other related elements;
  - (5) Designation of required setbacks, yards, and screening areas;
  - (6) Location of other man-made site features, parking lots, overhead structures, and underground utilities to ensure that landscape materials will not be in conflict with the placement and operation of these improvements; and
  - (7) A preference to design and plant materials which are native and with reduced water needs.
- (C) **Landscape Plan Bond.** After a Landscape Plan has been approved, and before any planting or disturbance can occur, the developer shall furnish to the County an irrevocable letter of credit, cash escrow, or bonds (collectively referred to as “performance bond”) from a certified Virginia Lending Institution by corporate surety in a form and amount sufficient to guarantee the completion of all required improvements.
- (1) The cost of required landscaping shall be determined by a bona fide estimate of cost prepared by a duly licensed landscape architect, engineer, or other licensed professional, and such estimate shall be provided at the expense of the developer.

#### Section 8-3-4. General Standards.

- (A) **Tree and Plant Standards.**
- (1) Existing trees and vegetation shall be preserved to the greatest extent possible.
    - (i) Existing, healthy trees and shrubs shall be credited toward any minimum landscaping required by this Division, provided they meet minimum size standards of (B), below, and are protected before and during construction and maintained thereafter in a healthy growing condition.
    - (ii) Where existing vegetation is not adequate to achieve the required landscaping or screening, additional plants shall be installed as necessary to meet the objective, and in accordance with the standards of this Division.

- (2) Any required landscaping shall be installed prior to the issuance of a Certificate of Occupancy.
    - (i) When the planting of required landscaping conflicts with the planting season, a Certificate of Occupancy may be issued subject to approval by the Administrator that a sufficient surety is in place.
    - (ii) The owner or developer shall provide a development agreement which sets a deadline by which the plantings will be installed to be approved by the Administrator.
  - (3) The owner of the property upon which the required landscaping or buffering is installed shall be responsible for maintenance and replacement.
  - (4) All plantings shall be maintained in perpetuity in such a way to ensure that the requirements of this Ordinance continue to be met.
    - (i) Any dead or dying plants shall be removed within 30 days of notification by the Administrator. If notified during winter, such plants may be replaced by the property owner during the next viable planting season.
  - (5) Landscaping materials should generally be sustainable and biologically diverse with emphasis on trees and plants native to Virginia and the Pittsylvania County region.
  - (6) Plants shall be nursery grown and materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, as published by the American Association of Nurserymen, as amended.
  - (7) Landscaping shall not obstruct the view of motorists using any street, driveway, parking isles, or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to public safety.
  - (8) Plant materials shall be installed via dig, ball, burlap, and transplant. Bare-root planting is not permitted for any tree.
  - (9) For buffers in which more than 20 trees are required, no individual species shall comprise more than 30% of the total number of plants required within the buffer.
- (B) **Tree Measurement Standards.**
- (1) Caliper measurements shall be taken 6 inches above grade for trees under 4 inches in diameter. Caliper measurements shall be taken 12 inches above grade for trees 4 inches in diameter and larger.
  - (2) All required landscaping materials shall conform to the following minimum size or height standards provided in **Table VIII-1**, Minimum Plant Measurements.

**Table VIII-1. Minimum Plant Measurements.**

Plant Type	Minimum at Planting	Minimum at Maturity
Deciduous trees	2-inch caliper; no height minimum	50 ft. height
Evergreen trees	6 ft. height	
Ornamental and understory trees	4 ft. height	20 ft. height
Shrubs	18-inch spread or height	3 ft. spread or height

(C) **Tree Protection Standards.**<sup>3</sup>

- (1) Trees which are to be preserved on site shall be protected before, during, and after the development process utilizing accepted practices. At a minimum, the tree protection practices set out in the Virginia Erosion and Sediment Control Handbook, as amended, 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 wooded 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 5 ft. outside of their dripline during construction.
  - (i) 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.
  - (ii) Within the fenced area, the topsoil layer shall not be disturbed except in accordance with accepted tree protection practices.
- (4) No healthy deciduous tree(s) with a caliper of 15 inches or greater shall be removed from the site unless such trees are replaced.
  - (i) Such trees shall be shown on the Landscaping Plan.
  - (ii) These replacement trees shall be in addition to landscaping required by this Division.
  - (iii) No replacement tree shall have a caliper of less than 3 inches, measured 6 inches from the ground, at the time of planting.
  - (iv) The total caliper of replacement trees shall equal or exceed the total caliper of trees 15 inches or greater removed from the site.
- (5) 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 preserved.

<sup>3</sup> Editor’s Note: Code of Virginia § 15.2-961 allows for localities to require minimum tree canopy percentages based on the type of development (residential, commercial, etc.) These provisions can be included, if desired.

- (6) Where grade changes are necessary in excess of 6 inches from the existing natural grade level, permanent protective structures such as tree wells or walls shall be installed as recommended by the tree preservation and protection standards outlined in the Virginia Erosion and Sediment Control Handbook, as amended.
- (7) In determining which trees shall be preserved, consideration shall be given to preserving trees which:
  - (i) Are of 15-inch caliper or larger;
  - (ii) Are ornamental trees of any size;
  - (iii) Are within required setbacks or along boundaries unless necessary to remove for access, grading, circulation, utilities, or drainage;
  - (iv) Are heritage, memorial, significant, and specimen trees;
  - (v) Complement the project design including the enhancement of the architecture and streetscape appearance;
  - (vi) Can tolerate environmental changes to be caused by development (i.e., increased sunlight, heat, wind, and alteration of water regime);
  - (vii) Have strong branching and rooting patterns;
  - (viii) Are disease and insect resistant;
  - (ix) Exist in natural groupings, including islands of trees;
  - (x) Are located within required buffer areas;
  - (xi) Do not conflict with necessary utility; and,
  - (xii) Have been recommended by the Commonwealth Department of Forestry, the County cooperative extension service, or a certified arborist or urban forester for preservation.

### Section 8-3-5. Transitional Buffers.<sup>4</sup>

(A) **Applicability.** The standards of this Section apply to:

- (1) All new development; except as provided in (B), below;
- (2) Major Subdivisions; and
- (3) A proposed change of use of an existing structure that requires a Zoning Map Amendment (rezoning).

(B) **Exceptions.** A transitional buffer is not required:

- (1) For any single- or two-family dwelling not part of a larger development;

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<sup>4</sup> Editor's Note: The purpose of this Section is to address the use of buffer yards as a transitional tool between conflicting uses and districts.

- (2) Between uses, buildings, or lots developed under a common plan or operated under common management; or
  - (3) As exempt in Table VIII-2, Transitional Buffer Type Required, below.
- (C) **Screening Alternative.** The applicant may propose, and the Administrator may approve, a screening alternative where a building or screening has been specifically designed to minimize adverse effects through a combination of architectural and landscaping techniques, and the Administrator determines the building or screening is consistent with the purposes of this Section. *See Table VIII-4, Alternative Transitional Buffer, below.*
- (D) **Transitional Buffer Types Required.** Table VIII-2, Transitional Buffer Type Required, identifies the type of transitional buffer, if any, required between a proposed use and adjacent property/development. Table VIII-3, Minimum Plantings, provide the minimum width and planting standards for each transitional buffer type.
- (1) “Adjacent” includes land closer to the proposed use than the required buffer width, even if they are separated by a narrow strip of land with different zoning districts.
  - (2) Transitional buffers for Residential Planned Developments will be determined as part of the rezoning process.
- (E) **Location and Design.**
- (1) Transitional buffers must be located along any lot lines abutting adjacent zoning districts, including those separated by any public road, except where driveways or other openings are permitted.
  - (2) Transitional buffers may be located in required minimum front, side, or rear setbacks.
  - (3) Transitional buffers may be as follows:
    - (i) Types A and B shall fill the required minimum buffer width, as provided in Table VIII-3, and plantings should be dispersed to create a natural setting.
    - (ii) Type C shall be provided in a minimum of two staggered rows, with each row containing the plantings provided in Table VIII-3.
    - (iii) Type D shall be provided in staggered rows which at maturity will fill the required buffer width and with each row containing the plantings provided in Table VIII-3.
  - (4) Development within a transitional buffer is limited to the following:
    - (i) Fences and walls, including retaining walls, in accordance with Division 4 of this Article;
    - (ii) Sidewalks, trails, and other pedestrian/bicycle paths that intersect the transitional buffer yard at or near a 90-degree angle;
    - (iii) Areas of ingress and egress, fire hydrants, utilities, and other public infrastructure; and
    - (iv) Flag poles and permitted signs.

- (5) Development within a transitional buffer must not reduce the separation of land uses or interfere with the required plantings.
- (6) A continuous 10 ft. deep landscape strip, exclusive of easements, shall be located adjacent to any stormwater management facility or Best Management Practice(s) (BMP) when it:
  - (i) Is located in any residential or commercial district; or
  - (ii) Encroaches into a required side or rear setback.

**Table VIII-2. Transitional Buffer Type Required.**

District of Proposed Development <sup>1</sup>		Adjacent Property/Development/District				
		A-1, C-1, RE	R-1 RC-1	RMF MHP	B-1 B-2	M-1 M-2
Major Subdivisions		Type B	Type A	Type A	n/a	
A-1, C-1, RE, R-1, RC-1	non-residential uses	Type B	Type B	Type B		
	all other uses	n/a				
MHP		Type B	Type B	Type A	n/a	n/a
RMF		Type A	Type A	n/a	n/a	n/a
B-1, B-2		Type B	Type B	Type B	n/a	n/a
M-1		Type C	Type C	Type C	Type C	n/a
M-2		Type D	Type D	Type D	Type C	n/a
<i>n/a = transitional buffer not required</i>						

<sup>1</sup>Transitional buffers for Residential Planned Developments will be determined during the rezoning process; see Section 8-3-5(D).

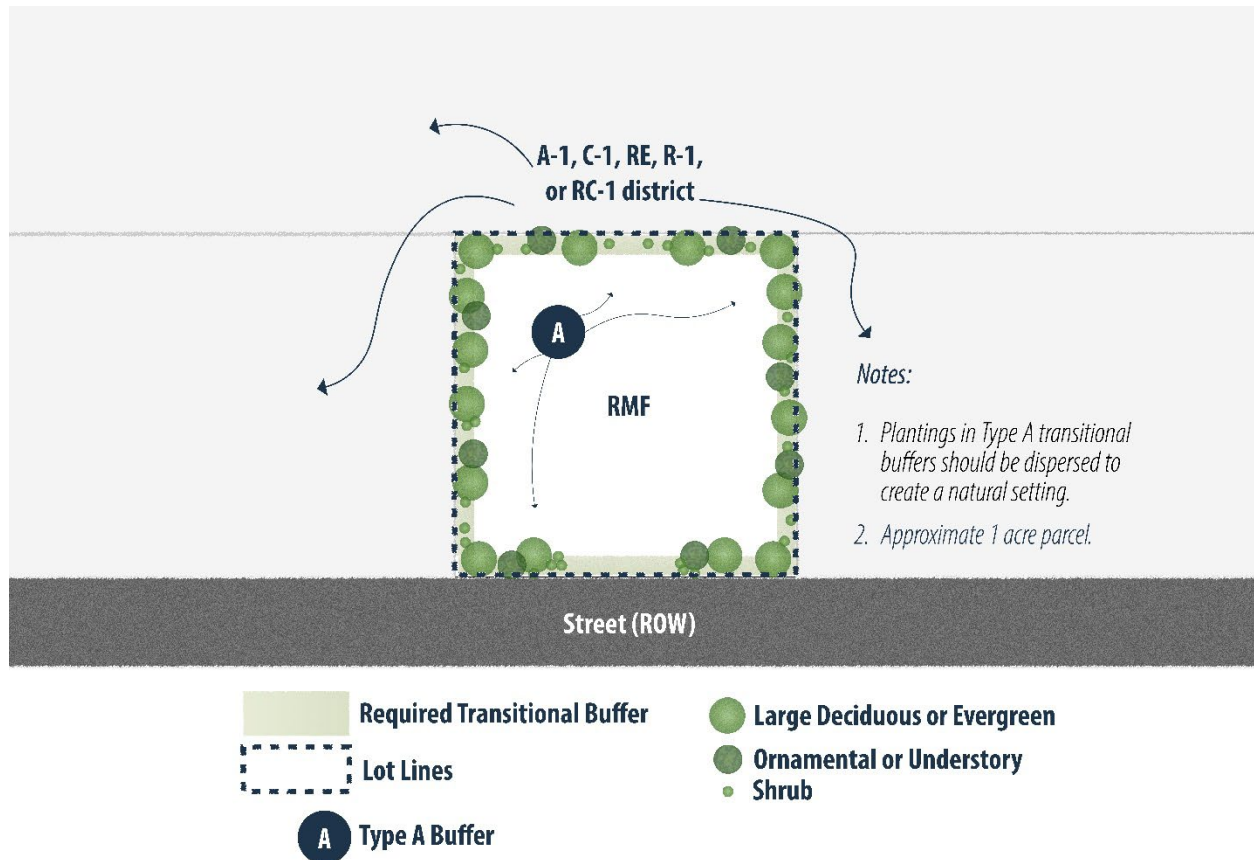
**Table VIII-3. Minimum Plantings.**

Buffer Type	Minimum Buffer Width (in feet)	Number of Required Large Deciduous or Evergreen Trees (per 100 linear feet) <sup>1</sup>	Number of Required Ornamental or Understory Trees (per 100 linear feet) <sup>1</sup>	Required Shrubs (per 100 linear feet) <sup>1</sup>
A	10	2	1	3
B	20	3	5	5
C	30	8	8	10
D <sup>2</sup>	100	10	0	20
<sup>1</sup> Where fractional numbers result, the required number of plantings shall be rounded up to the nearest whole number.				

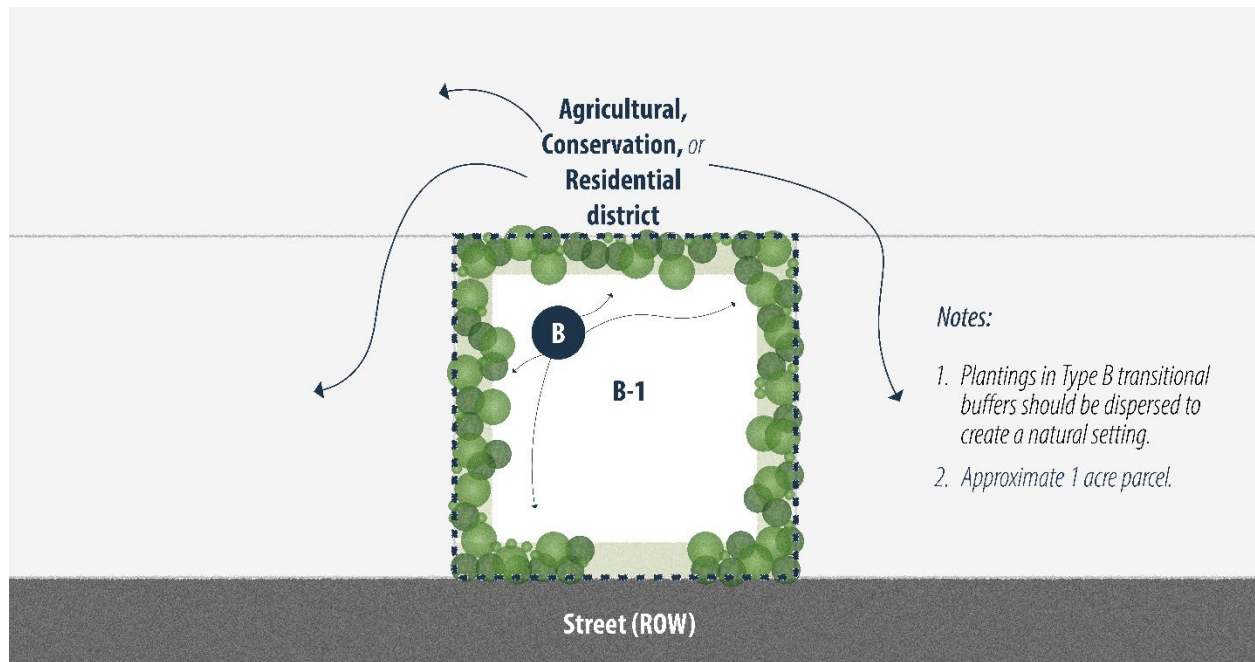


<sup>2</sup> Evergreen plugs are permitted beyond the first 50 ft. of a Type D buffer. The first 50 ft. of a Type D buffer would be measured starting at the edge of the public right-of-way and moving inward to the starting point of the use. Only the minimum plantings required in this Table are permitted within the first 50 ft. of a Type D buffer, and the minimum buffer width regardless of the type of plantings used shall be 100 ft.

**Figure VIII-3. Example of Transitional Buffer Type A.**



**Figure VIII-4. Example of Transitional Buffer Type B.**

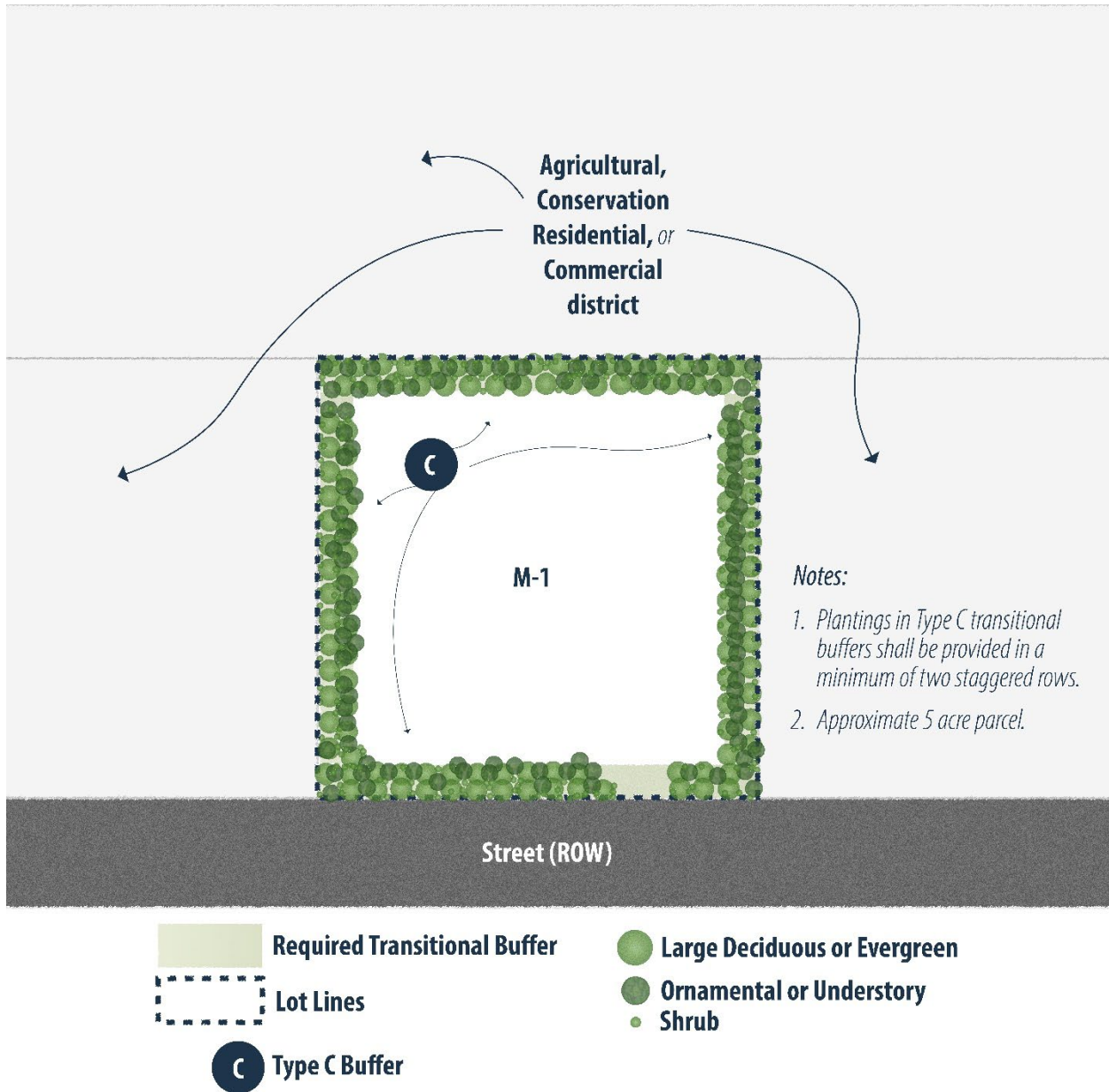


*Notes:*

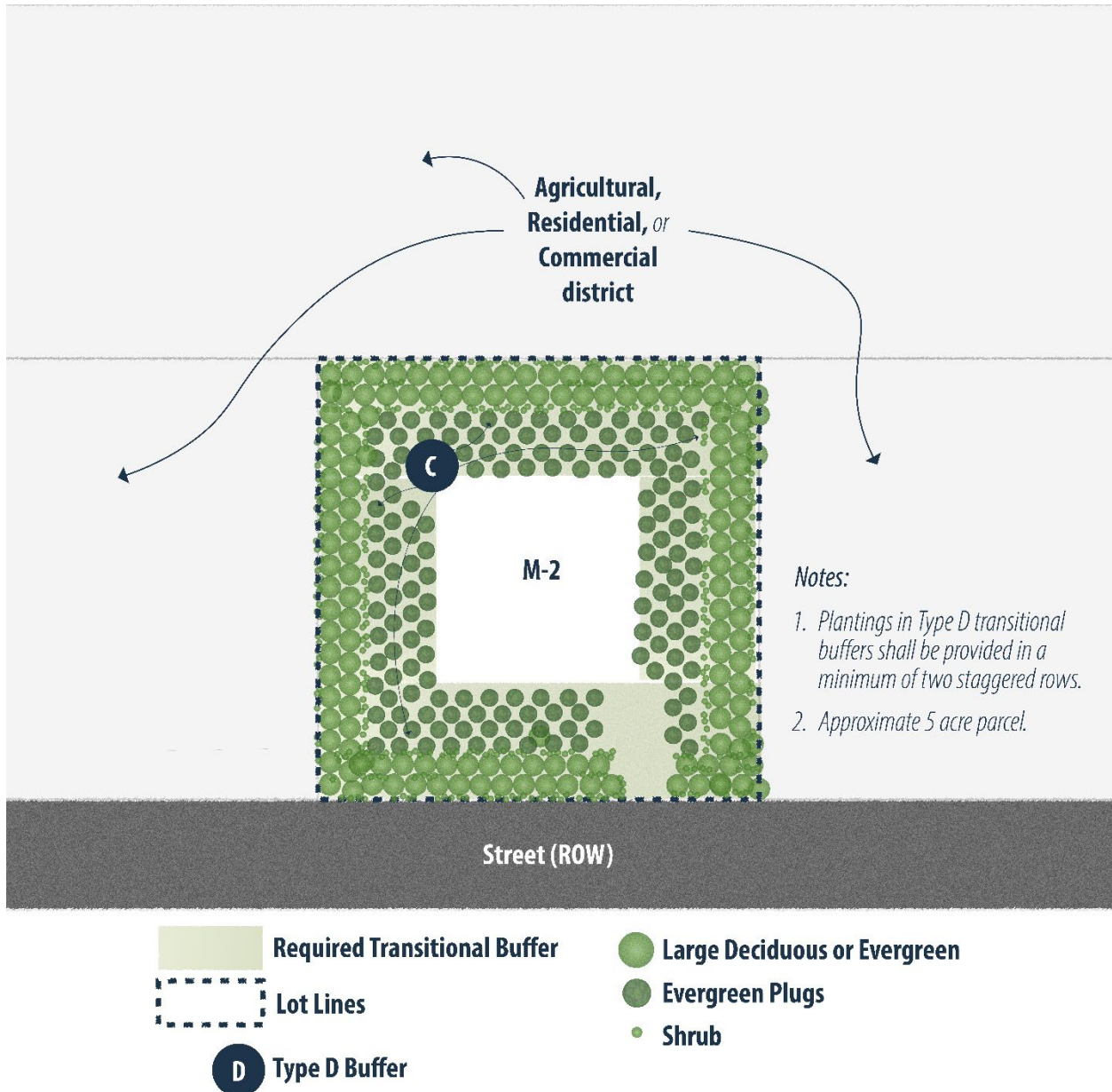
1. *Plantings in Type B transitional buffers should be dispersed to create a natural setting.*
2. *Approximate 1 acre parcel.*

	<b>Required Transitional Buffer</b>		<b>Large Deciduous or Evergreen</b>
	<b>Lot Lines</b>		<b>Ornamental or Understory</b>
	<b>Type B Buffer</b>		<b>Shrub</b>

**Figure VIII-5. Example of Transitional Buffer Type C.**



**Figure VIII-6. Example of Transitional Buffer Type D.**



**Table VIII-4. Alternative Transitional Buffer.**

Buffer Alternative	Minimum Height of Screening Alternative (in feet)	Reduction <sup>2</sup> in Minimum Buffer Width (in feet)	Reduction in Required Plantings (percentage)
Solid wall/fence <sup>1</sup>	6	15	25
Evergreen plantings in an unbroken strip (at maturity)	6 (planted) 50 (maturity)		50
Berm <sup>3</sup>	6 ft., with a maximum slope of 2:1	No decrease	25
<sup>1</sup> Walls and fences must comply with the standards in <b>Division 4</b> of this Article. <sup>2</sup> The minimum width of a transitional buffer must not be reduced below 10 ft. <sup>3</sup> Required plantings shall be located on the berm.			

**Section 8-3-6. Parking Lot Landscaping.**

**(A) General.**

- (1) To provide shade, screen views, and mitigate stormwater runoff, all vehicle parking areas shall include landscaping as required in this Section.
- (2) Parking lot landscaping for all developed, vacant, and abandoned commercial, industrial, or mixed-use development shall be installed and continuously maintained by the owner according to the requirements contained in this Article.
  - (i) Grass and groundcover (not including shrubs, bushes, etc.) shall be maintained to grass height of no more than 12 in. from grade.
  - (ii) Grass areas shall be maintained in good condition with uniform grass coverage and free from rill or gully erosion.
  - (iii) Any dead or dying plants shall be removed within 30 days of notification by the Administrator. If notified during winter, such plants may be replaced by the property owner during the next viable planting season.

**(B) Exemptions.**

- (1) The landscape provisions of this Division shall not apply to off-street parking for individual single- or two-family residential dwellings or for parking garages or similar multi-level parking structures.
- (2) In the case of redevelopment proposals, parking lot landscape requirements do not apply to those proposals that are not required to add parking spaces over those that are currently provided.

**(C) Parking Lot Landscape Buffers.**

- (1) Where a parking lot (or a private driveway providing access to a parking lot or building entry) abuts a residential district, agricultural district, or a public right-of-way, a landscaping strip of at least 10 ft. in width shall be located between the parking lot and the abutting property line. *See Figure VIII-7, Example of Parking Lot Landscape Buffers, below.*
  - (i) A minimum of 1 deciduous shade tree for each 50 ft. of contiguous property line shall be placed in the landscape strip.
  - (ii) A minimum of 5 shrubs for each 40 ft. of contiguous property line shall be planted in the landscape strip.
  - (iii) The landscape strip may include a sidewalk or trail. The remainder of the landscape strip must contain groundwater, turf, trees, shrubs, or be mulched.
  - (iv) The landscape strip shall maintain a visibility clearance of at least 4 ft. at all ingresses and egresses for vehicular traffic.

**Figure VIII-7. Example of Parking Lot Landscape Buffers.**

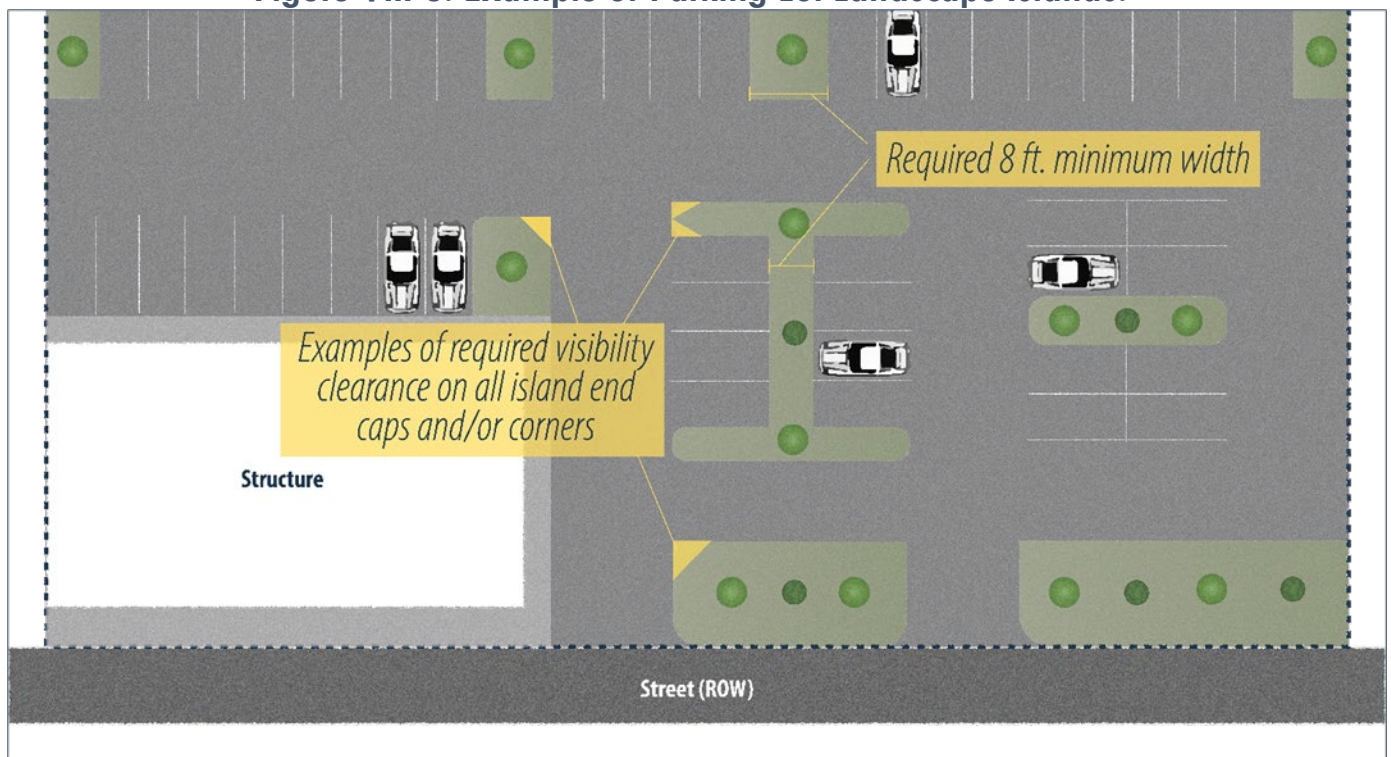


**(D) Parking Lot Landscape Islands.**

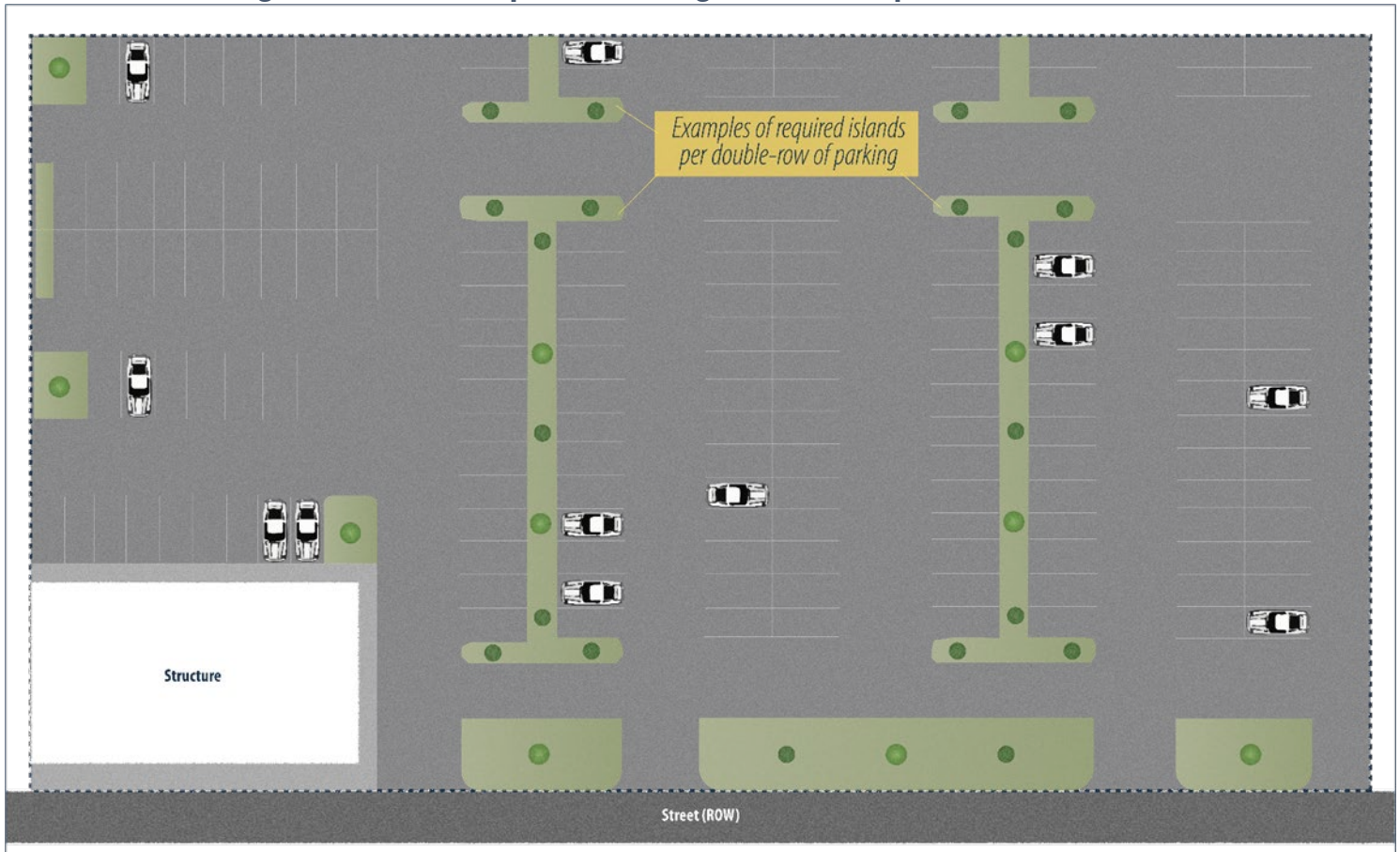
- (1) Landscaped planting islands shall be provided in the interior of the following types of parking lots:
  - (i) The total size of the parking lot exceeds 75 total parking spaces.
- (2) Minimum standards for landscape parking islands:
  - (i) If the total size of the parking lot exceeds 125 total parking spaces, there shall be one island for every other double-row of parking. *See Figure VIII-9, Example of Parking Lot Landscape Island, below.*

- (ii) Landscape parking islands shall be at least 10% of the parking area.
- (iii) A minimum of 1 tree shall be provided for every 5 spaces of required parking. The remaining area of the island(s) shall be landscaped with shrubs, ground cover, lawn, or additional trees.
- (iv) Planting islands shall have a minimum width of 8 ft. to allow for bumper overhang and shall otherwise provide adequate width for the growth and maintenance of the intended landscape materials to be planted therein. *See Figure VIII-8, Example of Parking Lot Landscape Islands, below.*
- (v) Planting islands shall maintain a visibility clearance of at least 4 ft. at both ends of the island to ensure vehicular traffic and pedestrian safety.
- (vi) The landscaping islands shall be dispersed throughout the parking lot, with interior dimensions of any planting area (i.e. interior parking median or island) sufficient to protect and maintain all landscaping materials planted therein.

**Figure VIII-8. Example of Parking Lot Landscape Islands.**



**Figure VIII-9. Example of Parking Lot Landscape Islands.**



### Section 8-3-7. Screening and Enclosures.<sup>5</sup>

(A) Except on lots where the principal use is a single- or two-family dwelling, manufactured home, or any agricultural use, the following objects and areas must be screened from public view at ground level, both on and off the premises, in accordance with this Section:

- (1) Large waste receptables (dumpsters) and refuse and recycling collection points (including containers);
- (2) Loading and service areas;
- (3) Outdoor storage areas;
- (4) Utility and mechanical equipment, such as generators, HVAC units, utility meters, junction and accessory boxes, and transformers;
- (5) Stormwater management facilities, when not developed as a site amenity in accordance with **Division 7**, Open Space, of this Article; and

<sup>5</sup> Editor's Note: Rather than specifying uses that may need screening, this Section provides general screening requirements for "unsightly" elements.



- (6) All other uses or elements where screening is required as identified in Article VII, Use Performance Standards, of this Ordinance.
- (B) Screening/enclosures shall be comprised singularly, or of a combination of:
  - (1) A solid masonry wall or opaque fence, in accordance with Division 4, Walls and Fences, of this Article.
  - (2) A double, unbroken row of evergreens that, at maturity, blocks visibility of the object being screened.
  - (3) A planted berm.
- (C) Access to all grease containers, recycling and trash containers, and other outside storage shall be through gates capable of closure when not in use. All gates shall be closed and secured when not in use.

### Section 8-3-8. Modifications.

- (A) Modifications to the layout and design standards contained herein may be approved through a waiver by the Administrator upon a determination that the following conditions exist:
  - (1) The proposed layout and design provide landscaping which will have the same or increased 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 Division.
  - (2) The proposed layout and design fully integrate and complement the existing trees to be preserved on the site.
  - (3) Any trees or shrubs installed or preserved on the site which exceed the minimum numerical requirements of this Division shall not be subject to the species mixture, locational, maintenance, or replacement requirements contained herein.

## Division 4. Walls and Fences.

### Section 8-4-1. Purpose and Intent.

The purpose of this Division is to provide standards to ensure that walls and/or fences used to provide buffering, privacy, separation, security, or for aesthetic reasons, will not create an unsightly or unsafe condition on or off the public or private property on which the fence or wall is proposed.

### Section 8-4-2. Application of Walls and Fences Requirements.

- (A) The provisions of this Division shall apply to all construction, reconstruction, or replacement of walls and/or fences within the R-1, RC-1, MHP, RMF, commercial, industrial, and residential planned development districts, except:
  - (1) Walls and/or fences required for the physical support of a principal or accessory structure;

- (2) Walls and/or fences erected temporarily for construction sites or a similar purpose, provided that they comply with all relevant requirements of the Uniform Statewide Building Code and do not block sight distance;
- (3) Landscaping berms without fences;
- (4) Walls and/or fences necessary for soil erosion control;
- (5) Walls and/or fences at government facilities;
- (6) Customary fencing provided as part of a permitted tennis court, athletic field, and similar recreational facility will be exempt from the height standards;
- (7) Fences for protecting livestock or for other similar agricultural functions, if part of a use in the agricultural use classification; and
- (8) Fences for tree protection (temporary and permanent).

### Section 8-4-3. Location.

(A) Walls and/or fences shall not:

- (1) Be located within the public right-of-way;
- (2) Be installed in a manner, or in a location, so as to block or divert a natural drainage flow on to or off of any other land, unless the fence or wall has specifically been approved as part of an approved stormwater management plan;
- (3) Be constructed in a manner or in a location that impairs safety or sight lines for pedestrians and vehicles traveling on public rights of way; or
- (4) Prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices.

(B) Walls and/or fences may be located within any required setback or yard.

(C) Walls and/or fences located within an easement shall receive written authorization from the easement holder or the County, as appropriate.

- (1) The County shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements or facilities.
- (2) Walls and/or fences within required transitional buffers shall be installed so as to not disturb or damage existing vegetation or installed plant material.

### Section 8-4-4. Height.<sup>6</sup>

(A) **Maximum Height.** Walls and/or fences shall be permitted in accordance with the following standards:

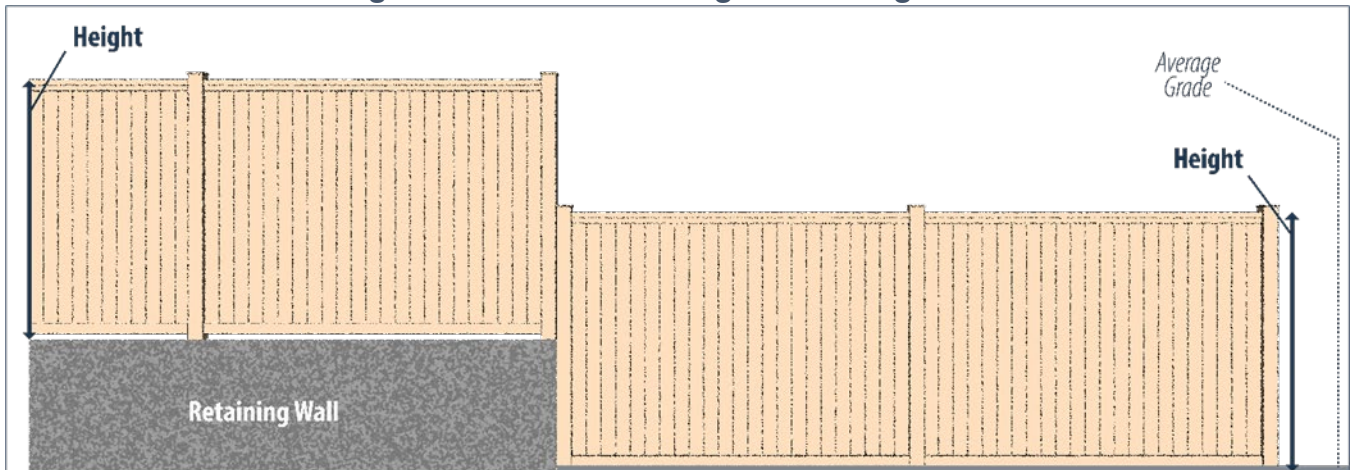
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<sup>6</sup> Editor's Note: Section 35-121 of the current Ordinance establishes a minimum fence height of 6 ft. This requirement has been retained for commercial and industrial districts but removed for residential districts. Maximum fence heights have been proposed and are based on the underlying zoning district.

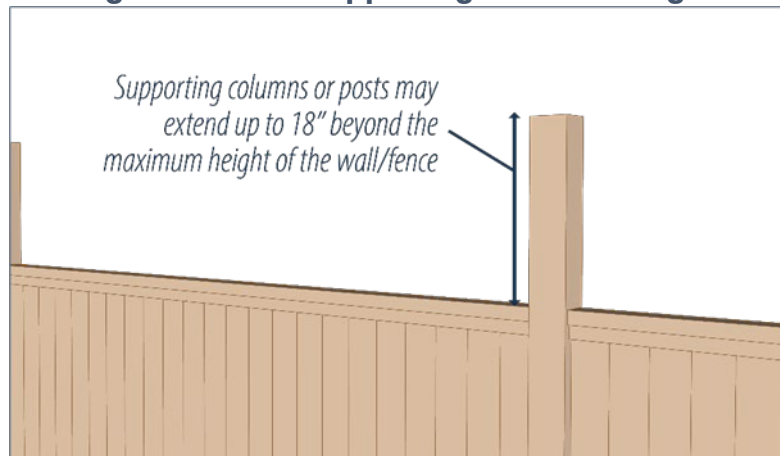
- (1) No wall and/or fence between a street and a front building line shall be more than 4 ft. in height.
- (2) And not forgoing **Section 8-4-4(A)**, above:
  - (i) Walls and/or fences in any R-1, RC-1, RMF, or residential planned development district shall not exceed 7 ft. in height above the existing grade without approval of a Special Use Permit;
  - (ii) Walls and/or fences in any commercial zoning district shall be at least 6 ft. in height but shall not exceed 8 ft. in height above the existing grade without approval of a Special Use Permit; and
  - (iii) Walls and/or fences in any industrial zoning district shall be at least 6 ft. in height but shall not exceed 10 ft. in height above the existing grade without approval of a Special Use Permit.

(B) **Measuring Height.** Wall and/or fence height will be measured parallel along the side of the fence from the highest point above grade to where the grade is lowest but excluding the height of any retaining wall directly beneath the fence or wall. Supporting columns or posts may extend up to 18 inches above the maximum allowed height for the wall and/or fence. *See Figure VIII-10, Measuring Fence Height and Figure VIII-11, Supporting Column Height, below.*

**Figure VIII-10. Measuring Fence Height.**



**Figure VIII-11. Supporting Column Height.**



### Section 8-4-5. Materials.

#### (A) Permitted Materials.

- (1) Walls and/or fences shall be constructed of any combination of:
  - (i) Treated or rot-resistant wood or similar composite wood material;
  - (ii) Wrought iron;
  - (iii) Decorative metal materials; or
  - (iv) Brick, stone, masonry materials, or products designed to resemble these materials.
  - (v) Where wood, masonry, or other opaque materials are specified for particular types of screening or buffering fences or walls, all other fence materials are prohibited.
- (2) All wall and/or fence segments located along a single lot side shall be composed of a uniform style, materials, and color compatible with other parts of the wall and/or fence.

#### (B) Prohibited Materials.<sup>7</sup> Walls and/or fences made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited unless such materials have been recycled and reprocessed into new building materials that resemble the customary materials listed in [Section 8-4-5\(A\)](#), above.

- (1) Barbed wire fences are prohibited in the RC-1, MHP, RMF, RPD, B-1, and B-2 districts.
  - (i) Except barbed wire fences may be approved administratively in the B-2 district for Vehicle Repair Service uses, as defined in Article X, Definitions, of this Ordinance.

<sup>7</sup> Editor's Note: As a result of staff feedback from 8/10, revisions made to prevent conflicting language related to application of the Ordinance and to allow barbed wire fences to be approved administratively for certain uses in the B-2 district.

- (C) **Chain Link Fencing.**<sup>8</sup> Chain link fencing shall be allowed, subject to the following requirements:
- (1) Permitted in agricultural, conservation, R-1, RE, RC-1, and MHP districts.
  - (2) Permitted in RMF, RPD, commercial, and industrial districts , subject to the following:
    - (i) The chain link fencing shall be coated with black or dark green vinyl.
    - (ii) Where opaque fencing is required, the chain link fencing may include black or dark green opaque slats.
- (D) **Finished Side to Outside.** Wherever walls and/or fences are installed, if one side of the wall and/or fence appears more “finished” than the other (e.g., one side has visible support framing and the other does not), then the more “finished” side of the fence shall face the perimeter of the lot, rather than the interior of the lot.

### Section 8-4-6. Maintenance.

- (A) All walls and/or fences shall be maintained in good repair and in a safe and attractive condition.
- (B) The owner of the property on which walls and/or fences are located shall be responsible for maintenance, including but not limited to, the replacement of missing, decayed, or broken structural and decorative elements.

## Division 5. Parking and Loading.

### Section 8-5-1. Purpose and Intent.

- (A) The purpose of this Division is to ensure efficient traffic flow and to reduce hazards to public safety by establishing standards for off-street parking and off-street loading areas. This Division is intended to:
- (1) Ensure adequate parking is designed and constructed during the erection of all new structures and the modifications to existing structures;
  - (2) Provide safe and convenient traffic flow and add to the beautification of the County;
  - (3) Provide for adequate but not excessive off-street parking and loading while accommodating alternative parking solutions for permanent, temporary, and seasonal demands; and
  - (4) Minimize the environmental impact of vehicular parking by avoiding excessive paved surface areas, applying appropriate minimum parking requirements, and encouraging the use of permeable parking surfacing.

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<sup>8</sup> Editor’s Note: Section 35-121 of the current Ordinances states that fencing shall be opaque unless otherwise approved. Chain link fencing is proposed to be permitted, but subject to additional design standards in certain zoning districts.

### Section 8-5-2. General.

- (A) Off-street parking and loading shall be provided in all zoning districts in accordance with the requirements of this Division.
- (B) For the purposes of this Division, off-street parking shall mean an improved surface not located in a street or alley.
- (C) Parking shall be provided at the time of the erection of any building or structure, not less than the amount of parking space(s) given in **Section 8-5-8**, below.
- (D) Parking space(s) shall be maintained and shall not be encroached upon unless in conformance with **Section 8-5-4** and **Section 8-5-5**, below.
- (E) Off-street loading space(s), as required in **Section 8-5-11**, below, shall not be construed as supplying off-street parking.

### Section 8-5-3. Obligations of Owner.

- (A) The requirements for off-street parking space(s) and off-street loading space(s) shall be a continuing obligation of the owner of the real estate on which any structure or use is located as long as such structure or use is in existence, and the use requiring off-street parking or loading facilities continues.
- (B) It shall be unlawful for the owner of any structure or use affected by this Division to discontinue, change, dispense with, or cause the discontinuance or change of the required off-street parking or loading space, apart from the alternate off-street parking or loading space which meets with the requirements of, and complies with, this Division.
- (C) It shall be unlawful for any firm or corporation to use such structure without acquiring such land or other suitable land for off-street parking or loading space(s) which meets the requirements of, and complies with, this Division.

### Section 8-5-4. Location to Use.

- (A) All parking spaces required herein shall be located on the same lot with the building or principal use served; except that:
  - (1) A remote parking lot may be approved by the Administrator in accordance with **Article III**, Permits and Applications, of this Ordinance and shall:<sup>9</sup>
    - (i) Be located and maintained not to exceed 600 ft. from the principal building or use it serves;
    - (ii) Be established by a recorded covenant or agreement as parking space(s) to be used in conjunction with the principal building or use and shall be reserved as such through an encumbrance on the title of the property; and
    - (iii) Have an existing sidewalk or improved pathway and permanent access easement.

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<sup>9</sup> Editor's Note: Section 35-80 (3) of the existing Ordinance permits administrative approval of off-street parking on another property.

- (a) If none exists, the developer shall establish a sidewalk or improved pathway and a permanent access easement that connects the parking to the use.

### Section 8-5-5. Joint/Shared Parking.

- (A) Required parking spaces can be used jointly by two (2) or more buildings, uses, or establishments, as provided below:
  - (1) The shared parking space(s) may be used to meet no more than 75% of the required off-street parking requirement.
  - (2) The shared parking space(s) must be for those uses that the normal periods of peak use are different from the shared use.
  - (3) The use(s) for which parking is being shared shall be within 600 ft., as measured along lines of public access.
- (B) In the case of mixed or joint uses of a building or premises having different peak parking demands, the parking spaces required may be reduced up to 75% if approved by the Administrator, in conjunction with Site Development Plan approval.
  - (1) In such instances, the applicants shall demonstrate that the periods of peak use are separated sufficiently, and shared parking spaces are available to all uses sharing them, to not cause a parking demand problem.
- (C) In the case of joint use of a building or premises by more than one use having the same peak parking demand, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

### Section 8-5-6. Reduction and/or Increase.<sup>10</sup>

- (A) **Reduction in Required Spaces.** Off-street parking space(s) required under this Division may be reduced at a time when the capacity or use of a building is changed in such a manner that the new use or capacity would require less space than before the change.
- (B) **Increase in Required Parking.** Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need under the requirements of this Division for an increase in parking spaces of 10% or more, such additional spaces shall be provided on a basis of the change or enlargement.
  - (1) Parking increases shall not be circumvented by a series of changes that together would meet, or exceed, the 10% requirement.

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<sup>10</sup> Editor's Note: Section 35-22 of the existing Ordinance states that no existing or future off-street parking or loading area shall be reduced below what is required unless spaces are no longer required by the regulations or alternative spaces meeting requirements are provided. Proposed to remove this text and replace it with Section 8-5-6, providing more clear language for when reductions – and increases – in required off-street parking areas would be acceptable.

## Section 8-5-7. Parking Design Standards.

### (A) Surfacing.

(1) All parking areas consisting of 10 or more parking spaces shall have an improved surface to prevent soil erosion, abate dust, and provide an adequate driving surface.<sup>11</sup>

(i) Improved surface shall mean concrete, asphalt, bituminous pavement, brick or stone pavers, or other hard, all-weather, dustless, permeable pavement system.

(B) **Marking.** For parking areas consisting of 10 or more parking spaces, each parking space shall be striped and maintained. Parking spaces shall be marked by painted lines, curbs, or other means to indicate individual spaces. Signs or markers shall be used to ensure efficient traffic operation on the lot.

(C) **Location.** Off-street parking areas shall be located to the side or rear of the structure it is associated with; if it can be demonstrated that the lot could not accommodate parking area(s) to the side or rear of the lot, the Administrator may waive this provision.

### (D) Parking Space Dimensions.<sup>12</sup>

(1) Off-street parking spaces shall be a minimum width of 10 ft. and a minimum length of 20 ft. with a minimum net area of 200 sq. ft., excluding area for egress and ingress and maneuvering vehicles.

(E) **Arrangement of Interior Aisles.** All aisles within parking areas shall have the following minimum widths:

(1) Parking spaces at a 90-degree angle: 22 ft.

(2) Parking spaces at a 60-degree angle: 18 ft.

(3) Parallel parking spaces: 12 ft.

(F) **Handicap Accessible Parking.** Every land use shall include the number of handicap accessible off-street parking spaces in accordance with the requirements of the Virginia Uniform Statewide Building Code. These parking spaces shall be included within the required amount of parking spaces, as provided in Table VIII-5, Minimum Off-Street Parking Requirements, below.

(G) **Entrances and Exits.**<sup>13</sup> The location and design of entrances and exits shall meet the VDOT traffic safety and design requirements.

### (H) Separation from Walkways and Streets.

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<sup>11</sup> Editor's Note: Part of this requirement was retained from Section 35-81 of the current Ordinance; however, it has been expanded to clarify what is meant by "improved surface". Propose to require markings and improved surfaces for parking areas consisting of 10 or more spaces.

<sup>12</sup> Editor's Note: Dimensions retained from Section 35-80 of the existing Ordinance.

<sup>13</sup> Editor's Note: This statement conveys the same principle as Section 35-84 (4) of the existing Ordinance and has been amended for clarity.



- (1) Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys by the required landscape buffer, a wall or fence, or curbing.
- (2) Off-street parking shall not be located within 5 ft. of any commercial building.
- (I) **Drainage and Maintenance.**<sup>14</sup> Off-street parking areas shall be adequately drained to eliminate standing water and prevent damage to abutting properties and/or public streets and alleys.
- (J) **Lighting.** Adequate lighting for parking areas with 10 or more spaces shall be provided in accordance with **Division 2**, Lighting, of this Article.
  - (1) Lighting facilities shall be arranged so that light is reflected away from adjacent properties and streets.<sup>15</sup>
- (K) **Screening.** Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened in accordance with **Division 3**, Landscaping and Screening, of this Article. However, areas requiring natural air circulation, unobstructed view, or other technical considerations necessary for proper operation, may submit an alternative screening plan to be approved by the Administrator.
- (L) **Fleet Vehicles.** Whenever daily or overnight storage of fleet vehicles is proposed, these vehicles shall be screened or parked to block visibility from streets or adjacent properties; screening shall be in accordance with the requirements of **Division 3**, Landscaping and Screening, of this Article. These off-street parking spaces shall be identified on an approved Site Development Plan.

### Section 8-5-8. Parking Requirements.<sup>16</sup>

- (A) Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected or structurally altered, or any building or structure hereafter erected is converted, off-street parking space(s) shall be provided according to the requirements for individual uses in the following table.<sup>17</sup>
- (B) Where fractional spaces result, the parking spaces required shall be increased to be the next highest whole number.
- (C) Exemptions to off-street parking requirements are contained in **Section 8-6-5** and **Section 8-6-6**, above.
- (D) The parking requirements in this Division are in addition to space for storage of trucks, campers, recreational vehicles, boats, or other similar vehicles used in connection with the use.

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<sup>14</sup> Editor's Note: Requirement for adequate drainage retained from Section 35-81 of the existing Ordinance; However, language has been added to further clarify what this requirement prevents.

<sup>15</sup> Editor's Note: Retained from Section 35-81 of the existing Ordinance.

<sup>16</sup> Editor's Note: The existing Ordinance includes minimum off-street parking spaces as determined by zoning district; recommend removal of regulations tied to the underlying zoning district and have parking requirements tied to individual uses for ease of administration and to eliminate inconsistency.

<sup>17</sup> Editor's Note: This statement conveys the same principle as Section 35-80 of the existing Ordinance and has been amended for clarity.

- (E) The parking requirements in this Division are in addition to any other parking requirements contained in the district or use standards of this Ordinance.
- (F) The parking requirements in this Division do not limit additional requirements that may be imposed for approval of a Special Use Permit.
- (G) Except as otherwise provided, the number of employees shall be compiled based on the maximum number of persons employed on the premises at one time, on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.
- (H) The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation, as determined by the Administrator.<sup>18</sup>
- (I) In order to minimize the adverse impacts caused by improving large areas with impervious surfaces, including increased storm water run-off, urban heat island effects, and nonpoint source pollution, the total number of parking spaces serving a use may not exceed the minimum parking standards in Table VIII-5 by more than 20%, unless one of the following apply:<sup>19</sup>
  - (1) Any spaces in excess of 20% of the minimum number required are located in a structured parking facility; or
  - (2) A Landscape Plan that provides additional pervious landscape surfaces and increases stormwater filtration has been reviewed and approved by the Administrator; or
  - (3) The applicant for the project shall apply and receive approval through a Special Use Permit.

**Table VIII-4. Minimum Off-Street Parking Requirements.<sup>20</sup>**

Use(s)	Minimum Number of Required Spaces
<b>Residential Uses</b>	
<i>Bed and Breakfast; Short-Term Rental</i>	1 per bedroom, plus 1 per owner/operator
<i>Dwelling, Accessory</i>	1 per accessory dwelling unit
<i>Dwelling, Manufactured; Dwelling, Single-, Two-Family;</i>	2 per dwelling unit
<i>Dwelling, Townhouse</i>	2 per dwelling unit, plus 1 guest space per unit
<i>Dwelling, Multi-Family</i>	2 per unit, plus 1 guest space per 5 units

<sup>18</sup> Editor’s Note: The current Ordinance requires the Planning Commission to determine the parking requirements in this scenario; However, to reduce the time and cost burden to the applicant, it is recommended to make this determination administratively.

<sup>19</sup> Editor’s Note: New provision of maximum parking limits to control amount of land used for parking.

<sup>20</sup> Editor’s Note: Unless otherwise noted, parking requirements have been retained from Section 35-82 of the existing Ordinance. Some names of uses may be amended, or uses consolidated, to align with uses listed in Article VI, Use Matrix.

Use(s)	Minimum Number of Required Spaces
<i>Family Home Day Care (1-4 children)</i>	1, plus residential requirement
<i>Family Home Day Care (5-12 children)</i>	3, plus residential requirement
<i>Group Home Life Care Facility</i>	1 per 4 residents, plus 1 per 2 employees
<i>Home Occupation, Class A</i>	Residential requirement based on dwelling type
<i>Home Occupation, Class B</i>	3, in addition to residential requirement
<i>Residential Shelter</i>	1 per 500 sq. ft.
<i>Manufactured Home Park<sup>21</sup></i>	2 per dwelling unit, plus 1 per owner/operator
Public/Civic/Recreational Uses	
<i>Campground</i>	2 per campsite
<i>Club</i>	1 per every 5 members
<i>Community Center</i>	1 per 500 sq. ft. of floor area, plus 1 per employee on largest shift
<i>Education Facility, College, University, Business or Trade</i>	1 per employee on largest shift, plus 1 per 10 full-time students
<i>Education Facility, Primary/Secondary</i>	1 per each employee on largest shift, plus 1 for each 4 seats in the largest assembly room
<i>Park</i>	1 per 4 visitors at peak service
<i>Public Use</i>	1 per 200 sq. ft. of gross floor area
<i>Recreational Facility, Private; Recreational Facility, Public</i>	1 per 5 members, based on the design capacity of the facility
<i>Religious Assembly<sup>22</sup></i>	1 per 4 fixed seats in main assembly area, <i>or</i> 10 per 500 sq. ft. of assembly floor space without fixed seating
Commercial Uses	
<i>Brewery or Distillery; Micro- Brewery, Distillery, or Winery</i>	1 per 150 sq. ft. of food beverage preparation and consumption area, plus 1 per 800 sq. ft. of operations
<i>Personal Services</i>	1 per 500 sq. ft. of floor area
<i>Car Wash; Gas Station; Vehicle Service/Repair</i>	3 per bay, stall, rack, or pit, plus 1 per gasoline pump; minimum 5 spaces
<i>Construction Material Sales; Manufactured Home Sales</i>	1 per 500 sq. ft.

<sup>21</sup> Editor’s Note: Requirement per dwelling unit retained from Section 35-82 of the current Ordinance, with the addition of 1 space per owner/operator.

<sup>22</sup> Editor’s Note: Included differentiation of requirements for fixed seating and non-fixed seating. The requirement used here for fixed seating was retained from Section 35-82 of the current Ordinance.

Use(s)	Minimum Number of Required Spaces
<i>Day Care Center</i>	1 per employee on largest shift, plus 1 per 10 children; plus an unobstructed pick-up space with a stacking area for 8 vehicles
<i>Equipment Sales, Rental, and Repair (Heavy)</i>	1 per 1,500 sq. ft. of display area, plus 3 per bay/stall
<i>Event Venue</i>	10 per 1,000 sq. ft. of floor
<i>Funeral Home</i> <sup>23</sup>	1 per 100 sq. ft. of main assembly area; 30 spaces minimum
<i>Hospital</i> <sup>24</sup>	1 per patient bed
<i>Hotel/Motel</i> <sup>25</sup>	1.5 per bedroom or unit, plus required parking for any additional uses on site (restaurant, event venue, etc.)
<i>Kennel, Commercial; Veterinary Hospital</i> <sup>26</sup>	1 per 400 sq. ft. of floor area
<i>Marina</i>	1 per 150 sq. ft. of floor space, plus 1 per 2 boat slips
<i>Office, General</i>	1 per 400 sq. ft. of floor area
<i>Offices, Medical/Clinic</i> <sup>27</sup>	1 per 200 sq. ft. of floor area; 10 spaces minimum for a clinic
<i>Recreation/Entertainment, Indoor</i>	1 per 3 persons based on maximum occupancy, plus 1 per employee on largest shift
<i>Recreation/Entertainment, Outdoor</i>	<b><i>If a facility with fixed seating:</i></b> 1 per 3 seats, plus 1 per employee on maximum working shift  <b><i>If a facility without fixed seating:</i></b> 1 space per 300 sq. ft. of floor area of enclosed buildings, plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity
<i>Restaurant, General</i>	1 per 150 sq. ft. of floor space, including outside seating
<i>Store, All Types</i>	1 per 250 sq. ft. of floor area
<i>Tradesperson Service; Catering Services</i>	2, plus 1 per employee on maximum working shift
Industrial Uses	
<i>Junkyard/Salvage Yard; Construction Yard</i>	1 per employee on maximum working shift
<i>Manufacturing, Heavy; Manufacturing, Light; Laboratory, Research, and Development</i>	1 per employee on maximum working shift
<i>Manufacturing, Small-Scale</i>	1 per employee on maximum working shift

<sup>23</sup> Editor’s Note: Streamlined existing parking requirement to not be based on chapel or parlor seating, as many services are standing services.

<sup>24</sup> Editor’s Note: Reduced parking to not include a standard based on employees, as hospital employee numbers can fluctuate with temporary staff. Additionally, all patients will likely not have their own vehicle parked and/or a visitor – at the same time as all other patients – thus, designated spaces may remain empty majority of the time.

<sup>25</sup> Editor’s Note: Existing requirement amended in order to ensure that adequate parking is available for accessory uses.

<sup>26</sup> Editor’s Note: Proposed new requirement to be based on total floor area.

<sup>27</sup> Editor’s Note: Existing requirement amended to include a 10 space minimum for a clinic.

Use(s)	Minimum Number of Required Spaces
<i>Warehousing and Distribution; Data Centers</i>	5, plus 1 per employee on maximum working shift
Miscellaneous Uses	
<i>Mixed Use structure</i>	1 per 250 sq. ft. of sales floor area, plus 1 space per dwelling unit

**Section 8-5-9. Recreational Vehicle and Boat Parking.<sup>28</sup>**

- (A) **Occupied Lots.<sup>29</sup>** On lots with a principal structure, no more than one of each of the following vehicles may be parked externally: recreational vehicles, boats, or trailers.
- (B) **Vacant Lots.** On lots without a principal structure:
  - (1) The parking of recreational vehicles, boats, and/or trailers on vacant lots is prohibited.
- (C) **Location on Lots.** All parked recreational vehicles and boats must meet the minimum side and rear setbacks required for an accessory structure and the front setback of the district in which it is placed.
- (D) **Exceptions.** These standards shall not apply to Recreational Vehicle Storage or Outdoor Storage as defined in **Article X**, Definitions, where permitted in **Article VI**, Use Matrix, and in compliance with this Ordinance.

**Section 8-5-10. Off-Street Loading Design Standards.**

- (A) **Minimum Size.<sup>30</sup>** For the purpose of the regulations of this Division, a loading space is a space within the main building or on the same lot providing for the standing, loading, or unloading of trucks, and having a minimum width of 12ft., a minimum length of 50 ft., and a vertical clearance of at least 14 ft.
- (B) **Location.** All required off-street loading areas shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when shared with the use occupying an adjacent lot
  - (1) No part of a yard, open space, area, or off-street parking or loading space required by this Ordinance for any use shall be included as a yard, open space, area, or off-street parking or loading space similarly required for any other use.<sup>31</sup>
- (C) **Surfacing.** All loading areas shall have an improved surface to prevent soil erosion, abate dust, and provide an adequate driving surface.

<sup>28</sup> Editor’s Note: New Section to address parking requirements for recreational vehicles and boats. These standards can be amended, and additional standards added, if desired by the County.

<sup>29</sup> Editor’s Note: As a result of staff feedback from 8/10, this requirement has been changed to allow no more than one of each type of vehicle to park on a property with a principal structure.

<sup>30</sup> Editor’s Note: Dimensions retained from Section 35-85 of the existing Ordinance.

<sup>31</sup> Editor’s Note: Text is from Section 35-19 of the existing Ordinance and has been amended for clarity.

- (D) **Screening.** Whenever an off-street loading area is located in or adjacent to a residential district, it shall be effectively screened in accordance with **Division 3**, Landscaping and Screening, of this Article. However, areas requiring natural air circulation, unobstructed view, or other technical considerations necessary for proper operation, may submit a screening plan to be approved by the Administrator.
- (E) **Entrances and Exits.**<sup>32</sup> Location and design of entrances and exits shall be in accordance with VDOT traffic safety and design standards.
  - (1) Where the entrance or exit of a building is designed for truck loading and unloading, such entrance or exit shall be designed to provide at least 1 off-street loading space.
  - (2) Where an off-street loading space is to be approached directly from a major thoroughfare, necessary maneuvering space shall be provided on the lot without impeding the public-right-of-way or any parking space or parking lot aisle.
- (F) **Bus and Truck Terminals.**<sup>33</sup> Terminals shall provide sufficient space to accommodate the maximum number of buses and trucks to be stored or loaded at the terminal at any one time.

### Section 8-5-11. Off-Street Loading Requirements.

- (A) Off-street loading shall be provided at the time of the erection of any building or structure or at the time any building or structure is altered, enlarged, or increased in capacity by adding dwelling units, guest rooms, floor area, or seats, or a change of use, not less than the amount of loading space required by this Division.
- (B) Space allocated for any off-street loading use shall not be used to satisfy the space requirements for any off-street parking area or portion thereof.
- (C) Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected, or structurally altered to the extent of increasing the floor area by 25% or more, or any building is hereafter converted, for the uses and floor areas listed below, accessory off-street loading spaces shall be provided as required in Table VIII-6, Minimum Off-Street Loading Requirements<sup>34</sup> below.
- (D) The loading space requirements in this Division do not limit other loading requirements contained in the district or use standards of this Ordinance.
- (E) The loading space requirements in this Division do not limit additional requirements that may be imposed in connection with uses permitted by approval of a Special Use Permit.

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<sup>32</sup> Editor's Note: This statement conveys the same principle as Section 35-85 (2) of the existing Ordinance and has been amended for clarity.

<sup>33</sup> Editor's Note: Retained from Section 35-85 (5) of the existing Ordinance.

<sup>34</sup> Editor's Note: Section 35-85 of the existing Ordinance provides off-street loading requirements for hospitals, hotels, commercial, or industrial buildings with either more or less than 10,000 sq. ft. of floor area.

**Table VIII-5. Minimum Off-Street Loading Requirements.<sup>35</sup>**

Use(s)	Floor Area (in sq. ft.)	Loading Space(s) Required
Commercial and Industrial Uses (except those listed below)	0-2,999	0
	3,000-10,000	1
	10,001-100,000	1 space, plus 1 space for each 10,000 sq. ft.
	<i>each 40,000 over 100,000</i>	1 additional for each
Dwelling, Multi-family; Funeral Home; Hotel; Office; Hospital or similar institutions	0-2,999	0
	3,000-10,000	1
	10,001-100,000	2
	100,001-200,000	3
	<i>each 100,000 over 200,000</i>	1 additional for each

## Division 6. Signs.

### Section 8-6-1. Purpose and Intent.<sup>36</sup>

- (A) The purpose of these sign regulations is to define, permit, and control the size, material, location, and condition of signs in a manner that, as its first priority, protects those who travel in and through the County. These sign regulations are intended to achieve the following community goals and objectives:
- (1) Protect the health, safety, and welfare of the public;
  - (2) Equitably distribute the privilege of using the public environs to communicate private information;
  - (3) Safeguard the public use and nature of the streets and sidewalks;
  - (4) Protect and enhance the visual environment of the County;
  - (5) Discourage the diminishing of property values in the County;
  - (6) Minimize visual distractions to motorists using the public streets;
  - (7) Promote the economic growth of the County by creating a community image that is conducive to attracting new business and industrial development;
  - (8) Permit reasonable effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk, density, and area;
  - (9) Promote the safety of persons and property by requiring that signs not create a hazard due to collapse, fire, decay, or abandonment;

<sup>35</sup> Editor’s Note: This table introduces detailed minimums for additional uses, based on floor area, that typically utilize loading spaces.

<sup>36</sup> Editor’s Note: Text in this Section has been adapted from Section 35-95 of the existing Ordinance and modified and reorganized for clarity. New text has been added throughout to fully explain the purpose and intent of signage regulations.

- (10) Ensure that signs do not obstruct fire-fighting efforts or create traffic hazards by confusing or distracting motorists or by impairing drivers' ability to see pedestrians, obstacles, other vehicles, or traffic signs;
- (11) Provide more open space and curb the deterioration of the natural environment;
- (12) Promote commerce and trade, with recognition of the effects of signage on the character of the community; and
- (13) The Board of Supervisors finds that the regulations in this Division advance the significant government interests identified herein and are the minimum amount of regulation necessary to achieve those interests.

## Section 8-6-2. Administration.

### (A) Interpretation.

- (1) The regulations of this Division shall apply to all new signs, replacement signs, and their modification(s) established after the effective date of this Ordinance.
- (2) Signs not expressly permitted are prohibited.
- (3) Murals as defined in **Article X**, Definitions, of this Ordinance are not considered signs and shall be exempt from the provisions of this Division.
- (4) Signs containing noncommercial speech are permitted anywhere that advertising or commercial signs are permitted, subject to the same regulations of such signs.
- (5) This Division shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.

### (B) Application and Permit.

#### (1) Sign Permit Required.<sup>37</sup>

- (i) No sign shall be erected, installed, altered, modified, refaced, re-hung, or replaced, without obtaining a permit pursuant to this Division, except as otherwise provided in **Section 8-7-3**, below.
- (ii) No permit shall be issued by the Administrator except upon a determination that a proposed sign is in conformity with the requirements of this Division and, where applicable, in conformity with the requirements of an approved Site Development Plan for the property upon which the sign is to be placed.

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<sup>37</sup> Editor's Note: Section 35-100 of the existing Ordinance requires that all off-site advertising signs, all signs exceeding the maximum requirements, and signs not specifically stated to be exempt to obtain a Sign Permit. Proposed to separate exemptions into a new section and clarify permit requirements to apply content neutrality and to establish clear guidelines for an applicant.



- (iii) More than one sign on one building or group of buildings located on the same parcel of land may be included on one application provided that all such signs are applied for at one time.
  - (iv) After the issuance of an approved sign permit, the applicant may install and display the approved sign(s). Once installed, the Administrator may inspect the sign(s) for conformance with the approved sign permit and this Ordinance.
- (2) **Application.** An application for a sign permit shall:<sup>38</sup>
- (i) Specify the type of sign to be constructed and the zoning district in which this sign is to be located;
  - (ii) Be accompanied with plans including a survey of the property, including measurements of the lot frontage;
  - (iii) Indicate the square footage and location of all existing signs on the property;
  - (iv) The area, size, structure, design, location, lighting, and materials for the sign; and
  - (v) Contain written consent of the owner or lessee of the land or building upon which the sign is to be erected, if not owned by the applicant.
- (3) **Duration and Revocation of Permit.**
- (i) Any sign permit shall be null and void if any sign for which the permit was issued is not installed in accordance with the permit within 6 months of the date of approval.
  - (ii) A sign permit shall become null and void if the use to which it pertains is not commenced within 6 months after the date the sign permit is issued.
    - (a) Upon written request and for good cause shown, the Administrator may grant one 6-month extension.
  - (iii) Whenever the use of a building or land is discontinued by the specific business, the sign permit shall expire and all signs pertaining to that business shall be removed by the property owner within 30 calendar days of the discontinuance.
  - (iv) The Administrator shall revoke a sign permit if the sign does not comply with applicable regulations of this Division, building code, or other applicable law, regulation, or Ordinance.

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<sup>38</sup> Editor's Note: The current Ordinance does not establish application procedures for a sign permit.

### Section 8-6-3. Exemptions.<sup>39</sup>

- (A) The following signs are exempt from the provisions of this Division and may be erected or constructed without a permit but shall be in accordance with the structural and safety requirements of the Pittsylvania County Building Code.
- (1) **Governmental Body or Required by Law.** Signs erected by a governmental body or required by law, including official traffic signs or sign structures and provisional warning signs or sign structures, and temporary signs indicating danger.
  - (2) **Message Content.** The changing of message content, including message content on a changeable message sign if permitted in the district.
  - (3) **Portable Signs.** One portable sign per street frontage/business, not to exceed 6 sq. ft. in area.
    - (a) Portable signs shall in no way obstruct vehicular travel, public parking, and/or pedestrian movement along sidewalks and are removed when the establishment is closed for business.
  - (4) **Minor Signs.** Two minor signs per street frontage, each minor sign not to exceed 3 sq. ft. in area.
    - (i) A minor sign is any wall or freestanding sign not exceeding 3 sq. ft. in area, not exceeding 4 ft. in height, and not illuminated. Examples include no trespassing signs, displays of building address, security warning signs, parking signs, entrance/exit signs, and on-site directional signs.
  - (5) **Temporary Signs.**<sup>40</sup>
    - (i) Temporary signs for events/non-recurring activities erected for not more than 60 consecutive days, and for property under construction or renovation, for sale, or for rent.
      - (a) No more than 4 temporary signs shall be placed on a single lot.
      - (b) The total aggregate sign area of all temporary signs on a single lot shall not exceed 32 sq. ft.
  - (6) **Recreation/Sports Facility Fence Signs.** Signs affixed to the interior of a permanent fence of a recreational or sports facility.

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<sup>39</sup> Editor's Note: Sections 35-97 and 35-98 of the existing Ordinance include exemptions; however, most of these exemptions are not content neutral in nature. Any exemptions that *are* based on sign content have been removed; any exemptions that *are not* based on content have been retained.

<sup>40</sup> Editor's Note: Several different types of temporary signs (i.e., yard signs, political signs, for sale signs, construction signs) are combined and regulated together as a best practice to ensure content neutrality. Propose to add a total aggregate square footage cap for temporary signs to allow flexibility in individual sign size while preventing sign clutter.

- (7) **Memorial Plaques and Building Cornerstones.**<sup>41</sup> Memorial plaques and building cornerstones not exceeding 6 sq. ft. in area and cut or carved into a masonry surface or other noncombustible material and made an integral part of the building or structure.
- (8) **Flag Signs.** Flag signs up to 16 sq. ft. in size or up to 50 sq. ft. in commercial and industrial districts, and up to 3 per parcel, provided that the minimum setback for a flagpole is the longest dimension of the pole, in order to prevent the flag or pole falling into the property of another or into a public street, trail, or sidewalk.
- (9) **Window Signs.** Window signs, provided that no more than 20% of the window is covered.
- (10) **Residential Entrance Signs.** Signs at the main entrance or entrances to a subdivision or planned unit development project provided that such sign shall not exceed one hundred (100) square feet, shall not be illuminated, shall be so designated as to be in the public interest and shall make no reference to the sale or lease of the lots or houses located within said identified subdivision.

#### Section 8-6-4. Prohibited.<sup>42</sup>

- (A) The following types of signs are prohibited in all zoning districts, unless otherwise specifically permitted in this Ordinance:
  - (1) Any sign affixed to, hung, placed, or painted on any cliff, rock, tree, or other natural feature; public utility pole or structure supporting wire, cable, or pipe; or radio, television, or similar tower;
    - (i) This prohibition shall not affect official traffic, parking, or informational signs placed on utility poles by the County.
  - (2) Any sign or banner within or across a public right-of-way, unless specifically approved by VDOT and the Pittsylvania County Board of Supervisors;
  - (3) Any sign that, due to its size, illumination, location, or height, obstructs the vision of motorists or pedestrians at any intersection, or similarly obstructs the vision of motorists entering a public right-of-way from private property;
  - (4) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized County official as a nuisance;
  - (5) Signs which obstruct any window or door opening used as a means of egress, prevents free passage from one part of a roof to any other part thereof, or interferes with an opening required for ventilation;
  - (6) Signs attached, painted, or mounted to unlicensed, inoperative, or generally stationary vehicles and/or trailers. Vehicles and/or trailers shall not be used primarily as static displays, advertising

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<sup>41</sup> Editor's Note: The Ordinance does not include materiality requirements or area maximums for memorial plaques or tables; this is proposed as a new requirement.

<sup>42</sup> Editor's Note: The existing Ordinance does not address prohibited sign types; new language proposed for addition.

- a business, product, or service, nor utilized as storage, shelter, or distribution points for commercial products or services for the general public;
- (7) Signs extending above the roofline of a structure, building, or parapet wall;
  - (8) Any flashing sign or signs with intermittent lights or lights of changing degrees of intensity or color, except those officially erected for safety purposes;
    - (i) This prohibition shall not apply to electronic or digital displays that display messages in intervals of at least 10 seconds.
  - (9) Any strings of lights, either outlining any part of a building or affixed to any ornamental feature thereof, except for seasonal holiday displays which are limited to 45 days.
  - (10) Any sign of which all or any part is in motion by any means, including fluttering, rotating or other means of movement.
  - (11) Signs that emit sound, smoke, flame, scent, mist, aerosol, liquid, or gas;
  - (12) Signs that violate any provision of any Federal or State law relative to outdoor advertising;
  - (13) Any sign representing or depicting specified sexual activities or specified anatomical areas or sexually oriented goods; and
  - (14) Any signs greater in size, quantity, or window coverage than provided for in **Section 8-6-5**, below.

### **Section 8-6-5. Measurement and General Sign Standards.<sup>43</sup>**

#### **(A) General Requirements.**

- (1) All signs shall comply with the applicable requirements of the Pittsylvania County Building Code, the Code of Virginia, and any regulations promulgated by the Virginia Department of Transportation pursuant thereto. In the event of conflicting laws or regulations, the most restrictive shall govern.

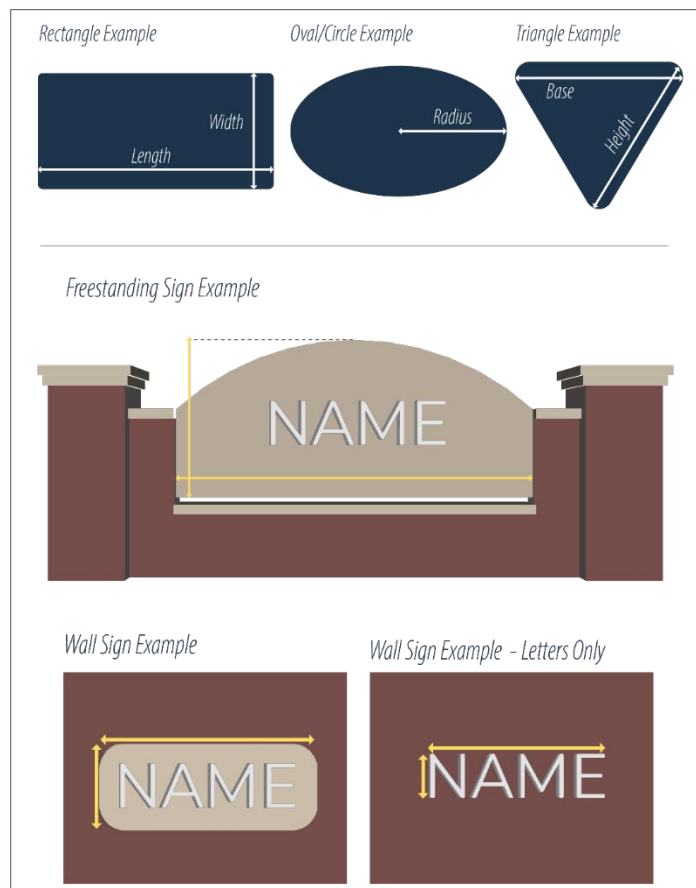
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<sup>43</sup> Editor's Note: This Section is proposed to replace Section 35-96 of the existing Ordinance. Existing text has been integrated and reorganized with some new requirements.

(B) **Sign Area Calculation.**

- (1) The sign area permitted under this Division is determined by measuring the entire face of the sign, including any background incidental to its decoration, but excluding support elements for the sole purpose of supporting the sign.
- (2) The sign area shall be calculated using the smallest rectangle, circle, or triangle that can enclose the sign face.
  - (i) Rectangle formula: sign area = length (L) x width (W)
  - (ii) Circle formula: sign area =  $\pi r^2$
  - (iii) Triangle formula: sign area =  $1/2 \times \text{base (B)} \times \text{height (H)}$
- (3) The surface area of any sign made up only of individual letters or figures shall include the space between such letters or figures.

**Figure VIII-2. Sign Area Measurement.**



- (4) Whenever one sign contains information on both sides, sign area shall be calculated based on the largest sign face. Faces are not totaled.<sup>44</sup>

(C) **Sign Height.<sup>45</sup>**

- (1) The maximum height for signs shall be as provided in Table VIII-7, provided in [Section 8-7-6](#), below.
- (2) The height of a sign shall be computed as the distance from the base of the sign at average grade to the top of the highest attached component of the sign.

(D) **Sign Setbacks.<sup>46</sup>**

<sup>44</sup> Editor’s Note: Section 35-96 of the current Ordinance states that only one side of a V-type or double-faced sign shall be considered in area calculations; proposed to base sign calculations on the largest sign face.

<sup>45</sup> Editor’s Note: Section 35-96 of the current Ordinance states that the maximum height for signs is tied to maximum building height for structures in the underlying zoning district; proposed to have clear and separate maximum height for signs to protect safety and aesthetics.

<sup>46</sup> Editor’s Note: Section 35-96 of the current Ordinance states that front yard setbacks shall not apply to signs apart from off-site outdoor advertising signs, and that side yard setbacks for signs shall be the same as those of the underlying zoning district. Propose to apply uniform front setbacks to all signs based on size.

- (1) Signs less than 10 ft. in height: minimum of 5 ft. from the street right-of-way.
- (2) Signs 10 ft. or greater in height: minimum of 15 ft. from the street right-of-way.

(E) **Illumination.**<sup>47</sup>

- (1) All permitted signs may be internally or externally lit.
- (2) No sign shall be illuminated in such a way that light may shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling.
- (3) Any electrical sign shall display the required UL, ETL, CSA, or ULC label.
- (4) Illumination shall be no greater than 700 nits<sup>48</sup> from sunrise to sunset, or 500 nits from sunset to sunrise and be equipped with automatic brightness control which can dim the display brightness when ambient conditions exist.
- (5) Electronic service lines shall be underground.

### Section 8-6-6. Special Sign Standards.

(A) **Off-Site Signs.** All off-site signs shall comply with the following:<sup>49</sup>

- (1) Off-site signs shall be permitted, only if provided with written permission is provided by the owner of property where the off-site sign is to be located as part of the sign permit application.
- (2) Off-site signs shall only be permitted in commercial and industrial districts.
- (3) All off-site signs shall comply with the provisions of the underlying zoning district and all other provisions of this Division, as applicable.
- (4) Any off-site sign shall count towards the maximum sign limit for that lot which the sign is located on.
- (5) Any off-site sign may only be placed on property adjacent to the property for which the sign is for.
- (6) A maximum of 1 off-site sign is permitted per establishment.
- (7) All off-site signs shall meet VDOT standards.
- (8) The Administrator may waive or modify these standards if a hardship or other necessary circumstance warrants.
- (9) Off-site sign permissions do not run with land. Pittsylvania County bears no responsibility for any off-site sign that is located on property that is sold, of which the new property owner does

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<sup>47</sup> Editor's Note: Section 35-96 of the current Ordinance states that signs in all conservation, agricultural, and residential districts shall only be illuminated indirectly; proposed to remove due to vague language.

<sup>48</sup> Editor's Note: The United States Sign Council's *Best Practice Recommendations & Standards for On-Premise Sign Lighting* provides that for LED lighting, 10,000 nits is a common maximum reached, with a recommendation that standards provide a maximum of 700 nits prior to sunset.

<sup>49</sup> Editor's Note: Section 8-7-6(A)(2) is a requirement included in Section 35-99 of the current Ordinance; all other provisions of this Section are proposed as new additions.

not give their permission for the off-site sign. In this scenario, the off-site sign shall be removed at the cost and burden of the owner of the sign.

(B) **Changeable Signs.** Within any commercial or industrial district, 1 changeable sign per lot shall be permitted, subject to the following requirements:

- (1) The changeable sign may be an existing or proposed freestanding, wall, or projected sign.
- (2) The message shall not be changed more than once every 10 seconds, move, flash, or display animation, as prohibited in this article.
- (3) Any changeable message sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, thereby causing motion, movement, flashing or any other similar effects, shall be repaired, covered, or disconnected by the owner or operator of such sign within 24 hours of Notice of Violation.

(C) **Projecting Signs.**

- (1) Signs projecting over public walkways, including doors and entryways, shall be a minimum height of 8 ft. from average grade to the bottom of the sign.
- (2) Projecting signs shall not extend more than 4 ft. beyond the face of the building or greater than 2 ft. from the curb line towards the building the sign is attached to.
- (3) Signs, architectural projections, or sign structures projecting over vehicular access areas shall have a minimum vertical clearance of 14 ft.

(D) **Temporary Signs.**<sup>50</sup>

- (1) Each temporary sign shall be maintained in good, safe condition, securely affixed to a building or the ground.
- (2) Any temporary sign pertaining to an event must be removed within 30 days after the event.<sup>51</sup>
- (3) No temporary sign shall be illuminated.

### Section 8-6-7. Permitted Signs by District.<sup>52</sup>

(A) The following standards, shown in Table VIII-7, Maximum Sign Dimensions, show the maximum sign dimensions, per type of sign, permitted in each district for all by-right and Special Use Permit uses, subject to all other requirements of this Ordinance.<sup>53 54</sup>

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<sup>50</sup> Editor's Note: Proposed to eliminate non-content neutral language for temporary signs and include basic standards under Special Sign Standards.

<sup>51</sup> Editor's Note: The current Ordinance allows temporary signs to remain for up to 60 days after the conclusion of an event; propose to reduce allowable time to 30 days.

<sup>52</sup> Editor's Note: All standards in Tables VIII-7 for agricultural, conservation, and residential districts are new additions and can be further amended by the County as desired.

<sup>53</sup> Editor's Note: Propose to introduce maximum height requirements for signs in commercial and industrial districts and reduce the number of total freestanding signs allowed per lot to 1.

<sup>54</sup> Editor's Note: Propose to introduce a total aggregate sign cap of 300 sq. ft. per lot in commercial and industrial to prevent sign clutter.

- (1) Signs requiring a sign permit within the RPD Residential Planned Development district will be determined as part of the rezoning process.
- (B) Sign area square footage limits are provided per sign, unless specified as a total.
  - (1) Total area is calculated as an aggregate of all signs of that type.
    - (i) Signs exempted under Section 8-6-3 of this Division are permitted and not included in the aggregate total area.
- (C) See **Article X**, Definitions, of this Ordinance, for the definitions of the sign types provided in the Tables of this Division.
- (D) For the purposes of Table VIII-7, the Residential Uses shall be those under the Residential category in Table VI-1, Use Matrix, and Non-Residential Uses shall be those under the Agriculture, Public/Civic/Recreation, Commercial, Industrial, and Miscellaneous category of Table VI-1, Use Matrix.



**Table VIII-6. Maximum Sign Standards.**

Agricultural and Conservation Districts						
Sign Type	Residential Uses			Non-Residential Uses		
	Number	Area (square feet)	Height (feet)	Number	Area (square feet)	Height (feet)
Freestanding	1 per street frontage; 2 permitted if for subdivision entrance	16	3	2 per street frontage	32	6
Wall	1 per street frontage	16	N/A	2 per street frontage	16	N/A
Residential Districts						
Sign Type	Residential Uses			Non-Residential Uses		
	Number	Area (square feet)	Height (feet)	Number	Area (square feet)	Height (feet)
Freestanding	1 per street frontage; 2 permitted if for subdivision entrance	6	3	1 per street frontage	32	3
Wall	1 per street frontage	12	N/A	1 per street frontage	16	N/A

Commercial Districts*			
Sign Type	Number	Area (square feet) LF = Linear Foot	Height (in feet)
Freestanding (1 business)	1 per street frontage	32	8
Freestanding (2+ businesses with coordinated access point(s))	1 per street frontage, per access point	150 <sup>1</sup>	20
Projecting	1 per street frontage	12	N/A
Wall	Unlimited	1.5 sq. ft. for every 1 LF of building face occupied by the tenant; 200 sq. ft. maximum	N/A
Canopy	1 per street frontage	0.5 sq. ft. of canopy fascia on which the sign is mounted	N/A
Industrial Districts*			
Sign Type	Number	Area (square feet) LF = Linear Foot	Height (in feet)
Freestanding (1 business)	1 per street frontage	75	10
Freestanding (2+ businesses with coordinated access point(s))	1 per street frontage, per access point	150 <sup>1</sup>	20
Projecting	1 per street frontage	12	N/A
Wall	Unlimited	1.5 sq. ft. for every 1 LF of building face occupied by the tenant; 200 sq. ft. maximum	N/A
Canopy	1 per street frontage	0.5 sq. ft. of canopy fascia on which the sign is mounted	N/A

<sup>1</sup>Provided that any 2 signs on the same public street are at least 75 ft. apart.  
 \* The total aggregate sign area on a single lot shall not exceed 300 sq. ft.

## Section 8-6-8. Nonconforming Signs.

### (A) Nonconforming Signs.

- (1) Any sign legally existing at the time of the effective date of this Ordinance that does not conform in use, location, height, or size with the regulations of the district in which such sign is located, shall be considered legally nonconforming and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations<sup>55</sup>:
  - (i) A nonconforming sign shall not be enlarged, nor shall any feature of a nonconforming sign, such as illumination, be increased.

<sup>55</sup> Editor’s Note: Text from Section 35-101(C) of the existing Ordinance has been integrated.

- (ii) A nonconforming sign shall not be moved for any distance on the same lot or to any other lot unless:
  - (a) Such change in location will make the sign meet all current requirements of this Division; or
  - (b) Such change in location is to conform to required setbacks of this Ordinance.
- (iii) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding 50% of its sign area, may be restored within 2 years after such destruction or damage but shall not be enlarged in any manner.
- (2) If such a sign is destroyed or damaged to an extent exceeding 50%, it shall not be reconstructed but may be replaced with a sign that meets all current requirements of this Division.
- (3) Notwithstanding any contrary provision in this Ordinance, no nonconforming sign is required to be removed solely by the passage of time.

## **Section 8-6-9. Maintenance and Enforcement.**

### **(A) Maintenance, Repair, and Removal**

- (1) Every sign permitted by this Division shall be maintained in good condition and repair.
- (2) If a sign is in violation of the provisions of this Ordinance, the owner shall correct such violations and make the sign conform with the provisions of this Division, within 10 days of a Notice of Violation from the Administrator. Signs in violation may include:
  - (i) Any that becomes insecure, in danger of falling, or is otherwise deemed unsafe by the Administrator; or
  - (ii) Any sign that is unlawfully installed, erected, or maintained in violation of any of the provisions of this Ordinance.
- (3) If within 10 days the Notice of Violation is not complied with, the Administrator shall be permitted to remove or cause such sign to be removed at the expense of the owner of the sign.
- (4) If a sign presents an imminent and immediate threat to life or property, then the Administrator may abate, raze, or remove it, and may bring an action against the responsible party to recover the necessary costs incurred for abating, razing, or removing the sign<sup>56</sup>.

### **(B) Removal of Abandoned Signs.**

- (1) A sign shall be removed by the owner or lessee<sup>57</sup> of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises.
- (2) If the owner or lessee fails to remove such sign, the Administrator shall give the owner 30 days' written notice to remove it.

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<sup>56</sup> Editor's Note: Adapted from Section 35-101(A) of the existing Ordinance.

<sup>57</sup> Editor's Note: Section 35-101(B) of the existing Ordinance specifies this must be done at the owner's expense, but language to include the lessee has been added as it is often more appropriate in residential or commercial settings.

- (3) Upon failure to comply with this notice, the Administrator may remove the sign at cost to the property owner<sup>58</sup>.

## Division 7. Open Space.<sup>59</sup>

### Section 8-7-1. Purpose and Intent.

- (A) The standards in this Division are intended to ensure that a minimum amount of required open space is provided in new development for the use and enjoyment of the development's residents, employees, and users in a manner that:
- (1) Preserves the County's natural resources;
  - (2) Provides open areas for use as active and passive recreation;
  - (3) Reduces the heat island effect of developed areas;
  - (4) Provides civic and meeting spaces for use by the public;
  - (5) Preserves trees and strands of older growth;
  - (6) Enhances stormwater management; and
  - (7) Provides other public health benefits.

### Section 8-7-2. Applicability.

- (A) **General.** All new development within the MHP Manufactured Home Park District, the RMF Residential Multi-Family District, and the RPD Residential Planned Development District must comply with the standards in this Division.
- (B) **Timing of Review.** Review for compliance with the standards of this Division will occur during review of an application for a residential planned development, Zoning Permit, Special Use Permit, Building Permit, Certificate of Occupancy, Site Development Plan, or Subdivision Plat, as appropriate.
- (C) **Open Space Plan Required.** All development applications subject to review for compliance with the standards of this Division must include an Open Space Plan, which shall designate all open-space areas, including the amount of each type of open space provided, and the relation of each open space area to the constructed areas of the site, including all buildings and circulation systems.

### Section 8-7-3. Amount of Open Space Required.

- (A) Development subject to these standards must provide open space in an amount that meets or exceeds the minimum provided in Table VIII-10, Minimum Required Open Space, based on the district where the development is proposed.

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<sup>58</sup> Editor's Note: Text is adapted from 35-101(B) of the existing Ordinance.

<sup>59</sup> Editor's Note: This Division is new and includes Sections pertaining to what counts and does not count as open space, general design standards; and ownership and maintenance of open space.

**Table VIII-10. Minimum Required Open Space.<sup>60</sup>**

District	Standard Development
MHP	30% <i>Includes requirement of 10% of the total park area required to be dedicated to recreational use. See Section 4-5-3 of this Ordinance.</i>
RMF	25%; of that 25%, a minimum of 5,000 sq. ft per 2 acres shall be for active or passive recreation
RPD	30% <i>See Section 4-8-1 of this Ordinance.</i>

**Section 8-7-4. Areas Counted as Open Space.**

(A) The features and areas identified below shall count toward required open space as required by this Division.

**(1) Natural Features.**

- (i) **Description.** Naturally sensitive areas, such as floodplains, wetlands, and steep slopes, native mixed forests, streams, ponds, rivers, existing and healthy wooded areas, and natural vegetation.
- (ii) **Limitation.**
  - (a) 50% of the required open space in all districts shall be comprised of natural features.

**(2) Passive Recreation Areas.**

- (i) **Description.** Planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, community gardens, picnic shelters, gazebos, and similar structures.
- (ii) **Design Requirements.** Passive recreation areas must have at least 1 direct access to a building or to a street or walkway accessible to the development’s residents and users.

**(3) Active Recreation Areas.**

- (i) **Description.** Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, and community buildings and clubhouses.
- (ii) **Design Requirements.** Land must be compact and contiguous unless used to link or continue an existing or planned open space resource. Areas must have at least 1 direct

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<sup>60</sup> Editor’s Note: Open space requirements are new additions. These minimum percentages can be further amended, if desired. Propose to remove the current 10% minimum open space requirement for B-1, B-2, M-1, and M-2 districts.

access to a building or to a street or walkway accessible to the public or the development's residents and users.

**(4) Required Landscaping and Buffers.**

- (i) **Description.** All areas occupied by required landscape areas and transitional buffers, except for parking lot landscaping.
- (ii) **Design Requirements.** As provided in **Division 3**, Landscaping and Screening, of this Article.

**(5) Stormwater Management Areas/Facilities Treated as Site Amenities.**

- (i) **Description.** Stormwater management features that are incorporated into a site amenity (e.g., with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water circulation device, and pedestrian access or seating).
- (ii) **Limitation.** A maximum of 75% of the land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices) may be included as open space.
- (iii) **Design Requirements.** To qualify, stormwater management facilities must support passive recreation uses by providing access, pedestrian elements such as paths and benches, gentle slopes (less than 3:1), and vegetative landscaping.

**(6) Public Access Easements.**

- (i) **Description.** Public access easements that include paths or trails that are available for activities such as walking, hiking, running, and/or biking.
- (ii) **Design Requirements.** Such access easements must include at least 1 improved access from a public street, sidewalk, or trail that includes signage designating the access point.

**Section 8-7-5. Areas Not Counted as Open Space.**

(A) The following features and areas will not be counted as required open space for the purposes of this Division:

- (1) More than 50% of open space comprised of natural features, for residential and planned development districts, as provided in **Section 8-7-4 (A)(1)**, above.
- (2) Yards on lots containing a single- or two-family dwelling, or manufactured home;
- (3) Street rights-of-way, private access easements, or utility easements, including sidewalks located within those rights-of-way or easements;
- (4) Parking areas and driveways, including parking lot landscaping and walkways;
- (5) Land covered by structures, unless designed for active or passive recreational uses;
- (6) Designated outdoor storage areas and mechanical yards; and
- (7) Stormwater management facilities not located and designed as a site amenity, as described in **Section 8-7-4 (A)(5)**, above.

## Section 8-7-6. Design and Development Standards.

### (A) Location.

- (1) Required open space must be readily accessible by residents and users of the development to the maximum extent practicable.
- (2) To the extent practicable, a portion of the open space should provide focal points for the development through prominent placement or direct visibility from streets.

### (B) Configuration.

- (1) Required open space must be compact with a minimum of 40% of the required open space contiguous, unless:
  - (i) A linear configuration is needed to continue an existing trail or accommodate preservation of natural features; or
  - (ii) It can be demonstrated that a different configuration provides better access to usable open space for intended users of the open space.
- (2) If the development site is adjacent to existing or planned public trails, parks, or other public open space area, the required open space must, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other public open space area.
- (3) Pedestrian access to required open space must be provided from sidewalks or other pedestrian ways within or adjacent to the development.

### (C) Limitations.

- (1) Development within required open space shall be appropriate to the purposes of the type of required open space.
- (2) All structures within required open space shall comply with setback and other dimensional requirements of the district for which the development is located.

## Section 8-7-7. Ownership and Maintenance.

- (A) All required open space must include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes and provide for the continued and effective management, operation, and maintenance of the land and facilities.
  - (1) Stormwater management facilities treated as site amenities must be maintained to provide for the effective management of stormwater and as a passive recreation.
- (B) Required open space must be maintained by the developer or owner of the project or by a property owners' association comprising owners of the property in the project.
  - (1) If property is conveyed to the property owners' association, deed restrictions and covenants, in form satisfactory to the County Attorney, must provide that any assessments, charges, or costs of maintenance of required open space constitute a pro rata lien upon the individual properties inferior in lien and dignity only to taxes and bona fide duly recorded first deeds of trust on each property or lot.

- (C) Required open space may be dedicated to the County for public use only in a manner and form approved by the County.
- (D) Maintenance of natural features is limited to the minimum removal and avoidance of hazards, nuisances, and unhealthy conditions, and the clearing of debris from trails.



## **ARTICLE IX. – Nonconforming Uses, Lots, and Structures.**

### **Division 1. General.**

#### **Section 9-1-1. Intent.<sup>1</sup>**

With the adoption of this Ordinance or subsequent amendments, there exists lots, structures, and uses of land and structures in combination which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue as established prior to Ordinance adoption and in accordance with the Code of Virginia § 15.2-2307, as amended.

#### **Section 9-1-2. General.<sup>2</sup>**

Except as otherwise provided in this Ordinance, any lawful use, building, or structure existing at the time of an amendment to this Ordinance may be continued even though such use, building, or structure may not conform to this Ordinance’s provisions and shall be deemed nonconforming. Whenever the boundaries of a zoning district are changed, any uses of land or buildings which become nonconforming shall become subject to the provisions of this Article. A change in occupancy or ownership shall not affect the right for the nonconforming use to continue or the nonconforming building or structure to remain.

### **Division 2. Standards for Nonconformities.**

#### **Section 9-2-1. Nonconforming Uses.<sup>3</sup>**

- (A) A legal nonconforming use may continue as it existed when it became nonconforming. A nonconforming use shall not be reconstructed, relocated, altered, or expanded in any manner, including the addition of new accessory uses, except as provided for in this Section.
- (B) A nonconforming use may change to a conforming use.
- (C) The nonconforming use may be extended throughout those parts of a building which are lawfully and manifestly arranged or designed for such use at the time of enactment of this Ordinance provided there are no structural alterations, expansion, or enlargement except those required by law or lawful order.
- (D) A nonconforming use may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use of land or buildings has been changed

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<sup>1</sup> Editor’s Note: Addition of a new intent statement to introduce this Article.

<sup>2</sup> Editor’s Note: These provisions can be found in Sections 35-161 and 35-163 of the existing Ordinance. However, new text has been proposed for clarity.

<sup>3</sup> Editor’s Note: This is a new section proposed for introduction to provide thorough regulations for nonconforming uses.

to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

- (E) A nonconforming dwelling unit may have a home occupation subject to the requirements of Article VI, Use Matrix, and Article VII, Use Performance Standards, of this Ordinance.
- (F) A nonconforming use shall lose its nonconforming status and any further use shall conform to the requirements of this Ordinance when:
  - (1) The nonconforming use is discontinued for a period of two (2) years and shall be deemed abandoned.
  - (2) The nonconforming use is intentionally abandoned, regardless of the length of time that has passed.
  - (3) The removal of a structure that had a nonconforming use carried out inside; removal of the structure shall eliminate the nonconforming status of the land, and the nonconforming use may not continue in a new structure.
- (G) The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.
- (H) When evidence available to the Administrator is deemed to be inconclusive, whether a nonconforming use exists shall be a question of fact and shall be decided by the BZA after public notice and hearing as provided in Article III, Division 11 of this Ordinance, and in accordance with the rules of the BZA as provided in Article II, Division 3 of this Ordinance.

### **Section 9-2-2. Nonconforming Lots of Record.<sup>4</sup>**

- (A) Any lot of record at the time of the adoption or amendment of this Ordinance which is less in area and/or width than the minimum required by the zoning district may be used or built upon in a manner consistent with the zoning district, provided that if minimum yard and/or setback requirements of the zoning district cannot be met:
  - (1) The side yard requirements for existing nonconforming lots which are under 60 feet in width may be reduced to 10% of the lot width. However, in no case shall the side yard requirement be reduced to less than 10 feet; or
  - (2) A variance shall be obtained through the variance processes outlined in Article III, Permits and Applications, of this Ordinance.
- (B) A developed nonconforming lot may continue in existence but may not be altered except in accordance with this Article.

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<sup>4</sup> Editor's Note: This section is proposed to replace Section 35-165 of the existing Ordinance. New text is integrated into existing text, which has been amended and reorganized for clarity and readability. New provisions include provisions of (A)(2), (B), (C), and (D).

- (C) Any lot which is reduced in size and becomes less in area or width than the minimum required by the zoning district, as the result of the widening or realignment of any State or Federal highway or by voluntary or required dedication of right-of-way along an existing State or Federal highway by reason of any condemnation proceedings, shall be considered a nonconforming lot of record.
- (D) A nonconforming lot may become a conforming lot by meeting the current minimum lot size, lot width, and lot frontage requirements of the zoning district in which the lot is located through the following actions:
  - (1) A consolidation of the nonconforming lot with an adjacent lot;
  - (2) A boundary adjustment between two contiguous lots, one being nonconforming and the other being conforming, provided such adjustment does not make the conforming lot nonconforming, does not create an additional lot, and does not increase the nonconforming lot's nonconformity; or
  - (3) Rezoning to a different zoning district to meet the lot size, lot width, and lot frontage requirements of that district.

### **Section 9-2-3. Nonconforming Structures, Buildings, and Improvements.<sup>5</sup>**

- (A) The construction of a nonconforming building for which a permit was issued legally prior to the adoption of this Ordinance may proceed in accordance with Article I, Division 4, of this Ordinance.
- (B) A nonconforming structure or nonconforming improvement may continue as it existed when it became nonconforming. A nonconforming structure or nonconforming improvement shall not be reconstructed, altered, or expanded in any manner, except as provided in this Section.
- (C) A nonconforming building or structure shall include those circumstances where the County has:
  - (1) Issued a building permit or other permit authorizing construction and the building or structure was constructed in accordance with the building permit, and upon completion, the County issued a certificate of occupancy; or
  - (2) The owner of the building or structure has paid real estate taxes to the County for such building or structure for a period of more than the previous 15 years.
  - (3) In no instances shall the nonconforming circumstance of the structure relate, or provide nonconforming status, to a use. Nonconforming uses are established as outlined in Section 9-2-1, above.
- (D) Additionally, a nonconforming building or structure shall include those circumstances where:
  - (1) A permit was not required, and an authorized governmental official informed the property owner that the structure would comply with the Zoning Ordinance; and

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<sup>5</sup> Editor's Note: Most of the proposed text within Section 9-2-3 is new, as the current Ordinance only has minimal provisions related to nonconforming structures, buildings, and improvements. Adding this section helps clarify nuances between nonconforming structures versus uses. The County should consider whether it would like to include any additional regulations or amend the regulations proposed here.

- (2) The improvements were then constructed accordingly.
- (3) However, in any proceeding when the authorized County official is deceased or unavailable to testify, uncorroborated testimony of the oral statement of such official shall not be sufficient evidence to prove that the authorized County official made such statement.
- (E) A nonconforming structure may be changed to make it a conforming structure.
- (F) A building or structure nonconforming only as to height, area, or bulk requirements may be altered or extended, provided such alteration or extension does not increase the degree of nonconformity in any respect.
- (G) Any nonconforming building or structure may be brought into compliance with the Uniform Statewide Building Code without affecting the nonconforming status of the building or structure.
- (H) If a nonconforming structure is demolished or removed, no nonconforming structure shall be reestablished, except as provided under Section 9-2-4, below.
- (I) If a nonconforming structure is removed for any reason to another parcel of land, regardless of distance, or the lot lines of the parcel on which it is located change, the structure shall thereafter conform to the requirements of the district in which it is located.

#### **Section 9-2-4. Repairs and Maintenance.<sup>6</sup>**

- (A) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be commenced in any period of 12 consecutive months if:
  - (1) Such repair constitutes routine maintenance necessary to keep the structure or improvement in the same general condition it was in when it originally became nonconforming; or
  - (2) Such repairs constitute minor alterations, cosmetic modifications, interior renovations, and similar changes.
  - (3) The cubic area of the structure, as it existed at the time of passage or amendment of this Ordinance, shall not be increased.
- (B) Nothing in this Ordinance shall permit a complete rebuild of a nonconforming structure, nor serve to circumvent the requirements of this Article.
- (C) Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, on order of such official.
- (D) If a nonconforming building or structure is damaged or destroyed, in part or in full, by fire, natural disaster or other act of God, such building or structure may be repaired, rebuilt, or replaced provided that:

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<sup>6</sup> Editor's Note: This Section integrates text from Section 35-166 of the existing Ordinance; however, text has been amended for clarity and reorganized for readability. Any new text is considered best practice, such as interior renovations, or is added to meet the Code of Virginia requirements.

- (1) The nonconforming features are eliminated or reduced to the extent possible, without the need to obtain a variance;
  - (2) 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;
  - (3) The requirements of the Floodplain Overlay district regulations of this Ordinance are met, if applicable; and
  - (4) The work is done within two years of the date of such damage, unless the building is in an area under a federal disaster declaration and was damaged or destroyed as a direct result of the disaster, in which case the time period shall be extended to four years.
- (E) 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 and obtain vested rights under this Section.
- (F) If a nonconforming mobile home is removed other than by natural disaster, an act of God, or public action, it may not be replaced except as provided for below unless it complies with regulations within the Ordinance. Any such replacement home shall retain the valid nonconforming status of the prior home.
- (1) Nothing in this Section shall be construed to prevent the landowner or homeowner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. 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.
  - (2) The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code.

## ARTICLE X. – Definitions.

### Division 1. Word Usage.

#### Section 10-1-1. General.

- (A) For the purposes of this Ordinance, certain words or terms shall be defined as follows:
- (1) Words used in the present tense include the future. Words in the singular include the plural, and the plural includes the singular.
  - (2) The word "shall" or "must" is always mandatory; the word "may" is permissive.
  - (3) The words "used for" include "designed for," "arranged for," "occupied for," "placed for," or "erected for".
  - (4) The word "building" includes "structures" and shall be construed as if followed by the phrase "or part thereof."
  - (5) The word "person" includes "firm," "individual," "partnership," "company," "profit or nonprofit corporation," "organization," "trust," or other similar entities.
  - (6) The word "erected" shall be deemed also to include "constructed, reconstructed, altered, placed, or moved".
  - (7) The word "State" shall mean the Commonwealth of Virginia. The word "County" shall mean Pittsylvania County, Virginia.
  - (8) The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building".
  - (9) Unless otherwise specified, the term "day" means a calendar day.
  - (10) Unless otherwise specified, all distance shall be measured horizontally and at right angles to the line in relation to which the distance is tied.
  - (11) The terms "architect," "engineer," "landscape architect," and "surveyor," or other profession listed, refer to those professionals who are registered with the Virginia Department of Professional and Occupational Regulation to practice those professions.
  - (12) The words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.

#### Section 10-1-2. List of Abbreviations.

Abbreviations used in this Ordinance are listed below with the term they abbreviate.

- (A) BZA: Board of Zoning Appeals
- (B) DEQ: Department of Environmental Quality
- (C) DU: dwelling unit

- (1) du/acre: dwelling unit per acre
- (D) FT: feet
- (E) HUD: U.S. Department of Housing and Urban Development
- (F) LF: linear foot
- (G) N/A: not applicable
- (H) PC: Planning Commission
- (I) SF: square feet
- (J) VDH: Virginia Department of Health
- (K) VDOT: Virginia Department of Transportation
- (L) USBC: Uniform Statewide Building Code
- (M) ZA: Zoning Administrator

## Division 2. General Terms.

### Section 10-2-1. General.

**Act of God.** Any natural disaster or phenomena including, but not limited to, a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or fire caused by lightning or wildfire.

**Adjacent.** To be separated by common property lines, lot lines, streets, or roads; also known as: abutting, adjoining, contiguous, or touching.

**Administrator.** The official of the County, or an authorized agent thereof, charged with the administration and enforcement of the Zoning Ordinance, also referred to in this Ordinance as the Zoning Administrator.

**Amendment.** A change in the text or in the official Zoning Map which is a part of this Ordinance.

**Animal Unit.** For the purpose of determining the number of livestock animals permitted to be kept as residential agriculture, one (1) animal unit shall consist of domestic or domesticated animals/fowl based on the following:

- One (1) animal unit = one (1) adult bovine (cattle, buffalo);
- two (2) juvenile bovine animals less than one (1) year old;
- one (1) equine animal (horse, donkey, mule);
- five (5) camelid animals (llamas, alpacas);
- five (5) capridae animals (goats);
- two (2) porcine animals (pigs);
- sixteen (16) small poultry (chickens, ducks);
- eight (8) medium poultry (turkeys, geese); or

three (3) large poultry (ostriches, emus).

**Application.** A request completed on a form or forms with all accompanying documents, exhibits, and fees required, indicating a desire to be granted a permit, amendment, or other action under the provisions of this Ordinance.

**Area, buildable.** The portion of a lot or site, exclusive of required setbacks, landscaping, parking, loading and access areas, or open space within which a structure may be built.

**Area, gross.** The total area within a lot before dedication for roads, open spaces, or other public uses – but not including rights-of-way, easements owned by others, or marshlands/wetlands within a development.

**Bare-root planting.** Planting of perennial plants whose roots are not wrapped via balling and burlap, and whose roots are exposed when planted.

**Board of Supervisors (BOS).** The County's governing body. Board of Supervisors members are elected by popular vote and are responsible for enacting ordinances, imposing taxes, making appropriations, and establishing County policy. The Board of Supervisors adopts the Comprehensive Plan, zoning, and subdivision regulations.

**Board of Zoning Appeals (BZA).** A quasi-judicial board appointed to review Special Use Permits, Variances, and requests for appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this Ordinance and to authorize, upon appeal, variances from the terms of this ordinance when justified by special conditions.

**Boundary.** A line, which may or may not follow a visible feature, that defines the limits of a geographic entity such as a zoning district, block, census tract, county, or place.

**Buffer, transitional.** A strip of land, with plantings, designed to set apart and protect one space or activity from an adjacent space or activity.

**Building.** Any structure having a roof supported by columns, walls, or other means.

**Building height.** The vertical distance from the average grade to the highest point of the roof surface.

**Building Official.** An appointed official of Pittsylvania County who is responsible for certifying building inspections, and who administers and enforces the provisions of the Pittsylvania County Building Code.

**Caliper.** A measure of tree size, determined by measuring the diameter of the tree at breast height.

**Canopy (attached).** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

**Canopy (freestanding).** A freestanding structure composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

**Certificate of Occupancy.** The certificate issued by the Building Official that is required under the Uniform Statewide Building Code prior to the use or occupancy of certain buildings and structures.

**Code of Virginia.** The laws which govern the territory and political subdivisions of the Commonwealth of Virginia. The term "Code of Virginia" shall include "as amended."



**Comprehensive Plan.** A general document designating the general or approximate location, character, and extent of each feature; applicable to all physical development of the territory within the jurisdiction of Pittsylvania County. The Comprehensive Plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants, including the elderly and persons with disabilities.

**Concept Plan.** A generalized plan indicating the boundaries of a tract or tracts of land, and presenting the general arrangement of proposed facilities, uses, structures, and improvements.

**Conditional Zoning.** A method for rezoning that permits the reasonable and orderly development and use of land in specific, unique circumstances through the allowance of reasonable conditions governing the use of the property, when the existing zoning district regulations are not adequate.

**Density.** The number of dwelling units that are allowed on a given unit of land, which shall be permitted to include dedicated streets contained within the development. Density is determined by dividing the total number of residential units or lots to be located on the parcel by the area of the base parcel.

**District.** See Zoning District.

**Frontage, building.** The length of an exterior building wall or structure of a single premise oriented to the public way or other properties that it faces.

**Fence.** A barrier of man-made construction preventing movement across a boundary, including walls that do not support a roof, but not retaining walls.

**Fence, Ornamental.** A fence other than a chain link or barbed wire fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner, or frame a driveway, walkway, or planting bed.

**Fleet vehicle.** A vehicle that is owned or leased by a business, government agency, or other organization rather than by an individual.

**Footcandle.** A measure of light falling on a surface. One footcandle equals the amount of light generated by one candle shining on one square foot surface located 1 ft. away. Footcandle measurements must be made with a photometric light meter.

**Glare.** The sensation produced by a bright light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance. Disability glare is the effect of stray light in the eye where visibility and visual performance are reduced.

**Grade.** The average of the highest and lowest elevations along natural or improved grade (whichever is more restrictive) along the wall of the structure that is parallel to the front setback.

**Governing Body (also referred to as Legislative Body).** The Pittsylvania County Board of Supervisors.

**Improved surface.** A surface made of concrete, asphalt, bituminous pavement, brick or stone pavers, or another hard, all-weather, dustless, permeable pavement system.

**Interior aisle.** A portion of a parking area which abuts, on one or more sides, parking spaces to which it provides access, and which is not used for the parking of vehicles.

**Inoperable vehicle.** Any motor vehicle which is not in operating condition; or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle; and for which there is no valid inspection sticker. The term does not include farm use vehicles or antique vehicles.

**Jurisdiction.** The area or territory subject to the legislative control of the Governing Body.

**Kelvin light color temperature.** A light bulb color temperature's unit of absolute temperature, noted by the symbol K. The higher the Kelvin rating, the whiter the light will be. The Kelvin scale is generally as follows: 2700K (warm incandescent), 3000K (warm white halogen) and 3500K (household fluorescent).

**Lamp.** The component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

**Lamp, mercury vapor.** A gas discharge lamp that uses an electric arc through vaporized mercury to produce light.

**Landscaping.** The finishing and adornment of unpaved yard areas. Materials and treatment include naturally growing elements such as grass, trees, shrubs, and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features, and contouring of the earth.

**Light emitting diode.** A semiconductor light source that emits light when current flows through it. Also referred to as an LED.

**Lighting, decorative.** Ambient or accent lighting intended to enhance the appearance of a use or structure. The term does not include emergency or holiday decorative lighting.

**Lighting, window.** Rope-style lighting generally placed around the perimeter of window and/or door openings.

**Loading space.** A space within the main structure or on the same lot therewith, providing for the standing, loading, or unloading of trucks and other vehicles.

**Lot.** A parcel of land intended to be separately owned, developed, or otherwise used as a unit, established by plat, subdivisions, or as otherwise permitted by law. May also be referred to in this Ordinance as a "parcel".

**Lot, corner.** A lot abutting on two or more streets at their intersection.

**Lot, interior.** Any lot other than a corner lot but including a through lot.

**Lot, regular.** A lot that has direct access to a public or approved private road. They are located, shaped, and oriented to adjacent lots in such a way that the application of general measurements can be reasonably applied, and the location of front, side, and rear setbacks is logically determined by, and related to, adjacent streets and setback patterns.

**Lot, stem.** A lot approved in accordance with the provisions of Chapter 18 of the Pittsylvania County Code and which does not abut a public street other than by its driveway which affords access to the lot.

***Lot, through.*** An interior lot, fronting on two parallel or approximately parallel streets.

***Lot area.*** The total horizontal area included within the rear, side, and front lot lines, or proposed street lines of the lot, excluding easements for streets or highways, whether dedicated or not dedicated to public use. Lot area for the purpose of satisfying minimum area requirements shall not include portions under water except where the total area of a body of water is within the lot and/or constitutes less than 20% of the lot area.

***Lot depth.*** The distance between the front lot line and rear lot line of a lot, measured along a straight line.

***Lot frontage.*** The distance from which the front boundary line of the lot coincides with the abutting street or road.

***Lot line, front.*** A lot line connecting the foremost points of the side lot lines and delineating the lot from the abutting street or road.

***Lot line, rear.*** A lot line which is opposite and most distant from the front lot line and connecting the rearmost points of the side lot lines.

***Lot line, side.*** Any lot line not considered a front or rear lot line.

***Lot of record.*** A lot which has been recorded in the Clerk's Office of the Circuit Court of Pittsylvania County.

***Lot width.*** The horizontal distance between the side lot lines of a lot, measured at the front setback.

***Lumen.*** A standard unit of measurement of luminous flux.

***Luminaire.*** A complete electric light unit.

***Luminaire, full cut-off.*** An outdoor light 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 down below the fixture.

***Luminaire, directionally shielded.*** An outdoor light fixture that contains visors, louvers, and other types of shields or lenses designed to direct light onto a targeted area and to minimize stray light.

***Luminaire, outdoor.*** A luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign, except that it does not include an internally illuminated sign.

***Luminance.*** A photometric measure of the luminous intensity per unit area of light travelling in a given direction.

***Mural.*** An inscription, drawing, mark, or design that is etched, painted, or drawn directly upon the exterior of any building or other structure and is visible from the public right-of-way.

***Nit.*** A measurement of candelas per square meter (cd/m<sup>2</sup>) and used frequently to describe sign luminance and to measure sign brightness.

***Nonconforming lot.*** An otherwise legally platted lot that does not conform to the minimum area and width requirements of this Ordinance for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

***Nonconforming structure.*** An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for a use that does not conform to the use regulations of this Ordinance, for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments of the Ordinance.

***Nonconforming use.*** The otherwise legal use of a building or of a tract of land that does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to this Ordinance. Any use that was unlawful on the Date of Adoption of this Ordinance shall remain unlawful and shall not be a nonconforming use.

***Non-residential structure.*** A building or structure, or part of a building or structure, not occupied in whole or in part for the purpose of human habitation. Examples include warehouse and industrial buildings, commercial buildings, buildings for public entertainment, hotels, restaurants, educational buildings, health buildings, etc.

***Nutrient Management Plan.*** A site-specific plan developed by a Certified Nutrient Management Planner and reviewed by the Virginia Department of Conservation and Recreation intended to improve and protect water quality using best management practices such as timing, rate and placement of fertilizer, manure and biosolids for agricultural and urban purposes.

***Off-street parking.*** Space provided for vehicular parking outside the dedicated street right-of-way.

***On-site sewerage system, individual.*** A wastewater treatment system included on an individual lot on which the Health Department has approved an individual septic tank and drain field or similar wastewater treatment system to serve a single-family or two-family dwelling. Such wastewater treatment system design shall not result in a point source discharge.

***On-site sewerage system, mass drainfield.*** A wastewater treatment system approved by the Health Department on a lot that is normally separated from residential lots. Both a septic tank and a drainfield serve multiple residential or other units. Such wastewater treatment system design shall not result in a point source discharge.

***Open space.*** Land area not covered by buildings, roads, driveway and parking areas, or outdoor storage areas, including, but not limited to, landscape areas, gardens, woodlands, walkways, courtyards or lawns, outdoor recreation areas, and those elements provided in Article VIII, Community Design Standards, of this Ordinance.

***Parking lot.*** An off-street, ground level area that is used to provide for the required parking spaces, and associated aisles, as provided in Article VIII, Community Design Standards, of this Ordinance.

***Parking space.*** A designated space designed to park a vehicle; such space being exclusive of necessary drives, aisles, entrances and exits and being fully accessible for the parking or storage of permitted vehicles.

***Planning Commission.*** A board of the local government consisting of such appointed members whose functions include advisory or nontechnical aspects of planning and may also include such other powers and duties as may be assigned to it by the Board of Supervisors.

***Proffer.*** A voluntary offer that addresses an impact or impacts from use of property or development, tendered by an applicant for conditional rezoning.

**Public hearing.** A meeting announced and advertised for soliciting formal public comment on matters under consideration.

**Public sewer system.** A sewer system owned and operated by a sanitary district, public service authority, locality, or owned and operated by a corporation and properly chartered and certified by the State Corporation Commission that operates or will operate in the County. These systems result in a point discharge and must be approved by the State Health Department and the State Water Control Board.

**Public water system.** A water system owned and operated by a sanitary district, public service authority, locality, or owned and operated by a corporation and properly chartered and certified by the State Corporation Commission providing drinking and/or domestic water use services to multiple users. These systems are approved by the State Health Department and generally have at least fifteen (15) connections or an average of twenty-five (25) individuals for at least sixty (60) days out of the year.

**Recreation, active.** Recreation which requires physical alteration to the area in which they are performed. This generally includes recreation or recreation areas such as playgrounds, ball courts, golf courses, and swimming pools.

**Recreation, passive.** Recreation that involves existing natural resources and/or minimal development and has a minimal impact. This generally includes walking, hiking, picnicking, birdwatching, and enjoyment of open areas such as parks.

**Recreational Vehicle.** Recreational vehicle means a vehicular type or portable structure without a permanent foundation which can be towed, hauled, or driven and primarily designed as temporary living accommodations for recreational, camping, and travel use and including, but not limited to: travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**Recreational vehicle and boat parking.** A designated parking lot for recreational vehicles and boats that are not currently being used; may be accessory to a residential use.

**Retaining wall.** A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a slope.

**Rezoning.** A request to change the zoning classification of a particular lot of land.

**Right-of-Way (ROW).** An area of land not on a lot that is dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines.)

**Screening.** Landscaping, solid fencing, or masonry walls, or combination thereof, that physically and visually shields uses or their appurtenances, such as dumpsters and mechanical equipment, from adjacent property or uses.

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

**Setback, front.** The minimum distance from the front lot line(s) to the nearest point of the allowable structure(s), measured perpendicular to the front lot line. For Stem Lots, the front setback is the minimum distance from the edge of the right of way or “end” of the stem portion.

**Setback, rear.** The minimum distance from the rear lot line to the nearest point of the allowable structure(s), measured perpendicular to the rear lot line.

**Setback, side.** The minimum distance from the side lot line(s) to the nearest point of the allowable structure(s), measured perpendicular to the side lot line(s).

**Sign.** Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area, or right-of-way open to use by the general public, or any navigable body of water that is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images.

**Sign, abandoned.** A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by State law.

**Sign, animated.** A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs, as defined and regulated by this Ordinance, include the following types:

- **Electrically Activated.** Animated signs producing the illusion of movement by means of electronic, electrical, or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
  - **Flashing.** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this Ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds ten seconds.
  - **Patterned Illusionary Movement.** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

**Sign area.** The entire area enclosing the extreme limits of writing, representation, pictorial elements, emblems, or a figure of similar character, together with all material, color, or lighting forming an integral part of the display or used to differentiate the Sign from the background against which it is placed.

**Sign, awning.** See "Sign, canopy."

**Sign, banner.** A sign utilizing a banner or flexible substrate as its display surface for copy or graphics.

**Sign, canopy.** A sign displayed on or attached flat against the surface or surfaces of a canopy. Illuminated canopies, if translucent, are considered part of the total canopy sign area.

**Sign, changeable.** A sign that includes any changing of the message either electronically or manually in which the message is stationary and does not fluctuate in size or brightness.

**Sign copy.** Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

**Sign, double-faced.** A sign with two faces, back-to-back.

**Sign, exterior.** Any sign placed outside a building.

**Sign face.** The particular area of the sign structure upon which a message, copy, or advertisement is displayed for viewing.

**Sign, fascia.** See "Wall Sign."

**Sign, flag.** Non-governmental flags are deemed to be signs and shall be subject to the provisions of this Ordinance. The official flags of the federal, state, county, or municipal governments are not deemed to be signs.

**Sign, flashing.** See "Sign, animated, electrically activated."

**Sign, freestanding.** A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more (structures) columns, poles, or braces placed in or upon the ground.

**Sign, height.** The entire height of the structure from the ground to the top of the structure regardless of wording or decorative nature.

**Sign, illuminated.** A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

**Sign, interior.** Any sign placed within a building, but not including "signs, window" as defined by this Ordinance. Interior signs, except for window signs as defined, are not regulated by this Ordinance.

**Sign maintenance.** To prevent through preservation, repair, or restoration, the development of any rust, corrosion, rot, chipping, peeling, or other deterioration in either the physical appearance or the safety of every sign.

**Sign, marquee.** See "Sign, canopy."

**Sign, minor.** A wall or freestanding sign not exceeding 3 sq. ft. in area, not exceeding 4 ft. in height, and not illuminated. Examples include no trespassing signs, displays of building address, security warning signs, parking signs, entrance/exit signs, and on-site directional signs.

**Sign, monument.** A "sign, freestanding" having the appearance of a solid, rectangular, or cylindrical base.

**Sign, multiple-faced.** A sign containing 3 or more faces.

**Sign, nonconforming.** A sign lawfully existing as of the effective date of this Ordinance, and which do not conform to the provisions of this Ordinance.

**Sign, off-site.** A sign which directs attention to a business, commodity, service, activity, or entertainment conducted, sold, or offered on a parcel of land other than the one on which the sign is located.

**Sign, on-site.** A sign erected, maintained, or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of the property on which it is displayed.

**Sign, pennant.** A sign made with flexible material, with or without lettering for design, usually suspended from one or two corners, and manufactured and placed for the purpose of attracting attention. Also referred to as a streamer.

**Sign, pole.** See “sign, freestanding.”

**Sign, portable.** Any sign not permanently attached to the ground or to a building or building surface. For example, an A-frame sign.

**Sign, projecting.** A sign that is attached to, or projects from, a building face or wall, and whose faces are not parallel to the building face or wall.

**Sign, roof.** A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.

**Sign structure.** Any structure supporting a sign.

**Sign, temporary.** A sign designed or intended, based on materials and structural components, to be displayed for a specified or limited period of time, regardless of type or style of sign. Examples include real estate signs, yard sale signs, contractor’s signs, and special or one-time event signs per year.

**Sign, vehicle.** Any sign that is painted, mounted, adhered, magnetically attached, or otherwise permanently affixed to or incorporated into a vehicle or trailer, except those unlicensed, inoperative, or generally stationary vehicles and/or trailers.

**Sign, wall.** A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 15 inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building or to the face or faces of the architectural projection to which it is affixed and exteriors of windows.

**Sign, window.** A sign affixed to the interior surface of a window with its message intended to be visible to and readable from the public way or from adjacent property. Signs affixed to the exterior of the surface of a window are considered wall signs.

**Site Development Plan.** A plan prepared by a professional engineer or land surveyor licensed by the state and illustrating a proposed development or a subdivision including all covenants, grants, or easements and other conditions relating to use, location, and bulk of buildings, density of development, common open space, public facilities, and such other information as required by the Zoning Ordinance, Subdivision Ordinance, or other applicable ordinances.

**Special Use Permit.** An approval for a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration and restrictions relating to its location,



design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

***Steep slope.*** The portion of a lot with a grade of more than 15%, grade being the vertical elevation of land area divided by the horizontal distance.

***Stormwater management facility.*** A control measure that controls stormwater runoff and changes the characteristics of that runoff including the quantity and quality, the period of release or the velocity of flow.

***Structure, accessory.*** A subordinate structure, use of land, building, or a portion of a main building or use which is clearly incidental to or customarily found in connection with and located on the same lot as the principal structure or use.

***Structure, principal.*** A building in which is conducted the primary use of the lot on which it is situated, or where a lot contains residential uses, the principal structure on the lot shall mean the largest building that contains any dwelling unit.

***Tree canopy or tree cover.*** All areas of coverage by plant material exceeding 5 ft. in height, and the extent of planted tree canopy at 10- or 20-years maturity, as applicable. Planted tree canopy at maturity shall be based on published reference texts generally accepted by landscape architects, nurserymen, and arborists, i.e., in *The Manual of Woody Landscape Plants* by Michael A. Dirr (4th edition, 1990).

***Tree, deciduous.*** A tree that loses its leaves at the end of its growing season and becomes dormant during the winter.

***Tree, evergreen.*** A tree that does not shed its leaves in the winter but stays green all year.

***Tree, ornamental.*** A tree that is typically a deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark, or shape.

***Tree, protected.*** Any healthy tree to be preserved on site shall be protected before, during, and after the development process utilizing accepted practices; see Article VIII for the preference for which trees are to be protected on a given site.

***Tree, understory.*** A tree that is small enough, and sufficiently shade tolerant, to thrive under the canopies of other, taller trees.

***Use, principal.*** The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is used, occupied, or maintained.

***Use, accessory.*** Uses of land and buildings that are found on the same parcel as the principal use but are subordinate and incidental. Examples of accessory uses include parking, storage sheds, and garages.

***Variance.*** A reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the Ordinance would result in unnecessary or unreasonable hardship to the property owner which is not created by the owner, relief or remedy is not available through this ordinance, 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 the Ordinance.

***Vegetation.*** Any object of natural floral growth.

***Vested Right.*** Any written order, requirement, decision, or determination regarding the permissibility of a specific use, structure, or density of a landowner's property that constitutes a significant affirmative governmental act pursuant to Code of Virginia § 15.2-2307 and is issued in strict accordance with the requirements of this Ordinance.

***Visibility Triangle.*** A triangular area that is included between the lines of an intersecting public street or private driveway, extended to the point where the lines intersect, and, at points on each line 20 ft. distant from that point, a straight line connecting them.

***Yard.*** An open space between building or use and the adjoining lot lines, unoccupied or unobstructed by any portion of a structure or use.

***Yard, front.*** An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line and extending across the full width of the lot.

***Yard, rear.*** An open, unoccupied space extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear line of the building, excluding open steps and stoops, on the lot.

***Yard, side.*** An open, unoccupied space extending from the front setback line to the rear setback line, along the side of a lot, the depth of which is the distance between the side lot line and the side line of the building, excluding open steps and stoops.

***Zoning Administrator.*** See Administrator.

***Zoning approval.*** Includes Special Use Permit, conditional zoning, variance, administrative modifications, substantial accord, rezoning, and zoning permit approvals.

***Zoning district, primary.*** A specifically delineated section of the County in which the regulations are uniform and so designated on the Zoning Map.

***Zoning district, overlay.*** A district which addresses special land use circumstances or environmental safeguards by superimposing additional standards and regulations over the underlying Primary Zoning District. Permitted uses in the underlying Primary Zoning District shall continue subject to compliance with the regulations of the Overlay Zoning District.

***Zoning Permit.*** A permit issued by the Zoning Administrator on an appropriate form or certificate which certifies that a building or use of property complies with the regulations of the Zoning District in which the building or use is located.

***Zoning Map.*** A legally adopted map depicting the location of each zoning district of the county and all amendments thereto.

### Division 3. Overlay District Terms.

#### Section 10-3-1. Lake Surface Overlay District.

***Boathouse.*** A structure designed and used for the storage of boats owned and used by the occupants or owners of the residence or residential lot on which the structure is located.

**Cove.** A lake inlet of at least one hundred (100) feet as measured from the closed end of the inlet to a line linking the two (2) sides of the open end. The width of the open end must be at least fifty (50) feet wide.

**Dock.** A piling-mounted stationary or floating platform extending into the water and used as a landing place for boats or to protect or form a cove. May also be referred to in this Ordinance as a “pier”.

**Float.** See “Mooring”.

**Flowage Easement.** Easement rights retained by Appalachian Power Company on certain parcels of land at Smith Mountain Lake to allow for the rise and fall of the lake pool height during daily operations, with allowance for flood induced variations.

**Full Pond Height.** The maximum lake level established for management. For Smith Mountain Lake, the full pond height is established to be 795 feet. For Leesville Lake, the full pond height is established to be 613 feet.

**Mooring.** A structure designated to rest on or be buried in the bed of a navigable water body to aid navigation. The structure is attached by a chain, cable, rope, or other mechanism, and is designed to be left in position permanently or on a seasonal basis. May also be referred to in this Ordinance as a “float”.

**Pier.** See “Dock”.

**Shoreline.** The boundary line, at normal pool, between the land and water.

### Section 10-3-2. Floodplain Overlay District.

**Flood Insurance Rate Map (FIRM).** An official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard 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).

**Floodplain.** Those areas adjoining a river, stream, watercourse, or lake, which have been, or hereafter are likely to be covered by floodwaters.

### Section 10-3-3. Airport Overlay District.

**Airport.** The term “airport” shall refer to Danville Regional Airport.

**Airport hazard.** 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.

**Airport safety zones.** Zones which include all the area and airspace of Pittsylvania County lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as applicable to an airport. Such zones shall be established and regulated by Part 77.25, 77.28, and 77.29, Sub E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

## Division 4. Use Terms.

### Section 10-4-1. Agricultural.

***Agriculture.*** Any operation devoted to the bona fide production of crops, or animals, or fowl; the production of fruits and vegetables of all kinds; the production and harvest of products from silvicultural activity; and farm wineries, farm breweries, and farm distilleries as defined by the Code of Virginia.

***Agriculture, intensive.*** The commercial confined keeping of at least 300 animal units and where such animals are or will be stabled or confined and fed or maintained for a minimum of forty-five (45) days in any twelve (12) month period, and storage of agricultural products with accessory uses including storage bins and litter/manure storage. The operations of the use may generate dust, noise, odors, pollutants, or visual impacts that could adversely affect adjacent properties. This use does not include Stable, Private or Stable, Commercial, as defined by this Ordinance.

***Agriculture, residential.*** Land incidental to a principal residential dwelling utilized for limited agricultural activities for personal use and recreation such as, although not exclusively, gardening, apiaries (bee keeping), and the keeping of domestic livestock, horses, and poultry laying hens.

***Agritourism.*** Pursuant to the Code of Virginia §15.2-2288.6, any activity carried out at a farm winery, farm brewery, farm distillery, farm, ranch, or other agricultural operation, that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions, regardless of whether or not the participant paid to participate in the activity. These rural activities also include, but are not limited to, farm tours, tours of an individual agricultural operation, hayrides, heirloom plant/animal exhibits, crop mazes, and educational programs, workshops, or demonstrations related to agriculture or silviculture. This use does not include weddings and other non-agricultural events as provided by the use Event Venue, as defined by this Ordinance.

***Anaerobic digester.*** A facility that uses microorganisms and a lack of oxygen to break down biodegradable material such as animal wastes, agricultural wastes, or industrial wastes, and results in the production of biogas and digestate.

***Greenhouse.*** An establishment or place of business primarily engaged in retail sales from the premises including trees, shrubs, seeds, fertilizers, pesticides, plants, and plant materials primarily for agricultural, residential and commercial consumers. Such an establishment may include a structure used for the cultivation and exhibition of plants under controlled conditions in which plants are offered for sale to the public, either at wholesale or at retail.

***Processing facility, small-scale.*** A small-scale commercial use for the for-profit slaughtering and processing of animals that are transported to the facility; includes the processing and storage of animal products/waste that results from the process.

***Slaughterhouse.*** A building used for the for-profit slaughtering of animals that are transported to the building in large quantities, slaughtered, and processed and resulting in the storage of animal products and waste.

***Stable, commercial.*** A lot, building, or group of buildings, where compensation, whether monetary or goods, is provided for the boarding of equine; training of students; or fields or arenas used for scheduled, public, or club events.

***Stable, private.*** A lot, building, or group of buildings, where horses are kept for the private use of the owners or their guests, but in no event for hire or compensation.

***Wayside stand.*** An establishment for the seasonal retail sale of agricultural or forestal goods and merchandise incidental to an agricultural operation. Merchandise may include items such as fruits, vegetables, flowers, herbs, plants, jams, jellies, sauces, baked goods, or home-made handicrafts. Merchandise may not include warehouse items for resell, such as clothing, housewares, etc. Also referred to as a roadside stand or farm stand.

### Section 10-4-2. Residential.

***Bed and Breakfast.*** A single-family dwelling, that is occupied by the owner or agent who resides on premises, that provides temporary lodging. Food service shall be at least one meal per day, to each person to whom overnight lodging is provided.

***Day Care, Family Home (1-4 Children).*** A child day program, as defined under Code of Virginia § 22.1-289.02, for children offered in the residence of the provider for up to four children at any one time, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation.

***Day Care, Family Home (5-12 Children).*** A child day program, as defined under Code of Virginia § 22.1-289.02, for children offered in the residence of the provider for between five and twelve children at any one time, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation.

***Dwelling, Accessory.*** An ancillary or secondary dwelling unit that exists on the same lot as the principal dwelling as a standalone structure, in an accessory structure, or attached to or in a primary structure.

***Dwelling, Manufactured Home.*** A "single-wide," "double-wide," or "triple-wide" structure that is transportable in one (1) or more sections, is eight (8) feet or more in width and forty (40) feet or more in length in the traveling mode, is built on a permanent chassis and is designed for use as a dwelling unit with or without a permanent foundation when connected to the required utilities. For purposes of this chapter, a Manufactured Home must meet the standards promulgated by the United States Department of Housing and Urban Development (HUD), published at 24 CFR Part 3280, including the ANSI standards incorporated therein by reference. For purposes of this Chapter, a Manufactured Home must bear a data plate declaring that it meets HUD standards.

***Dwelling Unit.*** One or more rooms arranged, designed, used, or intended for use as a residence containing living space and kitchen and bathroom facilities.<sup>1</sup>

***Dwelling, Multi-Family.*** A building arranged or designed to be occupied by three or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type but not limited to

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<sup>1</sup> Editor's Note: This definition has been added and consolidates the definitions of "dwelling" and "dwelling unit" that were approved by the Board of Supervisors on 8/15.

would be garden apartments, low-and high-rise apartments, apartments for elderly housing, and condominiums.

***Dwelling, Single-Family.*** A site built or modular building designed for and used exclusively as one dwelling unit for permanent occupancy by one family, which is surrounded by open space or yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means.

***Dwelling, Two-Family.*** Also referred to as a duplex; means a structure arranged or designed to be occupied by two families, the structure having only two dwelling units, each unit being on a separate lot. Such dwelling units share at least one common wall that separates living space (i.e., living room, kitchen, bedroom, bathroom, etc.).

***Dwelling, Townhouse.*** A row of three or more dwelling units, each separated from one another by a continuous vertical wall without opening from basement floor to roof between units, which is commonly known as a firewall, and each on a separate parcel.

***Family Health Care Structure, Temporary.*** As required by and pursuant to all conditions set forth in the Code of Virginia §15.2-2292.1, a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person, or in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person and the other requires assistance with one or more activities of daily living as defined in §63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§36-70 et seq.).

***Group Home.*** As provided by Code of Virginia § 15.2-2291, a licensed residential facility in which no more than eight mentally ill, intellectually disabled, or developmentally disabled persons or no more than eight aged, infirmed or disabled persons reside, with one or more resident counselors or other resident or nonresident staff persons, shall be considered a residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in the Code of Virginia §54.1-3401. Such facility shall be licensed by the Commonwealth of Virginia Department of Behavioral Health and Development Services (Code of Virginia §15.2-2291).

***Halfway House.*** An establishment providing accommodations, supervision, rehabilitation, counseling, and other guidance services to persons suffering from alcohol or drug addiction, to persons re-entering society after being released from a correctional facility or other institution, or to persons suffering from similar disorders. This use is separate from Shelter, Residential as defined in this Ordinance.

***Home Occupation, Class A.*** An accessory use of a dwelling unit for gainful employment involving the provision of goods and/or services in which no person other than persons residing on the premises is engaged in such occupation.

***Home Occupation, Class B.*** An accessory use of a dwelling unit for gainful employment involving the provision of goods and/or services in which not more than two (2) employees other than persons residing on the premises are engaged in the occupation. Such occupation may require the use of accessory structures.

***Life Care Facility.*** A residential facility primarily for the continuing care of the elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home type care where all related uses are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents.

***Manufactured Home Park.*** An area designed, constructed, equipped, operated and maintained for the purpose of providing spaces for two or more manufactured homes intended for use as occupied dwelling units and meeting or exceeding all applicable requirements for manufactured home parks as stipulated by the County of Pittsylvania and the Commonwealth of Virginia.

***Shelter, Residential.*** A facility providing temporary housing and feeding for one or more individuals who are otherwise temporarily or permanently homeless. Ancillary community support services may be provided including, but not limited to, child care, counseling, food distribution, or vocational training.

***Short-Term Rental.*** An accessory residential use providing transient lodging and rooms for dining and meetings for use by guests provided that the dining and meeting rooms are subordinate to the short-term use. A short-term use may offer no more than five guest rooms for lodging. This use type does not apply to month-to-month extensions following completion of a year's lease.

***Guest or transient.*** A person who occupies a short-term rental unit.

***Primary resident (or host).*** The owner of the short-term rental unit, or lessee of the short-term rental unit with a lease agreement that is one year or greater in length, who occupies the property as his or her principal place of residence and domicile. In determining compliance with these regulations, the host has the burden of demonstrating that the dwelling unit is his or her primary residence.

***Residential dwelling unit.*** A residence where one or more persons maintain a household.

### **Section 10-4-3. Public, Civic, and Recreational.**

***Airport, Public.*** An area of land or water designated for the landing and take-off of aircraft for public use, and any appurtenant areas designated for related buildings, rights-of-way, or approach zones.

***Amateur Radio Tower.*** Amateur radio antennas means a freestanding or building mounted structure, including any base, tower or pole, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

***Camp.*** A lot, tract or parcel of land operated as a commercial or noncommercial enterprise in which seasonal facilities are provided for all or any of the following: camping, picnicking, boating, fishing, swimming, outdoor games and sports and activities incidental and relating to the foregoing, including tents or similar rustic structures (excluding recreational vehicles and mobile homes) for recreational or educational purposes.

***Campground.*** An area that provides recreational opportunities on a daily or overnight basis, upon which are located sites for one (1) or more travel trailers, camping trailers, pickup truck campers, motor homes, tents, or other recreational vehicle for seasonal or temporary recreational occupancy. This term includes short-term rental of outdoor sites such as those on HipCamp and similar rentals.

***Campground, primitive.*** An undeveloped lot or parcel of land operated without electrical utilities (public or private), or a man-made water supply, the primary use being camping with a tent or without shelter. Recreational vehicles are prohibited.

***Cemetery.*** Any land or structure used or intended to be used for the interment of human remains. Additionally, a cemetery includes mausoleums, columbaria, chapels, administrative offices, and maintenance and storage areas (Code of Virginia § 15.2-2288.5). 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.

***Club.*** A use providing educational, meeting, or social facilities for civic or social clubs, fraternal/sororal organization, and similar organizations and associations, primarily for use by members and guests. Recreational facilities, unless otherwise specifically cited in this section, may be provided for members and guests as an accessory use. A Club does not include a building in which members reside.

***Community Center.*** A use providing for the public display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: museums, cultural centers, or interpretive sites, but does not include commercially-operated theatres.

***Conservation Area.*** An area in which the renewable resources of soil, water, wildlife, and forest are protected and managed in accordance with principles that assure their optimum economic and social enjoyment.

***Educational Facility, College, University, Business, or Trade.*** An educational institution authorized by the Commonwealth of Virginia toward certificate, license, associate, baccalaureate or higher degrees, and facilities associated with it. This term includes academic buildings, administrative facilities, dormitories, special housing, parking areas, dining halls and other physical plants associated with the college, university, business or trade school use.

***Educational Facility, Primary or Secondary.*** A public, private, or parochial school offering instruction at the primary, elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.

***Park.*** Publicly owned and operated gardens, parks, picnic areas, playgrounds, indoor/outdoor athletic or recreation facilities, indoor/outdoor shelters, open spaces, and other similar uses. This use shall not include Public Use as defined in this Ordinance.

***Public Use.*** Use of land, exclusively for public purposes, by any department or branch of the federal government, Commonwealth or any political subdivision, public authority, or any combination thereof including, but not limited to emergency services, libraries, or offices owned, operated, or receiving a majority of the use's operating budget from local, state or federal agencies. This use shall not include Park or Recreational Facility, Public.

***Recreational Facility, Private.*** A recreational use specifically for the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities.



**Recreational Facility, Public.** A recreational use owned and operated by a public authority for general public use, including but not limited to active or passive recreation facilities, outdoor shelters, picnic areas, playgrounds, swimming pools, and sports fields. These uses may charge a fee but not for commercial gain.

**Religious Assembly.** A building or space primarily used for an assembly of persons to conduct worship or other religious ceremonies, including, but not limited to, churches, synagogues, temples, mosques or shrines.

**Shelter, Animal.** A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established 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.

**Telecommunications Facility.** Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication tower usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Excluded are amateur radio antennas, which are defined separately. Also excluded are wireless communication antennas which fit the definition of Small cell facility and “Administrative review-eligible project” as defined in the Code of Virginia §15.2-2316.6 and supplied as Utility Service, Minor by this Ordinance.

**Telecommunications Facility, Small Cell.** A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services (Code of Virginia §15.2-2316.4).

**Utility Service, Major.** Service of a regional nature which normally entails the construction of new buildings or structures, such as electrical switching facilities and stations or substations; community wastewater treatment plants; water towers; transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers, micro-wave and radio-wave transmission and relay towers, substations and appurtenances; but excluding personal wireless service facilities and similar facilities.

**Utility Service, Minor.** A service that is necessary to support development within the immediate vicinity and involve only minor structures. Included in this use are transformers, relay and booster devices, and well, water and sewer lines, pump stations, and appurtenances.

**Wildlife Preserve.** Publicly or privately owned land used for the preservation of terrestrial or aquatic species of animals, and the sport of aquatic animals. Typical uses include game preserves, wildlife sanctuaries, fisheries, etc. This use does not include outdoor shooting ranges, game preserves for controlled hunting, or any other use that includes the discharging of firearms on-site.

## Section 10-4-4. Commercial.

**Adult Use.** Any premise from which minors are excluded and in which features the viewing, retail sale, and/or rental of books, magazines, newspapers, digital media, movie films, devices, or other photographic or written productions. Additionally, any premise from which minors are excluded and operates as a nightclub, bar, restaurant, or similar establishment that regularly features live performances that have a dominant theme or purpose intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas.

**Auction House.** A structure or building where the public sale of goods or livestock is sold to the highest bidder.

**Brewery or Distillery, Micro-** An establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of not more than 15,000 barrels per year or primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity of not more than 5,000 gallons of finished product per year. Micro-Brewery or Micro-Distillery may include a restaurant or public tasting room as an accessory use.

**Car Wash.** A structure or portion thereof containing facilities for washing and/or waxing motor vehicles, typically using production-line automated or semiautomated methods for washing, whether or not employing a chain conveyor, blower, steam cleaning or similar mechanical devices operated either by the patron or others. Car washes are a separate use and not treated as an accessory to gasoline stations, automobile service, or other similar uses.

**Catering Services.** An establishment in which food and meals are prepared on premises, and where such food and meals are delivered to another location for public or private entertainment for a fee.

**Construction Material Sales.** Establishment or place of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, but this use shall not include automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

**Crematories.** A commercial establishment that specializes in the cremation of corpses, including pets.

**Day Care Center.** Any facility operated for the purpose of providing care, protection, and guidance during only part of a twenty-four-hour day. This term includes nursery schools, preschools, day care centers for individuals, including adults, and other similar uses. Excluded are public and private educational facilities, family home day care, or any facility offering care to individuals for a full twenty-four-hour period.

**Event Venue.** A business where the primary use is to host events including but not limited to weddings, wedding receptions, galas, birthday parties, family reunions, ordinations, funeral receptions, fundraisers, retirement parties, corporate meetings, conferences, trade shows, speaker luncheon series, sporting events, concerts, auctions, museum exhibits and similar events. An event venue may be indoors or outdoors. Event venues may also be accessory or ancillary uses to other uses, such as, hotels or restaurants. Event venues shall not include government and military services.

**Farmer's Market.** Retail sale of fresh fruits and vegetables, and other food, crafts and related items, at a facility with spaces occupied by several different temporary tenants on a short term or daily basis; indoor or outdoor; but this term does not include Wayside Stands.

**Funeral Home.** An establishment engaged in undertaking services such as preparing the dead for burial and arranging and managing funerals.

**Gasoline Station.** An establishment with fuel pumps and underground storage tanks that provides gasoline or diesel fuel by individual sale for motor vehicles and equipment. A store for retail sales associated with automobile fuel sales shall be considered a gasoline station.

**Hospital.** Pursuant to § 32.1-123 of the Code of Virginia, any facility licensed in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as children's hospitals, sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.

**Hotel or Motel.** An establishment that offers transitory lodging or sleeping accommodations to the public for compensation. Typical uses include hotels, motels, travel lodges, or hostels. This definition does not include Bed and Breakfast or Short-Term Rental as defined by this Chapter.

**Kennel, Commercial.** Any location where raising, grooming, caring for, dog day care services, or boarding of three or more dogs, cats, or other small animals over four months of age for commercial purposes is conducted.

**Manufactured/Mobile Home Sales.** Establishments engaged in the sale or rental of manufactured and modular homes.

**Marina.** Waterfront establishments designed and intended to be used for mooring and launching of boats; the servicing, repair, or storage of same watercraft; packaged food sales; travel lift services; slip rental; gasoline; and sanitary pump out service. Restaurants may be an accessory/incidental use.

**Mini Warehouse.** A building designed to provide rental storage space in cubicles. Each cubicle shall be enclosed by walls and ceiling and may have a separate entrance for the loading and unloading of stored goods. The conduct of sales, business, or any other activity within the individual storage units, other than storage, shall be prohibited. May also be referred to as "self-storage facility".

**Office, General.** The use of land wherein the primary use is the conduct of a business or profession such as, but not limited to accounting, tax-preparation, lenders and securities brokers, architecture, computer software, or information systems research and development, engineering, insurance, law, management, organization and association offices, psychology, theology, real estate, and travel. Radio and television stations are also included in this use. Retail Sales do not comprise more than an Accessory Use of the primary activity of a General Office. This definition does not include Medical Office as defined by this chapter.

**Office, Medical/Clinic.** The use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia.

***Outdoor Sales, Seasonal.*** Outdoor sales, seasonal means any business or use (primary or accessory) that is conducted primarily out of doors, which may include but not be limited to: retail sales of fruits, vegetables, plants, flowers, Christmas trees, fireworks; and other similar businesses or uses.

***Personal Services.*** Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; grooming of pets; seamstresses, tailors, or shoe repairs; and florists serving individuals and households.

***Raceway.*** A participant or spectator facility primarily for the sport of racing machines against one another or against time.

***Recreation/Amusement, Indoor.*** An establishment which provides an enclosed building for indoor sports and/or multiple coin operated amusement or entertainment devices or machines. Typical uses include bowling alleys, ice and roller skating rinks, indoor racquet ball, swimming, billiard halls, game rooms, and video arcades.

***Recreation, Outdoor.*** Participant or spectator uses, namely sports, conducted in open or partially enclosed or screened facilities. Typical uses include drive-in theaters, driving ranges, miniature golf, swimming pools, and paintball facilities.

***Recreational Entertainment, Outdoor.*** Participant or spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include Zoos or petting zoos, stadiums, motorized model airplane flying facilities, rodeos, stadiums, and outdoor amusement parks.

***Recreational Vehicle Storage Facility.*** An area used for a fee for the storage of recreational vehicles and boats that are not currently being used; may be incidental to a Marina use.

***Restaurants, General.*** An establishment in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionery shops, eat-in delis, and refreshment stands. Excluded from this definition is Restaurant, mobile.

***Restaurant, Mobile.*** A readily movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, service, and/or selling of food and operated at temporary locations. This definition shall include food trucks, food trailers, and food carts and shall not apply to those selling in short bursts of 30 minutes or less at a single location and moving to multiple properties through the course of a business day, such vehicles may include, but are not limited to, ice cream trucks.

***Shooting Range, Outdoor.*** An outdoor area for shooting clubs and other facilities for the discharge of firearms or other projectiles for the purposes of target practice, skeet and trap shooting, mock war games, or formal competitions, or in return for compensation.

***Special Event.*** A temporary event held indoors or outdoors for the purposes of amusement or recreation. Typical uses include circuses, fairs, house parties, and festivals. Mobile restaurants or vendors may be an accessory/incidental use.

***Store, Convenience.*** Establishments smaller than 3,000 square feet in size and primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Convenience stores shall not include fuel

pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

***Store, Large.*** An establishment that is greater than 3,000 square feet in size and serves for the display and sale of merchandise at retail.

***Store, Small.*** A small-scale (less than 3,000 square feet per business) retail use which offers for sale items of art, crafts, food, or items related to a specific theme, e.g., kitchen wares, jewelry, pet care. This use does not include fuel pumps or the selling of fuel for motor vehicles.

***Tradesperson Service.*** Tradesperson service means an establishment or place of business primarily engaged in providing a specific trade service to individuals. Typical uses include plumbing, electricians, and landscapers. This definition does not include vehicle repair or construction material sales as otherwise defined in this ordinance.

***Truck Stop.*** Any area of land, with adequate parking, maneuvering and access for at least three (3) combination tractor-trailer vehicles, that may provide for retail sale of diesel fuel and gasoline, restaurant facilities, sleeping quarters and minor repair facilities.

***Vehicle Repair Service.*** The repair and/or maintenance of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services, and similar repair and service activities where minor repairs and routine maintenance are conducted.

***Veterinary Hospital.*** An establishment rendering surgical and medical treatment of animals. Boarding of domestic animals shall only be conducted indoors, on a short-term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a commercial kennel, as defined by this Ordinance.

***Winery, Micro-*** An establishment primarily engaged in the crushing, fermentation, bulk aging/storage, and bottling of grapes that are primarily brought in and not grown on-site, at a capacity of less than 5,000 gallons per year. Micro wineries may include a restaurant or public tasting room as an accessory use.

## Section 10-4-5. Industrial.

***Battery Storage Facility.*** One or more battery cells for storing electrical energy, stored in a Battery Energy Storage System (“BESS”) with a Battery Management System (“BMS”). Not to include a stand-alone 12-volt car battery or an electric motor vehicle or consumer products.

***Battery Energy Storage System.*** A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a Battery Management System.

***Battery Management System.*** An electronic regulator that manages a Battery Energy Storage System by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.

***Brewery or Distillery.*** The use of land, licensed by the Commonwealth, where beer or spirits are manufactured for sale. Breweries have a capacity greater than 15,000 barrels a year and distilleries have a capacity greater than 5,000 gallons a year. Consumption on the premises is permitted as an accessory use (Code of Virginia §15.2-2288.3:1 and §15.2-2288.3:2).

***Construction Yard.*** Establishment or place of business primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards.

***Data Center.*** A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations. Such facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at a data center.

***Hazardous Materials, Manufacturing, Storage and Distribution.*** The manufacturing, storage and/or sale of any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety of the environment.

***Junkyard/Salvage Yard.*** An establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard. The term "junkyard" shall include the term "automobile graveyard" as defined in Code of Virginia, § 33.2-804.

***Laboratory, Research and Development.*** An establishment whose principal purpose is the research, compounding and/or packaging of scientific products, or research and development of innovative ideas in technology-intensive fields. Examples include research and development of communication systems, transportation, geographic information systems, multi-media, and video technology. Development and construction of prototypes and light manufacturing may be associated with this use.

***Laundry Service, Commercial.*** Establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

***Manufacturing, Heavy.*** The processing and/or converting of raw, unfinished material and/or products into articles or substances of a different character or for use for a different purpose. Uses may have significant external effects, such as noise, smoke, particulates, vibration, or odor, or may pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in manufacturing or other processes. Uses may include, but are not limited to, paper products, plastic products, and pharmaceuticals.

***Manufacturing, Light.*** Establishments primarily engaged in the on-site production of goods including, assembly, packaging or fabrication of materials and products within enclosed structures without significant external effects such as smoke, noise, soot, vibration, odor, and the like. Uses may include, but are not limited to, a machine shop, musical instruments, furniture, medical appliances, tools or hardware, any other product of a similar nature. Retail sales may be incidental to the manufacturing use.

***Manufacturing, Small-Scale.*** An establishment where shared or individual tools, equipment, or machinery are used to make products on a small scale, including the design, production, processing, printing,

assembly, treatment, testing, repair, and packaging, as well as any incidental storage, retail or wholesale sales and distribution of such products. Typical small-scale production establishments include, but are not limited to the making of electronics, food products, non-alcoholic beverages, prints, household appliances, leather products, jewelry and clothing/apparel, metal work, furniture, glass, ceramic or paper, together with accessory uses such as training or educational programs.

***Mining; Minerals Extraction and Processing.*** Mining or minerals extraction and processing means a use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, soil mining, and other major excavations. Specifically excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use. This term shall not include Oil/Gas Exploration as defined by this Chapter.

***Oil/Gas Exploration.*** Any operation or well drilled (i) to find and produce gas, or oil, or other similar materials in an unproven area, (ii) to find a new reservoir in a field previously found to be productive of gas, or oil, or other similar materials in another reservoir, or (iii) to extend the limits of a known gas, or oil, or other similar materials reservoir.

***Recycling Facility.*** A facility in which recoverable resources, not to include sludge or municipal solid waste, such as newspapers, magazines, books, and other paper products; glass; metal cans; tires; oil; and other products, are recycled, reprocessed, and treated within an enclosed facility to return such products to a condition in which they may again be used for production. Not to include a junkyard/salvage yard of materials.

***Sawmill or Planing Mill, Permanent.*** A sawmill or planing mill permanently located for the purpose of processing timber without regard to point of origination. Facilities may include wood processing and wood manufacturing such as, but not limited to, planing, chipping, pallets or other secondary products.

***Sawmill, Temporary.*** A portable sawmill or chipping mill located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.

***Truck/Freight Terminal.*** An area of land used for the switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of freight by either means of road or rail. Railroad uses - such as sidings, tracks, spur tracks, and signals - may be incidental to other operations.

***Warehousing and Distribution.*** Uses including storage, warehousing, and dispatching of goods within enclosed structures. Typical uses include wholesale distributors, e-commerce fulfillment centers, storage warehouses, data centers, and moving/storage firm. Incidental fleet vehicle parking and fueling may be provided as an accessory use.

## Section 10-4-6. Miscellaneous.

***Accessory Structure.*** A building subordinate to and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the main building. The term "accessory building" also includes, but is not limited to, portable storage containers, gazebos, carports, private greenhouses, and sheds which may be modular in nature and are delivered to the site and which may or may not have a foundation. Accessory building or structure does not include motorhomes, travel trailers or other recreational vehicles.

***Boathouse.*** A structure designed or used for the storage of boats and other aquatic equipment owned and used by the occupants or owners of the residence or residential lot on which the structure is located.

***Construction Building or Yard, Temporary.*** A building, structure, or laydown area used temporarily to manage a construction site or for the storage of equipment, materials, and appurtenances.

***Kennel, private.*** Any place which is equipped and/or used to house, keep, or otherwise care for, outside of the primary dwelling, 3 or more dogs that are over six-months of age, and for which no compensation is received. All dogs are owned and licensed by a single owner.

***Mixed-Use Structure.*** A building containing residential uses in addition to non-residential uses permitted in the zoning district. Mixed use structure should not be confused with a mix of uses each in separate structures in a single development.

***Outdoor Display.*** An outdoor arrangement of commercial objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement. Uses can include sidewalk sales, dining, and merchandise displays.

***Outdoor Storage.*** The keeping, in other than a building, of any goods, materials, or merchandise on the same parcel for more than twenty-four consecutive hours.

***Parking, Off-Site.*** Any structure or surface for parking use, which serves a primary use but is not located on the same lot, and provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, and incorporated landscaped areas.

***Piers, Private.*** A waterfront structure, fixed or floating, used for the docking of boats owned and registered by the property owner or a guest visiting the owner, or for recreational uses such as fishing. Piers are typically accessory to a residential structure.

***Residential Yard Sale.*** The sale of used residential items which may occur indoors or outdoors on the same parcel as a primary residence for less than twenty-four consecutive hours.

***Solar Energy Facility, Large-Scale.*** A private solar energy conversion system, for which the primary purpose is to produce power, or off-set power use, for on-site commercial, agricultural, and industrial applications, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has the rated capacity to produce more than 25 kilowatts (kW) of electrical power and which has a total site area of five (5) acres or less.

***Solar Energy Facility, Small-Scale.*** A private solar energy conversion system, for which the primary purpose is to produce power, or off-set power use, for on-site commercial, agricultural, and industrial applications, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has the rated capacity to produce not more than 25 kilowatts (kW) of electrical power.

***Solar Energy Facility, Utility-Scale.*** An energy conversion system, for which the primary purpose is to produce power for consumption by, or under contract to, a utility provider, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has a total site area of more than five (5) acres.

***Transportation Services.*** Passenger services provided by public, private, or nonprofit entities such as the following surface transit modes: bus systems, taxi and limousine services, and other ground services.