RICHMOND COUNTY, VIRGINIA

ZONING ORDINANCE

Adopted: November 9, 1995

Includes Amendments through July 9, 2015

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ZONING ORDINANCE

TABLE OF CONTENTS

ARTICLE I – INTRODUCTORY PROVISIONS

		PAGE
1-1	TITLE	3
1-2	AUTHORITY	3
1-3	PURPOSE	3
1-4	JURISDICTION	4
1-5	RELATIONSHIP TO THE COMPREHENSIVE PLAN	4
1-6	INTERPRETATION	4
1-7	SEVERABILITY	4
1-8	EFFECTIVE DATE	4
1-9	SAVING PROVISION	4
1-10	FILING OF CERTIFIED COPIES OF THIS ORDINANCE	5

ARTICLE II – ZONING DISTRICTS

2-1	ESTABLISHMENTS	6
2-2	AGRICULTURE, GENERAL (A-1)	6
2-3	RESIDENTIAL, LIMITED (R-1)	13
2-4	RESIDENTIAL, GENERAL (R-2)	17
2-5	RESIDENTIAL, MIXED USE (R-3)	21
2-6	BUSINESS, GENERAL (B-1)	28
2-7	INDUSTRIAL, GENERAL (M-1)	30
2-8	HISTORIC AND SCENIC PRESERVATION (H-1)	32
2-9	APPLICABILITY OF ZONING DISTRICTS; EFFECT OF OVERLAY ZONING DISTRICTS	34
2-10	OFFICIAL ZONING MAP	34
2-11	INTERPRETATION OF DISTRICT BOUNDARIES	35
2-12	APPLICATION OF REGULATIONS	36
2-13	CHESAPEAKE BAY PRESVATION AREA OVERLAY DISTRICT	36

ARTICLE III – ADMINISTRATION AND PROCEDURES

3-1	PROCEDURES FOR PROCESSING DEVELOPMENT APPLICATIONS	67
3-2	PLAN OF DEVELOPMENT PROCESS	69
3-3	PUBLIC NOTICE REQUIREMENTS	79
3-4	APPEALS OF DECISIONS RENDERED	80
3-5	AMENDMENTS	81
3-6	PERFORMANCE AND MAINTENANCE GUARANTEES REQUIRED BEFORE FINAL APPROVALS	81
3-7	CERTIFICATE OF COMPLIANCE, BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY	83
3-8	APPLICATION FEES AND ESCROW SCHEDULE	84
3-9	VIOLATIONS, ENFORCEMENT AND PENALTIES	85
3-10	BOARD OF ZONING APPEALS (BZA)	88
3-11	PLANNING COMMISSION	92
3-12	CONDITIONAL ZONING	93
3-13	NONCONFORMING USES	95
3-14	SPECIAL EXCEPTION USES	96
3-15	ACCESSORY USES	99
3-16	HOME OCCUPATIONS	104

EXH-1 PLAN OF DEVELOPMENT APPROVAL PROCEDURE 109
EXH-2 DMP DETAILS 110
EXH-3 DECISION-MAKING PATH; RESPONSIBILITIES FOR APPROVAL 111
EXH-4 REQUIRED SUBMISSION DOCUMENTS 112

ARTICLE IV – GENERAL DESIGN AND PERFORMANCE STANDARDS

4-1 PURPOSE AND INTENT 118
4-2 WATER AND SEWER FACILITIES 118
4-3 VEHICULAR RIGHTS-OF-WAY 121
4-4 EASEMENTS 131
4-5 UNDERGROUND WIRED UTILITIES 133
4-6 EMERGENCY SERVICES 134
4-7 DRAINAGE 136
4-8 EROSION AND SEDIMENT CONTROL 141
4-9 STORAGE AND WASTE DISPOSAL 145
4-10 LIGHTING 147
4-11 OFF STREET PARKING AND LOADING 149
4-12 LANDSCAPING AND BUFFERING 152
4-13 OPEN SPACE AND RECREATION 159
4-14 WATERFRONT FACILITY STANDARDS 164
4-15 PERFORMANCE STANDARDS 174
4-16 SUPPLEMENTARY DESIGN STANDARDS 177
4-17 SIGN STANDARDS 179
4-18 INTENSIVE AGRICULTURAL FACILITIES 191
4-19 WIRELESS TELECOMMUNICATIONS FACILITIES 195
4-20 SEXUALLY ORIENTATED BUSINESS 217

ARTICLE V – DEFINITIONS

5-1 GENERAL USAGE 226
5-2 INTERPRETATION BY THE LAND USE ADMINISTRATOR 227
5-3 DEFINITIONS 227

ARTICLE I
INTRODUCTORY PROVISIONS

1-1 TITLE

This Ordinance shall be known as the Richmond County Zoning Ordinance.

1-2 AUTHORITY

This Ordinance is adopted pursuant to the authority granted by Title 15.1, Chapter 11 of the Code of Virginia, 1950 (as amended).

1-3 PURPOSE

This Ordinance is adopted for the purpose of guiding development in accordance with the existing and future needs of Richmond County in order to improve the public health, safety, convenience and welfare of the citizens of Richmond County. This Ordinance is designed to plan for the future development of Richmond County to the end that significant environmental, historical, cultural and other features which contribute to the quality of life and character of Richmond County are identified and protected; transportation systems are carefully planned; new community centers are developed with adequate highway, utility, health, educational, and recreational facilities; the needs of agriculture, industry and business are recognized in future growth; residential areas are provided with healthy surroundings for family life; significant agricultural and forestry lands are preserved; and the growth of the community is consonant with the efficient and economical use of public funds.

It is also the purpose of this Ordinance to recognize and help sustain traditional industries as follows:

Right of Farming, Fishing and Forestry

Farming, Fishing and Forestry are the backbone of Richmond County's traditional economy. The right to farm all land, to grow and harvest timber and to use the shores and waters of the County for traditional waterman's activities is hereby recognized to exist as a natural right. This ordinance protects that right as permitted uses everywhere in the County regardless of specified uses and prohibited uses set forth elsewhere.

This ordinance protects the use of irrigation pumps and equipment, aerial and ground seeding and spraying, tractor and other machinery, seasonal farm laborers and the application of fertilizers, insecticides, and herbicides, the mooring, storage and repair of workboats, nets and equipment; all for the purpose of producing from the land and waters such products as vegetables, grains, hay, fruits, fibers, wood, trees, plants, shrubs, flowers, seeds, fish and shellfish. The right to farm includes the right to use land for grazing by animals.

The foregoing uses and activities, when reasonable and necessary for the particular farming, fishing or forestry activity, and when conducted in accordance with generally accepted practices, may occur at any season, on holidays, Sundays and weekends, at night and in the day. The noise, odors, dust and fumes that are caused by them are also specifically permitted as part of the exercise of this right.

It is expressly found that reasonable nuisance caused to others by such activities is more than offset by the benefits to the neighborhood, community and society in general. Among these benefits are the preservation of open space, the beauty of the countryside, clean air and by the preservation and continuance of traditional livelihoods in Richmond County.

This right does not relieve the land owner from compliance with pertinent local, state and federal laws pertaining to these protected activities.

1-4 JURISDICTION

This Ordinance and the provisions contained herein shall hereafter govern all land development within the unincorporated areas of Richmond County, Virginia, as now or may be hereafter established.

1-5 RELATIONSHIP TO THE COMPREHENSIVE PLAN

It is the intention of the Richmond County Board of Supervisors that this Ordinance implement the planning policies and directives of the Richmond County Comprehensive Plan.

1-6 INTERPRETATION

When the conditions imposed by a provision of this Ordinance are less restrictive than comparable conditions imposed by other provisions of this Ordinance or any other ordinance, the provisions that are more restrictive shall govern.

1-7 SEVERABILITY

The provisions of this Ordinance are severable. If a section, sentence, clause or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

1-8 EFFECTIVE DATE

This Ordinance was adopted by the Richmond County Board of Supervisors at 9:45 p.m. on Thursday, November 9, 1995

1-9 SAVING PROVISION

The adoption of this Ordinance and repeal of previously existing ordinances and those in conflict shall not be construed as abating any legal action now pending under, or by virtue of, the prior existing ordinances, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the County under any section or provision existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, by lawful action of the County, except as specifically provided for in this Ordinance.

1-10 FILING OF CERTIFIED COPIES OF THIS ORDINANCE

A certified copy of this Ordinance shall be filed in the office of the Land Use Administrator and in the office of the Clerk of the Circuit Court.

ARTICLE II
ZONING DISTRICTS

2-1 ESTABLISHMENT

The unincorporated areas of Richmond County are divided into the following base and overlay Districts:

SECTION	BASE DISTRICT	DESIGNATION
2-2	Agriculture, General	A-1
2-3	Residential, Limited	R-1
2-4	Residential, General	R-2
2-5	Residential, Mixed Use	R-3
2-6	Business, General	B-1
2-7	Industrial, General	M-1

SECTION	OVERLAY DISTRICT	DESIGNATION
2-8	Historic and Scenic Preservation (HISTORIC RICHMOND)	H-1

AGRICULTURAL GENERAL, DISTRICT A-1

2-2 DISTRICT REGULATIONS, AGRICULTURAL GENERAL, DISTRICT A-1

2-2-1 PURPOSE AND INTENT

The purpose of this District is to encourage continued agricultural and forest uses and preserve the rural areas of the County where urban services, such as public water and sewer facilities, are not available or planned for future installation. This District generally corresponds to areas of the Richmond County Comprehensive Plan Future Land Use Map as the Agricultural District. At the same time, the District is intended to provide for limited residential development for those who choose to live in a rural environment and to protect this development where it occurs. This District recognizes the importance of agricultural and forest production as an important component of Richmond County's past, present and future well being. If more intensive uses are desired for property located in the Agricultural General A-1 District, a change in zoning classification shall be considered.

2-2-2 PERMITTED USES

The Agricultural General A-1 District consists, for the most part, of larger parcels of land in agricultural and forest uses. When the District boundaries were established, some smaller parcels were included in the Agricultural General A-1 District. Where these parcels are two acres (87,120 sq.ft.) or less in size, the regulations of the Residential General, District R-2 shall govern *with the exception of two-family dwellings as a permitted use; unless such parcels receive an approved rezoning entitling them to all uses of the District to which they are rezoned. (Amended December 10, 2009)*

For parcels greater than two acres in size in the Agricultural General, A-1 District, structures to be erected or land to be used shall be for one or more of the following uses:

1. The tilling of the soil, raising of crops and animals, and forestry.

2. Single-family dwellings.

3. *Deleted. Reserved for future. (Amended December 10, 2009)*

4. Individual Manufactured Homes.

5. Boat docks, launch ramps and shoreline stabilization projects (private). Richmond County Wetlands Permit may be required.

6. Churches.

7. Schools.

8. Parks/Playgrounds and Community Recreational Facilities (Non-commercial).

9. Home occupations.

10. Cemeteries.

11. Greenhouses and horticultural nurseries, with display/sales area and office space for wholesale and/or retail sales of plants. Garden supplies and related items are allowed for sale. Landscape businesses are also allowed.

12. Golf courses which may include driving ranges, practice greens, club house with restaurant, pro shop, equipment and maintenance facilities, and other accessory structures and uses customarily associated with golfing.

13. Public boating, fishing and swimming facilities. Including but not limited to: ramps; docks; piers; pools; mooring piles; walkways; sanitary facilities; and beaches.

14. Preserves or Conservation areas.

15. Child care facilities, including pre-school classes.

16. Home professional offices which are limited to the following: surveyor, real estate sales, lawyer, doctor, dentist, contractor, architect, caterer and similar professions. The employment of persons, other than those residing in the home, is limited to five individuals and includes only those individuals actually conducting work on the premise. The sale of goods and merchandise is prohibited.

17. Accessory structures are permitted as defined, however, garages, carports, porches and stoops attached to the main building shall be considered part of the main building.

2-2-2A SPECIAL EXCEPTION USES

1. Bed and Breakfast establishments.

2. Retirement home or home nursing facility.

3. Commercial animal kennels and veterinary facility *(including animal cemeteries and animal crematoriums). (Amended January 13, 2005)*

4. Mining activities including removal of sand and gravel.

5. Campgrounds for tents, campers, travel trailers or other recreational vehicles.

6. Livestock auction market.

7. Fire stations or rescue squad facilities.

8. Rifle or pistol shooting range and trap or skeet shooting.

9. Sewage treatment facility for treatment of septic system waste.

10. Intensive livestock or poultry operations.

11. Re-establishment or conversion of use in existing structures that have previously been retail businesses.

12. Commercial marina and facilities for building or servicing boats.

13. Antique shop *(including upholstery shop and furniture repair shop). (Amended April 8, 1999)*

14. Post Office.

15. Contractors equipment storage yard.

16. Clubs or lodges for hunting (including kennels), fishing and other sports activities.

17. Facilities necessary for rendering local public utility service. Buildings, treatment plants, water storage tanks, pumping or regulating stations, storage yards and sub-stations, County sanctioned recycling centers and refuse collection centers may be considered as special exceptions. Underground utility service shall be required except where shown to be not feasible.

18. Migrant or seasonal worker housing facilities. (Adopted June 12, 1997)

19. Private airstrip. (Adopted June 10, 1999)

20. Wireless Telecommunications Facilities. (Adopted November 8, 2001)

21. Assembly/Retreat Facility. (Adopted November 13, 2003)

22. Limited Food Service and Sales permitted as an accessory use to the following special exception uses: Antique Shops, Bed and Breakfasts, Campgrounds for tents, campers, travel trailers or other recreational vehicles, Livestock Auction Markets, Commercial Marinas, Clubs or Lodges, and Assembly/Retreat Facilities. Requires an annual review by the Land Use Administrator to ensure food service and sales remains a secondary use. Evidence must be provided that appropriate regulatory authorities have been consulted and permits issued. (Adopted January 8, 2015)

2-2-3 *LIMITATIONS ON SUBDIVISIONS (Amended December 8, 2005 and February 8, 2007)*

In order to maintain the viability of lands for agricultural and forest production within this District, uses are somewhat restrictive. When more intensive uses are desired, rezoning of the property

shall be considered where it can be demonstrated that the more intensive use is warranted and in keeping with the Richmond County Comprehensive Plan. To protect against premature subdivision of land and fragmentation of productive agricultural and forest lands, subdivisions are controlled to maintain the uses mentioned in the Purpose and Intent of this District. Within this District, the density of new parcels shall not exceed one parcel per *20* acres*, with the parent parcel being allowed to be divided into a maximum of 15 lots. For parcels 20 acres or less in size and for the first 20 acres of parcels greater than 20 acres in size, a density of one parcel per 2.5 acres shall be permitted, up to a maximum of four (4) lots.*

For calculating the number of new lots allowed, the parcel of record as of December 8, 2005 shall be considered to be the parent parcel. If the parent parcel has been divided subsequent to December 8, 2005, the number of additional lots allowed to be created from a child parcel shall be its proportionate share of the remaining lots that could be created from the parent parcel, unless rights to a different share of the remaining lots has been transferred to the child parcel by deed from its parent. The number of new lots allowed shall never exceed the parcel's share of the remaining lots that could have been created from its parent under density restrictions in existence on November 10, 1995.

Parcels recorded prior to November 10, 1995, which are less than five (5) acres in size may *be subdivided into two (2) lots* without density restrictions provided minimum lot sizes, dimensions and setbacks can be met.

*F*amily subdivisions*, on parcels recorded prior to November 10, 1995, shall* not *be* subject to density restrictions *and shall not count toward the maximum number of new parcels allowed. However, any acreage encompassed by family subdivisions shall be subtracted from the acreage used to calculate the number of new lots allowed.*

2-2-4 LOT SIZE STANDARDS

	Minimum Lot Area	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
Single-family dwellings:			
a. with individual water and sewerage systems	1 acre*	150*	200
b. with either public or			

central water or sewerage but not both	30,000* sq. feet	100*	150
Churches	2 acres	200	200
Schools	5 acres	250	300

Other uses same as for single-family dwelling or as specified in District regulations.

Lot width shall be measured at the front yard setback line and shall continue to meet the minimum width requirement throughout the allowable building envelope.

- For lots fronting on a U.S. Highway the minimum lot size is two (2) acres and minimum lot width of 200 feet.
- For lots fronting on a Primary Highway the minimum lot size is one and one half acres and minimum lot width of 200 feet.
- Lots that adjoin a U.S. or Primary Highway but do not have vehicle access to the U.S. or Primary Highway shall be considered as not having frontage on a U.S. or Primary Highway.

Minimum street frontage for any lot shall be 25 feet.

2-2-5 SETBACK REGULATIONS

Front - The front yard setback shall be seventy-five (75) feet or more from the center line of any street or road right-of-way, but, in no event less than fifty (50) feet from the edge of the right-of-way. This shall also be known as the "setback line". For lots fronting on a U.S. or Primary Highway the front yard setback shall be one hundred (100) feet from the edge of the right-of-way.

Side - The minimum side yard for each main structure shall be twenty-five (25) feet and the total width of the two required side yards shall be fifty (50) feet or more.

Rear - The minimum rear yard for each main structure shall be twenty-five (25) feet.

For lots recorded prior to August 10, 1989, which are *100 feet or less in width*, the side yard setbacks are reduced to a total of 15 feet with no side yard setback to be less than 5 feet *(Amended September 14, 2000)*.

For lots two (2) acres or less in size recorded prior to August 10, 1989 which front on the Rappahannock River or its tidal tributaries and are to be used for residential purposes, the front

yard setback shall be twenty-five (25) feet from the edge of the street or road right-of-way. (Adopted February 13, 1997)

The minimum setback from a private street or road right-of-way, which is twenty-five (25) feet or less in width, shall be twenty-five (25) feet from the edge of the right-of-way. (Adopted April 13, 2006)

Accessory structures shall observe the front yard setback but may encroach into the side and rear yard areas to within five (5) feet of the property lines.

2-2-6 HEIGHT REGULATIONS

	Maximum Height
Single-family dwellings	2 1/2 stories not to exceed 35 feet
Churches	2 1/2 stories not to exceed 45 feet
Accessory structures	Not to exceed height of main structure
All other structures	2 1/2 stories not to exceed 35 feet

2-2-7 SPECIAL PROVISIONS FOR CORNER LOTS

Corner lots must meet the front yard requirements along each street that the lot fronts on.

2-2-8 SIGNS

Signs as permitted and described in ARTICLE IV.

2-2-9 PARKING AND LOADING

Off-street parking and loading design standards and space requirements for particular uses are contained in ARTICLE IV.

2-2-10 SPECIAL PROVISIONS FOR AGRICULTURAL GENERAL A-1 DISTRICT

The prevalent land uses in this District, agriculture and forestry, are accompanied by activities that may cause temporary conditions of noise, dust and other nuisances that may be objectional. The District regulations recognize that other uses may occur and that individuals may wish to reside in areas that are primarily devoted to agriculture and forestry. Any legal activity conducted for the purpose of agricultural or forest production, which at times may create objectional conditions, shall be tolerated within this District.

RESIDENTIAL LIMITED, DISTRICT R-1

2-3 DISTRICT REGULATIONS - RESIDENTIAL LIMITED, DISTRICT R-1

2-3-1 PURPOSE AND INTENT

The purpose of this District is to provide for moderate density residential development together with such churches, public uses, and accessory uses as may be necessary or are normally compatible with residential surroundings. The District boundaries are determined by patterns of past residential subdivisions created for development of site built single family dwellings. This District encourages future development of site built (and modular) homes in areas where the preponderance of homes are of this type. The regulations for this District are designed to stabilize and protect the essential characteristics of the District, to promote and encourage a suitable environment for family life, and to prohibit commercial activities.

2-3-2 PERMITTED USES

In the Residential Limited (R-1) District, structures to be erected or land to be used shall be for one or more of the following uses:

1. Single-family dwellings.

2. Boat docks (private). Shoreline stabilization projects and private boat ramps (Wetlands Board approval may be required).

3. Churches.

4. Schools.

5. Parks/Playgrounds and Community Recreational Facilities

6. Home occupations.

7. The tilling of the soil, raising of crops, and forestry. The keeping of animals of a type or quantity that would be generally regarded as agricultural in nature is prohibited. Allowing animals to run at large so as to be a nuisance to neighbors is also prohibited.

8. Accessory structures are permitted as defined, however, garages, carports, porches and stoops attached to the main building shall be considered part of the main building.

2-3-3 SPECIAL EXCEPTION USES

1. Bed and Breakfast establishments.

2. Rest Homes.

3. Facilities necessary for rendering local public utility service. Buildings, treatment plants, water storage tanks, pumping or regulating stations, storage yards and sub-stations, County sanctioned recycling centers and refuse collection centers may be considered as special exception uses. Underground utility service shall be required except where shown to be not feasible.

4. Wireless Telecommunications Facilities (Adopted November 8, 2001)

2-3-4 LOT SIZE STANDARDS

	Minimum Lot Area	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
Single-family dwellings:			
a. with individual water and sewerage systems	1 acre*	150*	200
b. with either public or central water or sewerage but not both	30,000* sq. feet	100*	150
c. with public or central water and sewerage	15,000* sq. feet	100*	150
Churches	2 acres	200	200
Schools	5 acres	250	300

Other uses same as for single-family dwelling or as specified in District regulations.

Lot width shall be measured at the front yard setback line and shall continue to meet the minimum width requirement throughout the allowable building envelope.

* For lots fronting on a U.S. Highway the minimum lot size is two (2) acres and minimum lot width of 200 feet.

For lots fronting on a Primary Highway the minimum lot size is one and one half acres and minimum lot width of 200 feet.

Lots that adjoin a U.S. or Primary Highway but do not have vehicle access to the U.S. or Primary Highway shall be considered as not having frontage on a U.S. or Primary Highway.

Minimum street frontage for any lot shall be 25 feet.

2-3-5 SETBACK REGULATIONS

Front - The front yard setback shall be seventy-five (75) feet or more from the center line of any street or road right-of-way, but, in no event less than fifty (50) feet from the edge of the right-of-way. This shall also be known as the "setback line". For lots fronting on a U.S. or Primary Highway the front yard setback shall be one hundred (100) feet from the edge of the right-of-way.

Side - The minimum side yard for each main structure shall be twenty-five (25) feet and the total width of the two required side yards shall be fifty (50) feet or more.

Rear - The minimum rear yard for each main structure shall be twenty-five (25) feet.

For lots recorded prior to August 10, 1989, which are *100 feet or less in width*, the side yard setbacks are reduced to a total of 15 feet with no side yard setback to be less than 5 feet. *(Amended September 14, 2000).*

For lots two (2) acres or less in size recorded prior to August 10, 1989 which front on the Rappahannock River or its tidal tributaries and are to be used for residential purposes, the front yard setback shall be twenty-five (25) feet from the edge of the street or road right-of-way. (Adopted February 13, 1997)

The minimum setback from a private street or road right-of-way, which is twenty-five (25) feet or less in width, shall be twenty-five (25) feet from the edge of the right-of-way. (Adopted April 13, 2006)

Accessory structures shall observe the front yard setback but may encroach into the side and rear yard areas to within five (5) feet of the property lines.

2-3-6 HEIGHT REGULATIONS

Maximum Height

Single-family dwellings	2 1/2 stories not to exceed 35 feet
Churches	2 1/2 stories not to exceed 45 feet
Accessory structures	Not to exceed height of primary structures
All other structures	2 1/2 stories not to exceed 35 feet

2-3-7 SPECIAL PROVISIONS FOR CORNER LOTS

Corner lots must meet the front yard requirements along each street that the lot fronts on.

2-3-8 SIGNS

Signs as permitted and described in ARTICLE IV.

2-3-9 PARKING AND LOADING

Off-street parking and loading design standards and space requirements for particular uses are contained in ARTICLE IV.

2-3-10 KEEPING OF ANIMALS

Pets are allowed in this residential district provided they are not allowed to run at large so as to be a nuisance to neighbors. This district is not intended for keeping types or quantities of animals that may pose a potential hazard to the health, safety and welfare of residents of the district.

RESIDENTIAL GENERAL, DISTRICT R-2

2-4 DISTRICT REGULATIONS - RESIDENTIAL GENERAL, DISTRICT R-2

2-4-1 PURPOSE AND INTENT

The purpose of this District is to provide for general residential development that includes a range of housing types for single and two-family dwellings. The District also allows churches, public uses, and accessory uses compatible with residential surroundings. The regulations for this District are designed to stabilize and protect the essential characteristics of the District, to promote and encourage a suitable environment for family life, and to prohibit commercial activities.

2-4-2 PERMITTED USES

In the Residential General (R-2) District, structures to be erected or land to be used shall be for one or more of the following uses:

1. Single-family dwellings.

2. Two-family dwellings.

3. Manufactured Homes.

4. Boat docks (private). Shoreline stabilization projects and private boat ramps (Wetlands Board approval may be required)..

5. Churches.

6. Schools.

7. Parks/Playgrounds and Community Recreational Facilities

8. Home occupations.

9. The tilling of the soil, raising of crops, and forestry. The keeping of animals of a type or quantity that would be generally regarded as agricultural in nature is prohibited. Allowing animals to run at large so as to be a nuisance to neighbors is also prohibited.

10. Accessory structures are permitted as defined, however, garages, carports, porches and stoops attached to the main building shall be considered part of the main building.

2-4-3 SPECIAL EXCEPTION USES

1. Bed and Breakfast establishments.

2. Rest Homes.

3. Facilities necessary for rendering local public utility service. Buildings, treatment plants, water storage tanks, pumping or regulating stations, storage yards and sub-stations, County sanctioned recycling centers and refuse collection centers may be considered as special exception uses. Underground utility service shall be required except where shown to be not feasible.

4. Wireless Telecommunications Facilities (Adopted November 8, 2001)

2-4-4 LOT SIZE STANDARDS

	Minimum Lot Area	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
Single-family or two-family dwellings:			
a. with individual water and sewerage systems	1 acre*	150*	200
b. with either public or central water or sewerage but not both	30,000* sq. feet	100*	150
c. with public or central water and sewerage	15,000* sq. feet	100*	150
Churches	2 acres	200	200
Schools	5 acres	250	300

Other uses same as for single-family dwelling or as specified in District regulations.

Lot width shall be measured at the front yard setback line and shall continue to meet the minimum width requirement throughout the allowable building envelope.

* For lots fronting on a U.S. Highway the minimum lot size is two (2) acres and minimum lot width of 200 feet.

For lots fronting on a Primary Highway the minimum lot size is one and one half acres and minimum lot width of 200 feet.

Lots that adjoin a U.S. or Primary Highway but do not have vehicle access to the U.S. or Primary Highway shall be considered as not having frontage on a U.S. or Primary Highway.

Minimum street frontage for any lot shall be 25 feet.

2-4-5 SETBACK REGULATIONS

Front - The front yard setback shall be seventy-five (75) feet or more from the center line of any street or road right-of-way, but, in no event less than fifty (50) feet from the edge of the right-of-way. This shall also be known as the "setback line". For lots fronting on a U.S. or Primary Highway the front yard setback shall be one hundred (100) feet from the edge of the right-of-way

Side - The minimum side yard for each main structure shall be twenty-five (25) feet and the total width of the two required side yards shall be fifty (50) feet or more.

Rear - The minimum rear yard for each main structure shall be twenty-five (25) feet.

For lots recorded prior to August 10, 1989, which are *100 feet or less in width*, the side yard setbacks are reduced to a total of 15 feet with no side yard setback to be less than 5 feet. *(Amended September 14, 2000).*

For lots two (2) acres or less in size recorded prior to August 10, 1989 which front on the Rappahannock River or its tidal tributaries are and are to be used for residential purposes, the front yard setback shall be twenty-five (25) feet from the edge of the street or road right-of-way. (Adopted February 13, 1997)

The minimum setback from a private street or right-of-way, which is twenty-five (25) feet or less in width, shall be twenty-five (25) feet from the edge of the right-of-way. (Adopted April 13, 2006)

Accessory structures shall observe the front yard setback but may encroach into the side and rear yard areas to within five (5) feet of the property lines.

2-4-6 HEIGHT REGULATIONS

Maximum Height

Single-family or two-family dwellings	2 1/2 stories not to exceed 35 feet
Churches	2 1/2 stories not to exceed 45 feet
Accessory structures	Not to exceed height of primary structures
All other structures	2 1/2 stories not to exceed 35 feet

2-4-7 SPECIAL PROVISIONS FOR CORNER LOTS

Corner lots must meet the front yard requirements along each street that the lot fronts on.

2-4-8 SIGNS

Signs as permitted and described in ARTICLE IV.

2-4-9 PARKING AND LOADING

Off-street parking and loading design standards and space requirements for particular uses are contained in ARTICLE IV.

2-4-10 KEEPING OF ANIMALS

Pets are allowed in this residential district provided they are not allowed to run at large so as to be a nuisance to neighbors. This district is not intended for keeping types or quantities of animals that may pose a potential hazard to the health, safety and welfare of residents of the district.

RESIDENTIAL, MIXED USE DISTRICT, R-3

2-5 DISTRICT REGULATIONS, RESIDENTIAL, MIXED USE DISTRICT, R-3

2-5-1 PURPOSE AND INTENT

The purpose of this District is to encourage innovative and flexible development design that will create and promote a sustainable and harmonious community. It is the intent of the District to promote more economical and efficient use of the land while encouraging variety in housing choices, neighborhood commercial uses and accessory light industrial areas, while at the same time, maintaining the greatest amount of open area that results in the least disturbance to natural features. The guidelines for this district shall be implemented by approval of an overall master plan of development.

2-5-2 PERMITTED USES

The Residential, Mixed Use District is devoted to diverse uses that contribute to a coordinated balance of activities which encourage and promote a suitable environment for family life and potentially provides convenience shopping and job opportunities within a planned community. The primary uses are residential in nature as follows:

1. Single-family detached or attached dwellings.

2. Two-family dwellings.

3. Multi-family dwellings which may include apartments, townhouses, condominiums or similar development that provides more than two dwelling units per building.

4. Accessory structures as defined.

5. Facilities necessary for rendering local public utility service. Buildings, treatment plants, water storage tanks, pumping or regulating stations, storage yards and sub-stations, County sanctioned recycling centers and refuse collection centers shall be considered as part of the master plan for development. Underground utility service shall be required except where shown to be not feasible.

6. Community recreation uses, including club houses, golf courses, pools, tennis courts, boating facilities and similar recreational improvements and facilities.

7. Manufactured Home Park.

Secondary Uses allowed that provide a higher level of amenities and community features. These uses are permitted to accompany the residential uses and the provisions of this section are not intended for creation of areas primarily devoted to these secondary uses.

1. Churches.

2. Schools

3. Child care or day care center, including pre-school classes.

4. Business uses provided that such businesses are designed to serve primarily the needs of the planned development in which they are located. Business uses and associated off-street parking and loading areas shall not exceed five (5) percent of the gross area of the planned development.

5. Industrial uses that are designed to provide jobs primarily for residents within the planned development. These industrial areas shall be allowed if shown to be compatible with the character and scope of the planned development and shall not exceed five (5) percent of the gross area of the planned development.

2-5-3 AREA, BULK AND DENSITY REQUIREMENTS

1. The permitted overall size of any Residential, Mixed Use Development shall be considered as part of the master plan approval for the development.

2. The permitted height of the buildings and required setbacks from property lines and required distances between structures within a Residential, Mixed Use Development shall be determined as part of the master plan approval. The preliminary site plan shall include an accurate accounting of the proposed building locations, heights, setbacks and separations.

3. The maximum density of a Residential, Mixed Use Development shall not exceed an average of one dwelling unit per gross acre. Land devoted to business, industrial and other non-residential uses shall not be included to determine the density ratio for the development as a whole. The Board of Supervisors may permit an increase in the density of the development when it can be demonstrated that such an increase is warranted by conditions specifically applicable to the parcel or plan of development; provided, that such increase will not have any adverse impact on the character of the surrounding property, cause any potential health or safety hazards, or generate traffic that will be excessive for adjoining streets.

4. No minimum lot size restriction shall be placed on development with the Residential, Mixed Use District. This flexibility is offered to encourage innovative site designs that are in accord with the District's intent of promoting efficient use of land, variety in housing choices, higher levels of amenities, and preservation of open spaces and natural features.

2-5-4 GENERAL STANDARDS

1. The Residential, Mixed Use Development shall conform to the goals, objectives and policies of the adopted Richmond County Comprehensive Plan.

2. The Residential, Mixed Use Development shall be of such design that it will result in a development achieving the stated purposes of this Ordinance and Section.

3. The Residential, Mixed Use Development shall efficiently utilize the available land and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.

4. The Residential, Mixed Use Development shall be designed to minimize injury to the use or value of existing surrounding property, and shall not hinder, deter, or impede the use or development of surrounding properties in accordance with the adopted Comprehensive Plan.

5. Within a Residential, Mixed Use Development particular emphasis shall be placed on the provision of recreational amenities and a comprehensive system of pedestrian, bicycle and/or bridle paths which shall be carefully coordinated with the provisions for open spaces, public facilities, vehicular access routes and similar facilities on adjacent tracts.

6. The Residential, Mixed Use Development shall be located in an area in which transportation facilities, police and fire protection, other public facilities and public utilities including sewerage are or will be available and adequate for the uses proposed; provided, however, that the applicant may provide such facilities or utilities which are not presently available or sufficient to service the development. Written assurances are required and shall be considered at the review of the preliminary site plan for the development.

7. The developer shall provide for and establish an organization or other legal entity for the perpetual ownership and maintenance of any common open space and other similar areas designated on the preliminary site plan, including pedestrian ways, play lots, swimming pools, bathhouses, tennis courts, parking lots, water, and/ or sewage systems and roads. Such organization shall be created by covenants running with the land, and such covenants shall be included as a part of the final site plan and subject to approval by the County Attorney and the Board of Supervisors. Furthermore, the developer shall provide to the County proof of financial stability.

8. Where several parcels of land in the same ownership or land in different ownership are shown on a preliminary site plan, adequate assurances including, if necessary, covenants running with the land and/or bonds sufficient to cover the cost of development shall be provided to assure the public facilities shown will be developed.

9. The developer shall identify the name and residence of the individuals who are the owners of the development.

2-5-5 PROCEDURES

Amendments to this Ordinance, which includes rezoning of property, shall be processed in accordance with DMP-B as described in Section 3-1-2B and the following:

1. Informal Submissions for comment:

   A. A potential applicant who wishes to apply for changes of zoning of property to the Residential, Mixed Use District is encouraged to arrange a pre-application conference with the Land Use Administrator in keeping with Section 3-2-2 of this Ordinance.

   B. The applicant may also elect to schedule an informal sketch presentation before the Richmond County Planning Commission for the purpose of guidance and comment concerning the proposed development. The Planning Commission shall take no official action concerning the sketch presentation.

2. Submittal of Application for General Development Plan and Rezoning:

   A. Phase One - General Development Plan and Rezoning: A General Development Plan and application for rezoning shall be submitted in accordance with Section 3-2 (including all information detailed in Exhibit 4) and Section 3-5 of this Ordinance. The plan may be general in nature and schematic in form but must also show the following:

      (1) A certified plat of the subject property showing metes and bounds of all property lines.

      (2) Proposed land uses to be developed.

      (3) The approximate total number, density, type and price range of all proposed residential uses.

      (4) The general location, use and size of proposed open space or recreational areas.

      (5) The general location, size and type of business and/or industrial areas to be developed.

      (6) The general location and character of the proposed major roads, trails, public utilities and storm drainage systems.

      (7) A statement of the proposed development schedule.

      (8) A written analysis of the public facilities, roadway improvements, and public utilities that will be required to serve the development.

(9) Any additional information as deemed reasonably necessary by the Land Use Administrator.

The General Development Plan and Rezoning shall be processed in accordance with DMPb and tentatively approved if found to be in keeping with the purpose and intent of this District. The applicant shall have not more than twelve (12) months after receiving official notification concerning tentative approval of a General Development Plan and Rezoning to submit an application for Phase Two - Preliminary Site Plan approval. Failure to do so shall make the tentative General Development Plan and Rezoning approval null and void. The Land Use Administrator may grant an extension of this time limit for a total of no more than one (1) year if requested to do so in writing, provided sufficient justification is given by the applicant.

B. Phase Two - Preliminary Site Plan Approval: With Phase One approval, the applicant can proceed with a higher level of confidence to Phase Two - Preliminary Site Plan Approval. The Preliminary Site Plan shall be submitted in accordance with Section 3-2 and processed in accordance with DMP-B as described in Section 3-1-2B of this Ordinance. The following additional information shall be submitted along with the Preliminary Site Plan:

(1) A vicinity map at a scale of not less than two inches equals a mile.

(2) A statement which confirms the ownership of the property, the nature of the applicant's interest in same, and the place of record of the latest instrument in the chain of title for each parcel constituting the subject property.

(3) An aerial photograph of the subject property and all adjacent properties within at least five hundred (500) feet.

(4) A tabulation of the total number of acres in the project and the percentage thereof proposed to be devoted to the several dwelling types, business and industrial uses, other non-residential uses, off-street parking, streets, parks, schools, churches and other reservations.

(5) A statement setting forth the maximum number of dwelling units that are proposed, the overall project density in dwelling units per acre, a breakdown of the approximate number of units by type, and the range of approximate lot sizes for single-family detached and attached dwellings.

(6) A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation and a statement of how such will be accomplished.

(7) A statement or visual presentation of how adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed development, to include vehicular access plans, proposed

measures and types of screening, and dimensions of all buffers that will be provided.

(8) A statement setting forth the maximum height of all proposed buildings and the general location of all those buildings where the height is proposed to exceed forty (40) feet.

(9) A statement of those special amenities that shall be provided within the Residential, Mixed Use Development.

(10) A report setting forth the proposed development schedule indicating the sequence of development of the various sections and the approximate starting and completion date for the construction of each stage.

(11) Any additional information as required by the Land Use Administrator or other plan approving authority necessary to evaluate the character and impact of the proposed project.

The applicant shall have not more than six (6) months after receiving official notification concerning approval of a preliminary plat/plan to submit an application for final plat/plan approval. Failure to do so shall make preliminary approval null and void. The Land Use Administrator may grant an extension of this time limit for a total of not more than one (1) year if requested in writing, provided sufficient justification is given by the applicant. Remaining sections of a phased development plan shall not become null and void as long as final plats/plans are submitted for approval with no lapse exceeding three (3) years in time between the submittal of final sections.

C. Final Site Plan Requirements: The final site plan shall be processed in accordance with DMP-C as described in Section 3-1-2C and shall comply with the approved Preliminary Site Plan. The required submission documents are detailed in Exhibit 4 and may include any other requirements as determined by the Board of Supervisors.

2-5-6 EFFECT OF FINAL SITE PLAN APPROVAL FOR A RESIDENTIAL, MIXED USE DEVELOPMENT.

A single black line print and a film positive of an approved Final Site Plan shall be submitted to the Land Use Administrator for filing. An approved Final Site Plan shall be null and void if, in the opinion of the Land Use Administrator, no significant work is done or development is made on the site within twelve (12) months after the date of site plan approval. A single one year extension upon written request of the applicant with sufficient justification may be granted by the Land Use Administrator.

2-5-7 ADJUSTMENTS TO AN APPROVED FINAL SITE PLAN FOR A RESIDENTIAL, MIXED USE DEVELOPMENT.

After a site plan has been approved, minor adjustments to the site plan, which comply with the spirit of this Ordinance and with the general purpose of the Comprehensive Plan for development of the area, may be approved by the Land Use Administrator with notice of the change given to the original plan-approving authorities. Deviation from an approved site plan without the written approval of the Land Use Administrator shall void the plan and the applicant shall be required to resubmit a new site plan for consideration.

Any major revision of an approved site plan may be made in the same manner as originally approved and any requirements of this Ordinance may be waived by the Land Use Administrator in specific cases where such requirement is found to be unreasonable and where such waiver will not be adverse to the purpose of this Ordinance.

BUSINESS GENERAL, DISTRICT B-1

2-6 DISTRICT REGULATIONS - BUSINESS GENERAL, DISTRICT B-1

2-6-1 PURPOSE AND INTENT

The purpose of the Business District is to provide areas in which use of land and buildings is for retail, wholesale, service uses and general business to which the general public requires direct and frequent access. The Business District is not intended for activities which require extensive warehousing or frequent heavy trucking activities other than stocking and delivery of goods and merchandise. This District should be used to guide business to appropriate locations to provide a range of commercial and service uses which would serve a wide area of the County. While the District uses are not specifically inclusive, the intent is to allow such uses as retail stores, business offices, banks, entertainment facilities, restaurants, service uses and automotive sales and services.

2-6-2 PERMITTED USES

All freestanding commercially utilized lots of record, at the time of adoption of this Ordinance, which are utilized in a manner consistent with the Richmond County Comprehensive Plan shall be included in the Business District. New areas may be zoned Business as the need may arise and when in keeping with the Comprehensive Plan. A change in use for any business site will be subject to review to ensure compliance with the requirements of this Ordinance.

Limited on-premise manufacturing processes necessary to the conduct of the business, may be allowed by Special Exception provided it can be demonstrated that such activity will not cause noise, odor, dust, glare or other objectionable conditions which could adversely affect adjoining properties, the purpose and intent of this District, and the general welfare of the County.

2-6-2A SPECIAL EXCEPTION USES

1. Wireless Telecommunications Facilities (Adopted November 8, 2001)

2-6-3 LOT SIZE STANDARDS

There are no minimum lot area requirements. However no lot shall be zoned Business until it has been demonstrated to the satisfaction of the plan approving authority that the lot area is of sufficient size to ensure compliance with the requirements of this Ordinance.

2-6-4 SETBACK REGULATIONS

Building setbacks at a minimum shall be as follows:

Front Yard	35 feet
Side Yard (each)	15 feet *
Rear Yard	15 feet *

Side/Rear Yards adjacent to residential	100 feet with submittal and implementation of a landscape plan that will adequately buffer the residential uses or potential residential uses from the business activities

Yard requirements shall not be used for storage, parking, loading or accessory uses.

* The side and rear yard setbacks may be modified where contiguous parcels are zoned Business General B-1. This modification is to allow for development of attached businesses, shopping centers or malls and other clustered commercial uses.

2-6-5 HEIGHT REGULATIONS

Structures shall not exceed a height of 35 feet unless specifically allowed as shown in the Supplementary Regulations found in ARTICLE IV.

2-6-6 SIGNS

Signs as permitted in ARTICLE IV

2-6-7 PARKING AND LOADING

Adequate parking and loading accommodations must be provided for all Business District uses. The guidelines found in ARTICLE IV are referred to for parking and loading calculations.

2-6-8 SPECIAL PROVISIONS FOR BUSINESS USES

No land or building in this District shall be used or occupied in any manner creating dangerous, injurious, noxious, unsightly or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted may be constructed and maintained if acceptable measures and safeguards are taken to reduce dangerous and objectionable conditions to acceptable limits.

INDUSTRIAL GENERAL, DISTRICT M-1

2-7 DISTRICT REGULATIONS - INDUSTRIAL DISTRICT, M-1

2-7-1 PURPOSE AND INTENT

The purpose of the Industrial District is to provide areas in which use of land and buildings is for manufacturing and assembly plants including processing, storage, warehousing, wholesaling and distribution. It is the intent that uses be conducted so that noise, odor, dust and glare of each operation is confined within an enclosed building. Where, due to the special requirements of an industry, operations must be conducted outside of an enclosed building or storage of goods and materials is necessary outside of an enclosed building, adequate measures must be taken to protect adjoining properties and the general welfare of the County. The Industrial District is designed to assist the County by attracting new employment opportunities by providing development sites for small, medium and large industrial firms in locations conducive to business and industrial activities.

2-7-2 PERMITTED USES

All freestanding industrially utilized lots of record at the time of adoption of this Ordinance shall be included in the Industrial District as conditionally zoned for the use occurring at that time. New areas may be zoned Industrial, conditionally for the use intended, as the need may arise. A change in use for any industrial site may be accomplished by means of conditional rezoning for the individual property.

2-7-2A SPECIAL EXCEPTION USES

1. Wireless Telecommunications Facilities (Adopted November 8, 2001)

2-7-3 LOT SIZE STANDARDS

There are no minimum lot area requirements. However no lot shall be conditionally zoned Industrial until it has been demonstrated to the satisfaction of the plan approving authority that the lot area is of sufficient size to ensure compliance with the requirements of this Ordinance.

2-7-4 SETBACK REGULATIONS

Building setbacks at a minimum shall be as follows:

Front Yard	50 feet
Side Yard (each)	25 feet
Rear Yard	35 feet
Side/Rear Yards adjacent to	

Residential	100 feet with submittal and implementation of a landscape plan that will adequately buffer the residential uses or potential residential uses from the industrial activities

Yard requirements shall not be used for storage, parking, loading or accessory uses.

2-7-5 HEIGHT REGULATIONS

Structures shall not exceed a height of 45 feet unless specifically allowed as shown in the Supplementary Regulations found in ARTICLE IV.

2-7-6 SIGNS

Signs as permitted in ARTICLE IV.

2-7-7 PARKING AND LOADING

Adequate parking and loading accommodations must be provided for all industrial uses. The guidelines found in ARTICLE IV are referred to for parking and loading calculations.

2-7-8 SPECIAL PROVISIONS FOR INDUSTRIAL USES

No land or building in this District shall be used or occupied in any manner creating dangerous, injurious, noxious, unsightly or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted may be constructed and maintained if acceptable measures and safeguards are taken to reduce dangerous and objectionable conditions to acceptable limits.

HISTORIC AND SCENIC PRESERVATION OVERLAY DISTRICT (HISTORIC RICHMOND), H-1

2-8 DISTRICT REGULATIONS - HISTORIC RICHMOND OVERLAY DISTRICT

2-8-1 PURPOSE

The purpose of the Historic and Scenic (HISTORIC RICHMOND) overlay district is to protect against destruction of or encroachment upon historic areas, archaeological sites, historic buildings, historic monuments, designated scenic highways, byways or waterways which contribute or will contribute to the cultural, social, economic, political or architectural heritage of Richmond County and the Commonwealth of Virginia.

2-8-2 APPLICATION

The HISTORIC RICHMOND overlay district is created to be superimposed on other districts contained in this Article. The uses, housing types, minimum lot requirements, minimum yard requirements, maximum heights, and accessory uses shall be those requirements applicable to the underlying zoning district except as modified by application of the regulations in this section.

HISTORIC RICHMOND districts shall be established by action of the Board of Supervisors and designated on the Official Zoning Map.

2-8-3 PERMITTED USES

A building or land shall be used for the any use, or accessory use, permitted in the underlying zoning district in which the premises are situated. Any use is subject to review and action by the plan-approving authority in accordance with the standards set forth in this Section and the intent and purpose of this Ordinance:

The normal maintenance of an historic area or building or the charging of admission fee for visitors, or the conduct of visitor centers or services within a county, state, or national park, shall not be considered as commercial uses.

2-8-4 USE LIMITATIONS

The following limitations shall apply within HISTORIC RICHMOND:

a. No building or structure, except as provided to enhance the scenic character of the area, shall be constructed within 100 feet of the right of way of any designated scenic highway or byway. On premise construction within the view shed of a historic building should be avoided whenever possible, but when unavoidable, should be sympathetic and compatible.

b. Flexible development standards relating to drainage facilities, pavement of driveways and parking areas, and traffic control devices shall be considered during the review of any

proposed development along a scenic highway, byway or waterway so as to insure that development is compatible with the goals and objectives of the scenic designation.

c. Development along scenic highways, byways or waterways shall be designed to minimize the number and size of curb cuts.

d. Timber cutting activities within 100 feet of the right of way of a designated highway or byway or adjacent to historic buildings or structures is to be based upon considerations which emphasize selective timber harvest practices, aesthetic values or sanitation and salvage cuttings necessitated by damage caused by fire, insect infestation or other destructive forces, with prior approval of the Land Use Administrator. The Land Use Administrator may request advice and/or reports from the State Division of Forestry in this regard. All flowering trees, shrubs and wild flowers indigenous to the area which occur within 100 feet of the right of way line of the scenic highway or byway should be favored and protected where reasonable.

e. Development permits issued in areas known or suspected to contain archeological artifacts and data shall include a requirement that the developer provide for a phase one survey and evaluation by an archaeologist. When the County determines that a site has significant archaeological, natural, scientific or historical value, a development permit will not be issued which would pose a threat to the site. The County may require that development be postponed in such areas to allow investigation and/or retrieval and preservation of significant artifacts.

2-8-5 STANDARDS

The following standards shall be considered by the plan-approving authority in evaluating proposals within the HISTORIC RICHMOND overlay districts:

a. The public necessity of the proposed construction or use.

b. The public purpose or interest in land or buildings to be protected.

c. The historic, architectural, archaeological and scenic value and significance of the resource considered for protection and its relationship to the surrounding area.

d. The age and character of the historic structure, its condition, and its probable life expectancy, and the appropriateness of the proposed changes to the period or periods during which the structure was built and/or altered.

e. The general compatibility of the plan of development and the exterior design, arrangement, texture, and materials proposed to be used.

f. The view of the structure or area from a public street, present or future.

g. The present character of the setting of the structure or area and its surroundings.

h. The probable effect of proposed construction on the natural features in the vicinity of the resource/resource area including trees, wooded areas, or terrain.

i. Any other factors, including aesthetics, which the plan-approving authority deems to be pertinent in order to ensure compliance with the intent and purpose of HISTORIC RICHMOND.

2-9 APPLICABILITY OF ZONING DISTRICTS; EFFECT OF OVERLAY ZONING DISTRICTS

All lands existing within the County are situated within a base zoning district and are shown on the Official Zoning Map and as listed above, and as described within this Article, and shall be subject to applicable provisions of that district. In addition, certain lands may be situated within the Historic overlay district listed above and as described within this Article, and shall also be subject to applicable provisions of the overlay district. Where a certain property may be so situated that it lies within both a base zoning district and the overlay zoning district, the regulations and standards of both the base and overlay zoning district shall be applicable to the development and use of such property. Where specific regulations or standards regarding a property so situated may conflict, the more restrictive regulation or standard shall be applicable.

2-10 OFFICIAL ZONING MAP

2-10-1 OFFICIAL ZONING MAP OF RICHMOND COUNTY, VIRGINIA

The unincorporated areas of Richmond County are divided into districts depicted on a set of maps entitled "Zoning Map of Richmond County, Virginia" which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The official zoning map shall be identified by the signature or the attested signature of the Chairman of the Board of Supervisors, together with the date of adoption of this Ordinance. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the Land Use Administrator, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in Richmond County.

2-10-2 AMENDMENTS TO THE OFFICIAL ZONING MAP

Whenever any amendment is made to the zoning map by action of the Board of Supervisors, such change shall be incorporated onto the zoning map at a time and in the manner as the Board of Supervisors may prescribe. Said changes shall be validated with reference to correct notation by the Land use Administrator, who shall affix his signature thereto, thereby certifying that approved amendments to the zoning map have been correctly incorporated. The date of official action and nature of the change shall be entered on the map. Any such change shall have the effect of law 12:01 a.m., on the day following its legal adoption or on its effective date, if officially established

as other than on the day following its legal adoption, whether or not it has been shown on the zoning map.

2-10-3 UNAUTHORIZED CHANGES

No changes of any nature shall be made to the 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 zoning map.

2-11 INTERPRETATION OF DISTRICT BOUNDARIES

In construing the official zoning map, the following rules shall apply:

2-11-1 CENTER LINES AS BOUNDARIES

Where district boundaries appear to follow mapped center lines of streets, alleys, easements, waterways and the like, they shall be construed as following such center lines as exist on the ground except where the variation of actual location would change the zoning status of a lot or parcel or portion thereof, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning of any lot or parcel or portion thereof. In case of closure of a street or alley, or vacation of an easement, the boundary shall be construed as remaining at its location unless ownership of the closure or vacation area is divided other than at the center, in which case the boundary shall be construed as moving to correspond with the ownership, but not beyond any previous right of way or easement line. In the case of movement of any waterway, the boundary shall be construed as remaining at its location.

2-11-2 PROPERTY OR OTHER EDGE LINES AS BOUNDARIES

Where district boundaries appear to follow street, lot, property or other edge lines, they shall be construed as following such lines.

2-11-3 BOUNDARIES OTHER THAN AS ABOVE

District boundaries which appear parallel or perpendicular to, or as extensions of or connecting center lines, edge lines, or other features shown on the map shall be so construed.

2-11-4 BOUNDARIES EXTENDING INTO WATER

Where the full course of boundaries extending into bodies of water is not shown, such boundaries shall be construed as continuing in a straight line to intersect with other zoning boundaries or to jurisdictional limits if no such intersection with a zoning boundary occurs first.

2-11-5 DIMENSIONS

Where dimensions are not otherwise indicated on the zoning map, the scale of the map shall

govern.

2-11-6 UNCLASSIFIED AREAS

Where areas appear to be unclassified on the zoning map, and classification cannot be established by rules set forth herein, such areas shall be considered to be classified as within the Agriculture General District, A-1 until amending action is taken.

2-11-7 INTERPRETATION IN CASES OF UNCERTAINTY

Where application of the rules set forth above fails to establish the location of boundaries with sufficient accuracy for the purposes of these regulations, the Land Use Administrator shall determine the location, provided that no such interpretation shall be such as to divide a lot which was previously and apparently undivided by a district boundary.

2-11-8 JURISDICTIONAL BOUNDARY CHANGES

Where territory is removed from the jurisdictional area of the County, the outbound zoning boundaries of the County shall be considered to have moved with jurisdictional area boundary.

2-12 APPLICATION OF REGULATIONS

The regulations set by this Article within each district shall be minimum or maximum limitations as appropriate to the case and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

2-12-1 USE, OCCUPANCY AND CONSTRUCTION

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be constructed except in conformity with all of the regulations herein as specified for the district in which it is located. No variance shall be granted by the Zoning Board of Appeals with regard to use and density provisions. Any modification of the use and density provisions may be accomplished only through a rezoning of the property in question or an amendment to this Article; both of which are approved by the Board of Supervisors.

2-13 DISTRICT REGULATIONS – CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT **(**Adopted November 13, 2003**)**

2-13-1 FINDINGS OF FACT

The Chesapeake Bay is one of the most important and productive estuaries in the world, providing economic and social benefits to the citizens of Richmond County and the Commonwealth of Virginia. The health of the Bay is vital to maintaining Richmond County's economy and the

welfare of its citizens. Economic development and water quality protection not only may co-exist, they must.

The Chesapeake Bay waters have been degraded significantly by several factors including non-point source pollution from land uses and development. Existing high quality waters are worthy of protection from pollution to guard against further degradation. Certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. With proper management, they offer significant ecological benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. These lands together, designated by Richmond County as Chesapeake Bay Preservation Areas (hereinafter "CBPAs"), need to be protected from destruction and damage in order to protect the quality of water in the Bay and consequently the quality of life in Richmond County and the Commonwealth of Virginia.

2-13-2 PURPOSE AND INTENT

A. This CHESAPEAKE BAY PRESERVATION AREA overlay district is created to implement the requirements of Section 10.1-2100 et seq. of the Code of Virginia, 1950, as amended (The Chesapeake Bay Preservation Act). The intent of the Richmond County Board of Supervisors and the purpose of this overlay district are to: (1) protect existing high quality state waters; (2) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (3) safeguard the clean waters of the Commonwealth from pollution; (4) prevent any increase in pollution; (5) reduce existing pollution; and (6) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Richmond County.

B. This CHESAPEAKE BAY PRESERVATION AREA overlay district shall be in addition to and shall overlay all other zoning districts so that any parcel of land lying in the Chesapeake Bay Preservation Area overlay district shall also lie in one or more of the other zoning districts provided for by this ordinance. Unless otherwise stated in this ordinance, the review and approval procedures provided for in the Subdivision, Erosion and Sediment Control, Wetlands, and Flood Plain Management Ordinances as adopted by Richmond County, shall be followed in reviewing and approving development, redevelopment, and uses within this overlay district.

C. This overlay district is created under the authority of Section 10.1-2100 et seq. of the Code of Virginia, 1950, as amended (The Chesapeake Bay Preservation Act).

2-13-3 DEFINITIONS

A. Agricultural lands - those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.

B. Best Management Practices (BMP's) - a practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

C. Beach - the zone of sedimentary material that extends landward from mean high water level to the place where there is marked change in material of form, or the line of permanent vegetation.

D. Buffer area - an area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

E. Chesapeake Bay Preservation Area (CBPA) - any land designated by the Richmond County Board of Supervisors pursuant to part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20-10 et seq., and Section 10.1-2107 of the Code of Virginia, 1950, as amended. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

F. Construction footprint - the area of all impervious surface including, but not limited to, buildings, roads and drives, parking areas, and sidewalks and area necessary for construction of such improvements.

G. Development - the construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

H. Diameter at breast height (DBH) - the diameter of a tree measured outside the bark at a point 4.5 feet above the ground.

I. Dripline - a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

J. Flood plain - those areas of Richmond County subject to inundation by water of the one hundred (100) year flood as described by the Flood Insurance Study for Richmond County and shown on the Flood Insurance Rate Map series, both prepared by the Federal Emergency Management Agency and dated March 16, 1989.

K. Highly erodible soils – soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula RKLS/T, where R is the rainfall and runoff; K is the soil susceptibility to water erosion in the surface layer; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

L. Highly permeable soils - soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or

greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resources Conservation Service.

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

N. Intensely Developed Areas (IDA's) - a portion of a Resource Protection Area or Resource Management Area designated by the Richmond County Board of Supervisors where development is concentrated and little of the natural environment remains.

O. Nonpoint source pollution - pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as run-off from agricultural and urban land development and use.

P. Nontidal wetlands - those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act, in 33 C.F.R. 328.3b.

Q. Noxious weeds - weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, multiflora rose**,** and *Phragmites australis*.

R. Plan of Development - the process for site plan or subdivision plat review to ensure compliance with Section 10.1-2109 of the Code of Virginia and this Ordinance, prior to any clearing or grading of a site or the issuance of a building permit.

S. Pond - an inland body of water of either artificial or natural construction not connected by surface flow or contiguous to tidal waters.

T. Public Road – a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to Virginia Department of Transportation, including regulations promulgated pursuant to the Erosion and Sediment Control Law (§ 10.1-603.1 et. seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed and maintained, or both, by Richmond County in accordance with the standards of Richmond County.

U. Resource Management Area (RMA) - that component of the Chesapeake Bay Preservation Area not classified as the Resource Protection Area. RMA's include land types that, if

improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

V. Resource Protection Area (RPA) - that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

W. Silvicultural activities - means forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.

X. Substantial alteration – means expansion or modification of a building or development that would result in disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.

Y. Tidal shore or shore - land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Z. Tidal wetlands - vegetated and nonvegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia, 1950, as amended.

AA. Water-dependent facility - a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to: (1) ports; (2) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (3) marinas and other boat docking structures; (4) beaches and other public water-oriented recreation areas; and (5) fisheries or other marine resources facilities.

BB. Wetlands - tidal and nontidal wetlands.

2-13-4 AREAS OF APPLICABILITY

A. The Chesapeake Bay Preservation Area overlay district includes all lands identified as CBPAs as designated by the Richmond County Board of Supervisors and as shown on the Richmond County Chesapeake Bay Preservation Area Map. The Richmond County Chesapeake Bay Preservation Area Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

1. The Resource Protection Area (RPA), as delineated on the Richmond County Chesapeake Bay Preservation Area Map, includes:

a. Tidal wetlands;

b. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
c. Tidal shores;
d. A 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsections A-C above, and along both sides of any water body with perennial flow.

2. The Resource Management Area (RMA) includes all areas of Richmond County not included in the Resource Protection Area. These areas include land types that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. The following land categories were considered by Richmond County in establishing the Resource Management Area:

a. Floodplains;
b. Highly erodible soils, including steep slopes;
c. Highly permeable soils;
d. Nontidal wetlands not included in the Resource Protection Area ;
e. Other lands adjacent to or in close proximity to lands aforementioned in this paragraph, which are necessary to protect the quality of state waters.

B. The Richmond County Chesapeake Bay Preservation Area Map shows only the general location of CBPAs and should be consulted by persons contemplating activities within Richmond County prior to engaging in a regulated activity. The specific location of RPAs on a lot or parcel shall be delineated on each site or parcel as required under Section 2-13-12 of this ordinance through the review and approval of the plan of development process or as required under Section 2-13-11 through the review and approval of a water quality impact assessment.

C. Portions of RPAs and RMAs designated by the Richmond County Board of Supervisors as Intensely Developed Areas shall serve as redevelopment areas. Areas so designated shall comply with all erosion and sediment control requirements and the performance standards for redevelopment in Section 2-13-10 of this ordinance.

D. If the boundaries of a Chesapeake Bay Preservation Area include only a portion of a lot, parcel, or development project, the entire lot, parcel, or development project shall comply with the requirements of this overlay district. The division of property shall not constitute an exemption from this requirement.

2-13-5 USE REGULATIONS

Permitted uses, special exception uses, accessory uses, and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

2-13-6 DEVELOPMENT CRITERIA FOR RESOURCE PROTECTION AREAS (RPAs)

A. Land disturbance or development in Resource Protection Areas may be allowed only when permitted by the Land Use Administrator and if it: (1) is water-dependent; (2) constitutes redevelopment; (3) constitutes development or redevelopment within a designated Intensely Developed Area; (4) is a new use subject to the provisions of Section 2-13-10-C-2 of this ordinance; or (5) is a road or driveway crossing satisfying the conditions set forth in Section 2-13-6-A-3 below.

1. A new or expanded water dependent facility may be allowed provided that the following criteria are met:

    a. It does not conflict with the Comprehensive Plan;
    b. It complies with the performance standards set forth in Section 2-13-10 of this ordinance;
    c. Any nonwater-dependent component is located outside of the RPA; and
    d. Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.

2. Redevelopment on isolated redevelopment sites outside of locally designated Intensely Developed Area sites shall be permitted only if there is no increase in the amount of impervious cover and no further encroachment within the RPA and it conforms to the stormwater management requirements outlined under Section 2-13-10-B-8 of this ordinance and the erosion and sediment control requirements outlined under Section 2-13-10-B-4 of this ordinance.

3. Roads and driveways not exempt under Section 2-13-14 of this ordinance and which comply with the provisions of this ordinance, may be constructed in or across the RPAs if each of the following conditions are met:

    a. The Land Use Administrator makes a finding that there are no reasonable alternatives to aligning the road or drive in or across the RPA;
    b. The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize encroachment in the RPA and minimize adverse effects on water quality;
    c. The design and construction of the road or driveway satisfy all applicable criteria of this ordinance; and
    d. The Land Use Administrator reviews the plan for the road or driveway proposed in or across the RPA in coordination with the plan of development requirements as required under Section 2-13-12 of this ordinance or the Richmond County Subdivision Ordinance.

B. A water quality impact assessment, as outlined in Section 2-13-11 of this ordinance, shall be required for any proposed land disturbance, development, or redevelopment within RPAs and for any development within RMAs when required by the Land Use Administrator because of the unique characteristics of the site or intensity of development.

2-13-7 LOT SIZE

Lot size shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient area outside the Resource Protection Area to accommodate an intended development, in accordance with the performance standards in Section 2-13-10 of this ordinance, when such development is not otherwise allowed in the RPA.

2-13-8 CONFLICT WITH OTHER REGULATIONS

In any case where the requirements of this overlay district conflict with any other adopted land use regulations of Richmond County or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

2-13-9 INTERPRETATION OF RESOURCE PROTECTION AREA BOUNDARIES

A. DELINEATION BY THE APPLICANT

The site-specific boundaries of the Resource Protection Area shall be determined by the applicant through the performance of an environmental site assessment, subject to approval by the Land Use Administrator and in accordance with Sections 2-13-11 or 2-13-12 of this ordinance. The Richmond County Chesapeake Bay Preservation Area Map may be used as a guide to the general location of Resource Protection Areas.

B. DELINEATION BY THE LAND USE ADMINISTRATOR

The Land Use Administrator, when requested by an applicant wishing to construct a single-family residence, may waive the requirement for an environmental site assessment and perform the delineation. The Land Use Administrator may use remote sensing, hydrology, soils, plant species, and other data, and consult other appropriate resources as needed to perform the delineation. If the Land Use Administrator is unable to accomplish an adequate delineation, the applicant may be required to provide a site-specific RPA boundary delineation.

C. WHERE CONFLICT ARISES OVER DELINEATION

Where the applicant has provided a site-specific delineation of the RPA, the Land Use Administrator shall verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Land Use Administrator may render adjustments to the applicant's boundary delineation, in accordance with Section 2-13-12 of this ordinance. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, in accordance with the provisions of Section 2-13-12-H of this ordinance.

2-13-10 PERFORMANCE STANDARDS

A. PURPOSE AND INTENT

The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

The purpose and intent of these requirements is also to implement the following objectives: (1) prevent a net increase in nonpoint source pollution from new development; (2) achieve a 10% reduction in nonpoint source pollution from redevelopment; and (3) achieve a 40% reduction in nonpoint source pollution from agricultural uses.

B. GENERAL PERFORMANCE STANDARDS FOR DEVELOPMENT AND REDEVELOPMENT

1. Land disturbance shall be limited to the area necessary to provide for the proposed use or development.

   a. In accordance with an approved site plan, the limits of land disturbance, including clearing or grading, shall be strictly defined by the construction footprint through the plan of development process. These limits shall be clearly shown on submitted plans and physically marked on the development site.

   b. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Land Use Administrator.

2. Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the proposed use and development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook.

   a. Existing trees over ten (10) inches diameter at breast height (DBH) shall be preserved outside the construction footprint. Other woody vegetation on site shall also be preserved, to the extent practicable, outside the approved construction footprint.

   b. Site clearing for construction activities shall be allowed as approved by the Land Use Administrator through the plan of development review process outlined under Section 2-13-12 of this ordinance.

   c. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected five (5) feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment,

materials, debris, or fill shall not be allowed within the area protected by the barrier.

3. Land development shall minimize impervious cover consistent with the proposed use or development.

   a. Grid and modular pavement use shall be encouraged for any required parking area, alley or other low traffic driveway.

   b. Parking space size shall be the minimum necessary to safely accommodate the anticipated parking load.

4. Notwithstanding any other provisions of this ordinance or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, septic tanks, and drainfields, shall comply with the requirements of the Richmond County Erosion and Sediment Control Ordinance.

5. All development and redevelopment exceeding 2500 square feet of land disturbance shall be subject to a plan of development process, including the approval of a site plan in accordance with the provisions of the Richmond County Site Plan Ordinance; or a subdivision plat in accordance with the Richmond County Subdivision Ordinance; or a Water Quality Impact Assessment in accordance with Section 2-13-11 of this ordinance.

6. All on-site sewage disposal systems not requiring a VPDES permit shall be pumped out at least once every five (5) years, in accordance with the regulations of the Virginia Department of Health.

   As alternatives to pump-out:

   a. An effluent filter may be installed and maintained in the outflow pipe from a septic tank as long as the filter satisfies the standards established in the Sewage Handling and Disposal Regulations under 12 VAC 5-610 et seq., as administered by the Virginia Department of Health, or

   b. Owners of on-site sewage treatment systems may submit documentation, every five years, certified by a sewage handler permitted by the Virginia Department of Health, that the septic system has been inspected, is functioning properly, and does not need to be pumped out.

7. A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided, in accordance with the regulations of the Virginia Department of Health. This requirement shall not apply to any lot recorded prior to October 1, 1989 if such lot is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health

Department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites until the structure is served by public sewer or an on-site sewage treatment system, which operates under a permit issued by the State Water Control Board.

As an alternative to the 100% reserve sewage disposal site, an alternating drainfield system may be provided, which meets the following conditions:

a. Each of the two alternating drainfields in the system shall have, at a minimum, an area not less than 50% of the area that would otherwise be required if a single primary drainfield were constructed.

b. An area equaling 50% of the area that would otherwise be required for the primary drainfield site must be reserved for subsurface absorption systems that utilize a flow diversion device, in order to provide for future replacement or repair to meet the requirements for a sewage disposal system. Expansion of the primary system shall require an expansion of this reserve area.

c. The two alternating drainfields shall be connected by a diversion valve, approved by the local health department, located in the pipe between the septic tank and the distribution boxes. The diversion valve shall be used to alternate the direction of effluent flow to one drainfield or the other at a time.

d. Diversion valves shall not be used for the following types of treatment systems: (1) Sand mounds; (2) Low-pressure distribution systems; (3) Repair situations when installation of a valve is not feasible; and (4) Any other approved system for which the use of a valve would adversely affect the design of the system, as determined by the local health department.

e. The diversion valve shall be a three-port, two-way valve of approved materials (i.e., resistant to sewage and leakproof and designed so that the effluent from the tank can be directed to flow into either one of the two distribution boxes).

f. There shall be a conduit from the top of the valve to the ground surface with an appropriate cover to be level with or above the ground surface.

g. The valve shall not be located in driveways, recreational courts, parking lots, or beneath sheds or other structures.

h. In lieu of the aforementioned diversion valve, any device that can be designed and constructed to conveniently direct the flow of effluent from the tank into either one of the two distribution boxes may be approved if

plans are submitted to the local health department and found to be satisfactory.

i. The local government shall require that the owner(s) alternate the drainfields every 12 months to permit the yearly resting of half of the absorption system.

j. The local government shall ensure that the owner(s) are notified annually of the requirement to switch the valve to the opposite drainfield.

8. For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (4 VAC 3-20-10 et seq.).

a. For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover condition for Virginia's Chesapeake Bay Watershed;

b. For sites within Intensely Developed Areas or other isolated redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent. The Land Use Administrator may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:

1. In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;

2. Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution;

3. If best management practices are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The Land Use Administrator may require a review of both the original structure design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this ordinance;

c. For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.

9. Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Land Use Administrator, in accordance with Section 2-13-12 of this ordinance.

10. Land upon which agricultural activities are being conducted shall have a soil and water quality conservation assessment conducted that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides, and, where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with this ordinance and the Chesapeake Bay Preservation Act (Section 10.1-2100 et seq. of the Code of Virginia, 1950, as amended.).

C. BUFFER AREA REQUIREMENTS

To minimize the adverse effects of human activities on the other components of Resource Protection Areas, state waters, and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.

The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the RPA, in accordance with Sections 2-13-4 and 2-13-12 of this ordinance. Notwithstanding permitted encroachments and modifications, as set forth in this section, the 100-foot wide buffer area is not reduced in width.

The 100-foot buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients.

1. Permitted modifications to the buffer area:

   In order to maintain the functional value of the buffer area, indigenous vegetation may be removed, subject to approval by the Land Use Administrator, only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices (including those that prevent upland erosion and concentrated flows of stormwater), as follows:

   a. Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff;

   b. Any path shall be constructed and surfaced so as to effectively control erosion;

c. Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu, multiflora rose, and *Phragmites australis*) may be removed and thinning of trees allowed as permitted by the Land Use Administrator pursuant to sound horticultural practices;

d. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

2. Permitted encroachments into the buffer area:

When the application of the buffer areas would result in the loss of a buildable area on a lot recorded prior to October 1, 1989, the Land Use Administrator may, through an administrative process, allow encroachment into the buffer area in accordance with Section 2-13-12 of this Ordinance and the following criteria:

a. Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;

b. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effect of the encroachment, and is equal to the area encroaching the buffer area shall be established elsewhere on the lot or parcel; and

c. The encroachment shall not extend into the seaward 50-feet of the buffer area.

3. Redevelopment within IDA's may be exempt from the buffer area, in accordance with Section 2-13-12 of this Ordinance.

4. On agricultural lands**,** the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and appropriate measures may be taken to prevent noxious weeds (such as Johnson grass, kudzu, multiflora rose, and *Phragmites australis*) from invading the buffer area. Agricultural activities may encroach into the buffer area as follows:

a. Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural best management practice which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land (erosion control or nutrient management) is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water

quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil tests, must be developed consistent with the Virginia Nutrient Training and Certification Regulations (4 VAC 5-15) administered by the Virginia Department of Conservation and Recreation.

b. *Agricultural activities may encroach within the landward 75 feet of the 100-foot wide buffer area when agricultural best management practices which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T," as defined in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil tests, must be developed, consistent with the Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15) administered by the Virginia Department of Conservation and Recreation. In conjunction with the remaining buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot wide buffer area.*

c. The buffer area is not required to be designated adjacent to agricultural drainage ditches if at least one best management practice which, in the opinion of the local Soil and Water Conservation District board, addresses the more predominant water quality issue on the adjacent land (erosion control or nutrient management) is being implemented on the adjacent land.

5. Where land uses such as agriculture or silviculture within the area of the buffer cease and the lands are proposed to be converted to other uses, the full 100-foot wide buffer shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions set forth in this ordinance.

2-13-11 WATER QUALITY IMPACT ASSESSMENT

A. PURPOSE AND INTENT

The purpose of the water quality impact assessment is to: (1) identify the impacts of proposed land disturbance, development, or redevelopment on water quality and lands within RPAs and other environmentally sensitive lands; (2) ensure that, where land disturbance, development, or redevelopment does take place within RPA's and other sensitive lands, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of RPA's and other sensitive lands; (3) to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and

storm damage; (4) specify mitigation which will address water quality protection; and (5) provide for administrative relief from terms of this overlay district when warranted and in accordance with the requirements contained herein.

B. APPLICABILITY

A water quality impact assessment shall be required for (1) any proposed land disturbance, development, or redevelopment activity within a Resource Protection Area as permitted consistent with Section 2-13-6 of this ordinance; (2) for any buffer area encroachment as provided for in Section 2-13-10-C-2 of this ordinance; or (3) for any other development in Resource Management Areas as deemed necessary by the Land Use Administrator due to the unique characteristics of the site or intensity of the proposed use or development. There shall be two levels of water quality impact assessments: a minor assessment and a major assessment.

C. MINOR WATER QUALITY IMPACT ASSESSMENT

A minor water quality impact assessment pertains only to land disturbance, development, or redevelopment within the CBPAs, which causes no more than 5,000 square feet of land disturbance and requires any encroachment into the landward 50 feet of the 100 foot buffer area as permitted under Section 2-13-10 of this ordinance. A minor assessment must demonstrate through acceptable calculations that the undisturbed buffer area, enhanced vegetative plantings, and necessary best management practices will result in removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater run-off and that will retard runoff, prevent erosion, and filter nonpoint source pollution the equivalent of the full undisturbed 100-foot buffer area. A minor assessment shall include a site drawing to scale, which shows the following:

1. Location of the components of the RPA, including the 100- foot buffer area;

2. Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;

3. Type and location of proposed best management practices to mitigate the proposed encroachment.

4. Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification;

5. Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion, and runoff control.

D. MAJOR WATER QUALITY IMPACT ASSESSMENT

A major water quality impact assessment shall be required for any land disturbance, development, or redevelopment which (1) exceeds 5,000 square feet of land disturbance within CBPAs and requires any encroachment into the landward 50 feet of the 100-foot buffer area; (2) disturbs any portion of any other component of an RPA or disturbs any portion of the buffer area within 50 feet of any other component of an RPA; or (3) is located in an RMA and is deemed necessary by the Land Use Administrator. The information required in this Section shall be considered a minimum, unless the Land Use Administrator determines that some of the elements are unnecessary due to the scope and nature or the proposed use and development of the land.

The following elements shall be included in the preparation and submission of a major water quality assessment:

1. All of the information required in a minor water quality impact assessment;

2. A hydrogeological element that:

    a. Describes the existing topography, soils, hydrology and geology of the site and adjacent lands;

    b. Describes the impacts of the proposed development on topography, soils, hydrology and geology on the site and adjacent lands;

    c. Indicates the following:

        1. Disturbance or destruction of wetlands and justification for such action;

        2. Disruptions or reductions in the supply of water to wetlands, streams, lakes, rivers or other water bodies;

        3. Disruptions to existing hydrology including wetland and stream circulation patterns;

        4. Source location and description of proposed fill material;

        5. Location of dredge material and location of dumping area for such materials;

        6. Location of and impacts on shellfish beds, submerged aquatic vegetation, and fish spawning areas;

        7. Estimation of pre- and post-development pollutant loads in run-off;

8. Estimation of percent increase in impervious surface on site and type(s) of surfacing materials used;

9. Percent of site to be cleared for project;

10. Anticipated duration and phasing schedule of construction project;

11. Listing of all requisite permits from all applicable agencies necessary to develop project.

d. Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include:

1. Proposed erosion and sediment control concepts; concepts may include minimizing the extent of the cleared area, perimeter controls, reduction of run-off velocities, measures to stabilize disturbed areas, schedule and personnel for site inspection;

2. Proposed stormwater management system;

3. Creation of wetlands to replace those lost;

4. Minimize cut and fill.

5. A vegetative element that:

a. Identifies and delineates the location of all significant plant material, including all trees on site ten (10) inches or greater DBH. Where there are groups of trees, stands may be outlined.

b. Describes the impacts the development or use will have on the existing vegetation. Information should include:

1. General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities;

2. Clear delineation of all trees which will be removed;

3. Description of plant species to be disturbed or removed.

c. Describes the potential measures for mitigation. Possible mitigation measures include:

1. Proposed design plan and replanting schedule for trees and other woody vegetation removed for construction, including a list of possible plants and trees to be used;

2. Demonstration that the re-vegetation plan supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion, and runoff control.

3. Demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation;

4. Demonstration that indigenous plants are to be used to the greatest extent possible.

6. A wastewater element, where applicable, that:

a. Includes calculations and locations of anticipated drainfield or wastewater irrigation areas;

b. Provides justification for sewer line locations on environmentally sensitive areas, where applicable, and describes construction techniques and standards;

c. Discusses any proposed on-site collection and treatment systems, their treatment levels, and impacts on receiving watercourses;

d. Describes the potential impacts of the proposed wastewater systems, including the proposed mitigative measures for these impacts.

7. Identification of the existing characteristics and conditions of sensitive lands included as components of the Chesapeake Bay Preservation Areas, as defined in this ordinance.

8. Identification of the natural processes and ecological relationships inherent in the site, and an assessment of the impact of the proposed use and development of land on these processes and relationships.

E. SUBMISSION AND REVIEW REQUIREMENTS

1. Five copies of all site drawings and other applicable information**,** as required by Sections 2-13-11-C and 2-13-11-D of this ordinance, shall be submitted to the Land Use Administrator for review.

2. All information required in this section shall be certified as complete and accurate by a professional engineer or a certified surveyor.

3. A minor water quality impact assessment shall be prepared and submitted to and reviewed by the Land Use Administrator in conjunction with a site plan.

4. A major water quality impact assessment shall be prepared and submitted to and reviewed by the Land Use Administrator in conjunction with a request for rezoning, special exception, or in conjunction with Section 2-13-12 of this ordinance**,** as deemed necessary by the Land Use Administrator.

5. As part of any major water quality impact assessment submittal, the Land Use Administrator may require review by the Chesapeake Bay Local Assistance Department (CBLAD). Upon receipt of a major water quality impact assessment, the Land Use Administrator will determine if such review is warranted and may request CBLAD to review the assessment and respond with written comments. Any comments by CBLAD shall be incorporated into the final review by the Land Use Administrator, provided that such comments are provided by CBLAD within 90 days of the request.

F**.** EVALUATION PROCEDURE

1. Upon the complete review of a minor water quality impact assessment, the Land Use Administrator shall determine if any proposed modification or encroachment into the buffer area is consistent with the provisions of this ***o***rdinance and make a finding based upon the following criteria:

   a. The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;

   b. Impervious surface is minimized;

   c. Proposed mitigation measures, including the revegetation plan and site design, result in minimal disturbance to all components of the RPA, including the 100-foot buffer area;

   d. Proposed mitigation measures will work to retain all buffer area functions: pollutant removal, erosion, and runoff control;

   e. Proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;

   f. The development, as proposed, meets the purpose and intent of this ordinance;

   g. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

2. Upon the completed review of a major water quality impact assessment, the Land Use Administrator shall determine if the proposed development is consistent with the purpose and intent of this ordinance and make a finding based upon the following criteria:

a. Within any RPA, the proposed development is water-dependent or redevelopment;

b. The percentage of existing wetlands disturbed by the development. The number of square feet or acres to be disturbed;

c. The development will not result in significant disruption of the hydrology of the site;

d. The development will not result in unnecessary destruction of plant materials on site;

e. Proposed erosion and sediment control concepts are adequate to achieve the reductions in run-off and prevent off-site sedimentation;

f. Proposed stormwater management concepts are adequate to control the stormwater run-off to achieve "no net increase" in pollutant loadings;

g. Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits, as well as runoff control and pollutant removal equivalent of the full 100-foot undisturbed buffer area;

h. The design and location of any proposed drainfield will be in accordance with the requirements of Section 2-13-10 of this Ordinance;

i. The development, as proposed, is consistent with the purpose and intent of this overlay district;

3. The Land Use Administrator shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Land Use Administrator on the criteria listed above in subsections 1 and 2.

4. The Land Use Administrator shall find the proposal to be inconsistent with the purpose and intent of this ordinance when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts shall be made by the Land Use Administrator based on the criteria listed above in subsections 1 and 2.

2-13-12 PLAN OF DEVELOPMENT PROCESS

Any land disturbance, development, or redevelopment exceeding 2500 square feet of land disturbance shall be accomplished through a plan of development process prior to any clearing or grading of the site or the issuance of any building permit, to assure compliance with all applicable requirements of this ordinance.

A. REQUIRED INFORMATION

In addition to the requirements of the Richmond County Site Plan Ordinance or the requirements of the Richmond County Subdivision Ordinance, the plan of development process shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the Land Use Administrator. The Land Use Administrator may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.

The following plans or studies shall be submitted, unless otherwise provided for:

1. A site plan in accordance with the provisions of the Richmond County Site Plan Ordinance or a subdivision plat in accordance with the provisions of the Richmond County Subdivision Ordinance;

2. An environmental site assessment;

3. A landscape plan;

4. A stormwater management plan;

5. An erosion and sediment control plan in accordance with the provisions of the Richmond County Erosion and Sediment Control Ordinance.

B. ENVIRONMENTAL SITE ASSESSMENT

An environmental site assessment shall be submitted in conjunction with preliminary site plan or preliminary subdivision plat approval.

1. The environmental site assessment shall be drawn to the same scale as the preliminary site plan or subdivision plat and shall clearly delineate the following environmental features:

    a. Tidal wetlands;

    b. Tidal shores;

    c. Nontidal wetland connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;

d. A 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsections a. through c. above, and along both sides of any water body with perennial flow;

e. Other sensitive environmental features as determined by the Land Use Administrator.

2. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1986.

3. The environmental site assessment shall delineate the site-specific geographic extent of the RPA on the specific site or parcel as required under Section 2-13-4-B of this ordinance.

4. The environmental site assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat, and shall be certified as complete and accurate by a professional engineer, a certified land surveyor or a certified landscape architect. This certification requirement of the Environmental Site Assessment may be waived by the Land Use Administrator when the proposed use of development would result in less than 5,000 square feet of disturbed area.

C. LANDSCAPING PLAN

A landscaping plan shall be submitted in conjunction with preliminary site plan or preliminary subdivision plat approval. No clearing or grading of any lot or parcel shall be permitted without an approved landscaping plan.

Landscaping plans shall be prepared and/or certified by design professionals practicing within their areas of competence as prescribed by the Code of Virginia, 1950, as amended.

1. Contents of the Plan:

a. The landscaping plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing trees on the site ten (10) inches or greater DBH shall be shown on the landscape plan. Where there are groups of trees, stands may be outlined instead. The specific number of trees ten (10) inches or greater DBH to be preserved outside of the construction footprint shall be indicated on the plan. Trees and other woody vegetation to be removed to create a desired construction footprint shall be clearly delineated on the landscape plan.

b. Any required RPA buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this ordinance, shall be shown on the landscaping plan.

c. Within the buffer areas, trees and other woody vegetation to be removed for sight lines, vistas, access paths, and best management practices, as provided for in Section 2-13-10-C-1 of this ordinance, shall be shown on the plan. Vegetation required by this ordinance to replace any existing trees within the buffer area shall also be shown on the landscaping plan.

d. Trees and other woody vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this ordinance shall be shown on the landscaping plan.

e. The plan shall depict grade changes or other work adjacent to trees, which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.

f. The landscaping plan shall include specifications for the protection of existing trees during clearing, grading, and all phases of construction.

g. If the proposed development is a change in use from agricultural or silvicultural to some other use, the plan must demonstrate the re-establishment of vegetation in the buffer area.

2. Plant Specifications:

a. All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.

b. All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards for the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.

c. Where areas to be preserved, as designated on an approved landscaping plan, are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of three (3) planted trees to one (1) removed. Replacement trees shall be a minimum two (2) inches DBH at the time of planting.

d. Use of native or indigenous species.

3. Maintenance

a. The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this ordinance.

b. In buffer areas and areas outside the construction footprint, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of this ordinance.

D. STORMWATER MANAGEMENT PLAN

A stormwater management plan shall be submitted as part of the plan of development process required by this ordinance and in conjunction with site plan or subdivision plat approval.

1. Contents of the Plan

The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this Section. At a minimum, the stormwater management plan must contain the following:

a. Location and design of all planned stormwater control devices;

b. Procedures for implementing non-structural stormwater control practices and techniques;

c. Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations;

d. For facilities, verification of structural soundness, including a Professional Engineer or Class IIIB Surveyor Certification.

2. Site specific facilities shall be designed for the ultimate development of the contributing watershed based on zoning, comprehensive plans, local public facility master plans, or other similar planning documents.

3. All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Virginia Stormwater Management Handbook, Virginia Erosion and Sediment Control Handbook, Virginia Department of Transportation Drainage Manual, or any other good engineering methods deemed appropriate by the Land Use Administrator.

4. The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than the Board of Supervisors, then a maintenance agreement shall be executed between the responsible party and the Board of Supervisors.

E. EROSION AND SEDIMENT CONTROL PLAN

An erosion and sediment control plan shall be submitted that satisfies the requirements of this ordinance and is in accordance with the Richmond County Erosion and Sediment Control Ordinance, in conjunction with the site plan or subdivision plat approval.

F. FINAL PLAN

Final plans for property shall be final plats for land to be subdivided or site plans for land not to be subdivided as required by the Richmond County Site Plan Ordinance.

1. Final plans shall include information shown on the preliminary site plan and the additional information:

   a. The delineation of the Resource Protection Area boundary, including the 100-foot buffer component;

   b. Plat notation of the requirement for pump-out and 100% reserve drainfield sites for onsite sewage treatment systems, when applicable; (Amended June 14, 2012)

   c. Plat or plan note stating that no land disturbance is allowed in the buffer area without review and approval by the Land Use Administrator;

   d. All wetlands permits required by law;

   e. A maintenance agreement as deemed necessary and appropriate by the Land Use Administrator to ensure proper maintenance of best management practices in order to continue their functions.

2. Installation and bonding requirements.

   a. Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no Certificate of Occupancy shall be issued until the installation of required plant materials or facilities is completed, in accordance with the approved site plan.

   b. When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, of other specifications of an approved plan, a Certificate of Occupancy may be issued only if the applicant provides to the Board of Supervisors a form of surety satisfactory to the Land use Administrator in an amount equal to the remaining plant materials, related materials, and installation costs of the required landscaping or facilities and/or maintenance costs for any required stormwater management facilities.

c. All required landscaping shall be installed and approved by the first planting season following issuance of a Certificate of Occupancy or the surety may be forfeited to the Board of Supervisors.

d. All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to the Board of Supervisors. The Board of Supervisors may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.

e. After all required actions of the approved site plan have been completed, the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Land Use Administrator, such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following the receipt of the applicant's request for final inspection. The Land Use Administrator may require a Certificate of Substantial Completion from a Professional Engineer or Class IIIB Surveyor before making a final inspection.

G. ADMINISTRATIVE RESPONSIBILITY

Administration of the plan of development process shall be in accordance with the Richmond County Site Plan Ordinance or the Richmond County Subdivision Ordinance. The Land Use Administrator shall approve, approve subject to conditions, or disapprove the plans in accordance with the reviewing authorities' recommendations. The Land Use Administrator shall return notification of plan review results to the applicant, including recommended conditions or modifications. In the event that the results and/or recommended conditions or modifications are acceptable to the applicant, the plan shall be so modified, if required, and approved.

H. DENIAL OF PLAN, APPEAL OF CONDITIONS OR MODIFICATIONS

In the event the final plan or any component of the plan of development process is disapproved and recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Richmond County Board of Zoning Appeals. In granting an appeal the Board of Zoning Appeals must find such plan to be in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area, or such plan meets the purpose and intent of the performance standards in this ordinance. If the Board of Zoning Appeals finds that the applicant's plan does not meet the above stated criteria, it shall deny approval of the plan.

2-13-13 NONCONFORMING USES AND NONCOMPLYING STRUCTURES

The lawful use of a building or structure which existed on the date of adoption of this overlay district or which exists at the time of any amendment to this overlay district, and which is not in conformity with the provisions of this overlay district may be continued.

No change or expansion of nonconforming use shall be allowed with the exception that:

1. The Land Use Administrator may grant a nonconforming use and development waiver for structures on legal nonconforming lots or parcels to provide for remodeling and alterations to such nonconforming structures provided that:

    a. There will be no increase in nonpoint source pollution load;

    b. Any development or land disturbance exceeding an area of 2500 square feet complies with all requirements of the Richmond County Erosion and Sediment Control Ordinance.

2. An application for the expansion of a nonconforming structure may be approved by the Land Use Administrator through an administrative process provided that the following findings are made:

    a. The request for the waiver is the minimum necessary to afford relief;

    b. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this ordinance to other property owners in similar situations;

    c. The waiver is in harmony with the purpose and intent of this ordinance and does not result in water quality degradation;

    d. The waiver is not based on conditions or circumstances that are self-created or self-imposed;

    e. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;

    f. Other findings, as appropriate and required by Richmond County, are met; and

    g. In no case shall this provision apply to accessory structures

3. An application for a nonconforming use and development waiver shall be made to and upon forms furnished by the Land Use Administrator and shall include for the purpose of proper enforcement of this ordinance, the following information:

a. Name and address of applicant and property owner;

b. Legal description of the property (Tax Map and Parcel Number) and type of proposed use and development;

c. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area;

d. Location and description of any existing private water supply or sewage system.

4. A nonconforming use and development waiver shall become null and void twelve months from the date issued if no substantial work has commenced.

2-13-14 EXEMPTIONS

A. EXEMPTIONS FOR PUBLIC UTILITIES, RAILROADS, PUBLIC ROADS, AND FACILITIES

Construction, installation, operation, and maintenance of electric, local gas lines, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with (1) regulations promulgated pursuant to the Erosion and Sediment Control Law (Section 10.1-560 et seq. of the Code of Virginia, 1950, as amended) and the Stormwater Management Act (Section 10.1-603.1 et seq. of the Code of Virginia, 190, as amended), (2) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or (3) local water quality protection criteria at least as stringent as the above state requirements, are deemed to comply with this overlay district. The exemption of public roads is further conditioned on the following:

1. The road alignment and design has been optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the Resource Protection Area and to minimize the adverse effects on water quality.

2. Exemptions for Local Utilities and other service lines.

B. EXEMPTIONS FOR LOCAL UTILITIES AND OTHER SERVICE LINES

Construction, installation, and maintenance of water, sewer, natural gas, underground telecommunications and cable television lines owned, permitted or both, by a local government or regional service authority shall be exempt from the provisions of this overlay district provided that:

1. To the degree possible, the location of such utilities and facilities shall be outside the RPAs;

2. No more land shall be disturbed than is necessary to provide for the proposed utility installation;

3. All construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and

4. Any land disturbance exceeding an area of 2,500 square feet complies with all Richmond County erosion and sediment control requirements.

C. EXEMPTIONS FOR SILVICULTURAL ACTIVITIES

Silvicultural activities are exempt from the requirements of this overlay district provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the most recent edition of "Forestry Best Management Practices for Water Quality. [Technical Guide]".

D. EXEMPTIONS IN RESOURCE PROTECTION AREAS

Land disturbances in Resource Protection Areas, associated with (1) water wells; (2) passive recreation facilities such as boardwalks, trails, and pathways; and (3) historic preservation and archaeological activities, may be exempted from the requirements of this overlay district provided that they comply with the requirements listed below:

1. Any required permits, except those to which this exemption specifically applies, shall have been issued; and

2. Sufficient and reasonable proof is submitted that the intended use will not deteriorate water quality; and

3. The intended use does not conflict with nearby planned or approved uses; and

4. Any land disturbance exceeding an area of 2,500 square feet shall comply with all Richmond County erosion and sediment control requirements.

2-13-15 EXCEPTIONS

A. A request for an exception to the requirements of Sections 2-13-6 and 2-13-10-C of this ordinance shall be made in writing to the Richmond County Board of Zoning Appeals. It shall identify the impacts of the proposed exception on water quality and on lands within the RPA through the performance of a water quality impact assessment, which complies, with the provisions of Section 2-13-11 of this ordinance.

B. The Board of Zoning Appeals shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with Section

15.2-2204 of the Code of Virginia,1950, as amended, except that only one hearing shall be required.

C. The Board of Zoning Appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this overlay district if the Board of Zoning Appeals finds:

1. Granting the exception will not confer upon the applicant any special privileges that are denied by this ordinance to other property owners of Richmond County;

2. The exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;

3. The exception request is the minimum necessary to afford relief;

4. The exception request will be consistent with the purpose and intent of this overlay district, and not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and

5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

If the Board of Zoning Appeals cannot make the required findings or refuses to grant the exception, the Board of Zoning Appeals shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.

D. A request for an exception to the requirements of provisions of this overlay district other than Sections 2-13-6 and 2-13-10-C shall be made in writing to the Land Use Administrator. The Land Use Administrator may grant these exceptions, provided that:

1. Exceptions to the requirements are the minimum necessary to afford relief; and

2. Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purpose and intent of this overlay district is preserved; and

3. All of the findings listed in Section 2-13-15-C of this ordinance are made.

ARTICLE III
ADMINISTRATION AND PROCEDURES

3-1 PROCEDURES FOR PROCESSING DEVELOPMENT APPLICATIONS

3-1-1 DUTIES OF THE LAND USE ADMINISTRATOR

The Land Use Administrator shall be responsible for coordination of the development review and decision-making process. These responsibilities include:

A. Administering and enforcing the zoning, subdivision, development design and implementation provisions of this Ordinance.

B. Maintaining an accurate record of all amendments to the text and maps of this Ordinance.

C. Receiving and reviewing all applications for completeness and compliance with this Ordinance submitted to Richmond County for development permits.

D. Determining which decision-making procedure (DMP) is specified by this Ordinance as the appropriate decision-making process, and facilitating the processing of every application.

E. Determining which local, state, and federal agencies may be able to provide relevant information thereby ensuring a thorough and complete review of every application and advising those agencies which may want knowledge of an issued permit.

F. Providing staff support to and enforcing all decisions made by the Board of Supervisors, Board of Zoning Appeals, Planning Commission, Historic District Review Committee and Wetlands Board.

G. Notifying the applicant by written notice of an approval, approval with conditions, or denial within ten (10) days of final action.

H. Conducting inspections of buildings and other structures, and uses of land to determine compliance with the provisions of this Ordinance.

I. Performing such other duties and functions as are required by the provisions of this Ordinance.

3-1-2 DECISION-MAKING PATHS (DMPs)

Five different types of decision-making paths (DMPs) are necessary in order to administer the provisions of this Ordinance. These five DMPs are explained below and depicted in Exhibits 1, 2, and 3. Decisions made under these DMPs may be appealed in accordance with Section 3-4 of this Ordinance.

A. Administrative Approval - DMP-A

This decision-making path relates to all development approvals which are issued administratively by staff and do not require approval by the Board of Zoning Appeals (BZA), Board of Supervisors (Board), or any other board or commission appointed by the Board. An application under DMP-a will be processed without a public hearing or notification of adjacent property owners. Staff may solicit input from other agencies, departments, boards, commissions and citizens as deemed necessary. Although it is the intent of the County to review applications with as little delay as possible, some applications may require referral to other agencies. However, a decision shall always be rendered within sixty (60) days of the date a complete application is submitted.

B. Board of Supervisors Approval After A Public Hearing - DMP-B

This decision-making path relates to all development approvals granted by the Board of Supervisors after the conduct of a public hearing. This DMP will involve the solicitation of comments and recommendations from staff, local boards and commissions and other governmental entities before a final decision is made. Public hearings shall be held after public notice is provided in accordance with the public notice provisions of Section 3-3.

The Land Use Administrator shall forward a complete application to the Commission which shall hold at least one (1) public hearing in accordance with the public notice requirements of Section 3-3. Following the hearing, the Planning Commission shall prepare and by motion approve its recommendation, which may include changes to the original application proposal, and transmit such recommendations, together with any explanatory materials, to the Board of Supervisors. The Planning Commission's recommendation shall state the public purposes upon which their recommendation is premised. Failure of the Planning Commission to submit a recommendation to the Board of Supervisors within ninety (90) days of the first meeting of the Commission after the application had been referred to it shall be deemed as a recommendation for approval, unless the application is withdrawn by the applicant prior to the expiration of such time period. The Board will conduct a public hearing advertised in accordance with the public notice provisions specified in Section 3-3. Approval or denial by the Board shall occur within forty-five (45) days after receipt of all state approvals or ninety (90) days after submission of a complete application, whichever is greater. The applicant may relieve the Board and Planning Commission of rendering

a decision within the time periods provided if done so in writing prior to the expiration of the time period.

C. Board of Supervisors Approval, Public Hearing Not Required - DMP-C

This decision-making path relates to all development approvals granted by the Board of Supervisors which do not require a public hearing. DMP-c may involve the solicitation of comments and recommendations from staff, local boards and commissions, and other governmental entities before a final decision is made.

D. Board of Zoning Appeals' Approval - DMP-D

This decision-making path relates to all zoning appeals and requests granted by the Board of Zoning Appeals (BZA). DMP-d involves the conduct of a public hearing after public notice has been provided in accordance with the public notice provisions of Section 3-3. Solicitation of comments and recommendations from the Planning Commission is mandatory before a decision is rendered. Comments and recommendations may also be solicited from staff, local boards and commissions, and other governmental entities before a final decision is made.

E. Wetlands Board Approval - DMP-E

This decision-making path relates to all development approvals granted by the Wetlands Board. The Wetlands Board conducts a public hearing not later than sixty (60) days after receipt of an application for a proposed regulated activity within tidal wetland areas. Public hearings are conducted after public notice has been provided in accordance with the public hearing provisions of Section 3-3. It is mandatory that the applicant, the Board of Supervisors, the Commissioner of the Virginia Marine Resources Commission, the owner of record of any land adjacent to the wetlands in question, the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries, the Department of Environmental Quality, the Department of Transportation, the Army Corps of Engineers and any governmental agencies expressing an interest therein be notified of the hearing by mail not less than twenty (20) days prior to the date set for the hearing. Solicitation of comments and recommendations from staff, local boards and commissions and other governmental entities occurs before a final decision is made.

3-2 PLAN OF DEVELOPMENT PROCESS

The administration of this Ordinance focuses on a plan of development submission and review process which provides for the review of development proposals requiring subdivision and/or site plan submissions.

3-2-1 APPLICATION OF THE PLAN OF DEVELOPMENT PROCESS

A. For purposes of this Ordinance, the following activities shall be considered to be development which shall adhere to the requirements of this section:

(1) Land Disturbing Activity - Any land disturbing activity which would disturb an area 2,500 square feet or greater in size.

(2) Subdivision - The division of land into two or more lots for residential, commercial or industrial purposes.

(3) Change in use - A material change in the type of use of a structure or land, whether temporary or permanent, which would tangibly affect the site's natural environment, parking requirements, transportation patterns, public health or economic values.

(4) Construction, reconstruction or alteration - A building operation involving construction, reconstruction or alteration of the size of a structure which would result in a tangible effect on the site's natural environment, parking requirements, transportation patterns, public health or economic values.

(5) Increase in land use intensity - A material increase in the intensity of land use, such as an increase in the number or size of businesses, manufacturing establishments, offices or dwelling units in a structure or on land, when such increase would tangibly affect the site's natural environment, parking requirements, transportation patterns, public health or economic values.

(6) Mining, filling or dredging - Commencement of any mining, filling or dredging operation on a parcel of land.

(7) Change in effects of conditions - In connection with the use of land, the making of any material change in noise levels, vibration levels, lighting intensity, thermal conditions, odors or emissions of waste material.

(8) Alteration of a shore, bank or floodplain - Material alteration of a shore, bank, floodplain of a river, stream, lake, other natural water body, or any area within the Resource Protection Area (RPA).

(9) Reestablishment of an abandoned use - Reestablishment of a use on land (excluding forestry and farming activities) or in a structure which has been abandoned for one year or more and which use, site and structure do not conform to this Ordinance.

B. The following activities shall not be considered development requiring the submission of a plan of development to the Land Use Administrator for review unless the activity is not permitted or is restricted in any base or overlay zoning district. When requested by an applicant in writing, the Land Use Administrator will reply in writing formally confirming the exempt status of the proposal.

(1) Minor Land Disturbing Activities - Minor land disturbing activities such as home gardens and individual landscaping, repairs and maintenance work.

(2) Service Connections - Individual service connections.

(3) Underground Utilities - Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk, provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced.

(4) Agricultural Activities - Tilling, planting, or harvesting of agricultural, horticultural, or forest crops or livestock feedlot operations, including agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, and land drainage.

(5) Transfer of Title - A transfer of title to land not involving the division of land into parcels.

(6) Leases and Easements - The creation or termination of leases and easements concerning development of land, or other rights, except that no easement required by this chapter or made a condition of plan of development approval may be terminated without the approval of the County.

(7) Legal Exhibits and Documents - The recording of any documents or plats/plans expressly for the purposes of reference or attachment to a publicly recorded document when such recording does not result in subdivision of land into parcels. Such recording may include, but is not limited to, documents such as master deeds or covenants, or plats/plans for mortgage or HUD filing purposes.

(8) Combination or Recommendation of Lots - The combination or recombination of portions of previously platted lots where the total number of lots is not increased, no new streets are created, and the resultant lots do not in any way result in a newly created or diminished state of compliance with the requirements of this Ordinance.

(9) Sale or gift of a single division of a lot or parcel to each member of the immediate family of the property owner which shall not be for the purpose of

circumventing this Ordinance; shall be subject to the minimum lot area, dimensional and environmental requirements of this Ordinance; shall not result in the creation of new streets; and shall be surveyed and then recorded in the Courthouse. For the purpose of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, including spouse, parent, grandparent or grandchild of the owner.

(10) The sale or exchange of parcels between adjoining property owners where such sale or exchange does not create additional building sites, streets, or a lot or parcel which does not meet the minimum area and dimensional requirements of this Ordinance.

(11) The division of a tract of land in order that one or more of the resulting parcels may be used as part of a well lot, public utility right-of-way, or other public or private right-of-way other than a street, provided no additional building lots or streets are created.

(12) The partition of lands by court order.

(13) Where a viable dwelling unit exists on a large tract of property on or before August 10, 1989, a lot may be created to include the dwelling unit provided the density of the resultant parcels shall not be greater than one dwelling unit per acre. Such a lot must meet the area and dimensional requirements of this Ordinance. An existing legal right-of-way will be sufficient to provide access to the lot as long as the lot created is precluded from future subdivision by deed restrictions and no new streets are created.

(14) Divisions of large tracts of property where the resultant parcels shall be used for agricultural, forestal or other undisturbed open space provided such parcels are served by no newly created streets, but instead are served by a private right-of-way with a minimum width of twenty-five (25) feet. The plats and deeds for such parcels shall show that the parcels are not for residential or any other use except for those uses stated above.

(15) Maintenance, Renewal, Improvement or Alteration - Work for the maintenance, renewal, improvement or alteration of any structure which involves no material change of use and is confined to the interior in its entirety and exterior facade, excluding signs.

(16) Incidental Dwelling Uses - The use of any structure or land devoted to single family dwelling uses for any purpose customarily associated with the enjoyment of such dwelling.

(17) Home Occupations Within - Home occupations confined entirely within a residential structure and clearly as a secondary use, with no advertising of the

home occupation allowed on the site or on the structure, and no disruption to the normal character of the neighborhood or area.

(18) Temporary Uses, Non-Material - Those activities of short duration or of a seasonal nature which do not materially affect the site's natural environment, parking requirements, transportation patterns, public health or economic values.

(19) Public Projects - The construction of any public street or other public way, grounds, building, structures or public utility which was approved by a public agency under separate, comparable administrative procedures.

(20) The submission of a site plan for a detached dwelling unit used solely for residential purposes and/or its accessory buildings and uses on a lot, including customary accessory buildings incidental to farms, shall not be necessary unless the proposed land disturbing activity results in a land disturbance exceeding 2,500 square feet in area, or if any encroachment into or disturbance of a Resource Protection Area (RPA) is proposed.

3-2-2 PRE-APPLICATION CONFERENCE

An applicant or the applicant's authorized representative are strongly urged to arrange a pre-application conference with the Land Use Administrator. The purpose of the conference is to:

A. Acquaint the applicant with the substantive and procedural requirements of this Ordinance.

B. Provide for an exchange of information regarding the proposal as well as applicable elements of the comprehensive plan and pertinent regulatory and submission requirements.

C. Advise the applicant of any known state or federal permits which must be obtained.

D. Identify policies, regulations and site features that create opportunities or pose significant constraints for the proposed development.

E. Obtain copies of all necessary application forms.

F. Order a Resource Inventory for Pre-Development Planning and Design as provided for in Section 3-2-4.

3-2-3 DEVELOPMENT PERMIT APPLICATION

An application for a development permit shall consist of the following materials in sufficient copies as determined by the Land Use Administrator to permit an expeditious and comprehensive review.

A. A completed development permit application form, together with the required fee, providing an explanation of intent, stating the nature of the proposed request, pertinent background information, and other information that may have a bearing on determining the action to be taken.

B. Evidence that the property affected by the application is in the exclusive ownership or control of the applicant or that the applicant has the written consent of all partners in ownership of the affected property.

C. A plan of development as required by Section 3-2-5.

D. Resource Inventory for Pre-Development Planning and Design (Section 3-2-4).

E. Additional information required by other sections of this Ordinance because of the type of development proposed, the area involved, or the impact associated with the request.

3-2-4 USE OF A RESOURCE INVENTORY FOR PRE-DEVELOPMENT PLANNING AND DESIGN REQUIRED WITH EVERY APPLICATION FOR DEVELOPMENT

Unless waived in whole or in part as provided by Section 3-2-7, all applications shall be accompanied by a Resource Inventory for Pre-Development Planning and Design (Resource Inventory). The Resource Inventory shall consist of a composite inventory map of the site's significant and sensitive natural and cultural resources. The decisions rendered by Richmond County in consideration of applications for development will be based in large part on the sensitivity of the applicant's proposal as it relates to these significant and sensitive features. Richmond County will look most favorably upon development proposals which preserve, protect and accommodate resources through the careful positioning and placement of land development activities away from these resources.

This map will be generated by the Richmond County Resource Information System, a computer database, and provided to prospective applicants upon request and in return for payment of the prescribed fee. Prospective applicants are encouraged to secure this information from the Land Use Administrator at the Pre-Application Conference (Section 3-2-2) so it can be used as a basis for the development of sketch plats/plans (Section 3-2-8) and subsequent submittals. Resource factors included in the Resource Inventory for Pre-Development Planning and Design are tidal wetlands, tidal shores, connected and non-connected nontidal wetlands, flood plains, steep slopes, highly erodible and permeable soils, historic and archaeological sites, septic suitability, prime agricultural and forest lands, significant habitat areas, and significant viewsheds. The Land Use Administrator/plan-approving authority may require original fieldwork particularly as it relates to RPA delineation if deemed necessary in order to ensure the highest level of accuracy.

3-2-5 SUBMISSION OF A COMPLETE DEVELOPMENT PERMIT APPLICATION

Application materials shall be submitted to the Land Use Administrator, who shall indicate the date of submission on the application. Within ten (10) working days after the date of submission, the Land Use Administrator shall determine whether an application is sufficiently complete to be forwarded along the proper DMP. If the Land Use Administrator determines that the application is incomplete or the necessary attachments have not been submitted, he shall immediately notify the applicant of this negative determination by mail or otherwise convey an explanation to the applicant. An application for which a negative determination has been made may be resubmitted (without charge if the original fee submission was as required) after it is revised to overcome the reasons for the negative determination. If a development permit application is in conformance with the submission provisions of this Ordinance, the Land Use Administrator shall accept it, deem it to be complete, note the date of acceptance, assign an application number, and initiate application processing in accordance with the appropriate DMP.

3-2-6 DOCUMENTS TO BE SUBMITTED

A. The documents to be submitted are intended to provide the plan-approving authority with sufficient information and data to ensure that the proposed development meets the zoning, and design and improvement standards contained in this Ordinance. The documents to be submitted will vary depending upon the nature of the development request and the approvals required to be obtained. The documents and details to be submitted are indicated within Exhibit 4.

B. Submission of a Community Impact Analysis

The potential impact of certain development proposals on the County, as well as any development in close proximity to naturally or culturally significant areas, may require a more detailed level of scrutiny on the part of the plan-approving authority. If it is deemed that a project may be of potential negative impact which would compromise the integrity of the Comprehensive Plan, or be inconsistent with the purposes of this Ordinance as stated in Section 1-3 or with the overall spirit of this Ordinance, the plan-approving authority may require the submission of a Community Impact Analysis. The precise content of a Community Impact Analysis will be made specific by the plan-approving authority in response to the specific concerns it has with the development proposal. However, the scope of issues which the plan-approving authority could request the applicant to address include, but are not limited to:

- Archaeological and Historic Surveys
- Cultural and Natural Resource Impact Studies
- Fiscal Impact Analysis
- Governmental Services Impact Analysis
- Groundwater Studies
- Residential and Commercial Market Studies defining capacity for growth and the impact of the proposal on existing markets
- Traffic Impact Analysis

- Utility Analysis

3-2-7 WAIVER OF SUBMISSION REQUIREMENTS

The Land Use Administrator may waive all or some of the submission requirements for those applications within DMP-a if he has determined that a complete and thorough review of the application can be accomplished without submittal data which is absent. The Land Use Administrator shall document the reasons for waiving submission requirements.

The plan-approving authorities within DMP-b to DMP-e will make the final determination if a waiver from submittal requirements is warranted. The fact that the Land Use Administrator may label an application within DMP-b to DMP-e as complete for processing does not preclude the approving entity from requesting the submission of clarifying information or additional data.

3-2-8 SUBMISSION OF SKETCH PLATS AND SKETCH PLANS

A conceptual sketch of the proposed subdivision or site plan is not required but is strongly recommended as an option which may help expedite the review of an application. The submission of a conceptual sketch affords the applicant the opportunity to discuss the proposal in its formative stages and receive the advice of the Land Use Administrator relative to procedural requirements and applicable ordinance provisions. The applicant shall submit two (2) copies of the sketch along with a completed application form. The conceptual sketch should contain sufficient information accurately depicted in order to permit the Land Use Administrator to responsively and responsibly be of assistance. The Land Use Administrator shall return a marked up copy of the sketch plat/plan to the applicant depicting any comments and recommendations. The second copy and accompanying application form will be retained for filing.

3-2-9 SIMULTANEOUS REVIEW OF PLATS AND PLANS AND OTHER REQUESTS

A. Where a proposed subdivision is a part of a development for which site plan approval is required, the subdivision plat/plan and the site plan will be reviewed at the same time as nearly as possible under the requirements of these regulations.

B. With the approval of the plan-approving agent, applications for preliminary and final approval may be combined into a single submission requesting final approval.

C. Plats and plans may be approved conditionally pending receipt of other approvals such as variance relief, wetlands permits, special exceptions, etc.

3-2-10 SUBMISSION OF A MINOR SUBDIVISION/SITE PLAN

A. Any applicant requesting approval of a proposed minor subdivision and/or minor site plan (activities and uses associated with an individual single family home) shall submit five (5) copies of the Plan required by this Ordinance along with a completed

application form and the prescribed fee to the Land Use Administrator. (*Amended December 8, 2005)*

B. The application will be declared completed or incomplete within ten (10) days.

C. Final action will be taken by the Land Use Administrator within thirty (30) days if no public hearings are required for simultaneous wetlands applications, waivers, variance requests, etc.

3-2-11 SUBMISSION OF A MAJOR SUBDIVISION/SITE PLAN

All major subdivisions and site plans shall be processed as specified below.

3-2-11A GENERAL DEVELOPMENT PLAN

Applicants of major site plans exceeding 10 acres (as measured by the limits of development), major subdivisions of 25 or more proposed lots, and Residential Mixed Use applications shall have the option of dividing preliminary approval into two parts: Phase One - General Development Plan, and Phase Two - Preliminary Approval. This will enable the applicant to present large scale plans with a description, but not full engineering details as part of Phase One. With conditional Phase One approval, the applicant can proceed with a higher level of confidence to Phase Two during which significant engineering expenses are generally incurred.

Fifteen (15) sets of all required submission materials shall be submitted to the Land Use Administrator for distribution to the Planning Commission. The procedures of DMP-b will be utilized. It may be necessary for additional sets of original or revised materials to be submitted to facilitate agency reviews and for the use of the Board after the Planning Commission has forwarded their recommendation to the Board for final action.

3-2-11B ADMINISTRATIVE MAJOR SUBDIVISION/SITE PLAN APPROVAL

Major subdivisions resulting in the creation of less than 25 lots and/or site plans on areas of less than 10 acres (as measured by the limits of development) may be approved by the Land Use Administrator in accordance with the procedures of DMP-A. At his option, the Land Use Administrator may refer the application to the Planning Commission for review and comment and/or to the Board of Supervisors for preliminary approval in accordance with the procedures of DMP-C. The Board, at its option, may elect to process such a request in accordance with DMP-B.

Five (5) complete sets of submittal materials shall be submitted for processing in accordance with DMP-A. If DMP-B or DMP-C is utilized, fifteen (15) complete sets shall be submitted.

Final approval shall be contingent upon the acceptance of any required performance and maintenance guarantees as per Section 3-6 of this Ordinance.

3-2-11C MAJOR SUBDIVISION/SITE PLANS APPROVAL BY THE BOARD OF SUPERVISORS

Major preliminary subdivisions resulting in the creation of 25 lots or more, and site plans on areas 10 acres or greater in size (as measured by the limits of development) shall be processed in accordance with DMP-B.

Major final plat/plan approval shall be processed in accordance with DMP-c. Final approval shall be contingent upon the acceptance of any required performance and maintenance bonds as per Section 3-6 of this Ordinance.

3-2-11D EFFECT OF GENERAL DEVELOPMENT PLAN/PRELIMINARY SUBDIVISION/SITE PLAN APPROVAL

(1) The applicant shall have not more than twelve (12) months after receiving official notification concerning tentative approval of a general development plan to submit an application for Phase Two - preliminary approval. Failure to do so shall make the general development plan approval null and void. The Land Use Administrator may grant an extension of this time limit for a total of no more than one (1) year if requested to do so in writing, provided sufficient justification is given by the applicant.

(2) The applicant shall have not more than six (6) months after receiving official notification concerning approval of a preliminary plat/plan to submit an application for final plat/plan approval. Failure to do so shall make preliminary approval null and void. The Land Use Administrator may grant an extension of this time limit for a total of not more than one (1) year if requested in writing, provided sufficient justification is given by the applicant. Remaining sections of a phased development plan shall not become null and void as long as final plats/plans are submitted for approval with no lapse exceeding three (3) years in time between the submittal of final sections.

3-2-11E EFFECT OF FINAL APPROVAL OF SUBDIVISIONS AND SITE PLANS

(1) A single black line print and a film positive of an approved major final site plan shall be submitted to the Land Use Administrator for filing. An approved final site plan shall be null and void if, in the opinion of the Land Use Administrator, no significant work is done or development is made on the site within twelve (12) months after the date of site plan approval. A single one year extension upon written request of the applicant with sufficient justification may be granted by the Land Use Administrator.

(2) Five black line prints of an approved final subdivision plat shall be submitted to the Land Use Administrator for signatures. When a final subdivision plat has been approved, executed and acknowledged in accordance with the provisions of this article, it shall be recorded in the Office of the Clerk of Circuit Court of Richmond County within six (6) months after final approval. No final plat of a subdivision shall be recorded unless and until it has been submitted to and approved by the County; and

no Clerk or Deputy Clerk of the Circuit Court of the County shall file or record a subdivision plat until the plat has been approved by the County and unless the plat is submitted for recordation within six (6) months of the date of final approval by the County. Unless the approved plat is filed for recordation within six (6) months after final approval, such approval shall be withdrawn and the plat marked void and returned to the applicant.

3-2-12 ADJUSTMENTS TO APPROVED SITE PLANS

After a site plan has been approved, minor adjustments to the site plan, which comply with the spirit of this Ordinance and with the general purpose of the Comprehensive Plan for development of the area, may be approved by the Land Use Administrator with notice of the change given to the original plan-approving authorities. Deviation from an approved site plan without the written approval of the Land Use Administrator shall void the plan and the applicant shall be required to resubmit a new site plan for consideration.

Any major revision of an approved site plan may be made in the same manner as originally approved and any requirements of this Ordinance may be waived by the Land Use Administrator in specific cases where such requirement is found to be unreasonable and where such waiver will not be adverse to the purpose of this Ordinance.

3-2-13 ADJUSTMENTS TO APPROVED SUBDIVISION PLATS

No change, erasure or revision shall be made on any preliminary or final plat, nor on accompanying data sheets after approval of the County has been endorsed in writing on the plat unless authorization for such changes have been granted in writing by the Land Use Administrator.

3-2-14 WETLAND PERMITS REQUIRED BEFORE FINAL APPROVAL

No final approval will be granted until evidence of approvals for all wetland permits required by law are submitted to the Land Use Administrator.

3-3 PUBLIC NOTICE REQUIREMENTS

Prior to a public hearing as required by DMP-B, DMP-D and DMP-E, notice as required by this section shall be given. No final decision shall be rendered on an application requiring a public notice until notice is given. Notice of pending applications need not be advertised in full, but may be advertised by reference, provided that the place where a copy of the application or proposal may be viewed shall be included in the notice.

A. Notice shall be published once a week for two successive weeks (at least six days apart) in a newspaper having general circulation in the County. Notice shall specify the time and place of the public hearing, which shall be held not less than six days nor more than twenty-one days after the second advertisement shall have appeared. The

Land Use Administrator, or his designee, will arrange for the publication of the newspaper notice.

B. When notice is required by this Ordinance, written notice shall be sent by the Land Use Administrator, or his designee, in accordance with 15.1-431 of the Code of Virginia.

C. Notice shall also be provided by the posting of at least one sign on the property in question by the Land Use Administrator, or his designee, at least 15 days prior to the date of the public hearing. Additional signs shall be required for properties with more than one road frontage. Signs shall be posted in the following manner:

(1) All signs shall be posted so as to assure the greatest public visibility practical.

(2) Signs shall be posted adjacent to the street right-of-way abutting the site, no more than ten (10) feet from the edge of said right-of-way. If more than one street abuts the site, at least one sign shall be posted along each abutting street. If no street abuts the site, at least one sign shall be posted along the closest public street, with a note added to locate the property in direction and distance from the sign.

(3) Signs shall be maintained in good condition until the public hearing, and shall be replaced if damaged or removed as soon as practical. It shall be a violation of this Ordinance to damage or remove a public notice sign erected under these provisions, and each sign shall carry a warning to this effect.

D. The Land Use Administrator, or his designee who has performed notice as prescribed above, shall make affidavit to such and file it with the papers in the case.

3-4 APPEALS OF DECISIONS RENDERED

3-4-2 APPEALS OF ADMINISTRATIVE DECISIONS

A. Any person aggrieved, or any entity of government affected by an order, requirement, decision or determination made by the Land Use Administrator in the administration or enforcement of the provisions of this Ordinance may file an appeal.

If the Land Use Administrator's action was in the administration and enforcement of this Ordinance, the appeal shall be heard by the Board of Zoning Appeals. This appellant process (DMP-D) requires a public hearing with notice provided in accordance with Section 3-3.

B. Appeals must be filed within thirty (30) days of the date of the decision by filing with the Land Use Administrator and the hearing board, a notice of appeal specifying the grounds for appeal. The Land Use Administrator shall transmit all the papers constituting the record upon which the action appealed from was taken to the hearing

board. An appeal shall stay all proceedings in furtherance of the appealed action unless the Land Use Administrator certifies to the hearing board that by reason of the facts stated in his certificate, a stay would in his opinion cause imminent peril to life or property. In this case, proceedings shall not be stayed otherwise than by a restraining order granted by the hearing board or by a court of record, on application and on notice to the Land Use Administrator and for good cause shown.

3-4-2 APPEALS OF DECISIONS MADE BY THE BOARD OF SUPERVISORS, BOARD OF ZONING APPEALS AND THE WETLANDS BOARD

Every action contesting a decision of the Board of Supervisors, and the Board of Zoning Appeals shall be filed within thirty (30) days of such decision with the Clerk of Circuit Court of Richmond County. Appeals of the decisions of the Wetlands Board may be made as provided by Section 28.2-1302 et. seq. of the Code of Virginia.

3-5 AMENDMENTS

3-5-1 INITIATING AN AMENDMENT

A. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Supervisors may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated:

(1) By resolution of the Board;

(2) By motion of the Planning Commission; or

(3) By submission of an application to the Land Use Administrator by the owner, contract purchaser with the owner's written consent, or the owner's agent for the property which is the subject of the proposed amendment.

B. If an application for an amendment has been denied by the Board, substantially the same petition shall not be reconsidered within three hundred sixty-five (365) days of the denial. This provision shall not impair the right of either the Planning Commission or the Board to propose any amendment to this Ordinance on their own motion at any time.

3-5-2 PROCESSING AN AMENDMENT REQUEST

Amendments shall be processed in accordance with DMP-B as described in Section 3-1-2B.

3-6 PERFORMANCE AND MAINTENANCE GUARANTEES REQUIRED BEFORE FINAL APPROVALS

A. Prior to receipt of a final approval for any development activity or as a condition thereof, all improvements required by this Ordinance shall be completed, or provisions made for their completion, in accordance with one of the following methods:

(1) Installation and completion by and at the expense of the developer;

(2) The furnishing by the developer to the Land Use Administrator of a certified check or a personal, corporate or property bond with cash escrow or other method of performance guarantee approved by the County Attorney. This guarantee should be sufficient to cover the cost of all improvements required to be installed by the developer as estimated by the Land Use Administrator; or

(3) The furnishing by the developer to the Land Use Administrator of evidence of the existence of agreements between the developer and qualified contractors for the installation and completion of the improvements and the contractors' performance guarantees for the benefit of the County and the developer, and satisfactory to the County Attorney, in an amount sufficient to cover the cost of all the improvements required to be installed by the developer as estimated by the Land Use Administrator.

B. In the event that the developer elects to proceed by methods (2) or (3) as outlined in Section 3-6-A above, the developer shall set a time, subject to the approval of the Land Use Administrator, by which it is estimated the improvements will be installed and the work in its entirety completed. Unless an extension of that time is approved by the Land Use Administrator and a new estimated date of accomplishment and completion of the improvements is established, the County, at its discretion, may make use of the performance guarantee.

C. Upon the completion of the installation of all improvements, the developer shall furnish a statement prepared by a certified surveyor or engineer, to the effect that all construction is in substantial conformity to the regulations and requirements of this Ordinance, and the plans as approved by the County. If this submittal is approved by the County, the bond, escrow or other guarantee of completion shall be released within thirty (30) days of receipt of written notice from the developer to the Land Use Administrator, unless such developer is notified in writing by the Land Use Administrator of a delay in such release and the reasons therefore. The County may retain up to 25 percent of the bond or other obligation for use in repair of improvements as may be necessary within one year of completion.

D. Any bond, escrow or guarantee posted in lieu of payment may be released in part as construction progresses if approved as partially completed by the Land Use Administrator and when done in accordance with a predetermined release schedule.

E. In the event the developer has, in the opinion of the Land Use Administrator, just cause for not completing the improvements in the entire development where a satisfactory performance guarantee has been posted, the Land Use Administrator may release the developer from his obligation to complete all of the improvements in the development provided the developer furnishes a statement by a licensed surveyor or engineer to the effect that all construction which has been completed, conforms to the regulations and requirements of this Ordinance and the plans as approved by the County.

3-7 CERTIFICATE OF COMPLIANCE, BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

3-7-1 DEVELOPMENT PERMITS

A. Certificate of Compliance

The Land Use Administrator will issue a Certificate of Compliance for those proposals which have obtained all necessary approvals and permits and comply with this Ordinance before any building permits and certificates of occupancy are issued by the Building Official. Certificates of Compliance will also be issued for all land disturbing activities, as defined.

B. Building Permits

A building permit shall be required before any building or other structure may be erected, altered, converted, reconstructed, relocated, extended or enlarged. When issued by the Building Official, such permit shall be valid for not more than six (6) months, unless otherwise provided.

C. Manufactured Home - Building Permit Required

No manufactured home shall be placed for occupancy without the issuance of a building permit from the Building Official.

D. Existing Permits

No building permit lawfully issued prior to the effective date of this Ordinance, and in full force and effect at said date, shall be invalidated by the passage of this Ordinance, or any amendment, but shall remain a valid permit, subject only to its own terms and provisions and Ordinances, rules, and regulations pertaining thereto, and in effect at the time of the issuance of such permit. However, all such permits shall expire not later than six (6) months from the effective date of this Ordinance, unless actual construction shall have begun and continued pursuant to the terms of the permit.

E. Plans to Accompany Applications for Permits

All applications for a development permit shall be accompanied by an approved plan resulting from a positive determination associated with its processing in accordance with Section 3-1-2 of this Ordinance. The Land Use Administrator may waive this requirement for an approved plan of development in whole or in part when such plan would be clearly unnecessary to a decision relative to the issuance of a certificate of compliance.

3-7-2 CERTIFICATES OF OCCUPANCY

A. No building or other structure shall be used, occupied, or changed in use, until a certificate of occupancy has been issued by the Building Official, stating that the building or other structure or proposed use of a building or other structure complies with the building code.

B. A certificate of occupancy shall be applied for along with the application for a building permit and shall be issued within 10 days after the erection or structural alteration of such buildings or other structures when completed in accordance with the plans submitted with the application for a building permit.

C. A certificate of occupancy may be issued for a part of a building or other structure or development or section thereof if completed in accordance with the provisions of the approved plan and the building code even though the entire building or other structure or development or section thereof has not been completed. The Building Official must find however that such occupancy is consistent with the public's health, safety and welfare.

D. The Building Official may issue a temporary and contingent certificate of occupancy for a period not to exceed six (6) months where, because of the unusual nature of the uses, a trial period of operation is, in the Land Use Administrator's opinion, the most appropriate way to determine actual compliance with the provisions of this Ordinance.

E. The Land Use Administrator may require the applicant to post a performance guarantee as provided by Section 3-6 sufficient to guarantee the completion, by a specific time, of site improvements related to the buildings and structures for which a certificate is sought.

3-8 APPLICATION FEES AND ESCROW SCHEDULE

Application fees as determined by the Board of Supervisors are to cover the administrative costs incurred by the County in processing applications and are non-refundable. After an application is submitted to the Land Use Administrator, the applicant may be required to execute an escrow agreement with the County. The escrow accounts are to pay all necessary and reasonable costs incurred by the County for the professional review of an application by

an Engineer, Planning Consultant, Attorney, and other professionals retained by the County to review and make recommendations on an application for development. The amounts specified for escrow are estimates which shall be paid prior to certification of a complete application. If the amounts posted are more than those required, the excess funds shall be returned to the applicant within fourteen (14) days of the issuance of a certificate of occupancy for the project. In the event that more than the amounts specified for escrow are required to pay the reasonable costs incurred, the applicant shall pay all additional sums required prior to being permitted to take the next step in the approval procedure, or in any event, prior to obtaining certificates of occupancy for any element of the project. The Land Use Administrator shall determine whether there are sufficient amounts in the escrow fund to pay pending bills. If there are insufficient funds in escrow, the Land Use Administrator will notify the applicant of the amounts needed. In addition to these terms, the escrow agreement may include any additional terms which are agreed to by the applicant and the Land Use Administrator. The Land Use Administrator shall maintain an itemized account for each application and shall, upon the request of the applicant, supply a copy of said account. All charges against any escrow account shall be made by purchase order and voucher and shall be approved by the County Administrator.

3-9 VIOLATIONS, ENFORCEMENT AND PENALTIES (*Amended November 8, 2007)*

3-9-1 VIOLATIONS

A. In case any lot, building or other structure is erected, constructed, altered, repaired, converted, or used in violation of this Ordinance, the Land Use Administrator shall serve notice on the person committing or permitting the violation. If the violation has not ceased within a reasonable time specified by the Land Use Administrator, action appropriate to terminate the violation shall be taken.

B. Where there is reasonable cause to believe that violation of this Ordinance has occurred, the Land Use Administrator or his authorized representative, with the land owners permission (which may include right of entry language on issued permits) may enter the premises for the purpose of inspection. Where permission to enter is withheld, the Land Use Administrator shall seek a court order from the General District Court of Richmond County. A search warrant from a magistrate of the jurisdiction may be issued to facilitate inspection.

3-9-2 ENFORCEMENT *(Amended November 8, 2007)*

A. The Land Use Administrator shall be vested with all necessary authority on behalf of the County to administer and enforce this Ordinance and any approvals including conditions attached to a rezoning or amendment to a zoning map such as:

(1) The order in writing of the remedy of any noncompliance with such conditions;

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

(3) Requiring the submittal of performance and maintenance guarantees as specified in Section 3-6.

B. After having served a notice of violation on any person committing or permitting an infraction of the Ordinance provisions specified in Section 3-9-3B(3) and if this violation has not ceased within the reasonable time specified in the notice, then upon the approval of the County Attorney, the Land Use Administrator shall cause two (2) copies of a summons to be served to the person, either by certified mail (return receipt requested), *by hand delivery*, or by posting on the front door of the abode of such person.

The summons shall contain the following information:

(1) The name and address of the person charged.

(2) The nature of the infraction and the Ordinance provision(s) being violated.

(3) The location, date and time that the infraction occurred or was observed.

(4) The amount of the civil penalty assessed for the infraction.

(5) The manner, location and time in which the civil penalty may be paid to the County.

(6) The right of the recipient of the summons to elect to stand trial for the infraction and the date for such trial.

The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the County Treasurer at least seventy-two (72) hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court, however, an admission shall not be deemed a criminal conviction for any purpose.

3-9-3 PENALTIES *(Amended November 8, 2007)*

The owner or any person acting for the owner who assists in the violation of this Ordinance, shall each be guilty of a separate offense and upon conviction, punished as provided below.

A. Any violation of the provisions of this Ordinance, other than those specified in Section 3-9-3B below, shall be deemed a misdemeanor and shall be punishable by a fine of not less than ten dollars ($10.00) nor more than one thousand dollars ($1,000.00). Each day such violation exists shall constitute a separate offense.

B. Infractions and Civil Penalties

(1) A violation of Ordinance provisions identified in Section 3-9-3B(3) shall be deemed an infraction and shall be punishable by a civil penalty consisting of a fine of *$200.00 for the initial summons and not more than $500.00 for each additional summons*. Each day such violation exists shall constitute a separate offense. However, in no event shall violations arising from the same set of facts be charged more frequently than once in any ten-day period, and in no event shall a series of violations arising from the same set of facts result in civil penalties which exceed a total of *$5,000.00*.

(2) Violations pursuant to Section 3-9-3B shall be in lieu of criminal penalties unless the violation resulted in injury to any person or persons, in which case the Land Use Administrator may seek prosecution of a violation as a criminal misdemeanor as provided for by Section 3-9-3A. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the General District Court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose. The remedies provided for in this section shall be in addition to any other remedies provided by law.

(3) Violation of the following provisions of this Ordinance shall be deemed an infraction punishable by civil penalties.

(a) *Modification of the Resource Protection Area (RPA)***.**

(b) Placement and nature of fences and walls.

(c) Keeping of an excessive number of commonly accepted domesticated animals.

(d) Keeping of farm and non-domesticated animals in residential *zoning districts*.

(e) Locational requirements for accessory uses.

(f) Home occupations.

(g) Maintenance of sight triangles.

(h) Posting and maintenance of signs on private property.

(i) Adequate lighting.

(j) Keeping of inoperative motor vehicles.

(k) *On-site sewage disposal system pump-out requirements.*

No ordinance provision to which Section 3-9-3B(3) relates shall allow the imposition of civil penalties for the enforcement of the Uniform Statewide Building Code, land development activities relating to the construction or repair of buildings and structures, or erosion and sediment control violations.

3-10 BOARD OF ZONING APPEALS (BZA)

3-10-1 MEMBERSHIP

A. Composition

A Board of Zoning Appeals (BZA) shall consist of five (5) members who are residents of the County, and shall be appointed by the Circuit Court of the County. The BZA shall serve without pay other than for usual expenses associated with membership. Members shall be removable for cause upon written charges and after a public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

B. Term of Office

The term of office shall be for five years; except that the initial members shall be appointed for terms of one (1), two (2), three (3), four (4) and five (5) years. One of the five members *may* be an active member of the County Planning Commission. Vacancies occurring in the BZA shall be filled for the unexpired term only. *(Amended December 13, 2012)*

C. Disqualification

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

D. Officers

The BZA shall elect annually its own chair and vice-chair who shall act in the absence of the chair. Through its chair, the BZA may administer oaths and compel the attendance of witnesses.

3-10-2 POWERS

Pursuant to the authority granted by the Code of Virginia, Chapter 11, Article 8, Section 15.1-494 and the processing path described in Section 3-1-2D of this Ordinance, the BZA shall have the following powers:

A. Hear and Decide Appeals

The BZA shall hear and decide appeals from any order, requirement, decision, interpretation, or determination made by an administrative officer in the administration or enforcement of Article 2 of this Ordinance.

B. Grant Variances

The BZA shall authorize upon appeal and application in specific cases such variances from the terms of Article 2 of this Ordinance as will not be contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be observed and substantial justice done in accordance with the provisions of Article 2 and this Section.

C. Other Powers

The BZA shall hear and decide all other matters referred to and upon which it is required to pass as provided by the provisions of Article 2 and this Section.

3-10-3 DUTIES

The BZA shall perform the following duties as are necessary to ensure the proper, accurate and timely disposition of all matters brought before it.

A. Institute Operational Procedures

The BZA shall institute operational procedures in order to:

(1) Make, alter and rescind rules and forms for its procedures, consistent with the ordinances of this County and the general laws of the Commonwealth.

(2) Prescribe procedures for the conduct of public hearings that it is required to hold.

(3) Keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The BZA shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Land Use Administrator and shall become public records.

B. Other

The BZA shall:

(1) Employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical support services as deemed necessary and within the limits of funds appropriated by the Board of Supervisors.

(2) Perform any additional activities as set forth in this Article.

3-10-4 GUIDING PRINCIPLES

In fulfilling the purposes and intent of this Ordinance as set forth in Article 1, the BZA in exercising the powers and duties granted and imposed by this Section, shall be guided by the following standards which shall be in addition to any other standards imposed by this Ordinance:

The use shall be in harmony with the policies embodied in the adopted comprehensive plan.

The agricultural character of the County shall be preserved by discouraging the inappropriate location of non-farm uses in agricultural areas.

The use shall be in harmony with the general purpose and intent of the applicable zoning district regulations including those associated with properties located within a Resource Protection Area (RPA).

The use shall not adversely affect the use or development of neighboring properties and be in accordance with all applicable zoning district regulations and any applicable provisions of the adopted comprehensive plan.

3-10-5 APPLICATION FOR A VARIANCE

An application for a variance shall be filed with and on forms furnished by the Land Use Administrator and shall include such information as the Land Use Administrator shall require as necessary to enforce the provisions of this Section. Applications for a variance shall be processed as described in Section 3-1-2D.

3-10-6 FINDINGS NECESSARY BEFORE THE ISSUANCE OF A VARIANCE

A. General

Variances may be granted by the BZA only after making specific findings of fact based on the evidence before it. These findings of fact are as follows:

(1) The property was acquired in good faith.

(2) On the effective date of this Ordinance, the property is:

- exceptionally narrow, or
- exceptionally shallow, or
- of exceptional size, or
- exceptionally shaped, or
- has exceptional topographic conditions or other extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.

(3) The condition or situation of the subject property or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to this Ordinance.

(4) The strict application of Article 2 would produce undue hardship, and such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.

(5) The strict application of Article 2 would effectively prohibit or unreasonably restrict all reasonable use of the property, and the granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.

(6) Authorization of the variance will not be of substantial detriment to adjacent property; the character of the zoning district will not be changed by the granting of the variance; and the variance will be in harmony with the intended purposes of this Ordinance and in keeping with the public interest.

3-10-7 VARIANCES NOT AUTHORIZED

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

A. increasing the density permitted in a zoning district; or

B. permitting any use not specified in the zoning district in which the property is located; or

C. altering any definition set forth in this Ordinance.

3-10-8 CONDITIONS ATTACHED TO VARIANCES

Any variance granted by the BZA shall be the minimum variance necessary to afford relief, and to this end, the BZA may permit a lesser variance than applied for. The BZA may also

prescribe such conditions or restrictions applying to the approval of a variance as it may deem necessary in the specific case, in order to minimize the adverse effects of such variance upon other property in the neighborhood. Such conditions or restrictions shall be incorporated into the certificate of compliance and the building permit. The BZA may require a performance guarantee to insure that the conditions imposed are being and will continue to be complied with. Failure to comply with such conditions or restrictions shall constitute a violation of this Ordinance, and may constitute the basis for denial or revocation of a certificate of compliance, building permit or certificate of occupancy.

3-10-9 LAPSE OF VARIANCE

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

3-11 PLANNING COMMISSION

3-11-1 MEMBERSHIP

The Planning Commission shall consist of *ten (10)* citizens of the County appointed by the Board of Supervisors. *Members may serve a maximum of two consecutive four-year terms with a one-term hiatus before being considered for reappointment. (Amended April 10, 2008)*

3-11-2 POWERS AND DUTIES

With the staff support of the Land Use Administrator, the Planning Commission shall prepare and recommend for approval to the Board of Supervisors the Comprehensive Plan and Ordinances related to orderly growth and development.

In addition, the Planning Commission shall:

A. Exercise general supervision of, and make regulations for, the administration of its affairs;

B. Prescribe rules pertaining to its investigations and hearings;

C. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body;

D. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;

E. Make recommendations to the BZA on matters related to BZA administration of this Ordinance;

F. Make recommendations and an annual report to the governing body concerning the operation of the Commission and the status of planning within its jurisdiction;

G. Prepare, publish and distribute reports, ordinances, and other material relating to its activities;

H. Prepare and submit an annual budget in the manner prescribed by the governing body of the County; and

I. If deemed advisable, establish an advisory committee or committees.

3-12 CONDITIONAL ZONING

3-12-1 PURPOSE

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

3-12-2 PROFFER OF CONDITIONS

Any owner of property making application for a change in zoning or an amendment to the zoning map, as provided by Section 3-5, as part of the application may voluntarily proffer in writing reasonable conditions which shall be in addition to the regulations provided for in the zoning district or zone sought in the rezoning application. Any such proffered conditions must be made prior to any public hearing before the Planning Commission and the Board of Supervisors and shall be subject to the following limitations:

A. The rezoning itself must give rise to the need of the conditions;

B. The conditions shall have a reasonable relation to the rezoning;

C. The conditions shall not include a cash contribution to the County;

D. The conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities except for the

dedication of any street, curb, gutter, sidewalk, bicycle trail, drainage, water or sewage systems;

E. The conditions shall not include payment for or construction of off site improvements except for a pro rata share of water, sewage and drainage facilities;

F. No condition shall be proffered that is not related to the physical development or physical operation of the property; and

G. All conditions shall be in conformity with the Comprehensive Plan.

3-12-3 EFFECT OF CONDITIONS

Upon the approval of any such rezoning, all conditions proffered and accepted by the Board of Supervisors shall be deemed part thereof and nonseverable therefrom and shall remain in force until amended or varied by the Board of Supervisors in accordance with Section 15.1-491.6 of the Code of Virginia as amended. All such conditions shall be in addition to the regulations provided for in the zoning district.

3-12-4 ZONING MAP NOTATION AND RECORDS

Each conditional rezoning shall be designated on the zoning map by an appropriate symbol designed by the Land Use Administrator. In addition, the Land Use Administrator shall keep and maintain a conditional zoning index which shall be available for public inspection and which shall provide ready access to the ordinance creating such conditions.

3-12-5 SUBMITTAL REQUIREMENTS

Each application for rezoning which proposes conditions to be applied shall be accompanied by the following items beyond those required by conventional rezoning requests:

A. A statement detailing the nature and location of any proffered conditions and those proposed circumstances which prompted the proffering of such conditions.

B. A signed statement by both the applicant and owner in the following form:

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.

3-12-6 PROCEDURAL REGULATIONS AND REQUIREMENTS

Proffered conditions shall include written statements, development plans and materials proffered in accordance with the provisions of this Section and approved by the Board of Supervisors in conjunction with the approval of a change in zoning or an amendment to the zoning map.

Upon approval, any site plan, subdivision plat, or development plan thereafter submitted for the development of the property in question shall be in substantial conformance with all proffered conditions and no development shall be approved in the absence of substantial conformance. For the purpose of this section, substantial conformance shall mean conformance which leaves a reasonable margin for adjustment due to final engineering data but conforms with the general nature of the development, the specific uses and the general layout depicted by the plans and other materials presented by the owner and/or applicant.

3-13 NONCONFORMING USES

3-13-1 CONTINUATION OF EXISTING USES

All legal activities and uses existing on the effective date of this Ordinance may be continued and expanded as herein provided.

If any change in title of possession, or renewal of a lease of any such lot or structure occurs, the use existing may continue.

3-13-2 DISCONTINUED USE

If any nonconforming use is discontinued for a period exceeding two (2) years after the enactment of this Ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this Ordinance. Seafood processing facilities in operation at time of adoption of this ordinance shall be exempt from the provisions of this section.

3-13-3 CHANGE OF USE

Whenever a nonconforming structure, lot or activity has been changed to a more limited nonconforming use, such new use may be changed to only an even more limited use. Use changes (nonconforming) shall be decided by the Land Use Administrator subject to appeal in accordance with DMP-D as specified in Section 3-1-2D.

3-13-4 PERMITS

All nonconforming uses shall be identified and catalogued, and zoning permits and certificates of compliance (for nonconforming use) shall be issued by the Land Use Administrator within one (1) year after adoption of this Ordinance. If a nonconforming use is not documented as aforementioned, the burden of proof for the nonconforming use shall rest with the property owner. The Land Use Administrator may require whatever evidence as may be deemed appropriate to substantiate the nonconforming use.

3-13-5 BUILDINGS UNDER CONSTRUCTION

The construction and use of a nonconforming building for which a building permit was legally issued prior to the adoption of this Ordinance may proceed, provided the building is completed and the nonconforming use is established within one (1) year after the effective date of this Ordinance.

3-13-6 CHANGES IN DISTRICT BOUNDARIES

Whenever the boundaries of a district are changed, any uses of land or building which becomes nonconforming as a result of such change shall become subject to the provisions of this Section.

3-13-7 EXPANSION OR ENLARGEMENT OF EXISTING NONCONFORMING USES

The expansion or enlargement of an existing nonconforming structure or activity on property occupied on the effective date of this Ordinance may be permitted in accordance with the setback, yard and height regulations of the district within which the use is located, with a special exception. This provision shall not apply to signs.

3-13-8 NONCONFORMING UNIMPROVED LOTS

Notwithstanding any other provisions of this Ordinance, any unimproved lot legally of record on the effective date of this Ordinance, may be used for purposes as allowed by the zoning district in which the property is located, provided that yard setback requirements and design standards for the intended use can be met.

Where any such unimproved lot can not meet the yard setback requirements, the Board of Zoning Appeals may consider applications for variance on an individual basis.

3-13-9 DAMAGE TO EXISTING NONCONFORMING USE

If a nonconforming structure is damaged in any manner, the structure may be repaired or replaced, provided that there is no increase in the nonconformity.

3-13-10 NONCONFORMING JUNK YARDS

Automobile graveyards and junkyards in existence at the time of the adoption of this Ordinance are to be considered as nonconforming uses. Within one (1) year after the adoption of this Ordinance the owner of such establishment must submit and have approved a landscape plan that will accomplish the screening of the use from view from any public street or from a residential use. The screening must be completed at the owners expense and may be a uniformly painted solid fence, masonry wall, earthen berm (stabilized), vegetation or combinations or other means as may be approved by the Land Use Administrator. The screening must be completed within two years after adoption of this Ordinance. If vegetation is to be used, the approved plan must be implemented and the vegetation established within one year after the adoption of this Ordinance.

3-14 SPECIAL EXCEPTION USES

3-14-1 PURPOSE AND INTENT

Special exception uses are those which, if not specially regulated, can have an undue impact or be incompatible with other uses of land within or adjacent to a given zoning district. Upon the granting of a special exception, these uses may be allowed to locate within designated districts under the standards, controls, limitations, performance criteria, restrictions and other regulations of this Ordinance. Special exception uses are listed within the zoning districts in which they have the potential to be permitted upon satisfaction of the review standards of Section 3-14-2.

3-14-2 REVIEW STANDARDS FOR SPECIAL EXCEPTION USES

All applications for special exceptions shall be reviewed using the following criteria:

A. The proposed use shall be in harmony with the

(1) Adopted Comprehensive Plan;

(2) Intent and purpose of the base and overlay(s) zoning district(s) in which the use is proposed to be located;

(3) Character of adjacent properties and the surrounding neighborhoods, and with existing and proposed development;

(4) Design standards of this Ordinance.

B. The proposed use shall be adequately served by essential services such as streets, drainage facilities, fire protection, and approved water and sewerage disposal facilities.

C. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance as determined by the Resources Inventory.

D. The proposed use shall be designed, sited, and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding areas.

3-14-3 SPECIAL CONDITIONS

A. In granting any special exception, conditions necessary to assure that the proposed use will conform with the requirements of this section and will continue to do so may be imposed. A surety bond or other guarantee of performance acceptable to the County may be required in order to ensure compliance with the conditions imposed.

B. Reasonable standards may be imposed as deemed necessary to protect the public interest and welfare. Such standards may include, but need not be limited to:

(1) More restrictive sign standards.

(2) Additional yard requirements, landscaping or screening requirements.

(3) Special lighting requirements.

(4) Limitation on hours of operation.

(5) Additional off-street parking and loading requirements.

(6) Refinement of ingress and egress.

C. Time limits or expiration dates for a special exception, including provisions for periodic review and renewal may also become a condition of the special exception.

3-14-4 SPECIAL EXCEPTION APPLICATION REQUIREMENTS

A. An application for a special exception shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Land Use Administrator, and shall be accompanied by the filing fee. Application forms are available from the Land Use Administrator.

B. If the request for a special exception has been denied by the County, substantially the same request shall not be reconsidered within three hundred sixty-five (365) days of the denial.

C. The application shall include the following information:

(1) A plan of development in accordance with Article 3.

(2) A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees.

(3) When deemed necessary, the Land Use Administrator or the plan-approving authority may require a community impact analyses.

3-14-5 SPECIAL EXCEPTION GENERAL PROVISIONS

A. After approval of a special exception by the County, the applicant shall have one year to begin the use approved, provided that the County may allow, at the time of approval, a longer period than one year. If the use has not begun within one year (or

other time period as set by the County), the special exception shall be void, and the use may not thereafter be begun except upon approval of another special exception.

B. After approval of a special exception by the County, the use approved may intensify and/or expand, provided that any conditions attached to the approval shall not be violated. If intensification and/or expansion will violate any attached conditions, a new special exception shall be obtained before such intensification and/or expansion may be approved.

C. All uses permitted by a special exception shall require plan of development approval in accordance with the provisions of Section 3-2.

D. If an approved special exception ceases operation for a period of twelve consecutive months, for any reason, the special exception shall become void, and thereafter the use may only be conducted after another special exception has been approved.

3-14-6 REVOCATION OF SPECIAL EXCEPTIONS

The County may by resolution initiate a revocation of a special exception. After review by the Land Use Administrator and consideration and recommendation by the Planning Commission, the governing body shall act on the proposal to revoke the special exception. Grounds for revocation shall include (but not be limited to) the following:

A. A change in conditions affecting the public health, safety and welfare since adoption of the special exception; or

B. Repeated violations of this Ordinance, including any conditions attached to the special exception, by the owner/operator of the use; or

C. Fraudulent, false or misleading information supplied by the applicant (or his agent) for the special exception; or

D. Improper public notice of the special exception public hearing(s) when the permit was considered in accordance with DMP-B.

E. An error or mistake in fact that led to an arbitrary and unreasonable decision made by the plan-approving authority when approving the special exception.

3-15 ACCESSORY USES

3-15-1 Accessory uses and structures shall be permitted in any zoning district, unless qualified herein, but only in connection with, incidental to, and on the same lot with a principal use or structure (*or on a lot adjoining and under the same ownership as the lot with the principal use structure)* that is permitted within such district. *(Amended November 8, 2007)*

A. The following accessory uses shall be permitted in conjunction with residential uses:

(1) Antenna structures for radio, television, and other noncommercial communication purposes subject to the following provisions:

All locational standards and setbacks applicable to accessory structures shall be observed;

Any Antenna exceeding the height standards for the District in which the antenna is proposed may be approved by a special exception considered in accordance with DMP-b as specified in Section 3-1-2b.

The above provisions notwithstanding, dish antennas shall be subject to the following standards:

Dish antennas shall not exceed twelve (12) feet in diameter and fifteen (15) feet in height.

Dish antennas shall be permitted in rear yards only. No part of a dish antenna shall be closer than fifteen (15) feet to any lot line.

No dish antenna may be installed on a portable or moveable device.

The above provisions shall not apply to any dish antenna used by a cable company possessing a valid franchise issued by the Richmond County Board of Supervisors.

(2) An accessory detached dwelling is permitted in the Agricultural General District subject to:

- it being positioned within a rear yard;
- it being at least ten (10) feet from a property line;
- it being clearly accessory in size to existing principal dwelling;
- it not being permitted on one lot already containing a duplex structure;
- it being architecturally compatible with the principal use;

Accessory dwelling units shall not count toward the total permitted lot yield.

(3) Barns or other structures that are customarily incidental to an agricultural use.

(4) Carports, garages, utility sheds, and similar storage facilities customarily associated with residential living.

(5) Child's playhouse, without plumbing.

(6) Private kennels on lots in excess of five (5) acres.

(7) Doghouses, pens, or similar structures for the housing of not more than four (4) commonly accepted domestic animals over the age of six (6) months. The keeping of more than four (4) such animals over the age of six (6) months shall be deemed a private kennel (see 3-15-1a(6) above).

(8) Home occupations as permitted and regulated in Section 3-16.

(9) Parking or storage of small cargo or utility trailers, recreational vehicles and similar equipment, including, but not limited to, boats, boat trailers, motor homes, tent trailers and horse vans, provided that the following requirements are observed:

such equipment shall not be used for living, housekeeping or business purposes when parked or stored on the lot;

wheels or other transporting devices shall not be removed except for necessary repairs and/or seasonal storage;

storage shall not be permitted within the front yard setback.

(10) Outdoor recreation facilities such as swimming pools, tennis courts, basketball courts, private boat docks, or piers, provided that the use of such facilities shall be limited to the occupants of the premises and guests for whom no admission or membership fees are charged and are permitted within the district in which the lot or parcel is located.

(11) Fences or walls provided that:

fences or walls located in side and rear yards shall not exceed eight (8) feet in height;

fences or walls located in front yards shall not exceed four (4) feet in height and shall not be located in any sight triangle so as to be a visual barrier to traffic and pedestrians;

where it can be demonstrated to the satisfaction of the Land Use Administrator that the above fence and wall restrictions are not necessary to ensure the safety of the neighborhood, an administrative waiver may be considered;

electrical fences and fences using barbed wire shall be prohibited in residential areas as determined by the Land Use Administrator.

(12) Roadside sales of produce provided that such operation is primarily for the sale of produce grown or raised on the premises (regional produce shall be allowed to supplement on premise produce but shall not be the primary product) and shall provide off-street parking for not less than three (3) vehicles.

(13) Yard/garage sales subject to the following provisions:

Items offered for sale shall be limited to those which are owned by an occupant of the premises or authorized participants and which are normally and customarily used or kept on a residential premises. Such items shall not have been specifically purchased or crafted for resale;

Participation in such sale shall be limited to the occupant of the premises and not more than four (4) non-occupants. For the purpose of this section, participation shall be construed to mean the offering for sale of items owned by an occupant or participating non-occupant, whether or not that individual is physically present on the premises during the conduct of such sale; such sales shall be limited to two (2) in any given calendar year. The duration of any single sale shall not exceed three (3) consecutive days.

(14) Craft sales/shows subject to the following provisions:

Items offered for sale shall be limited to those which have been made or crafted by the participants as a hobby or a vocation as distinguished from items which are made in the conduct of a home occupation;

Participation in such sales/shows shall be limited to the occupants of the premises; and

Not more than one (1) such sale/show event shall be conducted on a premises in any given calendar year and the duration of the event is limited to three days.

(15) Farm animals (such as cows, pigs, hogs, goats, sheep, mules, horses and other livestock, chickens and other fowl, bees, and similar utilitarian animals)*, with the exception of equine,* shall not be permitted in the Residential*, Limited (*R-1*) or Residential, General (*R-2*)* Districts. Farm animals in the Residential*, Mixed-Use (*R-3*)* District may be allowed if adequate space and other provisions are included in the plan of development for the project. *(Amended July 10, 2008)*

(16) Equine may be permitted in the Agricultural, General (A-1), Residential, Limited (R-1), and/or Residential, General (R-2) Districts, provided that property shall be at least five (5) acres in size. Three (3) equine may be

permitted on property five (5) acres in size, with one (1) additional equine being allowed for each additional acre provided. (Amended July 10, 2008)

(17) Accessory buildings on residential lots:

In the Agricultural General (A-1) District, accessory structures shall not exceed 35 feet in height unless allowed for by Special Exception, provided that it can demonstrate that an increased height is necessary (barns or other structures that are customarily incidental to an agricultural use are exempt from the provisions of this ordinance). (Amended July 9, 2015)

In the Residential Limited (R-1), Residential General (R-2), and Residential Mixed Use (R-3) Districts, accessory structures shall not exceed the height of the main building. (Amended July 9, 2015)

Shall not occupy more than thirty percent (30%) of the rear yard area in residential areas.

Shall not be erected on a lot more than one (1) year in advance of the principal building.

Structures attached to a principal building by any wall or roof construction, or located within ten (10) feet of any principal building, shall be considered a part of the principal building and shall observe all yard regulations applicable thereto.

(18) *Parking of operative motor vehicles for non-commercial purposes. (Inoperative motor vehicles, as defined in Article V of this ordinance, are not allowed unless the vehicles are within a fully enclosed building or structure or are shielded or screened from view. The parking or storage of more than five(5) inoperative motor vehicles outside of a fully enclosed building or structure is defined as an automobile graveyard and is only permitted within the Business, General (B-1) district with an approved landscape plan.) Adopted April 13, 2006)*

B. Accessory Uses Permitted in Conjunction with Commercial and Industrial Uses

The following accessory uses shall be permitted in conjunction with commercial and industrial uses:

(1) Fences or walls provided that:

fences or walls located in side or rear yards shall not exceed eight (8) feet in height;

fences or walls located in front yards shall not be permitted; and

the above standards shall not be deemed to prohibit any fences or walls which may be required for screening, security or safety purposes by other sections of this Ordinance.

(2) Uses intended specifically for the use and benefit of the employees or patrons of the principal use such as snack bars, cafeterias, recreation facilities or similar uses.

(3) Living quarters for a proprietor or manager and his/her family located in the same building as his/her place of occupation, or living quarters for a watchman or custodian of an industrial establishment.

(4) Incidental repair, installation or assembly facilities for products or equipment used or sold in the operation of the principal use, unless specifically prohibited under the applicable district regulations.

(5) Incidental storage facilities for goods and materials offered for retail sale on the premises.

(6) Motor vehicle fuel dispensing pumps, pump islands, or service buildings installed for and utilized exclusively by vehicles owned and/or operated by commercial or industrial establishments to which they are accessory.

(7) Factory outlets and retailing provided the use is clearly incidental to the permitted use and products sold originated at the site.

(8) Day care or nursery facilities.

(9) Antenna structures for radio communication purposes or other information or data transfer purposes associated with a business or industrial operation. Antenna structures in excess of 100 feet in height may be permitted only by special use permit issued in accordance with DMP-B as specified in Section 3-1-2B. Dish antennas shall be subject to the following provisions:

Dish antennas shall not exceed twelve (12) feet in diameter and fifteen (15) feet in height.

Dish antennas shall be permitted in rear yards and on roofs. No part of a dish antenna shall be closer than five (5) feet to any lot line. When located on a roof, such antenna shall be set back from all edges of the roof a distance of at least two (2) times its height.

No dish antenna may be installed on a portable or moveable device.

The above provisions shall not apply to any dish antenna used by a cable company possessing a valid franchise issued by the Richmond County Board of Supervisors.

Other uses and structures of a similar nature which are customarily associated with and incidental to commercial or industrial uses.

3-16 HOME OCCUPATIONS

A. A home occupation is an accessory use of any dwelling unit for gainful employment by the home occupant. It may involve the manufacture, provision or sale of goods and/or services; and be conducted in a dwelling unit or in an accessory building on the same lot as the dwelling unit by members of the family residing on the premises. Unless this Ordinance provides otherwise all home occupations shall:

(1) Only employ persons residing on the premises;

(2) Be clearly incidental to the residential use of the property;

(3) Not cause a change in the outside appearance of the building or premises visible from the street or adjacent properties;

(4) Not sell goods or materials to the general public;

(5) Not generate traffic, parking, sewerage or water use in excess of that which is normal in the residential neighborhood or adversely affect the quality of life of adjacent landowners;

(6) Not use mechanical or electrical equipment or flammable or toxic substances other than that which would customarily be utilized in the home in association with a hobby or avocation not conducted for gain or profit;

(7) Not require extended alterations, or the outdoor storage or use of machinery or equipment that creates noise, odor, smoke, dust or glare or is dangerous or otherwise detrimental to persons residing in the home or on adjacent property.

B. Home Occupations Permitted as a Matter of Right.

(1) Artists, sculptors, authors, composers and photographers.

(2) Dressmakers, seamstresses, tailors.

(3) Day care or babysitting for not more than four (4) non-resident individuals.

(4) Home crafts such as model making, rug weaving, cabinet making, furniture refinishing, or ceramics.

(5) Office facility of a resident clergy, salesperson, sales representative, manufacturer's representative, accountant, architect, artist, broker, computer programmer, consultant, counselor, engineer, lawyer, insurance agent, real estate agent or similar professionals where the principal contact with clients and customers is off premise.

(6) Tutoring, music or voice lessons or similar services for not more than four (4) persons at any single time.

(7) Food preparation for catering purposes.

(8) Telephone answering service.

(9) Other activities and uses which the Land Use Administrator determines can be operated in complete accordance with the intent and purpose of this Ordinance.

C. Home Occupations Permitted by Administrative Special Use Permit

The approving authority may authorize, by administrative special use permit, the following and materially similar types of home occupations subject to the specified conditions. Once the conditions of the permit have been determined, the administrative special use permit may be issued provided all adjoining property owners including those directly across any street and any property within one hundred (100) feet of the applicant's property, consent to the intended use and determined conditions by a notarized written statement. The non-transferable administrative special use permit shall be issued to the individual making the application and be subject to annual review to ensure all conditions specified on the permit are being met.

(1) Home Occupations with Limited On-Premises Retail Sales or Personal Services

Uses which may be authorized under this section shall include barber and beauty shops, hobbyists, day care and baby sitting or pre-school services for more than four (4) but no more than fifteen (15) individuals, and other materially similar activities and land uses involving on-premises retail sales and personal services.

All public contact related to such use shall be limited to the period so specified by permit as issued.

Parking as required shall be provided in addition to that otherwise required for the residential use of the property.

The type and extent of items to be displayed, stored or sold, or personal services to be offered on the premises shall be specifically stipulated by the permit issued for the use.

(2) Small Contracting Businesses Operated as Home Occupations.

For the purpose of this section, small contracting businesses shall be deemed to include businesses engaged in construction and/or repair of buildings; installation and servicing of heating, cooling and electrical equipment, flooring, painting, plumbing, roofing and tiling; landscaping; and other such uses deemed to be sufficiently similar in terms of type, scale and impact.

Not more than two (2) vehicles and/or pieces of equipment associated with the operation of a business shall be operated from the site or stored there overnight. Small transportable equipment including lawn mowers; chain saws; power hand tools; table, band or radial arm saws; and similar items shall not be included in such a determination.

The areas covered by all structures, outside storage and parking used primarily in connection with such businesses shall not exceed a total of 1,000 square feet.

All parking, loading and storage associated with such use shall be effectively screened from view from adjacent properties by landscaping and/or appropriate fencing materials.

The approving authority shall find and determine that the proposed small contracting business is not likely to generate traffic, including commercial delivery vehicles, in greater volume than would normally be expected in the zoning district.

The approving authority shall find and determine that the proposed small contracting business is not likely to create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than would normally be expected in the zoning district.

D. Prohibited Home Occupations

The following uses shall not be permitted as accessory home occupations:

(1) Automotive vehicle repair, servicing, salvage and storage

(2) Funeral chapel or funeral homes

(3) Gift shops

(4) Medical or dental clinic or hospital

(5) Restaurant or other eating establishments

(6) Commercial stable, commercial kennel

(7) Veterinary clinic

(8) Commercial animal, fowl, livestock or pet operations

(9) Other activities and land uses which the approving authority determines to be materially similar to the activities listed above.

(10) *Automobile graveyard or Junkyard (Adopted April 13, 2006)*

EXHIBIT 1

PLAN OF DEVELOPMENT APPROVAL PROCEDURE

Applicant

Preapplication Conference

(3-2-2)

Application
Submitted
with Plans

Deemed Complete **Deemed**
(3-2-5) Incomplete

DMP-A DMP-C DMP-B DMP-D DMP-E

(3-1-2A) (3-1-2C) (3-1-2B) (3-1-2D) (3-1-2E)

PUBLIC HEARING
REQUIRED
(3-3)*

APPROVED
OR
DENIED

EXHIBIT 2

DMP DETAILS

DECISION-MAKING PATH/APPROVING AUTHORITY	ACTION
DMP-A Land Use Administrator	- Certificate of Compliance - Exempted Activities - Minor Subdivisions/Site plans - Major Subdivisions (Final Plat less than 25 lots) - Major Site Plan (Final less than 10 acres) - Design waivers, exceptions
DMP-B Board of Supervisors (Public Hearing)	- Major Preliminary Subdivision (25 + lots) - Major Preliminary Site Plan (more than 10 acres) - General Development Plan - Rezoning - Special Exception - Ordinance Amendments
DMP-C Board of Supervisors	- Major Final Subdivisions (25+ lots) - Major Site Plan (more than 10 acres) - Design waivers, exceptions - Performance/Maintenance guarantees - Appeals from decisions of Land Use Administrator
DMP-D Board of Zoning Appeals (Public Hearing)	- Zoning Variances - Zoning Appeals - Zoning Interpretations
DMP-E Wetlands Board (Public Hearing)	- Tidal Wetlands disturbance

EXHIBIT 3

DECISION-MAKING PATH
RESPONSIBILITIES FOR APPROVAL

Action	Hearing	Public A	B	C	D	DMP E
- Certificate of Compliance		X				
- Minor Subdivision		X				
- Minor Site Plan		X				
- Erosion and Sediment Control Permit		X				
- Administrative Special Use Permit		X				
- Preliminary and Final Subdivision (Less than 25 Lots)		X				
- Preliminary Subdivision (25 or more Lots)	X		X			
- Preliminary and Final Site Plan (Less than 10 acres disturbed)		X				
- Preliminary Site Plan (More than 10 acres disturbed)	X		X			
- Rezoning Applications	X		X			
- Plan and Ordinance Amendment	X		X			
- Special Exception	X		X			
- Minor Revisions to DMP-B Approvals				X		
- Final Subdivision (25 or more Lots)				X		
- Final Site Plan (More than 10 acres disturbed)				X		
- Acceptance of Surety				X		
- Appeals of Administrative Decisions Relative to Design Standards				X		
- Zoning Variance	X				X	
- Appeals of Administrative Decisions Relative to Zoning Provisions	X				X	
- Interpretation of Zoning Map	X				X	
- Wetlands Permit	X					X

EXHIBIT 4

REQUIRED SUBMISSION DOCUMENTS

DESCRIPTION	SKETCH PLAN	MINOR APPLICATION SUBDIV	MINOR APPLICATION SITE	MAJOR APPLICATION GENERAL DEVELOPMENT	MAJOR APPLICATION SUBDIV PRE FIN		MAJOR APPLICATION SITE PLAN PRE FIN	
I. PROJECT-PLAT INFORMATION								
1. Name, address of owner and applicant, Tax Map and Parcel number.	X	X	X	X	X	X	X	X
2. Name, signature, license number, seal and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X	X	X	X	X	X	X
3. Title block. (See Exhibit 5)	X	X	X	X	X	X	X	X
4. A key map at a scale of not less than one inch equals two thousand feet (1"=2000') showing location of tract with reference to surrounding properties, streets, jurisdictional boundaries, etc., within 500'; date of current survey.	X	X	X	X	X	X	X	X
5. A schedule of required and provided zone district(s) requirements including lot area, width, depth, yard setbacks, building coverage, open space, etc. (Article 2)	X	X	X	X	X	X	X	X
6. North arrow and scale.	X	X	X	X	X	X	X	X
7. Evidence that taxes are current.		X	X	X	X	X	X	X
8. Appropriate certification blocks. (See Exhibit 5)		X	X		X	X		

DESCRIPTION	SKETCH PLAN	MINOR APPLICATION SUBDIV	MINOR APPLICATION SITE	MAJOR APPLICATION GENERAL DEVELOPMENT	MAJOR APPLICATION SUBDIV PRE	MAJOR APPLICATION SUBDIV FIN	MAJOR APPLICATION SITE PLAN PRE	MAJOR APPLICATION SITE PLAN FIN
9. Appropriate signature blocks for approvals. (See Exhibit 5)		X	X	X	X	X	X	X
10. Monumentation.		X				X		
11. Drawn on sheets measuring 18"x24".		X			X	X	X	X
12. Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all centerlines and rights-of-way, and centerline curves on streets.		X	X			X	X	
13. Acreage of tract to the nearest tenth of an acre (for GDP, to nearest acre).	X	X	X	X	X	X	X	X
14. Date of original and all revisions.	X	X	X	X	X	X	X	X
15. Size and location of any existing or proposed structures with all setbacks dimensioned.	X	X	X	X	X	X	X	X
16. Location and dimensions of any existing or proposed streets on or within 200' of site.	X	X	X	X	X	X	X	X
17. Property owners and lines of all parcels within 200' identified on most recent tax map sheet.			X	X	X	X	X	X
18. All existing and proposed lot lines (dimensional) and area of lots in sq.ft./acres.		X	X		X	X	X	X

DESCRIPTION	SKETCH PLAN	MINOR APPLICATION SUBDIV	MINOR APPLICATION SITE	MAJOR APPLICATION GENERAL DEVELOPMENT	MAJOR APPLICATION SUBDIV PRE	MAJOR APPLICATION SUBDIV FIN	MAJOR APPLICATION SITE PLAN PRE	MAJOR APPLICATION SITE PLAN FIN
19. Copy and/or delineation of any existing or proposed deed restrictions or covenants.	X	X	X	X	X	X	X	X
20. Any existing or proposed easement or land reserved for or dedicated to public use.	X	X	X	X	X	X	X	X
21. Development stages or staging plans.				X	X	X	X	X
22. List of required regulatory approvals or permits.[1]	X	X	X	X	X	X	X	X
23. List of variances required or requested.[1]	X	X	X	X	X	X	X	X
24. Requested or obtained design waivers or exceptions.[1]	X	X	X	X	X	X	X	X
25. Payment of application fees.		X	X	X	X	X	X	X
II. SETTING-ENVIRONMENTAL INFORMATION								
26. Resource Inventory. (3-2-4)	X	X	X	X	X	X	X	X
27. Topographical features of subject property from U.S.C.&G.S. map.	X		X	X				X
28. Existing and proposed contour intervals referenced to USGS datum (Contours to extend at least 200' beyond subject property) as follows: up to 3% grade = 1' 3% + grade = 2'		X	X		X	X	X	X
29. Boundary, limits, nature and extend of wooded areas, specimen trees, and	X	X	X	X	X	X	X	X

other significant physical features.

DESCRIPTION	SKETCH PLAN	MINOR APPLICATION SUBDIV	MINOR APPLICATION SITE	MAJOR APPLICATION GENERAL DEVELOPMENT	MAJOR APPLICATION SUBDIV PRE	MAJOR APPLICATION SUBDIV FIN	MAJOR APPLICATION SITE PLAN PRE	MAJOR APPLICATION SITE PLAN FIN
30. Existing system of drainage of subject site and generally, of any larger tract or basin of which it is a part.[3]		X	X		X	X	X	X
31. Drainage calculations.		X	X		X	X	X	X
32. Health Department Approval/Permits.	X	X	X		X	X	X	X
III. ASSESSMENTS, IMPROVEMENTS AND CONSTRUCTION INFORMATION								
33. Preliminary architectural plan and elevations when required.			X	X			X	X
34. Spot and finished elevations at all property corners, corners of all structures or dwellings, existing or proposed first floor elevations.			X				X	X
35. Lot and block pattern, layout of streets.	X	X	X		X	X	X	X
36. New block and lot numbers confirmed with Commissioner of Revenue.						X		
37. Right of way design, etc.	X	X	X		X	X	X	X
38. Open space and recreation plans and patterns.	X	X	X	X	X	X	X	X
39. Proposed utility infrastructure plans, including sanitary sewer, septic tank and drainfields (primary and reserve), storm sewers, water, telephone, electric, and cable TV.		X	X		X	X	X	X

40. Erosion and Sediment Control Plan.		X	X		X	X	X	X

DESCRIPTION	SKETCH PLAN	MINOR APPLICATION SUBDIV	MINOR APPLICATION SITE	MAJOR APPLICATION GENERAL DEVELOPMENT	MAJOR APPLICATION SUBDIV PRE	MAJOR APPLICATION SUBDIV FIN	MAJOR APPLICATION SITE PLAN PRE	MAJOR APPLICATION SITE PLAN FIN
41. Site identification signs, traffic control signs, and directional signs.		X	X		X	X	X	X
42. Lighting plan and details.			X		X	X	X	X
43. Off street parking and plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions, etc.		X	X		X	X	X	X
44. Landscape plan and details.		X	X		X	X	X	X
45. Performance standard compliance. [3]								
46. Easements, type and location.[3]								
47. Solid waste management plan including recycling facilities.[3]		X	X		X	X	X	X
48. Emergency Service details.[3]								
49. Stormwater Management Plan.		X	X		X	X	X	X
50. Shoreline stabilization structures, docks, piers, boat ramps and other water-related structures.[3]								
51. Performance/Maintenance Guarantees.[3]								
52. Community Impact Analysis.[3]								
53. Water Quality Impact Assessment.[2]		X	X		X	X	X	X

Notes:

X = items required at indicated development stage.

1. Conditional approval may be granted subject to other regulatory approvals. Wetland permits, if necessary, must be obtained and submitted to the Land Use Administrator before final approval is granted.

2. Must only be prepared if development proposal is within Resource Protection Area or if required by the Land Use Administrator.

3. As and when required.

ARTICLE IV
GENERAL DESIGN AND PERFORMANCE STANDARDS

4-1 PURPOSE AND INTENT

The purpose of these design and performance standards is to ensure that new development is designed in accordance with the purpose and intent of the Comprehensive Plan and County Ordinances. These standards are designed to encourage desirable development patterns and designs that are responsive to natural and cultural resources found in the County. It is also the intent of these standards to enable the County to provide adequate levels of public service and to provide for the health, safety, and welfare of individuals residing, working, shopping, traveling and recreating within the County.

4-1-1 PLAN TO ADDRESS STANDARDS

To allow for creative and flexible design, these standards are structured so that the applicant is responsible for development of a plan addressing the elements of this Article. The applicants plan must demonstrate to the plan approving authority, that the design for the particular development is sufficient to serve the intended use in a manner which does not create any dangerous, injurious, noxious, unsightly or otherwise objectional conditions.

County staff will provide recommendations and general industry design standards if requested by the applicant. Applicants are encouraged to arrange a pre-application conference as specified in Section 3-2-2 of this Ordinance.

4-2 WATER AND SEWER FACILITIES

4-2-1 PURPOSE AND INTENT

The provisions of this section are intended to ensure that water and sewer facilities serve any permitted use of land associated with habitation or occupancy.

4-2-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

In addition to submitting data evidencing compliance with the requirements of this section, plan of development submittal requirements must satisfy the requirements of state regulatory agencies reviewing water and sewer system proposals including the Health Department and the Department of Environmental Quality.

4-2-3 GENERAL REQUIREMENTS

A. Water

Requirements for the provisions of potable water are as follows:

(1) Public Water System Extension

Where public water is available, it shall be extended to all existing and foreseeable users within the plan of development site.

(2) Central Water System Construction

For major plan of development proposals where public water is not available, the developer shall construct a central water system including distribution lines, storage tanks and facilities, and supply facilities within the development. Upon completion of the improvements and after receiving acceptable test results, the water system together with all necessary easements and rights-of-way shall be dedicated to an entity acceptable to the County, or to the County should the County elect to accept the system. No development will be approved unless it can be fully established to the satisfaction of the County that the central water system can be properly maintained in perpetuity.

The plan-approving authority may waive or modify the requirement to construct a central water system upon making the following findings, where applicable:

- The minimum size of the lots is sufficiently large as to make the installation of a central water system unnecessary;

- the Health Department has approved an individual well location on each proposed lot;

- Groundwater resources will be at least equally protected by individual wells as they would be by a central water system;

- alternative sources of water are available or will be provided for fire suppression purposes; and

- the public health is not more adequately served by a central water system than by individual wells.

(3) Individual Wells

Where development proposals are to be served by individual wells, the proposed location of individual wells shall have been approved by the Health Department.

(4) Existing Wells

Any existing well found on property proposed for development shall be brought into compliance with current Health Department regulations. This shall include, but not be limited to, any open shallow well, shallow well without proper casing top or any flowing artesian well. Existing wells shall be brought into compliance prior to issuance of any development permit.

B. Sewer

Requirements and standards for sewage disposal in developments are as follows:

(1) Public Sewer Extension

If public sewer is available, it shall be extended to all existing and foreseeable users within the development site.

(2) Central Sewer System Construction

For major plan of development proposals located in areas in which the extension of sewer lines is not required, and individual systems are not deemed possible or appropriate by the plan-approving authority with supportive recommendation from the Health Department, the developer may, or the plan-approving authority may require, the installation of a central sewerage collection and treatment system. No plan of development proposing a central sewerage collection and treatment system will be approved unless it can be demonstrated that the system can be operated and maintained efficiently and effectively in perpetuity. Approved and constructed systems may be offered to the County, but the Board of Supervisors is under no obligation to accept ownership and responsibility for the system.

(3) Individual Sewer Systems

If public sewer is not available, developments proposed to be served by septic systems may be approved by the plan-approving authority provided:

- Both a primary location and a one hundred percent (100%) reserve location for the septic system will be provided, neither of which shall be located, in whole or in part, in the Resource Protection Area. A reserve drainfield shall not be required on any lot or parcel recorded prior to October 1, 1989 if, in the opinion of the Health Department, the lot or parcel does not contain a site suitable for a reserve drainfield.

- The location and design for each septic system (both primary and reserve) has been accomplished in accordance with the most current edition of the "Sewage Handling and Disposal Regulations" of the Virginia Department of Health and has been specifically and individually approved by the Health Department. Seasonal use septic

systems or systems that are not adequate for year round use shall not be allowed.

- Contamination or pollution of wells, groundwater, state waters, or any Chesapeake Bay Resource Preservation Area or Resource Management Area is unlikely to occur from any proposed individual septic system.

Any development submitted for review shall include the specific locations proposed for both primary and reserve on-site septic system installations. Any proposed development lot not suitable for the installation of private sewage disposal systems shall either be combined with lots that are suitable or dedicated to common open space or recreation use, so that only buildable lots are created.

(4) Septic Tank Maintenance

Any person who owns a building, residence or other structure which is served by an on-site sewage system not requiring an VPDES permit shall have the system pumped out at least once every five years. Owners of all such systems in existence within the County as of October 1, 1989 shall submit a Septic Tank Maintenance Certificate to the Land Use Administrator by October 1, 1996. A blank copy of this certificate is available from the Land Use Administrator.

C. Easements

- A separate ten (10) foot easement for all sewer force mains, including private force mains to remote drain fields, shall be required and shall be located between any roadside utility easement and the lot.

- All private utility lines such as private sewer force mains, and private water lines must be color coded and metal locator taped. All force mains must be installed at the same time and inspected by the Health Department prior to covering.

- All roadside easements shall be cleared and stumps removed during the original development construction of the roads.

- No utility easement shall be permitted to have a slope greater than 2:1. Wherever cuts and fills adjacent to highway right of way are greater than 2:1, the utility easement shall be located beyond the steep slope.

4-3 VEHICULAR RIGHTS-OF-WAY

4-3-1 PURPOSE AND INTENT

It is the purpose and intent of these regulations to facilitate the development of circulation systems which permit the safe, efficient, and orderly movement of vehicular traffic.

4-3-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

All plans of development proposing the construction of new roads or private roads and driveways which intersect roads within the system of roads maintained by the Virginia Department of Transportation must submit sufficient data and plans to comply with the submission requirements of the Resident Engineer as well as to demonstrate compliance with the requirements of this Ordinance.

4-3-3 GENERAL REQUIREMENTS

A. Comprehensive Plan Requirements

Transportation systems shall be designed in accordance with future densities and intensities as envisioned by the Comprehensive Plan.

B. Designed for Present and Future Needs

Road systems shall be designed to meet but not exceed the needs of present and future populations served, to have a simple and logical pattern which respects resources and the natural terrain.

C. Hierarchical Road System

Roads shall be laid out in accordance with a hierarchical design whereby roads are defined by function and traffic levels.

4-3-4 STREET AND ROAD CLASSIFICATIONS

All new streets and roads shall be classified according to their function and the projected average daily traffic (ADT) count. Average daily traffic counts shall include all traffic projected to result from the complete development of land served by the subject street, including both internal and external trips. The trip generation rates contained in the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers, shall be used to determine the projected ADT although the plan-approving authority may accept projected generation rates based upon documented historic local trip generation rates.

A. Traffic Volume Classification and Description

New streets shall be classified according to the total traffic projected for the street at full development, including full development of adjoining properties which

reasonably may be expected to produce or attract traffic which will utilize the street. This is depicted below.

TRAFFIC VOLUME-BASED STREET CLASSIFICATIONS

Classification	Minimum ADT	Maximum ADT
Access	-	250
Subcollector	251	400
Minor Collector	401	1,000
Major Collector	1,001	4,000
Minor Arterial	4,001	8,000
Major Arterial		over 8,000

B. Design Categories

(1) Access Street: Carry only the volume of traffic generated on the street itself.

(2) Subcollector Street: May carry the volume of at least one access street in addition to its own volume.

(3) Collector Street: Unsuitable for providing direct residential lot access, however, occasionally no suitable alternative exists.

(4) Arterial Street: Direct residential lot access is prohibited and commercial or industrial lot access is controlled and limited.

C. Existing Streets

Where existing streets which are not otherwise classified by the Comprehensive Plan abut or affect the design of a proposed development, such existing streets shall be classified in accordance with the functional and traffic volume descriptions contained in this Section.

4-3-5 ALIGNMENT AND LAYOUT

A. Coordination of Proposed Road with Existing Roads

In accordance with Section 15.1-466(c) of the Code of Virginia, all proposed streets shall be designed to coordinate with other existing or planned streets contiguous to or within the general area of the proposed development or within existing or future adjacent developments as to location, width, grades, and drainage. Connections, when required, with existing or platted streets, shall be continuous without offset.

B. Stub Streets

The plan-approving authority may require that adequate rights-of-way are platted to the boundary line(s) of any development in order to afford desirable street access to adjoining properties and to facilitate the development of an effective and efficient circulation system.

C. Conditions Whereby Stub Streets are Permanently Terminated

Where a street right-of-way in an existing development has been platted to the boundary line of a proposed development, it shall be extended and continued into an adjacent proposed development unless exempted from this requirement by the plan-approving authority upon the recommendation of the Department of Transportation or upon the plan-approving authority making one of the following findings:

(1) Such an extension would cause or contribute to a demonstrable safety deficiency which could not be corrected in a practical or economically efficient manner. In such cases, the developer shall be responsible for providing sufficient right-of-way and constructing a permanent circular or "T" turn-around in accordance with the standards of the Department of Transportation.

(2) The street right-of-way in the existing development, although platted, has not had a street constructed within it, is not contained within the Comprehensive Plan, and it is unlikely that, in the foreseeable future, such a street will be constructed. In such case, the developer shall not be responsible for providing a turn-around.

D. Intersection Geometries

Streets shall intersect at a ninety degree (90°) angle plus or minus five degrees (5°) for a minimum of fifty feet (50') from the intersection. No intersection shall have more than four (4) street approaches.

4-3-6 RIGHTS-OF-WAY

A. Dedication

Where a development abuts an existing public right-of-way which has a width deficiency created either because it is less than fifty feet (50') in width or because adopted plans show that a greater width will be necessary to accommodate those plans, the developer shall be required to dedicate additional rights-of-way as follows:

(1) Where the development abuts one side of the right-of-way, the developer shall dedicate one-half of the right-of-way deficiency along the frontage of the development.

(2) Where the development abuts both sides of the right-of-way, the developer shall dedicate all of the right-of-way deficiency along the frontages of the development.

B. Minimum Right of Way Widths

The minimum right-of-way width shall be in accordance with the Virginia Department of Transportation standards. For private roads, the plan approving authority may approve right-of-way widths based upon the anticipated function and traffic load of the street.

4-3-7 GEOMETRIC STANDARDS

A. Continuity of Design

All streets shall have a continuity of design throughout their entire length. Multiple or step-down designs shall not be permitted except that a transition may be permitted at a four-way intersection or other major traffic generator which would constitute a clear demarcation of said change.

B. Right-of-way widths shall conform with the Virginia Department of Transportation standards unless otherwise approved by the County for private roads.

4-3-8 CONSTRUCTION STANDARDS

A. Compliance with Department of Transportation Standards

Unless otherwise specifically provided in this Ordinance, all streets shall be in conformance with Department of Transportation requirements.

B. Base and Pavement

Base and pavement design shall be based on the load bearing capacities of soils located within proposed street rights-of-way as detailed in a subsurface soils report, certified by a geotechnical engineer. The plan-approving authority may, however, upon the recommendation of the Department of Transportation, waive or modify this requirement when there is sufficient cause to believe that such a report is unnecessary.

C. Plans Require Department of Transportation Approval

Street construction plans shall be submitted to and approved by both the Department of Transportation and the County as a part of the review process required by this Ordinance.

D. Construction Guarantees

Street construction guarantees shall not be fully released until street(s) have been accepted into the State Secondary System.

4-3-9 CURB AND GUTTER STREETS

Curb and gutter streets shall be provided when required by the plan-approving authority or the Virginia Department of Transportation.

4-3-10 CUL-DE-SAC STREETS

A. Length of Cul-de-Sac

Cul-de-sac streets shall not exceed 1,500 feet in length, or serve more than 35 dwellings whichever is the less restrictive. The length shall be measured from the end of the cul-de-sac to the closest intersection which provides a means of egress from the development, either directly or indirectly. Where the plan-approving authority determines that the topography, property configuration or other physical constraints are such that a cul-de-sac of greater length is required or desirable for the effective and efficient development of the property, the plan-approving authority may authorize cul-de-sacs which exceed 1,500 feet in length.

B. Dead End Street Signs

A sign shall be posted at the entrance to any cul-de-sac indicating it is a dead end street if the end of the cul-de-sac is not clearly visible from the entrance.

C. Cul-de-Sac Turnaround Design

Cul-de-sac streets shall be terminated by a turn-around having a minimum right of way radius of 50 feet and a minimum pavement radius of 35 feet.

4-3-11 SERVICE ALLEYS

In certain situations, the use of service alleys may be a desirable alternative to the more traditional type of development. When alleys are proposed, the following conditions shall apply:

A. Frontage

Frontage on an alley shall not be construed to satisfy any lot frontage requirements of Article 2.

B. Maintenance of Alleys

Service alleys shall only be created if they are proposed to be maintained by a property owners' association with the capacity to maintain the service alleys. Notations to this effect shall be clearly indicated on the approved plan and other applicable documents recorded in the Courthouse.

C. Alley Design

Service alleys shall have a minimum right-of-way width of fourteen (14) feet, a minimum pavement width of ten (10) feet, and a maximum uninterrupted length of 500 feet.

D. Alleys Not to be Designed to Handle Through Traffic

Transportation system design shall be such that alleys are not used by vehicular through traffic desiring to bypass roads more suitable for their passage.

E. Dead End Alleys

Where alleys are proposed to terminate in a cul-de-sac, either a circular or a "T" turnaround shall be provided.

4-3-12 REGULATORY AND TRAFFIC SIGNS

A. Developer Responsible for Providing Signs

The developer shall be responsible for the provision of all regulatory and traffic signs required to maintain and ensure traffic safety during and after construction of improvements. This shall include the provision of temporary or permanent regulatory and traffic signs during construction, if required by the plan-approving authority after consultation with the Department of Transportation.

B. Signs Erected Prior to the Issuance of Building Permits

All intersections of development streets with existing public roadways shall be provided with appropriate STOP or YIELD signs, as determined by the Department of Transportation, prior to the issuance of any building permits for any structure on a lot contained within said development accessed directly or indirectly through such intersection.

C. Signs Erected Prior to Building Occupancy

All required regulatory and traffic signs within any development shall be installed prior to occupancy of any structure within the development.

4-3-13 SIGHT TRIANGLES

A. Sight Triangle Area Defined

A sight triangle area is a triangular-shaped portion of land established at street intersections and entrances onto streets in which nothing is permitted to be erected, placed, planted or allowed to grow in a manner that limits or obstructs the sight distance of motorists, bicyclists or pedestrians traversing or using the intersection or entrance. The protected sight distance area is the triangle with legs that are the intersecting flowlines of two streets or a entrance/exit and a street at an intersection.

B. Sight Triangle Area Requirements

Where local streets meet (or entrance/exit with a local street), the legs of the triangle shall extend 35 feet away from the intersection of the flowlines. Where the intersection is with a collector or arterial street, the legs of the triangle shall be 45 feet from the intersection or the flowlines.

C. Sight Triangle Area Clearance

Signs, plantings, structures and other obstructions which would obscure or impede sight lines between three feet (3') and seven feet (7') in height above grade shall be prohibited within the sight triangle area.

D. Sight Triangle Area Indicated on the Plan of Development

The sight triangle shall be clearly shown and its purposes noted on the final approved plan of development.

4-3-14 PRIVATE ROADS

Developments which contain private roads as permitted must, at a minimum, meet each of the requirements set forth under either Type I or Type II below:

A. Type I:

Type I private roads must meet or exceed each of the following requirements:

(1) The private roads must connect directly to a state-maintained hard-surfaced road at one location and not connect to any other road. All roads in the proposed development shall be designed and constructed in accordance with the most current edition of Virginia Department of Transportation Subdivision Street Requirements, as well as other applicable regulations of the Department of Transportation, except that the road need not be hard surfaced.

(2) No more than twenty-four (24) lots shall be within the development.

(3) Prior to the sale of any lots, the developer shall erect, within twenty-five (25) feet of the point where the primary access road to the development joins a State maintained road, a permanent sign, clearly visible from the State maintained road, containing the following statement in block letters no less than three (3) inches high:

THE UNPAVED ROADS IN THIS DEVELOPMENTWILL NOT BE PAVED OR MAINTAINED AT PUBLIC EXPENSE.

Such sign shall be maintained by the developer and the organization established pursuant to Subsection (8) below, in clearly visible condition, so long as the developer owns any lot in the development.

(4) Each private road shall be clearly marked as such on the final plat and other applicable documents of any development recorded in the Courthouse. The developer shall have boldly printed upon the final plat, the real estate sales/land contract, and as a covenant in each deed for a lot in the development, the following statements:

THE PRIVATE ROADS IN THIS DEVELOPMENT WILL NOT BE PAVED OR MAINTAINED WITH FUNDS FROM RICHMOND COUNTY OR FUNDS ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION. IN ADDITION, RICHMOND COUNTY SCHOOL TRANSPORTATION POLICIES WILL NOT ALLOW SCHOOL BUSES TO TRAVEL AND PICK UP CHILDREN ON PRIVATE ROADS. IN THE EVENT THAT OWNERS OF LOTS IN THIS DEVELOPMENT SUBSEQUENTLY DESIRE THE ADDITION OF SUCH PRIVATE ROADS TO THE SECONDARY SYSTEM OF STATE HIGHWAYS FOR MAINTENANCE, THE COST TO UPGRADE IT TO PRESCRIBED STANDARDS MUST BE PROVIDED FROM FUNDS OTHER THAN THOSE ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR RICHMOND COUNTY. PRIVATE ROADS IN THIS DEVELOPMENT ARE NOT DEDICATED AND ARE OWNED BY (trust, corporation, property owners' association).

(5) Except where required by the plan-approving authority to serve a specified public purpose, such private road shall not be designed to serve through traffic nor to intersect the State highway system in more than one location.

(6) Any private road shall be adequate to carry the traffic volume which may be reasonably expected to be generated by the subdivision.

(7) The fee simple ownership of private road is to be owned by a private membership corporation, property owners' association, or a trust established pursuant to Subparagraph (8) below.

(8) The developer shall create and establish by properly executed documents a trust, membership corporation, or property owners' association for the purpose of maintaining and improving the roads in the development. The trust agreement, articles of incorporation, or bylaws of such trust, corporation or association shall be approved by the plan-approving authority.

(9) The initial funding of the road maintenance fund of the trust, corporation, or association shall be provided by the developer depositing to the credit of such trust, corporation, or association five (5) percent of the gross sales price for each lot sold in the development or a minimum of $500.00 per lot, whichever is greater. This percentage of the gross sales price shall be paid upon closing of each and every lot in the development. Gross sales price as used herein shall mean the selling price to a bona fide third party purchase, and in the event of a sale which is not at arm's length, the gross selling price shall be deemed to be the (i) the actual market value of the lot as determined by the trustees, corporation, or association to be established, or (ii) the assessed value of the lot for real estate tax purposes, whichever is less.

B. Type II:

Type II private roads must meet or exceed each of the following requirements:

(1) The private road must connect directly to a State-maintained hard-surfaced road at one location and not connect to any other road.

(2) The applicable design and construction standards shall be provided by the developer and must demonstrate to the plan approving authority the adequacy of the design and construction standards. The plan approving authority may consult with the Department of Transportation for suggestions on the design. If a design is used that does not meet Department of Transportation standards with regard to alignment, sight distances, and right of way widths, the private road shall be precluded from being brought into the state system of secondary highways. Any requests, by the developer or subsequent owners of lots within the development, for acceptance of the private road into the state system shall be not be considered until the road is constructed by the developer or lot owners to all current Virginia Department of Transportation standards, including hard surfacing.

(3) Each private road shall be clearly marked as such on the final plat and other applicable documents of any development recorded in the Courthouse. The developer shall have boldly printed upon the final plat, the real estate sales/land contract, and as a covenant in each deed for a lot in the development, the statements identified in 4-3-14a(4).

4-3-15 ACCELERATION/DECELERATION LANES

Acceleration/deceleration lanes shall be provided as required by the Virginia Department of Transportation in accordance with the traffic volumes in the vicinity and the projected effect of the proposed development on such traffic volumes.

4-3-16 STREET NAMES

A. Names of proposed streets shall not duplicate or nearly duplicate the name, spelling or sound of any existing or approved street name within the County or within any portion of an abutting jurisdiction which is in an automatic and mutual emergency response area and/or where a mutual emergency response agreement has a reasonable potential to be established.

B. Proposed streets which align with planned, recorded or existing streets shall bear the name of the planned, recorded or existing streets. The plan-approving authority, however, may require the use of a different street name when such action is in the best interest of public safety.

C. Street names shall be approved by the plan-approving authority and shall be indicated on the proposal and the recorded plan of development.

D. Names of recorded or existing streets shall not be changed except by resolution of the Board of Supervisors.

4-3-17 STREET SIGNS

A. Street Signs to be Installed at Intersections

Permanent street identification signs of a design approved by the plan-approving authority shall be installed at all intersections by the developer. Permanent street signs shall conform to the most current specifications and standards for Street Name Signs provided by Richmond County.

B. Street Signs for Private and Public Streets

Unless otherwise approved by the plan-approving authority, all private and public street name signs shall have signs with green reflective backgrounds.

C. Installed Before Issuance of a Certificate of Occupancy

Prior to the issuance of any certificates of occupancy, street identification signs shall be installed by the developer at all street intersections through which access to the lot in question is possible.

4-4 EASEMENTS

4-4-1 PURPOSE AND INTENT

It is the intent and purpose of these regulations to facilitate the limited use of private property for the public good for purposes such as conservation of resources, and the location of private driveways and utility systems.

4-4-2 PLAN OF DEVELOPMENT SUBMISSION REQUIREMENTS

Plans of development shall indicate the location and purpose of all existing and proposed easements. Easements which are a part of any development approval shall be recorded in the Courthouse before a Certificate of Certification is issued by the Land Use Administrator.

4-4-3 GENERAL REQUIREMENTS

A. Location and Use

(1) Utility and driveway easements shall be avoided to the greatest extent possible in areas designated as Resource Protection Areas (RPAs) or other areas possessing significant and sensitive natural and cultural resources.

(2) Utility easements in private rights-of-way, in residential areas may be permitted by the plan-approving authority provided design considerations of the proposal warrant such easements. Necessary franchise and utility construction permits shall be obtained from the Virginia Department of Transportation for utilities constructed in easements within public rights of way.

(3) All utilities, poles or underground conduits for electric power lines or telephone lines shall be placed in easements appropriately located.

(4) Easements for natural drainageways and other drainage facilities, retention basins and other permanent erosion and sediment control facilities shall be provided in accordance with the requirements of this Ordinance.

(5) No building or structure shall be constructed within any easement without the authorization of the plan-approving authority, other appropriate agencies and the holder of the easement.

(6) Where a proposed development is traversed by any stream, watercourse, or drainageway, the developer shall make adequate provision for the proper drainage of surface water, including the provision of drainage easements along such streams, watercourses, and drainageways.

(7) Easements to protect areas for conservation purposes (conservation easements) are encouraged to be used for the:

- Preservation of land areas for outdoor recreation by, or the education of, the general public.

- Protection of relatively natural habitats of fish, wildlife, or plants, or similar ecosystems.

- Preservation of open space, including farmland and forest land for the continuation of viable and important agricultural uses, as well as for scenic enjoyment or pursuant to the Comprehensive Plan, provided such open space preservation yields a significant public benefit.

- Preservation of historically important land areas or buildings.

B. Sufficient Width

Easements shall be of sufficient width to permit the use for which provided and shall include the right of ingress and egress over the easement area for installation and maintenance. Specific easement requirements for water and sewer, wired utilities, roads and drainage are addressed in individual sections of this Article.

4-5 UNDERGROUND WIRED UTILITIES

4-5-1 PURPOSE AND INTENT

It is the purpose and intent of this section is to reduce the adverse impacts of overhead utility lines by requiring all utility facilities proposed within major plans of development to be located underground.

4-5-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Each plan of development should show the location and type of wired utilities on the plan of development.

4-5-3 GENERAL REQUIREMENTS

A. Major Plan of Development Utilities Underground

All utility facilities proposed within major plans of development, including but not limited to wires, cables, pipes, conduits and appurtenant equipment, carrying or used in connection with the furnishing of electric, telephone, cable television or similar service shall be placed underground. The plan-approving authority may waive this requirement in the case of exceptionally large lots or unusual topographic conditions.

B. Exemptions

The following shall be permitted above ground:

(1) Electric transmission lines and facilities in excess of fifty (50) kilovolts;

(2) Equipment such as electric distribution transformers, switch gear, meter pedestals, telephone and cable television pedestals, outdoor lighting poles or standards, radio antennas, traffic control devices, and associated equipment, which is, under accepted utility practices, normally installed above ground;

(3) Meters, service connections and similar equipment normally attached to the outside wall of the customer's premises;

(4) Temporary above-ground facilities required in conjunction with an authorized construction project;

(5) Facilities necessary to extend utility service to the property line of the site under development.

C. Existing Above-Ground Utilities Grandfathered

Existing above-ground facilities may be maintained or repaired provided that such repair does not involve relocation. Whenever any existing on-site above-ground utilities require relocation for any reason, they shall be removed and placed underground.

D. Utilities to be Located Within Easements

All utilities shall be placed within easements approved by the plan approving authority. The developer shall coordinate easement size and location with the appropriate utility providers. The utility providers shall submit written documentation that the proposed utility easements are coordinated and adequate for all intended utilities. At a minimum, all utility easements for underground wired facilities shall be fifteen (15) feet wide along all roads and a minimum of eight (8) feet along each side of all other property lines. When overhead wired utilities are allowed, the minimum utility easement shall be thirty (30) feet wide along all roads and fifteen (15) feet wide along each side of all other property lines. No utility easement shall be permitted to have a slope greater than 2:1. Wherever cuts and fills adjacent to highway right of way are greater than 2:1, the utility easement shall be located beyond the steep slope. Where feasible, utilities should be ganged together so as to minimize the disturbance of natural areas.

4-6 EMERGENCY SERVICES

4-6-1 PURPOSE AND INTENT

The purpose and intent of this Section is to ensure the adequacy of fire protection and emergency services to all citizens of the County.

4-6-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Plans of development shall demonstrate compliance within the requirements of this Ordinance.

4-6-3 GENERAL REQUIREMENTS

A. Fire Protection

(1) Access

All buildings on a site shall be readily accessible to emergency vehicles and apparatus.

(2) Fire Lane/Fire Apparatus Space

At a minimum, a building shall have twenty-five percent (25%) of its perimeter fronting on a public or private street or on a fire apparatus space unobstructed for at least thirty (30) feet in width. Depending on a building's design configuration and use, as well as the location of its entrances, fire apparatus space or a fire hydrant, this requirement may be modified by the plan-approving authority. A fire apparatus space shall be accessible from the street by a posted fire lane at least twelve (12) feet in width. Fire lanes and fire apparatus spaces shall be posted by appropriate signage and pavement markings. These areas shall not be obstructed so as to impede fire apparatus access. Fire lanes need not be separate accessways but may be incorporated as part of an individual site's access driveway system or off street parking aisles, so long as they are properly posted.

(3) Fire Hydrants

Fire hydrants shall be located along all street rights-of-way in areas served by central water systems. Not withstanding these requirements, hydrants and other fire suppression systems shall comply with all state standards. In areas not served by public water, the County may require the installation of a deep well with a hydrant system, a screened standpipe in a perennial stream, sprinkler systems or other fire suppression systems necessary to ensure an adequate level of emergency service.

(4) Plan of Development Disapproval Given Inadequate Fire Protection Capability

A plan of development may be disapproved based solely on the finding that the fire department would be unable to adequately serve the site.

4-7 DRAINAGE

4-7-1 PURPOSE AND INTENT

It is the purpose and intent of these regulations to ensure that developments shall be provided with such storm drains, culverts, drainageways, or other works as are necessary to collect and dispose of surface and storm water originating on or flowing across the development, in order to prevent inundation and damage to streets, lots, and buildings, and to improve the water quality of the Chesapeake Bay and its tributaries.

4-7-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

A. Compliance with Requirements of this Section

Plan of development proposals shall include the submission of sufficient evidence in the form of plans and attachments which establish that the plan complies with the requirements of this section.

B. Stormwater Management Plan

The preliminary submission of a plan of development shall be accompanied by a storm water management plan, if and as required by the Land Use Administrator, showing sufficient information to enable a determination to be made relative to the improvements necessary for controlling storm water runoff, including drainage plans and flood control devices. This plan shall show natural drainage patterns and any proposal drainage improvements, including pipe sizes and types, stormwater detention and retention facilities, drainage easements and any other means for transporting drainage waters to a well-defined open stream. Areas subject to periodic flooding (100-year flood) shall be delineated on preliminary and final plans of development.

C. Continuing Management Plan

A continuing management plan, including a property owners' association or other appropriate maintenance entity as if necessary, shall be submitted for all elements of the drainage and flood control system which will not be the explicit maintenance responsibility of the County or the Virginia Department of Transportation. The developer shall provide assurance that all facilities are in good repair and properly functioning when the development has been completed and prior to the responsibility for continuing maintenance and ownership of drainage systems being conveyed to the designated maintenance entity.

4-7-3 GENERAL REQUIREMENTS

A. Provision of Drainage and Stormwater Management Facilities

(1) Drainage and stormwater management facilities shall be provided, either on-site or off-site, to reduce drainage flows, pollutants, and sediment loading from the development to a level not exceeding the conditions prior to development, or to a lesser level, if deemed necessary to comply with the provisions governing pollutant and sediment discharges associated with the Richmond County Chesapeake Bay Preservation Area Ordinance.

(2) The plan-approving authority shall approve, or approve with modifications, only those stormwater management facilities which comply with the intent of this Ordinance or with adopted overall drainage plans and policies, if any. In this regard, the plan-approving authority shall not generally approve, except as a temporary measure, on-site stormwater management facilities as an alternative to contributing to planned regional stormwater management systems, if and when such a management system is in effect.

(3) All management facilities shall be designed and constructed in accordance with Section 4-8 of this Ordinance as supplemented by the latest editions of the Virginia Erosion and Sediment Control Handbook and the Department of Transportation Drainage Manual as well as regulations, or policies adopted by the Commonwealth or the County pursuant to the Chesapeake Bay Preservation Area Ordinance.

B. Drainage Easements

Where a development is traversed by a water course, drainage way, channel or stream, there shall be provided a drainage easement of sufficient area and width to protect and preserve the aforementioned feature. Drainage easements shall be designed and drainage structures constructed in such a manner as to reduce the burden of maintenance, yet provide adequate access for necessary maintenance.

C. Drainage of Rights-of-Way

All public rights-of-way shall be drained in accordance with the requirements of the Virginia Department of Transportation.

D. Appropriate Grading Considerations

(1) No storm water runoff or drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.

(2) Lots shall be graded to secure proper drainage away from buildings and prevent the ponding of stormwater unless within an approved retention or

detention basin and/or in a manner as intended by the Chesapeake Bay Preservation Area Ordinance.

(3) No grading shall occur within 100 feet of any perennial watercourse or wetland except as provided for specific waterfront erosion control, or water-dependent facilities or for necessary utilities and public street construction.

E. Maintenance of Existing Drainage Patterns

In general, the design of a development shall be such as to minimize grading and disturbance of natural vegetation. Natural contours and storm water channels shall be respected and retained where possible.

F. Minimize Impervious Surface Areas

(1) A stormwater management plan shall preserve natural drainageways and wetlands, maximize infiltration of stormwater and minimize off-site discharge of storm water.

(2) In general, impervious surfaces near waterfronts and wetlands shall be avoided; grass swales shall be utilized and curb and gutter and paved ditches shall be avoided except where necessary to prevent erosion in accordance with the standards of the Virginia Department of Transportation.

4-7-4 STORMWATER MANAGEMENT AREA DESIGN CONSIDERATIONS

Stormwater management areas include retention and detention basins, drainage ditches and swales, and wetlands areas. Sensitively designed basins and swales can benefit the health, safety and welfare of County residents. The integration of these areas as desirable landscape features, naturalized wetland areas, or active and passive recreation areas, in addition to their stormwater management function is strongly encouraged whenever possible.

A. Stormwater Detention Areas

One of the following landscape concepts for stormwater detention areas, or an alternative concept complying with the general statement set forth above, shall be used.

(1) Reforestation

This landscape treatment is most appropriate for detention basins and drainage areas that are adjacent to areas of mature woodlands or wetlands. It reverts the disturbed area to a revegetated, stable, low-maintenance, natural landscape asset over time.

The area shall be graded to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This shall include gentle berming. Linear, geometric basins are unacceptable.

The quantity of trees to be planted on the interior of the basins shall be equal to the number of trees that would be necessary to provide canopy cover of the entire area to the high water line or outflow elevation. Plantings shall not be located within twenty (20) feet of low flow channels to allow for channel maintenance. All woody and herbaceous plants shall be species indigenous to the area and/or tolerant to typical wet/dry floodplain conditions.

The perimeter area (slopes above the high water line) shall include shade trees, evergreen trees, ornamental trees, shrubs and groundcover that results in screening that is as maintenance free as possible.

Provisions for emergency access as well as general maintenance of the basins shall be provided. Plantings shall be designed to disguise yet not hinder vehicular access.

Tree plantings are not permitted upon any dikes associated with a detention basin.

B. Stormwater Retention Areas - Open Space/Recreation Features

This landscape treatment can take on a variety of landscape forms, from formal reflecting pools, fountain features to natural park-like lakes and ravines.

(1) Water fountains/features are encouraged in the design of developments.

(2) The waters edge shall be easily maintained and stable. Possible treatments might include rip-rap, stone walls, natural plantings, decking, and bulkheads.

(3) The planting of the perimeter of the feature shall integrate pedestrian paths, sitting areas, and other passive uses.

(4) Plants with pervasive root systems shall not be located where they may cause damage to drainage pipes or other underground utilities.

(5) All engineered basin structures shall be designed to blend into the landscape in terms of construction materials, color, grading, and planting.

4-7-5 STREAM AND LAKE SAMPLING

A. Pre-Development Sampling

All major plans of development abutting lakes and streams shall submit, at the time application is made, water sample results with test and sample for:

Temperature	Nitrogen, total kjeldahl
Dissolved Oxygen	Chloride
Ph	Phosphorous
Alkalinity	Fecal Coliform

(1) These tests shall undertaken at the time of major preliminary plan of development submission and the date of the test shall be so noted.

(2) Samples shall be taken and tested in accordance with generally accepted procedures by or under the jurisdiction of a qualified testing laboratory.

(3) Tests shall be taken at the intersection of any tract boundary and the inflowing streams, and at the outfall points where the water course leaves the tract.

B. Post-Development Sampling

If the major plan of development is approved and constructed, a second set of tests shall be taken by the developer at the discretion of and at a time decided by the Land Use Administrator, but not after performance and maintenance guarantees have been released. All results and comparisons shall be given to the Land Use Administrator for review and analysis. Performance and maintenance guarantees may be applied to correct any degraded water-quality conditions, which in the opinion of the Land Use Administrator, are as a result of the implementation and construction of the plan of development.

4-7-6 OFF-SITE DRAINAGE COSTS

A. Applicability

The developer shall be required to pay a pro rata share of the cost of providing reasonable and necessary drainage improvements located outside of the property limits of land owned or controlled by him whenever all of the following conditions exist:

(1) The plan-approving authority determines that such off-site improvements are necessitated at least in part by the construction or improvement of the development.

(2) The County has established a general drainage improvement program for an area having related and common drainage conditions. The developer's property is located within the designated area covered by this program.

(3) The estimated cost of the total drainage improvement program has been determined.

(4) The estimated storm water runoff has been established for the designated area served by such program.

B. Cost Determination

The developer's share of the estimated cost of improvements shall be limited to the proportion of such estimated cost which the volume and velocity of storm water runoff to be caused by his development bears to the total estimated volume and velocity of runoff from such area in its fully developed state.

C. Payment Provisions

Any cash payment received by the County shall be expended only for construction of those facilities identified in the established drainage facilities improvement program and until so expended, shall be held in a separate account for the individual improvement program.

4-8 EROSION AND SEDIMENT CONTROL

4-8-1 PURPOSE

The purpose of this Section is to conserve the land, water, air and other natural resources of Richmond County and promote the public health and welfare of the people of Richmond County by establishing requirements for the control of erosion and sedimentation, and by establishing procedures whereby these requirements shall be administered and enforced.

This Section is authorized by the Code of Virginia, 1950, as amended, Title 10, Chapter 5, Article 4, (Section 10.1 560-571), known as the "Erosion and Sediment Control Law".

4-8-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

A. Preliminary plans

As part of the plan of development process, the applicant may submit a preliminary erosion and sediment control plan. The preliminary plan should contain sufficient information to facilitate a meaningful discussion and enable the Land Use Administrator to offer constructive advice. Information pertaining to the site which would enable this to occur are as follows:

(1) all major soil types;

(2) approximate limits of clearing and grading;

(3) tentative means of erosion and sediment control;

(4) phasing of development to minimize area and duration of exposure;

(5) contour lines.

B. Final Plans

The final plan submitted as part of the plan of development application shall consist of the narrative and plan map as described in Chapter 6 of The Virginia Erosion and Sediment Control Handbook.

(1) The plan map shall be prepared at a scale of not less than 1" = 100' or as accepted by the Land Use Administrator and shall incorporate good engineering practices designed according to The Virginia Erosion and Sediment Control Handbook guidelines as well as the Department of Transportation's Drainage Manual, where appropriate.

(2) The plan map shall contain all information necessary for carrying out the conservation measures and shall also include a scale, north arrow, date, owners of record, engineers certificate (if required), approval signature block, key map at a scale of no less than 1" = 2000', and contour lines.

(3) The map will show other information as required by the Land Use Administrator.

(4) The plan preparer will be responsible for guiding the contractor toward properly implementing the plan on all land-disturbing activities where the cost of implementation is expected to exceed $25,000.

4-8-3 GENERAL REQUIREMENTS

A. Applicability

Any land disturbance in excess of 2,500 square feet may result in soil erosion from water or wind and the movement of sediments into State waters. These activities include, but are not limited to, clearing, grading, excavating, transporting and filling of land.

B. Exemptions

The following land disturbing activities are exempt from the provisions of this section.

(1) Minor land disturbing activities such as home gardens and individual landscaping, repairs and maintenance work.

(2) Individual service connections.

(3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced.

(4) Surface or deep mining activities.

(5) Exploration or drilling for oil and/or gas, including the well site, roads, feeder lines and off-site disposal areas.

(6) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops or livestock feedlot operations.

(7) Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Virginia Dam Safety Act, Chapter 8.1 of the Code of Virginia (Section 62.1-115.1 et. seq.), ditches, strip cropping, lister furrowing, land drainage and land irrigation;

(8) Disturbed land areas of less than 2,500 square feet in size;

(9) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

(10) Shore erosion control projects on tidal waters when the projects are approved by the Richmond County Wetlands Board, the Virginia Marine Resources Commission and the U.S. Army Corps of Engineers;

(11) Emergency work and repairs to protect life, limb or property, however, if the land-disturbing activity would have required an approved erosion and sediment control plan, or the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the Land Use Administrator.

C. Criteria, Standards and Specifications for the Preparation of an Erosion and Sediment Control Plan

(1) Persons submitting plans in accordance with this Section shall be governed by the criteria, standards and specifications established in Chapter 6 of <u>The Virginia Erosion and Sediment Control Handbook</u>. In the case of a land-disturbing activity for the construction of a single family dwelling, the Land Use Administrator may waive the requirement for a full erosion and sediment control plan as set forth in this Ordinance. When an Agreement in Lieu of an

Erosion and Sediment Control Plan is signed by the applicant and approved by the Land Use Administrator. This Agreement shall constitute authorization under this Ordinance to conduct land-disturbing activity allowed by the Agreement. Such agreement shall set forth all conservation measures to be carried out and maintained, shall grant right-of-entry to the Land Use Administrator and his designees in order to make the project subject to all review, inspection, and enforcement provisions of this Ordinance as well as to facilitate the installation or maintenance of erosion and sediment control measures in the event the applicant fails to comply with the approved plan.

D. Plan Review

(1) The Land Use Administrator has been designated as the plan-approving authority for the County. The Northern Neck Soil and Water Conservation District may be called on by the to conduct a non-binding review of any plan. In reviewing plans, the Land Use Administrator may also seek or receive recommendations or comments from the Virginia Department of Transportation, the Health Department and such other agencies that are deemed to have some responsibility in this area.

(2) The Land Use Administrator shall, within 45 days, approve any erosion and sediment control plan submitted to him if he determines that the plan meets the conservation standards of the local control program and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will comply with the provisions of this Ordinance.

(3) When a plan is determined to be inadequate, the Land Use Administrator, within 45 days of receipt, shall give written notice of disapproval stating the specific reasons for his disapproval. The Land Use Administrator shall specify such modifications, terms and conditions as will permit approval of the plan and shall communicate these requirements to the applicant. If no action is taken by the Land Use Administrator within the time specified above, the plan shall be deemed approved and the person shall be authorized to proceed with the proposed activity.

(4) An approved plan may be changed by the Land Use Administrator in the following cases:

Where inspection has revealed the inadequacy of the plan to accomplish the erosion and sediment control objectives of the Ordinance, plan changes can be required without approval of the person responsible for carrying out the plan in order to comply with The Virginia Erosion and Sediment Control Handbook, which is assumed to be an integral part of every plan; or

Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out, and the proposed amendments to the plan, consistent with the requirements of this Ordinance, are agreed to by the Land Use Administrator and the person responsible for carrying out the plan.

E. Issuance of grading, building or other permits.

(1) The Building Official or any other agency authorized under any other law to issue building or other permits for land-disturbing activities shall not issue such permits unless:

The applicant submits with his permit application the approved erosion and sediment control plan; or

There is a Certificate of Compliance from the Land Use Administrator or sufficient evidence that a plan was submitted and no action was taken within forty-five days; or

There is certification from the Virginia Division of Soil and Water Conservation that the plan has been approved. (A plan for which land-disturbing activities involve lands under the jurisdiction of Richmond County and one or more other localities may, at the option of the applicant, be submitted to the Virginia Division of Soil and Water Conservation for review and approval, rather than submission to each jurisdiction concerned. However, if the applicant chooses to submit his plans to the Virginia Division of Soil and Water Conservation rather than the local jurisdiction, he shall notify, by certified mail, the Land Use Administrator of his intention at the same time of submittal.);

A performance bond has been submitted to and accepted by the County (single family dwellings constructed with an approved plan are exempt from this requirement).

(2) When the Land Use Administrator does not have documentation in hand that the person responsible for carrying out the plan has certified that he will properly perform the control measures included in the plan, the Land Use Administrator shall withhold issuance of a Certificate of Compliance until he has obtained the certification of performance.

4-9 STORAGE AND WASTE DISPOSAL

4-9-1 PURPOSE AND INTENT

It is the intent of Richmond County that stored goods and the solid waste generated by the citizens and businesses of the County be responsibly stored, dispensed, and disposed.

4-9-2 PLAN OF DEVELOPMENT SUBMISSION REQUIREMENTS

All plans of development shall demonstrate compliance with the requirements of this section.

4-9-3 GENERAL REQUIREMENTS

A. Recycling

Applicants of plans of development shall evaluate alternative recycling plans and propose one for their development which increases the likelihood of source separation and waste disposal reduction. For example, developers could consider innovative designs both inside and out to make recycling more convenient and accessible to businesses and residents. Every plan of development proposal can provide that space be allocated inside or outside buildings for recycling separation bins.

B. Storage and Waste Disposal

(1) Any operation, use or any activity involving the manufacture, utilization, or storage of flammable, combustible and/or explosive materials shall be conducted in accordance with state and federal regulations.

(2) All outdoor storage facilities for fuel, raw materials and stored products, shall be enclosed by an approved safety fence and suitable landscaping to screen such areas from public view.

(3) No materials, wastes or other substance shall be stored or maintained upon a lot in such a manner that natural runoff from such areas can impair the existing water quality of a stream, watercourse or aquifer more so than the primary use intended for the lot without such storage.

(4) All materials or wastes which might cause fumes or dust, constitute a fire hazard or be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

C. Refuse Collection

Dumpsters, or an alternate method of collection approved by the plan-approving authority, shall be required for mobile home parks, rental housing developments, commercial and industrial developments. The following standards shall apply:

(1) Dumpsters or other approved collection receptacles shall be located on the site so that service vehicles will have convenient and unobstructed access to them.

The location shall be such that encroachment by service vehicles upon pedestrian ways, parking spaces, or vehicular circulation drives will be minimized.

(2) Dumpsters or other approved collection receptacles shall be screened from view on all sides by fencing, gates, shrubbery or building walls except where the plan-approving authority determines that such screening is not necessary because other screening such as buildings, fences or landscaping is in place.

(3) Dumpsters shall be positioned upon dumpster pads constructed in accordance with all applicable Health Department standards for construction and drainage.

4-10 LIGHTING

4-10-1 PURPOSE AND INTENT

The purpose and intent of this Section is to ensure that lighting is provided in order to facilitate the safe and secure movement of motor vehicles, bicycles and pedestrians, as well as to provide for the security of buildings and personal property.

4-10-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

The applicant shall submit plans for all proposed exterior lighting. These plans shall include the location, type of light, radius of light, manufacturer's specification sheet and intensity in footcandles. This submittal is not required of single family homes, however, that does not exclude single family homes from complying with the requirements of this section.

4-10-3 GENERAL REQUIREMENTS

A. Maximum Height

The maximum height of light standards shall not exceed the maximum building height permitted, or 25 feet, whichever is less.

B. Lights Shall be Shielded

The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to adjacent residents. The design of lighting standards shall be of a type appropriate to the development in which they are proposed.

4-10-4 LIGHTING WITHIN PUBLIC RIGHTS-OF-WAY

A. When Required

The use of lighting within public rights of way is at the discretion of the applicant, unless required by the Virginia Department of Transportation or the plan-approving authority when deemed necessary to ensure the safety of the traveling public.

B. Installation Standards

Unless otherwise approved by the plan-approving authority, street lights shall conform with the following standards:

(1) All fixtures and mounting devices shall be architecturally compatible with the development. In this regard, "cobra-head" or other fixtures with a horizontal extension between the mounting pole and the luminaire of more than eighteen inches (18") shall not be approved in residential areas.

(2) The lighting plan shall be designed to illuminate roads, intersections and pedestrian facilities constructed within and along the boundaries of the development.

(3) Luminaires shall be installed so as to reduce or prevent direct glare into dwellings.

4-10-5 LIGHTING WITHIN PARKING AREAS AND ADJACENT WALKWAYS

All parking areas and appurtenant walkways, bikeways and driveways serving commercial, public, office, industrial, residential, mobile home park, or other similar uses, having common off-street parking and/or loading areas, and/or common pathways shall be adequately illuminated for security and safety purposes. The lighting plan shall provide for nonglare, color-corrected lights focused downward, and be consistent with the standards listed below.

A. Cone of Illumination Standard

All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to one hundred fifty (150) degrees.

B. Shielding of Lights Near Residences

Where lights along property lines would be visible to adjacent residents, the lights shall be appropriately shielded. Such shielding may include luminaire shielding, berming, landscape material, and/or decorative fencing.

C. Lights Out Provision

Site lighting, other than that needed for security purposes, shall be set on a timer system that shuts off all but security lighting of the site by 11:00 p.m.

D. Spotlights Not Recommended in Certain Circumstances

Spotlight-type fixtures attached to buildings and visible to the public shall be avoided.

E. Lighting at Points of Vehicular Conflict

Lighting shall be located along driveways, where driveways intersect public rights of way, parking areas, and where various types of circulation systems merge, intersect, or split. Free-standing lights shall be so located and protected to avoid being damaged by vehicles. Lighting poles or standards shall be placed at least three (3) feet beyond where anticipated vehicular traffic or parking may occur.

F. Lights in Pedestrian Areas

Pathways, sidewalks and trails shall be lighted with low pedestrian level or mushroom type light standards. Stairways, sloping or rising paths, and building entrances and exits shall be illuminated.

4-11 OFF STREET PARKING AND LOADING

4-11-1 PURPOSE AND INTENT

The purpose and intent of the regulations established herein is to ensure that access to a development site from adjacent vehicular rights-of-way are designed so as to interfere as little as possible with traffic flow on these rights-of-way, permit vehicles a rapid and safe ingress and egress to the site and ensure the provision of an adequate number of parking spaces. Pedestrian and vehicular traffic movement within the development site, with particular emphasis on the provision and layout of parking areas, off street loading and unloading facilities and on site driveway patterns shall be reviewed to ensure that all parking spaces are usable, safe and conveniently arranged, and that the site is efficiently designed.

4-11-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Every plan of development shall include a parking and loading design plan. The design plan shall include the:

- location and width of existing and proposed streets, entrances and exits servicing the site, including the type of pavement;

- location of all off-street parking areas and off-street loading facilities, showing the number, location and dimensions of parking spaces, loading areas, curb stops, bumpers, traffic aisles, traffic patterns, curb radii and type of pavement and curbs with construction details;

- location of existing and proposed curbs, sidewalks, bike paths, bike storage areas, etc.

4-11-3 OFF-STREET PARKING REQUIREMENTS

A. Minimum Number of Spaces

(1) The minimum number of off-street parking spaces proposed with proper access from a public right-of-way or driveway shall be included in the plan of development for all uses. The plan-approving authority shall be guided by the number of persons to be employed in said building or by the use; the number of persons expected to reside in, visit, or patronize the building or use, and the need for safe and convenient loading space for visitors, patrons and goods.

(2) Shared Parking

The required parking space for any number of separate uses may be combined in one facility. The number of spaces required in such a shared facility shall be determined by the plan-approving authority after review of a parking study submitted by the applicant.

B. Size of Spaces

Parking spaces shall be sized in accordance with generally accepted standards.

C. Design of Parking Spaces for the Physically Handicapped

Parking spaces for the physically handicapped shall be designed in accordance with the most current federal and/or state requirements.

D. Arrangement and Marking of Parking Spaces

(1) All off-street parking areas shall be arranged and marked to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Directional arrows and traffic signs shall be provided for traffic control. Individual parking spaces shall be clearly defined.

(2) All off-street parking shall be designed so that vehicles can turn around on site and enter the public right-of-way or vehicular travelways in such a manner as to completely eliminate the necessity of backing into the street.

4-11-4 DRIVEWAYS

A. Design

(1) All entrance and exit driveways shall conform to the requirements of the Virginia Department of Transportation in order to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site, and to minimize conflict with the flow of traffic.

(2) The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily.

4-11-5 SIDEWALKS

A. Location and Design

In addition to all required parking spaces and driveways, pedestrian sidewalks shall be provided in off-street parking areas for pedestrian safety. Sidewalks shall be protected from vehicular encroachment by wheel stops, curbs, or other methods approved by the plan-approving authority. Sidewalks shall be a minimum width of four (4) feet. Parked vehicles shall not overhang or extend over sidewalk areas, unless an additional sidewalk width of three (3) feet is provided to accommodate such overhang.

B. Separation of Sidewalk Areas from Parking Spaces

All parking spaces shall be separated from sidewalks, roads, and landscaped areas by wheel stops, curbs, or other method approved by the plan-approving authority.

4-11-6 OFF-STREET LOADING

A. Applicability

Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, sufficient off-street loading and unloading areas must be provided.

4-11-7 BICYCLE PARKING

When there is a reasonable expectation that a proposed development will be accessed by bicycle traffic, bicycle parking facilities shall be provided in an amount sufficient to accommodate anticipated use.

4-11-8 SURFACING REQUIREMENTS FOR OFF-STREET PARKING AND LOADING FACILITIES

A. Paving Standards

All off-street parking and loading areas shall be constructed and maintained with an all-weather impervious material unlikely to cause substantial maintenance problems. Surface areas shall be properly graded and be composed of asphalt, concrete or other material approved by the plan-approving authority, including porous paving.

4-11-9 MAINTENANCE OF OFF-STREET PARKING AND LOADING AREAS

A. Maintenance Requirements

Every parcel of land hereafter used as a public or private off-street parking or loading area shall be maintained in good condition, free of hazards and deterioration. All pavement areas, sidewalks, curbs, drainage facilities, lighting, bumpers, guardrails, markings, signs, bicycle parking devices, landscaping and other improvements shall be maintained in workable, safe and good condition.

B. Repairs by the County Authorized

The Land Use Administrator may authorize repairs for such improvements if, after proper notice, the owner fails to maintain such improvements and such conditions constitute a hazard to health and safety. The imposition of a lien shall be applied to the subject property and shall be enforced and collected by the County.

4-12 LANDSCAPING AND BUFFERING

4-12-1 PURPOSE AND INTENT

The regulations established herein are intended to maintain the vegetated environment of the County, thereby preserving the County's rural qualities and incorporating vegetation in the form of landscaping and buffering within plans of development.

4-12-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Every plan of development shall include a landscape plan. This plan shall include the:

A. Existing Vegetation

Location and identification by size and name all mature or significant trees in open areas on the site. In wooded areas the average size, and predominant species of trees shall be shown.

B. Buffering Details

Location, dimensions and area of all proposed buffer areas including areas proposed to be fenced, walled, or screened through the use of architectural or any other landscape method.

C. Landscaping Details

Location, size, type and name of all new landscaping materials, as well as materials to be retained on site.

D. Vegetation Protection

Details and notes pertaining to the methods to be utilized to protect trees and plant materials to remain on site from damage, both during and after development of the site.

E. Maintenance Notations

Appropriate notations regarding responsibility for the perpetuation and maintenance of all landscape plant materials or other landscape features to be preserved or installed on the site.

F. Waiver of Submittal Requirements

The plan-approving authority may waive all or a part of the submittal requirements if an application can be thoroughly and responsibly evaluated despite the absence of waived submittal data.

4-12-3 GENERAL REQUIREMENTS

A. Maximize the Value of Vegetated Material

Trees, shrubs, ground cover and other landscaping shall be located so as to utilize effectively the natural capacities of plant materials to intercept and absorb airborne and runoff-related pollutants and to reduce runoff volume, velocity and peak flow increases caused by development.

B. Existing Trees to be Preserved

Existing viable and mature trees shall be preserved and protected as a part of the overall landscaping plan.

C. Landscaping to Suit the Site

Landscape materials and designs shall be appropriate for the specific characteristics of the site.

D. Landscaping to Buffer Development Impacts

Landscaping of buffer areas shall be designed to reduce, as much as possible, the impacts of development on adjacent natural areas, the scenic rural character of the County, and on adjacent landowners who might be adversely impacted by the proposed development.

E. Preserve Existing Natural Buffers

In all cases, the preservation of natural buffers is encouraged.

F. Design of Buffers

Plant material screens and structural elements used as buffers shall be designed in a staggered or undulating manner to create a more natural looking buffer.

G. Landscaping Areas Devoid of Trees

All land development areas devoid of major trees, including the areas along the roads of the development where natural woods are not present, and where due to construction, the entire right-of-way is cleared, the following provisions shall apply:

(1) Trees shall be planted along both sides of all streets as approved by the plan approving authority.

(2) Trees shall be planted at forty (40) to fifty (50) feet intervals.

H. Buffering Objectionable Site Features

Objectionable features including dumpsters, outside storage areas and large parking areas (10 vehicles or greater) as well as loading areas shall be visually buffered by landscaping and structural elements.

4-12-4 LANDSCAPE PRESERVATION

The preservation of existing vegetation on a development site has distinct advantages since this vegetation is well established and tolerant of existing conditions, and can be readily employed to fulfill the intent and purpose of this Section. Incorporating natural features into plan of development proposals not only improves the quality of the project, but also reduces construction problems and increases the value of the development. Soil erosion and sedimentation control costs are reduced. The existing vegetation holds soil in place and breaks the impact of falling rain. Forest soils are porous and function like a sponge soaking up stormwater. The value of homes is increased when trees are retained and the resultant appearance is one of an established community. The following provisions are intended to facilitate the preservation and beneficial use of existing vegetation during development.

A. Construction Footprint

The construction footprint shall not exceed sixty (60) percent of the site

B. Which Trees Shall Be Preserved

In determining which trees and shrubs shall be preserved during the development process, consideration shall be given to preserving those which exhibit some or all of the following characteristics:

(1) are significant trees;

(2) can tolerate environmental changes caused by development;

(3) are disease and insect resistant;

(4) exist in natural groupings including islands of trees;

(5) do not conflict with necessary utility, structure, parking area, and roadway placements.

C. Protecting Trees During Construction

Trees which are to be preserved on site shall be protected before, during and after the development process utilizing accepted practices. At a minimum, Standard and Specification No. 3.38, Virginia Erosion and Sediment Control Handbook, Third Edition 1992 shall be utilized.

D. Protecting Woodland Groups

In woodland areas, groups of trees shall be selected for preservation rather than single trees wherever possible.

E. Tree Clearing Limits Marked and Approved

(1) The Land Use Administrator shall approve the marked limits of clearing in the field prior to the commencement of land disturbing activities to ensure that the limits of clearing as marked conform to the plans approved as part of the plan of development approval process.

(2) Trees to be saved shall be marked by red ribbon.

(3) Trees to be removed shall be marked by blue ribbon.

(4) In heavily wooded areas, the Land Use Administrator may give permission to mark large groups of trees to be removed or saved with appropriately colored ribbon along the perimeter of the area.

F. Areas of Development Sites to Remain Undisturbed

Natural vegetation existing on slopes of twenty-five percent (25%) or greater, in wetlands, within 100 feet of a perennial watercourse or wetland, or any other feature of a Resource Protection Area shall be left undisturbed as a buffer area during development, provided however that:

(1) Access paths and view corridors or sight lines may be cleared along waterways, lakes or wetlands. In general, trees larger than ten inches d.b.h. shall not be removed.

(2) Where natural vegetation is removed it shall be replaced with other vegetation equally effective in retarding erosion and preserving natural appearance.

4-12-5 SITE LANDSCAPING STANDARDS

The following standards apply to all development except single family dwellings built on individual lots.

A. Landscape Areas adjacent to Buildings

A landscape area which is a minimum of 10 feet wide shall be provided adjacent to buildings. This area shall contain a number of trees and shrubs equal to at least one ornamental tree or five shrubs per 200 square feet of planting area provided.

B. Landscape Areas along Rights-of-Way

(1) The landscape area along rights-of-way shall be designed to maintain continuous natural corridors along existing and proposed rights-of-way. This landscaped area shall be a minimum of thirty (30) feet in depth from the edge of the right-of-way to off-street parking areas.

(2) The thirty (30) foot buffer area between the right of way and an on-site parking area may be selectively thinned if fully wooded or shall be planted with shade trees 40-50 feet apart along the right of way if void of vegetation.

C. Landscape Areas Within Parking Lots

Five percent (5%) of the interior of any parking, loading or other vehicular use area shall be landscaped. The location of such landscaping is at the option of the developer; provided, however, the following standards shall apply:

(1) Shade trees within parking areas shall be provided at a minimum rate of one (1) tree per ten (10) parking spaces. Shrubs shall be planted at a rate of two (2) shrubs per ten parking spaces.

(2) No more than ten (10) parking spaces shall be permitted in a continuous row without being interrupted by a landscaped island of not less than six feet (6') in width. Such landscape island shall be planted with one shade tree.

(3) Each parking row shall terminate in a landscape island of not less than ten (10) feet in width. Such landscaped island shall be planted with one shade tree.

(5) Parked vehicles may overhang a landscaped median strip no more than three (3) feet, provided curbing or other wheel stops are installed to insure no greater overhang or penetration of the median strip.

(6) Landscaped islands and median strips shall be planted in grass or any year-round ground cover and/or mulched.

D. Exemption from Section C Above

The provisions of subsection c above shall not be applicable in the following situations:

(1) Where any off-street parking, loading or other vehicular use area will be entirely screened from the public view and from abutting property by a building or structure; or

(2) Where the total parking area contains less than ten (10) parking spaces.

4-12-6 BUFFER AREAS

A. Function

The function of buffer areas is to provide visual and noise barriers between adjacent land uses, or between a land use and a public road which block out both visual nuisances, such as glare from lights, and shield the source of noise from view, thereby reducing its perceived impacts. Additionally, buffers may serve as a protective or safety barrier, by blocking physical passage. The provision of buffer areas enables land uses of varying intensities to be approximate to each other, thereby accommodating the needs and values of both the developer and adjacent landowners.

B. Buffer Design

The design of buffer areas shall utilize distance, vegetative material, and structural elements such as fences, privacy walls, berms or other approved elements. One or more of these features shall be required depending on adjacent existing or proposed uses.

4-12-7 STANDARDS RELATING TO PLANT MATERIALS SELECTED FOR INSTALLATION

A. Plant Selection

Plants selected for use must be shown to be tolerant to the climatic conditions of Richmond County. It is recommended that predominately indigenous plant species be used which would enable newly installed plants to blend in with natural vegetated

conditions. Foliage type, light conditions, rate of growth, ultimate size and primary uses shall also be considered when selecting plant species.

B. Size Standards

All landscaping required within this Section shall conform with the following minimum size standards:

MINIMUM PLANT SIZE AT PLANTING

Plant Material Type	Minimum Size	Minimum Branch Spread
Trees:		
Deciduous		
Shade	12' height and 2" caliper	4'
Flowering/ Ornamental		
•single-stem	8' height and 1-1/4" caliper	4'
•multi-stem	8' height	4'
Evergreen	4' height and 1-1/4" caliper	N/A
Shrubs:		
Deciduous	24" height or spread	N/A
Evergreen	18" height or spread	N/A

C. Quality Standards

All plant materials installed on a site shall be of high quality and in excellent condition at planting. The Land Use Administrator may withhold the release of required guarantees until plants which are deemed to be undersized, inappropriate, in poor condition, or improperly planted are satisfactorily replaced or repositioned.

4-12-8 MAINTENANCE OF LANDSCAPING AND BUFFERING

The property owner, or his successors, shall be responsible for the perpetuation and maintenance of all landscaping, fencing, and buffering materials required by this Ordinance as

shown on an approved landscape plan. Failure to maintain such landscaping, fencing and buffering shall be deemed a violation of this Ordinance.

A. Vegetation Maintenance

All plant material required by this Ordinance or as shown on the plan shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse, litter, and debris.

B. Buffer Maintenance

All fences, walls, and buffering required by this Ordinance or shown on the plan shall be maintained in good repair and kept free of refuse, litter, and debris.

C. Replacement Vegetation to Conform to Approved Plan

All landscaping material shown on the plan which may subsequently be replaced on the site shall conform with the original approved landscape plan with respect to size and characteristics of the plantings. In meeting the terms of this section, the replacement of mature trees on site shall require the installation of trees of a similar species.

4-13 OPEN SPACE AND RECREATION

4-13-1 PURPOSE AND INTENT

The purpose and intent of these regulations is to maintain a sense of openness associated with rural areas within newly constructed developments and the County in general, preserve and protect significant and sensitive natural and cultural resources, and provide active and passive recreational opportunities approximate to the citizens of the County.

4-13-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Plans of development shall identify the location and type of common open space and the type of proposed recreational uses and facilities. Justification of the recreational uses proposed should be provided and compliance with these regulations shall be demonstrated.

4-13-3 GENERAL REQUIREMENTS

A. Open Space Required

All development shall include open space areas as part of the plan of development. Open space shall generally mean all areas not utilized for buildings, roads and parking, loading areas or accessory structures. Areas qualifying as open space include, but are not limited to natural undisturbed areas, lands for the continuation of agricultural activities, landscaped areas, ponds and lakes, wetlands, dedicated wildlife

preserves, buffer areas and ancillary recreational amenities such as playlots, playgrounds, swimming pools, tennis courts and golf courses.

B. Location

(1) An effective open space system should tie together a number of diverse recreational activity areas with adequate pedestrian pathways and auto/bicycle access for those it is intended to serve. As many homes as possible should have direct access to the open space of a development.

(2) Active recreation should be visibly close but shall not interfere with the privacy of adjacent residents. These areas should be designed to accommodate the recreational needs of the project's intended age groups.

(3) Wherever feasible, the common open space shall connect into existing County parks, recreation lands, historic sites, or lands proposed for park, recreation or conservation in the Comprehensive Plan, or lands in adjacent developments that are set aside, or proposed to be set aside, for common open space.

4-13-4 PRESERVATION OPEN SPACE AND RECREATIONAL OPEN SPACE

As a landscape feature and asset, permanently protected open space is encouraged in all developments, even when not required. The objectives of open space preservation is to provide the opportunity and space for active and passive recreation in all areas of human activity and residence, to protect and enhance the County's natural amenities such as wooded areas, water bodies, streams, greenbelts, and to reinforce the rural environment of Richmond County through the protection of traditional agricultural activities.

4-13-5 AMENITIES/RESOURCES

A. Historic and Natural Resources

Sites containing historic resources and natural amenities shall be preserved so as to protect such amenities for present and future Richmond County residents. Historic resources and natural amenities as identified in the Resource Inventory are areas of unique character. This may include, but is not limited to, bodies of water, streams, wetlands, unique vistas, and landscape features, farms, historic structures, and landmarks.

B. Using Resources as Amenities

Land developments in Richmond County shall be designed to preserve and utilize these features as amenities. The plan of development shall utilize these amenities for design themes, preserving their heritage and enhancing their significance. The following standards shall apply:

(1) Utilize the uniqueness of the existing bodies of water, unique landscape features, historic structures and landmarks, and farms within the plan as amenities.

(2) Provide landscaping as required, integrated with existing vegetation or prevailing landscaping themes.

(3) When appropriate, the development of historical markers or displays is encouraged.

4-13-6 PEDESTRIAN SPACES

A. Intent

Pedestrian spaces shall be designed to promote free and safe movement of pedestrians and bicycles into, in between, and through proposed and existing facilities and to provide pleasant pedestrian spaces at building entrances and development centers.

B. Standards for Pedestrian Spaces

The following standards shall apply:

(1) Pedestrian and bicycle access shall be provided from public roadways, parking lots, and adjacent land uses where appropriate.

(2) The layout of pedestrian walkways shall be consistent with the overall design.

(3) Plantings along pathways shall provide shade, orientation, and views.

(4) Benches and sitting areas shall be provided along pathways where appropriate and particularly where they can incorporate or provide views of a significant landscape feature, recreational facility, or interesting site design of the project.

(5) Adequate bicycle parking for development sites shall be provided as necessary.

(6) Building entrances, plazas, exterior malls, and village centers shall receive detailed pedestrian scale landscape architectural treatments. Plantings shall include shade trees, evergreen and ornamental trees, and shrubs. The planting design shall provide visual variety and interest, spatial enclosure and separation from parking areas, and protection from sun and wind. Sitting areas with benches or seat walls shall be provided.

4-13-7 RECREATIONAL FACILITIES

A. Bike/hike paths

Bike/hike paths should be used to connect open spaces between recreational facilities and between residential buildings and other uses. Vehicular conflicts with open space pathways are discouraged. Depending on use and location, bike/hike paths shall be asphalt, concrete, gravel, soil cement, stabilized earth or wood planking and be of a width suitable for the projected use.

B. Playlots

Playlots shall be a minimum of two thousand (2,000) square feet for toddlers and up to five thousand (5,000) square feet for older children. They are primarily used by pre-school age children. Facilities include swings, slides, play sculptures, and benches for parents. One (1) playlot for the first fifty (50) dwellings and one (1) additional playlot for each of the next one hundred (100) dwellings shall be provided.

C. Playgrounds

Playgrounds are designed for a variety of uses and the equipment selected should reflect anticipated patronage. Sandboxes and play sculptures should be provided for young children and basketball courts/backboards and tennis courts for active participants of all ages. The size of areas reserved for playgrounds shall be 2 acres for 50 to 150 dwelling units with an acre added for each additional 100 dwelling units.

D. Tennis Courts

One tennis court shall be provided for each one hundred (100) dwelling units.

E. Swimming Pools

A swimming pool complex shall be provided in any development containing 200+ dwelling units. A series of smaller pools relating to individual housing groups should be considered instead of a centrally located, large pool. Wading pools should be provided where the anticipated child population indicates that they will be used.

F. Community Buildings

In developments of over one hundred fifty (150) dwelling units, consideration shall be given toward a recreation center/community multi-purpose building. Such facilities should be within walking or easy biking distance of the majority of residents it is intended to serve.

G. Other Amenities

Jogging trails and exercise stations, benches and sitting areas, and community garden plots are other amenities which may warrant consideration.

H. The provision of recreational facilities may be waived in whole or in part by the plan-approving authority given the nature of the development and the demographic profile of its anticipated residents.

4-13-8 COMPLETION OF IMPROVEMENTS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

Recreational and open space facilities and improvements shall be completed and available for use prior to the issuance of any certificates of occupancy for dwelling units in the development. The plan-approving authority may, however, approve a phased development schedule for recreational facilities which generally corresponds to the overall phasing of the development itself.

4-13-9 OWNERSHIP AND MAINTENANCE OF COMMON OPEN SPACE

A. Ownership Methods

The type of ownership of land dedicated for open space purposes shall be selected by the owner or developer, subject to the approval of the plan-approving authority. Common open space areas shall be owned permanently, preserved and maintained by any of the following mechanisms or combinations thereof:

(1) Dedication of common open space to an appropriate public agency, if there is a public agency willing to accept the dedication.

(2) Common ownership of the open space by a Property Owner's or Homeowner's Association or a similar entity approved by the authority which assumes full responsibility for its maintenance.

(3) Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the common open space land and provide for the maintenance responsibility of the deed restriction.

B. May Not Be Dissolved

Ownership organizations shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain common open space for the benefit of the development.

C. Property Owners' Association

If the open space is owned and maintained by a homeowner or condominium association, the developer shall submit a declaration of covenants and restrictions that will govern the association, with the application for the preliminary approval. The provisions shall include, but are not necessarily limited to, the following:

(1) The homeowners' association must be established before the homes are sold.

(2) Membership must be mandatory for each home buyer and any successive buyer.

(3) The open space restrictions must be permanent, not just for a period of years.

(4) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

(5) Homeowners must pay their annual pro rata share of the cost; the assessment levied by the association may become a lien on the property if provided for in the master deed establishing the homeowners' association.

(6) The association must be able to adjust the assessment to meet changed needs.

D. County Acceptance or Acquisition of Common Open Space

(1) Any lands offered to Richmond County shall be located and of a size that will best suit the purposes for which the lands are intended, and be conveyed by deed at the time final approval is granted subject to approval by the plan-approving authority (and the Board of Supervisors where lands are offered to the County).

(2) Where a proposed park, public waterway and/or waterfront access site, playground, school, refuse container site, public safety facility or other public facility or public use as shown on the Comprehensive Plan is located in whole or in part on land within a development, the land shall be dedicated or reserved for purchase by the County or other appropriate agency.

(3) Land reserved for public purchase shall be shown on recorded plats as lots by means of dashed lines and numbers on the preliminary and final plats and may be sold as such without filing an amended plat. If public action to acquire the land has not been initiated within 18 months of recording the final plat, the owners of said lots may obtain permits for the development given the County's relinquishment of rights to purchase.

4-14 WATERFRONT FACILITY STANDARDS

4-14-1 PURPOSE AND INTENT

It is the intent of Richmond County that private and public access to waterways be adequately provided and properly designed, particularly as it relates to boating facilities, and in such a way that the environmental quality of shorelines is not compromised.

4-14-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

A. For shoreline development which includes docks, piers, marinas, boat ramps, and other water-related development a joint Virginia Marine Resources Commission (VMRC) permit application for filling, dredging, or construction in wetlands or waterways shall be submitted by the developer with the plan of development. The joint application will be forwarded to VMRC (by applicant) which will coordinate permit review with the Richmond County Wetlands Board, the Department of Environmental Quality, the U.S. Army Corps of Engineers and other local, state and federal agencies as required.

B. The preliminary plat or site plan shall show the location of all proposed docks, piers, marinas, boat ramps, community water access and other water-related structures and facilities, together with water depths by contours or otherwise, current flow directions, tidal action, and the location and extent of beaches, wetlands, swamps, subaquatic vegetation and shellfish beds.

C. Design of waterfront facilities or construction in wetlands and other subaqueous areas shall comply with this Ordinance and the Subaqueous Guidelines and Criteria for Siting of Marinas or Community Facilities for Boat Mooring of the Virginia Marine Resources Commission, Virginia Institute of Marine Science's Wetlands Guidelines and other applicable state and federal guidelines, criteria and regulations.

D. Marinas

The County shall require and utilize the following information in its review of marina proposals:

(1) Existing natural shoreline and backshore features and uses;

(2) Geo-hydraulic processes and flushing characteristics;

(3) Biological resources and habitats for the backshore, foreshore and aquatic environments;

(4) Area of surface waters appropriated;

(5) Site orientation; exposure to wind, waves, flooding or tidal/storm surges; type and extent of shore defense works or shoreline stabilization and flood protection necessary;

(6) Impact upon existing shoreline and water uses including public access and recreation;

(7) The regional need for additional facilities; and

(8) The location and design of the facilities, including information pertaining to the prevention and control of fuel spillage, collection, treatment and/or disposal of sewage and solid waste, shoreline modifications, covered and open moorage location, size and general design, and impact on shoreline views in the marina and from adjacent private and public properties.

E. Piers and Docks

Proposals for piers or docks shall include at a minimum the following information:

(1) Description of the proposed structure, including its size, location, design and any shoreline stabilization or other modification required by the project;

(2) Ownership of tidelands, shorelands and bedlands;

(3) Proposed location of piers or docks relative to property lines, mean high water and mean low water;

(4) Location and length of piers or docks on adjacent properties.

4-14-3 PUBLIC ACCESS

A. All developments shall be designed to protect views and visual access, as well as public access to the water and shorelines.

B. County officials may negotiate with developers on major plans of development, if agreeable to both parties, to provide view corridors, public accessways, trails easements or other amenities provided that they do not conflict with the proposed use, adjacent uses or public safety nor adversely impact the shoreline environment.

C. Any agreements reached in the above paragraph shall be recorded on a property deed or appear on the recorded plat as a condition running in perpetuity with the land.

D. Signs which indicate the public's right of access shall be installed and maintained in conspicuous locations at public access sites. Public use may be limited to daylight hours.

E. As far as possible, public access sites shall have direct and easy access from a public right of way.

F. Public access will not be sought where:

(1) Unavoidable hazards to the public in gaining access exist;

(2) Inherent security requirements cannot be satisfied;

(3) Unavoidable interference with the use would occur;

(4) The cost of providing the access is unreasonably disproportionate to the total cost of the proposed development; or

(5) Public access at the particular location cannot be designed or developed to provide an interesting or pleasant view or recreational experience.

G. Public access sites approved as part of a plan of development shall be fully developed and available for public use at the time of occupancy of the development.

4-14-4 GENERAL STANDARDS FOR PUBLIC ACCESS FACILITIES

A. Boating facilities shall be located and designed to minimize adverse effects upon beneficial shoreline geo-hydraulic processes such as erosion, littoral or riparian transport and accretion, as well as scarce and valuable shore features including accretion shoreforms and natural wetlands.

B. Areas which have been identified as hazardous due to storm tides, high winds or flooding shall not be considered as potential marina sites.

C. Shallow water embayments with poor flushing action shall not be considered for marina sites.

D. Boating facilities shall be located, designed and operated to provide maximum feasible protection of all forms of aquatic, littoral or land life forms including animals, fish, shellfish, birds and plants, their habitats and their migratory routes. When possible, marinas should be located in areas of low biologic productivity.

E. Boating facilities shall be located and designed so that adjacent, fragile or unique natural and cultural features are preserved.

F. Regional as well as local needs may be considered when determining the appropriateness of marina proposals.

G. Marinas and public use launch ramps are preferred over the development of individual docking facilities for private, non-commercial pleasure craft. The use of boat launching ramps and dry storage of recreational boats or other new technologies should be considered as alternatives to boathouses.

H. Boating facilities shall be located and designed so their structures, other features and operations will be aesthetically compatible with or enhance the area visually affected.

I. Boating facilities shall not unreasonably impair shoreline views of local residents and user groups.

J. Structures shall be built to conform to the County building codes.

K. Multiple use and expansion of existing piers, wharves and docks should be encouraged over the addition and/or proliferation of new facilities. Joint use facilities are preferred over new single use piers and docks.

L. The use of mooring buoys should be considered in preference to either piers or docks.

M. All waterfront access facilities shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe facilities shall be removed or repaired promptly by the owner. Where any such structure constitutes a hazard to the public, the County may, following notice to the owner, abate the structure if the owner fails to do so within a reasonable time, and shall impose a lien on the related shoreline property in an amount equal to the cost of the abatement.

4-14-5 MARINAS AND PUBLIC BOAT RAMPS

A. Marina facilities should be designed to accommodate public access and enjoyment of the shoreline location, including provisions for walkways, view points, rest room facilities and other recreational uses according the scale of the facility.

B. Marinas and boat launch ramps shall locate on stable shorelines where water depths are adequate to eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding and other river, lake, harbor and channel maintenance activities.

C. Marinas and boat ramp shall locate in areas where there is adequate water mixing and flushing and shall be designed so as not to retard or negatively influence flushing characteristics.

D. Marina and boat ramp entrances shall not be located near beaches commonly used for swimming or valuable commercial fishing areas.

E. Marine railways for boat launching shall be located on the existing grade where feasible and shall not obstruct shoreline views.

F. Marinas and launch ramps shall be located, designed and operated so that neighboring water-dependent uses and residential areas are not adversely affected, whether such other uses are existing or planned.

G. Marinas and boat ramps shall not locate at or along:

(1) Significant littoral drift sectors, including resource material areas, such as feeder bluffs and accretion beaches, points, spits and hooks;

(2) Marshes, bogs, swamps and lagoons;

(3) Habitat areas for threatened or endangered species;

(4) Fish and shell fish spawning and rearing areas;

(5) Poorly-flushed lagoons and backwaters; or

(6) Along meandering river channels where the channel is subject to change in direction or alignment or on point bars and other accretion beaches.

H. River marinas and boat ramps shall be located so as not to adversely affect flood channel capacity or otherwise create a flood hazard.

I. Proposals for marinas shall include boat launch facilities unless the applicant can demonstrate the infeasibility of providing such facilities.

J. Marina design shall provide thorough flushing of all enclosed water areas and shall not restrict the movement of aquatic life requiring shallow water.

K. The marina design shall minimize interference with geo-hydraulic processes and disruption of existing shore forms.

L. All signs shall adhere to the policies and regulations for signs except that a marina or boat ramp facility may add no more than one advertising sign oriented to the water, not exceeding ten (10) feet in total height or twenty-five (25) square feet in area. Signs for fueling facilities shall not exceed fifteen (15) feet in total height.

M. Landscape plans shall mitigate adverse development impacts on adjacent properties.

N. Where wet moorage is offered, pump-out, holding and/or treatment facilities shall be provided by the marina for sewage contained on boats or vessels. They shall be located so as to be conveniently available to all boats. The responsibility for the adequate collection and dumping of marine originating sewage, solid waste and petroleum waste is that of the marina operator.

O. All pipes, plumbing, wires and cables at a marina site shall be placed at or below ground and dock levels.

P. All marinas shall provide rest rooms for boaters' use. They shall be kept clean and be located within two hundred (200) feet from the dock or pier. There shall be one (1) toilet and hand washing facility for each sex per fifty (50) moorage sites or fraction thereof. Signs shall be posted so that the rest rooms are easily identifiable.

Q. Marina operators shall post the following signs where they are readily visible to all marina users which pertain to the following:

(1) Regulations pertaining to handling and disposal of waste, sewage or toxic materials;

(2) Regulations prohibiting the use of marine toilets while moored unless these toilets are self-contained or have and approved treatment device; and

(3) Regulations prohibiting the disposal of fish or shellfish cleaning wastes, scrap fish, viscera or unused bait in or near the marina.

R. Garbage or litter receptacles shall be provided and maintained by the marina operator at several locations convenient to users.

S. The dock facilities shall be equipped with adequate lifesaving equipment such as life rings, hook and ropes.

T. Adequate fire protection shall be required.

U. If dredging at marina entrances or marina construction changes the littoral drift processes and adversely affects adjacent shores, the marina operator shall be required to periodically replenish these shores with the appropriate quantity and quality of aggregate.

V. Space for transient moorage shall be provided.

4-14-6 PRIVATE BOAT RAMPS

A. Boat ramps are permitted on stable non-erosional banks, where no or a minimum number of current deflectors or other stabilization structures will be necessary.

B. Boat ramps are permitted for individual residences where the upland slope within twenty-five (25) feet of mean high water does not exceed fifteen (15) percent and where substantial cutting, grading, filling or defense works are not necessary.

C. Boat launching ramps and minor accessory buildings and haul out facilities shall be designed to be in character and scale with the surrounding neighborhood.

D. Ramp structures may be built from flexible, hinge segmented pads which can adapt to changes in beach profiles.

E. Ramps shall be placed and kept flush with the shore slope to minimize the interruption of geo-hydraulic processes.

4-14-7 BOATHOUSES

A. Private or individual boathouses are not permitted over the waters adjacent to the shores of Richmond County. Boathouses over the water for marinas may be considered as part of the application submittal for rezoning or general development plan (Richmond County Wetlands Permit may also be required). (Amended June 8, 2006)

4-14-8 PIERS AND DOCKS

Piers and docks should be designed to cause minimum interference with the public use of the water surface and shorelines.

A. Number

(1) New development shall be encouraged to provide community docks.

(2) *N*o more than one private, non-commercial dock is permitted per platted shoreline lot or unplatted shoreline tract owned for residential or recreational purposes, *except that any property with frontage on two or more distinct bodies of water may have a single private non-commercial dock along the shore of each body of water. (Amended January 8, 1998 and June 8, 2006)*

B. Use of Piers vs. Floating Docks

On tidal shorelines, floating docks shall be encouraged. Such facilities shall be securely anchored to pilings or other appropriate structures to allow for changes in water level and shall be able to withstand 100-year frequency flooding.

C. Size

The size of a pier or dock should not exceed that which is required for the water-dependent purposes for which it was constructed.

D. Length

Maximum length of a *private* pier or dock shall be only so long as to obtain a depth of five (5) feet of water as measured at mean low water (MLW) on *tidal* shorelines or *the normal water level on non-tidal* water, except that the length of any *private* pier or dock shall not exceed one hundred fifty (150) feet from mean low water (MLW) on *tidal* shorelines *or* forty (40) feet from *the normal* water *line* on *non-tidal waters. (Amended June 8, 2006, November 8, 2007, and April 10, 2014)*

E. Width

(1) For private, single use docks, maximum width parallel to shore shall not exceed six (6) feet.

(2) For community piers and docks, maximum width will be permitted by the County on a case-by-case basis.

F. Height

Dock height shall comply with state and federal standards.

G. Sideyard Setback

Docks shall be setback a minimum of thirty (30) feet from side property lines, except that community piers and docks may be located adjacent to or upon a side property line when mutually agreed to by contract with the owners of the adjacent property, a copy of which must be filed with the application for permit.

H. Density

(1) Community docks and piers shall include no more than one (1) moorage space per dwelling unit or lot.

(2) Piers and docks for use by the general public shall include no more than one moorage for each ten (10) feet of waterfront up to two hundred (200) front feet plus one (1) moorage for each additional five (5) front feet.

I. Construction

(1) Piers shall utilize the minimum number of pilings necessary, favoring large spans on fewer pilings over smaller spans on more pilings.

(2) Pilings employed in piers or any other structure shall have a minimum vertical clearance of one (1) foot above extreme high water.

(3) All floating docks shall include stops which will serve to keep the floats off the tidelands at low tide.

(4) When plastics or other non-biodegradable materials are used in pier construction, precautions shall be taken to insure their containment.

(5) Overhead wiring or plumbing is not permitted on piers or docks.

J. Alignment

Docks and piers shall be constructed at approximately 90 degrees to the general run of the shoreline. Where it can be demonstrated that the required alignment will not provide the access to sufficient navigable water, other alignments may be considered provided adjoining property owners are in agreement with the proposed alignment.

K. Appendages for private docks

(1) Only one appendage may be added to a dock or pier.

(2) The appendage shall be constructed at a 90 degree angle to the main body of the dock or pier.

(3) The appendage shall be no greater than one hundred sixty (160) square feet and with no dimension exceeding twenty (20) feet in length. *The main body of the dock or pier at the location of the appendage shall be included in the maximum twenty (20) foot dimension as well as the maximum 160 square foot area of the appendage. (Amended June 8, 2006)*

(4) *The appendage shall be located channelward of mean low water (MLW) on tidal shorelines. (Amended June 8, 2006)*

(5) Appendages considered appropriate include but are not limited to "L" or "T" head configurations.

L. Storage Lockers

One storage locker is allowed per dock or pier. The storage locker may not exceed seventy-two (72) cubic feet and may not be greater than four (4) feet in height above the dock or pier.

M. Boat Lifts

Three low profile boat or personal watercraft lift*s* may be allowed on a pier or dock provided structural elements of the lift device*s* do not extend more than 6 feet above the surface of the pier or dock. *Only two of these lifts may utilize pilings that are in addition to those that are part of the pier construction itself.* The lift*s* may utilize davits, slings, cradles or similar devices to remove boat*s or personal watercrafts* from the water, *but* shall not be roofed or sided. *(Amended June 8, 2006)*

4-14-9 COMMUNITY AND PUBLIC RECREATIONAL PIERS AND DOCKS

A. Major plans of development including but not limited to resorts and rural villages proposing to provide moorage facilities shall be required to construct single, joint use moorage facilities, provided that the County may authorize more than one joint use moorage facility if a single facility would be inappropriate or undesirable given the specific conditions of the site.

B. Proposals for community piers and docks shall demonstrate that adequate maintenance of the structure and the associated upland area will be provided.

C. In addition, all recreational piers or docks which are intended for use by the general public shall comply with the following regulations:

(1) An adequate number of approved solid waste containers shall be located conveniently for boater utilization.

(2) The dock facilities shall be equipped with adequate lifesaving equipment such as life rings, hook and ropes.

(3) Every facility shall be maintained in good repair and free from safety hazards.

(4) Boaters should not use their marine toilets while moored unless these toilets are self-contained or have an approved treatment device. Signs stating this shall be posted where they are readily visible to all boaters.

D. Community and public recreational piers and docks are required to provide facilities for dumping holding tanks.

4-14-10 MOORING BUOYS

A. Mooring buoys shall be located as close to the shore as possible. They shall not be located farther channelward than existing mooring buoys unless the drift of the boat dictates.

B. Buoys must be discernible under normal daylight conditions at a minimum of one hundred (100) yards and must have reflectors for nighttime visibility.

C. Only one mooring buoy will be allowed per waterfront lot unless there is a demonstration of greater need. Such demonstration may include a community park or residential development where lot owners both on and away from the shoreline share a shoreline open space area.

4-15 PERFORMANCE STANDARDS

4-15-1 PURPOSE AND INTENT

It is the purpose and intent of these regulations to minimize the adverse effects associated with emissions which occur as a result of various land use activities, particularly industrial use.

4-15-2 PLAN OF DEVELOPMENT SUBMITTAL REQUIREMENTS

Upon request by the plan-approving authority, given the nature of extractive, heavy commercial and industrial activities, the applicant shall submit a certified engineer's report describing the proposed operation, all machines, processes, products and by-products; stating the nature and expected levels or emission or discharge to land, air and water of liquid, solid

or gaseous effluent and electrical impulses and noise under normal operations; and the specifications of treatment methods and mechanisms to be used to control such emission or discharge. The plan-approving authority shall review the applicant's submission for compliance.

4-15-3 GENERAL REQUIREMENTS

A. Noise

(1) Standard

The number of decibels shall not exceed the maximum permitted for octave band, as set forth below, as measured on the lot line of the existing or proposed emitting use:

PERMISSIBLE SOUND LEVELS AT PROPERTY LINES

Octave Band (cycles per second)	Maximum Decibels	Maximum Decibel Adjacent to a Residential Use
20 - 75	72	66
75 - 150	70	64
150 - 300	65	59
300 - 600	59	53
600 - 1,200	55	49
1,200 - 2,400	47	41
2,400 - 4,800	41	35
above 4,800	39	33

Agricultural uses are exempt from this provision.

(2) Measuring Methodology

For the purpose of measuring the intensity or frequency of sound, a sound level meter, octave band analyzer, and an impact noise analyzer shall be employed. The "C" network and the "slow" meter response of the sound level meter shall be used. Sounds of short duration, which cannot be measured accurately with the sound level meter, shall be measured with an impact noise analyzer to determine the peak value of the impact. For sounds so measured, the sound pressure levels set forth above in subsection 1 may be increased by six decibels. Sounds produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel levels unless associated with a mining activity.

B. Vibration

(1) Standard

The maximum steady-state vibration displacement in inches per second shall be as follows:

- 0.02 when measured at the property line of an adjoining residence.

- 0.05 when measured at a lot line adjacent to the vibrating activity.

Impact vibrations may be at twice the maximum for steady-state vibration.

(2) Measuring Methodology

Steady state vibrations (discrete pulses that occur more frequently than 60 times per minute), impact vibrations (earth-borne oscillations occurring in discrete pulses at or less than 60 pulses per minute), and vibration frequency (number of oscillations per second) shall be measured with a three-component measuring system. The displacement shall be the maximum instantaneous vector sum of the amplitude in the three directions.

C. Air Pollution

The rules and regulations of the State Air Pollution Control Board shall apply to the emission of air contaminants from any source associated with any land use activity.

D. Steam

No visible emissions of steam, having an equivalent capacity greater than sixty percent (60%) and excepting direct results of combustion, shall be permitted within five hundred (500) feet of a residence.

E. Heat

Any activity producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond any lot line.

F. Glare

Required lighting, or lighting permitted by this Ordinance shall not produce glare in excess of 0.5 candles next to any residential dwelling.

G. Radioactivity

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

H. Solid Waste and Liquid Pollution

The discharge or other release of liquid or solid waste into public or private sewerage disposal and treatment systems, storm drains, or public waters shall comply with all applicable laws, rules, and regulations governing such discharge or release, including but not limited to the Federal Water Pollution Control Act and the Virginia Water Control Law.

I. Toxic Matter

The emission of chemicals, gases, components, or elements listed as being toxic matter by the Environmental Protection Agency or any state regulatory boards, including the State Water Control Board and State Air Pollution Control Board, shall only be permitted if the emissions comply with regulatory standards. An entity emitting toxic matter shall advise local emergency service (fire and rescue) facilities of such so that emergency service personnel will be able to respond knowledgeably and effectively in the event emergency services must be administered

J. Odor

No odor shall be emitted that is detectable by the human sense at or beyond an adjacent lot line so as to be detrimental or injurious to the life, health, safety, comfort, or welfare of adjacent occupants or residents. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 of the Air Pollution Abatement Manual published by the Manufacturing Chemists Association, Inc. Odors associated with permitted agricultural operations are exempt from this requirement.

4-16 SUPPLEMENTARY DESIGN STANDARDS

4-16-1 MODIFICATION OF HEIGHT REGULATIONS

The height limitations of the Ordinance shall not apply to:

Belfries
Chimneys
Church Spires
Conveyors

Cooling Towers
Elevator bulkheads
Fire Towers
Water Towers and Standpipes
Public Monuments
Silos, grain elevators and agricultural storage tanks
Smoke stacks
Stage towers or scenery lofts
Fire and parapet walls extending no more than four feet above the roof line

4-16-2 YARD, SETBACK AND OPEN SPACE REQUIREMENTS

Every part of a required yard shall be open to the sky except that ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features may project into the required yard a maximum of 24 inches.

In all Districts with residential uses, heat pumps or central air conditioning units may project to a distance not to exceed 5 feet into a required side or rear yard. Where a variance has been granted by the Board of Zoning Appeals for a side or rear yard requirement, this section shall not apply, unless it is part of the approved variance.

4-16-3 TEMPORARY USE OF CONSTRUCTION TRAILERS AND BUILDINGS

Temporary construction trailers and temporary buildings, used in conjunction with construction work only, may be permitted in any District during the period construction work is in progress and all yard setback requirements are complied with.

4-16-4 REDUCTION OF LOT SIZE

No lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein.

4-16-5 USES NOT PERMITTED ARE PROHIBITED

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

4-16-6 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In the B-1 and M-1 Districts, more than one structure housing a principal use may be erected or placed on a single lot, provided that yard, setback and other requirements of this Ordinance shall be met.

In the R-1, R-2 and A-1 Districts, only one structure housing a permitted principal use may be erected or placed on a single lot. A single manufactured home may be allowed for an

immediate family member in the A-1 District if placed on a lot with an existing single family dwelling. The manufactured home and existing single family dwelling must both have adequate land devoted for their use as to comply with the dimensional, area and yard requirements of the A-1 District. A separate septic system is required for each dwelling unit.

In the R-3 District, structures housing permitted uses may be allowed as approved by the master plan for the development.

4-16-7 USE OF RECREATIONAL VEHICLES

A single recreational vehicle may be used on property in the R-1, R-2 and A-1 Districts provided adequate water and waste water disposal systems are connected to the recreational vehicle. Two or more recreational vehicles on the same property is a special exception use in the A-1 District and would be defined as a campground.

4-17 SIGN STANDARDS *(Amended June 14, 2007)*

4-17-1 PURPOSE AND INTENT

The provisions of this section are made to establish reasonable and impartial regulations for all exterior signs and protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorists and pedestrians; to ensure the effectiveness of public traffic signs and signals; to protect the public investment in streets, highways, and other public improvements; to facilitate the creation of an attractive and harmonious community; to protect property values; and to further economic development.

4-17-2 PERMIT PROCEDURES AND ADMINISTRATION

The Land Use Administrator shall have the responsibility and full authority to administer and enforce all provisions of this section and shall issue permits for signs requiring a permit.

A. Permit Required

No sign or sign structure, except for exempt and existing nonconforming signs, shall be erected, displayed, altered, relocated, or replaced until a sign permit has been issued. For the purposes of this Ordinance, all signs are considered accessory uses of real property and shall be located on the premises of the principal use to which they pertain.

B. Permit Application

Applications for sign permits shall be submitted on a form provided by the Land Use Administrator and shall contain or have attached at a minimum the following information in either written or graphic form:

(1) Application date;

(2) Name, address, and telephone number of the sign owner and if different, the owner of the land on which the sign will be erected;

(3) Location of the sign on the property in relation to lot lines, buildings, sidewalks, streets, public rights of way, and intersections;

(4) Drawing(s) of the proposed sign which shall contain specifications indicating height, perimeter, and area dimensions, means of support, method of illumination if any, and any other significant aspect of the proposed sign;

(5) Any other information requested by the Land Use Administrator in order to carry out the purpose and intent of these regulations.

C. Permit Review and Issuance

The Land Use Administrator shall examine all sign permit applications. Permit applicants shall be issued a copy of the original permit application, with approval and approval date noted, for all signs which conform to the requirements of this section. Such applications shall serve as sign permits.

D. Inspections

A final inspection by the Land Use Administrator or his designee shall be completed after installation of all approved signs. Any discrepancies between the approved sign and a sign as constructed shall be identified in writing and may result in the halt of construction or sign removal.

E. Complaints and Revocation

The Land Use Administrator shall investigate any complaints of violations of this section and may revoke a permit if there is any violation of the provisions of this section or there was misrepresentation of any material facts in either the application or plans.

4-17-3 EXPIRATION OF SIGN PERMITS

If an approved sign is not erected within a period of 365 days from the date the permit was originally issued, the permit shall expire and become null and void.

4-17-4 REMOVAL

A. Illegal Signs

The Land Use Administrator may remove or order the removal of any sign not in conformance with the provisions of this section, at the expense of the sign owner or lessor.

B. Immediate Peril

If the Land Use Administrator shall find any sign which is immediate peril to persons or property, the sign shall be removed. If the Land Use Administrator cannot locate the sign owner or lessor for immediate removal of the sign, he shall remove or order the removal of the sign at the expense of the sign owner or lessor.

4-17-5 VARIANCES

A. Generally

The Board of Zoning Appeals may grant variances for the following reasons:

(1) To allow a setback for a sign that is less than the required setback;

(2) *To allow spacing between free-standing signs that is less than the required spacing;and*

(3) To allow the area or height of a sign to be increased by up to 25 percent of the maximum height or area permitted.

B. Standard of Review

The Board of Zoning Appeals shall consider applications for variances in situations where the applicant has been denied a sign permit by the Land Use Administrator. The Board of Zoning Appeals may grant a variance authorized by this section if it finds that the following special physical conditions exist:

(1) The zoning lot on which an activity is located is unusually shaped or exhibits unusual topography; and

(2) Such physical characteristics prevent legal signage from identifying the activity as compared to legal signage identifying other activities in the immediate area.

C. Procedures

All requests for variances must be filed with the Board of Zoning Appeals within 30 days of the decision by the Land Use Administrator.

4-17-6 EXEMPT SIGNS

Address and/*or* Name of Residents/Dwelling

On-premise signs indicating *the* address and/or name of *a single-family or two-family dwelling or the* residential occupants of the premises, *limited to one per lot,* not

exceeding *four* square feet in area *or located closer than five feet to any property line or public right of way,* and not including any commercial advertising or identification.

Artwork

Works of art that do not include any commercial messages or references.

Construction Signs

Temporary on-premise signs announcing new buildings or projects, erected after all permits have been issued for building construction and/or site development. Each construction site shall be limited to one construction sign not exceeding 32 square feet in area and eight feet in height and located at least 10 feet from any property line or public right of way and outside all sight triangles, which shall be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever occurs first.

Decals

Decals affixed to windows or door glass panes, such as those indicating membership in a business group or credit cards accepted at the establishment.

Flags, Emblems, and Insignia

Flags, emblems or insignia of any governmental agency or religious, charitable, public or non-profit organization, subject to the following: No single flag that is flown shall exceed 40 square feet in area and no single zoning lot shall fly more than three such flags. Flagpoles shall not exceed 40 feet in height. Wall-mounted flags, emblems or insignia shall be limited to one per zoning lot and shall not exceed 40 square feet in area.

Handicapped Parking Space Sign

Signs reserving parking spaces for handicapped motorists that comply with current standards and guidelines for such parking areas.

Home Occupation /*Home Professional Office* Signs

On-premise identification signs for home occupations *or home professional offices, limited to one per lot,* not exceed*ing four* square feet in area *or located closer than five feet to any property line or public right of way.*

*On-Site*Directional *Assistance* Signs

On-premise signs giving on-site directional assistance for the convenience of the public, not exceeding *four* square feet in area or located closer than five feet to any property line *or public right of way*.

Political Campaign Signs

Temporary signs associated with political campaigns and/or elections, placed with the permission of the landowner(s) on whose property they are to be located. Such

signs shall be located outside all sight triangles and shall be removed within seven days of the election to which they pertain.

Private Drive Signs

On-premises private drive signs limited to one per drive entrance, not exceeding *four* square feet in area.

Public Signs

Signs erected by government agencies or utilities including traffic, utility, safety, identification signs for public facilities and any signs erected or sanctioned by the Board of Supervisors.

Security and Warning Signs

On-premises signs regulating the use of the premises, such as "No Hunting", "No Trespassing", and "No Soliciting". Sign size is limited to two square feet.

Special Event Signs

Temporary on-premise signs announcing special events including, but not limited to, auctions, grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups. Any business, individual, or organization may display a maximum of two special event signs for up to 30 days prior to an event, which shall not exceed 32 square feet in area each and eight feet in height, shall be located at least 10 feet from any property line or public right of way and outside all sight triangles, and shall be removed immediately following the event.

Temporary Farm Products Signs

Temporary on-premises signs announcing the availability of seasonal farm products. The number of signs shall be limited to three and the total area of all signs shall not exceed 20 square feet, nor shall any sign exceed six feet in height.

Temporary Off-Premise Real Estate Signs

Temporary off-premise signs indicating the availability of real property for lease or sale, placed with the permission of the landowner(s) on whose property they are to be located. Such signs shall not exceed four square feet in area and three feet in height and shall be removed within seven days of the settlement or lease of the property to which they pertain.

Temporary *On-Premise* Real Estate Signs

Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. *S*uch signs shall be limited to one per *lot, shall not exceed 32 square feet in area and eight feet in height, and* shall be removed within seven days of the settlement or lease of the property *on which they are located.*

4-17-7 STANDARDS

A. Generally

The regulations in this section specify the number, types, sizes, heights, and locations of signs which are allowed within Richmond County and which require a permit. Any sign regulations incorporated into a general plan of development approved by the Board of Supervisors may supersede all or part of this section.

B. Determination of Sign Area:

The area of a sign shall be determined by calculating the area of the smallest rectangle that will encompass the extreme limits of the sign copy (including any areas of changeable copy, such as areas for changeable fuel prices at gas stations or changeable motion picture/production information at theaters) together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the structure being used to support it or the backdrop against which it is placed. The structure used to support it or the backdrop against which it is placed. The structure used to support a sign is placed shall not be included in the calculation of the sign area when it is clearly incidental to the sign itself.

C. Determination of Sign Height

The height of a sign *shall be calculated by measuring the* distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.

D. Installation of Wall Signs

All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than 12 inches.

E. Spacing of Freestanding Signs

No freestanding sign shall be erected within 100 feet of another freestanding sign.

F. Installation of Wall Signs

Only one freestanding sign shall be permitted on lots with less than 200 feet of street frontage.

G. Minimum Setbacks

All signs and sign structures shall be located at least 10 feet from any property line or public right of way and outside all sight triangles.

4-17-8 CRITERIA

A. *Residential Subdivision / Complex:*

Signs that identify a residential subdivision/*complex*, located at any street entrance to the subdivision / *complex*, *may* be erected as follows:

(1) *Maximum* Number: One per *street* entrance, not to exceed *two* per subdivision / *complex*.

(2) Types: Monument *or Pole*

(3) Maximum Size and Heights:
- *a. Monument: 32 square feet in area and eight feet in height*
- *b. Pole: Maximum of 20 feet in height.*
  - *1. Eight feet or less in height: 32 square feet in area.*
  - 2. *Greater than eight feet in height: 24 square feet in area.*

B. Cemetery:

Signs that identify a cemetery may be erected as follows:

(1) Maximum Number: One

(2) Types: Monument or pole.

(3) Maximum Sizes and Heights:

- *a. Monument: 32 square feet in area and eight feet in height.*
- *b. Pole: Maximum of 20 feet in height.*
  - *1. Eight feet or less in height: 32 square feet in area.*
  - *2. Greater than eight feet in height: 24 square feet in area.*

C. Religious, Charitable, and/or Public Service Group Meeting Place:

Any religious, charitable, and/or public service group may erect meeting place signs as follows:

(1) Maximum Number: Two

(2) Types: Monument, pole, wall, marquee, projecting, awning, or canopy.

(3) Maximum Sizes and Heights:

- *a. Monument: 32 square feet in area and eight feet in height.*
- *b. Pole: Maximum of 20 feet in height.*

1. Eight feet or less in height: 32 square feet in area.
2. Greater than eight feet in height: 24 square feet in area.

c. Wall or Marquee: One square foot of sign area per two linear feet of building frontage on which the sign is to be attached, up to a maximum of 100 square feet in area. The top of a wall or marquee sign shall be below the roofline and at a height no greater than 20 feet.

d. Projecting: One square foot of sign area per two linear feet of building frontage, up to a maximum of 12 square feet in area. The top of a projecting sign shall be located below the roofline and at a height no greater than 20 feet, the base of the sign shall be at a height no less than eight feet, and the sign shall be at a height no less than eight feet, and the sign shall project from the exterior of the building to which it is attached no more than four feet.

e. Awning or Canopy: One square foot of sign area per two linear feet of awning or canopy, up to a maximum of 16 square feet in area.

D. *Individual Commercial or Industrial Establishment Singularly Located on a Lot:*

Any *commercial or industrial* establishment singularly located on a lot may erect signs as follows:

(1) Maximum Number: *Two*

(2) Types: *Monument, pole,* wall, *marquee,* projecting, awning, *or* canopy.

(3) Maximum Sizes and Heights:

a. Monument: 32 square feet in area and eight feet in height.

b. Pole: Maximum of 20 feet in height.
1. Eight feet or less in height: 32 square feet in area.
2. *Greater than eight feet in height: 24 square feet in area.*

c. Wall or Marquee Sign: One square foot of sign area per 2 linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of 100 square feet in area. The top of all wall and marquee signs shall be below the roofline and at a height no greater than 20 feet above the ground.

d. *Projecting Sign*: One square foot of sign area per *two* linear feet of building frontage, up to a maximum of 12 square feet in area. The top of *a* projecting sign shall be located below the roofline and at a height

not greater than 20 feet, the base of the sign *shall be at a height* not less than eight feet, *and the* signs shall project from the exterior of the building *to which it is attached no* more than *four* feet.

e. Awning or Canopy Sign: One square foot of sign area per two linear feet of awning or canopy, up to a maximum of 16 square feet in area.

E. *Multiple Commercial and/or Industrial Establishments Located on a Single Lot:*

(1) Freestanding Sign:

Where multiple commercial and/or industrial establishments are located on a single lot, one freestanding sign may be erected on the lot as follows:

a. Types: Monument or pole.

b. Maximum Sizes and Heights:

1. Monument: 32 square feet in area and eight feet in height.
2. Pole: Maximum of 20 feet in height.
(a) Eight feet or less in height: 32 square feet in area.
(b) Greater than eight feet in height: 24 square feet in area.

(2) Individual Establishment Signs:

In addition *to the permitted freestanding sign,* each establishment located on the lot may erect one sign as follows:

a. Types*:* Wall, *marquee,* projecting, awning, *or* canopy.

b. Maximum Sizes and Heights

1. Wall or Marquee Sign: One square foot of sign area per *two* linear feet of building frontage on which the sign *is* to be attached, up to a maximum of 100 square feet in area. The top of *a* wall *or* marquee signs shall be below the roofline and at a height no greater than 20 feet.

2. Projecting Sign: One square foot of sign area per *two* linear feet of building frontage, up to a maximum of 12 square feet area. The top of *a* projecting sign shall be located below the roofline and at a height no greater than *20* feet, the base of the sign *shall be at a height* no less than eight feet, *and the* sign shall project from the exterior of the building *to which it is attached no* more than 4 *four feet.*

3. Awning or Canopy Sign: One square foot of sign area per two linear feet of awning or canopy, up to a maximum of 16 square feet in area.

F. Shopping Centers:

Shopping centers with five or more *commercial* establishments planned as an integrated development *may* erect signs *as follows:*

1. Center Identification Sign: One *freestanding* sign per *public* street fronting the *shopping* center, *not to exceed two identification signs per center,* identifying the name of the center *as well as any* individual establishments *located* within the center.

Types: Monument of pole.

a. Sizes and Heights:

1. Monument: Maximum height of 10 feet, minimum permitted area of 32 square feet, and maximum of one square foot of sign area per 1,000 square feet of building floor area, not to exceed a sign area of 96 square feet.

2. Pole: Maximum of 20 feet in height.

a. 10 feet of less in height: Minimum permitted area of 32 square feet and maximum of one square foot of sign area per 1,000 square feet of building floor area, not to exceed a sign area of 96 square feet.

b. Greater than 10 feet in height: Minimum permitted area of 24 square feet and maximum of one square foot of sign area per 1,000 square feet of building floor area, not to exceed a sign area of 72 square feet.

2. Individual Establishment Signs:

In addition to the center identification sign(s), each establishment within a shopping center may erect one sign as follows:

a. Types: Wall, marquee, projecting, awning, or canopy.

b. Maximum Sizes and Heights:

1. Wall or Marquee Sign: One square foot of sign area per *two* linear feet of building frontage on which the sign *is* to be attached, up to a maximum of 100 square feet in area. The top of a wall *or* marquee signs shall be below the roofline and at a height no greater than 20 feet.

2. Projecting Sign: One square foot of sign area per *two* linear feet of building frontage, up to a maximum of 12 square feet in area. The top of *a* projecting sign shall be located below the roofline and at a height no greater than *20* feet, the base of the sign *shall be at a height* no less than *eight* feet, *and the* sign shall project from the exterior of the building *to which it is attached no* more than 4 feet.

3. Awning or Canopy Sign: One square foot of sign area per two linear feet of awning or canopy, up to a maximum of 16 square feet in area.

G. Office and/or Industrial Centers:

Office and/or industrial centers at least two acres in size and planned as an integrated development *may* erect signs as follows:

(1) Center Identification Signs: One *freestanding* sign per public street front*ing the center,* identifying the name of the center and not exceeding 40 square feet in area and *eight* feet in height.

(2) Individual Building Signs: Where an office and/or industrial center is comprised of two or more buildings, each individual building may erect one *freestanding* sign, not to exceed*ing* 20 square feet in area and 4 feet in height, identifying the principal establishment(s) within the building.

(3) Individual Establishment Signs: Each individual establishment within an office and/or industrial building may erect one wall sign not exceed*ing* one square foot of sign area per *two* linear feet of building frontage on which the sign is to be attached, up to a maximum of 32 square feet in area. The top of the wall sign shall be located below the roofline and at a height no greater than 15 feet.

H. *Off-Premise Directional Signs:*

Off-Premise Directional Signs, indicating the direction and distances to a site, may be erected with the written permission of the landowner(s) on whose property they are to be located. Such signs shall not exceed four square feet in area and six feet in height and shall not include any commercial advertising, other than listing the name of the site to which attention is called.

I. Other Uses

In cases where the regulations within this section do not specifically address a sign requested in conjunction with a *permitted* use, the Land Use Administrator shall make a written interpretation of the ordinance, which shall be kept in the permanent record for that application.

4-17-9 CONSTRUCTION AND MAINTENANCE

A. Building Code Compliance: All signs shall be constructed in compliance with the current Virginia Uniform Statewide Building Code.

B. General Restrictions: Signs shall not be erected in or over a *public* right of way, or on public land except as may be provided for.

C. Condition of Signs: All signs and components shall be maintained in good repair and in a safe, clean and attractive condition.

4-17-10 PROHIBITED SIGNS

The following are expressly prohibited unless specifically stated otherwise in this ordinance:

Animated and Moving Signs - Including, but not limited to, pennants, flags with commercial messages, banners, streamers, propellers, discs and searchlights.

Flashing Signs - Any signs that include lights which flash, blink, or turn on and off intermittently – *This shall not apply to* time and*/or* temperature signs.

Glaring Signs – *Any* signs with light sources or reflectivity of such brightness that constitute a hazard or nuisance as determined by the Land Use Administrator.

Inflatable Signs or Objects - Including, but not limited to, balloons.

Portable Signs - Any sign that is not permanently affixed to a building, structure, or the ground. This shall not apply to authorized temporary signs.

Posters and Handbills - Any signs affixed to trees or other natural vegetation, rocks, or utility poles and accessories.

Roof Signs - Any signs which are erected on a roof or which extend in height above the roofline of the building on which the sign is erected.

Simulated Traffic Signs and Obstructions - Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct *a* sight triangle at any street intersection, or extend into the public right of way.

Strings of Lights – Including, *but not limited to,* lights that outline property lines, sales areas, or any portion of a structure, and are intended to advertise or draw attention to a business or commercial activity.

Vehicular Signs - Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity. *This* shall not *apply to* business logos, identification or advertising on vehicles primarily used for other business purposes.

4-17-12 NONCONFORMING SIGNS

Generally, any sign which does not conform to the provisions herein on the date of enactment of this ordinance or any date on which the ordinance is amended, shall be considered a nonconforming sign. No nonconforming sign shall be enlarged, extended, structurally reconstructed or altered in any manner, except that a sign face may be changed so long as the new face is equal to or reduced in height, sign area, and/or projection and a sign permit is issued for the sign face change.

4-17-13 PROTECTION OF FIRST AMENDMENT RIGHTS

Any sign, display or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this ordinance.

4-18 INTENSIVE AGRICULTURAL FACILITIES (Approved September 12, 1997)

4-18-1 PURPOSE AND INTENT

It is the purpose and intent of these regulations to provide for the continued viability of Richmond County's agricultural sector by encouraging the orderly and responsible growth of its livestock, dairy, and poultry industry.

4-18-2 DEFINITIONS

A. Intensive Agricultural Facility - Those intensive agricultural operations commonly known as confinement operations, where large numbers of animals are confined to a

relatively small space and therefore tend to produce odors, flies, rats, and noise and may contaminate ground and surface waters and which include such operations as hog, veal, and poultry pens and houses, feedlots for beef, sheep, and other animals, and dairy operations. For the purpose of this Section, any enclosure, pen, or building for the concentrated confinement of livestock or fowl wherein more than 100 veal animals, slaughter or feeder cattle, 200 mature dairy cattle, 750 swine, 150 horses, 3000 sheep, lambs, goats or similar animals, 16,500 turkeys or 30,000 laying hens or broilers are confined or housed shall constitute intensive agriculture. Occasional confinement that does not exceed ninety (90) days in a given 365 day period shall not be considered intensive.

B. Livestock raiser, dairy operator, poultry grower - The owner of the livestock, dairy or poultry facility or the land on which the facility is located.

C. Existing Dwelling - A structure designed for residential use which is completed or in the process of being completed on the date a completed application for a Intensive Agricultural Facility is received by the Land Use Administrator.

4-18-3 MINIMUM ACREAGE REQUIREMENTS

The minimum number of acres on which an intensive agricultural facility may be established shall be as follows:

A. Intensive agricultural facility (other than poultry) - One hundred (100) acres or the number acres required by an approved nutrient management plan, whichever is greater. All parcels of land which comprise the facility and are used in the nutrient management plan for waste disposal shall be contiguous.

B. Intensive poultry facility - Twenty (20) acres or the number of acres required by an approved nutrient management plan, whichever is greater. All parcels of land which comprise the facility must be contiguous, however, the area used for the nutrient management need not be contiguous. The operator shall provide evidence acceptable to the Land Use Administrator of the right of use or proof of ownership of any noncontiguous parcels associated with the nutrient management plan.

C. Existing livestock, dairy, or poultry facilities in existence and in operation on the effective date of this Section as determined by the Land Use Administrator that do not meet the minimum acreage requirement, shall be considered nonconforming uses and may continue or be expanded as provided in Section 3-13-7 of this ordinance.

4-18-4 SETBACKS

Intensive agricultural facilities shall observe the following setbacks:

A. From existing dwellings owned by the facility operator or immediate member of the operator - 300 feet. Written documentation of an agreement sworn and subscribed

before a notary public between the affected operator and immediate family member shall be required. Otherwise the setback requirement of Section 4-18-4B shall apply.

B. From existing dwellings not owned by the facility operator or immediate family member of the operator - 1000 feet.

C. From other existing like facilities - 1 mile (5,280 feet).

D. From public streets - 200 feet.

E. From all other property lines not abutting a public street - 250 feet.

F. From incorporated towns, residentially zoned districts, manufactured home parks, schools, churches, county, state or federally owned buildings, community recreation areas, wells and other water supply sources - 2000 feet.

G. Any existing intensive agricultural facility in operation on the effective date of this Section, as determined by the Land Use Administrator, that do not meet the setback requirements of this Section shall be considered nonconforming uses and nonconforming structures so long as the existing use of the facility or structures is not interrupted for more than two years.

4-18-5 PLAT

The operator of an intensive agricultural facility constructed, expanded, or completed after the effective date of the Section shall file with the Land Use Administrator a plat or similar documentation acceptable to the Land Use Administrator showing the entire parcel or parcels on which the facility is located and also showing the location of the facility within such parcel or parcels. With this plat or similar documentation, the operator shall submit a written statement, sworn to subscribed before a notary public, by which the operator certifies to the Land Use Administrator that the facility shown on the plat or similar documentation meets all applicable setback requirements of this Ordinance and that the plat or similar documentation is a complete and accurate depiction of the facility on the parcel or parcels.

4-18-6 INTENSIVE AGRICULTURAL FACILITY DEVELOPMENT PLANS

A. The operator or a potential operator of an intensive agricultural facility shall file with the Land Use Administrator, a development plan which indicates the number, size, and location of livestock, dairy, and poultry facilities planned for the subject parcel and the date the facility is scheduled to commence operations. When such development plan has been filed with and approved by the Land Use Administrator and during the period in which it remains in effect, the planned facilities shall be obligated to meet setbacks only from those dwelling and uses existing at the time the development plan is approved. The Land Use Administrator shall approve the development plan within 45 days of receipt if such development plan meets the requirements of this Section. However, if the development plan does not meet the

requirements of this Section, the Land Use Administrator shall return the development plan to the person who submitted it, together with a written description of the portions of the development plan that did not comply with this Section.

B. The development plan shall be based upon the requirements of this Section and shall be accompanied by a plat or similar documentation acceptable to the Land Use Administrator verifying the accuracy of the distances shown in the development plan and containing all the data required as specified pursuant to this Section.

C. The development plan shall remain in force only so long as the facilities proposed are constructed in accordance with the development plan and the provisions of this Section. Any variation from the development plan will cause the plan to be null and void and the operator out of compliance with this Section.

D. At least one-third of the number of head of livestock or dairy animals, subject to this Section or one poultry facility indicated in the development plan must be placed into service within two years of the date in which the development plan is approved by the Land Use Administrator, unless at least one-third of the number of livestock, dairy or one such poultry facility is already in service on the subject parcel or parcels at the time the development plan is filed. Zoning approval for any subsequent facilities indicated in the development plan may be obtained if no more than five years have passed since the date on which the development plan was approved by the Land Use Administrator. Otherwise, a new development plan shall be filed and approved by the Land Use Administrator pursuant to the provisions of this Section then in effect.

E. The operator shall notify the Land Use Administrator in writing a minimum of thirty days prior to placement into service any facilities indicated in the development plan.

F. In the event an operator fails to build the proposed facility or have in place this minimum number of animals required or fails to obtain zoning approval for any of the facilities indicated in the development plan within the applicable time, the Land Use Administrator shall revoke the development plan. All future development plans for facilities on the subject parcel or parcels shall conform to the requirements of this Section in effect at the time such future plan is submitted for approval.

G. Each parcel for which a development plan has been approved shall display at its entrance, within fifteen days of said approval, a sign not less than two square feet or larger than four square feet, clearly visible form the nearest roadway, indicating that a development plan is in effect for the parcel and containing the words "Certified Agricultural Development Site". Fabrication, installation, maintenance and all costs of the signs shall be the responsibility of the operator.

H. Nothing herein shall be construed to prohibit an operator or a potential operator from submitting amendments to the original development plan or to submitting revised development plans for approval.

4-18-7 NUTRIENT MANAGEMENT PLAN

A. On or after the effective date of this amendment to the Zoning Ordinance, no intensive agricultural facility shall commence operation until a nutrient management plan for the proposed facility has been reviewed and approved by the Virginia Department of Conservation and Recreation or by Virginia Cooperative Extension Service or by a person certified or employed by the Commonwealth or Richmond County as a nutrient management specialist.

B. If off-site disposal for dry waste is part of the nutrient management plan and is otherwise permitted under the provisions of this Section, the operator shall provide, as part of that nutrient management plan, written documentation of an agreement with the receiver of the waste produced at the operator's facility or an affidavit, sworn and subscribed before a notary public, that states the intention to dispose of the waste through sale in retail establishments or otherwise to consumers. Documentation shall specify the duration of the agreement and the nature of the application or use of the waste. A nutrient management plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such an agreement expires or is terminated by either party. The operator shall notify the Land Use Administrator in writing at least thirty days before the expiration of any such agreement or within five days after any such agreement is terminated before its stated expiration date.

C. The nutrient management plan shall also provide for a site, with a permanent structure, for the storage of animal wastes which shall meet all applicable requirements and standards of the Commonwealth of Virginia or any department or political division thereof. If an operator is unable to locate a site on the same parcel because of insufficient acreage or topographical hardship, then the Land Use Administrator, after consultation with the operator's engineer, may permit the storage site to be located on land owned by the operator adjacent to the facility; or, if there is a valid agreement for off-site disposal as provided by this Section, the Land Use Administrator may permit the storage site to be located on a parcel specified in the agreement for such off-site disposal.

D. The nutrient management plan unless sooner required by the provisions of this Section, or by the Commonwealth of Virginia or any department or division or by Richmond County, shall be reviewed and updated every ten years by an agent of the Virginia Department of Conservation and Recreation or by the Virginia Cooperative Extension Service or by a person certified or employed by the Commonwealth or the County as a nutrient management specialist.

4-19 WIRELESS TELECOMMUNICATIONS FACILITIES
(Adopted November 8, 2001)

4-19-1 PURPOSE AND INTENT

The Telecommunications Act of 1996 affirmed Richmond County's authority concerning the placement, construction, and modification of Wireless Telecommunications Facilities. The Board of Supervisors of Richmond County finds that Wireless Telecommunications Facilities may cause a unique impact to the health, safety, public welfare and environment of Richmond County and its inhabitants. The County also recognizes that facilitating the development of wireless service technology can be an economic development asset to the County and of significant benefit to the County and its residents. In order to ensure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the County's land use policies, the County is adopting a single, comprehensive, Wireless Telecommunications Facilities application and permit process. It is the purpose and intent of these regulations to minimize the negative impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of Richmond County.

4-19-2 DEFINITIONS

A. Accessory Facility, Wireless - an accessory facility serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

B. Antenna - a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but not be limited to radio, television, cellular, paging, personal Telecommunications services (PCS), and microwave Telecommunications.

C. Board - the Richmond County Board of Supervisors.

D. Collocation - the use of the same Telecommunications Tower or structure to carry two or more Antennae for the provision of wireless services by two or more persons or entities.

E. Completed Application – in relation to all aspects and components of Section 4-19 of this Ordinance, an application that contains all information and/or data necessary to enable the Board to evaluate the merits of the application, and to make an informed decision with respect to the effect and impact of Wireless Telecommunications Facilities on the County in the context of the permitted land use for the particular location requested.

F. Commercial Impracticability or Commercially Impracticable - the inability to perform an act on terms that are reasonable in commerce. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not be considered "commercial impracticability" and shall not render an act or the terms of an agreement "commercially impracticable". Commonwealth - the Commonwealth of Virginia.

G. Direct-to-home satellite services, Direct Broadcast Service, or DBS - programming transmitted or broadcast by satellite directly to subscribers' premises without the use of ground receiving equipment, except at the subscribers' premises or in the uplink process to the satellite.

H. EPA - the State and/or Federal Environmental Protection Agency or its duly assigned successor agency.

I. FAA - the Federal Aviation Administration, or its duly designated and authorized successor agency.

J. FCC - the Federal Communications Commission, or its duly designated and authorized successor agency.

K. Free standing Tower – a Tower that is not supported by guy wires and ground anchors or other means of attached or external support.

L. Height, Tower - the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna.

M. NIER - Non-Ionizing Electromagnetic Radiation.

N. Personal Wireless Facility - See definition for Wireless Telecommunications Facilities.

O. Personal Wireless Services, PWS, Personal Telecommunications Service, or PCS - shall have the same meaning as defined and used in the 1996 Telecommunications Act.

P. Telecommunication Site - see definition for Wireless Telecommunications Facilities.

Q. Telecommunications - the transmission and reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

R. Telecommunications Structure - a structure used in the provision of services described in the definition of 'Wireless Telecommunications Facilities'.

S. Temporary - in relation to all aspects and components of Section 4-19 of this Ordinance, something intended to, or that does, exist for fewer than ninety (90) days.

T. Wireless Telecommunications Facilities, Telecommunications Tower, Telecommunications Site, or Personal Wireless Facility - a structure, facility or location designed, or intended to be used as, or used to support, Antennas. It includes without limit, free standing Towers, guyed Towers, monopoles, and similar structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an Antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal Telecommunications services, commercial satellite services, or microwave Telecommunications, but excluding those used exclusively for the County's fire, police and other dispatch Telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar Telecommunications.

4-19-3 OVERALL POLICY AND DESIRED GOALS FOR SPECIAL EXCEPTION PERMITS FOR WIRELESS TELECOMMUNICATIONS FACILITIES

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the County's health, safety, public welfare, environmental features and other aspects of the quality of life specifically listed elsewhere in this Ordinance, the County Board hereby adopts an overall policy with respect to a

Special Exception Permit for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

A. Implementing an application process for person(s) seeking a Special Exception Permit for Wireless Telecommunications Facilities;

B. Establishing a policy for examining an application for and issuing a Special Exception Permit for Wireless Telecommunications Facilities that is both fair and consistent;

C. Establishing reasonable time frames for granting or not granting a Special Exception Permit for Wireless Telecommunications Facilities, or re-certifying or not re-certifying, or revoking the Special Exception Permit granted under this Ordinance;

D. Promoting and encouraging, wherever possible, the sharing and/or collocation of Wireless Telecommunications Facilities among service providers; and

E. Promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner as to minimize adverse aesthetic impacts to the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities.

4-19-4 SPECIAL EXCEPTION PERMIT APPLICATION AND OTHER REQUIREMENTS

A. All Applicants for a Special Exception Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this section. The Board is the officially designated agency or body of the community to whom applications for a Special Exception Permit for Wireless Telecommunications Facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, re-certifying or not re-certifying, or revoking Special Exception Permits for Wireless Telecommunications Facilities. The Board may at its discretion delegate or designate other official agencies of the County to accept, review, analyze, evaluate and make recommendations to the Board with respect to the granting or not granting, re-certifying or not re-certifying or revoking Special Exception Permits for Wireless Telecommunications Facilities.

B. An application for a Special Exception Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the Applicant, shall also sign the application. At the discretion of the Board, any false or misleading statement in the application may subject the

Applicant to denial of the application without further consideration or opportunity for correction.

C. Applications not meeting the requirements stated herein, or which are otherwise incomplete, may be rejected by the Board.

D. The Applicant shall include a statement in writing:

(1) That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Special Exception Permit, without exception, unless specifically granted relief by the Board in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, Commonwealth and Federal Laws, rules, and regulations;

(2) That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the Commonwealth of Virginia.

E. No Wireless Telecommunications Facilities shall be installed or constructed until the site plan is reviewed and approved by the Board, and the Special Exception Permit has been issued.

F. All applications for the construction or installation of new Wireless Telecommunications Facilities shall be accompanied by a report containing the information hereinafter set forth. The report shall be signed by a licensed professional engineer registered in the Commonwealth of Virginia. Where this section calls for certification, such certification shall be by a qualified Professional Engineer acceptable to the County, licensed in the Commonwealth of Virginia. The application shall include, in addition to the other requirements for the Special Exception Permit, the following information:

(1) Documentation that demonstrates the need for the Wireless Telecommunications Facility to provide service primarily within the County;
(2) Name, address and phone number of the person preparing the report;
(3) Name, address, and phone number of the property owner, operator, and Applicant, to include the legal form of the Applicant;
(4) Postal address and tax map parcel number of the property;
(5) Zoning District or designation in which the property is situated;
(6) Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines;
(7) Location of nearest residential structure;
(8) Location of nearest habitable structure;
(9) Location, size and height of all structures on the property which is the subject of the application;

(10) Location, size and height of all proposed and existing antennae and all appurtenant structures;
(11) Type, locations and dimensions of all proposed and existing landscaping, and fencing;
(12) The number, type and design of the Telecommunications Tower(s) Antenna(s) proposed and the basis for the calculations of the Telecommunications Tower's capacity to accommodate multiple users;
(13) The make, model and manufacturer of the Tower and Antenna(s);
(14) A description of the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
(15) The frequency, modulation and class of service of radio or other transmitting equipment;
(16) Transmission and maximum effective radiated power of the Antenna(s);
(17) Direction of maximum lobes and associated radiation of the Antenna(s);
(18) Certification that NIER levels at the proposed site are within the threshold levels adopted by the FCC;
(19) Certification that the proposed Antenna(s) will not cause interference with existing telecommunications devices, though the certifying engineer need not be approved by the County;
(20) A copy of the FCC license applicable for the use of Wireless Telecommunications Facilities;
(21) Certification that a topographic and geomorphologic study and analysis has been conducted, and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed Wireless Telecommunications Facilities on the proposed site, though the certifying engineer need not be approved by the County;
(22) Propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites;
(23) Applicant shall disclose in writing any agreement in existence prior to submission of the application that would limit or preclude the ability of the Applicant to share any new Telecommunication Tower that it constructs.

G. In the case of a new Telecommunications Tower, the Applicant shall be required to submit a written report demonstrating its efforts to secure shared use of existing Telecommunications Tower(s) or use of existing buildings or other structures within the County. Copies of written requests and responses for shared use shall be provided to the Board.

H. The Applicant shall furnish written certification that the Telecommunications Facility, foundation and attachments are designed and will be constructed to meet all local, County, Commonwealth and Federal structural requirements for loads, including wind and ice loads.

I. The Applicant shall furnish written certification that the Wireless Telecommunications Facilities will be effectively grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.

J. The Applicant shall furnish a Visual Impact Assessment which shall include:

(1) A "Zone of Visibility Map" which shall be provided in order to determine locations where the Tower may be seen.

(2) Pictorial representations of "before and after" views from key viewpoints both inside and outside of the County, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at a pre-application meeting.

(3) An assessment of the visual impact of the Tower base, guy wires and accessory buildings from abutting and adjacent properties and streets.

K. Any and all representations made by the Applicant to the Board, on the record, during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the Board.

L. The Applicant shall, in a manner approved by the Board, demonstrate and provide in writing and/or by drawing how it shall effectively screen from view its proposed Wireless Telecommunications Facilities base and all related facilities and structures.

M. All utilities at a Wireless Telecommunications Facilities site shall be installed underground and in compliance with all laws, ordinances, rules and regulations of the County, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate. The Board may waive or vary the requirements of underground installation of utilities whenever, in the opinion of the Board, such variance or waiver shall not be detrimental to the health, safety, general welfare and environment, including the visual and scenic characteristics of the area.

N. All Wireless Telecommunications Facilities shall contain a demonstration that the Facility be sited so as to have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the Wireless Telecommunications Facilities sites.

O. Both the Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize

with the natural surroundings, this shall include the utilization of stealth or concealment technology as required by the County.

P. At a Telecommunications Site, an access road, turn around space, and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and vegetation-cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

Q. A Person who holds a Special Exception Permit for Wireless Telecommunications Facilities shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted Wireless Telecommunications Facilities in strict compliance with all current applicable technical, safety and safety-related codes adopted by the County, Commonwealth, or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

R. A holder of a Special Exception Permit granted under this Ordinance shall obtain, at its own expense, all permits and licenses required by applicable law, ordinance, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the County or other governmental entity or agency having jurisdiction over the applicant.

S. An Applicant shall submit to the County Planning Department the number of completed applications determined to be needed at the pre-application meeting.

T. The Applicant shall examine the feasibility of designing a proposed Telecommunications Tower to accommodate future demand for at least five (5) additional commercial applications, for example, future collocations. The scope of this examination shall be determined by the Board. The Telecommunications Tower shall be structurally designed to accommodate at least five (5) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Telecommunications Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:

(1) The foreseeable number of FCC licenses available for the area;

(2) The kind of Wireless Telecommunications Facilities site and structure proposed;

(3) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites;

(4) Available space on existing and approved Telecommunications Towers.

U. The Applicant shall submit to the Board a letter of intent committing the owner of the proposed new Tower, and his/her successors in interest, to negotiate in good faith for shared use of the proposed Tower by other Telecommunications providers in the future. This letter shall be filed with the Board. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the Special Exception Permit. The letter shall commit the new Tower owner and their successors in interest to:

(1) Respond within 60 days to a request for information from potential shared-use applicant;

(2) Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;

(3) Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference.

V. Unless waived by the Board, there shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting may also include a site visit if required. Costs of the County's consultants to prepare for and attend the pre-application meeting will be borne by the Applicant.

W. The holder of a Special Exception Permit shall notify the County of any intended modification of a Wireless Telecommunication Facility and shall apply to the County to modify, relocate or rebuild a Wireless Telecommunications Facility.

X. In order to better inform the public, in the case of a new Telecommunication Tower, the applicant shall, prior to the public hearing on the application, hold a "balloon test" as follows: Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot diameter brightly colored balloon at the maximum height of the proposed new Tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test

shall be advertised, by the Applicant, at seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in County and agreed to by the Board. The Applicant shall inform the Board, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 am and 4:00 pm of the dates chosen. The primary date shall be on a weekend, but the second date, in case of poor visibility on the initial date, may be on a weekday.

Y. The Applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the Telecommunications Tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Regulation Part 77. This requirement shall be for any new tower or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided in a timely manner.

4-19-5 LOCATION OF WIRELESS TELECOMMUNICATIONS FACILITIES

A. Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority and four (4) being the lowest priority.

(1) On existing Telecommunications Towers or other tall structures;

(2) Collocation on a site with existing Wireless Telecommunications Facilities or structures;

(3) On properties owned by Richmond County, the Town of Warsaw, and/or their agencies;

(4) On other property in the County.

B. If the proposed property site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the proposed site.

C. An Applicant may not by-pass sites of higher priority by stating the site presented is the only site leased or selected. An application shall address collocation as an option and if such option is not proposed, the applicant must explain why collocation is Commercially or otherwise Impracticable. Agreements between providers limiting or prohibiting collocation, shall not be a valid basis for any claim of Commercial Impracticability or hardship.

D. Notwithstanding the above, the Board may approve any site located within an area in the above list of priorities, provided that the Board finds that the proposed site is in the best interest of the health, safety and welfare of the County and its inhabitants.

E. The Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If the site selected is not the highest priority, then a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application.

F. The Applicant shall, in writing, identify and disclose the number and locations of any additional sites that the Applicant has been, is, or will be considering, reviewing or planning for Wireless Telecommunications Facilities in the County, and all municipalities adjoining the County, for a two year period following the date of the application.

G. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the Board may disapprove an application for any of the following reasons.

(1) Conflict with safety and safety-related codes and requirements;

(2) Conflict with traffic needs or traffic laws, or definitive plans for changes in traffic flow or traffic laws;

(3) Conflict with the historic nature of a neighborhood or historical district;

(4) The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;

(5) The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the probability of such, to residents, the public, employees and agents of the County, or employees of the service provider or other service providers; or

(6) Conflicts with the provisions of this Ordinance.

4-19-6 SHARED USE OF WIRELESS TELECOMMUNICATIONS FACILITIES AND OTHER STRUCTURES

A. Shared use of existing Wireless Telecommunications Facilities shall be preferred by the County, as opposed to the proposed construction of a new Telecommunications Tower. Where such shared use is unavailable, location of Antennas on other pre-existing structures shall be considered and preferred. The

Applicant shall submit a comprehensive report inventorying existing Towers and other appropriate structures within four (4) miles of any proposed new Tower Site, unless the Applicant can show that some other distance is more reasonable, and outlining opportunities for shared use of existing facilities and the use of other pre-existing structures as a preferred alternative to new construction.

B. An Applicant intending to share use of an existing Telecommunications Tower or other structure shall be required to document the intent of the existing owner to share use. In the event of an application to share the use of an existing Telecommunications Tower or other structure does not increase the height or footprint of the Telecommunications Facility or structure, the Board shall process such application in accordance with Section 3-1-2-A of this Ordinance. The Applicant shall still be required to abide by all submission requirements of Section 4-19, unless such requirements are waived by the County for good cause shown.

C. Such shared use shall consist only of the minimum Antenna array technologically required to provide service within the County, to the extent practicable, unless good cause is shown.

4-19-7 HEIGHT OF TELECOMMUNICATIONS TOWER(S)

A. The Applicant shall submit documentation justifying to the Board the total height of any Telecommunications Tower, Facility and/or Antenna and the basis therefore. Such justification shall be to provide service within the County, to the extent practicable, unless good cause is shown.

B. Telecommunications Towers shall be no higher than the minimum height necessary. Unless waived by the Board upon good cause shown, the maximum height shall be one hundred-forty (140) feet, based on six (6) collocated antenna arrays and an ambient tree height of eighty (80) feet.

C. The maximum height of any Telecommunications Tower and attached Antennas constructed after the effective date of this Ordinance shall not exceed that which shall permit operation without artificial lighting of any kind, in accordance with municipal, County, State, and/or any Federal statute, law, local law, ordinance, code, rule or regulation**.**

4-19-8 VISIBILITY OF WIRELESS TELECOMMUNICATIONS FACILITIES

A. Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by federal regulation or this Ordinance.

B. Telecommunications Towers shall be of a galvanized finish, or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings as approved by the Board, and shall be maintained in accordance with the requirements of this Ordinance.

C. If lighting is required, Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within fifteen-hundred (1,500) feet of all property lines of the parcel on which the Wireless Telecommunications Facilities are located.

4-19-9 SECURITY OF WIRELESS TELECOMMUNICATIONS FACILITIES

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically, as follows:

A. All Antennas, Towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or run into; and

B. Transmitters and Telecommunications control points must be installed such that they are readily accessible only to persons authorized to operate or service them.

4-19-10 SIGNAGE

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or shed of the Applicant and be visible from the access point of the site and must identify the equipment shelter of the applicant. The sign shall not be lighted unless the Board shall have allowed such lighting or unless such lighting is required by applicable provisions of Ordinance. No other signage, including advertising, shall be permitted on any facilities, Antennas, Antenna supporting structures or Antenna Towers, unless required by Ordinance.

4-19-11 LOT SIZE AND SETBACKS

All proposed Wireless Telecommunications Facilities shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the Wireless Telecommunications Facility or the existing setback requirements of the underlying zoning district, whichever are greater. Any accessory facility shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

4-19-12 RETENTION OF EXPERT ASSISTANCE AND REIMBURSEMENT BY APPLICANT

A. The Board may hire any consultant and/or expert necessary to assist the Board in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for re-certification.

B. An Applicant shall deposit with the County funds sufficient to reimburse the County for all reasonable costs of consultant and expert evaluation and consultation to the Board in connection with the review of any application. The initial deposit shall be $8,500. These funds shall precede the pre-application meeting and the County will maintain a separate escrow account for all such funds. The County's consultants/experts shall bill or invoice the County no more frequently than monthly for its services in reviewing the application and performing its duties. If at any time during the review process this escrow account has a balance less than $2,500, Applicant shall immediately, upon notification by the County, replenish said escrow account so that it has a balance of at least $5,000. Such additional escrow funds shall be deposited with the County before any further action or consideration is taken on the application. In the event that the amount held in escrow by the County is more than the amount of the actual billing or invoicing at the conclusion of the project, the difference shall be promptly refunded to the Applicant.

C. The total amount of the funds set forth in subsection (B) of this section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed by the Board or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as reasonably required and requested by the County, shall be paid by the Applicant.

4-19-13 EXCEPTIONS FROM A SPECIAL EXCEPTION PERMIT FOR WIRELESS TELECOMMUNICATIONS FACILITIES

A. No Person shall be permitted to site, place, build, construct or modify, or prepare any site for the placement or use of, Wireless Telecommunications Facilities as of the effective date of this Ordinance without having first obtained a Special Exception Permit for Wireless Telecommunications Facilities. Notwithstanding anything to the contrary in this section, no Special Exception Permit shall be required for those exceptions noted in the definition of Wireless Telecommunications Facilities.

B. New construction on existing Wireless Telecommunications Facilities shall comply with the requirements of this Ordinance.

C. All Wireless Telecommunications Facilities existing on or before the effective date of this Ordinance shall be allowed to continue as they presently exist, provided however, that any modification to existing Wireless Telecommunications Facilities must comply with this Ordinance.

4-19-14 PUBLIC HEARING AND NOTIFICATION REQUIREMENTS

A. Prior to the approval of any application for a Special Exception Permit for Wireless Telecommunications Facilities, a Public Hearing shall be held by the Board in accordance with Section 3-1-2-B of this Ordinance.

B. The Board shall schedule the Public Hearing referred to in Section 4-19-14-A once it finds the application is complete. The Board, at any stage prior to issuing a Special Exception Permit, may require such additional information, as it deems necessary.

C. The above provisions notwithstanding, if the application is for collocating on an existing Telecommunications Facility or high structure, where no increase in the height or footprint of the tower or structure is required, no Public Hearing will be required prior to the approval of the application.

4-19-15 ACTION ON AN APPLICATION FOR A SPECIAL EXCEPTION PERMIT FOR WIRELESS TELECOMMUNICATIONS FACILITIES

A. The Board will undertake a review of an application pursuant to this Ordinance in a timely fashion, and shall act within a reasonable period of time given the relative complexity of the application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.

B. The Board may refer any application or part thereof to any advisory or other committee for a non-binding recommendation.

C. After the Public Hearing, and after formally considering the application, the Board may approve, approve with conditions, or deny a Special Exception Permit. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the granting of the permit shall always be upon the Applicant.

D. If the Board approves the Special Exception Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such approval in writing within ten (10) calendar days of the Board's action, and the Special Exception Permit shall be issued within thirty (30) days after such approval.

E. If the Board denies the Special Exception Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such denial in writing within ten (10) calendar days of the Board's action.

4-19-16 RECERTIFICATION OF A SPECIAL EXCEPTION PERMIT FOR WIRELESS TELECOMMUNICATIONS FACILITIES

A. At any time between twelve (12) months and six (6) months prior to the five (5) year anniversary date after the effect date of the Special Exception Permit and all subsequent fifth anniversaries of the effective date of the original Special Exception Permit for Wireless Telecommunications Facilities, the holder of a Special Exception Permit for such Wireless Telecommunication Facilities shall submit a signed written request to the Board for re-certification. In the written request for re-certification, the holder of such Special Exception Permit shall note the following:

(1) The name of the holder of the Special Exception Permit for the Wireless Telecommunications Facilities;
(2) If applicable, the number or title of the Special Exception Permit;
(3) The date of the original granting of the Special Exception Permit;
(4) Whether the Wireless Telecommunications Facilities have been moved, re-located, rebuilt, or otherwise modified since the issuance of the Special Exception Permit and if so, in what manner;
(5) If the Wireless Telecommunications Facilities have been moved, re-located, rebuilt, or otherwise modified, then whether the Board approved such action, and under what terms and conditions, and whether those terms and conditions were complied with;
(6) Any requests for waivers or relief of any kind whatsoever from the requirements of this Ordinance and any requirements for a Special Exception Permit;
(7) That the Wireless Telecommunications Facilities are in compliance with the Special Exception Permit and compliance with all applicable codes, Ordinances, rules and regulations and laws;
(8) Re-certification that the Telecommunication Tower and attachments both are designed and constructed ("As Built") and continue to meet all local, County, Commonwealth of Virginia, and Federal structural requirements for loads, including wind and ice loads. Such re-certification shall be by a qualified Virginia licensed Professional Engineer, the cost of which shall be borne by the Applicant.

B. If, after review in accordance with Section 3-1-2-C of this Ordinance, the Board determines that the permitted Wireless Telecommunications Facilities are in compliance with the Special Exception Permit and all applicable statutes, laws, local ordinances, codes, rules and regulations, then the Board shall issue a re-certification Special Exception Permit for the Wireless Telecommunications Facilities, which may include any new provisions or conditions that are mutually agreed upon, or required by applicable statutes, laws, local ordinances, codes, rules and regulations. If, after such review, the Board determines that the permitted Wireless Telecommunications Facilities are not in compliance with the Special Exception Permit and all applicable statutes, laws, ordinances, codes, rules and regulations, then the Board may refuse to issue a re-certification Special Exception Permit for the Wireless Telecommunications Facilities, and in such event, such Wireless Telecommunications Facilities shall not be used after the date that the

Applicant receives written notice of such decision by the Board. Any such decision shall be in writing and supported by substantial evidence contained in a written record.

C. If the Applicant has submitted all of the information requested by the Board and required by this Ordinance, and if the Board does not complete its review, as noted in Section 4-19-16-B, prior to the five (5) year anniversary date of the Special Exception Permit, or subsequent fifth anniversaries, then the Applicant for the permitted Wireless Telecommunications Facilities shall receive an extension of the Special Exception Permit for up to six (6) months, in order for the Board to complete its review.

D. If the holder of a Special Exception Permit for Wireless Telecommunications Facilities does not submit a request for re-certification of such Special Exception Permit within the timeframe noted in Section 4-19-16-A, then such Special Exception Permit and any authorizations granted thereunder shall cease to exist on the date of the fifth anniversary of the original granting of the Special Exception Permit, or subsequent fifth anniversaries, unless the holder of the Special Exception Permit adequately demonstrates to the Board that extenuating circumstances prevented a timely re-certification request. If the Board agrees that there were legitimately extenuating circumstances, then the holder of the Special Exception Permit may submit a late re-certification request or application for a new Special Exception Permit.

4-19-17 EXTENT AND PARAMETERS OF SPECIAL EXCEPTION PERMIT FOR WIRELESS TELECOMMUNICATIONS FACILITIES

The extent and parameters of a Special Exception Permit for Wireless Telecommunications Facilities shall be as follows:

A. Such Special Exception Permit shall be non-exclusive;

B. Such Special Exception Permit shall not be assigned, transferred or conveyed without the express prior written notification of the Board.

C. Such Special Exception Permit may, following a hearing upon due prior notice to the Applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Special Exception Permit for Wireless Telecommunications Facilities, or for a material violation of this Ordinance after prior written notice to the Applicant and the holder of the Special Exception Permit.

4-19-18 APPLICATION FEE

A. At the time that a person submits an application for a Special Exception Permit for a new Telecommunications Tower, such person shall pay a non-refundable application fee as determined by the Board of Supervisors to cover the

administrative costs incurred by the County in processing the application. If the application is for collocating on an existing Telecommunications Facility or high structure, where no increase in the height or footprint of the Telecommunications Facility or structure is required, the non-refundable fee shall be a reduced amount, as determined by the Board of Supervisors.

B. No application fee is required in order re-certify a Special Exception Permit for Wireless Telecommunications Facilities, unless there has been a modification of the Wireless Telecommunications Facilities since the date of the issuance of the existing Special Exception Permit for which the conditions of the Special Exception Permit have not previously been modified. In the case of any modification, the fees provided in Section 4-19-18-A shall apply.

4-19-19 PERFORMANCE SECURITY

The Applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall at its cost and expense, be jointly required to execute and file with the County a bond, or other form of security acceptable to the County as to the type of security and the form and manner of execution, in an amount of at least $15,000 and with such sureties as are deemed sufficient by the Board to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Special Exception Permit issued pursuant to this Ordinance. The full amount of the bond or security shall increase in value by 5% each year and shall remain in full force and effect throughout the term of the Special Exception Permit and/or until the removal of the Wireless Telecommunications Facilities, and any necessary site restoration is completed. The failure to pay any annual premium for the renewal of any such security shall be a violation of the provisions of the Special Exception Permit and shall entitle the Board to revoke the Special Exception Permit after prior written notice to the Applicant and holder of the permit and after a hearing upon due prior notice to the Applicant and holder of the Special Exception Permit.

4-19-20 RESERVATION OF AUTHORITY TO INSPECT WIRELESS TELECOMMUNICATIONS FACILITIES

In order to verify that the holder of a Special Exception Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, Ordinances, regulations and other applicable requirements, the County may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

4-19-21 ANNUAL NIER CERTIFICATION

The holder of the Special Exception Permit shall, annually, certify in writing to the County that NIER levels at the site are within the threshold levels adopted by the FCC. The certifying engineer must be licensed to practice engineering in the Commonwealth of Virginia.

4-19-22 LIABILITY INSURANCE

A. A holder of a Special Exception Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Exception Permit in amounts as set forth below:

(1) Commercial General Liability covering personal injuries, death and property damage: $1,000,000 per occurrence/$2,000,000 aggregate;
(2) Automobile Coverage: $1,000,000 per occurrence/ $2,000,000 aggregate;
(3) Workers Compensation and Disability: Statutory amounts.

B. The Commercial General liability insurance policy shall specifically include the County and its officers, boards, employees, committee members, attorneys, agents and consultants as additional named insureds.

C. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the Commonwealth and with a Best's rating of at least A.

D. The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least thirty- (30) days prior written notice in advance of the cancellation of the insurance.

E. Renewal or replacement policies or certificates shall be delivered to the County at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

F. Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the grant of the Special Exception Permit, the holder of the Special Exception Permit shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts.

4-19-23 INDEMNIFICATION

A. Any application for Wireless Telecommunication Facilities that is proposed for County property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Ordinance, to at all times defend, indemnify, protect, save, hold harmless, and exempt the County, and its officers, boards, employees, committee

members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at Ordinance or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the County, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the County.

B. Notwithstanding the requirements noted in Section 4-19-23-A, an indemnification provision will not be required in those instances where the County itself applies for and secures a Special Exception Permit for Wireless Telecommunications Facilities.

4-19-24 DEFAULT AND/OR REVOCATION

A. If Wireless Telecommunications Facilities are repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Ordinance or of the Special Exception Permit, then the Board shall notify the holder of the Special Exception Permit in writing of such violation. Such notice shall specify the nature of the violation or non-compliance and that the violations must be corrected within seven (7) days of the date of the postmark of the Notice, or of the date of personal service of the Notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this Ordinance, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the Board may, at its sole discretion, order the violation remedied within twenty-four (24) hours.

B. If within the period set forth in Section 4-19-24-A the Wireless Telecommunications Facilities are not brought into compliance with the provisions of this Ordinance, or of the Special Exception Permit, or substantial steps are not taken in order to bring the affected Wireless Telecommunications Facilities into compliance, then the Board may revoke such Special Exception Permit for Wireless Telecommunications Facilities, and shall notify the holder of the Special Exception Permit within forty-eight (48) hours of such action.

4-19-25 REMOVAL OF WIRELESS TELECOMMUNICATIONS FACILITIES

A. Under the following circumstances, the Board may determine that the health, safety, and welfare interests of the County warrant and require the removal of Wireless Telecommunications Facilities.

(1) Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding twelve (12) consecutive months;

(2) Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard;

(3) Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Special Exception Permit, or any other necessary authorization.

B. If the Board makes such a determination as noted in Section 4-19-25-A, then the Board shall notify the holder of the Special Exception Permit for the Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed. The Board may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.

C. The holder of the Special Exception Permit, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety (90) days of receipt of written notice from the Board. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the Board.

D. If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the permit holder has received notice, then the Board may order officials or representatives of the County to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Special Exception Permit holder.

E. If the County removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the County may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.

F. Notwithstanding anything in this Section to the contrary, the Board may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Special Exception Permit, subject to the approval of the Board, and an agreement to such plan shall be executed by the

holder of the Special Exception Permit and the County. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the County may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section.

4-19-26 RELIEF

Any Applicant desiring relief or exemption from any aspect or requirement of Section 4-19 of this Ordinance may request such from the Board at a pre-application meeting, provided that the relief or exemption is contained in the original application for either a Special Exception Permit, or in the case of an existing or previously granted Special Exception Permit a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent, partial or complete, at the sole discretion of the Board. However, the burden of proving the need for the requested relief or exemption is solely on the Applicant to prove to the satisfaction of the Board. The Applicant shall bear all costs of the Board or the County in considering the request and the relief shall not be transferable to a new or different holder of the permit or owner of the Tower or facilities without the specific written permission of the Board. Such permission shall not be unreasonably withheld or delayed. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted the relief or exemption will have no significant affect on the health, safety and welfare of the County, its residents and other service providers.

4-19-27 ADHERENCE TO STATE AND/OR FEDERAL RULES AND REGULATIONS

A. To the extent that the holder of a Special Exception Permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Special Exception Permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

B. To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Special Exception Permit for Wireless Telecommunications Facilities, then the holder of such a Special Exception Permit shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

4-20 SEXUALLY ORIENTED BUSINESSES (Adopted November 8, 2007)

4-20-1 FINDINGS OF FACT

Based on evidence concerning the adverse secondary effects of Sexually Oriented Businesses on the community, presented by the public and in reports made available to the Board, and on findings incorporated in the cases of *City of Renton v. Playtime Theatre, Inc.* 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of Erie v. Pap's A.M.*, 120 S. Ft. 1382 (2000); and *Steakhouse, Inc. v. City of Raleigh*, 166 F.3d 634 (4th Cir. 1999), *cert. denied*, 70 U.S.L.W. 3460 (2002), and on studies in other communities including Phoenix, Arizona; Tucson, Arizona; St. Paul, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Austin, Texas; and also on findings from the *Report of the Attorney General's Workgroup on the Regulation of Sexually Oriented Businesses* (June 6, 1989, State of Minnesota), the Board of Supervisors of Richmond County makes the following findings:

A. Sexually Oriented Businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature, as well as the sale, use, and/or display of obscene materials and obscenity.

B. The concern over sexually transmitted diseases is a legitimate health concern of the County, which demands reasonable regulation of Sexually Oriented Businesses in order to protect the health and well being of the citizens.

C. There is convincing documented evidence that Sexually Oriented Businesses have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and blight and the downgrading of property values and the quality of life in the adjacent area.

D. At least one court of competent jurisdiction has ruled that the visual display of the human sex act and/or other prohibited sex acts are obscene.

E. Sexually Oriented Businesses lend themselves to ancillary unlawful and unhealthy activities and/or obscenity.

F. Certain employees of Sexually Oriented Businesses engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.

G. Sexual acts, including masturbation and oral and anal sex, occur at Sexually Oriented Businesses. Offering or providing such space encourages such activities, which creates unhealthy conditions.

H. Persons frequent Sexually Oriented Businesses for the purpose of engaging in sex within the premises of such businesses.

I. At least 50 communicable diseases may be spread by activities occurring in Sexually Oriented Businesses, including syphilis, gonorrhea, human immunodeficiency virus

infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections.

J. Since 1981 to the present, there have been an increasing cumulative number of reported cases of AIDS caused by human immunodeficiency virus (HIV) in the United States.

K. The Surgeon General of the United States in his report of October 22, 1986, advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood components, and from an infected mother to the newborn.

L. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

M. Sanitary conditions in some Sexually Oriented Businesses are unhealthy, in part, because of the activities conducted there are unhealthy, and in part, because of the unregulated nature of the activities and the failure of the owners of the facilities to self-regulate those activities and maintain those facilities.

N. Numerous studies and reports have determined that semen is found in the areas of Sexually Oriented Businesses where persons view films depicting Specified Sexual Activities or Specified Anatomical Areas.

4-20-2 PURPOSE AND INTENT

It is the purpose and intent of Section 4-20 of this ordinance to establish content-neutral regulations that address the secondary effects of Sexually Oriented Businesses detailed in Section 4-20-1, Findings of Fact.

It is the desire of the Board of Supervisors to minimize and control the secondary effects listed in Section 4-20-1 and thereby protect the health, safety, and welfare of the citizens of the County, protect the citizens from increased crime, preserve the quality of life within the County, preserve the property values and character of residential areas, and prevent obscenity and the spreading of blight within the County.

It is not the intent of the Board of Supervisors or this ordinance to suppress any speech activities protected by the First Amendment of the United States Constitution or the Constitution of Virginia.

4-20-3 DEFINITIONS

A. Adult Arcade - any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

B. Adult bookstore, adult video store, or adult novelty store – a commercial establishment having a substantial or significant portion of its stock-in-trade in one or more of the following:

1) books, magazines, other periodicals, videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices or similar media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas.

2) instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities

C. Adult Live Entertainment - a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1) persons who appear in a state of nudity or semi-nude; or

2) live performances, which are characterized by the exposure of Specific Anatomical Areas or by Specified Sexual Activities; or

3) films, motion pictures, videocassettes, slides or other photographic reproductions, which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

D. Adult Motel - a hotel, motel or similar commercial establishment which:

1) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

2) offers a sleeping room for rent for a period of time that is less than ten hours; or

3) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

E. Adult Movie Theater - a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

F. Adult Theater - a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of Specified Anatomical Areas or

by Specified Sexual Activities.

G. Direct Line of Sight – the ability to directly view an area without the benefit or assistance of a mirror, video camera, or similar aid.

H. Employee - a person who performs any service on the premises of a Sexually Oriented Business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

I. Escort - a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

J. Escort Agency - a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

K. Establishment - any of the following:

1) the opening or commencement of any Sexually Oriented Business as new business;

2) the conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business;

3) the additions of any Sexually Oriented Business to any other existing Sexually Oriented Business; or

4) The relocation of any Sexually Oriented Business.

L. Massage Parlor – any place where manipulation of body tissues for any purpose is conducted and the owners and employees are not a physician, chiropractor, osteopath, naturopath or physical therapist duly licensed by the Commonwealth of Virginia, nor a massage therapist certified by the State Board of Nursing.

M. Nude Model Studio - any place where a person who appears semi-nude, in a state of nudity, or who displays Specified Anatomical Areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the Commonwealth of Virginia or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a

structure:

1) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

2) where in order to participate in a class a student must enroll at least three days in advance of the class; and

3) where no more than one nude or semi-nude model is on the premises at anyone time.

N. Nudity or State of Nudity - the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

O. Obscene - that which, considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex, that is, a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value. (Code of Virginia, Section 18.2-372)

P. Person - an individual, proprietorship, partnership, corporation, association, or other legal entity.

Q. Semi-Nude or in a Semi-Nude Condition - the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

R. Sexual Encounter Center - a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

S. Sexually Oriented Business - an adult arcade, adult bookstore, adult novelty store, adult video store, adult live entertainment, adult motel, adult movie theater, adult theater, escort agency, massage parlor, nude model studio, or sexual encounter center.

T. Specified Anatomical Areas - less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

U. Specified Sexual Activities - human genitals in a state of sexual stimulation or arousal; sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast, including masturbation.

4-20-4 Location of Sexually Oriented Businesses.

No Sexually Oriented Business may be operated within 2,000 feet of the following:

A. Another Sexually Oriented Business; or

B. An entertainment business that is oriented primarily towards children or family entertainment; or

C. Premises licensed pursuant to the alcoholic beverage control regulations of the Commonwealth of Virginia; or

D. A church, synagogue, mosque, temple or building, which is used primarily for religious worship and related religious activities; or

E. A public or private school and/or a facility providing child care and/or pre-school services for more than four (4) individuals; or

F. A public or community park or recreational area, including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian / bicycle paths, wilderness areas, or other similar public land within the County that is maintained for park and/or recreational purposes; or

G. A motel, hotel, travel lodge, or bed and breakfast establishment; or

H. A truck stop or rideshare / commuter parking facility.

4-20-5 Regulations Pertaining to the Exhibition of Sexually Explicit Films, Videos or Live Entertainment

A person who operates or causes to be operated a Sexually Oriented Business, other than an adult motel, which exhibits on the premises a film, video cassette, live entertainment, or other video reproduction that depicts Specified Sexual Activities or Specified Anatomical Area, shall comply with the following requirements:

A. An application for approval of the Sexually Oriented Business shall be accompanied by a diagram of the premises specifying the location of one or more managers' stations, which shall not exceed thirty-two square feet of floor area each, and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. The diagram shall be oriented to the north or to a designated street or object and shall be drawn to a designated scale, with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.

B. No alteration in the configuration or location of a manager's station shall be made without the prior approval of the County.

C. The operator of the Sexually Oriented Business shall ensure that at least one (1) employee is situated in each manager's station at all times that any patron is present inside the premises.

D. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

E. Restrooms shall not contain video reproduction equipment.

F. The operator of the Sexually Oriented Business shall ensure that the view area specified in section 4-20-5-D above remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials at all times, to ensure that no patron is permitted access to any area of the premises which has been designated on the submitted diagram as an area in which patrons will not be permitted.

G. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to an illumination of not less than five foot-candles as measured at the floor level.

H. The operator of the Sexually Oriented Business shall ensure that the illumination described above is maintained at all times that any patron is present in the premises.

I. The operator of the Sexually Oriented Business shall not allow openings for any kind to exist between viewing booths.

J. The operator of the Sexually Oriented Business shall, during each business day, regularly inspect the walls between the viewing booths to determine if any opening of holes exist.

K. The operator of the Sexually Oriented Business shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

L. The operator of the Sexually Oriented Business shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood composition board or other porous material shall be used within forty-eight inches of the floor.

4-20-6 Regulations Pertaining to Escort Agencies

A. An escort agency shall not employ any person under the age of 18 years.

B. An escort agency shall not agree to act as an escort for any person under the age of 18 years.

4-20-7 Regulations Pertaining to Nude Model Studios

A. A nude model studio shall not employ any person under the age of 18 years.

B. A nude model studio shall not place of permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

4-20-8 Additional Regulations Concerning Public Nudity

A. The operator of a Sexually Oriented Business shall not allow persons to appear in a state of nudity of depict specified sexual activities.

B. The operator of a Sexually Oriented Business shall not allow persons to appear in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten feet from any patron or customer and on a stage at least two (2) feet from the floor.

C. The operator of a Sexually Oriented Business shall not allow employees to solicit any pay or gratuity from any patron or customer of for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in the Sexually Oriented Business.

D. The operator of a Sexually Oriented Business shall not allow employees, while semi-nude, to touch a customer or the clothing of a customer.

4-20-9 Additional Regulations Concerning Signs and Other Visible Messages

Signs and other visible messages pertaining to Sexually Oriented Businesses shall comply with the following standards, in addition to those contained in Section 4-17 of this ordinance:

A. Sexually Oriented Business sign messages shall not include any textual descriptions or any graphic/pictorial depictions of obscene materials and/or services available on the premises of the business.

B. Other visible messages that are visible or intended to be visible from outside a Sexually Oriented Business property (such as on or within doors or windows) shall not display obscene materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentations of persons performing and/or obscene services offered on the premises.

4-20-10 Prohibition Against Children In a Sexually Oriented Business

Persons under the age of 18 years are not allowed on the premises of a Sexually Oriented Business.

4-20-11 Hours of Operation

A. No Sexually Oriented Business, except for an adult motel, shall remain open later than 11 P. M.

B. Monday through Saturday, Sexually Oriented Businesses shall not open for business prior to 9 A.M.

C. On Sundays, Sexually Oriented Businesses shall not open for business prior to 12 P.M.

4-20-12 Exemptions

It is a defense to prosecution under Section 4-20-8 that a person appearing in a state of nudity did so in a modeling class operated:

A. by a proprietary school, licensed by the Commonwealth of Virginia; a college, junior college, or university supported entirely or partly by taxation;

B. by a private college or university, which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

C. in a structure;

1) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

2) where, in order to participate in a class a student must enroll at least three days in advance of the class; and

3) where no more than one nude model is on the premises at any one time.

ARTICLE V
DEFINITIONS

5-1 GENERAL USAGE

For the purpose of this Ordinance, certain words and terms are herein defined as follows:

Words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number; unless the obvious construction of the working indicates otherwise.

The word "shall" is mandatory.

Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

The word "building" includes the word "structure"; the word "lot" includes the words "plot" and "parcel".

The word "used" shall be deemed also to include "erected", "reconstructed", "altered", "placed", or "moved".

The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of a building".

The word "State" means the Commonwealth of Virginia.

The word "County" means Richmond County, Virginia, and the terms "county boundary" means any exterior boundary of the county or any boundary of unincorporated territory within the county.

The word "applicant" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The term "Code of Virginia" shall include "as amended".

The word "adjacent" means "nearby" and not necessarily "contiguous".

5-2 INTERPRETATION BY THE LAND USE ADMINISTRATOR

In case of any dispute over the meaning of a word, phrase or sentence, whether defined herein or not, the Land Use Administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this Ordinance, provided however that an appeal may be taken from any such determination as provided in Section 3-10-2a.

5-3 DEFINITIONS

Accessory Dwelling: A subordinate dwelling of no more than 1,000 square feet or fifty percent (50%) of the square feet of the principal dwelling in whom's building envelope the accessory dwelling has been constructed.

Accessory Structure: A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

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

Accretion: The creation of land by accumulation of new material.

Acre: A measure of land area containing 43,560 square feet.

Administrator, Land Use: The representative of the Richmond County Board of Supervisors who has been appointed to serve as the agent of the Governing Body in administering this Ordinance.

Agriculture: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals, bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Alley: A public or private way affording secondary means of access to abutting property.

Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Amenity: A natural or man-made feature which enhances or makes a particular property more attractive or satisfying.

Animal Cemetery: Any land or structure used or intended to be used for the interment or animal remains (other than human remains), with or without sale of lots. (Adopted January 13, 2005)

Animal Crematorium: Any furnace or other establishment used or intended to be used for the incineration of animal corpses (other than human corpses). (Adopted January 13, 2005)

Applicant: A person submitting an application for development.

Approving Authority: The agency, board, group or other legally designated individual or authority which has been charged with review and approval of plans and applications.

Aquaculture: Activities to enhance growth or propagation of harvestable freshwater, estuarine or marine plant or animal species.

Archaeological Site: Land or water areas which show evidence or artifacts of human, plant or animal activity, usually dating from a period of which only vestiges remain.

Assembly/Retreat Facility: A facility intended and designed to be used for the assembly and/or gathering of persons for a common purpose, including religious, educational, and/or recreational activities. Uses and improvements at such a facility are intended to work collectively to provide services primarily to those individuals or groups using the facility and may include conference and assembly halls, lodging, food service, recreational activities, and educational activities. (Adopted November 13, 2003)

Automobile Graveyard: Any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative, are placed, located or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable. (Code of Virginia, Section 33.1-348) (Adopted April 13, 2006)

Awning: Any non-rigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

Awning Sign: A sign placed directly on the surface of an awning.

Backshore: An area in a beach or other shoreline zone between mean high water and the toe of a dune, bank; or in the case of areas with gradual elevation change; the landward limit of wave action during storm events.

Banner: A sign that is mounted on or attached to a non-rigid surface such as cloth, fabric or paper.

Base Flood/One-Hundred Year Flood: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)

Base Zoning District: Any section of Richmond County, Virginia, for which regulations governing the use of buildings and land, the height of buildings, the size of yards, and the intensity of use are uniform.

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

Beach: The zone of sedimentary material that extends landward from mean high water level to the place where there is marked change in material or form, or the line of permanent vegetation.

Bed and Breakfast Establishment: A dwelling or part thereof, in which lodging (with or without meals) is provided by the owner or operator.

Bedlands: Areas surveyed or otherwise identified that potentially support the growing of shellfish. Also known as Baylor Grounds.

Berm: A mound of soil, either natural or man-made, planted with grass or other vegetation, and used for view obstruction or for water control.

Best Management Practices (BMPs): A practice, or a combination of practices, that is determined by a local, state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Bike/Hike Trail: A pathway, often paved and separated from streets, designed for bikers and pedestrians.

Bill Board: See off-premise sign.

Block: A unit of land bounded by streets or by a combination of streets and public land, waterways, or any other barrier to the continuity to development.

Board of Zoning Appeals (BZA): The board appointed to grant variance relief where warranted and to review appeals made by individuals with regard to decisions of the Land Use Administrator in the interpretation of sections of Article 2.

Boathouse: A roofed structure for the wet or dry storage of one or more boats.

Buffer: An area within a property or site, generally adjacent to and parallel with the property line or designated natural feature, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to continuously limit view of and/or sound from the site to adjacent sites or properties or to maintain vegetation, absorb runoff or protect steep slopes and shorelines.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

Building Envelope: The three-dimensional space within which a structure exclusive of inground swimming pools, tennis courts, and garden statuary and furniture, is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks, and other regulations.

Building Setback Line: A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

Bulletin Board Sign: A particular type of changeable copy sign that displays copy within a casement.

Caliper: Diameter of a tree measured six (6) inches above ground level.

Campground: The use of two or more recreational vehicles, tents or other forms of temporary shelter designed for recreational or occasional use.

Canopy: An extension of the roof of a building or a freestanding structure that has a roof with support but no walls.

Canopy Sign: A sign attached to a canopy.

Cemetery: Any land or structure used or intended to be used for the interment of human remains, with or without sale of lots. The sprinkling of ashes or their burial in a biodegradable container on church grounds shall not constitute creation of a cemetery.

Certificate of Compliance: Certification by the Land Use Administrator that plans are in compliance with this ordinance.

Certification of Occupancy: A certificate issued by the County Building Official certifying that a structure is in compliance with all applicable requirements of the Uniform Statewide Building Code and County Building Ordinance after notification by the Land Use Administrator (issuance of a Certificate of Compliance) that all other necessary permits and approvals have been obtained and required bonds/surety have been found to be satisfactory and accepted by the County.

Changeable Copy Sign: A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Channel: The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

Channelization: The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly.

Chesapeake Bay Preservation Area (CBPA): Any land designated by the Richmond County Board of Supervisors pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and Section 10.1-2107 of the Code of Virginia, 1950, as amended. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

Clearing: Any activity which includes, but is not limited to, removal of vegetative ground cover, root mat and/or top soil.

College: An educational institution authorized by the Commonwealth to award associate or higher degrees.

Commission: The Richmond County Planning Commission.

Community Impact Assessment: An assessment of a proposed development's impact on the fiscal, and social, well-being of the community, including measured effects on the provision of government services, transportation systems, and commerce.

Comprehensive Plan: The Richmond County Comprehensive Plan.

Conservation Easement: An easement precluding all or specified future or additional development of the land.

Construction Footprint: The area of all impervious surface including, but not limited to, buildings, roads, parking areas, and sidewalks and area necessary for construction of such improvements.

Construction Plans: Engineering plans for construction of streets, utilities and other improvements.

Conventional Development: Development which consumes the entirety of a parcel with streets and lots and which is not characterized by the provision of common open space.

Common Open Space: An open space area within or related to a site as designated on a plan of development and designed and intended for the use or enjoyment of residents and owners. Common open space may contain such complementary structures and improvements as are

necessary and appropriate for the use or enjoyment of residents and owners of the development, or contain lands designated for agricultural purposes.

Copy: The characters, letters or illustrations displayed on a sign face.

Cul-de-Sac: A minor street having but one end open for vehicular traffic and with the other end permanently terminated by a turnaround or backaround for vehicles.

Days: Calendar days.

Density: The number of dwelling units per acre of land.

Density Bonus: An award of additional development capacity by the plan-approving authority in exchange for the developer's provision of a public benefit or amenity.

Detention Basin: A man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

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

Development: The division of land into two or more parcels; any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, other paving, utilities, filling, grading, excavating, mining, dredging, or drilling operations, and land disturbing activities (as defined) requiring the issuance of an erosion and sediment control permit.

Diameter at Breast Height (BDH): The diameter of a tree measured outside the park at a point 4.5 feet above the ground.

Directional Sign: A sign that provides on-site directional assistance for the convenience of the public such as location of exits, entrances and parking lots.

Directory Sign: A sign which displays the names and/or addresses of the establishments or uses of a building or group of buildings.

District or Soil and Water Conservation District: The Northern Neck Soil and Water Conservation District, a political subdivision of the Commonwealth organized in accordance with Title 21, Chapter 1, of the Code of Virginia.

Docks: See Piers.

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. This includes control of runoff during and after construction or development to minimize erosion and sedimentation to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainage System: The system through which water flows from the land, including all watercourses, water bodies and wetlands.

Dripline: A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

Driveway: A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Dwelling: A room or group of rooms within a building and constituting a separate and independent housekeeping unit occupied or intended to be occupied by one family, and containing kitchen, living, sleeping and sanitary facilities. Definition shall include buildings containing both one and two dwelling units.

Easement: An authorization by a property owner for use by another of any designated part of his property for one or more specified purposes, which purposes are consistent with the general property rights of the owner.

Environmental Constraints: Features, natural resources, or land characteristics that are sensitive to modification and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, and gravity.

Erosion Impact Area: An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land one acre or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

Erosion and Sediment Control Plan or Plans: A document containing materials which describe proposed measures to be taken for the purpose of conserving soil and water resources of a unit or group of units of land. It may include appropriate maps, appropriate soil and water inventory, management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major

conservation decisions so that the entire unit or units of land will be so treated to achieve the conservation objectives set forth in this Ordinance.

Escrow: A deed, bond, money, or a piece of property delivered to a third person to be delivered by him to the grantee only upon fulfillment of a condition.

Excavating: Any digging, scooping or other methods of removing earth materials.

Exempt Subdivision: See Subdivision

Family: An individual or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) unrelated persons, occupying a single dwelling unit. For purposes of single family residential occupancy, this term shall be deemed to encompass group homes or other residential facilities licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services occupied by not more than eight (8) mentally ill, mentally retarded, or developmentally disabled persons together with one (1) or more resident counselors. Mental illness and development disability does not include current illegal use of or addition to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia.

Family Subdivision: The division of land and its transfer to a family member defined as any person who is a natural or legally defined offspring, spouse, grandchild, grandparent, sibling or parent of the owner.

Farm or Farmland: A parcel of land used for agricultural activities.

Farm Structure: Any building or structure used for agricultural purposes.

Fastland: The comparatively stable upland area adjacent to the shoreline.

Filling: Any depositing or stockpiling of earth materials.

Filtered View (of the River): The maintenance or establishment of woody vegetation of sufficient density to screen development from the river yet permit visual connection between the development and the river, to provide for streambank stabilization and erosion control, to serve as an aid to infiltration of surface runoff, and to provide cover to shade the water. It means no clear-cutting.

Flag Lot: A lot whose building envelope does not front on or abut a public road and where access to the public road is by a narrow, private right-of-way.

Flood: A general and temporary inundation of normally dry land areas.

Flood plain: Those areas of Richmond County subject to inundation by water of the one hundred (100) year flood as described by the Flood Insurance Study for Richmond County

and shown on the Flood Insurance Rate Map series, both prepared by the Federal Emergency Management Agency and dated *December 16, 2008. (Amended November 13, 2008)*

Flood-Prone Area: Any land area susceptible to being inundated by water from any source.

Foreshore: That part of the shore lying between the upper limit of wave wash at high tide and the ordinary low water mark.

Freestanding Sign: The general term for any on-site sign which is supported from the ground and not attached to a building.

Frontage, Building: The length of a building that faces a street, parking area or private Drive.

Frontage, Lot: The length of that part of a zoning lot that fronts a public street.

General Development Plan: A plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.

Governing Body: The Board of Supervisors of Richmond County.

Governmental Activity: Any or all of the services provided by this County to its citizens for the purpose of maintaining this County and shall include, but shall not be limited to, such services as constructing, repairing and maintaining roads, sewage facilities, supply and treating water, street lights and construction of public buildings.

Grade: The slope of a street, or other public way, or land area specified in percentage (%) terms.

Grading: Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Greenbelt: An open area which may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

Ground Cover: Low-growing plants or sod that in time form a dense mat covering the area in which they are planted preventing soil from being blown or washed away and the growth of unwanted plants.

Health Officer: The Health Officer or Sanitarian of Richmond County.

Height, Building: The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from the grade level in all other cases.

Historic Site: A structure, place, setting or area of outstanding historic and cultural significance and designated as such by the County, Commonwealth or the federal government.

Home Occupation: Any activity carried out for gain by a resident conducted as a permitted accessory use in the resident's dwelling unit or accessory structure.

Hydric Soil: Soils as defined by the current definition accepted by the Commonwealth of Virginia.

Illegal Sign: A sign that was constructed in violation of regulations that existed at the time it was placed.

Illuminated Sign: A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

Impact Analysis: A study to determine the effect of a proposed development on activities, utilities, circulation, surrounding land uses, community facilities, environment and other factors directly, indirectly or potentially affected.

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

Individual Sewage Disposal System: A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device serving a single unit.

Ingress/Egress: Access or entry in and out of property or improvements.

Inoperative Motor Vehicle: A motor vehicle, trailer, or semi-trailer, as defined in Section 46.2-100 of the Code of Virginia, 1950, as amended, which is located on any property zoned for residential, commercial, or agricultural purposes and is not in operating condition; or which for a period of sixty days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal. This definition shall not apply to vehicles that are within a fully enclosed building or structure or are shielded or screened from view or vehicles that are on the property of a licensed business which is regularly engaged in business as an automobile dealer, salvage dealer, or scrap processor *at the time of adoption of this ordinance. Antique motor vehicles and trailers that are licensed in accordance with Section 46-2-730 of the Code of Virginia, 1950, as amended, and farm vehicles, as defined in Section 46.2-1009 of the Code of Virginia, 1950, as amended, shall not be considered inoperative solely for failing to display valid inspection decals. (Amended April 13, 2006)*

Intensive livestock or fowl operations: Any operation requiring a Virginia Pollution Abatement Permit from the Virginia Water Control Board.

Intersection: The area embraced within the prolongation of the lateral boundary lines of two or more streets which join one another at an angle whether or not one such street crosses the other.

Junk: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. (Code of Virginia, Section 33.1-348) (Adopted April 13, 2006)

Junkyard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. (Code of Virginia, Section 33.1-348) (Adopted April 13, 2006)

Land-Disturbing Activity: Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

1) Minor land disturbing activities such as home gardens and individual landscaping, repairs and maintenance work;

2) Individual service connections;

3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard surfaced;

4) Surface or deep mining;

5) Exploration or drilling for oil and/or gas including the well site, roads, feeder lines and off-site disposal areas;

6) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;

7) Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;

8) Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Chapter 8. (Section 62.1-115.1 et. seq.), ditches, strip cropping, lister furrowing, land drainage and land irrigation;

9) Disturbed land areas of less than 2,500 square feet in size;

10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

11) Shore erosion control projects on tidal waters when the projects are approved by the Richmond County Wetlands Board, the Virginia Marine Resources Commission or the U.S. Army Corps of Engineers;

12) Emergency work to protect life, limb or property and emergency repairs, however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

Land-disturbing Permit: A permit issued by the County of Richmond for land disturbing activities as defined.

Limited Food Service and Sales: Food service and sales that are customarily incidental and subordinate to the principle uses of the building or land and permitted only as an accessory use by special exception.

Littoral Drift: The transportation of grains of sand due to water action produced by winds and currents.

Lot: A portion of a subdivision or other parcel of land intended for the transfer of ownership or for building development, whether immediate or future.

Lot Area: The total horizontal area within the lot lines of the lot and expressed in terms of acres or square feet.

Lot, Corner: A lot abutting upon two or more streets at their intersection where the interior angle of intersection is not greater than 135 degrees. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

Lot Depth: The average horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot, other than a corner lot, which has frontage on two streets.

Lot Frontage: That portion of a lot extending along a street line or upon a water body, beach or wetland as the case may require.

Lot, Interior: Any lot neither a corner lot nor a through lot.

Lot Line: The boundary line of the lot.

Lot Line, Front: A front lot line is a street line.

Lot Line, Rear: Any lot line, except a front lot line, which is parallel or within 45 degrees of being parallel to, and does not intersect, any street line bounding such lot.

Lot of Record: Any lot legally recorded in the Clerk's Office of the Richmond County Circuit Court.

Lot Line, Side: Any lot line which is not a front lot line or a rear lot line.

Lot, Through: Any lot, not a corner lot, which adjoins two street lines opposite to each other and parallel or within 45 degrees of being parallel to each other.

Lot, Waterfront: A lot that includes, touches upon, or is within 100 feet of the mean low water mark of a natural or man-made body of water or a beach or wetland.

Lot Width: The horizontal distance between the side lot lines measured at the front building setback line.

Maintenance Guarantee: Any security that may be accepted by the County for the maintenance of any required improvements.

Manufactured Home: A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. (Code of Virginia, Section 36-85.3)

Manufactured Home Park: A tract of land or a combination of tracts of land under single ownership or management which has been designed, constructed, equipped, operated and maintained for the placement of two (2) or more manufactured homes.

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

Marina: A publicly or privately-owned facility which serves five (5) or more boats as a commercial enterprise or in association with a club and which provides for one or more of the following: boat storage, boat launching, sale of marine supplies and services, bait and tackle shops, marine fuel services, watercraft sales and related accessories, related mooring, docking and slip facilities, rental docking or tie-up services, related piers and floats.

Marine Railways: A pair of sloping tracks used to launch watercraft.

Marquee: A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

Marquee Sign: A sign attached to and made part of a marquee or any other similar projection from a building.

Mean High Water: The average height of high waters over a nineteen year period.

Mean Low Water: The average height of low waters over a nineteen year period.

Migrant or seasonal worker housing facility: Housing provided by an employer for use by migrant or seasonal workers only. Housing offered to the general public is not considered to be migrant or seasonal worker housing facilities. (Approved June 12, 1997)

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

Monument Sign: A freestanding sign with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign.

Mooring Buoy: An anchored floating device for the purpose of securing a water craft.

Multi-Family Dwelling: A structure arranged or designated to be occupied by more than two families.

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

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

Non-conforming Sign: A sign that met all legal requirements when constructed but that is not in compliance with this ordinance. An illegal sign is not a nonconforming sign.

Nonpoint Source Pollution: Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as run-off from agricultural and urban land development and use.

Noxious Weeds: Weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

Off-Premise Sign: Any sign which is not located on the premises that it identifies or advertises.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets, and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

Outdoor Storage: The keeping, in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

Overlay Zoning Districts: Zoning districts which extend on top of a base zoning district and are intended to protect certain critical features and resources or provide for desired community goals. Where the standards of the overlay and base zoning district are different, the more restrictive standard shall apply.

Owner: The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Perc Test (Percolation Test): A test designated to determine the ability of ground to absorb water, and used in determining the suitability of a soil for drainage or for the use of a septic system.

Performance Guarantee: Any security, including cash, which may be accepted by the County to ensure installation of required subdivision and/or site plan improvements; provided that the County shall not require more than 10 percent of the total performance guarantee in cash.

Permit Holder: The person to whom a permit authorizing land-disturbing activities is issued or the person who certifies that the approved plan will be followed.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

Personal Watercraft: A motorboat less than sixteen feet in length which uses an inboard motor powering a jet pump, as its primary motive power and which is designed to be operated by a person sitting, standing, or kneeling on, rather than in the conventional manner of sitting or standing inside, the vessel. (Code of Virginia, Section 29.1-700) (Adopted June 8, 2006)

Pervious Surface: Any material that permits full or partial absorption of storm water into previously unimproved land.

Piers and Docks: Structures which abut the shoreline and are used as a landing or moorage place for commercial and pleasure craft.

Plan Approving Authority: The authority designated by the County Ordinance as responsible for determining the consistency of a plan with this Ordinance and authorized to approve or deny said plan.

Plan of Development: The process for site plan or subdivision plat review to ensure compliance with this Ordinance.

Planning Commission: The Richmond County Planning Commission.

Plat: A map or maps of a subdivision.

Pole Sign: A freestanding sign with a base at least seven feet above the ground which is supported from the ground by a pole or a similar support structure.

Portable Sign: A sign that is not permanently affixed to a building, structure or the ground or designed so as to not be permanently affixed to a building, structure or the ground.

Pre-Application Conference: An initial meeting between developers and County representatives which affords developers the opportunity to present their proposals informally.

Preliminary Approval: The conferral of certain rights prior to final approval after specific elements of a development plan have been approved by the plan-approving agent or agreed upon by the agent and the applicant.

Primary Highway: A highway designated as a Virginia Primary Highway or U.S. Highway by the Virginia Department of Transportation.

Primary Service Area: A defined region, not always coincidental with a municipality's corporate boundary, that defines the geographical limit of government supplied public facilities and services.

Private Airstrip: An area for landing aircraft that has been constructed for private use and which is not open to the general public. (Approved June 10, 1999)

Projecting Sign: A sign which is supported by a exterior wall of a building and which is displayed perpendicular to the face of the building.

Property Owners' Association: A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

Principle Use: The main use of land or structures as distinguished from a secondary or accessory use.

Public Open Space: An open space area conveyed or otherwise dedicated to a municipality, municipal agency, school board, state or county agency, or other public body for recreational or conservational uses.

Public Water and Sewer Service or System: A water or sewer system owned and operated by a municipality or county, or owned and operated by a corporation approved by the governing body and properly chartered and certified by the State Corporation Commission, and subject to special regulations.

Recreational Vehicle: "Recreational Vehicle" means any vehicle, with or without collapsible sides, designed, used, or maintained for use as a conveyance upon highways, either self-propelled or designed to be towed by another vehicle, and which is so designed and constructed as to permit occupancy thereof as a temporary dwelling or sleeping place for one or more persons. The term "recreational vehicle" shall include the terms "camper", "camping trailer", "travel trailer", "self-propelled motor home", "motor home", "camper vehicle", and "R-V".

Regulations: The whole body of regulations, text, charts, diagrams, notations, and references contained or referred to in this Ordinance.

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

Such transient accommodation as hotels, motels, trailer camps, or mobile homes, or

Dormitories, fraternity or sorority houses, monasteries, or convents, or

Nurses' residences, sanitariums, nursing homes, or other similar living or sleeping accommodations.

Residential: Pertaining to a residence.

Residential Density: The number of dwelling units per gross or net acre of land area as specified in this Ordinance, with gross acres including all the land area, including streets, easements, and open space portions of a development.

Resource Management Area (RMA): That component of the Chesapeake Bay Preservation Area not classified as the Resource Protection Area. RMA's include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

Resource Protection Area (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

Resource Protection Area (RPA) Buffer: An area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to disturbances.

Resubdivision: See Subdivision.

Retaining Wall: A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

Retention Basin: A pond, pool or basin used for the permanent storage of water runoff.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, drainage ditch, shade trees, or for another special use.

Right-of-Way Line: A dividing line between a lot, tract, or parcel of land and a contiguous street.

Roadway: The portion of a street or highway available for and intended for use by motor vehicle traffic; generally the paved portion of the street or highway.

School: Any place of instruction in any branch of knowledge having regular sessions with regularly employed instructors which teaches those subjects that are both fundamental and essential in general education and comparable in nature to the curriculum offerings of the public school system.

Screen: A structure or planting consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property.

SCS: Soil Conservation Service.

Secondary Highway: A highway designated as a Virginia Secondary Highway by the Virginia Department of Transportation.

Sedimentation: The deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

Septic System: An underground system with a septic tank used for the decomposition of domestic wastes.

Septic Tank: A water-tight receptacle that receives the discharge of sewage.

Service Drive: A minor street which is parallel to and adjacent to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

Setback: The horizontal distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps, or the horizontal distance between the side or rear line of a building or any projection thereof, excluding uncovered steps, and the side or rear lot line. Setback may also be specified from a designated physical feature such as a water body, beach, or wetland.

Sewer: Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.

Shoreline: An area where fastland meets a water body.

Sight Triangle: A triangular-shaped portion of land established at street intersections and entrances onto streets in which nothing is permitted to be erected, placed, planted or allowed to grow in a manner that limits or obstructs the sight distance of motorists, bicyclists or pedestrians traversing or using the intersection or entrance. The protected sight distance area is the triangle with legs that are the intersecting flowlines of two streets or a entrance/exit and a street at an intersection. Where local streets meet (or entrance/exit with a local street), the legs shall extend 35 feet away from the intersection of the flowlines. Where the intersection is with a collector or arterial street, the legs shall be 45 feet from the intersection of the flowlines.

Sign: Any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); or any other figure of similar character, which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure, and is used to announce, direct attention to, or advertise.

Silviculture: The development and/or maintenance of a forest or wooded preserve.

Site Plan: The development plan for a land disturbing activity or project on which is shown the existing and proposed conditions as required which may include topography, vegetation, drainage, floodplains, wetlands, waterways, location and bulk of buildings, density of development, open space, public facilities, landscaping, structures and signs, and such other information as reasonably may be required in order that an informed decision can be made by the plan-approving authority. For certain projects such as multi-family or multi-tenanted facilities, the term is used synonymously with subdivision plat, preliminary and final.

Sketch Plan/Plat: A preliminary presentation or sketch plan/plat and attendant documentation of a proposed subdivision or a site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Slope: The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Special Exception Permit: A permit issued by the plan-approving authority which must be acquired before a special exception use can be constructed.

Special Exception Use: A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the intent and purpose of the zoning district and this Ordinance.

Spot Zoning: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the Comprehensive Plan.

State Waters: All waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

Storm Water Detention: A provision for the temporary impoundment of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Storm Water Retention: A provision for the permanent impoundment of water which may permit the controlled release of water during and after a flood or storm.

Street: A public or private thoroughfare which affords the principal means of access to abutting properties, and whether designated as a freeway, expressway, thoroughfare, highway, road, parkway, avenue, boulevard, lane, place, circle, or however otherwise designated.

Street Width: The horizontal distance between street lines measured perpendicular to the street center line.

Structure: Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio and TV towers, sheds, and permanent signs. It excludes vehicles, sidewalks, and paving.

Subdivide: The process of dealing with land so as to establish a subdivision as defined herein.

Subdivider: Any individual, firm, partnership, association, corporation, estate, trust, or any other group or combination, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein, and including any agent of the subdivider.

Subdivision: The division of any tract or parcel of land into two or more tracts, parcels, lots, or building sites, for the purpose, whether immediate or future, of transfer of ownership or for development; provided, however, that the following, if no new streets are created or existing streets changed, shall not be considered subdivisions within the meaning of this Ordinance and therefore are exempted from application of the design standards and review procedures of this Ordinance:

a. The sale or exchange of parcels between adjoining property owners where such sale or exchange does not create additional building sites or create a lot or parcel which does not meet the minimum area and dimensional requirements of this or other County ordinances.

b. The combination or recombination of portions of previously subdivided lots where the total number of lots is not increased and the resultant lots comply with the minimum area and dimensional requirements of this and other County ordinances.

c. The division of a tract of land in order that one or more of the resulting parcels may be used as part of a well lot, public utility right-of-way, or other public or private right-of-way other than a street, provided no additional building lots are created.

d. The partition of lands by court order.

e. Where a viable dwelling unit exists, at the time of adoption of this Ordinance, on a large tract of property, a lot may be created to include the dwelling unit. Such a lot must meet the maximum area and dimensional requirements of this or other County ordinances. An existing legal right-of-way will be sufficient to provide access to the lot as long as the lot created is precluded from future subdivision by deed restrictions.

f. Divisions of large tracts of property where the resultant parcels shall be used for agricultural, forestal or other undisturbed open space provided such parcels are served by a right-of-way with a minimum width of twenty-five (25) feet. The plats and deeds for such parcels shall show the parcels are not for residential or other use except as aforestated.

If new streets are created or existing streets changed, the project shall be considered a subdivision notwithstanding the above.

The term subdivision shall include resubdivision, and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided, and shall include establishment of any land area as a common element, limited or otherwise, in connection with a condominium or similar project.

Subdivision, Major: A subdivision resulting in the division of any tract or parcel of land into five (5) or more tracts, parcels, lots, or building sites. Family subdivisions shall not be considered major subdivisions. (Adopted December 8, 2005)

Subdivision, Minor: A subdivision resulting in the division of any tract or parcel of land into four (4) or fewer tracts, parcels, lots, or building sites. (Adopted December 8, 2005)

Temporary Sign: A sign that is displayed for a specified period of time.
Tidal Shore or Shore: Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Tidal Wetlands: Vegetated and nonvegetated wetlands as defined in Section 62.1-13.2 of the Code of Virginia,1950, as amended.

Tideland: The area between mean high water and mean low water that is alternately exposed and submerged due to tidal action

Townhouse: A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one of more common fire resistant walls.

Transportation: Any moving of earth materials from one place to another, other than such movement incidental to grading, when such a movement results in destroying the vegetative ground cover either by tracking or the build-up of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transportation occurs.

Tributary Stream: Any perennial stream that is so depicted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle map (scale 1:24,000).

Undeveloped Land: Land in its natural state before development.

Use: Any purpose for which a building or other structure or lot may be designed, arranged, intended, maintained, or occupied, and/or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a lot.

Vegetation: Area of natural or established ground cover which allows the natural infiltration of water into the soil. Vegetated buffer areas shall include, but are not limited to those areas of any plant material, grassy ground cover, woody vegetation, bush and shrubs, etc.

Wall Sign: A sign painted on or attached to a wall of a building and parallel to the wall.

Wayside Stand: A booth or stall no larger than 300 square feet located on a farm from which produce and farm products originating from the premises are sold to the general public.

Water-Dependent Facility: A development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to: (1) ports; (2) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (3) marinas and other boat docking structures; (4) beaches and other public water-oriented recreation areas; and (5) fisheries or other marine resources facilities.

Wetlands, Nontidal: Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the federal Clean Water Act, as amended.

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

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

Yard Line, Front: A front yard line is a line drawn parallel to a front lot line at a distance therefrom equal to the depth of a required front yard.

Yard Line, Rear: A rear yard line is a line drawn parallel to a rear lot line at a distance therefrom equal to the depth of a required rear yard.

Yard, Rear: A rear yard is a yard extending for the full length of a rear lot line.

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

Zoning: The dividing of the County into districts, both base and overlay, and the establishment of regulations governing the use, placement, spacing and size of lots and buildings as specified in Article II.

Zoning Map: The map or maps, which are a part of the zoning ordinance, and delineate the boundaries of zone districts.