

Regular Meeting, Wednesday, February 10, 2010, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman
Jeremy L. Shifflett, Vice-Chairman
David R. Beyeler
Wendell L. Coleman
Larry C. Howdysshell
Tracy C. Pyles, Jr.
Nancy Taylor Sorrells
Patrick J. Morgan, County Attorney
Dale L.Cobb, Director of Community Development
Jennifer M. Whetzel, Director of Finance
John C. McGehee, Assistant County Administrator
Patrick J. Coffield, County Administrator
Rita R. Austin, CMC, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, February 10, 2010, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 234th year of the Commonwealth....

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Vice-Chairman Shifflett welcomed the citizens present.

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John C. McGehee, Assistant County Administrator, led us with the Pledge of Allegiance.

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Larry C. Howdysshell, Supervisor for the North River District, delivered invocation.

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COURTHOUSE CONSTRUCTION FEE - ORDINANCE

This being the day and time advertised to consider ordinance to amend Section 22-101 of the Augusta County Code to provide for additional fees of three dollars (\$3) as provided for in Section 17.1-281 C of the Code of Virginia for courthouse maintenance.

Patrick J. Coffield, County Administrator, advised that a year ago, General Assembly passed a bill to allow jurisdictions, with older and "out-of-compliance" courts, to charge additional fees to assist in maintaining and securing the facilities. An application was submitted and a site visit was conducted and it was determined that we were eligible for the additional fee if the Board desired. It has been estimated that the County will receive approximately \$80,000 annually.

The Chairman declared the public hearing open.

There being no one present to speak for or against, the Chairman declared the public hearing closed.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board adopt the following ordinance:

AN ORDINANCE TO PROVIDE FOR ADDITIONAL FEES FOR COURTHOUSE MAINTENANCE

WHEREAS, Section 17.1-281 of the Code of Virginia allows Counties whose Courthouses have been determined to be not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facilities Guidelines, to collect an additional Courthouse maintenance fee, not to exceed three dollars; and

February 10, 2010, at 7:00 p.m.

COURTHOUSE CONSTRUCTION FEE – ORDINANCE (cont'd)

WHEREAS, the Department of General Services has inspected the Circuit Court and District Courts of Augusta County and found them not in compliance with current safety and security guideline; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Augusta County, Virginia, that Section 22-101 of the Augusta County Code is amended to read as follows:

§ 22-101. Assessment for courthouse construction, renovation or maintenance.

A. In accordance with Section 17.1-281 A of the Code of Virginia, there is hereby assessed, as part of the costs in (i) each civil action and (ii) each criminal or traffic case in a district or circuit court of the county, including the circuit court, the general district court, and the juvenile and domestic relations court, the sum of Two Dollars (\$2.00).

B. In accordance with Section 17.1-281 C of the Code of Virginia, there is hereby assessed, as part of the costs in (i) each civil action where the amount in controversy is above Five hundred Dollars (\$500) and (ii) each criminal or traffic case in a district or circuit court of the county, including the circuit court, the general district court, and the juvenile and domestic relations court, the sum of Three Dollars (\$3.00).

~~B. This C.~~ These assessments shall be collected by the clerk of the court in which the action is filed, and remitted to the treasurer of the county and held by such treasurer subject to disbursements by the board of supervisors for the construction, renovation or maintenance of courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance.

~~C. This D.~~ These assessments shall be in addition to any other fees prescribed by law.

This ordinance shall take effect March 1, 2010.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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LOCAL EMERGENCY DECLARATION

The Board considered resolution confirming local emergency declaration on February 4, 2010 prior to a significant winter storm event.

Mr. McGehee reported that, on February 4, 2010, the Chairman, who is the Director of Emergency Services for Augusta County, and he had a meeting with various Emergency Services personnel and decided to declare a local emergency for a significant winter storm event which started February 5th. By Virginia Code, the Chairman (or Director of Emergency Services) can declare a local emergency and at the next regular meeting is confirmed by the Board of Supervisors. A resolution confirming the local emergency declaration was attached to the agenda. A resolution for termination of the local emergency declaration will be considered at the next regular Board meeting. Mr. McGehee added that the local emergency provides flexibility on procurement and was warranted in this case.

February 10, 2010, at 7:00 p.m.

LOCAL EMERGENCY DECLARATION (cont'd)

Mr. Coleman moved, seconded by Mr. Howdysshell, that the Board adopt the following resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA**

WHEREAS, the Board of Supervisors of the County of Augusta, Virginia does hereby find that:

1. Due to a winter storm, the County of Augusta faced dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby;

2. A condition of extreme peril of life and property necessitated the declaration of the existence of an emergency; and

3. Circumstances did not permit the Board of Supervisors to convene to consent to the declaration of a local emergency.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA that, pursuant to Virginia Code § 44-146.21, the Declaration of a Local Emergency dated February 4, 2010, by Gerald W. Garber, Emergency Management Director of the County of Augusta, Virginia, be, and the same hereby is, confirmed; and

IT IS FURTHER RESOLVED that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Management and the Emergency Services Department of the County of Augusta shall be those prescribed by state law and the ordinances, resolutions, and approved plans of the County of Augusta in order to mitigate the effects of said emergency.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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BLUE RIDGE COMMUNITY COLLEGE UPDATE

Presentation by Augusta County representative regarding update on Blue Ridge Community College activities.

Dr. Bruce Bowman, Augusta County designee for the Blue Ridge Community College Committee, reported that he was on the search committee for a new President. They received over 100 applications; interviewed 20 over a two-day period; and interviewed three people on campus. Dr. Bowman introduced the new President of Blue Ridge Community College, Dr. John Downey.

Dr. John Downey thanked the Board and the community for its support when faculty and students were in Haiti during the recent earthquake. The College has committed, with the community, to rebuild a school that had collapsed on top of approximately 200 children. Dr. Downey presented an information packet to the Board members. He included in the report "The Chronicle of Higher Education" that highlights how much of Blue Ridge Community College (BRCC) employees enjoys working at the College. They were named one of the great colleges to work for in the country based on a survey of employees. He added that the enrollment continues to climb. In 2009, BRCC served almost 6,400 students in Credit Instruction; full-time equivalent enrollment (2,802, with 744 Augusta County residents). Enrollment has increased over 21% in the past three years, while State revenue declined 18% during the same period of time.

February 10, 2010, at 7:00 p.m.

BLUE RIDGE COMMUNITY COLLEGE – UPDATE (cont'd)

Emphasis is being placed on BRCC's mission to educate the future workforce of the Valley. New Occupational Technical programs have been added such as the Aviation Maintenance Technology that is running in partnership with the Shenandoah Valley Airport; Manufacturing Engineering; and Tech Prep programs to make sure that students in Augusta County high schools and their parents understand all the career pathways that can be taken through BRCC. That emphasis will become particularly recognized with the opening of the Advanced Technology Center that is currently under construction and, hopefully, completed in the Spring of 2011. It will house all the programs that support merging local industries in the manufacturing area that produce high-tech products and high-tech methods, namely, Mechanical Design, Electronic Technology, and Manufacturing Engineering, along with the Physics lab. Another construction project is the Recreation and Fitness Center that will open in approximately 4 years. That building will promote lifelong fitness goals for BRCC students. Dr. Downey thanked the Board for its support. Over the past six years, local governments, collectively, have invested \$1.6 million in the site work associated with construction projects; thanks to that support, BRCC has been able to complete over \$31.5 million in capital projects. Also, included in the packet was a statistic sheet that summarizes the impact BRCC has on the residents of Augusta County: 178 (of approximately 747 graduates of Augusta County High Schools) enrolled in BRCC credit programs last fall (increase of 15%); 24% of local High School graduates enroll in BRCC; 867 Augusta County residents enrolled in credit courses (24% increase). He noted a decline in noncredit (open enrollment and corporate). Dr. Downey added that there has been a steady increase in the use of the Plecker Workforce Training Center (approximately 2000 accessed workshops, conferences, and meetings). He stated that he was pleased with the partnership with Augusta County Schools. Over the course of the current year, BRCC has offered almost 31 dual enrollment courses, which will serve at least 370 Augusta County High School students. He added that a part-time career coach is available in the schools, whose primary job is to help students plan their career and educational steps toward achieving that career. BRCC Annual Report and Achieve 2015 (Six-Year Strategic Plan for Virginia's Community College) were also included in the hand-out.

The Board welcomed Dr. Downey and commended Blue Ridge Community College for what it provides.

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BUDGET SCHEDULE

The considered additional budget work session meetings.

Mr. Coffield sorted out agencies by "Budget Groupings" to the Board and asked for its direction.

Mr. Coleman felt that meeting with agencies to review their budget by line items would be "micro-managing". He felt that the current budget process had "served this County and this Board well for a number of years". He was open to tweaking the process by having Department Heads on standby to answer questions.

Mr. Pyles agreed that the budget process has worked well in the last 14-15 years, but felt that "times were different" and needed to review the budget more thoroughly and determine priorities. He stated, "We were hired by the people to give the focus and direction to Mr. Coffield to drive this budget. We're going to have to make some tough choices from where we allocate our funds. Times demand that we re-evaluate each of these things. Times demand a different approach."

February 10, 2010, at 7:00 p.m.

BUDGET SCHEDULE (cont'd)

Mr. Beyeler agreed with Mr. Pyles and felt that it would give the Board an opportunity to determine where the money was spent. "It is educational and, as a Board member, should know where this money is being spent." He suggested having a meeting with the School Board to discuss their budget.

Ms. Sorrells felt that the Board was not trying to micromanage the process, but stated that she would like to have "more accountability to see what was going on. I fully trust that the departments, when they turn in their budgets to Mr. Coffield, they are the experts in that department. We're in control of the umbrella of the operations, but we're not an expert in how the departments run. They have come up with what they think are appropriate and have given it to Mr. Coffield." She would be supportive of meeting with agencies including the School Board.

Mr. Shifflett agreed with Messrs. Pyles and Beyeler.

Mr. Howdyshell agreed with Ms. Sorrells and mentioned that the Board is always welcome to meet with the School Board during their budget process. He asked when their budget would be presented. Mr. Coffield stated that the State Code requires them to present the budget by the end of March. Mr. Howdyshell did not feel that every department needed to meet with the Board.

Mr. Pyles suggested that a narrative on each department be forwarded prior to the delivery of the budget packages (March 26th).

Mr. Coffield stated that, when the agencies meet with the Finance Director and himself, goals, objectives, accomplishments and an overview of their budget are provided. He said that most agencies provide additional information, but a summary is usually given to the Board. He suggested that additional information could be provided with the budget packages if the Board desired. Mr. Coffield mentioned that every agency has been alerted to be on standby during the budget work sessions.

It was the consensus of the Board to create extra budget work sessions to examine the budget more thoroughly to determine how the departments are funded and how the money is being spent. Work sessions were scheduled for March 29th – 31st. Chairman Garber stated, "It's not a criticism of anyone in the process, we just need to understand it. This is a different budget than any of us have ever worked on. Twenty-four years ago, it was a lot more fun doing anything you thought was appropriate (with the money), but that's not going to be the case. I promise you we won't like this budget, but we need to be comfortable with the process."

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CRAIGSVILLE VOLUNTEER FIRE DEPARTMENT

The Board considered request to endorse the Department's application for EMS Non-Transport License (First Responder).

Mr. McGehee advised that Craigsville Volunteer Fire Department has requested to become First Responders. Their request was presented to and approved by the Augusta County Emergency Services Officers Association.

Chief Wayne Martin, of the Craigsville Volunteer Fire Department, felt that this would better serve the community and first-due area.

Fire Chief Holloway felt this was a good opportunity to "allow these agencies to come together and work as a team and provide a more enhanced EMS service in that area".

Mr. Pyles moved, seconded by Mr. Howdyshell that the Board approve the request.

February 10, 2010, at 7:00 p.m.

CRAIGSVILLE VOLUNTEER FIRE DEPARTMENT (cont'd)

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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REVENUE RECOVERY POLICIES

The Board considered Committee recommendations regarding Revenue Recovery policies. **This item was tabled at the January 25, 2010 meeting until February 10, 2010.**

- A) Compassionate Billing Policy
- B) Mutual Aid Policy
- C) Billing Rates Policy
- D) Non-Emergency Policy
- E) Dead on Arrival Policy

Mr. Beyeler moved, seconded by Mr. Howdysshell, that the Board remove this item from the table.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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Mr. McGehee advised that this issue has been discussed in previous meetings and added that the members on the Emergency Services Committee have met with Staunton and Waynesboro to determine equal policies for the citizens of Augusta County. The Committee has negotiated with Emergency Services Support, LLC (ESS) to obtain that equality. The Committee did agree with the Mutual Aid Policy, Non-Emergency Policy and the Dead on Arrival Policy. The only outstanding issues were the Compassionate Billing Policy and Billing Rates Policy. On the Compassionate Billing Policy, it was agreed to accept the Officer of Inspector General (OIG) opinion and waive any out of pocket expenses that County residents may incur. Staunton and Waynesboro will continue subscription policy. On the Billing Rates Policy, currently, Rockingham, Augusta, Staunton, and Waynesboro would all have the same rates.

Mr. Beyeler stated that, with Staunton and Waynesboro's program, the only difference was that if you did not have insurance, a \$50 subscription would be accepted and the bill would be considered paid. If you have insurance, whatever the insurance company pays, will be accepted and there will be no additional billing.

Mr. Howdysshell expressed that a subscription fee will not be billed with the County program. He said that the fees were the same as Waynesboro, Staunton, Rockingham, and, possibly, Rockbridge; that it would be a regional situation having the same fees. He reiterated that the only issue to be considered tonight was the policies. They are still discussing distribution of the funds and will be meeting with the Rescue Squads on February 18th and hope to bring this back to the Board on February 22nd for Staff Briefing.

February 10, 2010, at 7:00 p.m.

REVENUE RECOVERY POLICIES

Mr. Beyeler added that they hoped to have this effective April 1.

Staunton and Waynesboro Program Clarification: Ms. Sorrells asked for clarification if there were someone from the County that gets transported from the City, the insurance will pay it, but they will not get billed an extra fee. Mr. Howdyshell said that was correct; there would only be one billing. He understood that the bill would be submitted; the insurance company has a set limit and that would be the only thing paid, that everything else would be waived. Mr. Beyeler added that if the person did not have insurance, he could pay \$50 and the bill would be marked off. He added that three billings would be submitted before the bill was marked off. **County Program Clarification:** Ms. Sorrells noted that all out-of-state incidents would be billed the remainder of what the insurance did not pay.

Mr. Beyeler moved, seconded by Mr. Howdyshell, that the Board adopt the policies.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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ZONING ORDINANCE – ORDINANCE AMENDMENT

The Board considered Planning Commission recommendations, public comments received at the October 26, 2009 Public Hearing as well as written comments received after the public hearing regarding ordinance to amend Chapter 25 of the Code of Augusta County, Virginia, including the adoption of new urban service overlay district boundaries. **This item was discussed by the Board at its work sessions held on December 15, 2009, January 6, 2010, January 25, 2010, and regular meeting January 27, 2010.**

Dale L. Cobb, Director of Community Development, reported that the last meeting on ordinances was January 27, 2010 with the Board. There were numerous items that needed clarification. Direction was received from the Board of Supervisors and those changes have been made. However, there are still a few items that need clarification before final action can be taken on the ordinance. The following "Board Clarifications" were distributed to the Board:

1. Waiver process for Board approval. All waivers would come before the Board of Supervisors for consideration. A letter would be submitted to the Zoning Administrator indicating a request to be placed on the Board of Supervisors next available regular meeting agenda, but no sooner than seven (7) working days, following the submission of a complete application for a waiver with all required supporting documentation to the Department of Community Development. There would be no public hearing.

Mr. Beyeler suggested that seven working days be deleted from the section. Mr. Coffield suggested that an item automatically be placed on the agenda indicating "Waivers" where waivers can be listed when submitted. Waiver requests can be submitted the night of the meeting if not included with the agenda package. It was the consensus of the Board that waivers be placed on the agenda and considered at the regular meeting. It can be determined at that meeting to approve, table, or deny request.

2. Off-Street Parking Screening. Except those servicing single family dwellings and two-family dwellings and townhouses located on individual lots, off-street parking facilities or loading areas which are to the side or rear and within; 1. two hundred

February 10, 2010, at 7:00 p.m.

ZONING ORDINANCE – ORDINANCE AMENDMENT (cont'd)

feet (200') of an established residential use in a residential or agricultural district; 2. one hundred feet (100') of a residentially zoned district; or 3. one hundred feet (100') of the buildable lot(s) of a cluster subdivision shall be effectively screened on each side or rear which adjoins or faces such residential use or district. No buffer shall be required if the adjacent property is zoned General Agriculture and planned for business or industrial on the County's Comprehensive Plan Future Land Use Map.

3. Recreation as an accessory use to platted subdivisions. Recreational facilities such as swimming pools, tennis courts, gymnasiums, community centers, gazebos, skateboard ramps, private boat docks, piers or boathouses, provided the use of such facilities shall be limited to the occupants of the subdivision and guests for whom no admission or membership fees are charged, and/or no donations accepted, provided: 1. The location of such facilities was identified on the Preliminary Plat prior to the selling of any residential lots in the subdivision; and 2. The location of such facilities is situated so that they are accessible and usable by persons living in the project area and their guests. For all active recreational facilities either a one hundred foot (100') perimeter setback or opaque screening from all exterior property lines of the subdivision is required. There is no limit to the size of such facilities and they will be considered to be accessory uses to the subdivision, but principal uses of the lot on which they are located and, therefore, not regulated by accessory building size or setback regulations.
4. Rural Home Business standards. In addition to the dwelling, accessory buildings may be used for the rural home business, but the rural home business shall be clearly incidental and subordinate to the use of the property for residential and/or agricultural purposes. In cases where an accessory building is being utilized, the accessory building must be setback from all property lines a minimum of 100 feet (100'). On lots seventy-five (75) acres and greater, outdoor storage areas are allowed, but shall not cover an area greater than three thousand square feet (3000 sq.ft.) and such storage areas shall be shielded or screened from view and shall be setback from all property lines at least one hundred feet (100'). The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. In cases where multiple businesses are being conducted on the property by the landowners, the aggregate area of all the accessory structures being utilized and the aggregate area of the storage yards being utilized cannot exceed the required standards. If a business is unable to meet these standards, the business may be able to apply for a Special Use Permit.
5. Private streets and interparcel travelways. Need to clarify the street standards in the Business and Industrial sections. Fifty feet (50') of frontage on a private street or interparcel travelway and there is no direct access onto a public road and provided: 1. All private streets shall be designed to safely accommodate fire and rescue emergency vehicles; 2. The right-of-way of private streets shall be at least forty feet (40') in width as evidenced by a duly recorded document or deed covenant, or both, which shall specify that no request will be made to have the lot served by a public street unless and until the street has been designed and constructed at no cost to the county or the Virginia Department of Transportation, to the then current standards for streets. Such document shall also specify the provisions for the construction, maintenance, and upkeep of private streets.
6. Recommendation of adopting the Zoning Ordinance, with the exception of the Floodplain Overlay ordinance, which was adopted on December 15, 2009, including the adoption of the new urban service overlay district boundaries effective March 1, 2010.

February 10, 2010, at 7:00 p.m.

ZONING ORDINANCE – ORDINANCE AMENDMENT (cont'd)

Mr. Cobb stated if adopted tonight, hard copies of the ordinances can be made for staff. The ordinances will also be placed on the website. Administrative permits and site plan documents can be created and made ready by March 1st.

Mr. Beyeler mentioned that certain things were not allowed in the Urban Service Area without public water and sewer. A large addition is being added to that area. He felt that there needed to be further discussion before approving. Mr. Beyeler suggested that the Urban Service Overlay boundary be tabled. Ms. Sorrells stated that the purpose of having the Urban Service Overlay is to make sure there is water and sewer so that you can have denser development and not waste land that is not slated for development. Mr. Coleman agreed and said it was a nice concept, but the problem would be where they could not afford water and sewer. He asked if there was a provision where it could be allowed that when water and sewer is available, that they will be required to hook on. Ms. Sorrells felt that if the Board wanted to direct growth in the Urban Service Area, with denser developments so that it would protect the agricultural land, the Board needed to rethink underwriting the cost for sewer and water, particularly sewer, to help direct growth in the right place. "We'll be spending money, but we would be saving money because we're not diluting our infrastructure resources way out in the wrong areas. The idea is correct, but who is going to pay for it?" Ms. Earhart added that there is a provision where you can come in and request the Urban Service Overlay to be lifted from the property. It gives the Board the opportunity to look at the request, get input from the Service Authority, and anybody else that should have an input to the decision, as opposed to a developer deciding what they want to do. "It puts the decision-making back to you. There is a way to get out of the Urban Service Area regulations and it is an option that has been taken by others in the past to do it." Ms. Sorrells mentioned an area in the Riverheads District where water and sewer are available, but it cannot be enforced if the overlay is not adopted. Ms. Earhart explained that the Urban Service Area does not require them to stop using what they have, but if a new major subdivision is developed, they have to utilize the services that are available. Mr. Pyles suggested that the Augusta County Service Authority be allowed to address this issue. "They have made a lot of investment to try and follow the plan as we have outlined it. We should listen to them and see if we can get people to fill in where we already have the capacity." Ms. Earhart asked the County Attorney if the Overlay is tabled, would they then have to readvertise. Patrick Morgan, County Attorney, said that if it were just tabled (not eliminated), it would not have to be readvertised.

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board adopt the following amended Zoning Ordinance with changes made tonight, with the exception of tabling the new Urban Service Overlay district boundaries for further discussion and consideration:

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

Article I. General Provisions.

- § 25-1. Title.
- § 25-2. Compliance required.
- § 25-3. Interpretation of standards.
- § 25-4. Definitions.
- § 25-5. Relationship of Chapter to Comprehensive Plan.
- § 25-6. Zoning maps.

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

Article I. General Provisions.

§ 25-1. Title.

This chapter shall be known and may be cited and referred to as the "Zoning Ordinance of Augusta County, Virginia."

State law reference—Virginia Code §§ 15.2-2280 *et seq.*

February 10, 2010, at 7:00 p.m.

§ 25-2. Compliance required.

No land shall hereafter be developed and no structure or use shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations.

§ 25-3. Interpretation of standards.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations, the provisions of this chapter shall control.

State law reference—Virginia Code § 15.2-2315.

§ 25-4. Definitions.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this chapter. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used; the word "person" shall include person, firm, corporation; the word "shall" is mandatory and not advisory; the word "approve" shall mean disapprove when appropriate.

Abattoir. See "Slaughterhouse".

Access Drive. The area of a parking lot that allows motor vehicles ingress and egress from the street.

Accessory building or use. A building or use subordinate to the principal building or use on the same lot and serving a purpose naturally and normally incidental to the principal building or use. Where an accessory building is attached to the principal building by a common wall, it shall be considered part of the principal building.

Administrative Permit. Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

Aggregate area. The total square footage of the gross horizontal areas of all floors of a building or structure measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

Agricultural animals. All livestock and poultry including, but not limited to, cattle, horses, swine, sheep, goats, poultry, llamas, deer, ostriches, buffalo, mules, and rabbits.

Agriculture. The use of the land for agricultural purposes including farming, dairying, pasturage, apiculture, aquaculture, floriculture, horticulture, silviculture, viticulture and the raising of poultry and livestock and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural operations. The term does not include livestock markets and slaughterhouses.

Agriculture, limited. The use of the land for agricultural purposes including farming, dairying, pasturage, apiculture, aquaculture, floriculture, horticulture, silviculture, viticulture and the raising of poultry and livestock, and the necessary accessory uses for packing, treating and storing the produce, provided there is no more than one (1) animal unit per acre.

Aircraft. A device that is used or intended to be used for flight in the air.

Airport. Any airport licensed by the Virginia Department of Aviation or any United States government or military air facility.

Aisle or Aisleway. The traveled way by which motor vehicles enter and depart parking spaces.

Alley. A public or private way not more than thirty (30) feet wide affording a means of access to abutting property.

Animal, exotic. Any member of a species of animal, reptile or bird, warm or cold blooded, that is not indigenous to the area.

Animal unit. For the purpose of this chapter the following equal one animal unit: 1 head of beef or slaughter cattle, 1 dairy cow, 2 calves less than one year old, 1 buffalo, 2 llamas, 2 alpacas, 1 horse, 3 miniature horses, 1 mule, 5 sheep, 5 goats, 2 deer, 3 ostriches, or 100 rabbits.

Apartment. One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building.

Athletic facility, outdoor. Outdoor sites, often requiring structures and equipment, designed for formal athletic competition in field or court sports including but not limited to baseball, football, soccer, tennis, basketball, and swimming pools.

Attached accessory dwelling unit. A dwelling unit that has been added onto, or created within, a single-family house.

Auction house. A building within which objects of art, furniture, or other goods are offered for sale to persons who bid on the object in competition with each other.

Bed and breakfast. Overnight accommodations and a morning meal provided to transients for compensation in a building containing a dwelling unit occupied by the owner or operator.

February 10, 2010, at 7:00 p.m.

Boarding house. A dwelling or part thereof where meals or lodging are provided for compensation for persons not transient.

Breezeway. A structure for the purpose of connecting the principal building on a property with other accessory buildings.

Buffer yard. A landscaped area which may include open spaces, vegetation, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Building. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

Building footprint. The outline of the total area covered by a building's outer/perimeter wall at ground level, excluding courtyards. The footprint includes attached garages and accessory structures.

Building height. The vertical distance from the grade plane to the average height of the highest roof surface.

Building, principal. A building in which the principal use of the lot is conducted.

Calendar year. From January 1 to December 31 of a year.

Caliper. The diameter of a tree trunk measured at a point 6 inches (6") above the ground or top of the root ball.

Campground. A plot of ground upon which three (3) or more campsites are designed, located, established or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes.

Campsite. Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

Carport. A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.

Cemetery. Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including columbariums, crematories, and mausoleums. Mortuaries and funeral homes, if operated in connection with and within the boundaries of such cemetery, shall be considered as accessory uses to cemeteries.

Certificate of occupancy. A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable ordinances.

Channel. A watercourse with a definite bed and banks that confine and conduct the normal continuous or intermittent flow of water.

Channelization. (1) The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly; (2) a traffic control device that forces vehicles into certain traffic flows or turning movements.

Christmas tree farm. A land area cultivated for the growing, harvesting, and marketing of evergreen trees intended to be marketed as Christmas trees. (Ord. 5/13/98)

Church. See Religious institution.

Club. A nonprofit association of persons who are bona fide members, paying regular dues and who are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial vehicle. Any vehicle that sits on at least two (2) axles and is designed to carry freight, merchandise, or more than 10 passengers, whether loaded or empty, including buses, but not including vehicles used for vanpools, or recreational vehicles operating under their own power. For the purposes of this chapter, a vehicle and pull-behind trailer is considered as one unit.

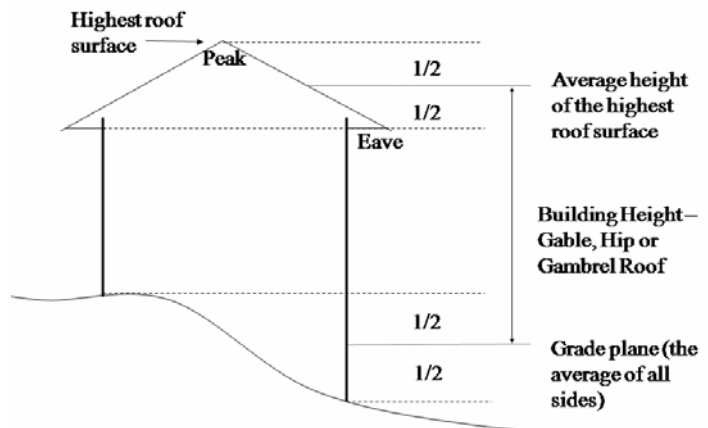
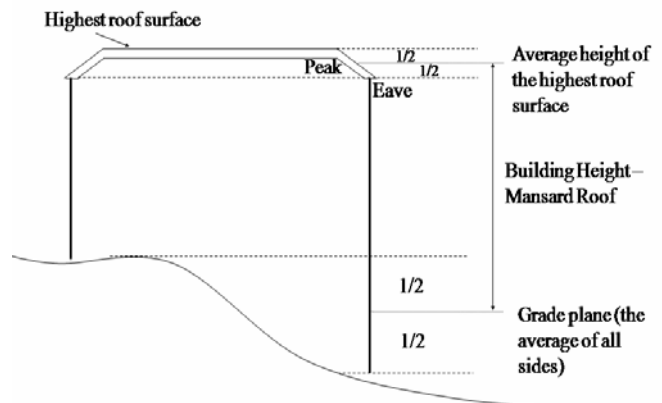
Common wall. A shared wall between two separate structures, buildings, or dwelling units.

Community center. A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group, agency, or private party.

Composting. A controlled process of degrading organic matter by microorganisms.

Condemnation. The exercise by a governmental agency of the right of eminent domain.

Condominium. A building or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are



February 10, 2010, at 7:00 p.m.

owned by all the owners on a proportional, undivided basis.

Contiguous. Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous (having a common boundary).

Convenience retail operation. Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, pastries, pizza, sandwiches and other freshly prepared foods, such as salads, for off-site consumption, and may offer the sale of gasoline products.

Curb. A stone, concrete, or other improved boundary usually marking the edge of the roadway or paved area.

Day care center. Any facility for the purpose of providing care and protection during a part of the day to a group of children or adults and not constituting a day care home occupation or other use separately permitted. (Ord. 10/24/92)

Day care home occupation. Any facility operating in the residence of the operator for the purpose of providing care and protection during a part of the day to a group of six (6), but no more than twelve (12) children unrelated to the operator.

Deciduous. Plants that drop their foliage annually before becoming dormant.

Density, gross. The ratio of the total number of lots or dwellings on a tract of land to the total number of acres within the tract.

Detached accessory dwelling unit. An accessory dwelling unit that is not attached to the principal dwelling unit.

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

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials. (Ord. 5/17/90; Ord. 9/26/07, eff. 9/28/07)

Director of the Community Development Department. The Director of the Community Development Department of Augusta County. The term includes any person or persons designated to perform certain specific administrative functions by the Director of the Community Development Department.

Distribution center. An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

District. A portion of the territory of the county within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

Dog. A highly variable domestic mammal related to the common wolf. The term includes wolf hybrids and canine hybrids.

Duplex. A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

Dust free surface. A maintained surface, which may consist of asphalt, concrete, brick pavers, gravel, stone, or healthy living turfgrass.

Dwelling. Any building, manufactured home, mobile home, or portion thereof designed or used as the residence of one or more persons, but not including a tent, camper, recreational vehicle, or a room in a hotel or motel.

Dwelling, multi-family. A building containing three (3) or more dwelling units.

Dwelling, single-family. A building, manufactured home, or mobile home designed for or used exclusively for residential purposes by one family or housekeeping unit. A single family dwelling may include attached or detached accessory dwelling units.

Dwelling, townhouse. A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear or side access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Dwelling, two-family. A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling unit. One (1) room or a suite of two (2) or more rooms designed for or used by one (1) family for living purposes.

Dwelling, zero lot line. A dwelling located on a lot in such a manner that one (1) or more of the dwelling's sides rests on a lot line.

Eave. The projected lower edges of a roof overhanging the wall of a building.

Egress. Exit.

Encroachment. Any obstruction or intrusion into a right-of-way, required yard, or onto adjacent land.

Essential services. Services and utilities needed for the health, safety, and general welfare of the community, such as underground, surface, or overhead electrical, gas, telephone, steam, water, sewerage, and other utilities and the equipment and appurtenances necessary for such systems to furnish adequate levels of service for the area in which it is located. Wireless telecommunication facilities are not considered

February 10, 2010, at 7:00 p.m.

essential services and are subject to applicable district regulations.

Evergreen. A plant with foliage that remains green year-round.

Facility. Any building or other man-made structure or device.

Fair market value. The price of a building or land that would be agreed upon voluntarily in fair negotiations between a knowledgeable owner willing, but not forced, to sell and a knowledgeable buyer willing, but not forced, to buy.

Family. Two (2) or more persons related by blood, adoption, guardianship or marriage, living and cooking together as a single housekeeping unit; or a group of individuals, but not exceeding six (6), not necessarily related by blood, marriage, adoption, or guardianship living together as a single housekeeping unit. For purposes of this chapter, "family" does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

Farm building or structure. Any building or structure used for agricultural purposes.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Flea market. An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Freight and truck terminal. Area or building where trucks, tractor-trailers, railcars, or other large vehicles load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

Front lot line. See "Lot line, front".

Fueling position. A location at which a single vehicle may be fueled from a product dispenser.

Garage, private. A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof.

Garage, repair. Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles or boats is conducted or rendered.

Gasoline retail outlet. Any building, land area, or other premises, or portion thereof, used primarily for the retail dispensing or sales of vehicular fuels with no more than two (2) diesel fueling positions or twenty (20) gasoline fueling positions.

Grade plane. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet (6') from the building, between the building and a point six feet (6') from the building.

Greenhouse. A building where the roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

Ground cover. Grasses or other plants and landscaping grown to keep soil from being blown or washed away.

Group home. A residential care facility for adults and/or children licensed by the State Department of Mental Health, Mental Retardation and Substance Abuse Services, designed to provide resident services to individuals who are physically handicapped, mentally ill, mentally retarded, or developmentally disabled, in which no more than eight (8) such individuals reside with one or more resident counselors or other staff persons. For the purposes of this section, mental illness and developmental disability shall not include illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401. For the purposes of this chapter, a group home shall be considered a single-family dwelling.

Hazardous substance. Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Heavy equipment. A movable or transportable vehicle or other apparatus commonly used in commercial, industrial, or construction enterprises, such as but not limited to: bulldozers, cranes, backhoes, track-hoes, rollers, loaders, and lifts.

Heliport. An area designed to accommodate all phases of operation of helicopters with suitable space and facilities for a terminal, loading, unloading, service, and storage of such aircraft, to include facilities for such accessory uses as are commonly associated with an airport terminal.

Helipad. An accessory facility where helicopters take off and land in the normal course of business, delivery, or service to a principal use. A helipad consists only of the takeoff/landing facility and its attendant safety structures, and does not include service, maintenance and repair, or fueling facilities. See also "Heliport."

Home occupation, Class A. Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit and meeting the standards contained in this chapter.

Home Occupation, Class B. Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit or accessory building and meeting the standards contained in this chapter.

February 10, 2010, at 7:00 p.m.

Hotel. A facility offering transient lodging accommodations to the general public where the majority of the rooms have access through the main lobby of the building.

Housekeeping unit. A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Impervious Surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Improvement. Any permanent structure that becomes part of, placed upon, or is affixed to real estate.

Incidental. Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

Ingress. Access or entry.

Inoperable. See "Motor vehicle, inoperable".

Inorganic. Not derived from living organisms.

Interparcel travelway. A private street providing access among adjacent lots, parcels, or tracts, but not including driveways.

Interstate highway system. A countrywide, federally supported network of controlled and limited access highways designated as interstate highways by the federal government.

Junkyard. Any lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of any scrap, waste, reclaimable material, or debris. The term "junkyard" shall not include motor vehicle storage/towing lots or any of the things recited herein which are incidental and accessory to any agricultural or commercial use. The term does include motor vehicle junkyards.

Kennel. Any structure or premises on which five (5) or more dogs over six (6) months of age are kept.

Landing strip. Any runway, landing area, or other facility, other than an airport, designed, used, or intended to be used either publicly or privately by any person for the landing and taking off of aircraft, the storage and tie-down areas, the hangars, and other necessary buildings and open spaces.

Landscape. Lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

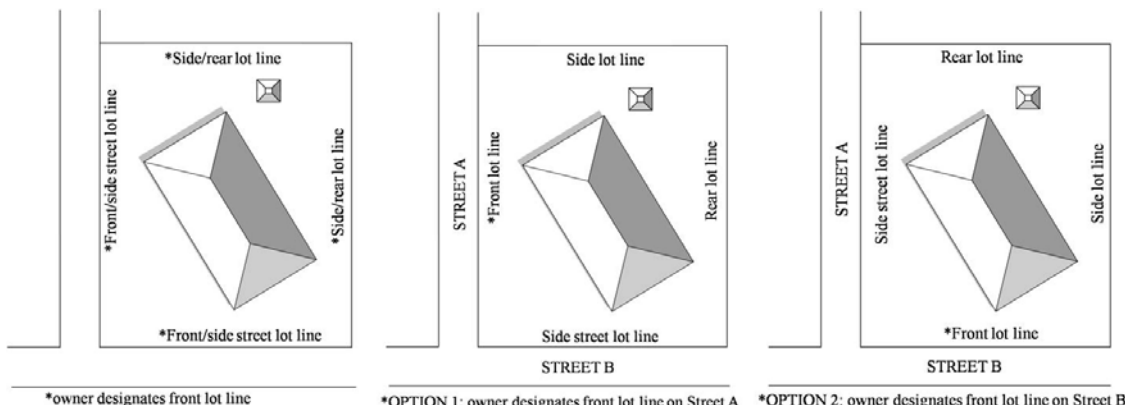
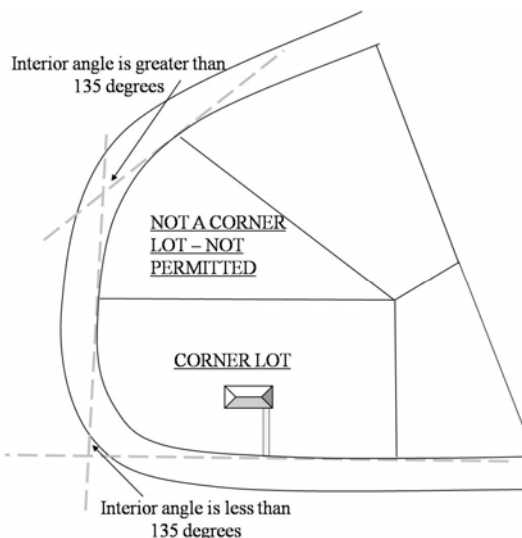
Loading space. An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lot. A designated parcel, tract, or other area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Lot, corner. A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. In the case of corner lots, the front yard shall be the way the structure is faced. In cases where it is not obvious which street the structure faces, the property owner has to designate a front yard. Once the front yard has been established it cannot be changed.

Lot, double frontage. See "Lot, through."

Lot, new. Any lot, tract, or parcel resulting from the division of a lot, tract, or parcel into two (2) or more lots, tracts, or parcels, except a "parent lot" as defined herein.



February 10, 2010, at 7:00 p.m.

Lot, parent. In Agriculture Districts only, the largest lot, tract, or parcel of land resulting from the division of a lot, tract, or parcel into two (2) lots, tracts or parcels. Where the resulting lots are equal in size, no lot shall be deemed the parent lot.

Lot, reverse frontage. A through lot that is not accessible from one (1) of the parallel or non-intersecting streets upon which it fronts.

Lot, through. A lot having frontage on two (2) parallel or approximately parallel streets. In the case of a platted residential subdivision, the structure must front the subdivision street. In cases where it is not in a residential subdivision and it is not obvious which street the structure fronts, the property owner has to designate a front yard. Once the front yard has been established it cannot be changed.

Lot area. The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot frontage. The length of the front lot line measured at the street right-of-way line.

Lot line, front. The line separating the lot from a right-of-way line or where the right-of-way enters the property. In cases where the lot is not in a residential subdivision and it is not obvious which street the structure fronts, the property owner has to designate a front yard. Once the front yard has been established it cannot be changed.

Lot line, rear. The lot line or lines opposite and generally parallel to the front lot line. In cases where the lot is not in a residential subdivision and it is not obvious which street the structure fronts, the property owner has to designate a front yard. Once the front yard has been established it cannot be changed.

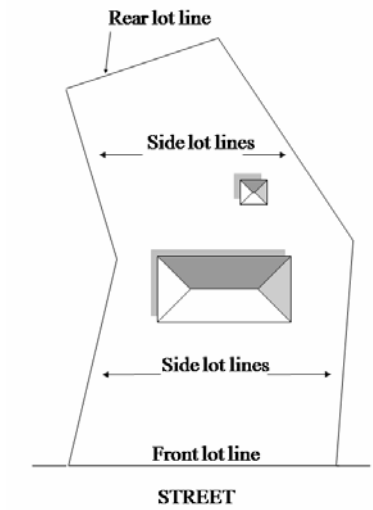
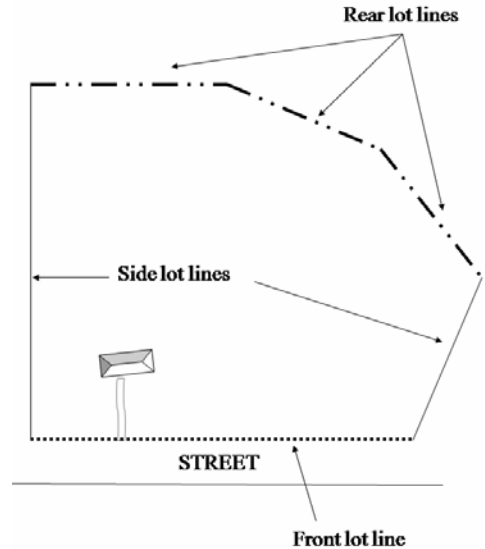
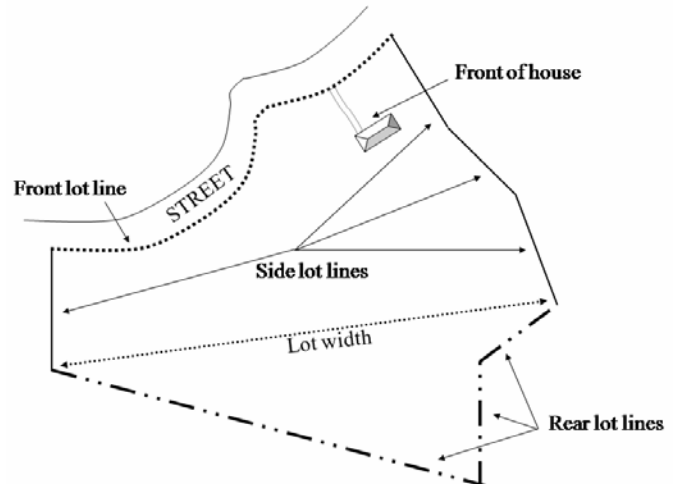
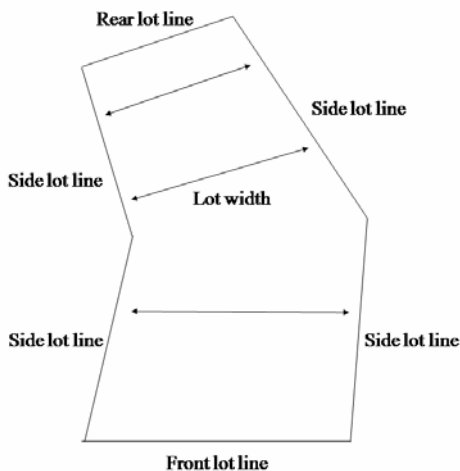
Lot line, side. Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line. Every lot created after the effective date of this ordinance must have at least two (2) side lot lines. In cases where the lot is not in a residential subdivision and it is not obvious which street the structure fronts, the property owner has to designate a front yard. Once the front yard has been established it cannot be changed.

Lot of record. A lot that exists as shown or described on a plat or deed recorded in the Clerk's Office of the Circuit Court of Augusta County.

Lot width. The distance between the side lines.

Manufactured home. A structure constructed to federal standards, transportable in one or more sections, which, in the traveling mode, is eight feet (8') or more in width and is forty feet (40') or more

or in



length, or when erected on site, is three hundred twenty (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.

Manufactured home park. Any lot projected to accommodate or upon which are located three (3) or more manufactured or mobile homes other than homes for sale by a bona fide licensed dealer, unless the lot is zoned General Agriculture and contains at least twenty (20) acres in area per dwelling. (Ord. 7/24/96)

Manufacturing. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

Mean. The average of a series of figures computed by adding up all the figures and dividing by the number of figures.

February 10, 2010, at 7:00 p.m.

Minimum setback line. The distance a building, structure or use is required to be constructed or placed away from a street right-of-way line, zoning district, building, structure, boundary line or other feature.

Mobile home. A detached unit that was manufactured under the Industrialized Building Unit and Manufactured Home Safety Laws, prior to the passage of the National Manufactured Home Construction and Safety Standards Act in 1976, designed for transportation, after fabrication, on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it may be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. A travel trailer, camper, camping trailer, truck camper, van conversion camper, motor homes, or similar portable vehicles are not to be considered as a mobile home, but must meet the same rules and regulations as a mobile home if they are occupied on the same property more than twenty-one (21) days within any two-month period or more than forty-five (45) days within any twelve-month period.

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

Motor vehicle. A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

Motor vehicle, inoperable. Any motor vehicle which meets any of the following:

1. Does not have valid license plates and valid inspection decals.
2. Is not in operating condition.
3. 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 for a period of sixty (60) days or longer.

Motor vehicle junkyard. Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, unlicensed or incapable of being operated are placed.

Nonconforming lot. A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district, or a lot lawfully existing at the time of a condemnation or other acquisition by an entity with condemning authority, which becomes nonconforming with respect to the applicable district regulations by virtue of said condemnation or other acquisition.

Nonconforming structure or building. A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming use. A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance, but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nursery. Land or greenhouses used to raise flowers, shrubs, and plants for sale.

Nursery school. See "School, nursery."

Nursing home. See "Residential care facility."

Off-site parking. Parking provided for a specific use, but located on a site other than the one on which the specific use is located.

Off-street parking space. A temporary storage area for a motor vehicle that is directly accessible to an aisleway and that is not located on a dedicated street right-of-way.

Opaque. A material or fabric which is impervious to light and cannot be seen through.

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, occupants, and their guests of land adjoining or neighboring such open space.

Open space, common. Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Organic. Derived from living organisms.

Outdoor athletic facility. See Athletic facility, outdoor.

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

Outdoor storage. The keeping of any goods, material, equipment, or merchandise in any place other than a completely enclosed building during any time other than normal business hours. The term does not include vehicle sales lots, as defined by this chapter; outdoor display, as defined by this chapter; or the keeping of company motor vehicles used in the business of the company. (Ord. 11/26/02; eff. 1/1/03)

Parapet. The extension of the main walls of a building above the roof line.

February 10, 2010, at 7:00 p.m.

Parking, shared. Joint use of a parking area for more than one use.

Parking facility. Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots (including aiseways and travel lanes), garages, private driveways, and legally designated areas of public streets, but not including access drives.

Parking space. See "Off-street parking space."

Permitted use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Porch. A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

Principal building. See "Building, principal."

Principal use. The primary or predominant use of a lot or parcel.

Prohibited use. A use that is not permitted in a zoning district.

Public utility. A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

Public utility facilities. Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

Rear lot line. See "Lot line, rear."

Rear yard. See "Yard, rear."

Recreation, active. Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields, such as playgrounds, tennis courts, golf courses, ball fields, gymnasiums and swimming pools.

Recreation, passive. Recreational uses (such as hiking, nature observation, and picnicking) not requiring constructed facilities, but making use of areas which are largely left in their natural state except for basic facilities such as bathrooms, benches, picnic tables, and trails.

Recreational vehicle. A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational vehicle park. A lot or parcel of land upon which three (3) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles or tents as temporary living quarters for recreational, travel, or vacation purposes.

Religious institution. A structure or place in which worship, ceremonies, rituals, or education pertaining to a particular system of religious beliefs are held.

Residential care facility. Any residential facility for the benefit of persons unrelated to the operator and in need of care and protection and not constituting a group home or other use separately permitted. The term includes hospitals, nursing homes, and "homes for adults." (Ord. 10/14/92)

Restaurant. An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Restaurant, fast food. An establishment where food and/or beverages are sold in a form ready for consumption, where a portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and/or where ordering and pick up of food may take place from an automobile.

Retail sales. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail services. Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational, and social services, museums, and galleries.

Rezone. To change the zoning classification of particular lots or parcels of land or portions thereof.

Riding academy. An establishment where horses are boarded and cared for and where instruction in riding, jumping, and showing is offered and where horses may be hired for riding.

Right-of-way. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses; generally, the right of one to pass over the property of another.

Right-of-way line. The line that forms the boundary of a right-of-way.

Road. See "Street."

Roof. The outside top covering of a building.

Sanitary landfill. A dump where material is buried and which is permitted by the

February 10, 2010, at 7:00 p.m.

Virginia Department of Environmental Quality.

Sawmill, permanent. A sawmill permanently located for the purpose of processing timber without regard to point of origination.

Sawmill, temporary. A sawmill located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.

School. Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

School, elementary. Any school licensed by the state and that meets the state requirements for elementary education.

School, higher education. An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

School, nursery. An institution of learning which offers instruction to children between the ages of two (2) and six (6) preparatory to enrollment in schools. (Ord. 10/14/92)

School, private. Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which use does not secure the major part of its funding from any governmental agency.

School, secondary. Any school licensed by the state and authorized to award diplomas for secondary schools.

School, vocational. A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.

Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Setback. The distance between any building, structure, or use and a specified street right of way line, zoning district, building, structure, boundary line, or other feature.

Shade tree. A tree, usually deciduous, planted primarily for overhead canopy.

Shielded or screened from view. All operations, materials, containers, or vehicles shall be kept within a fully enclosed building or screened by an opaque privacy fence, walls, berms with landscaping, or trees of appropriate height and density so that the items are not visible from any side. Opaque privacy fences shall be constructed of good quality materials such as vinyl, pressure treated lumber, brick, stone or similar materials approved by the Zoning Administrator. For the purposes of this chapter tarps, car covers, tents, chain link fences with slats, or similar shields shall not be deemed to satisfy the requirements of this chapter.

Shopping center. Any group of two or more commercial uses which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under common ownership or are subject to reciprocal parking and ingress and egress agreements or easements; (c) are connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, are interconnected by common parking areas, travel lanes, walkways or accessways designed to facilitate customer interchange between the uses on site; (d) share common points of vehicular access; and (e) otherwise present the appearance of one continuous commercial area. For the purpose of this Ordinance, a grouping of predominantly office uses which meet the characteristics specified herein shall not be deemed to be a shopping center.

Shrub. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

Site plan. A required submission, prepared and approved in accordance with the provisions of this chapter, of the proposed improvements required in the development of a given lot.

Slaughterhouse. A place where livestock is killed and prepared for distribution.

Special Use Permit. A special exception granted by the board of zoning appeals under the provisions of this chapter.

Specimen tree. A particularly impressive or unusual example of a species due to its size, shape, age, or any other trait that epitomizes the character of the species.

Stable. A structure that is used for the shelter or care of horses.

Story. That portion of a building, included between the upper surface of any floor and the upper surface of the floor or roof next above it.

Street. A road or street, whether public or private, which affords a principal means of access to abutting property.

Street, cul-de-sac. A street with a single common ingress and egress and with a turnaround at the end.

Street, private. Solely for the purpose of this chapter, a private street shall be any road or street which affords a principal means of access to two (2) or more abutting properties, and is not a public street as defined by this chapter.

Street, public. Solely for the purpose of this chapter, a public street shall be a road or street which affords a principal means of access to abutting property, and is encompassed by a right-of-way dedicated to and accepted by the board of supervisors on or after July 1, 1932, for public use or is maintained by the Commonwealth as part of the State primary or secondary road system.

February 10, 2010, at 7:00 p.m.

Structure. An assembly of materials forming a construction for occupancy or use.

Structural alteration. Any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. (Ord. 9/26/07, eff. 9/28/07)

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. (Ord. 9/26/07, eff. 9/28/07)

Temporary use. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Thoroughfare, designated. A street which has been officially designated as a principal street for the purpose of carrying substantial volumes of traffic.

Tourist home. A building or part thereof, other than a hotel, boarding home, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

Townhouse. See "Dwelling, townhouse."

Trailer. Travel trailer, camper, camping trailer, truck camper, van-conversion trailer, motor home, pop-up camper, converted bus, storage trailer, office trailer, semi-trailer, recreational vehicle, industrialized building or any similar item, and any manufactured or mobile home not used as a residence.

Travel lane. A traveled way, where motor vehicles are not directly entering or departing parking spaces, which serves a vehicular use area or parking lot. This is distinct from an aisle or aisleway.

Travel plaza. A facility serving the traveling public, including fuel service, with more than two (2) diesel fueling positions or twenty (20) gasoline fueling positions, and possibly including restaurants, overnight accommodations, motor vehicle repair facilities, or other uses convenient to the traveling public. (Ord. 11/23/99; eff. 1/1/2000)

Truck stop. A facility or premises which caters principally to trucks, tractor-trailers, and other large vehicles en route which includes fuel service and parking spaces for more than twenty (20) trucks, tractor-trailers, or other large vehicles and may include motor vehicle repair, overnight accommodations and other uses convenient to the traveling public. (Ord. 11/23/99; eff. 1/1/2000)

Truck Terminal. See "Freight and truck terminal."

Use. The purpose for which land, a building, or structure is arranged, designed or intended; or for which either land or building or structure is, or may be, occupied or maintained.

Use, nonconforming. See "Nonconforming use."

Utility lot. A lot, tract, or parcel of land that is used or intended to be used by a governmental agency or duly chartered public service corporation for essential services and utilities.

Variance. Permission to depart from the literal requirements of a zoning ordinance in accordance with 15.2-2309 et seq. of Article 8 of the Code of Virginia, 1950, as amended.

Vehicle, motor. See "Motor vehicle."

Vehicle sales lot. The keeping of any motor vehicles, dune buggies, all-terrain vehicles, snowmobiles, trail bikes, mopeds, motor bikes, boats, recreational vehicles, campers, trailers, farm machinery, construction equipment, manufactured or mobile homes, or similar equipment or machinery for sale or lease. (Ord. 11/26/02; eff. 1/1/2003)

Vehicle repair shop. The repair of any motor vehicles, dune buggies, all-terrain vehicles, snowmobiles, trail bikes, mopeds, motor bikes, boats, recreational vehicles, campers, trailers, farm machinery, construction equipment, manufactured or mobile homes, or similar equipment or machinery.

Warehouse. A building used primarily for the storage of goods and materials. The term does not include a freight or truck terminal. (Ord. 11/23/99; eff. 1/1/2000)

Warehouse, mini, self-storage. A facility with multiple storage compartments where each compartment has an individual separate door accessed directly from the exterior.

Wholesale trade. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. (Ord. 11/24/93)

February 10, 2010, at 7:00 p.m.

Yard. An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

Yard, front. A space extending the full width of the lot between any principal building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

Yard, rear. A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, side. A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Zoning Administrator. The administrative officer designated to administer the zoning ordinance and issue zoning permits. The term includes any person or persons designated to perform specific administrative functions by the Zoning Administrator.

Zoning certificate. An official finding that a planned use of a property, as indicated by an application, complies with the requirements of the Zoning Ordinance.

§ 25-5. Relationship of chapter to Comprehensive Plan.

A. The Comprehensive Plan is general in nature, serving as an advisory guide to the general or approximate location, character and extent of each feature shown on the plan. It is a general program for the physical development of the county, intended to provide advance planning effectively and fairly. However, application of the Comprehensive Plan to specific situations requiring decisions under this chapter must reasonably account for the existing nature of the community and must reasonably anticipate the nature and extent of future growth and change.

B. Despite its general advisory nature in most respects, the Comprehensive Plan should control the general or approximate location, character and extent of each public facility or utility shown thereon.

C. No street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than railroad facility, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan. This requirement shall not apply to such feature when exempted by state law.

D. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless involving a change in location or extent of a street or public area.

E. Nothing herein shall be deemed to require submission for approval prior to a rezoning which involves the probable construction or extension of facilities which are subject to such a review.

State law reference--Virginia Code § 15.2-2232.

§ 25-6. Zoning maps.

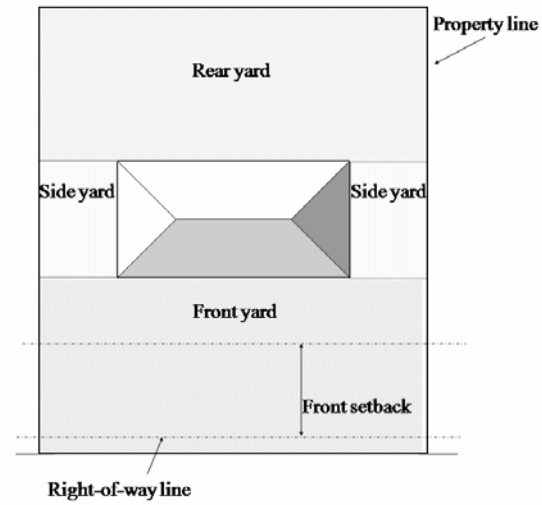
A. The boundaries and locations of the zoning districts are set forth as shown on the series of maps entitled "Augusta County Zoning Maps", dated 12/13/95, as amended. Such series of maps, together with all explanatory matter thereon, are hereby adopted by reference and declared to be part of this chapter.

B. If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the Augusta County Zoning Maps, the map or maps affected shall be amended promptly after the amendment has been approved by the board of supervisors.

C. A copy of the Augusta County Zoning Maps, properly attested shall be filed in the Community Development Department and shall be available for inspection by the public.

D. Where uncertainty exists as to the boundaries of districts as shown on the Augusta County Zoning Maps, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center line.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits or county boundaries shall be construed as following such city limits or county boundaries.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such



February 10, 2010, at 7:00 p.m.

center lines.

6. Boundaries indicated as parallel to or extensions of features indicated in 1 through 5 above shall be so construed.

7. Distances not specifically indicated shall be determined by the scale of the map.

Sections 25-7 through 25-10 reserved.

* * *

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

Article II. Provisions Applying to All Districts.

- § 25-11. Application.
- § 25-12. Single-family dwellings.
- § 25-13. Exceptions to district setback requirements.
- § 25-14. Use of certain containers or vehicles prohibited.
- § 25-15. Exceptions to district height limitations.
- § 25-16. Lots and yards.
- § 25-17. Projections into required yards.
- § 25-18. Reserved.
- § 25-19. Open space lots.
- § 25-20. Utility lots.
- § 25-21. Carnivals, circuses, fairs, festivals, animal shows, exhibitions, and similar events.
- § 25-22. Sketch Plan to accompany applications for building permits and manufactured home placement permits.
- § 25-23. When foundation survey is required.
- § 25-24. Exceptions and exemptions to foundation survey requirements.

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

Article II. Provisions Applying to All Districts.

§ 25-11. Application.

The regulations of this article shall apply in all districts enacted as part of this chapter, unless a different regulation is prescribed within a specific district.

§ 25-12. Single-family dwellings.

A. In all districts the minimum single-family dwelling size shall be nine hundred square feet (900 sq. ft.) unless:

1. In Agriculture Districts, an Administrative Permit issued by the Zoning Administrator or a Special Use Permit from the board of zoning appeals is obtained; or

2. A larger minimum size is required by proffered conditions approved by the board of supervisors pursuant to the provisions of applicable law with respect to conditional zoning; or

3. Specific district regulations permit smaller dwelling sizes.

B. For purposes of this section, the size of a single-family dwelling shall be measured by calculating the total floor area from the external measurement of the surrounding exterior walls of the dwelling, excluding vent shafts, courts, unenclosed porches, garages, breezeways and other unheated areas. For purposes of this chapter, tongues and hitches shall not be included in the measurement of the length of mobile and manufactured homes.

C. Manufactured and mobile homes, where permitted, shall be subject to development standards that are equivalent to those applicable to conventional, site-built single family dwellings within the same or equivalent zoning district.

D. Manufactured homes, as defined by this chapter, shall be allowed in agriculture zoned districts and shall not be allowed in other districts unless permitted by specific district regulations.

E. Mobile homes, as defined by this chapter, shall not be allowed unless permitted pursuant to specific district regulations.

F. Recreational vehicles, campers, buses or similar vehicles shall not be used as a dwelling unless they meet all provisions and requirements of the United States Building Code (USBC).
State law reference--Virginia Code § 15.2-2290.

§ 25-13. Exceptions to district setback requirements.

In the event new development occurs in a previously developed area, minimum setbacks from the street right-of-way line otherwise required by district regulations are waived in the following circumstances:

A. The lots fronting on the same side of the street and adjoining the lot on which the new development is to occur each have a principal building within three hundred feet (300') of the lot on which the new development is to occur; and

B. At least one of the principal buildings on said adjoining lots is closer to the right-of-way line than permitted by this section as a lawful nonconforming use; and

C. The new building or structure is to be erected or located no nearer to the street right-of-way line than the mean setback of the principal buildings on said adjoining lots. Where an adjoining lot has more than one principal building within three

February 10, 2010, at 7:00 p.m.

hundred feet (300') of the lot on which the new development is to occur, the mean setback shall be calculated from the principal building closest to the street right-of-way line.

State law reference --Virginia Code § 33.1-184.

§ 25-14. Use of certain containers or vehicles prohibited.

The following may not be used as stationary structures for any principal use:

- A. Shipping containers, semi-trailers and similar containers.
- B. School and other buses.
- C. Vans, trucks, recreational vehicles, or similar vehicles.
- D. Airplanes and railroad cars.
- E. Any structure originally designed and constructed to move or be moved from place to place for the purpose of transporting or conveying persons or goods.

§ 25-15. Exceptions to district height limitations.

The height limitations required by district regulations shall not apply to the following:

- A. Barns, silos or other farm buildings or structures on farms; church spires, belfries, cupolas and domes, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag poles, antennae, masts and aerials.
- B. Parapet walls extending not more than four feet (4') above the limiting height of the building.
- C. Towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders, electric generating facilities, sand and gravel processing plants or other structures where the manufacturing process requires a greater height.
- D. Structures used exclusively to support signs, which are governed by article IV of this chapter.

§ 25-16. Lots and yards.

- A. Unless otherwise exempted in this chapter, all uses shall be located on a lot as defined in this chapter and shall be in compliance with applicable requirements for setback, lot width, lot frontage, side and rear yards and lot area.
- B. No more than one single-family dwelling shall be permitted on a lot unless specifically provided otherwise in the district regulations.
- C. Every lot shall have at least fifty feet (50') of frontage on a public street unless specifically provided otherwise in specific district regulations.
- D. No building or structure shall be erected, nor shall any existing building or structure be altered, enlarged or rebuilt; nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.
- E. Whenever specific district regulations require minimum amounts of "open space" the unobstructed space necessary to comply with the yard requirements set forth in this section shall not be included within the open space required by such specific district regulations.
- F. All yards required by this chapter shall be open and unobstructed to the sky, except as hereinafter provided.
- G. For all split zoned lots, the zoning regulations shall be based on the location of the building or structure. For buildings or structures to be built over the zoning line, the more restrictive zoning regulations shall apply, however, the use must be allowed in both zoning districts.
- H. No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt closer to the right-of-way line of an interstate highway than fifty feet (50').
- I. Any lot already platted and of record in a residential subdivision cannot subsequently be used for public or private street purposes without board of supervisors approval after a duly noticed public hearing.

§ 25-17. Projections into required yards.

Certain architectural features may project into required yards as follows:

- A. Cornices, eaves, bay windows, balconies or other architectural features which do not touch the ground and do not have supporting members which touch the ground within a required yard, may project into required yards.
- B. Canopies over gasoline pumps may project into required yards a distance not exceeding twelve feet (12') from the center of the pumps.
- C. Ramps and landings necessary for use by the handicapped may project into required yards a distance not exceeding twelve feet (12'). All other stoops, platforms, staircases or similar structures leading to the entrance of a dwelling or other building may project into required yards a distance not exceeding four feet (4') provided they have no roof and are otherwise uncovered.
- D. Chimneys may project into required yards.
- E. Unenclosed porches, carports and uncovered stairways and necessary landings existing on September 30, 1995, may not be enlarged so as to project further into required

February 10, 2010, at 7:00 p.m.

yards.

F. In residential districts, no projection shall be nearer to any lot line than five feet (5').

G. For the purpose of any railroad operations, buildings, loading docks, canopies, and other loading facilities adjacent to railroad property may be constructed or extended onto and over the railroad rails.

H. In no case other than G above shall any projection extend beyond any lot line.

§ 25-18. [reserved]

§ 25-19. Open space lots.

A. Open space lots shall be permitted in major subdivisions in all districts, and shall be exempt from the requirements of this chapter for lot area, lot width and lot frontage, subject, however, to the following provisions:

1. No more than fifty percent (50%) of open space in a major subdivision shall consist of non-developable areas such as stream beds, wetlands and areas with slopes of twenty-five percent (25%) or more.

2. Open space lots shall be suitable in size, shape, and location for the purposes intended, with adequate access for the entire subdivision and adequate facilities for such purposes.

B. Within any major subdivision in which an open space lot is intended to be used in common for recreational or other public or semipublic purposes, no lot shall be approved, recorded, sold or used within the subdivision until a declaration of covenants and restrictions or other document necessary to establishing a mandatory permanent homeowners association has been approved by the County Attorney and has been executed and recorded. Such documents shall set forth the following:

1. The nature of the permanent association under which common ownership of such open space lot is to be established, including its purpose; how it shall be governed and administered; the provisions made for permanent care and maintenance of such open space lot including necessary bonds when required by the county; and the method of assessing the individual lots for their share of the cost of adequately administering and maintaining and replacing such open space lot; and

2. The extent of common interest held by the owner of each individual lot in such open space lot.

C. Nothing contained herein shall be deemed to require the county to maintain any open space lot permitted by this chapter.

(Ord. 11/21/06, eff. 1/1/07)

§ 25-20. Utility lots.

A. Utility lots without buildings to provide essential services and utilities to the public shall be permitted in all districts and shall be exempt from the requirements of this chapter for lot area, lot width, lot frontage, front setback, side yards, rear yards, structure height and off-street parking and loading.

B. Utility lots with buildings to provide essential services and utilities to the public shall be permitted in all districts and shall be exempt from the requirements of this chapter for lot area, lot width, lot frontage, and off-street parking and loading, however, at least one parking space must be provided. Such utility lots shall comply with the requirements for front setback, side yards, rear yards, and structure height.

C. Public utility distribution and collection lines for local service shall be permitted in all districts.

D. Power plants, water treatment plants, sewage treatment plants, water tanks, and wind farms and wind energy systems where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets require Public Use Overlay (PUO) zoning pursuant to Article XLIX, "Public Use Overlay (PUO) Districts," of Division H, "Overlay Districts," of this chapter.

§ 25-21. Carnivals, circuses, fairs, festivals, animal shows, exhibitions, and similar events.

In the following instances, notwithstanding anything in this chapter to the contrary, carnivals, circuses, fairs, festivals, animal shows, exhibitions and similar special events are permitted uses in any district and no Special Use Permit shall be required:

A. Where such events are accessory to the operation of a volunteer fire company or rescue squad and the events are on the property of the company or squad.

B. Where such events are accessory to the operation of a volunteer fire company or rescue squad and the events are on property regularly used for such purposes at least once a year for two or more years prior to October 1, 1995.

C. Where such events are lawful nonconforming uses under § 25-662 of this chapter.

§ 25-22. Sketch Plan to accompany applications for building permits and manufactured home placement permits.

A. Each application for a building permit or a permit to place a manufactured home shall be accompanied by such information as is required to evaluate compliance with the applicable setback and yard requirements.

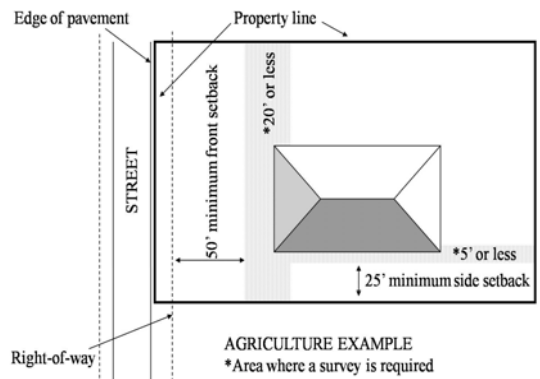
B. No building permit or placement permit shall be issued until the applicant

February 10, 2010, at 7:00 p.m.

submits to the Zoning Administrator a satisfactory sketch plan prepared by the applicant, his agent or a licensed land surveyor.

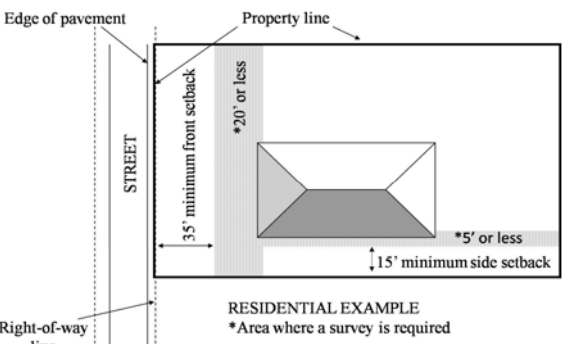
C. At a minimum, such sketch plan shall show:

1. The boundaries of the lot which is the subject of the application,
2. The location and dimensions of each proposed building, manufactured home or other structure or addition thereto,
3. The right of way and pavement or other street improvement lines of streets which abut the lot, and
4. The distances between all property lines and street right-of-way lines to each proposed building, manufactured home or other structure or addition thereto. In manufactured home parks, the distances between manufactured homes on adjoining spaces and the distance between the manufactured homes and accessory buildings shall also be shown.



D. The sketch plan must be drawn to scale by a licensed land surveyor where any building, manufactured home or other structure or addition thereto is proposed to be located:

1. Five feet (5') or less from any applicable minimum side or rear setback or yard requirement; or
2. Twenty feet (20') or less from any applicable minimum front setback or yard requirement.



§ 25-23. When foundation survey is required.

A. Whenever any of the conditions of § 25-22.D are present, the applicant shall provide a foundation survey prepared by a land surveyor licensed to practice in the Commonwealth. Such survey shall show that the constructed locations of the foundation, slab or piers satisfied the applicable setback or yard requirements. The survey shall be stamped, signed and dated by the land surveyor.

B. The county will not provide further inspections, nor a certificate of occupancy until the required foundation survey has been submitted.

§25-24. Exceptions and exemptions to foundation survey requirements.

A. Exceptions. Foundation surveys in accordance with §25-23 will not be required in the following circumstance:
The placement of manufactured homes on a manufactured home park lot that existed prior to 1995, unless otherwise provided in an approved plan of development, does not require foundation, slab, or pier survey. County staff shall determine if there is sufficient space for the requested unit to meet all setback requirements.

B. Exemptions. Storage buildings that are less than two hundred fifty-six (256) square feet and not on a permanent foundation are exempted from these requirements.

Sections 25-25 through 25-30 reserved

* * *

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

Article III. Off-Street Parking.

- § 25-31. Required.
- § 25-32. Ingress and egress.
- § 25-33. Design and construction standards.
- § 25-34. Determination of spaces.
- § 25-35. Number of spaces required.
- § 25-36. Other requirements.
- § 25-37. Location and ownership of facilities.
- § 25-38. Landscaping and screening.
- § 25-39. Existing facilities.

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

Article III. Off-Street Parking.

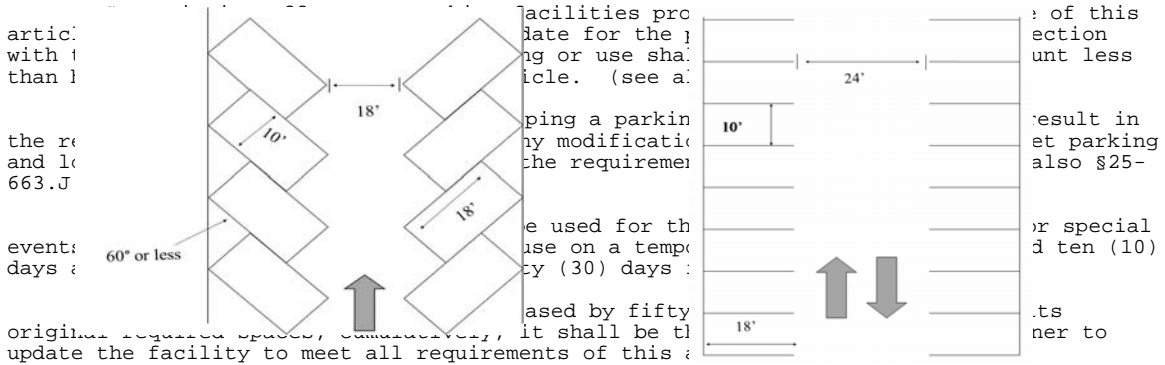
§ 25-31. Required.

A. In all districts off-street parking facilities for the temporary storage or parking of self-propelled vehicles for the use of occupants, employees and patrons shall be provided in the amounts not less than specified herein.

B. It shall be the responsibility of the owner or operator of a specific use to ensure that required parking facilities are maintained in good condition. Owners or operators are required to maintain the number and markings of all parking spaces and all

February 10, 2010, at 7:00 p.m.

directional arrows and signs as shown on the approved site plan at all times.



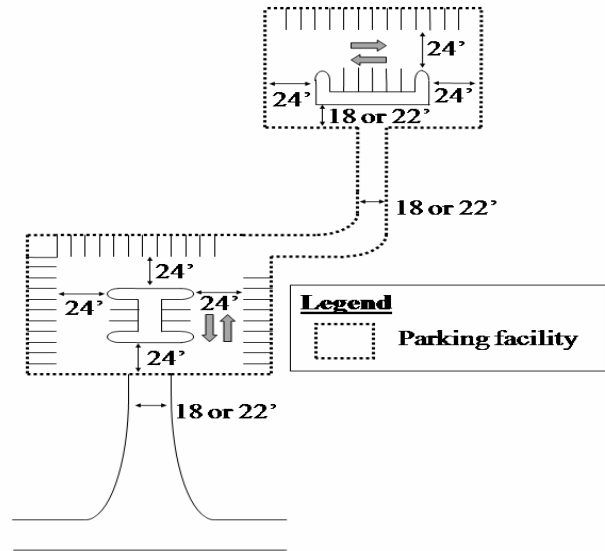
§ 25-32. Ingress and egress.

A. There shall be adequate provision for ingress and egress to all parking spaces. All aisles or aisleways within an off-street parking facility shall be at least twenty-four feet (24') in width. Aisleway width may be reduced to eighteen feet (18') when a one way traffic pattern exists and parking spaces are parallel to, or up to a sixty (60) degree angle from parallel. All travel lanes within an off-street parking facility shall be at least twenty-two feet (22') in width where a two way traffic pattern exists and curbing is provided or not less than eighteen feet (18') in width in all other cases. Parking spaces and stacking spaces shall not be used for access to other parking spaces.

B. Where an off-street parking facility, except those serving single and two-family dwellings and townhouses where parking facilities are to be provided on individual lots or loading areas do not abut a public or private street there shall be provided an access drive leading to the off-street parking facility or loading areas herein required. The access drive shall be constructed 1. with a curb to curb width not less than twenty-two feet (22') where a two way traffic pattern exists and curbing is provided or 2. not less than eighteen feet (18') in width in all other cases. Such access drive shall be located on property under common ownership with, or on an easement appurtenant to, the property on which the off-street parking facility or loading areas are situated.

C. The use of streets, sidewalks, alleys or other public rights-of-way for parking or maneuvering to or from off-street parking facilities or loading spaces is prohibited except those servicing single-family and two-family dwellings and townhouses sold or offered for sale unless otherwise specified in the district regulations.

D. The location and design of entrance and exit driveways for all parking facilities, except those servicing single-family and two-family dwellings and townhouses sold or offered for sale shall provide a safe and convenient means of ingress and egress and shall conform to the standards of the Virginia Department of Transportation.



§ 25-33. Design and construction standards.

A. Parking facilities shall be so designed: (a) to prevent parked vehicles from extending beyond the limits of the parking facility; (b) to prevent damaging effects to adjoining or nearby properties from surface drainage from the parking facilities; and (c) to comply with the Chapter 18. Regulations of Stormwater.

B. All pedestrian walkways which are adjacent to vehicles parked in an orientation other than parallel to the walkway and are either:

1. Not grade separated by a standard curb; or
2. Are less than five feet (5') in width; shall be protected with wheel stops located in each space to prevent vehicles from overhanging into the pedestrian walkway. Wheel stops shall be defined as concrete parking blocks, landscape timbers, railroad ties or similar devices.

C. Parking spaces shall conform to the following standards:

1. Standard parking spaces are required to be no less than ten feet (10') in width and eighteen feet (18') in length.
2. Parallel parking spaces are required to be no less than eight feet (8') in width and twenty feet (20') in length.
3. Stacking spaces are required to be no less than nine feet (9') in width and twenty feet (20') in length and the first stacking space shall be measured from the first point of contact with the business.

February 10, 2010, at 7:00 p.m.

D. All parking facilities shall be designed to provide for internal circulation so that each parking space is accessible to all other parking spaces without using a public street.

E. Surfacing. All off-street parking facilities for more than five (5) vehicles shall be surfaced so as to provide a durable and dustfree surface which may consist of asphalt, concrete, brick pavers, chip and seal pavement, gravel or healthy living turfgrass and shall be graded so as to dispose of all surface water accumulated within the area. The parking facilities shall be arranged and marked to provide safe and orderly loading, unloading, parking, and storage of vehicles. Any non-paved surface used for overflow, special events and peak parking that cannot be maintained with healthy, living turf grass or similar ground cover shall provide a durable and dustfree surface as listed above.

F. Marking of spaces.

1. All spaces located on lots that are paved with asphalt, concrete, chip and seal pavement or brick pavers shall be marked with painted striping the full length of the parking space.

2. All spaces located on gravel or other non-paved lots shall be marked with concrete parking blocks, landscaped timbers, rail-road ties or similar devices. Spray paint on gravel or non-paved surfaces does not constitute the marking of spaces and is prohibited.

3. The marking of spaces for overflow parking is not required.

G. Marking of aisleways or travel lanes.

1. All aisleways or travel lanes designed for travel in a specific direction located on lots that are paved with asphalt, concrete or brick pavers shall be marked with painted striping.

2. All aisleways or travel lanes designed for travel in a specific direction located on gravel or other non-paved lots shall be marked with directional signs. Spray paint on gravel or non-paved surfaces does not constitute the marking of directional travel.

§ 25-34. Determination of spaces.

A. In stadiums, sport arenas, churches and other places of assembly in which benches, pews or other similar seating facilities are provided each twenty-four inches (24") of such seating facilities shall be counted as one seat for the purpose of this article.

B. Garage spaces can be counted towards the total number of required parking spaces.

§ 25-35. Number of spaces required.

A. The number of off-street parking spaces required shall be as follows:

Use	Number of spaces required
Airport, railroad passenger station, taxi stands, and bus terminals	One for every three seating spaces to accommodate waiting passengers in addition to other required spaces.
Assembly and exhibition halls with and without fixed seats	One for every four fixed seats and one per 250 square feet of assembly area without fixed seats.
Auction houses, with fixed seats	One for every four seats.
Auction houses, without fixed seats	One for every 250 square feet.
Auditoriums and assembly halls	One for every three seats.
Bakeries	One for every 200 square feet plus one for every three seats with fixed seating.
Banks	One for every 250 square feet of floor space plus one for each 500 square feet of upper floor space.
Bed and breakfast inns	One for each sleeping room or one per 75 square feet of assembly, whichever is greater.

February 10, 2010, at 7:00 p.m.

Use	Number of spaces required
Bowling alleys	Five for each alley.
Campgrounds and recreational vehicle parks	One for each space.
Cemetery	No parking required.
Conference center	One for every four seats.
Convenience retail operations	Twelve plus one for every 250 square feet over 1000 square feet.
Customary incidental home occupations	Sufficient spaces to accommodate all customers, clients, patients, etc.
Dance hall	One for every 75 square feet of assembly area.
Distribution center	One for every 2000 square feet up to 500,000 square feet and one for every 3000 square feet over 500,000 square feet.
Drive-through photo, pharmacy, and other similar uses	One for every 300 square feet of floor space.
Dwellings	Two for each dwelling unit. Anything proposed in a Multiple Residential Dwelling district shall provide two per unit plus ten percent of the total number of required spaces for visitor parking. (see also §25-226 and 237.1)
Farm and heavy equipment repair or service facilities	One for every 300 square feet.
Fairgrounds, carnival grounds	Sufficient parking to ensure that there is no on-street parking for events.
Fire or rescue stations	Four for each fire or rescue vehicle the facility is designed to accommodate plus one for every 75 square feet of assembly area.
Freight and truck terminals	In addition to the company vehicle requirement, one for every two trucks, tractors, or trailers the facility is designed to accommodate and one for each 250 square feet of office space.
Funeral homes and mortuaries	Three for every 100 square feet of service parlors, chapels and reception area.
Furniture, appliance, household equipment (retail)	One for every 500 square feet.
Gasoline retail outlet (with no inside sales of consumer goods)	One.
Greenhouses, nurseries, and gardens	One for every 1000 square feet of indoor retail space, plus one per 4000 square feet of outdoor retail space.
Health clubs , fitness clubs and recreation centers	One for every 500 square feet
Hospitals	Three for every bed.
Hotels, motels, and lodging houses	One for each living or sleeping unit for the first 100 units, plus .9 per sleeping room or suite for units 101-200, plus .8 per sleeping room or suite for units 201-300; plus .7 per sleeping room or suite for rooms in excess of 300. With lounges/restaurants- add one for every 150 square feet of such area. With meeting facilities- add one for every four seats of such area.
Kennels, and animal shelters	Five, plus one for every 1000 square feet.
Manufacturing, assembly and processing facilities	One for every 2000 square feet up to 500,000 square feet and one per 3000 square feet over 500,000 square feet.
Manufactured home, modular home, and recreational vehicle sales	One for every 4000 square feet of outdoor retail space.
Medical and dental clinics and offices	Four for each treatment station or treatment room.

February 10, 2010, at 7:00 p.m.

Use	Number of spaces required
Mini-warehouses and self-storage facilities	One for every 250 square feet of office space if an office is located on site. If no office is located on site no parking shall required.
Motor vehicle, boats, recreational vehicles repair or service facilities	One for every 300 square feet.
Motor vehicle, boats, recreational vehicles, or machinery sales	One for every 600 square feet of enclosed floor space, plus one for every 4000 square feet of outdoor retail sales.
Museums and public libraries	Ten, plus one for every 400 square feet over 2000 square feet.
Nursery schools and day care centers	One for every three children or adults receiving care at licensed capacity.
Offices, business and professional, except medical and dental	One for every 250 square feet up to 50,000 square feet and three per every 1000 square feet over 50,000 square feet.
Police stations	One for every 300 square feet of floor space.
Post office	One for every 300 square feet.
Private clubs, fraternities, sororities, and lodges	One for every 75 square feet of assembly area without fixed seats.
Produce stand	Five, plus three for each additional vendor.
Recreational facilities	Forty for each ballfield. One for each picnic table. Three for each fitness trail. Four for each hole at a golf course. Two for each hole at a miniature golf course. One for each tee at a golf driving range. One for each 200 square feet of pool surface area; including wading pools and whirlpool baths. Two for each tennis court and indoor racquet ball courts. Two for every basketball court. Two per horseshoe pit. For each recreational use not specified above, one for every 125 square feet of usable recreation area.
Religious institutions	One for every four seats in the main sanctuary.
Residential care facilities and group homes, not including hospitals	One for every three beds.
Restaurants, beer parlors and night clubs	One for every two seats.
Restaurants, fast food	One for every 50 square feet of floor area, but in no instance shall such a facility provide less than ten.
Retail stores, service establishments	One for every 250 square feet and one for each 4000 square feet of outdoor retail sales area.
Rifle and shooting ranges, and skeet shooting	One for each station.
Rooming houses, boarding houses, and dormitories	One for each resident space.
Schools, elementary and middle	Two for each classroom plus one for every staff member.
Schools, dance	One for every 100 square feet of dance floor area, but in no instance shall such a facility have less than five.
Schools, high school	One for each staff member plus one for every four students at design capacity.
Schools, higher education	Two for every three students.
Schools, vocational and trade	Five for every classroom.
Shooting preserve	Sufficient parking to accommodate expected users to ensure that there is no on-street parking.

February 10, 2010, at 7:00 p.m.

Use	Number of spaces required
Shopping center	3.8 for every 1000 square feet for centers less than 400,000 square feet; 3.5 for every 1000 square feet for centers with at least 400,000 square feet.
Social and community centers	One for every four fixed seats or one for every 75 square feet of assembly, whichever is greater.
Sports arenas and race tracks	One for every four seats
Theaters and cinema	One for every four seats.
Truck stops and travel plazas	Determined separately by proposed uses and totaled (i.e. convenience store, restaurant).
Veterinary clinic or hospital	One for every 300 square feet.
Warehouses	Five.
Wholesale trade establishments where goods are not normally sold to the public	Five.
Wholesale trade establishments where goods are normally sold to the public	One for each 500 square feet of enclosed floor space and one for each 4000 square feet of outdoor retail sales area.

B. Stacking Space Requirements. All stacking spaces shall be counted from the first point of contact. If the establishment has an order board the first space is counted at that location. If the establishment has a service window and no order board the stacking space shall be measured from the service window. All non-residential uses shall provide stacking spaces for vehicles at drive-up and drive-through facilities consistent with the following requirements:

1. Number Required. The minimum number of stacking spaces required for each parking facility shall be as specified in the Stacking Space Standards Table. The stacking spaces required for each parking facility shall be measured from the location listed in the Stacking Space Standards table. The space used for remote ordering or communicating with the employees within the use may be one of the required stacking spaces.

a. Dimensions. Each stacking space shall have a minimum dimension of nine feet (9') in width by twenty feet (20') in length.

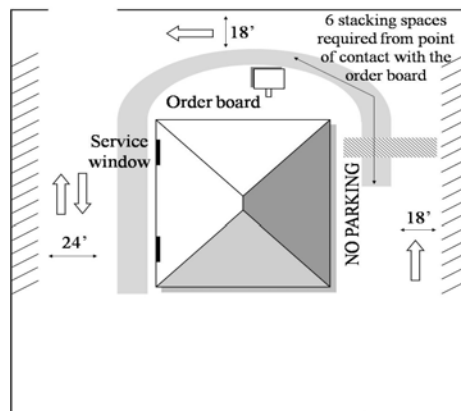
b. Location. The location of stacking spaces shall not interfere with on site parking facilities and pedestrian areas.

i. The lane containing the stacking spaces shall be marked and separate and distinct from other access drives and maneuvering lanes for parking spaces.

ii. All designated pedestrian areas which pass through a stacking space area shall be clearly marked through pavement striping or a stamped pattern or texture.

iii. Stacking spaces shall not be used for access to parking spaces and shall not block access to parking spaces.

2. Stacking Space Standards.



Use	Required stacking spaces	Point of measurement
ATM station	Three.	ATM unit
Automobile oil change and quick lube	Two.	Service bay
Bank, drive up	Four, plus two for each additional service lane.	Service window
Car wash	Two.	Wash bay
Coffee kiosk	Three.	Service window or order board
Dry cleaners	Three.	Service window

February 10, 2010, at 7:00 p.m.

Use	Required stacking spaces	Point of measurement
Ice cream stand	Three.	Service window or order board
Pharmacy, drive up	Three.	Service window
Restaurant, drive up	Six for the first lane, plus 3 for every additional service lane.	Service window or order board
Truck stop/Travel plaza	Two for each fueling station.	Pump island

C. Off-street loading spaces. Where loading areas or docks are present, they shall be designed so that no portion of a loading or unloading vehicle obstructs access to any required off-street parking spaces on any property. In no instance shall a loading area be considered a parking space for the purpose of meeting the off-street parking requirements of this ordinance.

D. Uses not specified. In the case of a use not specifically mentioned, the requirements for the off-street parking facilities for a use which is so mentioned and to which such use is similar shall apply.

E. Fraction of a space. When units of measurement determine a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

F. Mixed uses. When a building or facility is to be used for more than one use, the total requirements of the various uses computed separately in accordance with this section shall be required unless waived by the Zoning Administrator.

G. Waiver. The requirements of § 25-35 may be modified or waived in an individual case if the Board of Supervisors finds upon presentation of a parking study or similar documentation from the applicant that the public health, safety or welfare would be equally or better served by the modification or waiver; that the modification or waiver would not be a departure from design practice; and the modification or waiver would not otherwise be contrary to the purpose and intent of this chapter. In granting a modification or waiver, the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety, or welfare.

H. Change in use. Whenever in any building or structure there is a change in use, or an increase in floor area or in any other unit or measurement specified herein so as to increase the required number of off-street parking spaces, parking facilities shall be increased on the basis of the total new units of measurement of the use, or the altered or expanded existing use. If a change in use creates a need for an increase of less than five (5) off-street parking spaces, no additional parking facilities shall be required if the facility currently has at least ten (10) spaces.

§ 25-36. Other requirements.

A. Handicapped space requirements. All off-street parking facilities, except those servicing single-family and two-family dwellings and townhouses sold or offered for sale shall be required to provide handicapped parking space(s) appropriately sized, marked and located in accordance with the requirements of the Virginia Uniform Statewide Building Code.

B. Company vehicle requirements. Every company vehicle (car, truck, tractor, or trailer) normally stored at the use location during normal business hours shall be provided with off-street parking facilities in an area reserved for that use over and above other space requirements. Such parking facilities shall be surfaced so as to provide a durable and dustfree surface and shall be graded so as to dispose of all surface water accumulated within the area.

C. Lighting. Lighting may be provided for off-street parking facilities used at night. Such lighting shall be arranged and oriented to direct light and glare away from adjoining parcels used or zoned for residential purposes, and shall otherwise comply with the provisions of article VI of division I of this chapter. (Ord. 3/23/05, eff. 11:59 p.m. 6/30/05)

§ 25-37. Location and ownership of facilities.

A. The off-street parking facilities required for dwellings shall be on the same lot or parcel of land as the building they are intended to serve.

B. For all other uses the off-street parking facilities required shall be within four hundred feet (400') of the building they are intended to serve, measured between the nearest point of the off-street parking facilities and the nearest point of the building. Off-site property may be used for off-street parking in order to meet the requirements of this article provided the property is zoned business or industrial.

C. All off-street parking facilities which are not located on the same lot or parcel of land as the building they are intended to serve must be evidenced by a written contract or by a lease or easement filed with the site plan and recorded in the office of the Clerk of the Circuit Court of Augusta County. Evidence of such recordation shall be provided to the Community Development Department prior to the issuance of a Building Permit or Zoning Certificate.

D. Off-street parking facilities required by this article may be shared for two (2) or more adjoining uses as evidenced by a written contract or by a lease or easement filed with the site plan and recorded in the office of the Clerk of the Circuit Court of Augusta County. Evidence of such recordation shall be provided to the Community Development Department prior to the issuance of a Building Permit or Zoning Certificate.

February 10, 2010, at 7:00 p.m.

The total number of shared spaces shall be equal to the sum of amounts required for the separate uses. The Board of Supervisors may reduce the amount of spaces required for uses sharing parking facilities if the Board of Supervisors finds such reduction to be appropriate by reason of differing hours of normal activity by the respective uses or by a parking study.

§ 25-38. Landscaping and screening.

A. Off-Street Parking Landscape Strip. Except those servicing single family dwellings and two-family dwellings and townhouses located on individual lots, a minimum ten foot (10') wide landscape strip shall be provided along the front lot lines parallel to any public or private street and alley exclusive of areas dedicated for sidewalks (except within the approved exit and entrance ways) when the parking facility abuts such street or alley.

1. Landscape strips must contain a combination of at least two (2) of the following: grass, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools. No bare ground shall exist.

2. No landscape material shall be installed which will hamper the line of sight for drivers of vehicles entering or exiting parking facilities.

B. Off-Street Parking Screening. Except those servicing single family dwellings and two-family dwellings and townhouses located on individual lots, off-street parking facilities or loading areas which are to the side or rear and within; 1. two hundred feet (200') of an established residential use in a residential or agricultural district; 2. one hundred feet (100') of a residentially zoned district; or 3. one hundred feet (100') of the buildable lot/s of a cluster subdivision shall be effectively screened on each side or rear which adjoins or faces such residential use or district. No buffer shall be required if the adjacent property is zoned General Agriculture and planned for business or industrial on the County's Comprehensive Plan Future Land Use Map.

1. If trees, shrubs, or berms are used as a screening method:

a. The combined height of the berm and/or vegetation shall be no less than six feet (6') in height; and

b. They shall be dense enough to completely shield the parking facility, within two (2) years of Certificate of Occupancy; and

c. They shall provide as adequate a screening in winter months as in summer months.

2. If fencing or walls are used:

a. They shall be no less than six feet (6') in height or shall have a total height of at least six feet (6') if combined with a berm; and

b. They shall be completely opaque; and

c. Finished faces or the non structural side (side without support posts) shall be located toward the adjacent property or street; and

d. They shall be maintained in good condition, without any advertising thereon; and

e. They shall be placed to ensure proper maintenance without the need to enter upon adjacent property, unless an easement is obtained.

3. Any space between such screening and the adjacent use or district shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.

4. Existing healthy and mature vegetation or other topographic conditions that meet or exceed these requirements may be used, and are encouraged to be incorporated, to satisfy screening requirements as determined by the Zoning Administrator.

5. Where a property owner owns adjacent parcels and screening would be required to be installed between such parcels, the property owner is exempt from the requirements of this section.

6. No landscape material shall be installed which will hamper the line of sight for drivers of vehicles entering or exiting parking facilities.

C. Installation. All required landscaping and screening shall be installed and approved by the first planting season. If occupancy occurs before the completion of landscaping during the dormant season (November - March) landscaping must be completed by the last day of May. A permanent Occupancy Permit may be delayed until the approved landscaping has been installed or bonded.

D. Maintenance and Ownership. The owner or his agent shall be responsible for maintenance of all landscaping and screening required by this section. If necessary to maintain the effectiveness of the screen, plantings that die must be replaced. Landscape material shall be installed so as not to hamper the line of sight for drivers of vehicles.

§ 25-39. Existing facilities.

Where parking facilities have been established prior to the passage of this article, or subsequent to the passage of this article in compliance with the terms hereof, the entire off-street parking facility shall be maintained by the owner or owners thereof so as to be usable for such purpose, and such parking facility shall not thereafter be reduced so long as the uses of such owner, tenants or licensees shall continue, and such area shall not thereafter be encroached upon by any building or structure.

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CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

February 10, 2010, at 7:00 p.m.

Article IV. Signs, billboards and outdoor advertising structures.

- § 25-40. Applicability.
- § 25-41. Definitions.
- § 25-42. General provisions.
- § 25-43. Exempt signs.
- § 25-44. Prohibited signs in all districts.
- § 25-45. Nonconforming signs.
- § 25-46. Setbacks.
- § 25-47. Maximum sign sizes and maximum number of signs.

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

Article IV. Signs, billboards and outdoor advertising structures.

§ 25-40. Applicability.

These regulations shall govern and control the erection, remodeling, enlarging, moving, maintenance and operation of all exterior signs within all zoning districts established by this article.

§ 25-41. Definitions.

Sign. Any exterior display of any letter, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as part of a structure, surface or any other thing, including, but not limited to, vehicles, buildings, barns, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

Sign, area. The total copy area devoted to conveying a message including any border and trim, but excluding ornamental base or apron supports and other structural members. Where signs employ appurtenances such as "pop-ups" and "cut-outs" or objects that extend beyond the normal copy area, the area of such appurtenances shall be measured separately and included in the total sign area. The total sign area for a double faced sign or "V" type sign shall be measured on the largest face of the sign; however, advertising or other copy may be posted on both sides of such sign.

Advertising sign, off-premises. A sign which directs attention to a business, commodity, activity, service or product not conducted, sold or offered upon the premises where such sign is located. For the purposes of this section, billboards are considered to be off-premises advertising signs.

Advertising sign, on-premises. A sign which directs attention to a business, profession, commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached. Includes "coming soon" and "future home of" signs.

Agricultural and Forestal District sign. An on premises sign announcing that property is currently in an Agricultural and Forestal District.

Banner sign. Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions and symbolic flags of any institution or business and decorative flags shall not be considered banners for the purpose of this article.

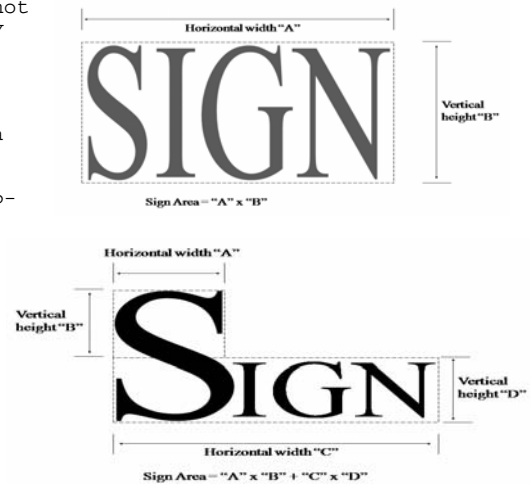
Construction sign. Any sign giving the name or names of principal contractors, architects, engineers, landscape architects, or other such professional persons, and lending institutions responsible for the lawful construction, alteration, remodeling or demolition on the site where the sign is placed. Such signs shall be limited to one listing for each person or organization involved, and such signs shall be removed within thirty (30) days after the issuance of the Certificate of Occupancy or within thirty (30) days of completion of a demolition project.

Directional sign. An off-premises sign, one end of which may be pointed or on which an arrow may be painted, indicating the direction and/or distance to a business, church, school, hospital, park, scenic or historic place or other places of acknowledged public interest, and containing no other advertising. Approval for such sign must be obtained from the Zoning Administrator in residential areas only, who will grant approval only upon the showing by the applicant that the applicant cannot otherwise reasonably direct customers to the location.

Directional sign, business. An on-premises sign, interior to the business development or complex, one end of which may be pointed, or on which an arrow may be painted, which states only the name and location of businesses or professions. This definition includes development in a Multi-family Residential District.

Farm sign. A sign displayed on any farm by the owner or other operator thereof for the purpose of identifying such farm.

Farm product sign. A sign or signs identifying the produce, crops, animals or poultry raised or quartered on the property.



February 10, 2010, at 7:00 p.m.

Freestanding sign. Any sign which is supported by structures or supports in or upon the ground and independent of support from any building. Freestanding signs include but are not limited to pole, directory, pylon, and ground signs.

Government/ Public Use sign. Signs erected and maintained by or under the direction of local, state or federal governmental authorities, and any lawful road name and any number sign regardless of whether it is publicly or privately erected. Such signs may contain "danger" or "warning" messages required by governmental or other authorities.

Home occupation sign. A sign permitted in association with an occupation conducted on the premises within a dwelling unit that is clearly a secondary use of the property.

Identification Sign. A permanent sign announcing the name of a subdivision, group housing project, locality, church, school, park or other public or quasi-public structure or facility located on the premises.

Political campaign sign. A sign used to advertise or promote a candidate for public office or referencing an issue on the ballot in a forth-coming election or primary provided that the sign will be removed within ten (10) days after the election.

Portable sign. Any sign not permanently attached to the ground, a structure or any other sign. The sign area of portable signs count towards the total sign area allowed.

Public services sign. A sign advertising only the name, time and place of any bona fide fair, carnival, festival, bazaar, horse show or similar event, when conducted by a public agency or for the benefit of any civic, fraternal, religious or charitable cause provided that the sign will be removed within ten (10) days after the end of the event to which it refers.

Pylon/directory sign, on-premises. A sign on which the name of the development and the names and locations of occupants or the uses of a building or group of buildings is listed.

Pylon/directory sign, off-premises. A sign on which the name of the development and the names and locations of occupants or the uses of a building or group of buildings not located upon the premises where such sign is located is listed.

Real estate, lead-in sign. A directional sign used to provide directions to real estate for sale, lease or rent. No more than one (1) real estate lead-in sign shall be allowed at any road intersection. No such sign shall contain the name of any company or agent, only "homes for sale" and similar phrases.

Real estate, lot sign. On-site signs advertising the sale, rent or lease of a single dwelling unit, building, or vacant lot containing one acre or less; provided that such signs shall be removed promptly after closing of the transaction.

Real estate, tract sign. On-site signs advertising the sale, rent or lease of more than one acre of land or multiple lots within a subdivision; provided, that such signs shall be neatly painted and maintained, and shall be removed promptly after closing of the transaction of all tracts or lots within the subdivision.

Residential identification. A sign on the premises with a dwelling unit, announcing the name, owner, manager or location thereof.

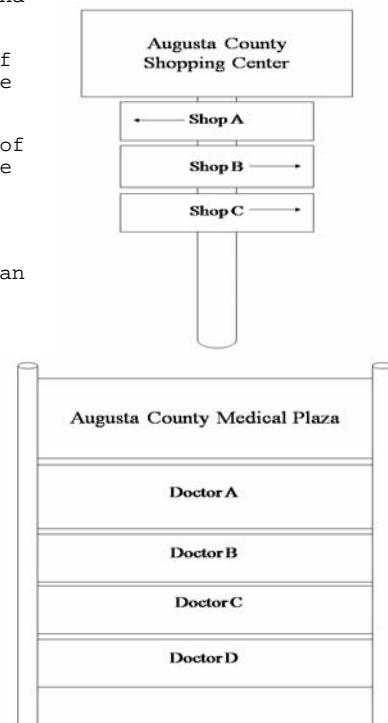
Temporary sign. Any sign, banner, pennant or other advertising medium intended to be displayed for a short period of time (not to exceed sixty (60) days) as regulated by the provisions of this article for permanent signs of the same type. This includes "going out of business" signs.

Yard sale sign. Any sign advertising a special sale by property owners. Such signs shall be removed within three (3) days after the yard sale has been conducted.

§ 25-42. General provisions.

The following restrictions shall apply to all signs in Augusta County:

- A. No sign shall be erected or maintained unless it is in compliance with the regulations of this article.
- B. There are no height limitations for signs.
- C. No sign shall be erected, constructed or maintained so as to obstruct or interfere with required traffic visibility or sight distance.
- D. All signs shall be maintained in good condition and appearance. After due notice, if a sign is not restored to good condition and/or appearance, the sign shall be removed at the owner's expense.
- E. Signs advertising an activity, business or service which is no longer active or available shall be removed within sixty (60) days of the date of closing or termination of the activity, business or service. Agricultural and Forestal District signs shall be removed within sixty (60) days of the date the property on which the sign is located is removed from the district or the district expires. All signs not removed after sixty (60) days of the date of closing, termination, removal, or expiration become illegal signs and shall not be considered nonconforming signs.
- F. No freestanding advertising sign larger than four square feet shall be permitted within one hundred feet (100') of any lot line in a residential zoned district.
- G. No off-premises advertising sign shall be erected within three hundred feet (300') of a residential zoned district.



February 10, 2010, at 7:00 p.m.

H. Along all primary and secondary highways no off-premises advertising sign shall be larger than eight hundred square feet (800 sq. ft.) and in no case shall any off-premises advertising sign exceed eight hundred square feet (800 sq. ft.).

I. Along all interstate highways no off-premises advertising sign shall be erected closer to any other off-premises advertising sign than two thousand feet (2000') measured on the same side of the right-of-way.

J. Signs or attention-getting devices for adult businesses shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in §6-41 of this Code. (Ord. 04/23/08)

K. A Building Permit for the erection, alteration, or reconstruction of signs may be required.

L. The erection, alteration, or reconstruction of a sign may be subject to approval from the Virginia Department of Transportation.

§ 25-43. Exempt Signs.

The following signs are exempt from the sign regulations:

- A. Gas pumps
- B. Menu boards
- C. Vending machines
- D. Ice Machines
- E. Warning signs such as "no parking, no fishing, and no trespassing"
- F. Park and ride
- G. Signs in ballparks and athletic facilities, including outfields and scoreboards
- H. Government/public use signs
- I. Political
- J. In and out signs at entrances

§ 25-44. Prohibited signs in all districts.

A. No sign, other than government/public use signs or signs erected and maintained by or under the direction of the Virginia Department of Transportation, shall be erected on any dedicated or publicly owned street or road right-of-way. (

B. No signs shall be placed on vehicles or trailers which are parked or located for the primary purpose of using the vehicle or trailer as a sign (this does not apply to signs or letters on buses, taxis, or vehicles operating during the normal course of business).

§ 25-45. Nonconforming signs.

A. No nonconforming sign erected before the effective date of this Chapter shall be enlarged, moved, replaced or repaired at a cost in excess of fifty percent (50%) of its fair market value, unless it shall be brought in compliance with the provisions of this article. All nonconforming signs in any district which are not maintained in a continuous state of good repair and all nonconforming signs which are abandoned for a continuous period of two (2) years shall be removed. For purpose of this Chapter, a sign shall be considered as abandoned if no copy or advertising matter is exhibited on the advertising face of the sign.

B. Should such sign structure be moved for any reason, it shall thereafter conform to the regulations for signs.

§ 25-46. Setbacks.

Signs, where permitted, are not required to meet the setback requirements for the district in which they are located except for the following:

- A. No sign shall be so located as to interfere with sight distance for vehicles entering or leaving street intersections, driveways or entrances;
- B. Off-premises advertising signs along interstate highways shall be set back a minimum of six hundred sixty feet (660') from the nearest edge of the right-of-way.

§ 25-47. Maximum sign sizes and maximum number of signs.

Unless the underlying use is not permitted in the zoning district, the following signs shall be permitted. In no case shall the following maximum individual sign sizes or maximum number of signs be exceeded.

A. Residential Districts.

Type Sign	Maximum Individual Sign Size (square feet)	Maximum Number of Signs
Advertising, off-premises	Not permitted	Not permitted.
Advertising, on- premises	4	One (1) sign per lot.
Banner	32	One (1) banner per lot.
Construction- one (1) sign per individual business	4	One (1) sign per business per lot.
Construction (multiple businesses listed on a single sign)	32	One (1) sign per lot.

February 10, 2010, at 7:00 p.m.

Type Sign	Maximum Individual Sign Size (square feet)	Maximum Number of Signs
Directional	4 Only with Zoning Administrator approval	Maximum of one (1) sign at any intersection.
Directional, business - (Interior to a business development and includes development located in a Multi-Family Residential District)	4 Only with Zoning Administrator Approval	Maximum of four (4) signs at any intersection.
Farm	4	One (1) sign per entrance.
Farm product	4	One (1) sign per lot.
Home occupation, "A" or "B"	4	One (1) sign per lot.
Home business, rural	N/A	N/A
Identification	32	Two (2) signs per entrance.
Public service	4	One (1) sign per lot or tract.
Pylon/Directory, on-premises	12	One (1) sign per entrance.
Pylon/Directory, off-premises	12	One (1) sign per entrance.
Real estate, lead-In	4	One (1) sign per intersection.
Real estate, lot	4	One (1) sign per real estate company.
Real estate, tract	32	One (1) sign per 500 feet of public road frontage.
Residential identification	2	Two (2) signs per dwelling.
Yard sale	4	One (1) sign per lot.

B. Agriculture Districts.

Type Sign	Maximum Individual Sign Size (Square feet)	Maximum Number of Signs
Advertising, off-Premises	800	Two (2) signs per lot.
Advertising, on-Premises	32	Two (2) signs per lot.
Agricultural Forestal District	12	Six (6) per district.
Banner	32	One (1) sign per lot.
Construction- one (1) sign per individual business	4	One (1) sign per business per lot.
Construction (multiple businesses listed on a single sign)	32	One (1) sign per lot.
Directional	8	Four (4) signs at any intersection; no more than two (2) directional signs per business.
Directional, business (Interior to a business development)	8	Four (4) signs at any intersection; no more than two (2) directional signs per business.
Directional, Rural Home Business	8	Two (2) per business.
Farm	32	One (1) sign per entrance.
Farm product	32	No limit.
Home occupation, "A" or "B"	4	One (1) sign per lot.
Home business, rural	32	One (1) sign per lot.
Identification	32	Two (2) signs per entrance.
Public service	32	One (1) sign per lot or tract.
Pylon/Directory, on-premises	12	One (1) sign per entrance.
Pylon/Directory off-premises	12	One (1) sign per entrance.
Real estate, lead-In	4	One (1) sign per intersection.
Real estate, lot	4	One (1) sign per real estate company.
Real estate, tract	64	One (1) sign per 500 feet of public road frontage.
Residential identification	4	Two (2) signs per dwelling.
Yard sale	4	One (1) sign per lot.

C. Business and Industrial Districts.

The total combined sign area of all signs shall not exceed three (3) square feet of sign area for each lineal foot of lot frontage, including frontage on public roads, private roads, inter- parcel travel ways, and interstate highways.

Type Sign	Maximum Individual Sign Size (Square feet)	Maximum Number of Signs
Advertising, off-premises	800	Two (2) signs per lot.
Advertising, on-premises	No Limit	No Limit.
Banner	32	No Limit.
Construction	No Limit	No Limit.
Directional	8	Maximum of four (4) signs at any intersection.
Directional, business (Interior to a business development)	12	No Limit.
Pylon/Directory, on-premises	No Limit	No Limit.
Pylon/Directory, off-premises	No Limit	No Limit.
Farm	32	One (1) sign per entrance.
Farm product	32	No limit.
Home occupation, "A" or "B"	4	One (1) per lot.
Home business, rural	32	Two (2) signs per lot.
Identification	No Limit	Two (2) signs per entrance.
Public service	32	No limit.

February 10, 2010, at 7:00 p.m.

Real estate, lead-in	4	One (1) sign per intersection.
Real estate, lot	32	One (1) sign per real estate company.
Real estate, tract	64	One (1) sign per 500 feet of public road frontage.
Residential identification	4	Two (2) signs per dwelling.
Yard sale	4	One sign per lot.

* * *

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

Article V. Accessory buildings and uses.

- § 25-51. Provisions applicable to all accessory uses.
 § 25-52. Accessory uses on undeveloped lots and other lots not used for agricultural, residential, commercial or industrial purposes.
 § 25-53. Uses accessory to agriculture.
 § 25-54. Uses accessory to platted residential subdivisions.
 § 25-54.1. Uses accessory to single-family residences.
 § 25-55. Uses accessory to multi-family residences.
 § 25-56. Uses accessory to business or commercial establishments.
 § 25-57. Uses accessory to industrial establishments.
 § 25-58. Accessory uses permitted by Administrative Permit.

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

Article V. Accessory buildings and uses.

§ 25-51. Provisions applicable to all accessory uses.

A. All uses customarily accessory and clearly incidental to a permitted use and not creating a nuisance or hazard are permitted in all districts. Uses which are not expressly permitted as a principal use and uses which are not customarily accessory and clearly incidental to a permitted use are prohibited. No accessory use, whether listed in this article or not, which creates a nuisance or hazard shall be permitted. Accessory uses are subject to such limitations as may be set forth in this article and in applicable district regulations.

B. No accessory use shall be established until the principal use to which it is accessory has been established or a building, placement or construction permit for the principal use has been obtained unless otherwise provided in this article.

C. Accessory buildings and structures are subject to the setback requirements in applicable zoning district regulations.

D. Accessory buildings, structures and uses must be on the same lot as the principal use to which they are accessory unless otherwise provided in this article.

§ 25-52. Accessory uses on undeveloped lots and other lots not used for agricultural, residential, commercial or industrial purposes.

The following uses are permitted in any zoning district when accessory to an undeveloped lot or any lot not used for agricultural, residential, commercial or industrial use:

A. Utility sheds and similar storage facilities for the storage of materials and equipment customarily associated with the maintenance of undeveloped lots, provided that the aggregate area of such buildings or structures on any lot does not exceed one hundred fifty square feet (150 sq. ft.).

B. Stormwater management facilities as an off-site accessory to neighboring properties, subject to the requirements of chapter 18 of this code.

§ 25-53. Uses accessory to agriculture.

The following uses are permitted in any zoning district when accessory to agriculture:

A. An on-site construction storage trailer for construction purposes provided it is placed on site no more than thirty (30) days before the building permit is issued and is removed within sixty (60) days of completion of the construction or active construction has been stopped.

B. On-site sales of farm products where one hundred percent (100%) of the goods sold, including Christmas trees, are produced on the premises.

C. Corn mazes as seasonal use.

D. Business office for the farm.

E. Silos, manure pits, and other storage facilities.

F. Farm ponds, irrigation systems and stormwater management facilities.

G. Storage of horse vans, cattle trucks and trailers, and farm equipment.

H. Bunkhouses or accessory quarters for temporary stays of customers at stables or riding academies if the number of guests is compatible with the number of horses kept on site.

I. Shipping containers, semi-trailers and similar containers used for storage provided they are shielded or screened from view. However, manufactured and mobile homes and school and other buses shall not be used for such purposes unless a Special Use Permit

February 10, 2010, at 7:00 p.m.

is issued by the board of zoning appeals.

J. Fences, walls and hedges.

K. Winery processing and storage facilities as an accessory to an on-site producing vineyard provided:

1. The winery complies with all applicable regulations of the Virginia Department of Alcoholic and Beverage Control.
2. Daily tours of a farm winery shall be permitted.
3. One (1) location may be established on each farm for the on-premise sale of wine and wine consumption.
4. An accessory gift shop shall be permitted.
5. Special events shall be permitted only upon the issuance of a Special Use Permit by the board of zoning appeals.

L. Dead animal incineration facilities, provided:

1. The facility only serves the owners' farms.
2. The incinerator complies with all applicable federal, state and local regulations.

M. "Short term" sawmills with all equipment on wheels as an accessory to on-site timbering operations. All other sawmill operations, whether temporary or permanent, are permitted only by Special Use Permit.

§ 25-54. Uses accessory to platted residential subdivisions

The following uses are permitted when accessory to a platted residential subdivision:

A. Recreational facilities such as swimming pools, tennis courts, gymnasiums, community centers, gazebos, skateboard ramps, private boat docks, piers or boathouses, provided the use of such facilities shall be limited to the occupants of the subdivision and guests for whom no admission or membership fees are charged, and/or no donations accepted, provided:

1. The location of such facilities was identified on the Preliminary Plat prior to the selling of any residential lots in the subdivision; and
2. The location of such facilities is situated so that they are accessible and usable by persons living in the project area and their guests. For all active recreational facilities either a one hundred foot (100') perimeter setback or opaque screening from all exterior property lines of the subdivision is required.

There is no limit to the size of such facilities and they will be considered to be accessory uses to the subdivision, but principal uses of the lot on which they are located and therefore not regulated by accessory building size or setback regulations.

B. Community parking facilities for large vehicles or trailers, provided:

1. The location of such facilities was identified on the Preliminary Plat prior to the selling of any residential lots in the subdivision; and
2. The owners of such vehicles reside in the subdivision; and
3. Either a one hundred foot (100') perimeter setback or opaque screening from all exterior property lines of the subdivision is provided.

C. Maintenance buildings, provided:

1. The location of such facilities was identified on the Preliminary Plat prior to the selling of any residential lots in the subdivision; and
2. Either a one hundred foot (100') perimeter setback or opaque screening from all exterior property lines of the subdivision is provided.

§ 25-54.1. Uses accessory to single-family residences.

The following uses are permitted in any zoning district when accessory to a single-family dwelling:

A. An on-site construction storage trailer for a single dwelling under construction provided it is placed on site no more than thirty (30) days before the building permit and is removed within sixty (60) days of completion of the construction or active construction has been stopped.

B. Off-site construction storage trailers and construction office trailers for more than one (1) dwelling in a single-family residential subdivision, provided:

1. At the time of placement, there is no occupied dwelling on a lot adjoining, behind or across the street from the lot on which the trailer is placed; and
2. The builder has at least one (1) dwelling under construction within the subdivision under an active building permit; and
3. The trailer must be removed within one hundred eighty (180) days after the building permit is issued for the last lot in the subdivision owned by the builder.

C. Storage of personally-owned inoperable motor vehicles, trailers, semi-trailers, race cars, demolition derby or mud bog vehicles, provided:

1. Only one (1) vehicle for every acre shall be permitted and fractions of an acre shall be rounded down. In no case shall more than five (5) be permitted; and
2. Such vehicles must be fully shielded or screened from view; and

February 10, 2010, at 7:00 p.m.

3. Gates shall remain closed except when vehicles are being moved to and from the area; and

4. No such vehicles are allowed as accessory uses to a dwelling in residentially zoned areas unless kept within a fully enclosed building.

D. The keeping of dogs and cats, in the following numbers:

1. With respect to dogs, up to four (4) dogs over the age of six (6) months. Dog houses, pens and similar structures are permitted. The keeping of more than four (4) dogs over the age of six (6) months shall in every case be deemed a kennel for which a Special Use Permit is required when allowed by district regulations; and

2. With respect to cats:

a. Up to seven (7) cats over the age of six (6) months, if the single family dwelling is located in a Single Residential Dwelling District (except a Rural Residential District), Multiple Residential Dwelling District, Business District, Industrial District, or Mixed Use District. Cat housing structures are permitted; and

b. Without limitation as to number, if the single family dwelling is located in a Rural Residential District or General Agriculture District. Cat housing structures are permitted.

E. The parking or storage of small cargo or utility trailers, recreation vehicles and similar equipment for personal use, including, but not limited to, boats, boat trailers, motor homes, tent trailers and horse vans, provided that the following requirements are met:

1. Such vehicles or equipment may not be parked or stored on a public street or right-of-way or in front yards except on the driveway; and

2. Such vehicles and equipment shall not be used for living, housekeeping or business purposes when parked or stored on a lot subject to the requirements of the Virginia Uniform Statewide Building Code (USBC); and

3. Wheels or other transporting devices shall not be removed except for necessary repairs or seasonal storage.

F. Recreation facilities such as swimming pools, tennis courts, basketball courts, gymnasiums, gazebos, skateboard ramps, private boat docks, piers or boathouses, provided 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/or no donations accepted. Such facilities shall not be larger than the dwelling unless otherwise provided in this chapter.

G. Television and radio antennae and support structures, satellite dishes and amateur radio broadcasting and receiving antennae and support structures, including guy anchors, subject to the height requirements of the district, unless exempted by federal or state law or the provisions of § 25-15 of this chapter.

H. Carports, garages, utility sheds and similar storage facilities customarily associated with residential living, but only after a building permit for the residence has been issued. Such facilities shall not be larger than the maximum permitted by the district regulations provided in this chapter. All of these structures count towards the total square footage for accessory buildings. No shipping containers, trailers, manufactured or mobile homes, vehicle bodies or similar containers shall be used for any of these purposes, except in General Agriculture zoned areas where they must meet district regulations.

I. Child's playhouse, without plumbing, and outdoor gymnastic play equipment associated with an occupied residence.

J. Yard or garage sales subject to the following provisions:

1. Items offered for sale shall be limited to those which are owned by occupants of the premises and their guests and are items normally and customarily used or kept on residential premises; and

2. Such sales shall be limited to two (2) in any given calendar year per lot. The duration of any single sale shall not exceed three (3) consecutive days.

K. Gardens and greenhouses for personal use, provided no sales shall be allowed.

L. Off-street parking spaces, subject to the requirements of article III of this chapter.

M. Stormwater management facilities, as accessory to residential development, subject to the requirements of chapter 18 of this code.

N. In residentially zoned districts, no more than one (1) commercial vehicle per dwelling shall be allowed with the following limitations:

1. No semi-trailer of a tractor-trailer truck, solid waste collection vehicle, construction equipment, cement-mixer truck, dump truck or wrecker with an empty weight of twenty thousand (20,000) pounds or more, or similar such vehicles or equipment shall be permitted.

2. Any commercial vehicle parked shall be owned and/or operated only by an occupant of the dwelling at which it is parked.

3. The commercial vehicle shall not be parked or stored on a public street or right-of-way or in front yards except on the driveway.

O. Fences, walls, and hedges.

February 10, 2010, at 7:00 p.m.

§ 25-55. Uses accessory to multi-family residences.

The following uses are permitted in any zoning district when accessory in multi-family dwelling developments:

A. Uses accessory to the development, which may or may not be on a separate lot, so long as they are shown on an approved site plan, or master plan or plan of development approved prior to 2/28/10.

1. Administrative offices, laundry facilities, community buildings and similar facilities for the use of the residents.
2. An on-site construction storage trailer provided it is placed on site no more than thirty (30) days before a building permit is issued and is removed within sixty (60) days of completion of the construction or active construction has been stopped.
3. The parking of commercial vehicles off street provided each vehicle is either:
 - a. Used for the maintenance of the development, or
 - b. Is parked in a "common area" parking lot away from the dwelling units and shown on an approved site plan or plan of development.
4. The parking or storage of small cargo or utility trailers, recreation vehicles, and similar equipment for personal use, including, but not limited to, boats, boat trailers, motor homes, tent trailers, horse vans, inoperable vehicles, and race cars, provided that the following requirements are met:
 - a. Such vehicles or equipment are parked or stored in a "common area" parking lot away from the dwelling units and shown on an approved site plan, master plan or plan of development;
 - b. Such vehicles and equipment shall not be used for living, housekeeping or business purposes when parked or stored on the lot; and
 - c. Wheels or other transporting devices shall not be removed except for necessary repairs or seasonal storage.
5. Recreation facilities such as swimming pools, tennis courts, basketball courts, gymnasiums, gazebos, skateboard ramps, private boat docks, piers or boathouses, provided the use of such facilities shall be limited to the occupants of the development and guests for whom no admission fees are charged and/or no donations accepted, provided:
 - a. There is no limit to the size of such facilities and they will be considered to be accessory uses to the subdivision, but principal uses of the lot on which they are located and therefore not regulated by accessory building size or setback regulations.
 - b. A one hundred foot (100') setback is required if adjacent to a single family residential dwelling district; in all other cases, the perimeter setback must be met.
6. Television and radio antennae and support structures, satellite dishes and amateur radio broadcasting and receiving antennae and support structures, including guy anchors, subject to the height requirements of the district, unless exempted by federal law or the provisions of § 25-15 of this chapter.
7. Children's playhouses, without plumbing, and outdoor gymnastic play equipment for use of residents of the development and their guests.
8. Community yard or garage sales when conducted at a "community building" or common area shown on an approved master plan or plan of development, provided items offered for sale shall be limited to those which are owned by residents of the development and their guests and are items normally and customarily used or kept on residential premises.
9. Common area gardens and greenhouses for the personal use of residents of the development provided no sales shall be allowed.
10. Fences, walls and hedges.
11. Common area parking lots as shown on an approved site plan, preliminary plat, master plan, or plan of development and subject to the requirements of article III of this chapter.
12. Stormwater management facilities, subject to the requirements of chapter 18 of this code.
13. In manufactured home parks, manufactured home sales and leasing when primarily for residents of the park.
14. Solid waste and recycling storage containers may be located in common areas. No container shall be located in any required parking space, driveway, or perimeter setback area.
15. Security buildings and structures, including shelters for security guards and watchdogs.
16. Maintenance buildings.
 - a. There is no limit to the size of such facilities and they will be considered to be accessory uses to the subdivision, but principal uses of the lot on which they are located and therefore not regulated by accessory building size or setback regulations.
 - b. A one hundred foot (100') setback is required if adjacent to a single family residential dwelling district; in all other cases, the perimeter setback must be met.

B. Uses accessory to individual dwelling units.

February 10, 2010, at 7:00 p.m.

1. The keeping of dogs and cats, in the following numbers:

a. With respect to dogs, up to four (4) dogs over the age of six (6) months. Dog houses, pens and similar structures are permitted. The keeping of more than four (4) dogs over the age of six (6) months shall in every case be deemed a kennel for which a Special Use Permit is required when allowed by district regulations; and

b. With respect to cats, up to seven (7) cats over the age of six (6) months. Cat housing structures are permitted.

2. Carports, garages, utility sheds and similar storage facilities customarily associated with residential living, but only after a building or placement permit for the residence has been issued. Such facilities shall not be larger than the dwelling unit. No shipping containers, trailers, manufactured or mobile homes, vehicle bodies or similar containers shall be used for any of these purposes.

3. Child's playhouse, without plumbing, and outdoor gymnastic play equipment associated with an occupied residence.

4. Yard or garage sales provided no "community building" is available for such sales and subject to the following provisions:

a. Items offered for sale shall be limited to those which are owned by an occupant of the premises or, if owned by other participants, are normally and customarily used or kept on residential premises; and

b. Such sales shall be limited to two (2) in any given calendar year per lot. The duration of any single sale shall not exceed three (3) consecutive days.

5. Fences, walls and hedges.

6. Gardens and greenhouses for personal use, provided no sales shall be allowed.

7. Off-street parking spaces, subject to the requirements of article III of this chapter.

8. Television and radio antennae and support structures, satellite dishes and amateur radio broadcasting and receiving antennae and support structures, including guy anchors, subject to the height requirements of the district, unless exempted by federal law or the provisions of § 25-15 of this chapter.

§ 25-56. Uses accessory to business or commercial establishments.

The following uses are permitted in any zoning district when accessory to a business or commercial establishment:

A. Parking lots subject to the requirements of article III of this chapter.

B. Stormwater management facilities subject to the requirements of chapter 18 of this code.

C. Motor vehicle fuel dispensing pumps, pump islands, or service kiosks installed for and utilized exclusively by vehicles owned or operated by the establishments to which they are accessory.

D. Uses for employees and intended specifically for the use and benefit of the employees and families or patrons of the principal use, such as snack bars, cafeterias, off-street parking spaces, health and fitness centers, child care facilities, recreation facilities and similar uses.

E. Inoperable motor vehicle impoundment yards when accessory to a principal use such as a public garage or towing service, provided an Administrative Permit is obtained pursuant to § 25-58 of this chapter.

F. Incidental retail sales of products salvaged from a transportation facility as an accessory to the transportation facility.

G. Solid waste and recycling storage containers may be located in any side or rear yard. No containers shall be located in any required parking space, driveway, parking aisle, stacking space, or required buffer yard.

H. Warehouses and other indoor storage facilities. Shipping containers, semi-trailers and similar containers may be used for storage provided they are fully shielded or screened from view. However, manufactured and mobile homes and school and other buses shall not be used for such purposes.

I. Fences, walls, and hedges.

J. Security buildings and structures, including shelters for security guards and watchdogs. Residences for night watchmen, however, are not permitted.

K. An on-site construction storage trailer provided it is placed on site no more than thirty (30) days before a building permit is issued and is removed within sixty (60) days of completion of the construction or active construction has been stopped.

L. Television and radio antennae and support structures, satellite dishes and radio broadcasting and receiving antennae and support structures, including guy anchors, subject to applicable height requirements of the district, unless exempted by federal law or the provisions of § 25-15 of this chapter.

M. Helipads.

§ 25-57. Uses accessory to industrial establishments.

The following uses are permitted in any zoning district when accessory to an industrial establishment:

February 10, 2010, at 7:00 p.m.

- A. Parking lots subject to the requirements of article III of this chapter.
- B. Stormwater management facilities subject to the requirements of chapter 18 of this code.
- C. Motor vehicle fuel dispensing pumps, pump islands, or service kiosks installed for and utilized exclusively by vehicles owned or operated by the establishments to which they are accessory.
- D. Uses for employees and intended specifically for the use and benefit of the employees and families or patrons of the principal use, such as snack bars, cafeterias, off-street parking spaces, health and fitness centers, child care facilities, recreation facilities and similar uses.
- E. Retail sales accessory to industrial uses and subordinate to the main use provided:
 - 1. The retail sales area is limited to a showroom that does not exceed twenty-five percent (25%) of the floor area of the main use and the outdoor display area shall not exceed fifteen percent (15%) of the floor area of the main use without a Special Use Permit; and
 - 2. Retail sales shall not precede establishment of the main use. Retail sales shall be permitted only after or simultaneously with the establishment of the main use and shall not continue more than six (6) months after discontinuance of the main use.
- F. In areas zoned for industrial use only, outdoor storage of equipment and materials, new and used, associated with fabrication, assembly, processing, construction, transportation or similar operations.
- G. Notwithstanding the provisions of subparagraph E above, incidental retail sales of products salvaged from a transportation facility as an accessory to the transportation facility.
- H. Solid waste and recycling storage containers may be located in any side or rear yard. No containers shall be located in any required parking space, driveway, parking aisle, stacking space, or required buffer yard.
- I. Warehouses and other indoor storage facilities. Shipping containers, semi-trailers and similar containers may be used for storage provided they are fully shielded or screened from view. However, manufactured and mobile homes and school and other buses shall not be used for such purposes.
- J. Fences, walls, and hedges.
- K. Security buildings and structures, including residences for security guards, guardhouses and shelters for watchdogs.
- L. An on-site construction storage trailer provided it is placed on site no more than thirty (30) days before a building permit is issued and is removed within sixty (60) days of completion of the construction or active construction has been stopped.
- M. Television and radio antennae and support structures, satellite dishes and radio broadcasting and receiving antennae and support structures, including guy anchors, subject to applicable height requirements of the district, unless exempted by federal law or the provisions of § 25-15 of this chapter.
- N. Helipads.

§ 25-58. Accessory uses permitted by Administrative Permit.

The accessory uses listed in this section shall be permitted only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative Permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

- A. Inoperable motor vehicle impoundment yards.

Inoperable motor vehicle impoundment yards, when accessory to a permitted principal use, may be permitted by Administrative Permit provided:

 - 1. No vehicle shall be located on any part of the site so as to be visible from any public road or adjoining property.
 - 2. Storage of vehicles shall be limited to areas shown on an approved site plan.
 - 3. No body or mechanical work, painting, maintenance work, salvaging or crushing shall be permitted within the impoundment yard. Such work, when permitted as part of the principal use to which the impoundment yard is accessory, shall be confined to such areas designated for such purposes on the approved site plan.
 - 4. Fencing or screening shall be entirely opaque and of good quality and shall be maintained in a good state of repair. Gates shall remain closed except when vehicles are being moved to and from the yard.
 - 5. All vehicles, boats, recreational vehicles, and similar vehicles awaiting repair for more than thirty (30) days must be located within the required screened storage area.

* * *

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

Article VI. A. Outdoor Lighting.

February 10, 2010, at 7:00 p.m.

§ 25-60.	Purpose.
§ 25-61.	Applicability.
§ 25-62.	Definitions.
§ 25-63.	Standards.
§ 25-64.	Submissions.
§ 25-65.	Modification or waiver.
§ 25-66.	Exempt outdoor lighting and related acts.
§ 25-67.	Compliance required.

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

Article VI.A Outdoor Lighting.

§ 25-60. Purpose.

The purposes of this article are to protect dark skies, to protect the general welfare by controlling the spillover of light onto adjacent properties, and to protect the public safety by preventing glare from outdoor luminaires. To effectuate these purposes, this article regulates the direction of light emitted from certain luminaires, and limits the intensity of light on certain adjacent properties, as provided herein.

§ 25-61. Applicability.

A. Except as provided in §25-66, the provisions of this article shall apply to each outdoor luminaire installed or replaced after the date of adoption of this article which is equipped with a lamp which emits three thousand (3,000) or more maximum lumens and is located on a property within a business or industrial zoning district or on a property located within any other zoning district which is used for business or commercial purposes (whether as a permitted use, a use permitted by administrative permit, or a use permitted by special use permit).

B. For purposes of this article:

1. Whether a lamp emits three thousand (3,000) or more maximum lumens shall be determined from the information provided by the manufacturer of the lamp including, but not limited to, information on the lamp or on the lamp's packaging materials.

2. The following rated lamp wattages shall be deemed to emit three thousand (3,000) or more maximum lumens unless the zoning administrator determines, based upon information provided by a lamp manufacturer, that the rated wattage of a lamp emits either more or less than three thousand (3,000) maximum lumens:

- a. Incandescent lamp: one hundred sixty (160) or more watts.
- b. Quartz halogen lamp: one hundred sixty (160) or more watts.
- c. Fluorescent lamp: thirty-five (35) or more watts.
- d. Mercury vapor lamp: seventy-five (75) or more watts.
- e. Metal halide lamp: forty (40) or more watts.
- f. High pressure sodium lamp: forty-five (45) or more watts.
- g. Low pressure sodium lamp: twenty-five (25) or more watts.

3. If a luminaire is equipped with more than one (1) lamp, the aggregate output of the luminaire shall determine the lumens emitted.

§ 25-62. Definitions.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this article:

Foot candle. A quantitative unit of measurement referring to the measurement of illumination incident at a single point. One foot candle is equal to one (1) lumen uniformly distributed over an area of one square foot.

Full cutoff luminaire. An outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane.

Glare. Direct light emitting from a luminaire that causes reduced vision or momentary blindness.

Lamp. The component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

Lumen. A standard unit of measurement of luminous flux.

Luminaire. A complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

Outdoor luminaire. A luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign, except that it does not include an internally illuminated sign.

Permanently installed. Installed or situated on a property or improvements to a property for a period, or with the intention to use for a period, in excess of ninety (90) days.

Photometric Plan. A point by point plan depicting the intensity and location of

February 10, 2010, at 7:00 p.m.

lighting on the property.

§ 25-63. Standards.

A. Except as provided in subsection C below and §25-66, each outdoor luminaire subject to this article shall be a full cutoff luminaire. Full cutoff luminaires shall be installed and maintained in such a manner as to be horizontal to the ground to maintain the cutoff characteristics of the luminaire.

B. Each property shall comply with the following:

1. The spillover of lighting from outdoor luminaires onto public streets and property within a residential or agricultural zoning district or used for residential or agricultural purposes shall not exceed 0.5 foot candle. Spillover shall be measured horizontally and vertically at the property line or limit of a right of way or easement, whichever is closer to the light source.

2. All outdoor luminaires, regardless of the amount of lumens, shall be arranged or shielded to reflect light away from adjoining property within a residential or agricultural zoning district or used for residential or agricultural purposes and away from adjacent public streets.

C. Outdoor luminaires used to illuminate buildings, statues, signs or any other objects mounted on a pole, pedestal or platform, or used to accentuate landscaping, shall be shielded and directional units that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated, to minimize glare, sky glow and spillover.

D. All luminaires on the ceilings of canopies located at gasoline retail outlets, travel plazas or truck stops shall be installed so that the lens cover is recessed or flush with the ceiling of the canopy.

§ 25-64. Submissions.

A. For uses identified in §25-61, Paragraph A, and not exempted in §25-66, any person required to submit a site plan under article LXVII of division J of this chapter shall submit to the Community Development Department an outdoor lighting plan as a part of such site plan.

B. Any person required to obtain a building, electrical or sign permit to install outdoor luminaires, but not required to submit a site plan under article LXVII of division J, shall submit an outdoor lighting plan to the Community Development Department for approval.

C. An outdoor lighting plan shall be sealed by a Virginia licensed professional engineer or land surveyor or a certified landscape architect or prepared by a certified lighting designer, certified lighting engineer or manufacturer's representative and shall include a photometric plan, the location and description of each type of outdoor luminaire to be installed, and a photograph or diagram thereof.

D. The photometric plan shall consist of the following:

1. A site plan drawn to scale showing property boundaries, buildings, structures landscaping, parking areas and proposed exterior lighting fixtures;

2. Location of all post, canopy, supports and light fixtures, including the height of each fixture;

3. Specifications of the illuminating devices, lamps, supports, and other devices, including designation by the Illuminating Engineering Society of North America (IESNA) as "full cut-off" fixtures, or other notation where such fixtures are not required as provided in §25-63C. This description may include but is not limited to manufacturers catalog cuts, and drawings including sections where required;

4. Plan shall show locations of all pole mounted and building mounted fixtures and a numerical twenty-five foot (25') by twenty-five foot (25') grid of lighting levels, in footcandles, that the fixtures will produce on the ground (photometric report). The photometric report will indicate the footcandle levels within the lighted area of the site.

E. Substitutions or changes to an approved outdoor lighting plan, whether made prior or subsequent to the initial installation, shall require approval of the Zoning Administrator, in accordance with the provisions of this article.

§ 25-65. Modification or waiver.

A. The board of supervisors may modify or waive any standard set forth in §25-63 in an individual case, and it may impose conditions on such a modification or waiver which it deems appropriate to further the purposes of this article upon finding that strict application of the standard would not forward the purposes of this article or otherwise serve the public health, safety or welfare, or that alternatives proposed by the applicant would satisfy the purposes of this article at least to an equivalent degree.

B. Prior to considering a request to modify or waive, five (5) days written notice shall be provided to the owner of each abutting property and each property immediately across the street or road from the property which is the subject of the request. The written notice shall identify the nature of the request and the date and time the board of supervisors will consider the request.

§ 25-66. Exempt outdoor lighting and related acts.

The following outdoor lighting and related acts shall be exempt from the requirements of this article:

A. Lighting which is not subject to this article by state or federal law, including, but not limited to, lighting installed on facilities of the United States or the Commonwealth of Virginia, or any department, division, agency or instrumentality thereof.

B. Airport lighting required by state or federal law.

C. Lighting which is required under the Uniform Statewide Building Code.

February 10, 2010, at 7:00 p.m.

D. Construction, emergency or holiday decorative lighting, provided that the lighting is discontinued within fourteen (14) days of completion of the project or holiday for which the lighting was provided.

E. Lighting of flags of the United States of America or the Commonwealth of Virginia, or any department, division, agency or instrumentality thereof, and other noncommercial flags expressing constitutionally protected speech.

F. Lighting of advertising structures owned by a person in the business of outdoor advertising and permitted by the Virginia Department of Transportation pursuant to Virginia Code §33.1-361.

G. Lighting for an outdoor athletic facility.

H. Lighting installed on facilities of utility companies.

I. Security lighting controlled by sensors which provides illumination for fifteen (15) minutes or less.

J. The replacement of an inoperable lamp or component which is in a luminaire that was installed prior to the date of adoption of this article.

K. The replacement of a failed or damaged luminaire which is one of a matching group serving a common purpose.

§ 25-67. Compliance required.

Unless otherwise exempted in this section, no permanent certificate of occupancy will be issued for any use for which a lighting plan is required pursuant to this article until compliance with such plan and this article is verified by the Zoning Administrator.

The submitted plans and descriptions shall be sufficiently complete to enable the Zoning Administrator to readily determine whether compliance with the requirements of this Article will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

* * *

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

Article VI.B. Wireless telecommunication facilities.

- § 25-68. Purpose.
- § 25-68.1. Definitions.
- § 25-68.2. Applicability.
- § 25-68.3. Use of consultant.
- § 25-68.4. Uses permitted by Administrative Permit.
- § 25-68.5. Uses permitted by Special Use Permit.
- § 25-68.6. Landscaping requirements.
- § 25-68.7. Bonding.
- § 25-68.8. Removal, maintenance and safety.
- § 25-68.9. Federal and state requirements.
- § 25-68.10. Revocation of Special Use Permits.

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

Article VI.B. Wireless telecommunication facilities.

§ 25-68. Purpose.

The purpose of this article is to provide wireless telecommunications service to the citizens throughout Augusta County by regulating the placement, construction, and modification of towers and telecommunications facilities, and to promote and encourage collocation on existing telecommunication facilities and alternative telecommunication structures to minimize the proliferation of towers in the County.

§ 25-68.1. Definitions.

Alternative telecommunication structure. A building, clock tower, bell steeple, sign, utility pole, water storage tank, silo and other similar mounting structures that may be used for the purpose of supporting and obscuring the presence of antennae.

Height, structure. Telecommunications facility height shall be measured from ground level (finished grade) to the top of the structure. Measurement of antennae support structure height for the purpose of determining compliance with the requirements of this article shall include the structure, foundation, and any facilities attached thereto which extend above the top of the structure.

Wireless telecommunication facilities. Towers and other structures utilized to house or support antennae and related equipment for radio, television, microwave, cellular phone, digital phone, wireless internet, and other wireless communications services. Non-commercial television antennae and amateur radio antennae are accessory uses to a dwelling and are not governed by this section.

§ 25-68.2. Applicability.

Collocation on existing telecommunications facilities or alternative telecommunication structures and new facilities less than one hundred ninety-nine feet (199') in height may be permitted upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of this chapter. All new

February 10, 2010, at 7:00 p.m.

telecommunications facilities over one hundred ninety-nine feet (199') in height and those that cannot meet the Administrative Permit regulations may be permitted only by the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of this article.

§25-68.3. Use of Consultant.

The County reserves the right to employ the services of a telecommunications consultant to review all applications. All applicable costs will be the responsibility of the applicant. All recommendations of the consultant must be met in order to obtain an Administrative Permit. The recommendations of the consultant will be considered by the board of zoning appeals in making their decision as to whether or not to issue a Special Use Permit for a wireless telecommunications facility.

§ 25-68.4. Uses permitted by Administrative Permit.

The uses listed in this section shall be permitted within the General Agriculture, General Business, and General Industrial zoning districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of this chapter. In the residential zoned districts, only the installation of antennas and equipment on alternative telecommunication structures shall be permitted upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative Permits are to be issued only for facilities where the applicant can demonstrate that the proposal meets the standards required by this chapter and the facility will not have an undue adverse impact on the surrounding neighborhood.

A. Collocation of antennas on existing antenna support structures.

The collocation of antennas on existing antenna support structures may be permitted by Administrative Permit provided it does not result in an overall increase in the height of the structure or expansion of more than twenty-five percent (25%) of the approved fenced compound area provided that:

1. Three (3) copies of a wireless facilities plan are submitted meeting the requirements of article LXVII, "Site Plan Review" of this chapter including latitude and longitude, a description of the lot lines, site elevation view of the structure showing that if the existing structure is less than one hundred ninety-nine feet (199') in height, the collocation will not extend the overall height above one hundred ninety-nine feet (199'), the height and location of existing and proposed antennas, compound details showing existing and proposed equipment shelters, landscaping, screening, access, parking, security, and a statement that the structure will not be lighted shall be submitted at the time of application for an Administrative Permit. Comments received from applicable agencies will be provided to the Zoning Administrator before any permit is granted.

2. Antennas and ancillary equipment co-located on an existing telecommunications facility or installed on an alternative telecommunication structure shall be of a color that is identical to, or closely compatible with, the color of the structure so as to make the antenna and related equipment as visually unobtrusive as possible.

3. Written, technical evidence is provided from a professional engineer that the existing or proposed structure meets structural integrity standards.

4. No signs other than those listed below may be placed on the antenna support structure or other components comprising the wireless telecommunications facility unless required by the Federal Communications Commission (FCC):

a. A sign is required displaying the facility owner's name, address, Federal Communications Commission (FCC) antenna support registration number and emergency contact phone number. The sign shall not exceed four square feet (4 sq. ft.) in size and shall be located on the security fence or other approved location.

b. Signs warning of electromagnetic energy emissions shall be posted at wireless telecommunication facilities pursuant to Federal Communications Commission (FCC) regulations

5. No advertising of any type may be placed on the antenna support structure or other components comprising the wireless telecommunications facility unless the advertising was pre-existing on an alternative telecommunication structure.

6. The applicant will provide a copy of the Federal Aviation Administration (FAA) hazard determination report and documentation that the request presents no hazard to any airport, National Environmental Policy Act of 1969 (NEPA) documentation, and bond for removal of abandoned structures if one is not on file for the existing site.

7. If the applicant is not the owner of the property, the application shall be accompanied by the written consent of the owner.

B. The installation of antennas and equipment on alternative telecommunication structures.

The installation of antennas and equipment on alternative telecommunication structures may be permitted by Administrative Permit provided the overall height shall not be increased by more than fifty percent (50%) of the height of the existing structure, but in no case shall the height exceed one hundred ninety-nine feet (199') high provided that:

1. Three copies of a wireless facilities plan are submitted meeting the requirements of article LXVII, "Site Plan Review" of this chapter including latitude and longitude, a description of the lot lines, site elevation view of the structure showing the overall height of the structure does not increase more than fifty percent (50%) and does not exceed one hundred ninety-nine feet (199'), the height and location of existing and proposed antennas, ground details showing existing and proposed equipment shelters, landscaping, screening, access, parking, security, and a statement that the structure will not be lighted shall be submitted at the time of application for an Administrative Permit. Comments received from applicable agencies will be provided to the Zoning Administrator before any permit is granted.

2. Written, technical evidence from a professional engineer that the existing or proposed structure meets structural integrity standards.

February 10, 2010, at 7:00 p.m.

3. The installation shall to the extent possible, use materials, colors, textures, and other appropriate techniques to blend the installation with the support structure.

4. Towers and antenna support structures are not lighted.

5. Federal Aviation Administration (FAA) hazard determination report and documentation that the request presents no hazard to any airport.

6. If a telecommunications antenna is mounted on an alternative support structure, security fencing shall not be required unless the county determines that its safety requirements are not met without it.

7. If the applicant is not the owner of the property, the application shall be accompanied by the written consent of the owner.

C. New wireless telecommunications facility less than 199' in height.

A new wireless telecommunications facility may be permitted by Administrative Permit provided the facility is one hundred ninety-nine feet (199') or less in height provided that:

1. In order to apply for a new telecommunications facility, the applicant must demonstrate that no existing telecommunications facility or alternative telecommunication structure can be utilized to reasonably achieve the applicant's radio frequency coverage objectives.

2. The location (latitude and longitude), structure height, name, address, and telephone number of the structure owner of all potential collocatable structures within a three (3) mile radius of the proposed structure, and written discussion and documentation of why those opportunities were rejected.

3. Propagation predictions and coverage objective from a committed carrier including hand-off sites.

4. No telecommunications facility may be approved and no building permit issued until the first telecommunications service provider is identified.

5. Eight (8) copies of a wireless facilities plan are submitted meeting the requirements of article LXVII, "Site Plan Review" of this chapter, including latitude and longitude, and a description of the lot lines, location of the proposed structure showing set backs, location of adjacent dwellings and structures, separation distances, site elevation view showing the height of the structure does not exceed one hundred ninety-nine feet (199'), the location and height of the proposed antennas, compound details, landscaping, screening, access, parking, and security.

6. Towers and antenna support structures shall be visually as innocuous as possible and maintain a galvanized steel finish unless otherwise required by the Federal Aviation Administration (FAA). Antennas shall be of a neutral, nonreflective color with no logos. The design of accessory structures and equipment shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the facilities with the natural setting.

7. Antenna support structures shall be set back a distance equal to one hundred ten percent (110%) of the height of the structure from all adjacent property lines and a distance equal to one hundred fifty percent (150%) of the height of the structure from any dwelling. Setbacks for telecommunications antenna support structures shall be measured from the base of the structure to the property line of the parcel on which it is located and to the nearest corner of the off-site structure, as applicable. Setback requirements shall not preclude the construction of habitable buildings on adjacent parcels following the construction of the structure.

8. Wireless telecommunications facilities shall meet all setback requirements for primary structures for the zoning district in which the telecommunications facility is located.

9. All towers or other support structures will be designed to collapse within the lot lines in case of structure failure as the result of various hazards including high wind.

10. Written, technical evidence from a professional engineer that the existing or proposed structure meets structural integrity standards.

11. Towers and antenna support structures are not lighted.

12. Wireless telecommunications facilities shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device unless determined by the County not to be warranted.

13. Monopoles and other single-pole structures, standing alone, shall be secured by anti-climbing devices.

14. Collocation space on new telecommunications facilities shall be reasonably available to other telecommunication service providers including limited facilities of the County and its agencies.

15. All recommendations from the consultant must be met. If the applicant cannot meet all recommendations from the consultant, they may apply for a Special Use Permit.

16. Approval for a highway entrance can be obtained from the Virginia Department of Transportation.

17. Federal Aviation Administration (FAA) hazard determination report and documentation that the request presents no hazard to any airport.

18. National Environmental Policy Act of 1969 (NEPA) report.

February 10, 2010, at 7:00 p.m.

19. Report describing the impact on historic resources prepared in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). This report should be accompanied by written comment by the state historic preservation office.

20. Color photo simulations showing to scale representations of the proposed structure and associated facilities as it would appear viewed from the closest residential property or properties and from adjacent roadways.

21. No signs other than those listed below may be placed on the antenna support structure or other components comprising the wireless telecommunications facility unless required by the Federal Communications Commission (FCC):

a. A sign is required displaying the facility owner's name, address, Federal Communications Commission (FCC) antenna support registration number and emergency contact phone number. The sign shall not exceed four square feet (4 sq. ft.) in size and shall be located on the security fence or other approved location.

b. Signs warning of electromagnetic energy emissions shall be posted at wireless telecommunication facilities pursuant to Federal Communications Commission (FCC) regulations

22. No advertising of any type may be placed on the antenna support structure or other components comprising the wireless telecommunications facility unless the advertising was pre-existing on an alternative telecommunication structure.

23. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for the construction of a new wireless telecommunications facility, the Zoning Administrator shall send by first class mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

a. Action if objection received.

If written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, the application shall be denied, and the applicant advised that the requested facility may be constructed or placed only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Action if no objection received.

If no written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

24. If the applicant is not the owner of the property, the application shall be accompanied by the written consent of the owner.

§ 25-68.5. Uses permitted by Special Use Permit.

The uses listed in this section shall be permitted within the General Agriculture, General Business, and General Industrial zoning districts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of this chapter.

A. General standards applicable to all Special Use Permits.

No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

B. Wireless telecommunications facilities.

New wireless telecommunication facilities over one hundred ninety-nine feet (199'), new wireless telecommunications facilities that are lighted, existing facilities expanded higher than one hundred ninety-nine feet (199'), facilities otherwise permitted by Administrative Permit but where objections have been received, and facilities where the recommendations of the consultant can not be met may be permitted by Special Use Permit provided that:

1. In order to apply for a Special Use Permit for a new telecommunications facility, the applicant must demonstrate that no existing telecommunication facility or alternative telecommunication structure can be utilized to reasonably achieve the applicant's radio frequency coverage objectives.

2. The location (latitude and longitude), structure height, name, address, and telephone number of the structure owner of all potential collocatable structures within a three-mile radius of the proposed structure, and written discussion and documentation of why those opportunities were rejected.

3. Propagation predictions and coverage objective from a committed carrier including hand-off sites.

4. No telecommunications facility may be approved and no building permit issued until the first telecommunications service provider is identified.

5. Eight (8) copies of a wireless facilities plan are submitted meeting the requirements of article LXVII, "Site Plan Review" of this chapter, including latitude and longitude, and a description of the lot lines, location of the proposed structure showing set backs, location of adjacent dwellings and structures, separation distances, site elevation view with the height of the structure showing the location and height of

February 10, 2010, at 7:00 p.m.

the proposed antennas, compound details, landscaping, screening, access, parking, and security.

6. Towers and antenna support structures shall be visually as innocuous as possible and maintain a galvanized steel finish unless otherwise required by the Federal Aviation Administration (FAA). Antennas shall be of a neutral, nonreflective color with no logos. The design of accessory structures and equipment shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the facilities with the natural setting.

7. Antenna support structures shall be set back a distance equal to one hundred ten percent (110%) of the height of the structure from all adjacent property lines and a distance equal to one hundred fifty percent (150%) of the height of the structure from any dwelling. Setbacks for telecommunications antenna support structures shall be measured from the base of the structure to the property line of the parcel on which it is located and to the nearest corner of the off-site structure, as applicable. Setback requirements shall not preclude the construction of habitable buildings on adjacent parcels following the construction of the structure.

8. Wireless telecommunications facilities shall meet all setback requirements for primary structures for the zoning district in which the telecommunications facility is located.

9. All towers or other support structures will be designed to collapse within the lot lines in case of structure failure as the result of various hazards including high wind.

10. Written, technical evidence from a professional engineer that the existing or proposed structure meets structural integrity standards.

11. Towers and antenna support structures shall not be artificially lighted unless required by the Federal Aviation Administration (FAA).

12. Wireless telecommunications facilities shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device unless determined by the county not to be warranted.

13. Monopoles and other single-pole structures, standing alone, shall be secured by anti-climbing devices.

14. Collocation space on new telecommunications facilities shall be reasonably available to other telecommunication service providers including limited facilities of the County and its agencies.

15. Approval for a highway entrance can be obtained from the Virginia Department of Transportation.

16. Federal Aviation Administration (FAA) hazard determination report and documentation that the request presents no hazard to any airport.

17. Federal Communications Commission (FCC) environmental compliance report prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).

18. Report describing the impact on historic resources prepared in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). This report should be accompanied by written comment by the state historic preservation office.

19. Color photo simulations showing to scale representations of the proposed structure and associated facilities as it would appear viewed from the closest residential property or properties and from adjacent roadways.

20. No signs other than those listed below may be placed on the antenna support structure or other components comprising the wireless telecommunications facility unless required by the Federal Communications Commission (FCC):

a. A sign is required displaying the facility owner's name, address, Federal Communications Commission (FCC) antenna support registration number and emergency contact phone number. The sign shall not exceed four square feet (4 sq. ft.) in size and shall be located on the security fence or other approved location.

b. Signs warning of electromagnetic energy emissions shall be posted at wireless telecommunication facilities pursuant to Federal Communications Commission (FCC) regulations

21. No advertising of any type may be placed on the antenna support structure or other components comprising the wireless telecommunications facility unless the advertising was pre-existing on an alternative telecommunication structure.

22. A balloon test may be required by the board of zoning appeals. The applicant shall be responsible for costs associated with the public advertisement of such test.

23. If the applicant is not the owner of the property, the application shall be accompanied by the written consent of the owner.

§ 25-68.6. Landscaping requirements.

The following requirements for the planting and maintenance of landscaping surrounding telecommunications facilities shall be met.

A. Telecommunications facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings, equipment, and security fence from the view of adjacent property. The standard buffer shall consist of a double row of six foot (6') high staggered evergreen trees planted ten foot (10') on center outside the perimeter of the fenced compound. The applicant shall propose an evergreen plant species indigenous to the region.

B. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as telecommunications

February 10, 2010, at 7:00 p.m.

facilities sited on large, wooded lots, natural growth around the property perimeter may be determined by the County to be a sufficient buffer such that additional landscaping is not warranted.

C. The permittee is responsible for maintaining all plant material in a healthy condition. Any replacement plants shall be consistent with existing plantings.

§25-68.7. Bonding.

Prior to the issuance of a building permit for a telecommunications facility, the applicant shall:

A. Submit to the Zoning Administrator an itemized cost estimate of the work to be done to completely remove the entire telecommunications facility including the concrete pad plus twenty-five percent (25%) of said estimated costs as a reasonable allowance for administrative costs, inflation, and potential damage to existing roads or utilities.

B. Submit a bond, irrevocable Letter of Credit, or other appropriate surety acceptable to the County in the amount of the estimate as approved by the Zoning Administrator which shall:

1. Secure the cost of removing the facility and restoring the site to its original condition to the extent reasonably possible.

2. Include a mechanism for a Cost of Living Adjustment after ten (10) and fifteen (15) years.

C. The applicant will ensure the bond shall remain in effect until the Community Development Department has inspected the site and verified that the telecommunications facility and equipment has been removed and the site restored. At which time the Community Development Department shall promptly release the bond.

§25-68.8. Removal, maintenance and safety.

A. The applicant shall maintain the telecommunications facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the foundation and support structure and security barrier (if applicable), and maintenance of the buffer areas and landscaping if present. The project owner shall be responsible for the cost of maintaining the telecommunications facility and access road if present, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.

B. Any telecommunications facility that is found to be unsafe by the building official shall be repaired by the owner to meet federal, state, and local safety standards or disassembled and completely removed, including the concrete pad, within one hundred eighty (180) days. Any telecommunications facility that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned and the owner of the system shall completely remove the telecommunications facility within one hundred eighty (180) days of receipt of notice from the County instructing the owner to remove the facility.

C. The applicant shall notify the Augusta County Community Development Department within thirty (30) days of the date the tower is no longer used for telecommunications purposes. The tower shall be disassembled and completely removed, including the concrete pad, from the site within one hundred eighty (180) days of the date the tower is no longer used for telecommunications purposes.

§ 25-68.9. Federal and state requirements.

Telecommunications facilities shall meet or exceed all applicable federal and state standards and regulations set forth by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC) and other agencies with the authority to regulate such facilities. If such standards and regulations are changed, then the owners and operators of the telecommunications facilities governed by this division shall bring such telecommunications facilities into compliance as required. Failure to comply with federal and state standards and regulations shall constitute grounds for condemnation and removal of the noncompliant facilities by the county at the owner's or operator's expense.

§ 25-68.10. Revocation of Special Use Permits.

All Special Use Permits are subject to and conditioned upon compliance with any applicable federal, state, or local licensing or regulatory requirements, and may be revoked upon failure to so comply.

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**CHAPTER 25. ZONING.
DIVISION A. IN GENERAL.
Article VI.C. Wind energy systems.**

- § 25-69. Purpose.
- § 25-69.1. Definitions.
- § 25-69.2. Applicability.
- § 25-69.3. Use of consultant.
- § 25-69.4. Site plan required.
- § 25-69.5. Uses permitted by Administrative Permit.
- § 25-69.6. Uses permitted by Special Use Permit.
- § 25-69.7. Uses permitted in Public Use Overlay (PUO) Districts.
- § 25-69.8. Bonding.
- § 25-69.9. Removal, maintenance and safety.

**CHAPTER 25. ZONING.
DIVISION A. IN GENERAL.
Article VI.C. Wind energy systems.**

§ 25-69. Purpose.

The purposes of this article are to foster the development of alternative power resources and to provide standards for placement and design to facilitate a safe natural environment which does not harm or hinder living beings. The requirements set forth herein shall strive to protect the County's rural and scenic landscape and cultural and historic sites.

February 10, 2010, at 7:00 p.m.

§ 25-69.1. Definitions.

Anemometer, Wind Monitoring, or Meteorological Tower. A temporary tower equipped with devices to measure wind speeds and direction, and used to determine how much wind power a site can be expected to generate.

Balloon Test. A technique utilizing a balloon to demonstrate the height of a proposed wind energy structure.

Height, System. The height of a wind turbine measured from existing lowest grade to the tip of the rotor blade at its highest point, or blade-tip height.

Shadow Flicker. The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

Wind Energy System. Wind energy systems include all equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

Wind Farm. A parcel of land on which three (3) or more wind turbines are sited for the purpose of electricity generation.

Wind Turbine. A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

§ 25-69.2. Applicability.

This article applies to all wind energy systems proposed to be constructed after the effective date of this article and to all energy systems which request to be altered from their original state of permit, excluding any necessary monitoring or maintenance of the wind energy system.

§25-69.3. Use of consultant.

The County reserves the right to employ the services of a wind energy consultant to review all applications. All applicable costs will be the responsibility of the applicant. The recommendations of the consultant will be considered by the Zoning Administrator and the board of zoning appeals in making their decision as to whether or not to issue an Administrative or Special Use Permit for a wind energy system.

§ 25-69.4. Site plan required.

A site plan meeting the requirements of article LXVII, "Site Plan Review" of this chapter shall be submitted at the time of application for an Administrative or Special Use Permit. Comments received from applicable agencies will be provided to the Zoning Administrator and/or board of zoning appeals before any permit is granted.

§25-69.5. Uses permitted by Administrative Permit.

A. The uses listed in this section shall be permitted only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of this chapter. Administrative permits are to be issued only for systems where the applicant can demonstrate that the proposal meets the standards required by this chapter and the system will not have an undue adverse impact on the surrounding neighborhood.

B. The uses listed in this section shall be permitted in General Agriculture (GA), General Business (GB), and General Industrial (GI) zoning districts subject to compliance with this article and provided that:

1. The wind energy system is no more than eighty feet (80') in height; and
2. Where no more than two (2) systems are located on a parcel; and
3. Where no lighting of any kind is located on the wind turbine; and
4. The applicant shall provide evidence that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid; and
5. The applicant will provide information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.

C. For purposes of testing and monitoring, an anemometer may be installed with the issuance of an Administrative Permit renewable and valid for one (1) year, provided:

1. It must be set back one hundred ten percent (110%) of the height of the anemometer from all property lines; and
2. It must be set back one hundred fifty percent (150%) of the height of the anemometer from any neighboring dwelling or commercial building.

D. Standards applicable to wind energy systems permitted by Administrative Permit.

1. Setbacks. Setback requirements shall not preclude the construction of habitable buildings on adjacent parcels following construction of the structure. In addition, the following setbacks shall be observed:

a. The minimum distance from the base of any wind turbine tower to all adjacent property lines shall be one hundred ten percent (110%) of the system height and one hundred fifty percent (150%) of the system height from any neighboring dwelling or commercial building; and

b. Any structure considered accessory to the turbine should adhere to the setbacks required in the district the turbine is located; and

c. Setback areas should be kept free of all structures and parking lots.

2. Height.

February 10, 2010, at 7:00 p.m.

a. The minimum distance between the ground and any protruding blades utilized on a wind turbine shall be fifteen feet (15'), as measured at the lowest point of the arc of the blades; and

b. Wind turbines standing alone shall be secured by anti-climbing devices unless determined by the County not to be warranted.

3. Site control. The applicant shall submit documentation of the legal right to install and use the proposed system at the time of application.

4. Noise. Wind energy systems shall not exceed sixty (60) decibels (dB(A)), as measured at the closest property line. The level may be exceeded during short-term events such as severe windstorms. The applicant is responsible for providing information from a certified technician stating that noise levels are in compliance with these standards.

5. Shadow/Flicker. Wind energy systems shall be sited in a manner that does not result in shadowing or flicker impacts. The applicant shall provide documentation from a registered professional engineer that no shadow/flicker impacts are found. If this standard cannot be met and certified by a registered professional engineer, the applicant must make application for a Special Use Permit and provide mitigation efforts to the board of zoning appeals.

6. Location. No wind energy system shall be located on a vacant parcel unless it is proven to be accessory to a dwelling or commercial building and that parcel is located within a distance such that the wind energy system is able to service the dwelling or commercial building.

7. Federal and state regulations. Wind energy systems shall meet or exceed all applicable federal and state standards and regulations set forth by the Federal Aviation Administration (FAA), Department of Environmental Quality (DEQ), State Corporation Commission (SCC), and other agencies with the authority to regulate such systems.

8. Signs. No signs or advertising of any type may be placed on the wind energy system unless required by any state or federal agency.

9. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for the construction of a new wind energy system, the Zoning Administrator shall send by first class mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

a. Action if objection received.

If written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, the application shall be denied, and the applicant advised that the requested system may be constructed or placed only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Action if no objection received.

If no written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

§25-69.6. Uses permitted by Special Use Permit.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

B. The uses listed in this section shall be permitted in General Agriculture (GA), General Business (GB), and General Industrial (GI) zoning districts subject to compliance with this article and provided that:

1. The wind energy system is greater than eighty feet (80') in height; and
2. Where no more than two (2) systems are located on a parcel; and/or
3. Where a wind energy system/s are lighted; and/or

4. Where objections have been received for systems which are otherwise permitted by Administrative Permit.

C. Standards applicable to wind energy systems permitted by Special Use Permit.

1. Setbacks. Setback requirements shall not preclude the construction of habitable buildings on adjacent parcels following construction of the structure. In addition, the following setbacks shall be observed:

a. The minimum distance from the base of any wind turbine tower to all adjacent property lines shall be one hundred ten percent (110%) of the system height and one hundred fifty percent (150%) of the system height from any neighboring dwelling or commercial building; and

b. Any structure considered accessory to the turbine should adhere to the setbacks required in the district the turbine is located.

2. Height.

February 10, 2010, at 7:00 p.m.

a. The minimum distance between the ground and any protruding blades utilized on a wind turbine shall be fifteen feet (15'), as measured at the lowest point of the arc of the blades; and

b. Wind turbines standing alone shall be secured by anti-climbing devices unless determined by the County not to be warranted.

3. Site Control. The applicant shall submit documentation of the legal right to install and use the proposed system at the time of application.

4. Noise. Wind energy systems shall not exceed sixty (60) decibels (dB(A)), as measured at the closest property line. The level may be exceeded during short-term events such as severe windstorms. The applicant is responsible for providing information from a certified technician stating that noise levels are in compliance with these standards.

5. Shadow/Flicker. Wind energy systems shall be sited in a manner that does not result in shadowing or flicker impacts. The applicant shall provide proof from a registered professional engineer to the board of zoning appeals that this effect does not impact neighboring or adjacent uses either through siting or mitigation.

6. Location. No wind energy system shall be located on a vacant parcel unless it is proven to be accessory to a dwelling or commercial building and that parcel is located within a distance such that the wind energy system is able to service the dwelling or commercial building.

7. Federal and state regulations. Wind energy systems shall meet or exceed all applicable federal and state standards and regulations set forth by the Federal Aviation Administration (FAA), Department of Environmental Quality (DEQ), State Corporation Commission (SCC), and other agencies with the authority to regulate such systems.

8. Signs. No signs or advertising of any type may be placed on the wind energy system unless required by any state or federal agency.

9. Visual Impact. The applicant shall demonstrate through project siting and proposed mitigation that the onsite system minimizes impact on the visual character of surrounding neighborhoods and the community. This may include, but not be limited to, information regarding site selection, turbine design, buffering, lighting, cable layout, and demonstration of compliance with all permit regulations.

10. Material. Wind turbines shall maintain a galvanized steel finish, unless any applicable state or federal standards require otherwise, or if the owner is attempting to conform the system to the surrounding environment and architecture, in which case it may be painted to reduce visual obtrusiveness. If the turbine is painted it shall be a neutral color such as white, off-white, or grey, unless another color is shown to better suit the natural environment. A photo simulation may be required at the request of the board of zoning appeals.

11. Photo Simulation. Color photo simulations showing to scale representations of the proposed wind energy system as it would appear viewed from the closest residential property or properties and from adjacent roadways may be required for those systems requiring a Special Use Permit.

§ 25-69.7. Uses permitted in Public Use Overlay (PUO) Districts.

The uses listed in this section shall be permitted by the designation of a Public Use Overlay (PUO) District, as permitted in article XLIX of this chapter, through a public hearing before the board of supervisors and shall be required for wind energy systems that are:

1. Considered a wind farm by definition; and/or

2. Where the primary use of the system is electrical generation to be sold to the wholesale electricity markets and not used primarily for the onsite consumption of energy by a dwelling or commercial building.

§ 25-69.8. Bonding.

Prior to the issuance of a Building Permit for a wind energy system which requires a Special Use Permit or a Public Use Overlay (PUO) designation, the applicant shall:

A. Submit to the Zoning Administrator an itemized cost estimate of the work to be done to completely remove the entire wind energy system and concrete pad plus twenty-five percent (25%) of said estimated costs as a reasonable allowance for administrative costs, inflation, and potential damage to existing roads or utilities.

B. Submit a bond, irrevocable Letter of Credit, or other appropriate surety acceptable to the County in the amount of the estimate as approved by the Zoning Administrator which shall:

1. Secure the cost of removing the system and restoring the site to its original condition to the extent reasonably possible; and

2. Include a mechanism for a Cost of Living Adjustment after ten (10) and fifteen (15) years.

C. The applicant will ensure the bond, irrevocable Letter of Credit, or other surety shall remain in full force and effect until the Community Development Department has inspected the site and verified that the wind energy system, concrete pad, and equipment has been removed. At which time the Community Development Department shall promptly release the bond, irrevocable Letter of Credit, or other surety.

§ 25-69.9. Removal, maintenance and safety.

A. The applicant shall maintain the wind energy system in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the

February 10, 2010, at 7:00 p.m.

foundation and support structure and security barrier (if applicable), and maintenance of the buffer areas and landscaping if present. The project owner shall be responsible for the cost of maintaining the wind energy system and access road, if present unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.

B. Any wind energy system that is found to be unsafe by the building official shall be repaired by the owner to meet federal, state, and local safety standards or removed within six (6) months. Any wind energy system that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned and the owner of the system shall remove the system within one hundred eighty (180) days of receipt of notice from the County instructing the owner to remove the wind energy system.

C. The applicant shall notify the Zoning Administrator within thirty (30) days of the date the system is no longer used for a wind energy system. The system and concrete pad shall be disassembled and completely removed from the site within one hundred eighty (180) days of the date the system is no longer used for wind energy purposes.

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CHAPTER 25. ZONING.

DIVISION B. AGRICULTURE DISTRICTS.

Article VII. General Agriculture (GA) Districts.

§ 25-71.	Purposes.
§ 25-72.	Permitted uses.
§ 25-72.1.	Accessory buildings and uses.
§ 25-73.	Uses permitted by Administrative Permit.
§ 25-74.	Uses permitted by Special Use Permit.
§ 25-74.1.	Uses prohibited.
§ 25-75.	Reserved.
§ 25-76.	Reserved.
§ 25-77.	Lots and subdivisions.
§ 25-77.1.	Cluster subdivision option.
§ 25-77.2.	Lot area.
§ 25-77.3.	Lot width.
§ 25-77.4.	Lot frontage in general. Exceptions.
§ 25-78.	Yard and setback requirements.
§ 25-79.	Height limitations.

CHAPTER 25. ZONING.

DIVISION B. AGRICULTURE DISTRICTS.

Article VII. General Agriculture (GA) Districts.

§ 25-71. Purposes.

A. The General Agriculture District is intended to allow an area to be devoted to agricultural use; to conserve, protect, and encourage the development, improvement and preservation of agricultural land for the production of food and other agricultural products; to retain major areas of natural ground cover for conservation purposes; and to retain forests.

B. The principal purposes of this district may be accomplished by maintaining the existing agricultural lands and preventing the encroachment of incompatible land uses; while allowing development to occur at a reasonable density.

C. Non-farm residents should recognize that in this district they are located in an agricultural environment where "the right to farm" and "the right to practice forestry" have been established as public policies.

D. This district is also intended to minimize the demand for unanticipated public improvements and services, such as public sewer and water, by reducing development densities and discouraging large scale development.

§ 25-72. Permitted uses.

The following uses shall be permitted within General Agriculture Districts without Administrative or Special Use Permits:

A. Agriculture related uses, including but not necessarily limited to: wildlife areas, game refuges (where shooting wildlife is not allowed), forestry, forest preserves, stables and riding academies and fish hatcheries.

B. One single family dwelling and certain group homes required to be permitted by state law.

C. Additional principal dwellings:

1. On lots five (5) acres or more, two (2) principal dwelling units are permitted.

2. On lots or tracts sixty (60) acres or more, three (3) principal dwelling units are permitted. For every additional twenty (20) acres in the tract, one (1) additional dwelling unit is permitted.

D. Religious institutions.

E. Passive recreational facilities not requiring a building.

§ 25-72.1. Accessory buildings and uses.

A. Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted in General Agriculture Districts, subject to the applicable provisions of article V of division A of this chapter.

February 10, 2010, at 7:00 p.m.

B. Accessory buildings and structures are permitted with the following limitations:

1. Lots of less than one (1) acre in area:

Accessory buildings and structures not exceeding twenty feet (20') in height and with a total aggregate area of no more than nine hundred square feet (900 sq. ft.) may be erected in side or rear yards, however, in no case shall any accessory building or structure be larger than the footprint of the dwelling or taller than the dwelling. The setback requirements in § 25-78 shall be observed.

2. Lots one (1) acre or more in area:

Accessory buildings and structures without size or height limit may be erected in side or rear yards. The side and rear setback requirements in § 25-78 shall be observed.

§ 25-73. Uses permitted by Administrative Permit.

The uses listed in this section shall be permitted within General Agriculture Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative Permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

A. Off-site sale of seasonal items.

Off-site sale for more than fifteen (15) days of seasonal items such as Christmas trees, fireworks, farm produce grown off premises, or other items which by their nature are sold primarily during certain times of the year, may be permitted by Administrative Permit provided:

1. The sale is for a stated limited period of time not to exceed ninety (90) days in any one year period; and
2. Adequate provisions are made for off-street parking, and the sale will not disrupt traffic in the neighborhood beyond practical solution; and
3. Approval by the Virginia Department of Transportation; and
4. No site plan as provided in § 25-672 of this chapter shall be required. However, the Zoning Administrator may require a sketch plan to be submitted in order to determine compliance with this section; and
5. The applicant for such permit shall provide written evidence of the approval of the owner of the property on which such sale is to be conducted; and
6. No such sale, if conducted on the site of an existing development, shall infringe upon any parking spaces required for such development. The Zoning Administrator shall determine that sufficient and accessible off-street parking spaces are available to serve the patrons of such operation prior to its authorization.

B. Greenhouses, nurseries and tree farms, where products grown on the premises are sold to the public.

Greenhouses, nurseries, or tree farms may be permitted by Administrative Permit provided:

1. At least seventy-five percent (75%) of the products sold on the premises must be made or grown on the premises. Where twenty-five percent (25%) or more of the products sold on the property are not made or grown on the premises, the use shall be subject to district regulations applicable to agriculture support businesses; and
2. Approval by the Virginia Department of Transportation; and
3. Adequate provisions are made for off-street parking, and the sale will not disrupt traffic in the neighborhood; and
4. All parking, buildings, structures, and materials placed or stored on the site shall be set back a minimum of twenty-five feet (25') from all side and rear boundaries.

C. Single-family dwellings less than nine hundred square feet (900 sq. ft.) in size.

1. Procedure. Upon receipt of an application for an Administrative Permit for the construction or placement of a single-family dwelling less than nine hundred square feet (900 sq. ft.) in size, the Director of the Community Development Department shall send by first class mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

2. Action if objection received.

a. If written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, the application shall be denied, and the applicant advised that the requested dwelling may be constructed or placed only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Upon approval of a Special Use Permit by the board of zoning appeals, the construction or placement of such dwelling shall be permitted provided all terms and conditions of the Special Use Permit are satisfied.

3. Action if no objection received. If no written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, the construction or placement of such dwelling may be permitted by Administrative Permit.

February 10, 2010, at 7:00 p.m.

4. This subsection shall not apply in the case of a manufactured home to be used only temporarily as a residence during the construction of a dwelling.

5. No Administrative Permit shall be required when a nonconforming building or structure is being enlarged or a nonconforming manufactured home is being replaced by a manufactured home the same size or larger pursuant to subsections G or H of division J of § 25-663 of this chapter.

D. Mobile homes built prior to 1976.

1. Procedure. Upon receipt of an application for an Administrative Permit for the placement of a mobile home built prior to June 15, 1976, the effective date of the National Manufactured Home Construction and Safety Standards Act of 1974, the Director of the Community Development Department shall send by first class mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

2. Action if objection received.

a. If written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, the application shall be denied, and the applicant advised that the requested dwelling may be placed only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Upon approval of a Special Use Permit by the board of zoning appeals, the placement of such dwelling shall be permitted provided all terms and conditions of the Special Use Permit are satisfied.

3. Action if no objection received. If no written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, the placement of such dwelling may be permitted by Administrative Permit.

4. Satisfactory inspection required. Neither an Administrative Permit nor a Special Use Permit shall be approved unless the County Building Official has determined that the mobile home complies with the Virginia Industrialized Building Safety Regulations as required by Section 13 VAC 5-9-120 of those regulations.

E. Off-site office trailers, buildings, parking lots, and equipment or materials storage areas or facilities in connection with temporary construction.

The temporary placement, development, or use of off-site office trailers, buildings, parking lots, or equipment or materials storage areas or facilities in connection with construction projects may be permitted by Administrative Permit provided:

1. Items permitted are in connection with specific construction projects.

2. Items permitted are placed no sooner than thirty (30) days prior to the beginning of construction and removed within thirty (30) days after completion or suspension of construction.

3. Items permitted are placed within reasonable proximity of the construction project.

4. All parking, buildings, structures, and materials placed or stored on the site shall comply with all applicable side and rear yard requirements.

F. Trailers used other than as recreational vehicles.

Trailers used other than as recreational vehicles may be permitted by Administrative Permit for the following uses:

1. Mobile banks or similar financial facilities provided that the permit shall not be granted for a period in excess of two (2) years and may be renewed for an additional term of two (2) years.

2. Mobile classrooms associated with a school as defined in this chapter.

3. Any such structure shall meet all yard requirements.

G. Home occupations, Class A.

Home occupations may be permitted by Administrative Permit provided:

1. The lot is less than one (1) acre in size; and

2. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one sign no more than four (4) square feet in size; and

3. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee that comes to the home. The business can have multiple employees who do not come to the home; and

4. If the applicant is a tenant, written permission of the landowner is required; and

5. No display of products made shall be visible from the street; and

6. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:

a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.; and

b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.

February 10, 2010, at 7:00 p.m.

7. No accessory building shall be used for such occupation; and

8. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation. Any animals associated with a permitted home occupation (e.g. a pet grooming business) must be kept indoors; and

9. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one arrival and one departure; and

10. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

11. All parking associated with the business shall be off-street and not located in a required front yard, except within the existing driveway; and

12. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one commercial vehicle per dwelling shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Home occupations, Class A: trash and garbage collection, small engine repair, motor vehicle repair, boarding house, day care centers, private schools, firearm sales, landscaping, and lawn care and mowing businesses.

H. Home occupations, Class B.

Home occupations, Class B may be permitted by Administrative Permit provided:

1. The lot is at least one (1) acre in size; and

2. The use of the dwelling shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four (4) square feet in size; and

3. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee who comes to the home. The business can have multiple employees who do not come to the home; and

4. If the applicant is a tenant, written permission of the landowner is required; and

5. The use is conducted within the home or the use may occupy up to five hundred (500) square feet of an accessory structure. All goods, equipment, and materials related to the Home Occupation must be stored indoors, within the accessory building, or on a single utility trailer with a trailer bed not to exceed sixteen feet (16'); and

6. No display of products made shall be visible from the street; and

7. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:

a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.; and

b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.

8. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted, other than on the utility trailer permitted in subsection 5 above. Any animals associated with a permitted home occupation (e.g. pet grooming business) must be kept indoors; and

9. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and

10. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

11. All parking associated with the business shall be off-street and not located in any required front yard, except within the existing driveway; and

12. No more than one commercial vehicle may be used in conjunction with the home occupation. No more than one commercial vehicle per dwelling shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Home occupations, Class B: trash and garbage collection, small engine repair, motor vehicle repair, boarding houses, day care centers, private schools, firearm sales, and landscaping businesses.

I. Day care home occupations.

Day care home occupations may be permitted by Administrative Permit provided:

1. The use of the dwelling for the day care home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four (4) square feet in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and one (1) employee who comes to the home; and

3. Play equipment and similar facilities may be used; and

4. No accessory building shall be used for such occupation, except for storage of play equipment when not in use; and

5. All parking associated with the business shall be off-street and not

February 10, 2010, at 7:00 p.m.

located in any required front yard, except within an existing driveway; and

6. Approval from the Department of Social Services or proof that such approval may be obtained pending zoning approval; and

7. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for a day care home occupation, the Zoning Administrator shall send by certified mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

a. Action if objection received.

If written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, the application shall be denied, and the applicant advised that the day care home occupation may commence only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Action if no objection received.

If no written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

J. Rural home business.

Rural home businesses may be permitted by Administrative Permit provided that the business meets the following requirements. If the business does not meet these standards, the business may be permitted upon the issuance of a Special Use Permit by the board of zoning appeals. A sketch plan drawn to scale of the property, along with the application and appropriate approval letters shall be provided to demonstrate compliance with these provisions:

1. In addition to the dwelling, accessory buildings may be used for the rural home business, but the rural home business shall be clearly incidental and subordinate to the use of the property for residential and/or agricultural purposes. In cases where an accessory building is being utilized, the accessory building must be setback from all property lines a minimum of 100 feet (100'); and

2. The owner of the business must reside on the property; and

3. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:

a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.; and

b. Items are accessory to the main use and sold only to clients or customers using the main business (e.g. shampoo for clients in a beauty or barber shop).

4. Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use; and

5. Approval of the Building Inspection Department; and

6. Direct vehicular access must be off a state maintained road. Approval by the Virginia Department of Transportation must be provided; and

7. Parking shall be provided in accordance with the requirements of article III "Off-Street Parking". All parking shall be off-street and not located in any required front, side or rear yards, except within an existing driveway; and

8. On lots seventy-five (75) acres and greater, outdoor storage areas are allowed, but shall not cover an area greater than three thousand square feet (3000 sq. ft.) and such storage areas shall be shielded or screened from view and shall be setback from all property lines at least one hundred feet (100'); and

9. Rural home businesses may not exceed the following standards. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. In cases where multiple businesses are being conducted on the property by the landowners, the aggregate area of all the accessory structures being utilized and the aggregate area of the storage yards being utilized may not exceed the following standards. If a business is unable to meet these standards, the business may be able to apply for a Special Use Permit under the provisions of § 25-74; and

Site standards:

Acreage	Maximum No. of Employees (on-site)	Heavy Equipment (on-site)	Maximum number of Commercial Vehicles (on-site)
Less than 20 acres	1	0	1
20-less than 50	2	2	2
50-less than 75	3	2	3
75 or greater	4	4	4

Regulations for Structures and Storage Yards:

Acreage	Max. Size of Structure*	Storage Yard Regulations
Less than 20	900 square feet	None allowed
20- less than 50	1200 square feet	None allowed
50- less than 75	1500 square feet	None allowed
75 or greater	3000 square feet	3000 square feet*

* 100' building or storage area setback shall apply.

10. Signage shall be allowed in accordance with the requirements of article IV. "Signs, billboards, and outdoor advertising structures"; and

11. The following uses shall not be deemed rural home businesses: sludge treatment sites, garbage and trash collection businesses, kennels, race tracks, shooting ranges, batching plants, junkyards and demolition facilities, landing strips, storage of bulk fuel, explosives, ammunition and fireworks, firearms and extraction of minerals, rocks, gravel, and sand and similar operations.

February 10, 2010, at 7:00 p.m.

K. Temporary use of a manufactured home as a dwelling during construction of a dwelling.

An owner may apply for an Administrative Permit to place or retain on a lot or tract a manufactured home for temporary residential purposes during the construction of a dwelling, provided:

1. The owner shall certify to the Zoning Administrator that the requirements of this section will be met; and
2. A building permit for the construction of a dwelling shall have been issued; and
3. Full bathroom facilities must be operational in the manufactured home and must be connected to public sewer or an operations permit has been issued by the Virginia Department of Health for an on-site sewage disposal system; and
4. When the dwelling is occupied, the manufactured home shall be vacated; and
5. The manufactured home shall be moved within thirty (30) days from the date the Certificate of Occupancy is issued for the permanent dwelling, and in no event later than eighteen (18) months from the date the building permit for said dwelling was issued.

L. Attached accessory dwelling units.

One apartment constituting an attached accessory dwelling unit within what would otherwise be a single-family dwelling may be permitted by Administrative Permit provided:

1. It is attached by sharing one (1) common wall. In no case shall an enclosed or unenclosed breezeway be considered a common wall for the purposes of attaching an accessory dwelling unit to a dwelling; and
2. The apartment contains no more than six hundred square feet (600 sq. ft.) or forty percent (40%) of the amount of square footage in the footprint of the principal dwelling, whichever is greater, but not to exceed nine hundred square feet (900 sq. ft.); and
3. Exterior entrances to the apartment are on the side or rear only; and
4. There shall be no more than one (1) accessory dwelling unit, attached or detached, per principal dwelling; and
5. The owner of record personally resides in either the principal or an accessory dwelling unit on the property. If this standard cannot be met, the accessory dwelling unit may be constructed only upon approval of a Special Use Permit by the board of zoning appeals under § 25-74P; and
6. The Building Inspection Department has indicated that either a permit is not required or one can be issued for the apartment; and
7. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and
8. All parking shall be accommodated on-site.

M. Detached accessory dwelling units attached to an accessory building.

One apartment constituting a detached accessory dwelling unit attached to an accessory building may be permitted by Administrative Permit as an accessory to a single-family dwelling provided:

1. The lot or parcel contains at least two (2) acres; and
2. There shall be no more than one (1) accessory dwelling unit, attached or detached, per principal dwelling; and
3. No more than a total of two (2) detached dwelling units, principal or accessory, shall be allowed on lots containing less than twenty (20) acres; and
4. The accessory dwelling unit contains less than nine hundred square feet (900 sq. ft.), but in no case shall it be larger than the footprint of the principal dwelling or the structure to which it is attached; and
5. The accessory dwelling unit is attached to an accessory building which is accessory to an occupied principal dwelling; and
6. Approval by the Virginia Department of Transportation; and
7. The owner of record personally resides in either the principal or an accessory dwelling unit on the property. If this standard cannot be met, the accessory dwelling unit may be constructed only upon approval of a Special Use Permit by the board of zoning appeals under § 25-74P; and
8. The Building Inspection Department has indicated that either a permit is not required or one can be issued for the apartment; and
9. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and
10. All parking shall be accommodated on site.

February 10, 2010, at 7:00 p.m.

N. Cemeteries.

Cemeteries may be permitted by Administrative Permit provided a site plan meeting the requirements of division J, article LXVII "Site plan review" is filed and complied showing the following:

1. Travel lanes for vehicular traffic shall be a minimum of eighteen feet (18') wide.
2. Burial spaces and appurtenances thereto are set back from roads and property boundaries in conformity with regulations applicable to principal structures within the district.
3. Compliance with the applicable requirements of Virginia Code §57-26.
4. Approval by the Virginia Department of Transportation.

The Administrative Permit for a cemetery shall be issued subject to the condition that no outdoor music shall be permitted except during funeral services.

Cemeteries located in church yards or for family members only buried on private property are exempt from obtaining an Administrative Permit.

§ 25-74. Uses permitted by Special Use Permit.

The uses listed in this section shall be permitted within General Agriculture Districts upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.
2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see §25-584 of division I of this chapter.

B. Agriculture support businesses.

Agriculture support businesses, including but not necessarily limited to: slaughter houses, sawmills, livestock market and sales facilities, commercial grain storage and grain handling facilities, commercial feed and fertilizer mills, feed and fertilizer sales establishments, sludge treatment sites, and agricultural machinery and equipment repair, and greenhouse, nursery and tree farm sales facilities where 25% or more of the products sold are not grown on the site, may be permitted by Special Use Permit provided:

1. The business is reasonably related to agriculture or forestry use. Examples of such businesses are those which involve (a) the processing of agriculture or forestry products, (b) the supply and maintenance of equipment, tools, and facilities used in agriculture and forestry production, (c) the care and feeding of animals generally, or (d) the marketing of agriculture and forestry products; and
2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. The business and anticipated enlargements thereof will be appropriate for agriculture areas; and
5. Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties; and
6. The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create a business center or otherwise change the area's character and social structure.

C. Animal care facilities.

Animal care facilities, including but not necessarily limited to: kennels, animal shelters, and dog pounds may be permitted by Special Use Permit provided:

1. There is an adequate plan to keep the facility neat and clean, free of dirt, fecal accumulation, odors, and parasite infestation; and
2. Adequate facilities will be constructed to ensure good ventilation and the maintenance of proper temperatures within healthful and comfortable limits for the animals; and
3. Fencing will be sturdy and well maintained and will be of sufficient strength and height to safely secure the animals; and
4. Exercise areas will provide adequate shelter from wind, rain, snow, and direct sunlight; and
5. There is an adequate plan to address safety from fire and other hazards, including alarm systems and suppression equipment when appropriate; and
6. Both the inside and outside facilities will be of proper size to

February 10, 2010, at 7:00 p.m.

accommodate the anticipated breeds and numbers of animals; and

7. The site contains a minimum of five (5) acres. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site when necessary to protect the neighboring properties and to accommodate the anticipated breeds and numbers of animals; and

8. The animals shall be confined within an enclosed building from 10 p.m. to 6 a.m. unless the board of zoning appeals is satisfied that keeping the anticipated animals outside during such hours will not be a nuisance to neighboring properties; and

9. No structure occupied by animals, other than the principal dwelling of the owner/operator shall be closer than two hundred feet (200') from any lot line. No outside run or other outdoor area occupied by animals more than two (2) hours in any 24 hour period shall be nearer than five hundred feet (500') to any lot line. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to accommodate the anticipated breeds and numbers of animals or to better protect neighboring properties.

D. Uses away from developed areas.

Uses customarily found in areas away from developed areas, including but not necessarily limited to: batching plants, including asphalt and portland cement, storage of bulk fuel, explosives, ammunition and fireworks, outdoor shooting ranges and preserves, and extraction of minerals, rock, dirt, gravel, sand, and similar materials, may be permitted by Special Use Permit, provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and

2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and

3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and

4. The business shall have direct access to a state maintained road; and

5. The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone; and

6. All buildings, structures, and operations will be set back at least two hundred feet (200') from all property lines and at least one thousand feet (1000') from any residentially zoned property unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and

7. For the purposes of this section, the temporary extraction of minerals, rock, dirt, gravel, sand and similar materials shall not require a Special Use Permit.

E. Landing strips and heliports.

Landing strips and heliports shall be permitted by Special Use Permit provided:

1. The landing strip or heliport shall be for private aviation aircraft only, limited exclusively to the use of the landowner and his/her family members; commercial operations, including flight training, ground school, aircraft repair, and sales are prohibited; and

2. Take-offs and landings are limited to daylight hours; and

3. The neighboring area is not characterized by agricultural, residential, commercial, or industrial development which would be adversely impacted by the proposed use; and

4. The landing strip or heliport is not located in close proximity to an existing airport and/or will not impact commercial flight paths.

F. Junkyards and demolition facilities.

Junkyards and demolition facilities may be permitted by Special Use Permit provided:

1. The neighboring area is not characterized by agricultural, residential, commercial, or industrial development which would be adversely impacted by the proposed use; and

2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and

3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and

4. The business shall have direct access to a state maintained road; and

5. The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone; and

6. All buildings, structures, and operations will be set back at least two hundred feet (200') from all property lines and at least one thousand feet (1000') from any residentially zoned properties unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and

February 10, 2010, at 7:00 p.m.

6. All storage and operational areas of the junkyard shall be located such that they are shielded or screened from view.

G. Carnivals, circuses and fairs.

Carnivals, circuses, fairs, festivals, animal shows, exhibitions and similar events not permitted under § 25-21 of division A of this chapter may be permitted by Special Use Permit provided:

1. Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution; and
2. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance; and
3. There will be full compliance with Virginia Department of Health regulations with respect to food and water service; and
4. There is an adequate plan for providing emergency medical services for persons in attendance; and
5. There is an adequate plan for parking and crowd and traffic control in and around the site; and
6. There is an adequate plan for protection from fire and other hazards; and
7. The operator has granted the Zoning Administrator, or his designees, written permission to enter the property without charging an entrance fee to determine compliance with applicable regulations and permit conditions; and
8. There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety; and
9. The site and its facilities are to be utilized for a reasonably limited period of time, either on a single occasion or from year to year on an annual basis. Permanent facilities shall be deemed "fairgrounds" governed by other sections of this chapter dealing with recreational attractions and public amusement businesses.

H. Public accommodation facilities.

Public accommodation facilities, including but not necessarily limited to: bed and breakfast inns, tourist homes, restaurants and cafes, special events facilities, meeting places and other facilities of civic, community service and fraternal organizations, boarding houses, and residential care facilities, may be permitted by Special Use Permit provided:

1. The business and anticipated enlargements thereof will be appropriate for agriculture areas; and
2. The business, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and
3. The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and
4. The business shall have direct access on to a state maintained road.

I. Limited businesses and industries in agriculture zones.

Limited businesses, professions, and other establishments for the sale of goods and services or for limited industrial activities, including, but not necessarily limited to: barber and beauty shops, pet grooming businesses, day care centers and nursery schools, medical and dental clinics, veterinarian clinics, hardware stores, lawn and garden centers, motor vehicle service stations and convenience stores, auction houses and flea markets, mini-warehouses, sale and storage of building materials, carpentry, electrical and plumbing sales and services, contractor's offices and storage yards, and welding and machine shops, may be approved by Special Use Permit provided:

1. Where outside storage is not prohibited, all outside storage areas will be adequately shielded or screened from view; and
2. The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties; and
3. The business and anticipated enlargements thereof will be appropriate for agriculture areas; and
4. The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed; and
5. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
6. Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties; and
7. Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties; and

February 10, 2010, at 7:00 p.m.

8. Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use; and

9. There are adequate provisions set forth for the protection of fire, environmental and other hazards.

J. Vehicle repair shop.

Motor vehicle and boat repair may be permitted by Special Use Permit, provided:

1. The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties; and

2. The business and anticipated enlargements thereof will be appropriate for agricultural areas; and

3. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads. The business shall have direct access on to a state maintained road; and

4. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and

5. Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction:

a. Will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties; and

b. Will not be of such size, character or required financial investment that it would best be located in an available business or industrial zoned area.

6. Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board of zoning appeals finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties; and

7. Employees will be limited to residents on premises unless the board finds that a limited number of additional employees will be compatible with neighboring properties and will not be inconsistent with available infrastructure, including, but not necessarily limited to, sanitation facilities, water supply, and roads serving the site; and

8. Outside display or outside storage of new or used automobile parts is prohibited; and

9. When allowed, no more than five (5) vehicles shall be located outside of the vehicle impoundment yard at any time. Such vehicles remaining for more than thirty (30) days must be located in the vehicle impoundment yard; and

10. Where outside storage is permitted, all outside storage areas and all inoperable motor vehicles shall be located within a vehicle impoundment yard. The vehicle impoundment yard shall meet the following requirements:

a. No inoperable motor vehicle shall be located on any part of the site so as to be visible from any public road or adjoining property.

b. Storage of inoperable motor vehicles shall be limited to areas shown on an approved site plan.

c. No body or mechanical work, painting, maintenance work, salvaging or crushing shall be permitted within the impoundment yard. Such work, when permitted as part of the motor vehicle or boat repair shall be confined to such areas designated for such purposes on the approved site plan.

d. Fencing or screening shall be entirely opaque and of good quality and shall be maintained in a good state of repair. Gates shall remain closed except when vehicles or boats are being moved to and from the yard.

K. Apartments in a pre-1980 structure.

A Special Use Permit for apartments in a pre-1980 structure may be granted provided:

1. Apartments may be established within a structure that was constructed prior to January 1, 1980, provided the board of zoning appeals finds that the structure has historical or architectural significance or is otherwise appropriate for preservation in the manner proposed; and

2. Off-street parking will be in compliance with article III of this chapter; and

3. For purposes of expansion or enlargement, the pre-1980 structure shall be treated as a non-conforming building and shall be subject to the provisions of § 25-663.D of this chapter. The floor area of such expansion or enlargement shall not exceed twenty percent (20%) of the original floor area or the area required by law, whichever is greater.

L. Passive recreational facilities requiring a building and active recreational facilities.

Passive recreational facilities requiring a building and active recreational facilities may be permitted by Special Use Permit provided:

February 10, 2010, at 7:00 p.m.

1. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate anticipated usage; and

2. There is an adequate plan for parking and crowd and traffic control in and around the site. Designated areas for pick-up and delivery of users are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets; and

3. Approval by the Virginia Department of Transportation; and

4. The proposed size, the proposed recreational activities, the anticipated number of users, setbacks, parking facilities, lighting, hours of operation and landscaping, are appropriate for the area.

M. Recreational attractions and public amusement businesses.

Recreational attractions and public amusement businesses, including, but not necessarily limited to: drive-in theaters and outdoor amphitheaters, indoor shooting range, and raceways and drag strips, may be permitted by Special Use Permit provided:

1. Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution; and

2. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance; and

3. There will be full compliance with Virginia Department of Health regulations with respect to food and water service; and

4. There is an adequate plan for providing emergency medical services for persons in attendance; and

5. There is an adequate plan for parking and crowd and traffic control in and around the site; and

6. There is an adequate plan for protection from fire and other hazards; and

7. The business meets the requirements of article VI "Outdoor Lighting"; and

8. There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety.

N. Campgrounds and recreational vehicle parks.

Campgrounds and recreational vehicle parks may be permitted by Special Use Permit provided:

1. Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution; and

2. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance; and

3. There will be full compliance with Virginia Department of Health regulations with respect to food and water service; and

4. There is an adequate plan for providing emergency medical services for persons in attendance; and

5. There is an adequate plan for parking and crowd and traffic control in and around the site; and

6. There is an adequate plan for protection from fire and other hazards; and

7. The business meets the requirements of article VI "Outdoor Lighting"; and

8. There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety; and

9. The campground or park is at least ten (10) acres in size. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site; and

10. The density shall be no more than ten (10) sites per acre. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to limit the density of the campground or park; and

11. There shall be a minimum of fifty feet (50') of undeveloped land along the total perimeter of the campground or park; and

12. All sites and facilities within the campground or park shall be served by a public water and sewer system or systems approved by the Virginia Department of Health. In no case shall portable toilets be permitted within a campground for anything more than temporary use defined as no more than four (4) days in any thirty (30) day period of time; and

13. The campground or park shall have approval by the Virginia Department of Transportation (VDOT) and have direct access off a state maintained road. For facilities with one hundred (100) or more sites, a second access for emergency vehicles shall be provided.

O. Manufactured and mobile homes and school and other buses used for storage and shipping containers, semi-trailers, and similar containers used for storage that are not

February 10, 2010, at 7:00 p.m.

shielded or screened from view.

Manufactured and mobile homes, buses, and similar containers used for storage that are not shielded or screened from view may be permitted by Special Use Permit provided:

1. The lot on which the storage facility is located is at least five (5) acres in size. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid; and
2. The neighboring area is not characterized by residential, commercial or industrial development which would be adversely impacted by the proposed use; and
3. The use is fully shielded or screened from view or the board of zoning appeals determines that there is adequate natural or man-made screening on the site so as not to require additional screening of the storage facility.

P. Attached or detached accessory dwelling units where the owner of record does not personally reside in either the principal or accessory dwelling unit on the property.

A Special Use Permit for an attached or detached accessory dwelling unit where the owner of record does not personally reside in either the principal or accessory dwelling unit on the property may be granted provided:

1. The accessory dwelling unit was legally established with an Administrative or Special Use Permit; and
2. The accessory dwelling unit will not be out of character with the neighboring properties; and
3. All other provisions of §§25-73 L and M are met.

§ 25-74.1. Uses prohibited.

All uses except those listed in §§25-72, 25-72.1, 25-73 and 25-74 above are specifically prohibited in General Agriculture Districts unless permitted by overlay district regulations.

§ 25-75. Reserved.

§ 25-76. Reserved.

§ 25-77. Lots and subdivisions.

A. The creation of one (1) new lot every one (1) year shall be permitted provided that the lot from which the new lot is divided has been in existence at least five (5) full years. The resulting "parent lot" shall not be deemed to have lost its status as having been in existence at least five (5) years for purposes of future subdivisions. The resulting "new lot" shall be deemed to have been created as of the date of recordation of the duly approved plat.

B. The provisions of this section shall not be cumulative in their effect. In no event may more than one (1) lot be created every one (1) year.

(Ord. 11/21/06, eff. 1/1/07)

§ 25-77.1. Cluster subdivision option.

A. The minimum area required for the creation of a cluster housing development shall be fifty (50) contiguous acres.

B. Property must be located within an area designated as a Rural Conservation Area on the County's Comprehensive Plan Planning Policy Area map.

C. The maximum gross density of the residential cluster shall be calculated based on the total linear footage of lot frontage of the parent parcel on a public street divided by one hundred fifty (150). Fractional units are rounded down. The result is the maximum residential lot yield for the development

D. Lots created in cluster residential subdivisions shall be served by individual water and sewer system or community systems designed, built, and maintained to the standards of the Virginia Department of Health. Utilization of public water and sewer shall not be permitted.

E. Lots created in cluster subdivisions must access an internal road system. No lots may directly access existing public streets. All lots must access new private streets which shall be designed to safely accommodate fire and rescue emergency vehicles. The right-of-way of private streets shall be at least forty feet (40') in width as evidenced by a duly recorded document or deed covenant, or both, which shall specify that no request will be made to have the lot served by a public street unless and until the street has been designed and constructed at no cost to the county or the Virginia Department of Transportation, to the then current standards for streets. Such document shall also specify the provisions for the construction, maintenance, and upkeep of private streets.

F. No more than twenty-five percent (25%) of the total land area in the residential lots can contain soils designated by the United States Department of Agriculture as prime farmland.

G. Additional Setbacks Required:

1. There shall be a fifty foot (50') perimeter setback for all residential lots in a cluster residential subdivision.
2. All buildings and structures shall be setback from existing public streets a minimum of one hundred feet (100').
3. All buildings and structures shall be setback from new internal private streets a minimum of twenty feet (20').

February 10, 2010, at 7:00 p.m.

4. All buildings and structures on a residential lot in a cluster subdivision shall be set back a minimum of five hundred (500') from any conservation easement or Agriculture and Forestal District.

H. Open Space Required. No less than seventy percent (70%) of the gross site area, exclusive of road rights-of-way and other areas dedicated for public use and lands within the Floodplain Overlay District, and land with slopes in excess of twenty-five percent (25%) shall be set aside as common open space. The common open space shall be arranged and designed so as to facilitate its use, ensure continuity of design, and preserve sensitive environmental features. All open space shall be contiguous. The open space lot shall not be bound by the requirements of §25-19. When a cluster residential subdivision is located adjacent to land in an Agriculture and Forestal District or a conservation easement, the required open space shall be located to buffer the residential lots from that district or easement. When open space is already designated on neighboring properties, all new open space shall be designed to be linked together with neighboring properties where feasible. The open space shall be subject to a conservation easement or other perpetual easement preserving it in agricultural and/or forestal uses. Such perpetual easement shall prevent future development of the property for anything other than nonstructural agricultural and forestal uses.

I. Final plats recorded for a cluster residential subdivision and all deeds for lots within such development shall bear a statement indicating that the land is within an approved cluster subdivision and shall also bear a statement indicating the ownership status of the development's open space system and shall reference the covenants creating a property owners association which shall also be recorded at the time final plats are put to record.

§ 25-77.2. Lot area.

- A. For conventional lots: The minimum lot area shall be one (1) acre.
- B. For cluster lots: There is no minimum lot area requirement.

Cross reference – For utility lots, see § 25-20 of this chapter.

§ 25-77.3. Lot width.

A. For conventional lots: The minimum lot width at all points between the minimum setback line and the rear lot line shall be one hundred fifty feet (150').

B. For cluster lots: The minimum lot width at the minimum setback line for cluster residential lots shall be one hundred feet (100'). There shall be no minimum lot width requirement for open space lots.

§ 25-77.4. Lot frontage in general. Exceptions.

A. In General Agriculture Districts, the following frontage requirements apply:

- 1. For cluster residential lots: Forty feet (40') of frontage on a private street.
- 2. For all other agriculture lots, with the exception of any "family member exception lot" (as described in subsection B below), shall have at least fifty feet (50') of frontage on a public street.

B. In General Agriculture Districts, a lot, to be known as a "family member exception lot," may be created that does not have frontage on a public street, provided the following conditions are met:

1. Such family member exception lot shall be created for the purpose of a sale or gift to a member of the immediate family of the grantor. For purposes of this subsection, a member of the immediate family of the grantor is defined as any person who is a natural or adopted child or grandchild of the grantor, or the spouse or parent of the grantor. Such lot may be conveyed by the grantor:

- a. To a member of the immediate family of the grantor and the member's spouse, or
- b. To a member of the immediate family of the grantor and another natural person, if the member of the immediate family owns at least a fifty percent (50%) interest in such lot.

2. No such family member exception lot shall be created for the purpose of the circumvention of chapter 21 of this Code.

3. The residual lot or tract of the grantor shall be no more than one contiguous tract or lot, and the foregoing notwithstanding, need not have the fifty feet (50') of frontage on a public street required by this section. Any new private rights-of-way or easements established to serve either the family member exception lot or the residual lot of the grantor must meet the requirements of § 21-11.B of this Code.

4. No grantee shall be the recipient of any portion of more than one (1) family member exception lot in Augusta County.

5. A family member exception lot created under this subsection shall be titled in the name of the member of the immediate family for whom the subdivision is made for a period of no less than three (3) years; provided, however, the foregoing restriction shall not apply in the following circumstances:

a. Where such lot is subject to an involuntary transfer such as a foreclosure, judicial or bankruptcy sale, or as a result of the condemnation of such lot or the death of the grantee; or:

b. Where such lot is conveyed by the grantee:

- i. To the grantee and the grantee's spouse, or
- ii. To the grantee and another natural person, if the grantee continues to own at least a fifty percent (50%) interest in such lot, in which event such lot shall remain subject to the foregoing restriction for the balance of the

February 10, 2010, at 7:00 p.m.

three-year period.

6. No grantor shall create and convey a family member exception lot to a person from whom the grantor has received any portion of a family member exception lot in Augusta County. For example, in the case of a lot owned by a husband and wife, the husband can convey a lot to the wife but she cannot then convey a lot to the husband.

7. The grantor and grantee shall submit to the subdivision agent an affidavit which describes the purpose of the creation of the family member exception lot, identifies the persons to receive such lot, including the member of the immediate family, and certifies compliance with this subsection.

(Ord. 11/21/06, eff. 1/1/07)
State law reference—Virginia Code §15.2-2244.

§ 25-78. Yard and setback requirements.

In General Agriculture Districts, the following yard and setback requirements are imposed:

A. Front lot lines for conventional lots.

1. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any public street than fifty feet (50').

2. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any private street than thirty-five feet (35')

3. In the absence of proof to the contrary the width of a public street shall be presumed to be thirty feet (30'), and the setback may be measured by adding fifteen feet (15') to the required setback and measuring from the center of the general line of passage.

4. If a lot, tract or parcel fronts on two or more streets, the foregoing minimum setbacks shall be required on all streets.

5. For an exception to front line setback requirements, see § 25-13 of article II, division A, of this chapter.

B. Front lot lines for cluster lots.

1. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of a public street than one hundred feet (100').

2. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any private street than twenty feet (20').

C. Rear and side lot lines for conventional and cluster lots.

1. A principal building or structure shall not be erected, altered, located, reconstructed or enlarged nearer to any rear or side lot line than twenty-five feet (25').

2. An accessory building or structure which has an area of less than nine hundred square feet (900 sq. ft.) and is no more than twenty feet (20') in height shall not be erected, altered, located, reconstructed or enlarged nearer to any rear or side lot line than five feet (5').

3. An accessory building or structure which has an area of nine hundred square feet (900 sq. ft.) or more or is more than twenty feet (20') in height shall not be erected, altered, located, reconstructed or enlarged nearer to any rear or side lot line than twenty-five feet (25').

D. Additional setback for buildings in excess of thirty-five feet (35') in height.

1. For buildings and structures in excess of thirty-five feet (35'), but not more than fifty feet (50') in height, the required setback shall be increased one foot (1') for every one foot (1') increase in building height.

2. For buildings and structures in excess of fifty feet (50') in height, the required setback shall be increased fifteen feet (15') plus two feet (2') for every one foot (1') increase in building height above fifty feet (50').

§ 25-79. Height limitations.

In General Agriculture Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed seventy-five feet (75') in height.

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface and conical surface as required in any airport overlay district.

C. For exceptions to height limitations, see §25-15 of article II, division A, of this chapter.

Section 25-80 reserved.

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February 10, 2010, at 7:00 p.m.

CHAPTER 25. ZONING.

DIVISION C. SINGLE RESIDENTIAL DWELLING DISTRICTS.

Article XII. Rural Residential (RR) Districts.

§ 25-121.	Purpose.
§ 25-122.	Permitted uses.
§ 25-122.1.	Accessory buildings and uses.
§ 25-123.	Uses permitted by Administrative Permit.
§ 25-124.	Uses permitted by Special Use Permit.
§ 25-125.	Prohibited uses.
§ 25-126.	Lot area.
§ 25-127.	Lot width.
§ 25-128.	Yard and setback requirements.
§ 25-129.	Height limitations.
§25-129.1.	Access to public streets.

CHAPTER 25. ZONING.

DIVISION C. SINGLE RESIDENTIAL DWELLING DISTRICTS.

Article XII. Rural Residential (RR) Districts.

§ 25-121. Purpose.

The Rural Residential Districts are intended to provide space for low density residential development of an exclusive nature interspersed with agricultural lands and uses.

§ 25-122. Permitted uses.

The following uses shall be permitted within all Rural Residential Dwelling Districts without Administrative or Special Use Permit:

- A. One (1) single family dwelling and certain group homes required to be permitted by state law.
- B. Christmas tree farm provided the following conditions are met:
 1. No trees are sold to the public on site.
 2. The tract or parcel is at least five (5) acres in size.
- C. Limited agriculture as defined by this chapter, but not including poultry and swine, provided that the lot is at least five (5) acres in area.
- D. Passive recreational facilities not requiring a building.
- E. Religious institutions.

§ 25-122.1. Accessory buildings and uses.

A. Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted in Rural Residential Districts, subject to the applicable provisions of article V of division A of this chapter.

B. In Rural Residential districts, accessory buildings and structures are permitted with the following limitations:

1. Lots containing up to five (5) acres in area:

Accessory buildings and structures not exceeding twenty feet (20') in height nor with an aggregate area of twelve hundred square feet (1200 sq. ft.) may be erected in side and rear yards, however, in no case shall any accessory building be larger than the footprint of the dwelling or taller than the height of the dwelling. Accessory buildings and structures must meet the applicable side and rear yard requirements of § 25-128.

2. Lots containing more than five (5) acres in area:

There is no limit to the size of accessory buildings and structures on lots greater than five (5) acres in size. The side and rear setback requirements listed in § 25-128 shall be observed.

§ 25-123. Uses permitted by Administrative Permit.

The uses listed in this section shall be permitted within Rural Residential Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter Administrative permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

A. Home occupations, Class B.

Home occupations Class B, may be permitted by Administrative Permit provided:

1. The use of the home for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee that comes to the home. The business can have multiple employees who do not come to the home; and

February 10, 2010, at 7:00 p.m.

3. If the applicant is a tenant, written permission of the landowner is required; and
4. The use is conducted within the home or the use may occupy up to five hundred square feet (500 sq. ft.) of an accessory structure. All goods, equipment, and materials related to the home occupation must be stored indoors, within the accessory building, or on a single utility trailer with a trailer bed not to exceed sixteen feet (16') in length; and
5. No display of products made shall be visible from the street; and
6. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:
 - a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.
 - b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.
7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted, other than on the utility trailer listed above. Any animals associated with a permitted home occupation, e.g. pet grooming business; must be kept indoors; and
8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and
9. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and
10. All parking associated with the business shall be off-street and not located in a required front yard, except within the existing driveway; and
11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one (1) commercial vehicle per dwelling shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Class B home occupations: trash and garbage collection, small engine repair, motor vehicle repair, boarding house, day care centers, private schools, firearm sales, and landscaping businesses.

B. Day care home occupations.

Day care home occupations may be permitted by Administrative Permit provided:

1. The use of the dwelling for the day care home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and
2. Such occupation shall be engaged in only by residents of the dwelling and one (1) employee who comes to the home; and
3. Play equipment and similar facilities may be used; and
4. No accessory building shall be used for such occupation, except for storage of play equipment when not in use; and
5. All parking associated with the business shall be off-street and not located in any required front yard, except within an existing driveway; and
6. Approval from the Department of Social Services or proof that such approval may be obtained pending zoning approval; and
7. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for a day care home occupation, the Zoning Administrator shall send by certified mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

c. Action if objection received.

If written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, the application shall be denied, and the applicant advised that the day care home occupation may commence only upon the approval of a Special Use Permit by the board of zoning appeals.

d. Action if no objection received.

If no written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

C. Attached accessory dwelling units.

One (1) apartment constituting an attached accessory dwelling unit within what would otherwise be a single-family dwelling may be permitted by Administrative Permit provided:

1. It is attached by sharing one (1) common wall. In no case shall an enclosed or unenclosed breezeway be considered a common wall for the purposes of attaching an accessory dwelling unit to a dwelling; and
2. The apartment contains no more than six hundred square feet (600 sq. ft.) or forty percent (40%) of the amount of square footage in the

February 10, 2010, at 7:00 p.m.

footprint of the principal dwelling, whichever is greater, but not to exceed nine hundred square feet (900 sq. ft.); and

3. Exterior entrances to the apartment are on the side or rear only; and
4. There shall be no more than one (1) accessory dwelling unit, attached or detached, per principal dwelling; and
5. The owner of record personally resides in either the principal or accessory dwelling unit on the property. If this standard cannot be met, the accessory dwelling unit may be allowed only upon the approval of a Special Use Permit by the board of zoning appeals under § 25-124.E; and
6. The Building Inspection Department has indicated that either a Building Permit is not required, or a Building Permit can be issued for the apartment once the Administrative Permit has been approved; and
7. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and
8. All parking shall be accommodated on-site.

C. Detached accessory dwelling attached to an accessory building.

One (1) apartment constituting a detached accessory dwelling unit may be permitted by Administrative Permit as an accessory to a single-family dwelling provided:

1. There shall be no more than one (1) accessory dwelling unit, attached or detached, per principal dwelling; and
2. The accessory dwelling unit is less than nine hundred square feet (900 sq. ft.), but in no case shall it be larger than the footprint of the principal dwelling or the structure to which it is attached; and
3. The accessory dwelling unit is attached to an accessory building which is accessory to an occupied principal dwelling; and
4. The owner of record personally resides in either the principal or accessory dwelling unit on the property. If this standard cannot be met, the accessory dwelling unit may be allowed only upon the approval of a Special Use Permit by the board of zoning appeals under § 25-124.E; and
5. The Building Inspection Department has indicated that either a Building Permit is not required, or a Building Permit can be issued for the apartment once the Administrative Permit has been approved; and
6. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and
7. All parking shall be accommodated on-site.

§ 25-124. Uses permitted by Special Use Permit.

The uses listed in this section shall be permitted within Rural Residential Districts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.
2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see § 25-584 of division I of this chapter.

B. Day care centers and nursery schools.

Day care centers and nursery schools may be permitted by Special Use Permit provided:

1. Designated areas for pick-up and delivery are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets; and
2. Proposed playgrounds are adequately fenced and subject to the same setback requirements as principal structures, unless the board of zoning appeals finds that greater setbacks are necessary in the interest of public safety and compatibility with the neighboring properties; and
3. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

C. Residential care facilities.

Residential care facilities may be permitted by Special Use Permit provided:

1. The facility and anticipated enlargements thereof will be appropriate for residential areas; and

February 10, 2010, at 7:00 p.m.

2. The facility, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and

3. The permitting of the proposed facility, when taking into account the presence of other businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and

4. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

D. Christmas tree farms where trees are sold to the public on site.

Christmas tree farms where trees are sold to the public on site may be permitted by Special Use Permit provided:

1. The tract or parcel is at least five (5) acres in size; and

2. The tract or parcel fronts on and has access from a state maintained road, or, if it fronts on a private road, the applicant has demonstrated that the private road is constructed and maintained to adequate standards so as to accommodate the anticipated traffic; and

3. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and

4. On-site traffic flow will adequately and safely accommodate all traffic to and from adjoining and nearby streets and highways; and

5. Approval by the Virginia Department of Transportation.

E. Attached or detached accessory dwelling units where the owner of record does not personally reside in either the principal or accessory dwelling unit on the property.

A Special Use Permit for an attached or detached accessory dwelling unit where the owner of record does not personally reside in either the principal or accessory dwelling unit on the property may be granted provided:

1. The apartment was legally established with an Administrative or Special Use Permit; and

2. The accessory dwelling unit will not be out of character with the neighboring properties; and

3. All other provisions of §§25-123 C and D are met.

F. Accessory buildings or other accessory structures located in a front yard.

Accessory buildings or other accessory structures to be located in a front yard may be permitted by Special Use Permit provided:

1. The accessory building or structure would not appear out of character with surrounding properties; and

2. Be aesthetically damaging to the character of the surrounding properties; or

3. Adversely and substantially affect the fair market value of surrounding properties; and

4. The accessory building or structure must observe the front, side and rear yard requirements.

§ 25-125. Prohibited uses.

All uses except those listed in §§25-122, 25-122.1, 25-123, and 25-124 above, including manufactured and mobile homes, are specifically prohibited in Rural Residential Dwelling Districts.

§ 25-126. Lot area.

In Rural Residential Districts, the minimum lot area shall be two (2) acres.

§ 25-127. Lot width.

A. Every lot shall have at least forty feet (40') of frontage on a public street.

B. The minimum lot width at the minimum front setback line shall be one hundred fifty feet (150').

C. The minimum lot width at the rear lot line shall be forty feet (40').

§ 25-128. Yard and setback requirements.

In Rural Residential Districts the following yard and setback requirements are imposed:

A. Front lot lines.

1. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of a public street identified by the Virginia Department of Transportation as an arterial or collector street than fifty feet (50').

2. No building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any private street or any street identified by the Virginia Department of Transportation as a local street than twenty feet (20'). On lots in subdivisions where a master plan or preliminary plat was

February 10, 2010, at 7:00 p.m.

approved prior to February 28, 2010, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any other public or private street than thirty-five feet (35').

3. In the absence of proof to the contrary, the width of a public street shall be presumed to be thirty feet (30'), and the setback may be measured by adding fifteen feet (15') to the required setback and measuring from the center of the general line of passage.

4. If a lot, tract or parcel fronts on two (2) or more streets, the foregoing minimum setbacks shall be required on all streets.

5. For an exception to front line setback requirements, see § 25-13 of article II, division A, of this chapter.

B. Rear lot lines.

1. No principal building or structure shall be erected, altered, located, reconstructed or enlarged nearer to any rear lot line than twenty-five feet (25').

2. An accessory building or structure which has an area of less than twelve hundred square feet (1200 sq. ft.) and is no more than twenty feet (20') in height may be erected in rear yards. Such accessory buildings and structures shall not be erected, altered, located, reconstructed, or enlarged nearer than five feet (5') to any rear lot line.

3. An accessory building or structure which has an area of twelve hundred square feet (1200 sq. ft.) or more or is taller than twenty feet (20') high shall not be erected, altered, located, reconstructed or enlarged nearer to any rear lot line than twenty-five feet (25').

C. Side lot lines.

1. No principal building or structure shall be erected, altered, located, reconstructed or enlarged nearer to any side lot line than fifteen feet (15').

2. Accessory buildings or structures may be erected in side yards but no nearer to any side lot line than fifteen feet (15').

NOTE: Accessory buildings or other accessory structures located in the front yard shall not be erected, altered, located, reconstructed, or enlarged unless a Special Use Permit is obtained from the board of zoning appeals pursuant to § 25-124 F of this article.

§ 25-129. Height limitations.

In Rural Residential Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed thirty-five feet (35') in height.

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface, and conical surface as required in any Airport Overlay (APO) District.

C. For exceptions to height limitations, see § 25-15 of article II, division A, of this chapter.

§ 25-129.1. Access to public streets.

Lots created in residential subdivisions after February 28, 2010 must access a subdivision street or an internal road system. Nothing contained in this section shall be deemed to affect the validity of any preliminary plat or master plan approved prior to February 28, 2010 in accordance with Chapter 21 of this Code.

Section 25-130 reserved.

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CHAPTER 25. ZONING.

DIVISION C. SINGLE RESIDENTIAL DWELLING DISTRICTS.

Article XIII. Single Family Residential (SF) Districts.

§ 25-131.	Purpose.
§ 25-132.	Permitted uses.
§ 25-132.1.	Accessory buildings and uses.
§ 25-133.	Uses permitted by Administrative Permit.
§ 25-134.	Uses permitted by Special Use Permit.
§ 25-135.	Prohibited uses.
§ 25-136.	Lot area.
§ 25-137.	Lot width.
§ 25-138.	Yard and setback requirements.
§ 25-138.1.	Public water required.
§ 25-139.	Height limitations.
§ 25-139.1.	Access to public streets.

CHAPTER 25. ZONING.

DIVISION C. SINGLE RESIDENTIAL DWELLING DISTRICTS.

Article XIII. Single Family Residential (SF) Districts.

§ 25-131. Purpose.

The Single Family Residential Districts are intended to provide locations for single family dwellings on separate lots.

§ 25-132. Permitted uses.

February 10, 2010, at 7:00 p.m.

The following uses shall be permitted within all Single Family Residential Districts without Administrative or Special Use Permits:

- A. One (1) single family dwelling and certain group homes required to be permitted by state law.
- B. Passive recreational facilities not requiring a building.
- C. Religious institutions.

§ 25-132.1. Accessory buildings and uses.

A. Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted in Single Family Residential Districts, subject to the applicable provisions of article V of division A of this chapter.

B. In Single Family Residential districts, accessory buildings and structures are permitted with the following limitations:

- 1. Lots containing less than one (1) acre in area:

Accessory buildings and structures not exceeding twenty feet (20') in height nor an aggregate area of nine hundred square feet (900 sq. ft.) may be erected in side and rear yards, however, in no case shall any accessory building be larger than the footprint of the dwelling or taller than the height of the principal dwelling. Accessory buildings and structures must meet the applicable side and rear yard requirements of § 25-138.

- 2. Lots containing one (1) acre, but less than five (5) acres in area:

Accessory buildings and structures not exceeding twenty feet (20') or the height of the principal dwelling, whichever is less, and with a total aggregate area of no more than twelve hundred square feet (1,200 sq. ft.) may be erected in side or rear yards, however, in no case shall any accessory building or structure be larger than the footprint of the principal dwelling or taller than the principal dwelling. The side and rear setback requirements in 25-138 shall be observed.

- 3. Lots containing five (5) acres or more in area:

Accessory buildings and structures not exceeding twenty feet (20') or the height of the principal dwelling, whichever is less, may be erected in side or rear yards. On lots five (5) acres or more, there shall be no size limits for the buildings or structures, however, the side and rear setback requirements in § 25-138 shall be observed.

§ 25-133. Uses permitted by Administrative Permit.

The uses listed in this section shall be permitted within Single Family Residential Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

A. Home occupations, Class A.

Home occupations, Class A, may be permitted by Administrative Permit provided:

- 1. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and
- 2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee who comes to the home. The business can have multiple employees who do not come to the home; and
- 3. If the applicant is a tenant, written permission of the landowner is required; and
- 4. No display of products made shall be visible from the street; and
- 5. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:
 - a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.
 - b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.
- 6. No accessory building shall be used for such occupation; and
- 7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted. Any animals associated with a permitted home occupation, e.g. pet grooming business; must be kept indoors; and
- 8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and
- 9. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and
- 10. All parking associated with the business shall be off-street and not

February 10, 2010, at 7:00 p.m.

located in any required front yard, except within the existing driveway; and

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one (1) commercial vehicle per dwelling shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not to be considered to be Home Occupations, Class A: trash and garbage collection, small engine repair, motor vehicle repair, boarding house, day care centers, private schools, firearm sales, landscaping, and lawn care and mowing businesses.

B. Day care home occupations.

Day care home occupations may be permitted by Administrative Permit provided:

1. The use of the dwelling for the day care home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and one (1) employee who comes to the home; and

3. Play equipment and similar facilities may be used; and

4. No accessory building shall be used for such occupation, except for storage of play equipment when not in use; and

5. All parking associated with the business shall be off-street and not located in any required front yard, except within an existing driveway; and

6. Approval from the Department of Social Services or proof that such approval may be obtained pending zoning approval; and

7. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for a day care home occupation, the Zoning Administrator shall send by certified mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

a. Action if objection received.

If written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, the application shall be denied, and the applicant advised that the day care home occupation may commence only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Action if no objection received.

If no written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

C. Attached accessory dwelling units.

One (1) apartment constituting an attached accessory dwelling unit within what would otherwise be a single-family dwelling may be permitted by Administrative Permit provided:

1. It is attached by sharing one (1) common wall. In no case shall an enclosed or unenclosed breezeway be considered a common wall for the purposes of attaching an accessory dwelling unit to a dwelling; and

2. The apartment contains no more than six hundred square feet (600 sq. ft.) or forty percent (40%) of the amount of square footage in the footprint of the principal dwelling, whichever is greater, but not to exceed nine hundred square feet (900 sq. ft.); and

3. Exterior entrances to the apartment are on the side or rear only; and

4. There shall be no more than one (1) accessory dwelling unit, attached or detached, per principal dwelling; and

5. The owner of record personally resides in either the principal or accessory dwelling unit on the property. If this standard cannot be met, the accessory dwelling unit may be constructed only upon the approval of a Special Use Permit by the board of zoning appeals under § 25-134.H; and

6. The Building Inspection Department has indicated that either a Building Permit is not required, or a Building Permit can be issued for the apartment once the Administrative Permit has been approved; and

7. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and

8. All parking shall be accommodated on-site.

§ 25-134. Uses permitted by Special Use Permit.

The uses listed in this section shall be permitted within Single Family Residential Districts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to

February 10, 2010, at 7:00 p.m.

specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see § 25-584 of division I of this chapter.

B. Day care centers and nursery schools.

Day care centers and nursery schools may be permitted by Special Use Permit provided:

1. Designated areas for pick-up and delivery are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets; and

2. Proposed playgrounds are adequately fenced and subject to the same setback requirements as principal structures, unless the board of zoning appeals finds that greater setbacks are necessary in the interest of public safety and compatibility with the neighboring properties; and

3. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

C. Residential care facilities.

Residential care facilities may be permitted by Special Use Permit provided:

1. The facility and anticipated enlargements thereof will be appropriate for residential areas; and

2. The facility, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and

3. The permitting of the proposed facility, when taking into account the presence of other businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and

4. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

D. Christmas tree farms.

A Christmas tree farm, where at least seventy-five percent (75%) of the items sold must be grown on the site, may be permitted by Special Use Permit provided:

1. The tract or parcel is at least five (5) acres in size; and

2. The tract or parcel fronts on and has access from a state maintained road, or, if it fronts on a private road, the applicant has demonstrated that the private road is constructed and maintained to adequate standards so as to accommodate the anticipated traffic; and

3. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and

4. On-site traffic flow will adequately and safely accommodate all traffic to and from adjoining and nearby streets and highways; and

5. Approval by the Virginia Department of Transportation.

E. Farms and agriculture of a limited nature.

Limited agriculture may be permitted by Special Use Permit provided:

1. The tract or parcel is at least five (5) acres in size; and

2. The property is not part of a platted residential subdivision; and

3. The tract or parcel fronts on and has access from a state maintained road, or, if it fronts on a private road, the applicant has demonstrated that the private road is constructed and maintained to adequate standards so as to accommodate the anticipated traffic; and

4. Traffic generated by the proposed farming operation will be compatible with the roads serving the site and other traffic utilizing said roads; and

5. There shall be no accessory business use of the property that will generate additional traffic.

F. Accessory buildings or other accessory structures located in the front yard.

Accessory buildings or other accessory structures located in the front yard may be permitted by Special Use Permit provided:

1. The proposed location of the accessory building or structure would not appear out of character with other buildings and uses on the adjoining and surrounding properties; would not be aesthetically damaging to the character of the surrounding properties; or would not adversely and substantially affect the fair market value of surrounding properties; and

2. The accessory building or structure must meet the front setback requirement of this article.

February 10, 2010, at 7:00 p.m.

G. Boarding houses.

A Special Use Permit for a boarding house in a pre-1980 structure may be granted provided that all the requirements listed below are met:

1. The lot on which the dwelling is located is at least one (1) acre in size and not in a subdivision approved by the board of supervisors; and
2. The owner of the dwelling lives on the premises; and
3. The dwelling used shall have the exterior appearance of a single family residence and normal residential accessory structures; and
4. The facility, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and
5. Approval by the Virginia Department of Transportation; and
6. All parking associated with the use is accommodated off-street in accordance with the requirements of article III of this Code "Off-street Parking".

H. Attached accessory dwelling units where the owner of record does not personally reside in either the principal or accessory dwelling unit on the property.

A Special Use Permit for an attached accessory dwelling unit where the owner of record does not personally reside in either the principal or accessory dwelling unit on the property may be granted provided:

1. The apartment was legally established with an Administrative or Special Use Permit; and
2. The accessory dwelling unit will not be out of character with the neighboring properties; and
3. All other provisions of §25-133.C are met.

§ 25-135. Prohibited uses.

All uses except those listed in §§ 25-132, 25-132.1, 25-133, and 25-134 above, including manufactured and mobile homes, are specifically prohibited in Single Family Residential Districts.

§ 25-136. Lot area.

- A. The minimum lot area for lots on public water and sewer shall be:
 1. Nine thousand square feet (9,000 sq. ft.) where:
 - a. Curb and gutter and sidewalks are provided to the applicable standards of the Virginia Department of Transportation (VDOT), or
 - b. Curb and gutter are provided to the applicable standards of VDOT and internal pedestrian pathways or trails approved by the Augusta County Parks and Recreation Commission are provided. Adequate provisions shall be made for the perpetual maintenance of such pathways or trails.
 2. Twelve thousand square feet (12,000 sq. ft.) in all other cases.
- B. The minimum lot area for lots on public water and private sewage disposal systems shall be one (1) acre.

(Ord. 7/25/07)

§25-137. Lot width.

- A. Every lot shall have at least forty feet (40') of frontage on a public street.
- B. The minimum lot width at the minimum front setback line shall be:
 1. Seventy-five feet (75') where:
 - a. Curb and gutter and sidewalks are provided to the applicable standards of the Virginia Department of Transportation (VDOT), or
 - b. Curb and gutter are provided to the applicable standards of VDOT and internal pedestrian pathways or trails approved by the Augusta County Parks and Recreation Commission are provided. Adequate provisions shall be made for the perpetual maintenance of such pathways or trails.
 2. One hundred feet (100') in all other cases.
- C. The minimum lot width at the rear lot line shall be forty feet (40').

§ 25-138. Yard and setback requirements.

In Single Family Residential Districts the following yard and setback requirements are imposed:

A. Front lot lines.

1. No building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of a public street identified by the Virginia Department of Transportation as an arterial or collector street than fifty feet (50').
2. No building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any private street or any street identified by the Virginia Department of Transportation as a local street than twenty feet (20'). On lots in subdivisions where a master plan or preliminary plat was

February 10, 2010, at 7:00 p.m.

approved prior to February 28, 2010, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any public or private street than thirty-five feet (35').

3. In the absence of proof to the contrary, the width of a public street shall be presumed to be thirty feet (30'), and the setback may be measured by adding fifteen feet (15') to the required setback and measuring from the center of the general line of passage.

4. If a lot, tract, or parcel fronts on two (2) or more streets, the foregoing minimum setbacks shall be required on all streets.

5. For an exception to front line setback requirements, see § 25-13 of article II, division A, of this chapter.

B. Rear lot lines.

1. No principal building or structure shall be erected, altered, located, reconstructed, or enlarged nearer to any rear lot line than twenty-five feet (25').

2. Accessory buildings and structures not exceeding twenty feet (20') in height and with a total aggregate area of no more than nine hundred square feet (900 sq. ft.) may be erected in rear yards. Accessory buildings and structures less than nine hundred square feet (900 sq. ft.) shall not be nearer than five feet (5') to any rear lot line.

3. Accessory buildings and structures more than nine hundred square feet (900 sq. ft.) must meet the rear yard requirements for principal buildings.

C. Side lot lines.

1. A principal building or structure shall not be erected, altered, located, reconstructed, or enlarged nearer to any side lot line than:

a. Eight feet (8') where:

i. Curb and gutter and sidewalks are provided to the applicable standards of the Virginia Department of Transportation (VDOT), or

ii. Curb and gutter are provided to the applicable standards of the Virginia Department of Transportation (VDOT) and internal pedestrian pathways or trails approved by the Augusta County Parks and Recreation Commission are provided. Adequate provisions shall be made for the perpetual maintenance of such pathways or trails.

b. Fifteen feet (15') in all other cases.

2. Accessory buildings and structures may be erected in side yards. Side yard setback requirements applicable to principal buildings and structures shall be observed by all accessory buildings and structures.

§25-138.1. Public water required.

All developed lots in Single Family Residential Districts zoned after February 28, 2010 shall have service by a public water system.

§ 25-139. Height limitations.

In Single Family Residential Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed thirty-five feet (35') in height.

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface and conical surface as required in any Airport Overlay District.

C. For exceptions to height limitations, see § 25-15 of article II, division A, of this chapter.

§ 25-139.1. Access to public streets.

Lots created in residential subdivisions after February 28, 2010 must access a subdivision street or an internal road system. Nothing contained in this section shall be deemed to affect the validity of any preliminary plat or master plan approved prior to February 28, 2010 in accordance with Chapter 21 of this Code.

Section 25-140 reserved.

* * *

CHAPTER 25. ZONING.

DIVISION C. SINGLE RESIDENTIAL DWELLING DISTRICTS.

Article XVI. Attached Residential (AR) Districts.

§ 25-161.	Purpose.
§ 25-162.	Permitted uses.
§ 25-162.1.	Accessory buildings and uses.
§ 25-163.	Uses permitted by Administrative Permit.
§ 25-164.	Uses permitted by Special Use Permit.
§ 25-165.	Prohibited uses.
§ 25-166.	Lot area.
§ 25-167.	Lot width.
§ 25-168.	Lot frontage.

February 10, 2010, at 7:00 p.m.

- § 25-169. Yard and setback requirements.
- § 25-170. Public water and sewer required.
- § 25-170.1. Curb, gutter, and sidewalks/trails required.
- § 25-170.2. Common elements.
- § 25-170.3. Height limitations.
- § 25-170.4. Access to public streets.

CHAPTER 25. ZONING.

DIVISION C. SINGLE RESIDENTIAL DWELLING DISTRICTS.

Article XVI. Attached Residential (AR) Districts.

§ 25-161. Purpose.

The Attached Residential District is intended to provide locations for single-family residential developments utilizing side-by-side duplexes and townhouses at medium densities on public water and sewer.

§ 25-162. Permitted uses.

The following uses shall be permitted within all Attached Residential Dwelling Districts without Administrative or Special Use Permit:

A. Side-by-side duplex and townhouse dwellings provided that each dwelling unit is placed within a lot with yards and setbacks meeting the requirements of this article. However, single-family dwellings not part of side-by-side duplexes and townhouse dwellings are not permitted.

B. Passive recreational facilities not requiring a building.

C. Religious institutions.

§ 25-162.1. Accessory buildings and uses.

A. Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted in Attached Residential Districts, subject to the applicable provisions of article V of division A of this chapter.

B. Accessory buildings and structures not exceeding twenty feet (20') in height nor an aggregate area of nine hundred square feet (900 sq. ft.) may be erected in side and rear yards, however, in no case shall any accessory building be larger than the footprint of the dwelling or taller than the height of the dwelling. Accessory buildings and structures must meet the applicable side and rear yard requirements of §25-169.

§ 25-163. Uses permitted by Administrative Permit.

The uses listed in this section shall be permitted within Attached Residential Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

A. Home occupations, Class A.

Home occupations, Class A, may be permitted by Administrative Permit provided:

1. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee who comes to the home. The business can have multiple employees who do not come to the home; and

3. If the applicant is a tenant, written permission of the landowner is required; and

4. No display of products made shall be visible from the street; and

5. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:

a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.

b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.

6. No accessory building shall be used for such occupation; and

7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted. Any animals associated with a permitted home occupation, i.e. pet grooming business; must be kept indoors; and

8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and

9. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

10. All parking associated with the business shall be off-street and not located in any required front yard, except within the existing driveway; and

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one (1) commercial vehicle per dwelling shall be

February 10, 2010, at 7:00 p.m.

allowed pursuant to the requirements of §25-54.1.N; and

The following uses are not to be considered to be Home Occupations, Class A: trash and garbage collection, small engine repair, motor vehicle repair, boarding house, day care centers, private schools, firearm sales, landscaping, and lawn care and mowing businesses.

B. Day care home occupation.

Day care home occupations may be permitted by Administrative Permit provided:

1. The use of the dwelling for the day care home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and one (1) employee who comes to the home; and

3. Play equipment and similar facilities may be used; and

4. No accessory building shall be used for such occupation, except for storage of play equipment when not in use; and

5. All parking associated with the business shall be off-street and not located in any required front yard, except within an existing driveway; and

6. Approval from the Department of Social Services or proof that such approval may be obtained pending zoning approval; and

7. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for a day care home occupation, the Zoning Administrator shall send by certified mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

a. Action if objection received.

If written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, the application shall be denied, and the applicant advised that the day care home occupation may commence only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Action if no objection received.

If no written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

§ 25-164. Uses permitted by Special Use Permit.

The uses listed in this section shall be permitted within Attached Residential Districts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see § 25-584 of division I of this chapter.

B. Day care centers and nursery schools.

Day care centers and nursery schools may be permitted by Special Use Permit provided:

1. Designated areas for pick-up and delivery are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets; and

2. Proposed playgrounds are adequately fenced and subject to the same setback requirements as principal structures, unless the board of zoning appeals finds that greater setbacks are necessary in the interest of public safety and compatibility with the neighboring properties; and

3. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

C. Residential care facilities.

Residential care facilities may be permitted by Special Use Permit provided:

1. The facility and anticipated enlargements thereof will be appropriate for residential areas; and

February 10, 2010, at 7:00 p.m.

2. The facility, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and

3. The permitting of the proposed facility, when taking into account the presence of other businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and

4. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state and local regulations.

§ 25-165. Prohibited uses.

All uses except those listed in §§25-162, 25-162.1, 25-163, and 25-164 above, including manufactured and mobile homes, are specifically prohibited in Attached Residential Districts.

§ 25-166. Lot area.

The minimum lot area shall be two thousand five hundred twenty square feet (2,520 sq. ft.).

§ 25-167. Lot width.

The minimum lot width at any point shall be twenty feet (20').

§ 25-168. Lot frontage.

Every lot shall have at least twenty feet (20') of frontage on:

- A. A public street.
- B. A private street provided,

1. All private streets shall be designed to safely accommodate fire and rescue emergency vehicles.

2. The right-of-way of private streets shall be at least forty feet (40') in width as evidenced by a duly recorded document or deed covenant, or both, which shall specify that no request will be made to have the lot served by a public street unless and until the street has been designed and constructed at no cost to the county or the Virginia Department of Transportation, to the then current standards for streets. Such document shall also specify the provisions for the construction, maintenance, and upkeep of private streets.

C. A parking lot provided:

1. All parking lots shall be designed to safely accommodate fire and rescue emergency vehicles and must meet the requirements of article III. Off-Street Parking.

2. A common access easement shall be provided as evidenced by a duly recorded document or deed covenant, or both. Such document shall also specify the provisions for the construction, maintenance, and upkeep of such common access easement.

§ 25-169. Yard and setback requirements.

In Attached Residential Districts the following yard and setback requirements are imposed:

A. Front lot lines.

1. No building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of a public street identified by the Virginia Department of Transportation as an arterial or collector street than fifty feet (50').

2. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any other public street identified by the Virginia Department of Transportation as a local street, a private street, an internal travelway, or a parking lot than twenty feet (20'). On lots in subdivisions where a master plan or preliminary plat was approved prior to February 28, 2010, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any other public or private street than thirty-five feet (35').

3. In the absence of proof to the contrary the width of a public street shall be presumed to be thirty feet (30'), and the setback may be measured by adding fifteen feet (15') to the required setback and measuring from the center of the general line of passage.

4. If a lot, tract or parcel fronts on two (2) or more streets, the foregoing minimum setbacks shall be required on all streets.

5. For an exception to front line setback requirements, see § 25-13 of article II, division A, of this chapter.

B. Rear lot lines.

1. No principal building or structure shall be erected, altered, located, reconstructed, or enlarged nearer to any rear lot line than twenty-five feet (25').

2. Accessory buildings and structures not exceeding twenty feet (20') in height and with a total aggregate area of no more than nine hundred square feet (900 sq. ft.) may be erected in rear yards. Accessory buildings shall not be nearer than five feet (5') to any rear lot line.

C. Side lot lines.

1. A principal building or structure shall not be erected, altered,

February 10, 2010, at 7:00 p.m.

located, reconstructed, or enlarged nearer to a side lot line, other than a line upon which rests the common wall with another duplex or townhouse unit, than eight feet (8').

2. Accessory buildings and structures not exceeding twenty feet (20') in height and with a total aggregate area of no more than nine hundred square feet (900 sq. ft.) may be erected in side yards. Side yard setback requirements applicable to principal buildings and structures shall be observed by accessory buildings and structures.

§ 25-170. Public water and sewer required.

All developed lots in Attached Residential Districts shall have service by a public water and a public sewer system.

§25-170.1. Curb, gutter and sidewalks/trails required.

All developed lots shall have curb, gutter, and sidewalks provided to the applicable standards of the Virginia Department of Transportation (VDOT), or curb and gutter provided to the applicable standards of VDOT and internal pedestrian pathways or trails approved by the Augusta County Parks and Recreation Commission are provided. Adequate provisions shall be made for the perpetual maintenance of such pathways or trails.

§ 25-170.2. Common elements.

Where common elements are part of a development in Attached Residential Districts, they shall be established and evidenced by documents duly recorded prior to the sale or lease of any lot, structure or use in the development. Such documents shall also specify the provisions for participation in and construction, maintenance and upkeep of all such common elements. For purposes of this section, common elements shall include all facilities, open areas and other uses of property in which individual lots, structures, uses, owners or tenants have a beneficial interest in common with others.

§ 25-170.3. Height limitations.

In Attached Residential Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed thirty-five feet (35') in height.

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface and conical surface as required in any Airport Overlay District.

C. For exceptions to height limitations, see § 25-15 of article II, division A, of this chapter.

§ 25-170.4 Access to public streets.

Lots created in residential subdivisions after February 28, 2010 must access a subdivision street or an internal road system. Nothing contained in this section shall be deemed to affect the validity of any preliminary plat or master plan approved prior to February 28, 2010 in accordance with Chapter 21 of this Code.

Sections 25-171 through 25-210 reserved.

Articles XVII through XX reserved.

* * *

CHAPTER 25. ZONING.

DIVISION D. MULTIPLE RESIDENTIAL DWELLING DISTRICTS.

Article XXI. General provisions applicable to all Multiple Residential Dwelling Districts.

(Reserved)

CHAPTER 25. ZONING.

DIVISION D. MULTIPLE RESIDENTIAL DWELLING DISTRICTS.

Article XXII. Manufactured Home Park (MHP) Districts.

§ 25-221.	Purposes.
§ 25-222.	Permitted uses.
§ 25-222.1.	Accessory buildings and uses.
§ 25-223.	Uses permitted by Administrative Permit.
§ 25-224.	Uses permitted by Special Use Permit.
§ 25-225.	Uses prohibited.
§ 25-226.	Regulations applicable to manufactured home parks.
§ 25-227.	Reserved.
§ 25-228.	Replacement of nonconforming manufactured homes.
§ 25-229.	Minimum single-family dwelling sizes.
§ 25-230.	Site plan required.
§ 25-230.1.	Bonding.
§ 25-230.2.	Height limitations.

* * *

CHAPTER 25. ZONING.

February 10, 2010, at 7:00 p.m.

DIVISION D. MULTIPLE RESIDENTIAL DWELLING DISTRICTS.

Article XXII. Manufactured Home Park (MHP) Districts.

§ 25-221. Purposes.

Manufactured Home Park Districts are intended to allow residential development in the form of manufactured home parks where lots are not owned by the individual home owners. (Augusta County Code 1969, § 25-77)

§ 25-222. Permitted uses.

The following uses are permitted within Manufactured Home Park Districts without Administrative or Special Use Permit.

A. Manufactured and mobile homes utilized as single-family dwellings within manufactured home parks.

B. Religious institutions.

§ 25-222.1. Accessory buildings and uses.

A. Accessory buildings and uses customary and clearly incidental to a permitted use, including accessories to manufactured home parks as well as individual dwelling units, and which will not create a nuisance or hazard, shall be permitted in Manufactured Home Park Districts, subject to the applicable provisions of article V of division A of this chapter.

B. Accessory buildings and structures not exceeding twenty feet (20') in height nor an aggregate area of nine hundred square feet (900 sq. ft.) may be erected in side and rear yards, however, in no case shall any accessory building be larger than the footprint of the dwelling. Accessory buildings and structures must meet the applicable side and rear yard requirements of §25-226.

§ 25-223. Use permitted by Administrative Permit.

The uses listed in this section shall be permitted within Manufactured Home Park Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative Permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

A. Home occupations, Class A.

Home occupations, Class A, may be permitted by Administrative Permit provided:

1. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and
2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee who comes to the home. The business can have multiple employees who do not come to the home; and
3. If the applicant is a tenant, written permission of the landowner is required; and
4. No display of products made shall be visible from the street; and
5. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:
 - a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.
 - b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.
6. No accessory building shall be used for such occupation; and
7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted. Any animals associated with a permitted home occupation, e.g. pet grooming business; must be kept indoors; and
8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and
9. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and
10. All parking associated with the business shall be off-street and not located in any required front yard, except within the existing driveway; and
11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one (1) commercial vehicle per dwelling shall be allowed pursuant to the requirements of §25-54.1.N.

The following uses are not to be considered to be Home Occupations, Class A: trash and garbage collection, small engine repair, motor vehicle repair, boarding house, day care centers, private schools, firearm sales, landscaping, and lawn care and mowing businesses.

B. Day care home occupation.

Day care home occupations may be permitted by Administrative Permit provided:

February 10, 2010, at 7:00 p.m.

3. The use of the dwelling for the day care home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and
2. Such occupation shall be engaged in only by residents of the dwelling and one (1) employee who comes to the home; and
3. Play equipment and similar facilities may be used; and
4. No accessory building shall be used for such occupation, except for storage of play equipment when not in use; and
5. All parking associated with the business shall be off-street and not located in any required front yard, except within an existing driveway; and
6. Approval from the Department of Social Services or proof that such approval may be obtained pending zoning approval; and
7. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for a day care home occupation, the Zoning Administrator shall send by certified mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

a. Action if objection received.

If written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, the application shall be denied, and the applicant advised that the day care home occupation may commence only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Action if no objection received.

If no written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

§ 25-224. Uses permitted by Special Use Permit.

The uses listed in this section shall be permitted within Manufactured Home Park Districts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.
2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see § 25-584 of division I of this chapter.

B. Day care centers and nursery schools.

Day care centers and nursery schools may be permitted by Special Use Permit provided:

1. Designated areas for pick-up and delivery are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets; and
2. Proposed playgrounds are adequately fenced and subject to the same setback requirements as principal structures, unless the board of zoning appeals finds that greater setbacks are necessary in the interest of public safety and compatibility with the neighboring properties; and
3. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state and local regulations.

C. Residential care facilities.

Residential care facilities may be permitted by Special Use Permit provided:

1. The facility and anticipated enlargements thereof will be appropriate for manufactured home park areas; and
2. The facility, taking into account such things as its proposed size, parking facilities, setbacks and landscaping, will not be out of character with neighboring properties; and
3. The permitting of the proposed facility, when taking into account the presence of other businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and
4. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state and local regulations.

February 10, 2010, at 7:00 p.m.

§ 25-225. Uses prohibited.

All uses except those listed in §§ 25-222, 25-222.1, 25-223 and 25-224 above are specifically prohibited in Manufactured Home Park Districts.

§ 25-226. Regulations applicable to manufactured home parks.

Manufactured home parks shall be designed and constructed in accordance with the following:

A. The minimum manufactured home park area shall be five acres (5 ac.).

B. The setback and yard requirements for all buildings and structures, including manufactured homes, shall be as follows:

1. Front lot lines of the park.

a. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of a public street identified by the Virginia Department of Transportation as an arterial or collector street than fifty feet (50').

b. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any other public or private street than twenty-five feet (25'). On lots in manufactured home parks with a site plan or plan of development approved prior to February 28, 2010, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any public or private street than thirty-five feet (35').

c. In the absence of proof to the contrary the width of a public street shall be presumed to be thirty feet (30'), and the setback may be measured by adding fifteen feet (15') to the required setback and measuring from the center of the general line of passage.

d. If the park fronts on two (2) or more streets, the foregoing minimum setbacks shall be required on all streets upon which the park fronts.

NOTE: For setbacks applicable along internal roads serving the park, see subsection 4 below.

2. Rear lot lines of the park.

No building or structure shall be erected, altered, located, reconstructed or enlarged nearer to the rear lot lines of a manufactured home park than twenty-five feet (25').

3. Side lot lines of the park.

No building or structure shall be erected, altered, located, reconstructed or enlarged nearer to the side lot lines of a manufactured home park than twenty-five feet (25').

4. Front yards of manufactured home spaces.

No manufactured home shall be placed and no building or structure shall be erected, altered, located, reconstructed or enlarged nearer than twenty feet (20') to the edge of a sidewalk where four feet (4') wide paved sidewalks are provided, or twenty-five feet (25') from the edge of pavement, where no such sidewalks are provided. Said front yards shall be clear and unobstructed by tongues, accessories or other items.

5. Side and rear yards of manufactured home spaces.

Side yards adjacent to a street shall be clear and unobstructed by tongues, accessories or other items.

a. The minimum distance between manufactured homes, including any additions thereto, shall be:

i. Fifteen feet (15') where the manufactured homes are placed substantially end-to-end, or

ii. Thirty feet (30') in all other cases.

b. The minimum distance between accessory buildings and structures and decks, awnings, steps, porches and other attachments to the manufactured homes and similar features on neighboring manufactured home spaces shall be eight feet (8').

C. The maximum density of manufactured homes shall be six (6) per acre.

D. All manufactured home sites shall be numbered with the number of each lot clearly displayed in a manner visible from the street.

E. Public and private streets shall be named.

F. Street name signs meeting Augusta County Design Standard 80-4 shall be erected at all street intersections.

G. Private streets shall meet the following standards and specifications:

1. The minimum pavement width shall be eighteen feet (18'). Pavement width shall not include curb and gutter and shall meet the requirements of subparagraph 3 of this section.

2. The subbase and the base course shall meet the minimum specifications promulgated by the Virginia Department of Transportation.

3. The surface course shall meet the minimum standards for asphalt surface treatment promulgated by the Virginia Department of Transportation.

4. All banks and ditches shall be appropriately stabilized immediately

February 10, 2010, at 7:00 p.m.

upon completion of the work in accordance with the minimum standards promulgated pursuant to the Virginia Erosion and Sediment Control Law and Regulations.

H. Every manufactured home site shall be at least five thousand square feet (5000 sq. ft.) in size and shall have direct vehicular access to the abutting required street or road system.

I. Two (2) off-street parking spaces, as required by article III of division A of this chapter shall be provided for each manufactured home site. No on-street parking shall be permitted.

J. Guest parking and parking at the school bus pick-up point(s) shall be provided in the park. In addition to the required parking for individual dwelling units, an amount equal to 10% of the required parking spaces shall be provided. These requirements may be modified or waived in an individual case if the Board of Supervisors finds upon presentation of a parking study or similar documentation from the applicant that the public health, safety or welfare would be equally or better served by the modification or waiver; that the modification or waiver would not be a departure from design practice; and the modification or waiver would not otherwise be contrary to the purpose and intent of this chapter. In granting a modification or waiver, the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety or welfare.

K. No manufactured home site shall be sold or otherwise conveyed as a separate lot or condominium unit.

§ 25-227. Reserved

§ 25-228. Replacement of nonconforming manufactured homes.

No authorization from the board of zoning appeals shall be required for the substitution of a manufactured home for another manufactured or mobile home in Manufactured Home Park Districts provided that no minimum setback, yard or distance between manufactured homes requirements are violated to any greater extent than they were prior to the substitution. (See also § 25-663.G)

§ 25-229. Minimum single-family dwelling sizes.

In Manufactured Home Park Districts, manufactured homes may be smaller than the minimum size of single-family dwellings required by § 25-12 of division A of this chapter.

§ 25-230. Site Plan required.

A site plan meeting the requirements of division J article LXVII "Site Plan Review" shall be submitted and approved prior to the approval of any building, placement or other development permit.

§ 25-230.1. Bonding.

A performance bond with surety or other security satisfactory to the county, to guarantee the installation and satisfactory completion of the water, sewer, roads, any required landscaping and any other facilities and improvements deemed necessary by the Zoning Administrator. The bond or other security shall be in an amount sufficient for and conditioned upon the construction of such facilities and improvements plus twenty-five percent (25%) of said estimated costs as a reasonable allowance for administrative costs, inflation and potential damage to existing facilities and improvements as well as maintenance, when appropriate, of such facilities and improvements until maintenance is assumed by an appropriate public or private agency. The bond or other security will be released by the Director of the Community Development Department when he is satisfied that all work has been completed in a satisfactory manner and the appropriate public or private agency has assumed responsibility for maintenance. The Director of the Community Development Department may require submission of a certificate of satisfactory completion by a duly licensed engineer or surveyor.

§ 25-230.2. Height limitations.

In Manufactured Home Park Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed thirty-five feet (35') in height.

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface and conical surface as required in any airport overlay district.

C. For exceptions to height limitations, see § 25-15 of article II, division A, of this chapter.

* * *

CHAPTER 25. ZONING.

DIVISION D. MULTIPLE RESIDENTIAL DWELLING DISTRICTS.

Article XXIII. Multi-family Residential (MF) Districts.

- § 25-231. Purposes.
- § 25-232. Permitted uses.
- § 25-232.1. Accessory buildings and uses.
- § 25-233. Uses permitted by Administrative Permit.
- § 25-234. Uses permitted by Special Use Permit.
- § 25-235. Uses prohibited.
- § 25-236. Setback and yard requirements.
- § 25-237. Public water and sewer required.
- § 25-237.1. Additional parking required.
- § 25-238. Density limitations.
- § 25-239. Minimum single-family dwelling sizes.
- § 25-240. Site plan required.

February 10, 2010, at 7:00 p.m.

- § 25-240.1. Bonding.
 § 25-240.2. Height limitations.

CHAPTER 25. ZONING.

DIVISION D. MULTIPLE RESIDENTIAL DWELLING DISTRICTS.

Article XXIII. Multi-family Residential (MF) Districts.

§ 25-231. Purposes.

A. The Multi-family Residential District is intended to provide locations for multi-family residential developments at higher densities on public water and sewer.

B. Industrial, commercial or similar uses not common to or compatible with residential development are restricted or prevented.

C. These districts may serve as a buffer between less intensive and more intensive use districts.

D. A variety of housing densities and styles is encouraged in order to permit diversity and flexibility in design and layout.

§ 25-232. Permitted uses.

The following uses shall be permitted within Multi-family Residential Districts without Administrative or Special Use Permit:

- A. Multi-family dwellings.
- B. Two-family dwellings.
- C. Religious institutions.
- D. Duplexes.
- E. Townhouses.

§ 25-232.1. Accessory buildings and uses.

A. Accessory buildings and uses customary and clearly incidental to a permitted use, including accessories to multi-family residential developments as well as individual dwelling units, and which will not create a nuisance or hazard, shall be permitted in Multi-family Residential Districts, subject to the applicable provisions of article V of division A of this chapter.

B. Accessory buildings and structures not exceeding twenty feet (20') in height nor an aggregate area of nine hundred square feet (900 sq. ft.) may be erected in side and rear yards. Accessory buildings and structures must meet the applicable yard requirements of §25-236.

§ 25-233. Use permitted by Administrative Permit.

The uses listed in this section shall be permitted within Multi-family Residential Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

A. Home occupations, Class A.

Home occupations, Class A, may be permitted by Administrative Permit provided:

1. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and
2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee who comes to the home. The business can have multiple employees who do not come to the home; and
3. If the applicant is a tenant, written permission of the landowner is required; and
4. No display of products made shall be visible from the street; and
5. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:
 - c. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.
 - d. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.
6. No accessory building shall be used for such occupation; and
7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted. Any animals associated with a permitted home occupation, e.g. pet grooming business; must be kept indoors; and
8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and

February 10, 2010, at 7:00 p.m.

9. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

10. All parking associated with the business shall be off-street and not located in any required front yard, except within the existing driveway; and

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one (1) commercial vehicle per dwelling shall be allowed pursuant to the requirements of §25-54.1.N.

The following uses are not to be considered to be Home Occupations, Class A: trash and garbage collection, small engine repair, motor vehicle repair, boarding house, day care centers, private schools, firearm sales, landscaping, and lawn care and mowing businesses.

B. Day care home occupation.

Day care home occupations may be permitted by Administrative Permit provided:

1. The use of the dwelling for the day care home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and one (1) employee who comes to the home; and

3. Play equipment and similar facilities may be used; and

4. No accessory building shall be used for such occupation, except for storage of play equipment when not in use; and

5. All parking associated with the business shall be off-street and not located in any required front yard, except within an existing driveway; and

6. Approval from the Department of Social Services or proof that such approval may be obtained pending zoning approval; and

7. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for a day care home occupation, the Zoning Administrator shall send by certified mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

a. Action if objection received.

If written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, the application shall be denied, and the applicant advised that the day care home occupation may commence only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Action if no objection received.

If no written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

§ 25-234. Uses permitted by Special Use Permit.

The uses listed in this section shall be permitted within Multi-family Residential Districts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see § 25-584 of division I of this chapter.

B. Day care centers and nursery schools.

Day care centers and nursery schools may be permitted by Special Use Permit provided:

1. Designated areas for pick-up and delivery are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets; and

2. Proposed playgrounds are adequately fenced and subject to the same setback requirements as principal structures, unless the board of zoning appeals finds that greater setbacks are necessary in the interest of public safety and compatibility with the neighboring properties; and

3. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state and local regulations.

February 10, 2010, at 7:00 p.m.

C. Residential care facilities.

Residential care facilities may be permitted by Special Use Permit provided:

1. The facility and anticipated enlargements thereof will be appropriate for multi-family residential areas; and
2. The facility, taking into account such things as its proposed size, parking facilities, setbacks and landscaping, will not be out of character with neighboring properties; and
3. The permitting of the proposed facility, when taking into account the presence of other businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and
4. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state and local regulations.

§ 25-235. Uses prohibited.

All uses except those listed in §§25-232, 25-232.1, 25-233 and 25-234 above are specifically prohibited in Multi-family Residential Districts.

§ 25-236. Setback and yard requirements.

- A. All buildings and structures shall be set back from areas not zoned Multi-family Residential a minimum of twenty-five feet (25').
- B. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of an existing public street identified by Virginia Department of Transportation as an arterial or collector street than fifty feet (50').
- C. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any private street or any street identified by the Virginia Department of Transportation as a local street than twenty-five feet (25'). On lots in developments with a site plan or plan of development approved prior to February 28, 2010, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any public or private street than thirty-five feet (35').
- D. Additional setback for buildings in excess of thirty-five feet (35') in height.
 1. For buildings and structures in excess of thirty-five feet (35'), but not more than fifty feet (50') in height, the required setback shall be increased one foot (1') for every one foot (1') increase in building height.
 2. For buildings and structures in excess of fifty feet (50') in height, the required setback shall be increased fifteen feet (15') plus two feet (2') for every one foot (1') increase in building height above fifty feet (50').

E. There are no other setback or yard requirements.

§ 25-237. Public water and sewer required.

All developed lots shall have service by a public water and public sewer system.

25-237.1. Additional parking required.

In addition to the parking required in §25-35.A., guest parking and parking at the school bus pick-up point(s) shall be provided in the park. In addition to the required parking for individual dwelling units, an amount equal to ten percent (10%) of the required parking spaces shall be provided. These requirements may be modified or waived in an individual case if the board of supervisors finds upon presentation of a parking study or similar documentation from the applicant that the public health, safety or welfare would be equally or better served by the modification or waiver; that the modification or waiver would not be a departure from design practice; and the modification or waiver would not otherwise be contrary to the purpose and intent of this chapter. In granting a modification or waiver, the board of supervisors may impose such conditions as deemed necessary to protect the public health, safety or welfare.

§ 25-238. Density limitations.

The maximum number of dwelling units per gross acre shall be as follows:

- A. One-story development: Eight (8).
- B. Two-story development: Twelve (12).
- C. Three-story development: Sixteen (16).
- D. Four-story development: Twenty (20).
- E. Five-story development: Twenty-four (24).
- F. Six-story development: Twenty-eight (28).

When a development includes buildings with varying heights, the maximum number of dwelling units per gross acre permitted shall be calculated based upon the proportions of each type of development.

§ 25-239. Minimum single-family dwelling sizes.

In Multi-family Residential Districts single-family dwelling units may be smaller than the minimum size of single-family dwellings required by §25-12 of division A of this chapter. (Ord. 11/28/01; eff. 1/1/02)

§ 25-240. Site Plan required.

A site plan meeting the requirements of division J article LXVII "Site Plan

February 10, 2010, at 7:00 p.m.

Review" shall be submitted and approved prior to the approval of any building, placement or other development permit.

§ 25-240.1. Bonding.

A performance bond with surety or other security satisfactory to the county, to guarantee the installation and satisfactory completion of the water, sewer, roads, any required landscaping and any other facilities and improvements deemed necessary by the Zoning Administrator. The bond or other security shall be in an amount sufficient for and conditioned upon the construction of such facilities and improvements plus twenty-five percent (25%) of said estimated costs as a reasonable allowance for administrative costs, inflation and potential damage to existing facilities and improvements as well as maintenance, when appropriate, of such facilities and improvements until maintenance is assumed by an appropriate public or private agency. The bond or other security will be released by the Director of the Community Development Department when he is satisfied that all work has been completed in a satisfactory manner and the appropriate public or private agency has assumed responsibility for maintenance. The Director of the Community Development Department may require submission of a certificate of satisfactory completion by a duly licensed engineer or surveyor.

§ 25-240.2. Height limitations.

In Multi-family Residential Districts, all buildings and structures shall be subject to the following height limitations:

- A. No building or structure shall exceed seventy-five feet (75') in height.
- B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface and conical surface as required in any airport overlay district.
- C. For exceptions to height limitations, see §25-15 of article II, division A, of this chapter.

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CHAPTER 25. ZONING.

DIVISION E. BUSINESS DISTRICTS.

Article XXVIII. Airport Business (AB) Districts.

- § 25-281. Purpose.
- § 25-282. Permitted uses.
- § 25-282.1. Accessory buildings and uses.
- § 25-283. Uses permitted by Administrative Permit.
- § 25-284. Prohibited uses.
- § 25-285. Lot area.
- § 25-285.1. Lot width.
- § 25-285.2. Yard and setback requirements.
- § 25-286. Lot frontage.
- § 25-287. Height limitations.

CHAPTER 25. ZONING.

DIVISION E. BUSINESS DISTRICTS.

Article XXVIII. Airport Business (AB).

§ 25-281. Purpose.

A. Airport Business Districts are intended to provide space for airports licensed by the Virginia Department of Aviation or any United States government or military air facility.

B. Also permitted are office and business uses within and adjoining the airport facility that are compatible with an airport environment.

§ 25-282. Permitted uses.

The following uses shall be permitted within Airport Business Districts without Administrative or Special Use Permit:

- A. Aircraft charter service.
- B. Aircraft sales.
- C. Airports.
- D. Airport terminals.
- E. Businesses compatible with an airport environment, including but not necessarily limited to: hotels, motels, tourist courts, bus and other transit passenger terminals, taxi stands, motor vehicle parking, travel arranging services, motor vehicle rental services, gasoline retail outlets, restaurants and retail stores.
- F. Facilities for refueling aircraft.
- G. Flight instructions.
- H. Heliports and helipads.
- I. Offices.
- J. Police, fire and rescue squad stations as accessory uses to the airport.

February 10, 2010, at 7:00 p.m.

K. Retail service for passenger accommodations.

§ 25-282.1. Accessory buildings and uses.

Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted in Airport Business Districts, subject to the applicable provisions of article V of division A of this chapter.

§ 25-283. Uses permitted by Administrative Permit.

The uses listed in this section shall be permitted within Airport Business Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

A. Off-site office trailers, buildings, parking lots, and equipment or materials storage areas or facilities in connection with temporary construction.

The temporary placement, development or use of off-site office trailers, buildings, parking lots or equipment or materials storage areas or facilities in connection with construction projects may be permitted by Administrative Permit provided:

1. Items permitted are in connection with specific construction projects; and
2. Items permitted are placed no sooner than thirty (30) days prior to the beginning of construction and removed within thirty (30) days after completion or suspension of construction; and
3. Items permitted are placed within reasonable proximity of the construction project.

§ 25-284. Prohibited uses.

All uses except those listed in §§25-282, 25-282.1 and 25-283 are specifically prohibited.

§ 25-285. Lot area.

The minimum lot area shall be sufficient for compliance with all the provisions of this article.

§ 25-285.1. Lot width.

The minimum lot width at the minimum setback line shall be:

- A. One hundred feet (100'); or
- B. Fifty feet (50') if:
 1. Curb and guttering is installed along the entire road frontage in accordance with applicable standards of the Virginia Department of Transportation; and
 2. The lot has only one (1) highway entrance and it is a commercial entrance in accordance with applicable standards of the Virginia Department of Transportation and is shared with one (1) or more other lots.
- C. There is no minimum lot width requirement if there is no direct access on to a public road.

§ 25-285.2. Yard and setback requirements.

When parking is located adjacent to a public street right-of-way, the following setbacks apply:

- A. Front lot lines.
 - a.
 1. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of a public street identified by the Virginia Department of Transportation as an arterial or collector street than fifty feet (50'). A building or other structure may qualify for a twenty foot (20') building setback if there is no parking within fifty feet (50') of any arterial or collector street.
 2. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any other public street than thirty-five feet (35').
 - a. A building or other structure may qualify for a fifteen foot (15') building setback if there is no parking within thirty-five feet (35') of any other public street.
 3. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any private street or interparcel travelway than twenty feet (20').
 - b. A building or other structure may qualify for a ten foot (10') building setback if there is no parking within twenty feet (20') of any private street or interparcel travelway.
 4. In the absence of proof to the contrary the width of a public street shall be presumed to be thirty feet (30'), and the setback may be measured by adding fifteen feet (15') to the required setback and measuring from the center of the general line of passage.
 5. If a lot, tract or parcel fronts on two (2) or more streets, the foregoing minimum setbacks shall be required on each street, respectively.

February 10, 2010, at 7:00 p.m.

6. For an exception to front line setback requirements, see §25-13 of article II, division A, of this chapter.

B. Other lot lines adjoining airport business zones.

There are no minimum setbacks required from lot lines, other than front lines, where the other lot line is a boundary with property zoned for airport business use under this article.

C. Lot lines not adjoining airport business zones.

No building or other permanent improvement shall be erected, altered or enlarged nearer than fifty feet (50') to any property not zoned Airport Business.

§ 25-286. Lot frontage.

Every lot shall have at least:

- A. One hundred feet (100') of frontage on a public street; or
- B. Fifty feet (50') of frontage on a public street if:

1. Curb and guttering is installed along the entire road frontage in accordance with applicable standards of the Virginia Department of Transportation; and

2. The lot has only one (1) highway entrance and it is a commercial entrance in accordance with applicable standards of the Virginia Department of Transportation and is shared with one (1) or more other lots.

C. No minimum lot frontage is required if there is no direct access on to a public road.

§ 25-287. Height limitations.

In Airport Business Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed seventy-five feet (75') in height.

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface and conical surface as required in any airport overlay district.

C. For exceptions to height limitations, see § 25-15 of article II, division A, of this chapter.

Sections 25-288 through 25-290 reserved.

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CHAPTER 25. ZONING.

DIVISION E. BUSINESS DISTRICTS.

Article XXX. General Business (GB) Districts.

§ 25-301.	Purposes.
§ 25-302.	Permitted uses.
§ 25-302.1.	Accessory buildings and uses.
§ 25-303.	Uses permitted by Administrative Permit.
§ 25-304.	Uses permitted by Special Use Permit.
§ 25-305.	Uses prohibited.
§ 25-306.	Lot area.
§ 25-306.1.	Lot width.
§ 25-306.2.	Lot frontage.
§ 25-307.	Yard and setback requirements.
§ 25-308.	Buffer yards.
§ 25-309.	Height limitations.
§ 25-310.	Adult businesses.

February 10, 2010, at 7:00 p.m.

CHAPTER 25. ZONING.

DIVISION E. BUSINESS DISTRICTS.

Article XXX. General Business (GB) Districts.

§ 25-301. Purposes.

A. The General Business District is intended to provide locations for a variety of commercial and service related activities in concentrated locations where they will be convenient to residential areas.

B. This district is aimed at focusing commercial activities and thereby preventing scattered or strip development incompatible with adjoining existing uses.

§ 25-302. Permitted uses.

The following uses shall be permitted within General Business Districts without Administrative or Special Use Permit, provided they are conducted within an enclosed building and there is no outdoor storage:

A. Adult businesses, as regulated in §25-310 and chapter 6-41 of the code. (Ord. 04/23/08)

B. Agricultural related uses, including, but not limited to: plant nurseries, tree farms, greenhouses open to the public, lawn and garden and farm supply centers, feed and fertilizer facilities, and landscape supply centers.

C. Animal care facilities, including, but not limited to: kennels, veterinary clinics and hospitals, and animal shelters without outside runs.

D. Banks and Financial Institutions.

E. Construction support businesses, including, but not necessarily limited to: sales and storage of building materials, cabinets, carpentry, electrical, plumbing, and similar shops, and contractor offices.

F. Eating and drinking establishments, including, but not necessarily limited to: fast food restaurants, restaurants, and cafes.

G. Entertainment, Indoor, including, but not necessarily limited to: bowling alleys, indoor firing ranges, pool halls, theatres and auditoriums, membership clubs and lodges, gymnasiums, fitness centers and health clubs, fortune telling, video amusements, and indoor theaters.

H. Government facilities, including, but not necessarily limited to: libraries, post offices, and public safety facilities.

I. Hospitals and residential care facilities.

J. Industry support businesses, not involving bulk storage of fuels or other regulated substances; including, but not necessarily limited to: welding and machine shops, laboratories, and prototype production plants.

K. Media Related Businesses, including, but not necessarily limited to: printing and publishing businesses, radio, television and movie studios, cable TV offices, but excluding on-site towers, antennas, and other accessory equipment in excess of seventy-five feet (75') in height.

L. Meeting places and other facilities of civic, community service, and fraternal organizations.

M. Offices, including, but not necessarily limited to: business offices, call centers, professional offices, medical or dental offices or clinics, and real estate offices.

N. Overnight accommodations, including, but not limited to: bed and breakfast inns, hotels, and motels.

O. Parking lots or garages; park and ride lots.

P. Active and passive recreational facilities not utilizing outdoor lighting.

Q. Religious Institutions.

R. Retail Sales and Service, including, but not limited to: antique shops, appliance repair, artist studios or galleries, barber or beauty shops, bakeries, clothing stores, convenience stores, coffee shops, drug stores, farmers markets, flea markets or auction houses, florists, funeral homes or mortuaries, furniture stores, gasoline retail outlets, grocery stores, gunsmith shops, hair salons, nails, tanning booths, or similar personal services, hardware stores, headstone, monument, or vaults, laundry or dry cleaning pick-up, massage therapy, office machines and supplies, paint and wallpaper stores, pet sales or grooming, private postal services, shopping centers, and upholstery shops.

S. Transportation related uses, including, but not limited to: bus and railroad stations and taxi services.

T. Vehicle Service, including, but not limited to: car washes, vehicle and boat repair, and vehicle and boat parts. Vehicles awaiting repair for more than thirty (30) days must meet the requirements for Limited Outdoor Storage pursuant to the requirements in §25-303K or obtain a Special Use Permit for General Outdoor Storage pursuant to the requirements of §25-304 B.

U. Wholesale and resale businesses where goods are normally sold or leased.

§ 25-302.1. Accessory buildings and uses.

Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted in General Business

February 10, 2010, at 7:00 p.m.

Districts, subject to the applicable provisions of article V of division A of this chapter.

§ 25-303. Uses permitted by Administrative Permit.

The uses listed in this section shall be permitted within General Business Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

A. Off-site sale of seasonal items.

Off-site sale for more than thirty (30) days of seasonal items such as Christmas trees, fireworks, farm produce grown off premises, or other items which by their nature are sold primarily during certain times of the year, may be permitted by Administrative Permit provided:

1. The sale is for a stated limited period of time not to exceed ninety (90) days in any one (1) year period; and
2. Adequate provisions are made for off-street parking, and the sale will not disrupt traffic in the neighborhood. No such sale, if conducted on the site of an existing development, shall infringe upon any parking spaces required for such development. The Zoning Administrator shall determine that sufficient and accessible off-street parking spaces are available to serve the patrons of such operation prior to its authorization; and
3. Approval of a highway entrance permit for the use has been obtained from the Virginia Department of Transportation; and
4. No site plan as provided in § 25-672 of this chapter shall be required. However, the Zoning Administrator may require a sketch plan to be submitted in order to determine compliance with this section; and
5. The applicant for such permit shall provide written evidence of the approval of the owner of the property on which such sale is to be conducted.

B. Off-site office trailers, buildings, parking lots, and equipment or materials storage areas or facilities in connection with temporary construction.

The temporary placement, development, or use of off-site office trailers, buildings, parking lots, or equipment or materials storage areas or facilities in connection with construction projects may be permitted by Administrative Permit provided:

1. Items permitted are in connection with specific construction projects; and
2. Items permitted are placed no sooner than thirty (30) days prior to the beginning of construction and removed within thirty (30) days after completion or suspension of construction; and
3. Items permitted are placed within reasonable proximity of the construction project; and
4. All buildings, structures, and materials placed or stored on the site shall comply with all applicable side and rear yard requirements.

C. Trailers used other than as recreational vehicles.

Trailers used other than as recreational vehicles may be permitted by Administrative Permit for the following uses:

1. Mobile banks or similar financial facilities provided that the permit shall not be granted for a period in excess of two (2) years and may be renewed for an additional term of two (2) years.
2. Mobile classrooms associated with a school as defined in this chapter.
3. Any such structure shall meet all setback and yard requirements.

D. Home occupations, Class B.

Home occupations, Class B, may be permitted by Administrative Permit provided:

1. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and
2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee that comes to the home. The business can have multiple employees who do not come to the home; and
3. If the applicant is a tenant, written permission of the landowner if required; and
4. The use is conducted within the home or the use may occupy up to five hundred square feet (500 sq. ft.) of an accessory structure. All goods, equipment, and materials related to the Home Occupation must be stored indoors, within the accessory building, or on a single utility trailer with a trailer bed not to exceed sixteen feet (16') in length; and
5. No display of products made shall be visible from the street; and

February 10, 2010, at 7:00 p.m.

6. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:

a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.

b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.

7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted, other than on the utility trailer permitted in 4 above. Any animals associated with a permitted home occupation, e.g. pet grooming business, must be kept indoors; and

8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and

9. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one (1) commercial vehicle per dwelling shall be allowed pursuant to the requirements of §25-54.1.N.

The following are not to be considered Home occupations, Class B: trash and garbage collection small engine repair, motor vehicle repair, boarding houses, day care centers, private schools, firearm sales and landscaping businesses.

E. Day care home occupation.

Day care home occupations may be permitted by Administrative Permit provided:

1. The use of the dwelling for the day care home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and one (1) employee who comes to the home; and

3. Play equipment and similar facilities may be used; and

4. No accessory building shall be used for such occupation, except for storage of play equipment when not in use; and

5. All parking associated with the business shall be off-street and not located in any required front yard, except within an existing driveway; and

6. Approval from the Department of Social Services or proof that such approval may be obtained pending zoning approval; and

7. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for a day care home occupation, the Zoning Administrator shall send by certified mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

a. Action if objection received.

If written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, the application shall be denied, and the applicant advised that the day care home occupation may commence only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Action if no objection received.

If no written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

F. Mini-warehouses.

Mini-warehouses may be permitted by Administrative Permit provided a site plan for the property is approved showing the following:

1. Any entrance gates must be set back at least forty feet (40') from the right-of-way line.

2. All storage shall be within completely enclosed buildings unless outdoor storage has been approved by the board of zoning appeals.

3. The keeping, parking, or storing of any type of motor vehicle or equipment outdoors, except for loading and unloading, is prohibited unless specifically approved by the board of zoning appeals.

4. Aisleways for vehicular traffic shall be eighteen feet (18') wide for one-way traffic and twenty-four feet (24') wide for two-way traffic.

5. No storage of hazardous, toxic, or explosive materials shall occur in the mini-warehouse facility. Signs shall be posted within the facility describing such limitations.

The Administrative Permit shall be issued subject to the condition that no activities such as sales, repairs, or servicing of goods, equipment, or vehicles from units shall be permitted.

G. Cemeteries.

Cemeteries may be permitted by Administrative Permit provided an adequate site plan is approved showing the following:

1. Travel lanes for vehicular traffic shall be a minimum of eighteen feet (18') wide.

February 10, 2010, at 7:00 p.m.

2. Burial spaces and appurtenances thereto are setback from roads and property boundaries in conformity with regulations applicable to principal structures within the district.
3. Compliance with the applicable requirements of Virginia Code § 57-26.
4. A commercial entrance permit has been obtained.

The Administrative Permit for a cemetery shall be issued subject to the condition that no outdoor music shall be permitted except during funeral services.

Cemeteries located in church yards or for family members only buried on private property are exempt from obtaining an Administrative Permit.

H. Apartments not on the ground floor.

Apartments not on the ground floor may be permitted by Administrative Permit provided:

1. At least ninety percent (90%) of the ground floor is devoted to business use; and
2. Off-street parking will be in compliance with article III of this chapter; and
3. Approval of the plans has been received from the Building Inspection Department.

I. Vehicle sales lots.

Vehicle sales lots, including the keeping of any motor vehicles, boats, recreational vehicles, campers, trailers, farm machinery, construction equipment, manufactured or mobile homes, or similar equipment or machinery for sale or lease, may be permitted by Administrative Permit provided an adequate site plan is approved showing the following:

1. Travel lanes for vehicular traffic shall be eighteen feet (18') wide.
2. Display areas are clearly delineated on the site plan.
3. Customer parking areas are clearly delineated on the site plan and are in compliance with the requirements of article III, division A, of this chapter.
4. If the keeping of inoperable motor vehicles or equipment is anticipated, a vehicle impoundment yard is clearly delineated on the site plan and is in compliance with the requirements of § 25-58 of article V, division A, of this chapter.
5. Display areas are set back at least twenty-five feet (25') from the edge of pavement of any adjoining roads, and in no case shall a display area be within the right-of-way area of any road.
6. Vehicle sales lots established on or before December 31, 2002, shall not be subject to the requirements of this section, but shall remain subject to the applicable regulations in effect on December 31, 2002.

J. Outdoor Display of Merchandise.

Outdoor display of merchandise may be permitted by Administrative Permit provided that the use shall be limited to that merchandise which:

1. Is in working order and ready for sale; and
2. Is located in side or rear yards; or
3. If in front, can be accommodated in the area immediately adjoining the front of the principal building and extending not more than twenty feet (20') from it except:
 - a. In the case of a permitted gasoline sales establishment, outdoor display can be accommodated on the pump islands;
 - b. In the case of permitted landscape nurseries and similar uses, outdoor display areas are set back at least twenty-five feet (25') from the edge of pavement of any adjoining roads, and in no case shall a display area be within the right-of-way of any road.

No such display shall encroach upon any required parking or loading area or vehicular circulation area.

NOTE: Any outdoor display of merchandise that does not meet the requirements listed above or the requirements for Limited outdoor storage listed in subsection K below can apply to the board of zoning appeals for a Special Use Permit pursuant to the requirements listed in §25-304B.

K. Limited outdoor storage.

Limited outdoor storage may be permitted by Administrative Permit provided:

1. Limited outdoor storage shall not be more than twelve feet (12') in height and shall be fully shielded or screened from view. Gates shall remain closed except when goods are moved to and from the enclosed area; and
2. Limited outdoor storage shall be located in the rear yard; and
3. Limited outdoor storage may be located to the side of a building, provided it is not located within a required buffer yard; and

February 10, 2010, at 7:00 p.m.

4. Vehicles, boats, recreational vehicles, and similar vehicles awaiting repair for more than thirty (30) days must be located within the vehicle impoundment area.

NOTE: Any outdoor storage that does not meet the requirements listed above or the requirements for Outdoor display of merchandise listed in subsection J above can apply to the board of zoning appeals for a Special Use Permit pursuant to the requirements listed in §25-304B.

L. Day care centers, nursery schools, and private schools.

Day care centers, nursery schools, and private schools may be permitted by Administrative Permit provided:

1. Approval of a commercial entrance permit for the use has been obtained from the Virginia Department of Transportation; and

2. Approval of the building for the use has been obtained from the Building Inspection Department; and

3. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

M. Soil sifting and sales of materials generated on-site.

Soil sifting and the sales of materials generated on-site may be permitted by Administrative Permit provided:

1. The sale of materials is for a stated limited period of time not to exceed twelve (12) months. An extension of time is only allowed upon the issuance of a Special Use Permit by the board of zoning appeals; and

2. Adequate provisions are made for off-street parking and loading, and the sale will not disrupt traffic in the neighborhood; and

3. Approval of a highway entrance permit for the use has been obtained from the Virginia Department of Transportation; and

4. Adequate provisions are made for dust control, whether or not the site is large enough to require an Erosion & Sediment Control permit.

§ 25-304. Uses permitted by Special Use Permit.

The uses listed in this section shall be permitted within General Business Districts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with comprehensive plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see § 25-584 of division I of this chapter.

B. General outdoor storage.

Any use permitted under § 25-302 above where there is outdoor storage that does not meet the criteria for Limited outdoor storage or Outdoor display may be permitted by Special Use Permit provided:

1. A site plan is filed meeting the requirements of division J article LXVII "Site Plan Review", approved and followed which clearly delineates the areas intended for outdoor storage and complies with the requirements of this chapter; and

2. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways. Aisleways will be appropriate for the anticipated vehicular and pedestrian traffic; and

3. Outdoor storage areas will not interfere with convenient, easily accessible parking for the public. Areas delineated on the site plan for parking or aisleways may not be used for outdoor storage; and

4. Outdoor storage areas will be proportionately appropriate in size and scope to the nature of the business. Financial considerations alone will not justify the failure to use inside storage; and

5. Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties; and

6. Items not displayed for sale or lease shall be fully shielded or screened from view unless the board of zoning appeals determines that fully shielding or screening is not necessary. Opaque screening, including fencing and landscaping, shall be appropriate to ensure compatibility with neighboring properties, taking into account the proper location of aisleways and gates and the compatibility of screening materials with the materials utilized in the principal buildings on site. Fencing or screening shall be maintained in a good state of repair. Chain-link fencing with slats inserted is not acceptable for this screening. Gates shall remain closed except when goods are moved to and from the enclosed area; and

7. There is an adequate plan for outdoor lighting showing the location of lights and shielding devices or other equipment to prevent unreasonable glow beyond the site. Any such outdoor lighting shall otherwise comply with the provisions of article VI

February 10, 2010, at 7:00 p.m.

of division I of this chapter; and (Ord. 3/23/05, eff. 11:59 p.m. 6/30/05)

8. Items to be stored outside may not be items normally and customarily kept inside.

C. Recreational attractions and public amusement businesses.

Recreational attractions and public amusement businesses, including, but not necessarily limited to: theme parks, overnight recreational vehicle parks, outdoor drive-in theaters, raceways and drag strips, exposition halls, outdoor athletic facilities, stadiums, arenas, fairgrounds, and museums, and active and passive recreation where outdoor lighting is utilized, may be permitted by Special Use Permit provided:

1. Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution; and
2. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance; and
3. There will be full compliance with Virginia Department of Health regulations with respect to food and water service; and
4. There is an adequate plan for providing emergency medical services for persons in attendance; and
5. There is an adequate plan for parking and crowd and traffic control in and around the site; and
6. There is an adequate plan for protection from fire and other hazards; and
7. There is an adequate plan for outdoor lighting showing the location of lights and shielding devices or other equipment to prevent unreasonable glow beyond the site. Any such outdoor lighting shall otherwise comply with the provisions of article VI of division I of this chapter; and (Ord. 3/23/05, eff. 11:59 p.m. 6/30/05)
8. There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety.

D. Amusement businesses involving the exhibition of animals.

Amusement businesses involving the exhibition of animals, including but not necessarily limited to: commercial exhibition of wild animals or reptiles, may be permitted by Special Use Permit provided:

1. There is an adequate plan for parking and crowd and traffic control in and around the site; and
2. There are safeguards against intrusion by children and others who may inadvertently place themselves in harm's way; and
3. When appropriate, the applicant can demonstrate compliance with state licensing requirements and all federal, state, and local laws and regulations; and
4. There is an adequate plan to keep the facility neat and clean, free of dirt, fecal accumulation, odors and parasite infestation; and
5. Fencing and caging will be sturdy and well maintained and will be of sufficient strength and height to safely secure the animals; and
6. Both the inside and outside facilities will be of proper size to accommodate the anticipated types and numbers of animals; and
7. There is an adequate plan to ensure that structures, cages, animal pens, display areas, grandstands, and barriers are constructed and maintained in a manner consistent with appropriate protection of public safety; and
8. The site contains a minimum of three (3) acres. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site when necessary to accommodate the anticipated types and numbers of animals and to protect neighboring properties; and
9. No structure or area occupied by animals shall be closer than fifty feet (50') from any lot line, unless the board of zoning appeals requires larger setbacks when necessary to accommodate the anticipated types and numbers of animals in order to adequately protect neighboring properties.

E. Carnivals, circuses and fairs.

Carnivals, circuses, fairs, festivals, animal shows, exhibitions and similar events not permitted under § 25-21 of division A of this chapter may be permitted by Special Use Permit provided:

1. Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution; and
2. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance; and
3. There will be full compliance with Virginia Department of Health regulations with respect to food and water service; and
4. There is an adequate plan for providing emergency medical services for persons in attendance; and
5. There is an adequate plan for parking and crowd and traffic control in and around the site; and

February 10, 2010, at 7:00 p.m.

6. There is an adequate plan for protection from fire and other hazards;
and

7. The operator has granted the Zoning Administrator, or his designees, written permission to enter the property without charge to determine compliance with applicable regulations and permit conditions; and

8. There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety; and

9. The site and its facilities are to be utilized for a reasonably limited period of time, either on a single occasion or from year to year on an annual basis. Permanent facilities shall be deemed "fairgrounds" governed by other sections of this chapter dealing with recreational attractions and public amusement businesses.

F. Business support businesses.

Business support businesses, including but not necessarily limited to: those involving bulk storage of fuels or other regulated substances; freight and truck terminals; overnight courier and collection; overnight mail distribution; and wholesale businesses, warehouses and distribution centers where goods are normally not sold, may be permitted by Special Use Permit provided:

1. The business and anticipated enlargements thereof will be appropriate for the business area in which it is to be located; and

2. All buildings, structures and operations will be setback at least five hundred feet (500') from all residentially zoned areas, unless the board of zoning appeals is satisfied that proposed soundproofing and other barriers will adequately protect neighboring properties from noise, light, dust, odor, and vibrations. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to adequately protect neighboring properties; and

3. All buildings, structures and operations will be setback at least one hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties.

G. Transportation related businesses.

Transportation related businesses, including but not necessarily limited to: travel plazas and truck stops, may be permitted by Special Use Permit provided:

1. All buildings, structures, and operations will be set back at least five hundred feet (500') from all residentially zoned areas, unless the board of zoning appeals is satisfied that proposed soundproofing and other barriers will adequately protect neighboring properties from noise, light, dust, odor, and vibrations. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to adequately protect neighboring properties; and

2. All buildings, structures, and operations will be set back at least one hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and

3. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and

4. On-site traffic flow will adequately and safely separate automobile traffic from truck, tractor-trailer, or other large vehicular traffic and will safely accommodate all traffic to and from the public highways; and

5. If within sight of an Interstate Highway, the view from the Interstate Highway is made as pleasant and inviting as possible giving consideration to the value of scenic surroundings to residents, tourists and commercial development.

H. Apartments in a pre-1980 structure.

A Special Use Permit for up to two (2) apartments in a pre-1980 structure may be granted provided:

1. Apartments may be established within a structure that was constructed prior to January 1, 1980, provided the board of zoning appeals finds that the structure has historical or architectural significance or is otherwise appropriate for preservation in the manner proposed; and

2. Off-street parking will be in compliance with article III of this chapter; and

3. For purposes of expansion or enlargement, the pre-1980 structure shall be treated as a non-conforming building and shall be subject to the provisions of § 25-663 D. of this chapter. The floor area of such expansion or enlargement shall not exceed twenty percent (20%) of the original floor area or the area required by law, whichever is greater.

I. Apartments for the business owner/operator.

Apartments for the business owner/operator may be permitted by Special Use Permit provided:

1. The owner or operator of the business is the tenant of the apartment; and

2. Off-street parking will be in compliance with article III of this chapter; and

3. Approval of the plans has been received from the Building Inspection Department.

February 10, 2010, at 7:00 p.m.

§ 25-305. Uses prohibited.

All uses except those listed in §§ 25-302, 25-302.1, 25-303 and 25-304 above are specifically prohibited in General Business Districts.

§ 25-306. Lot area.

The minimum lot area shall be sufficient for compliance with all the provisions of this chapter.

§ 25-306.1. Lot width.

The minimum lot width at the minimum setback line shall be:

- A. One hundred-fifty feet (150'); or
- B. One hundred feet (100') if:

1. Curb and guttering is installed along the entire road frontage in accordance with applicable standards of the Virginia Department of Transportation; and

2. The lot has only one (1) highway entrance and it is a commercial entrance in accordance with applicable standards of the Virginia Department of Transportation and is shared with one (1) or more other lots.

C. Fifty feet (50') if there is frontage on a private street or interparcel travelway.

§ 25-306.2. Lot frontage.

Every lot shall have at least:

- A. One hundred-fifty feet (150') of frontage on a public street; or
- B. One hundred feet (100') of frontage on a public street if:

1. Curb and guttering is installed along the entire road frontage in accordance with applicable standards of the Virginia Department of Transportation; and

2. The lot has only one (1) highway entrance and it is a commercial entrance in accordance with applicable standards of the Virginia Department of Transportation and is shared with one (1) or more other lots.

C. Fifty feet (50') of frontage on a private street or interparcel travelway and there is no direct access onto a public road, and provided:

1. All private streets shall be designed to safely accommodate fire and rescue emergency vehicles.

2. The right-of-way of private streets shall be at least forty feet (40') in width as evidenced by a duly recorded document or deed covenant, or both, which shall specify that no request will be made to have the lot served by a public street unless and until the street has been designed and constructed at no cost to the county or the Virginia Department of Transportation, to the then current standards for streets. Such document shall also specify the provisions for the construction, maintenance, and upkeep of private streets.

§ 25-307. Yard and setback requirements.

In General Business Districts the following yard and setback requirements are imposed:

A. Front lot lines.

1. Except as provided below, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of a public street identified by the Virginia Department of Transportation as an arterial or collector street than fifty feet (50').

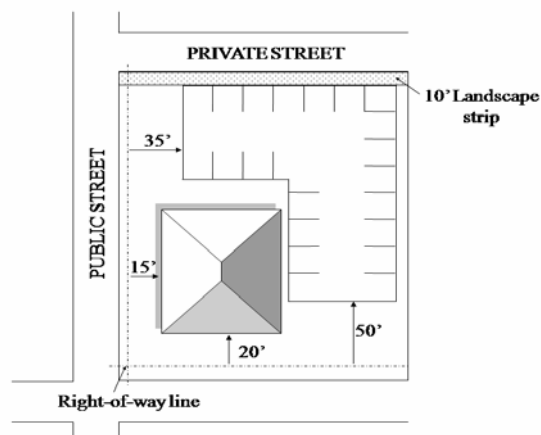
A building or other structure may qualify for a twenty foot (20') building setback if there is no parking facility within fifty feet (50') of any arterial or collector street.

2. Except as provided below, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any other public street than thirty-five feet (35').

A building or other structure may qualify for a fifteen foot (15') building setback if there is no parking facility within thirty-five feet (35') of any other public street.

3. Except as provided below, no building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any private street or interparcel travelway than twenty feet (20').

A building or other structure may qualify for a ten foot (10') building setback if there is no parking facility within twenty feet (20') of any private street or interparcel travelway.



February 10, 2010, at 7:00 p.m.

4. In the absence of proof to the contrary the width of a public street shall be presumed to be thirty feet (30'), and the setback may be measured by adding fifteen feet (15') to the required setback and measuring from the center of the general line of passage.

5. If a lot, tract, or parcel fronts on two (2) or more streets, the foregoing minimum setbacks shall be required on each street, respectively.

For an exception to front line setback requirements, see § 25-13 of article II, division A, of this chapter.

B. Rear lot lines adjoining business or industrial districts.

1. A principal building or structure shall not be erected, altered, located, reconstructed, or enlarged nearer than twenty-five feet (25') to any rear lot line.

2. An accessory building or structure which has an area of less than nine hundred square feet (900 sq. ft.) and is no more than twenty feet (20') high shall not be erected, altered, located, reconstructed, or enlarged nearer than five feet (5') to any rear lot line.

3. An accessory building or structure which has an area of nine hundred square feet (900 sq. ft.) or more or is more than twenty feet (20') high shall not be erected, altered, located, reconstructed, or enlarged nearer than twenty-five feet (25') to any rear lot line.

C. Rear lot lines not adjoining business or industrial districts.

1. A principal or accessory building or structure shall not be erected, altered, located, reconstructed, or enlarged nearer than twenty-five feet (25') to any rear lot line which is a boundary with property not zoned business or industrial.

2. A buffer yard meeting the requirements of §25-308 is required. No development such as parking, vehicular or pedestrian passageways, gasoline pumps, loading or unloading facilities, dumpster sites, or any other improvement other than open space, fences, walls, and landscaping shall be permitted within the required buffer yard.

D. Side lot lines adjoining business or industrial districts.

There are no minimum setbacks required from side lot lines where the side lot line is a boundary with property zoned business or industrial.

E. Side lot lines not adjoining business or industrial districts.

1. A principal or accessory building or structure shall not be erected, altered, located, reconstructed, or enlarged nearer than twenty-five feet (25') to any side lot line which is a boundary with property not zoned business or industrial.

2. A buffer yard meeting the requirements of §25-308 is required. No development such as parking, vehicular or pedestrian passageways, gasoline pumps, loading or unloading facilities, dumpster sites, or any other improvement other than open space, fences, walls, and landscaping shall be permitted within the buffer yard.

F. Additional setback for buildings in excess of thirty-five feet (35') in height.

1. For buildings and structures in excess of thirty-five feet (35'), but not more than fifty feet (50') in height, the required setback shall be increased one foot (1') for every one foot (1') increase in building height.

2. For buildings and structures in excess of fifty feet (50') in height, the required setback shall be increased fifteen feet (15') plus two feet (2') for every one foot (1') increase in building height above fifty feet (50').

§ 25-308. Buffer yards.

A. A buffer yard shall be provided adjacent to any property line not entirely zoned business or industrial and landscaped in one (1) of two (2) ways.

Alternative 1: A ten foot (10') wide strip of land with a six foot (6') opaque, vinyl privacy fence, wall, berm, or combination thereof.

Alternative 2: A twenty foot (20') wide strip of land with 2 evergreen trees, 2 canopy trees, 2 understory trees and 24 shrubs planted per one hundred linear feet (100') of buffer.

February 10, 2010, at 7:00 p.m.

The applicant is free to choose from Alternatives 1 or 2. No buffer shall be required if the adjacent property is zoned General Agriculture and planned for business or industrial on the County's Comprehensive Plan Future Land Use Map. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two (2) understory trees per required canopy tree.

B. Plant and structure location within buffer. The placement of required plants and structures shall be the decision of the applicant; however, they shall be located so as to achieve the maximum level of protection. Plant material shall meet the buffer requirements every one hundred feet (100'). Buffer areas not retained in native habitat shall be seeded or sodded with lawn, established with ground cover, or mulched with organic mulch. Inorganic ground cover shall not exceed fifty percent (50%) of the total required area of the buffer.

C. Where a fence or wall is used as part of a buffer, the decorative side of the fence or wall shall be faced to the adjacent property.

D. Permitted structures in buffer area.

1. Where walls are placed within any required buffer area:

a. No walls of exposed concrete block are permitted, whether painted or not.

b. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall structure at the time of site plan approval.

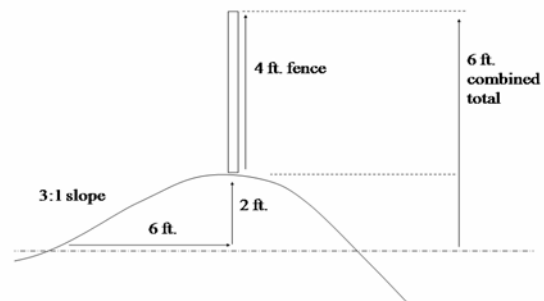
c. Breaks in the wall may be provided for pedestrian and vehicular connections to adjacent developments.

2. Where berms are placed within any required buffer area:

a. A berm or combination of materials such as a berm and a fence shall be a minimum six feet (6') in height.

b. Berms shall have side slopes of not less than three feet (3') horizontal for each one foot (1') vertical.

c. Slopes in excess of three feet (3') horizontal for each one foot (1') vertical may be permitted if sufficient erosion control methods are taken and deemed by the Zoning Administrator to be maintainable.



3. Where opaque privacy fences are placed within any required buffer area:

a. No reduction in buffer width shall be provided based on the provision of a chain-link fence.

b. Fences shall be a minimum of six feet (6') in height unless paired with a berm and in such case the combination of berm and fence shall be a minimum of six feet (6') in height.

c. Breaks in the fence may be provided for pedestrian and vehicular connections to adjacent developments.

d. Fences shall be maintained in a structurally safe and attractive condition and with finished faces located towards the adjacent property.

E. Permitted use of buffer area. A buffer area shall not be used for anything except:

1. Passive recreation and picnic facilities, including pedestrian and bike trails.

2. Other appurtenances which require high visibility and easy access, such as fire hydrants and utilities, public and emergency telephones, mail boxes, and bus shelters, or benches, are also permitted in a buffer. No screening of such appurtenances shall be required or permitted.

3. Accessways when necessary to provide access to adjacent properties.

4. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater management facilities. However, the minimum width of the buffer shall be preserved as a planting area and there shall be no reduction in buffer width based on the stormwater management facilities.

F. Alternative compliance. The buffer requirements may be modified by the board of supervisors upon a finding that a modification would be consistent with the purpose of this ordinance, this section, and the adopted plans and policies of the County; that such modification would not adversely affect the land use compatibility or public interest; and that the subject parcel or modified buffer complies with one (1) or more of the following criteria:

1. The buffer is parallel and adjacent to an existing utility or drainage easement of at least one hundred feet (100') in width;

2. The buffer is between uses that are to be developed under a common development plan or series of development plans;

3. The buffer is parallel and adjacent to an existing railroad right-of-way;

February 10, 2010, at 7:00 p.m.

4. The topography of the parcel is such that buffering would not be effective;

5. The property is adjacent to an established business or industrial use.

6. There is existing vegetation either on the lot or the adjacent lot to provide the required buffer benefits.

Financial hardship due to meeting the requirements of this section shall not be sufficient justification for alternative compliance.

G. Site Plan. Landscaping of buffer yards shall be shown on the site plan in accordance with the standards in division J article LXVII "Site Plan Review" and shall be provided and maintained in accordance with sound horticultural practices.

H. Whenever a rezoning occurs that requires a buffer yard where none was required previously, the property that is rezoned shall provide the buffer yard.

§ 25-309. Height limitations.

In General Business Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed seventy-five feet (75') in height.

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface, and conical surface as required in any airport overlay district.

C. For exceptions to height limitations, see § 25-15 of article II division A of this chapter.

25-310. Adult businesses.

Unless otherwise defined or required by the context, terms used in this section relating to adult businesses shall have the same meaning as those terms defined in § 6-41 of this Code.

In addition to all other requirements, any adult business shall conform to the following requirements:

A. The business shall be located at least five hundred feet (500') feet away from any residential zoning district, and at least five hundred feet (500') from the property line of any land used for any of the following:

1. A dwelling;
2. A residential care facility;
3. A day care center;
4. A public or private school;
5. A public park;
6. A community center;
7. A public or private library, museum, or cultural center;
8. A place of worship or religious institution;
9. A hotel, motel, bed and breakfast, boardinghouse, or tourist home; and
10. Any other adult business.

B. Adult merchandise shall not be visible from any point outside the establishment.

C. Signs or attention-getting devices for the business shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in § 6-41 of this Code.

D. The business shall not begin service to the public or any outside activity before 7:00 a.m. local time. Hours of operation for any adult movie theater, adult nightclub, or other business providing adult entertainment shall not extend after 1:00 a.m. local time. Hours of operation for any adult bookstore, adult video store, adult model studio, adult store, or any other adult business except an adult motel shall not extend after 12:00 midnight local time.

E. Adult merchandise shall be located in a conspicuously marked separate room or other area inaccessible to persons under eighteen (18) years of age. If access to the establishment is limited to persons at least eighteen (18) years of age, the requirements of this subsection shall be deemed satisfied.

F. Wide angle mirrors must be used to enable continuous monitoring of all areas of the establishment.

G. The owner or operator shall provide adequate lighting for all entrances, exits, and off street parking areas serving the adult business, and all areas of the establishment where the adult business is conducted, except for the private rooms of an adult motel, or the movie viewing areas in an adult movie theater. Adequate lighting is defined as sufficient lighting for clear visual and security camera surveillance and recording of all images on the premises at all times one (1) hour before dusk and one (1) hour after dawn.

H. The owner or operator shall operate and maintain a security camera and videotape or digital file system designed and installed by a private security service business licensed by the Commonwealth of Virginia. Surveillance cameras shall continuously monitor and record images of all entrances, exits, parking areas, and all areas of the establishment where the adult business is conducted, except for the sleeping rooms of an adult motel. Such cameras shall provide clear imagery of the establishment's

February 10, 2010, at 7:00 p.m.

premises, patrons, and their vehicles and of any vehicles otherwise entering the premises. Videotapes or digital files systems recording activities in the areas under surveillance shall be preserved for a period of not less than four months. Authorized representatives of the Augusta County Community Development Department shall have prompt access to such videotapes or digital files, upon request, for purposes of enforcement of this chapter. The Augusta County Sheriff's Office shall also have prompt access to such videotapes or digital files, upon request, for law enforcement purposes.

I. In any adult business other than an adult motel or adult movie theater, there shall be no viewing of videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices, Internet sites or files transmitted over the Internet, or similar media characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in § 6-41 of this Code, while on the premises.

J. All owners, operators, managers, employees, associates, and entertainers shall be at least eighteen (18) years of age.

(Ord. 04/23/08)

Sections 25-311 through 25-360 reserved.

Articles XXXI through XXXV reserved.

* * *

CHAPTER 25. ZONING

DIVISION F. INDUSTRIAL DISTRICTS.

Article XXXVIII. General Industrial (GI) Districts.

- § 25-381. Purposes.
- § 25-382. Permitted uses.
- § 25-382.1. Accessory buildings and uses.
- § 25-383. Uses permitted by Administrative Permit.
- § 25-384. Uses permitted by Special Use Permit.
- § 25-385. Uses prohibited.
- § 25-386. Yard and setback requirements.
- § 25-387. Buffer yards.
- § 25-388. Lot area.
- § 25-389. Lot width.
- § 25-390. Lot frontage.
- § 25-390.1. Height limitations.

CHAPTER 25. ZONING

DIVISION F. INDUSTRIAL DISTRICTS.

Article XXXVIII. General Industrial (GI) Districts.

§ 25-381. Purposes.

A. The General Industrial District is intended to provide areas for manufacturing, industrial and general wholesale and warehousing uses.

B. These uses would be typically located in urban service areas served by public water and sewer.

§ 25-382. Permitted uses.

The following uses shall be permitted within General Industrial Districts without Administrative or Special Use Permit:

- A. Active and passive recreational facilities.
- B. Assembly, fabrication, processing, or packaging of products, except animal product processing plants.
- C. Call centers.
- D. Computer and data processing center and services.
- E. Contractors' offices, shops, and equipment and materials storage yards.
- F. Feed, grain, and fertilizer sales, storage, and handling facilities.
- G. Any industrial or manufacturing use except those listed in § 25-383 and 384.
- H. Machine workshops, including, but not necessarily limited to: tool and die, welding, and sheet metal shops.
- I. Laboratories.
- J. Parking lots or garages and park-and-ride lots.
- K. Postal service, including overnight courier collection and overnight mail distribution facilities.
- L. Printing service establishments, publishing plants and offices, and lithographing shops.
- M. Religious institutions.

February 10, 2010, at 7:00 p.m.

- N. Research, experimental testing, or development activities.
- O. Sales and accessory service of motor vehicles, trucks, semi-trailers, heavy construction machinery and equipment, and farm equipment.
- P. Sawmills.
- Q. Travel plazas and truck stops.
- R. Wholesale businesses, including wholesale greenhouses, mini-warehouses, warehouses, and distribution centers
- S. Public utility offices, shops and storage yards.
- T. Freight and truck terminals

§ 25-382.1. Accessory buildings and uses.

Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted in General Industrial Districts, subject to the applicable provisions of article V of division A of this chapter.

§ 25-383. Uses permitted by Administrative Permit.

The uses listed in this section shall be permitted within General Industrial Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative Permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

A. Office trailers, buildings, off-site parking, or equipment storage facilities or off-site materials storage in connection with temporary construction.

The temporary placement, development or use of off-site office trailers, buildings, parking lots or equipment or materials storage areas or facilities in connection with construction projects may be permitted by Administrative Permit provided:

1. Items permitted are in connection with specific construction projects; and
2. Items permitted are placed no sooner than thirty (30) days prior to the beginning of construction and removed within thirty (30) days after completion or suspension of construction; and
3. Items permitted are placed within reasonable proximity of the construction project.

B. Motor vehicle repair.

Motor Vehicle repair shops, including the repair of trucks, semi-trailers, heavy construction machinery and equipment and farm equipment, may be permitted as a primary use by Administrative Permit provided:

1. All work must be done within completely enclosed buildings; and
2. Any inoperable motor vehicles or other vehicles stored on the premises in excess of thirty (30) days shall be placed in a motor vehicle impoundment yard that is fully shielded or screened from view. Fencing or screening shall be entirely opaque and of good quality and shall be maintained in a good state of repair. Chain-link fencing with slats inserted is not acceptable for this screening. Gates shall remain closed except when vehicles are moved to and from the enclosed area; and
3. Body and fender repair services shall be subject to the following:
 - a. The repair facilities are at least one hundred feet (100') from any adjoining residential district or use.
 - b. Any vehicle awaiting body repair or painting, or is missing major mechanical or body parts, or has been substantially damaged shall be placed in a motor vehicle storage yard.
 - c. Exterior display or storage of new or used automobile parts is prohibited.

C. Home occupations, Class B.

Home occupations, Class B, may be permitted by Administrative Permit provided:

1. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and
2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee that comes to the home. The business can have multiple employees who do not come to the home; and
3. If the applicant is a tenant, written permission of the landowner is required; and
4. The use is conducted within the home or the use may occupy up to five hundred square feet (500 sq. ft.) of an accessory structure. All goods, equipment, and materials related to the Home Occupation must be stored indoors, within the accessory building, or on a single utility trailer with a trailer bed not to exceed sixteen feet (16') in length; and
5. No display of products made shall be visible from the street; and
6. No products shall be sold on the premises except such as are made on

February 10, 2010, at 7:00 p.m.

the premises. No other retail sales or wholesale sales shall occur unless:

- a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.
- b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.
7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted, other than on the utility trailer permitted in 4 above. Any animals associated with a permitted home occupation, e.g. pet grooming business, must be kept indoors; and
8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and
9. All parking associated with the business shall be off-street; and
10. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one (1) commercial vehicle per dwelling shall be allowed pursuant to the requirements of §25-54.1.N.

The following are not to be considered Class B Home Occupations: trash and garbage collection, small engine repair, motor vehicle repair, boarding houses, day care centers, private schools, firearm sales and landscaping businesses.

D. Soil sifting and sales of materials generated on-site.

Soil sifting and the sales of materials generated on-site may be permitted by Administrative Permit provided:

1. The sale of materials is for a stated limited period of time not to exceed twelve (12) months. An extension of time is only allowed upon the issuance of a Special Use Permit by the board of zoning appeals; and
2. Adequate provisions are made for off-street parking and loading, and the sale will not disrupt traffic in the neighborhood; and
3. Approval of a highway entrance permit for the use has been obtained from the Virginia Department of Transportation; and
4. Adequate provisions are made for dust control, whether or not the site is large enough to require an Erosion & Sediment Control permit.

§ 25-384. Uses permitted by Special Use Permit.

The uses listed in this section shall be permitted within General Industrial Districts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.
2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see § 25-584 of division I of this chapter.

B. Junkyards.

Junkyards as a principal use may be permitted by Special Use Permit provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. All buildings, structures, and operations will be set back at least one hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties.

C. Manufacture, processing or storage of explosives or hazardous substances.

Manufacturing, processing, or storage of explosives or hazardous substances as a principal use may be permitted by Special Use Permit provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. All buildings, structures, and operations will be set back at least one

February 10, 2010, at 7:00 p.m.

hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties. An accessory retail sales outlet may observe the normal principal building setbacks in General Industrial Districts.

D. Extraction of minerals, rock, gravel, sand, and similar materials.

Extraction of minerals, rock, gravel, sand, and similar materials may be permitted by Special Use Permit provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. All buildings, structures, and operations will be set back at least one hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties. An accessory retail sales outlet may observe the normal principal building setbacks in General Industrial Districts; and
5. Exemptions. The following extraction activities do not require a Special Use Permit.

Any operator engaging in mining and disturbing less than one (1) acre of land and removing less than five hundred (500) tons of material at any particular site is exempt from the provisions of this ordinance; providing, however, each person intending to engage in such restricted mining shall submit an application for exemption, a sketch of the mining site, and an operations plan to the Zoning Administrator, who shall approve the application if he determines that the issuance of the permit shall not violate the provisions of this ordinance.

E. Batching plants for asphalt, cement, or concrete.

Batching plants for asphalt, cement, or concrete may be permitted by Special Use Permit provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing the said roads; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. All buildings, structures, and operations will be set back at least one hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties

F. Slaughterhouses and animal product processing plants.

Slaughterhouses and animal product processing plants may be permitted by Special Use Permit provided:

1. The neighboring area is not characterized by residential, commercial or industrial development which would be adversely impacted by the proposed use; and
2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. All buildings, structures and operations will be set back at least one hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties. An accessory retail sales outlet may observe the normal principal building setbacks in General Industrial Districts; and
5. Public water supply and sewer service are available, and the capacities thereof will be adequate to meet the needs of the business without jeopardizing the present and potential future requirements of the community; and
6. Waste or any decomposable residue from the slaughterhouse or animal product processing plant shall only be disposed of in strict compliance with all applicable state and federal regulations; and
7. The minimum acreage for a facility shall be three (3) acres.

§ 25-385. Uses prohibited.

All uses except those listed in §§25-382, 25-382.1, 25-383 and 25-384 above are specifically prohibited in General Industrial Districts.

§ 25-386. Yard and setback requirements.

In General Industrial Districts the following yard and setback requirements are imposed:

A. Front lot lines.

1. Except as provided below, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of a public street identified by the Virginia Department of Transportation as an arterial or collector street than fifty feet (50').

A building or other structure may qualify for a twenty foot (20') building

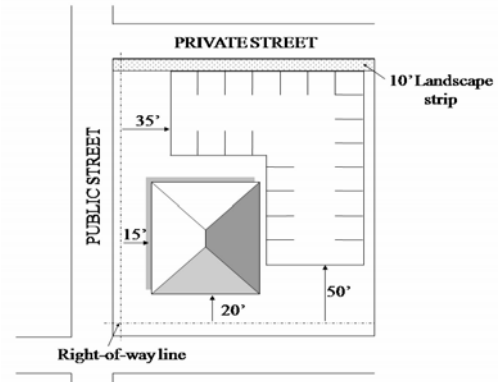
February 10, 2010, at 7:00 p.m.

setback if there is no parking facility within fifty feet (50') of any arterial or collector street.

2. Except as provided below, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any other public street than thirty-five feet (35').

A building or other structure may qualify for a fifteen foot (15') building setback if there is no parking facility within thirty-five feet (35') of any other public street.

3. Except as provided below, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any private street or interparcel travelway than twenty feet (20'). A building or other structure may qualify for a ten foot (10') building setback if there is no parking facility within twenty feet (20') of any private street or interparcel travelway.



4. In the absence of proof to the contrary the width of a public street shall be presumed to be thirty feet (30'), and the setback may be measured by adding fifteen feet (15') to the required setback and measuring from the center of the general line of passage.

5. If a lot, tract or parcel fronts on two (2) or more streets, the foregoing minimum setbacks shall be required on each street, respectively.

6. For an exception to front line setback requirements, see § 25-13 of article II, division A, of this chapter.

B. Rear lot lines adjoining business or industrial districts.

1. A principal building or structure shall not be erected, altered, located, reconstructed, or enlarged nearer than twenty-five feet (25') to any rear lot line.

2. An accessory building or structure which has an area of less than nine hundred square feet (900 sq. ft.) and is no more than twenty feet (20') in height shall not be erected, altered, located, reconstructed, or enlarged nearer than five feet (5') to any rear lot line.

3. An accessory building or structure which has an area of nine hundred square feet (900 sq. ft.) or more or is more than twenty feet (20') in height shall not be erected, altered, located, reconstructed, or enlarged nearer than twenty-five feet (25') to any rear lot line.

C. Rear lot lines not adjoining business or industrial districts.

1. A principal or accessory building or structure shall not be erected, altered, located, reconstructed, or enlarged nearer than twenty-five feet (25') to any rear lot line which is a boundary with property not zoned business or industrial.

2. A buffer yard meeting the requirements of §25-387 is required. No development such as parking, vehicular or pedestrian passageways, gasoline pumps, loading or unloading facilities, dumpster sites, or any other improvement other than open space, fences, walls and landscaping shall be permitted within the required buffer yard.

D. Side lot lines adjoining business or industrial districts.

There are no minimum setbacks required from side lot lines where the side lot line is a boundary with property zoned business or industrial.

E. Side lot lines not adjoining business or industrial districts.

1. A principal or accessory building or structure shall not be erected, altered, located, reconstructed or enlarged nearer than twenty-five feet (25') to any side lot line which is a boundary with property not zoned business or industrial.

2. A buffer yard meeting the requirements of §25-387 is required. No development such as parking, vehicular or pedestrian passageways, gasoline pumps, loading or unloading facilities, dumpster sites, or any other improvement other than open space, fences, walls and landscaping shall be permitted within the required buffer yard..

F. Additional setback for buildings in excess of thirty-five feet (35') in height.

1. For buildings and structures in excess of thirty-five feet (35'), but not more than fifty feet (50') in height, the required setback shall be increased one foot (1') for every one foot (1') increase in building height.

2. For buildings and structures in excess of fifty feet (50') in height, the required setback shall be increased fifteen feet (15') plus two feet (2') for every one foot (1') increase in building height above fifty feet (50').

25-387. Buffer yards.

A buffer yard shall be provided adjacent to any property line not entirely zoned business or industrial and landscaped in one (1) of two (2) ways.

Alternative 1: A ten foot (10') wide strip of land with a six foot (6') opaque, vinyl privacy fence, wall, berm, or combination thereof.

Alternative 2: A twenty foot (20') wide strip of land with 2 evergreen trees, 2

February 10, 2010, at 7:00 p.m.

canopy trees, 2 understory trees and 24 shrubs planted per one hundred linear feet (100') of buffer.

A. The applicant is free to choose from Alternatives 1, or 2. No buffer shall be required if the adjacent property is zoned General Agriculture and planned for business or industrial on the County's Comprehensive Plan Future Land Use Map. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two (2) understory trees per required canopy tree. The plantings below are intentionally over-planted at maturity, in order to provide an immediate beneficial impact. Plant and structure location within buffer. The placement of required plants and structures shall be the decision of the applicant; however, they shall be located so as to achieve the maximum level of protection. Plant material shall meet the buffer requirements every one hundred feet (100'). Buffer areas not retained in native habitat shall be seeded or sodded with lawn, established with ground cover, or mulched with organic mulch. Inorganic ground cover shall not exceed fifty percent (50%) of the total required area of the buffer.

B. Where a fence or wall is used as part of a buffer, the decorative side of the fence or wall shall be faced to the adjacent property.

C. Permitted structures in buffer area.

1. Where walls are placed within any required buffer area:

- a. No walls of exposed concrete block are permitted, whether painted or not.
- b. The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall structure at the time of site plan approval.
- c. Breaks in the wall may be provided for pedestrian and vehicular connections to adjacent developments.

2. Where berms are placed within any required buffer area:

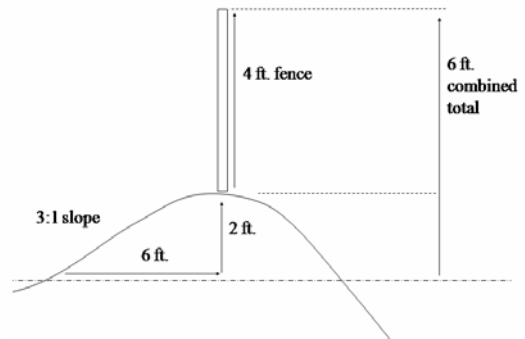
a. A berm or combination of materials such as a berm and a fence shall be a minimum six feet (6') in height.

b. Berms shall have slopes of not less than three feet (3') horizontal for each one foot (1') vertical.

c. Slopes in excess of three feet (3') horizontal for each one foot (1') vertical may be permitted if sufficient erosion control methods are taken and deemed by the Zoning Administrator to be maintainable.

3. Where opaque privacy fences are placed within any required buffer area:

- a. No reduction in buffer width shall be provided based on the provision of a chain-link fence.
- b. Fences shall be a minimum of six feet (6') in height unless paired with a berm and in such case the combination of berm and fence shall be a minimum of three feet (3') in height.
- c. Breaks in the fence may be provided for pedestrian and vehicular connections to adjacent developments.
- d. Fences shall be maintained in a structurally safe and attractive condition and with finished faces located towards the adjacent property.



D. Permitted use of buffer area. A buffer area shall not be used for anything except:

1. Passive recreation and picnic facilities, including pedestrian and bike trails.
2. Other appurtenances which require high visibility and easy access, such as fire hydrants and utilities, public and emergency telephones, mail boxes, and bus shelters, or benches, are also permitted in a buffer. No screening of such appurtenances shall be required or permitted.
3. Access ways when necessary to provide access to adjacent properties.
4. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater management facilities. However, the minimum width of the buffer shall be preserved as a planting area and there shall be no reduction in buffer width based on the stormwater management facilities.

E. Alternative compliance. The buffer requirements may be modified by the board of supervisors upon a finding that a modification would be consistent with the purpose of this ordinance, this section, and the adopted plans and policies of the county; that such modification would not adversely affect the land use compatibility or public interest; and that the subject parcel or modified buffer complies with one (1) or more of the following criteria:

1. The buffer is parallel and adjacent to an existing utility or drainage easement of at least one hundred feet (100') in width;
2. The buffer is between uses that are to be developed under a common development plan or series of development plans;
3. The buffer is parallel and adjacent to an existing railroad right-of-way;

February 10, 2010, at 7:00 p.m.

4. The topography of the parcel is such that buffering would not be effective; and
5. The property is adjacent to an established business or industrial use.
6. There is existing vegetation either on this lot or the adjacent lot to provide the required buffer benefits.

Financial hardship due to meeting the requirements of this section shall not be sufficient justification for alternative compliance.

F. Site plan. Landscaping of buffer yards shall be shown on the site plan in accordance with the standards in division J article LXVII "Site Plan Review" and shall be provided and maintained in accordance with sound horticultural practices.

G. Whenever a rezoning occurs that requires a buffer yard where none was required previously, the property that is rezoned shall provide the buffer yard.

§ 25-388. Lot area.

The minimum lot area shall be sufficient for compliance with all the provisions of this chapter.

§ 25-389. Lot width.

The minimum lot width at the minimum setback line shall be:

- A. One hundred-fifty feet (150').
- B. One hundred feet (100') if:
 1. Curb and guttering is installed along the entire road frontage in accordance with applicable standards of the Virginia Department of Transportation; and
 2. The lot has only one (1) highway entrance and it is a commercial entrance in accordance with applicable standards of the Virginia Department of Transportation and is shared with one (1) or more other lots.
- C. Fifty feet (50') if there is frontage on a private street or interparcel travelway.

§ 25-390. Lot frontage.

Every lot shall have at least:

- A. One hundred-fifty feet (150') of frontage on a public street; or
- B. One hundred feet (100') of frontage on a public street if:
 1. Curb and guttering is installed along the entire road frontage in accordance with applicable standards of the Virginia Department of Transportation; and
 2. The lot has only one (1) highway entrance and it is a commercial entrance in accordance with applicable standards of the Virginia Department of Transportation and is shared with one (1) or more other lots.
- C. Fifty feet (50') of frontage on a private street or interparcel travelway, provided:
 1. All private streets shall be designed to safely accommodate fire and rescue emergency vehicles.
 2. The right-of-way of private streets shall be at least forty feet (40') in width as evidenced by a duly recorded document or deed covenant, or both, which shall specify that no request will be made to have the lot served by a public street unless and until the street has been designed and constructed at no cost to the county or the Virginia Department of Transportation, to the then current standards for streets. Such document shall also specify the provisions for the construction, maintenance, and upkeep of private streets.

§ 25-390.1. Height limitations.

In General Industrial Districts, all buildings and structures shall be subject to the following height limitations:

- A. No building or structure shall exceed seventy-five feet (75') in height.
- B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface, and conical surface as required in any Airport Overlay District.
- C. For exceptions to height limitations, see §25-15 of article II, division A, of this chapter.

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CHAPTER 25. ZONING.

DIVISION G. MIXED USE DISTRICTS.

Article XLI. Planned Unit Development (PUD) Districts.

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|-----------|---|
| § 25-411. | Purpose. |
| § 25-412. | Use regulations. |
| § 25-413. | Density, area and minimum standards. |
| § 25-414. | Open space, community facilities, utilities and access. |
| § 25-415. | Master plan. |

February 10, 2010, at 7:00 p.m.

- § 25-416. Review, approval and amendment of master plan.
- § 25-417. Site plan required.
- § 25-418. Management, ownership and termination.
- § 25-419. Yard and setback requirements.

CHAPTER 25. ZONING.

DIVISION G. MIXED USE DISTRICTS.

Article XLI. Planned Unit Development (PUD) Districts.

§ 25-411. Purpose.

A. Planned Unit Development Districts are intended to provide areas or developments where conventional zoning may be inappropriate. Project planning is performed for the entire development rather than on an individual lot basis.

B. The planned unit development is a concept which encourages and permits variation in residential developments by allowing deviation in lot size, bulk or type of dwelling, density, lot coverage and open space from that required in any one residential district permitted in this chapter.

C. The purpose of this article is to establish procedures and standards for planned unit developments where conventional zoning may be inappropriate, in order that one or more of the following objectives may be attained:

1. Flexibility in design to take the greatest advantage of natural land, trees, historical and other features.
2. Accumulation of large areas of usable open space for recreation, preservation of natural amenities, and provision of community facilities.
3. Creation of a variety of residential and compatible neighborhood arrangements that give the home occupant greater choice in selecting types of environment and living units.
4. Clustering of one residential type for better use of land and open space, as long as the resultant density does not exceed the density typically allowed in similar conventional districts.
5. Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of the county.
6. Efficient use of land which may result in reduction in development and maintenance costs of street and utility systems.
7. Establishment of criteria for the inclusion of compatible associated uses to compliment the residential areas within the planned unit development.

(Ord. 11/21/06, eff. 1/1/07)

§ 25-412. Use regulations.

A. Primary residential uses. Single-family, duplex, townhouse and multi-family residential dwelling units and apartments in detached, semi-detached, attached and multi-storied structures shall be permitted uses. No planned unit development shall be allowed which does not incorporate a variety of dwelling types.

B. Secondary nonresidential uses. Nonresidential uses of a religious, public or semi-public, cultural, recreational or commercial character shall be permitted uses. Such nonresidential uses shall be compatible with the primary residential use.

(Ord. 11/21/06, eff. 1/1/07)

§ 25-413. Density, area and minimum standards.

A. Gross density. The gross density within a planned unit development shall be computed by dividing the total number of proposed dwelling units within the development by the gross development area. The maximum gross density shall not exceed six dwelling units per acre.

B. Minimum size. A planned unit development shall contain a minimum of sixty (60) contiguous acres of land.

C. Minimum development standards. Minimum lot size, maximum lot coverage, street width, setbacks, height and distance between buildings shall in general meet health, safety and welfare requirements and be in harmony with good planning practices.

(Ord. 11/21/06, eff. 1/1/07)

§ 25-414. Open space, community facilities, utilities and access.

A. Common open space and community facilities.

1. The total usable open space within a planned unit development shall be at least twenty percent of the gross acreage of the planned unit development.

2. The following shall not be counted as usable open space: (a) land that slopes greater than twenty-five percent (25%); and (b) streets, parking areas or other asphaltic or paved areas, except for pedestrian and bicycle paths, swimming pools, tennis courts, and other similar recreational facilities.

3. No more than twenty-five percent of the required percentage of usable open space shall be in the form of water surfaces or wetlands.

4. Recreation areas and facilities, such as playgrounds, tennis courts, basketball courts, swimming pools and community buildings should be provided which will meet the anticipated needs of the clientele the planned unit development is designed to serve. Provision of separate adult and juvenile recreation areas is encouraged.

February 10, 2010, at 7:00 p.m.

5. No parcel designated for recreational use shall contain less than five thousand square feet.

B. Utilities, services and easements. Structures within the planned unit development shall be connected to county water and sewer lines and all utility lines shall be placed underground except for major electrical transmission lines. Adequate provisions to take care of on and off site drainage shall be provided. Adequate provisions for utility and drainage easements shall be provided.

C. Access and circulation. A circulation system shall be so designed so as to provide for safe and convenient access to dwelling units, open space, community facilities, and other non-residential areas in the planned unit development. Principal vehicular access points shall be designed to permit smooth traffic flow and minimum hazards to vehicular, bicycle or pedestrian traffic. The internal circulation system shall be adequate for vehicular, bicycle and pedestrian movement and should discourage through traffic. Adequate access and circulation for emergency and service vehicles shall be provided.

(Ord. 11/21/06, eff. 1/1/07)

§ 25-415. Master plan.

A. Submission of master plan required. Prior to the approval of any building or other development permit in a Planned Unit Development District, the owner or owners shall submit for review by the planning commission and for approval by the board of supervisors a master plan for the land within the external boundary of contiguous tracts that are wholly or partly owned by the same person, firm or corporation.

B. Presubmission studies and conferences. Prior to the formal submission of a master plan, the applicant or his representative shall hold a conference with the Director of the Community Development Department concerning the proposed master plan and submit unofficial preliminary studies of the concept of the proposed development for tentative review, comments and recommendations.

C. Submission. After preapplication review as set forth in paragraph B above has been completed, the applicant may submit a master plan. An official master plan shall be submitted to the planning commission only after the completion of the tentative review of the unofficial preliminary studies. The Director of the Community Development Department shall only accept the plan if the applicant has provided all the information as set forth in paragraph D below.

D. Contents of proposed master plan. The following shall be the required information to be included in a proposed master plan:

1. A proposed land use plan showing the use of each lot or tract within the development.
2. A proposed circulation plan showing circulation patterns of vehicular, pedestrian or other traffic and designating each street as either public or private.
3. A plan showing community facilities and usable open space.
4. A plat as required for preliminary plat approval by Chapter 21 of this Code.
5. A plan showing existing and proposed utility and drainage facilities.
6. A proposed buildings and landscape plan including the existing and proposed structures, the existing trees with a caliper of eight inches or greater, proposed trees and landscaping, trees to be removed, topography with contour intervals of five feet or less, and other significant natural features.
7. Statistical or technical data as necessary to evaluate the total development including but not limited to the following:
 - a. Amount of land proposed to be used for public or semipublic uses such as churches, schools, etc.
 - b. Amount of land proposed to be set aside for usable open space and recreational use.
 - c. Amount of land proposed to be set aside for streets.
 - d. Amount of land in the floodplain, land constituting wetlands, land with over twenty-five percent (25%) slope, and other unusable land within the project boundary.
 - e. Extent and nature of projected traffic.
 - f. Proposed number of parking spaces for motor vehicles and recreational vehicles and the number of parking spaces per unit.
 - g. Gross density of the planned unit development to be computed by dividing the total number of proposed dwelling units within the development by the gross development area.
8. Association, nonprofit corporation or other documents intended to provide for maintenance of all common open space, properties and facilities.
9. The name, professional title and address of the planner, urban designer, architect or engineer who prepared the proposed master plan.

E. Procedure for staged development of planned unit development. Nothing in this article shall prevent a developer from developing a planned unit development in stages or sections; provided, that the following conditions are met; and provided further, that any stage or section development is part of an overall approved master plan:

1. The proposed stages or sections shall be delineated on the master plan.

February 10, 2010, at 7:00 p.m.

2. All project data as required in paragraph D for the project as a whole shall be given for each such section so established.

3. When any section of a planned unit development is developed it shall be in substantial compliance with the master plan as approved or amended.

4. At every stage of development, the requirements of § 25-414 of this chapter shall be satisfied.

(Ord. 11/28/01; eff. 1/1/02; Ord. 11/21/06, eff. 1/1/07)

§ 25-416. Review, approval and amendment of master plan.

A. Preliminary review. No such master plan shall be scheduled for review by the planning commission unless it shall have first been referred to, and approvals have been received by, the following:

1. The Director of the Community Development Department who shall advise the planning commission and the board of supervisors whether the design concept of the plan is in conformity with the requirements of this article, and if the proposed land use, circulation and community facilities plan is in harmony with all applicable elements of the county's Comprehensive Plan; and if the development in general is based on logical and sound principles of community planning and design.

2. The Augusta County Service Authority, or its designee, who shall advise the planning commission and the board of supervisors whether the proposed water and sewer facilities and related utilities are in conformity with the relevant sections of the county code and rules, policies and regulations of the Authority.

3. The County Attorney, or his designee, who shall advise the planning commission and the board of supervisors whether the association or nonprofit corporation documents are in harmony with the relevant sections of the state and county codes.

4. The Resident Engineer of the Virginia Department of Transportation, or his designee, who shall advise the planning commission and the board of supervisors concerning the impact of the plan on surrounding public streets and traffic patterns.

5. The Augusta County Chief of Fire-Rescue.

6. Any other public officials or agencies the Director of the Community Development Department may deem appropriate.

B. Action by planning commission. No such master plan shall be approved by the board of supervisors until it shall have been submitted to the planning commission for review and recommendation. The planning commission shall review the total master plan, after a public hearing, in relation to the purposes outlined in this article.

C. Action by board of supervisors. After the board of supervisors has received the recommendation required in paragraph B above and after a public hearing, the board shall either approve or disapprove the proposed master plan. The board may hold a joint public hearing with the planning commission. After approval of the master plan, no building or structure shall be erected or building permit issued nor any lots sold from any such plat nor any final plat recorded except in conformity with the approved master plan. The area of an approved planned unit development shall be noted on the zoning map until such time as such approval may be revoked.

D. Amendment procedures. The owner or his representative, of an approved planned unit development may apply for an amendment of the master plan in concept or in minor details:

1. In case of a change of concept, the applicant shall have review by the planning commission and board of supervisors and shall follow the same procedures as authorized in paragraphs A through C. Changes of land use, land area, open space area, type of community facilities, type of housing, method of management of common land and facilities and overall design layout and increases in density shall be considered to be changes of concept. Changes in concept shall be permitted upon approval by the board of supervisors.

2. In case of a change of minor details or decrease in density, the Director of the Community Development Department may approve these changes, upon being presented with a written request along with necessary graphic and statistical information. Changes of location and design of structures, streets, parking, community facilities, landscaping, open spaces and utilities shall be considered to be changes of minor detail.

(Ord. 11/21/06, eff. 1/1/07)

§ 25-417. Site plan required.

Prior to the issuance of any building or placement permit, and after a master plan has been approved as required by this article, a site plan for anything other than a single-family dwelling including duplexes and townhouses, shall be submitted to and approved by the Director of the Community Development Department pursuant to the requirements of this chapter.

(Ord. 11/28/01; eff. 1/1/02; Ord. 11/21/06, eff. 1/1/07)

§ 25-418. Management, ownership and termination.

A. Management of common open space, property and facilities.

1. All common open space, properties and facilities shall be preserved for their intended purpose as expressed in the approved plan. The developer shall provide for the establishment of an association or nonprofit corporation of all individuals or corporations owning property within the planned unit development to insure the maintenance of all common open space, properties and facilities.

2. All privately owned common open space shall continue to conform to its intended use and remain as expressed in the master plan through the inclusion in all deeds of appropriate restrictions to insure that the common open space is permanently preserved according to the master plan. The deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

February 10, 2010, at 7:00 p.m.

3. All common open space as well as public and recreational facilities shall be specifically included in the development schedule and be constructed and fully improved by the developer at a proportionately equivalent or greater rate than the construction of residential structures.

4. The nonprofit corporation or association established to own and maintain common open space properties and facilities shall conform to the following requirements, and the developer shall submit association or incorporation documents to the County Attorney for his review to determine compliance with the following:

a. The developer must establish the association or nonprofit corporation prior to the final approval, recording and sale of any lot.

b. Membership in the association or nonprofit corporation shall be mandatory for owners of single family dwelling units and all residents of multifamily dwelling units within the planned unit development and the association or corporation shall not discriminate in the qualification of its members or shareholders on any unlawful basis.

c. The association or corporation documents shall set forth the purposes of the permanent organization under which common ownership is to be established, including its purposes; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property including necessary bonds or other security when required by the county; and the method of assessing the individual property for its share of the cost of administering and maintaining such common property.

d. The association or corporation documents shall set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.

B. Ownership of development. All property in a planned unit development shall remain under the ownership of the developer or group of developers, and shall not be leased or sold, until arrangements are made which insure participation by the properties leased or sold in the retention and maintenance of common open space and community facilities in accordance with paragraph A. A certificate of compliance, indicating that such arrangements have been made, shall be issued by the Director of the Community Development Department prior to the sale or lease of the property by the developer.

C. Termination of a planned unit development. If the board of supervisors should determine, after public hearing that the present or future owner of a planned unit development designated area has not followed the approved master plan, the remaining undeveloped property may be rezoned in accordance with the provisions of this chapter.

(Ord. 11/21/06, eff. 1/1/07)

§ 25-419. Yard and setback requirements.

In Planned Unit Development Districts, all lots are subject to the following yard and setback requirements:

A. A principal building or structure shall not be erected, altered, located, reconstructed or enlarged nearer to a perimeter boundary of the Planned Unit Development District than twenty-five feet (25').

B. Accessory buildings or other accessory structures shall be subject to the following requirements:

1. Accessory buildings and structures not exceeding twenty feet (20') in height and with a total aggregate area of no more than nine hundred square feet (900 sq. ft.) may be erected in side and rear yards or behind the principal structure in areas designated for single residential dwellings.

2. An accessory building or other accessory structure which has a total aggregate area of more than nine hundred square feet (900 sq. ft.) or is more than twenty feet (20') high shall not be erected, altered, located, reconstructed or enlarged unless the accessory building or other accessory structure and its location and dimensions are specifically identified in the approved master plan.

Sections 25-420 through 25-460 reserved.

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CHAPTER 25. ZONING.

DIVISION H. OVERLAY DISTRICTS.

Article XLVI. General provisions applying to all overlay districts.

- § 25-461. Application.
- § 25-462. Nature of an overlay district.
- § 25-463. Standards to apply.
- § 25-464. Removal of overlay district designation.

February 10, 2010, at 7:00 p.m.

CHAPTER 25. ZONING.

DIVISION H. OVERLAY DISTRICTS.

Article XLVI. General provisions applying to all overlay districts.

§ 25-461. Application.

The regulations of this article shall apply in all districts enacted as part of this division, unless a different regulation is prescribed within a specific district.

§ 25-462. Nature of an overlay district.

An overlay district shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the overlay district shall also lie within one or more of the other zoning districts provided by this chapter. The effect shall be the creation of new zoning districts consisting of the regulations and requirements of both the underlying district and the overlay district.

§ 25-463. Standards to apply.

Where the standards of the overlay district and the underlying district differ, the more restrictive standard shall apply.

§ 25-464. Removal of overlay district designation.

Nothing in this chapter shall be deemed to deny the board of supervisors the power to remove an overlay district designation from one or more parcels in the proper case by the rezoning process described in article LX of this chapter. Such removal may be done by rezoning the property to the underlying district classification "without the ... overlay district," and may be subject to such conditions as may be voluntarily proffered and approved pursuant to said article.

Sections 25-465 through 25-470 reserved.

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CHAPTER 25. ZONING.

DIVISION H. OVERLAY DISTRICTS.

Article XLVIII. Airport Overlay (APO) Districts.

- § 25-481. Purpose.
- § 25-482. Special definitions.
- § 25-483. Airport safety zones.
- § 25-484. Airport safety zone height limitations.
- § 25-485. Light and lighting devices.
- § 25-486. Permits and variances.
- § 25-487. Nonconforming uses.

CHAPTER 25. ZONING.

DIVISION H. OVERLAY DISTRICTS.

Article XLVIII. Airport Overlay (APO) Districts.

§ 25-481. Purpose.

The purpose of this article is to prevent obstructions from interfering with the airways surrounding the airports in the county in light of the following public policies:

- A. It is necessary in the interest of the public health, safety and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented.
- B. The creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airports.
- C. Augusta County derives economic development and enhanced interstate commerce from its airports when such airports and their surrounding vicinity are held strictly to the highest possible safety standards.
- D. The prevention of obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

§ 25-482. Special definitions.

As used in this article, the following terms shall have the meanings respectively ascribed to them, unless the context clearly requires otherwise:

Airport. Any airport licensed by the Virginia Department of Aviation or any United States government or military air facility.

Airport elevation. The highest point on any usable landing surface expressed in feet above mean sea level.

Approach surface. A surface, whose design standards are referenced in this article, longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in subparagraph D of this section. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, transitional, horizontal, and conical zones. The airspace zones as set forth in this article.

February 10, 2010, at 7:00 p.m.

Conical surface. A surface, whose design standards are referenced in this article, extending and sloping horizontally and vertically from the periphery of the horizontal surface.

Hazard to air navigation. An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.

Height. For the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

Horizontal surface. A horizontal plane, whose design standards are referenced in this article, above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Nonconforming use. Any preexisting structure or object of natural growth which is inconsistent with the provisions of this article or any amendment to this article.

Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in this article.

Permit. A document issued by Augusta County allowing a person to begin an activity which may result in any structures or vegetation exceeding the height limitations provided for in this article.

Primary surface. A surface, whose design standards are referenced in this article, longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway. A specified area on an airport prepared for landing and takeoff of aircraft.

Transitional surfaces. Surfaces, whose design standards are referenced in this Article, which extend outward perpendicular to the runway centerline sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

Zone. All areas provided for in this article, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces determined in accordance with this article.

§ 25-483. Airport safety zones.

In order to carry out the provisions of this article, there are hereby established certain zones which include all of the area and airspace of Augusta County lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to an airport. These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of airspace that do not affect the uses and activities of the base zones except as provided for in this article. An area located in more than one (1) of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

- A. "Airport zone": A zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.
- B. "Approach zone": A zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces.
- C. "Transitional zone": A zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.
- D. "Conical zone": A zone that circles around the periphery of and outward from the horizontal surface, with the floor set by the conical surface.

The source and the specific geometric design standards for these zones are to be found in Part 77.25, 77.28, and 77.29, Sub E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

§ 25-484. Airport safety zone height limitations.

Except as otherwise provided in this article, in any zone created pursuant to this article no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, also known as the floor, of any zone provided for in this article at any point.

The height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in Part 77.25, 77.28, and 77.29, Sub E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

§ 25-485. Light and lighting devices.

No light or lighting device shall be erected, used or maintained which copies, imitates or otherwise resembles standard airport or runway lighting fixtures or devices so as to interfere with the operation of aircraft within any zone created pursuant to this article, unless erected, used or maintained by or for an airport.

February 10, 2010, at 7:00 p.m.

§ 25-486. Permits and variances.

A. Except as provided in this section, no structure shall be erected or otherwise established in any zone created by this article unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient geometric specificity to determine whether the resulting structure would conform to the regulations prescribed in this section. No permit for a structure inconsistent with this section shall be granted unless a variance has been approved as provided in this section.

B. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this section or any amendments thereto other than with relief as provided for in this section.

C. Whenever the Zoning Administrator determines that a nonconforming structure has been abandoned or more than fifty percent destroyed, physically deteriorated, or decayed, no permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this article, except with the relief as provided for in this section.

D. Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this section may apply for a variance under article LIX of this chapter. The application for variance shall be accompanied by a determination from the Virginia Department of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall only be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this article.

E. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the Zoning Administrator. If deemed proper through the failure of the owner of the structure or with other reasonable cause by the board of zoning appeals, this condition may be modified to require the owner of the structure in question to permit the airport owner, at his own expense, to install, operate, and maintain the necessary markings and lights.

F. Applications for permits and variances shall be made on forms available from the Community Development Department, with such forms allowing for enough specific detail such that proper analysis can be given the request.

§ 25-487. Nonconforming uses.

A. Unless specifically provided otherwise herein, the regulations prescribed by this article shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this article shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this article, and is diligently prosecuted.

B. Notwithstanding the provision of paragraph A, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the Zoning Administrator to indicate to operators of aircraft the presence of that airport obstruction. These markers and lights shall be installed, operated and maintained at the expense of the airport owners, and not the owner of the nonconforming structure in question.

Sections 25-488 through 25-490 reserved.

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CHAPTER 25. ZONING.

DIVISION H. OVERLAY DISTRICTS.

Article XLIX. Public Use Overlay (PUO) Districts.

- § 25-491. Purposes.
 § 25-492. Additional uses permitted within a Public Use Overlay District.

CHAPTER 25. ZONING.

February 10, 2010, at 7:00 p.m.

DIVISION H. OVERLAY DISTRICTS.

Article XLIX. Public Use Overlay (PUO) Districts.

§ 25-491. Purposes.

A. It is recognized that in the interest of protecting and promoting the public health, safety and general welfare that certain public or institutional uses may be needed in any zoning classification.

B. Whatever the need for such public or institutional uses may be, it is appropriate that the decisions to locate such uses be made after the procedures, notices, hearing and actions normally associated with a rezoning.

C. The Public Use Overlay District is designed to expand the number of permitted uses which may be allowed in a given underlying district to include certain public and institutional uses, while at the same time imposing certain restrictions on such additional uses so as to make them more compatible with the properties and uses normally found within the underlying district.

§ 25-492. Additional uses permitted within a Public Use Overlay District.

In addition to the uses permitted in the underlying zoning district, one (1) or more of the following uses are permitted in the Public Use Overlay District provided they are identified and proffered at the time of zoning:

- A. Government buildings and properties.
- B. Power plants, water treatment plants, sewage treatment plants, and water tanks.
- C. Wind farms and/or wind energy systems where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.
- D. Active and passive recreational facilities.
- E. Schools.
- F. Jails, prisons and other detention facilities.
- G. Community centers and similar facilities.
- H. Police, rescue squad and fire stations.
- I. Dumps, sanitary landfills, inert materials disposal areas, hazardous waste storage or disposal areas, recycling centers, dumpster sites or solid waste transfer stations, incinerators, and other facilities for the collection, handling, storage and disposal of solid, liquid and gaseous materials.
- J. Carnivals, circuses, fairs, festivals, animal shows, exhibition and similar special events not permitted under §25-21 of division A of this chapter.
- K. Meeting places and offices of civic clubs, fraternities, lodges and other organizations, excepting those the chief activity of which is a service customarily carried on as a business.

Sections 25-493 through 25-500 reserved.

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CHAPTER 25. ZONING.

DIVISION H. OVERLAY DISTRICTS.

Article L. Urban Service Overlay (USO) Districts

- § 25-501. Purposes.
- § 25-502. Reserved
- § 25-503. Reserved
- § 25-504. Limited access to public streets.
- § 25-505. Water and sewer.

February 10, 2010, at 7:00 p.m.

CHAPTER 25. ZONING.

DIVISION H. OVERLAY DISTRICTS.

Article L. Urban Service Overlay (USO) Districts.

§ 25-501. Purposes.

A. The purpose of the Urban Service Overlay District is to recognize those areas in which the county has a substantial investment in facilities and other resources to provide an urban level of public service to its citizens. These areas have been recognized as significant to the well-being of all citizens of the county, and have been declared by law, in some cases in which such declaration has been deemed necessary, to be immune from annexation and from the incorporation of new cities.

B. The provisions of this article are intended to establish additional regulations within the Urban Service Overlay Districts designed to protect the investment of the landowners within the district, as well as the county itself, in the growth and development of these communities.

[§§ 25-502 through 25-503. Reserved.]

§25-504. Limited access to public streets.

A. All uses shall have access designed so as not to impede traffic on any public street designated as an arterial or collector as defined by the Virginia Department of Transportation. No more than one (1) entrance per eight hundred feet (800') of frontage along such streets shall be permitted. Access to properties along such streets may be achieved by one (1) or more of the following:

1. The provision of shared entrances, interparcel travelways or on-site service drives connecting properties.
2. The development of a new public street.
3. The development of internal travelways within a multifamily, commercial or office complex.

B. Parcels of land existing at the time the district is zoned Urban Service Overlay shall not be denied access to a public street if no reasonable joint or cooperative access is possible, and provided that such access is approved by the Virginia Department of Transportation.

C. Parcels of land created after the district is zoned Urban Service Overlay do not have the right of access to a public street if such access would result in a violation of paragraph A of this section.

§ 25-505. Water and sewer.

A. In the Urban Service Overlay District, no major subdivision plat as defined by chapter 21 of this code shall be approved unless water and sewer lines and related equipment for the connection of such lines and equipment to the systems of the Augusta County Service Authority are to be installed.

B. In the Urban Service Overlay District, no minor subdivision plat as defined by chapter 21 of this code or required site plan shall be approved unless water and sewer lines, if available, and related equipment for the connection of such lines and equipment to systems of the Augusta County Service Authority are to be installed.

C. The size and nature of the water and sewer mains, pipes, conduits, connections, pumping stations or other facilities installed or to be installed in connection with the proposed subdivision or site plan shall be in compliance with the regulations of the Augusta County Service Authority.

D. For purposes of paragraph B of this section only, water or sewer lines will be deemed available if one (1) of the following conditions exists:

1. A distribution or collection line of the Augusta County Service Authority is on the property to be served or on adjoining property under the same ownership or control as the property to be served.
2. A distribution or collection line of the Augusta County Service Authority is within two hundred feet (200') of a boundary line of the property to be served or within two hundred feet (200') of adjoining property under the same ownership or control as the property to be served.
3. Water and sewer service from the Augusta County Service Authority can be extended to the property to be served at a cost estimated by the Authority or by an engineer approved by the Authority to be less than \$100,000.00.

E. All uses within a Business or Industrial District for which a site plan is required must have restroom facilities with water and sewer service from the Augusta County Service Authority or from a private well or septic system. The facilities may be provided jointly, meeting the USBC requirements, with another business, as evidenced by a written contract, by a lease, or easement filed with the site plan and filed for recordation in the office of the Clerk of the Circuit Court of Augusta County. Evidence of such recordation shall be provided to the Community Development Department prior to the issuance of a Building Permit or Zoning Certificate. No portable toilets shall be permitted within a Business or Industrial District to meet this requirement, except during a period of construction.

F. Nothing in this section shall be deemed to prohibit the use of wells and septic systems existing at the time the district is zoned Urban Service Overlay, provided such use is otherwise authorized by law.

State law reference—Virginia Code § 15.2-2121.

Sections 25-506 through 25-560 reserved.

Articles LI through LV reserved.

February 10, 2010, at 7:00 p.m.

* * *
CHAPTER 25. ZONING.

DIVISION I. PERMITS AND AMENDMENTS.

Article LVI. Administrative Permit procedures.

- § 25-561. Purpose.
- § 25-561.1. Applications.
- § 25-562. Contents of the application.
- § 25-563. Review and action.

CHAPTER 25. ZONING.

DIVISION I. PERMITS AND AMENDMENTS.

Article LVI. Administrative Permit procedures.

§ 25-561. Purpose.

A. The purpose of this article is to establish procedures for certain additional specified uses in certain districts where permitted by Administrative Permit so as to ensure that the uses are compatible with permitted and existing uses in such district and will be in harmony with the stated purposes and conditions of the district in which the specified use may be permitted.

B. The regulations set forth in this article shall apply only to uses specifically indicated in this chapter which require Administrative Permits.

§ 25-561.1. Applications.

Applications for Administrative Permits shall be made on forms provided by the Department of Community Development and shall be signed by the owner of the property for which the Permit is sought. If the applicant is not the owner, the application shall be accompanied by the written consent of the owner.

§ 25-562. Contents of the application.

It shall be the responsibility of the applicant to provide information and data to:

A. Show that the proposal meets the applicable specific and general standards required by this chapter.

B. Demonstrate that the proposed use, when complemented with additional measures, if any, will be in harmony with the purposes of the specific district in which it will be placed.

C. Demonstrate there will be no undue adverse impact on the surrounding neighborhood in terms of public health, safety or general welfare, and show measures to achieve such goals.

§ 25-563. Review and action.

A. The Zoning Administrator shall review any application requesting an Administrative Permit in the light of the standards set forth in this chapter.

B. If the Zoning Administrator finds that the applicant's request is in conformity with the applicable standards, it shall grant the Administrative Permit. In cases where a minimum acreage is required, the minimum acreage shall mean the total acreage of the contiguous tracts that are wholly owned by the same person, firm, or corporation. However, the minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid.

C. The Zoning Administrator may attach such conditions to its approval as he deems necessary to bring the proposed use into conformity with the applicable standards.

D. If the Zoning Administrator finds that the applicant's request is not in conformity with the applicable standards, he shall deny the Administrative Permit.

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CHAPTER 25. ZONING.

DIVISION I. PERMITS AND AMENDMENTS.

Article LVIII. Special Use Permit procedures.

- § 25-581. Purpose.
- § 25-582. Authority granted.
- § 25-583. Applications.
- § 25-584. Requirements of Special Use Permits.
- § 25-585. BZA review plans.
- § 25-586. Review of BZA review plans.
- § 25-587. Reserved.
- § 25-588. Reconsideration.
- § 25-589. Abandonment of Special Use Permits.
- § 25-590. Revocation of Special Use Permits.
- § 25-590.1. Withdrawal of application.

CHAPTER 25. ZONING.

DIVISION I. PERMITS AND AMENDMENTS.

Article LVIII. Special Use Permit procedures.

February 10, 2010, at 7:00 p.m.

§ 25-581. Purpose.

The purpose of this article is to provide procedures for the granting by the board of zoning appeals of special exceptions, herein called Special Use Permits, under suitable regulations and safeguards.

State law reference--Virginia Code § 15.2-2286.

§ 25-582. Authority granted.

The board of zoning appeals shall hear and decide applications for such Special Use Permits as may be authorized in this chapter. It may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

State law reference--Virginia Code § 15.2-2309.

§ 25-583. Applications.

Applications for Special Use Permits shall be made on forms provided by the Department of Community Development and shall be signed by the owner of the property for which the Permit is sought. If the applicant is not the owner, the application shall be accompanied by the written consent of the owner.

§ 25-584. Requirements of Special Use Permits.

A. A Special Use Permit shall not be issued until all pre-conditions, if any, imposed by the board of zoning appeals have been met. Commencement of a special use prior to the issuance of the permit shall be a violation of this chapter. Whenever the board of zoning appeals has required pre-conditions, the pre-conditions shall be established, constructed or diligently pursued within a reasonable time as determined by the board of zoning appeals. If, in the opinion of the Zoning Administrator, compliance with the pre-conditions is not diligently pursued within one year or other time as specified by the board of zoning appeals, the approval of such Special Use Permit shall automatically expire without notice and the Special Use Permit will not be issued.

B. Any BZA review plan submitted to and approved by the board of zoning appeals shall be followed.

C. Unless otherwise provided by the board of zoning appeals, the Special Use Permit shall be issued to the applicant and shall be non-transferable.

D. All Special Use Permits are subject to and conditioned upon compliance with any applicable federal, state, or local licensing or regulatory requirements, and may be revoked upon failure to so comply.

E. In cases where a minimum acreage is required, the minimum acreage shall mean the total acreage of the contiguous tracts that are wholly owned by the same person, firm, or corporation. However, the minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. In cases where a setback is required from a lot line, it shall be from a lot not wholly owned by the same person, firm, or corporation.

§ 25-585. BZA review plans.

A. Any application for a Special Use Permit shall be accompanied by a BZA review plan.

B. Each BZA review plan shall be drawn on 8½" by 11", 8½" by 14", or 11" by 17" paper.

C. For all new structures, each BZA review plan shall be drawn to scale. The scale shall be one inch (1") equals a stated number of feet. The number of feet shall be a multiple of ten (10). For example, the scale may be one inch (1") equals fifty feet (50') or one inch (1") equals one hundred feet (100').

D. Each BZA review plan shall contain or be accompanied by the following:

1. Reference to the tax map and parcel number, and when the tax map is inaccurate, an "insert map" showing the location of the tract or lot.

2. A scaled drawing of the tract or lot with dimensions indicated or, if available, a boundary survey of the tract or lot.

3. Names of owners of all adjoining property.

4. Location of all zoning districts, buildings, structures, boundary lines and other features from which minimum setbacks are required by this chapter.

5. Type of surfacing, size, design and dimension of all off-street parking spaces.

6. Location, design and dimensions of all vehicular entrances and exits to the site.

7. Location and dimensions, including height in feet, and the proposed general use of each building.

8. Any information required by the reviewing agencies referenced in §25-586 below.

§ 25-586. Review of BZA review plans.

A. The Zoning Administrator shall review the BZA review plan to ensure compliance with the requirements of this chapter and other applicable ordinances.

B. The Zoning Administrator may forward the BZA review plan to such other public officials or agencies as he may deem appropriate for further review.

§ 25-587. Reserved.

February 10, 2010, at 7:00 p.m.

§ 25-588. Reconsideration.

The board of zoning appeals shall not consider an application for a Special Use Permit within one year following the date of final action by the board on a prior application if such application seeks substantially the same Special Use Permit sought in the previous application for the same parcel of land.

§ 25-589. Abandonment of Special Use Permits.

A. The holder of a Special Use Permit may voluntarily abandon the permit by notifying the Zoning Administrator. Upon receipt of such notice of voluntary abandonment, the Zoning Administrator shall cancel the permit.

B. Unless otherwise provided by the board of zoning appeals, when the Zoning Administrator has determined that the use authorized by a Special Use Permit has ceased for two years or more, the Zoning Administrator shall endeavor to obtain the owner's consent to the cancellation of the Permit, and, if consent is obtained, shall cancel the Permit. If the Zoning Administrator is unable to obtain such consent, the Zoning Administrator shall seek revocation of the permit by the board of zoning appeals and, for that purpose, shall give notice and schedule a hearing as required by the Code of Virginia.

§ 25-590. Revocation of Special Use Permits.

If, in the opinion of the Zoning Administrator, the holder of a Special Use Permit has been unwilling or unable to comply with the operating conditions, if any, imposed by the board of zoning appeals in conjunction with said Special Use Permit, the Zoning Administrator shall seek revocation of the permit by the Board of Zoning Appeals and, for that purpose, shall give notice and schedule a hearing as required by the Code of Virginia.

§ 25-590.1. Withdrawal of application.

An application for a Special Use Permit may be withdrawn by the applicant at any time; provided, however, that there shall be no refund of any fee paid if the county has contracted for any advertising or notification as required by law. In no case shall more than one-half of the fee paid be refunded.

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CHAPTER 25. ZONING.

DIVISION I. PERMITS AND AMENDMENTS.

Article LIX. Variances.

§ 25-591.	Purpose.
§ 25-592.	Authority granted.
§ 25-593.	Applications.
§ 25-594.	Limitations on Variances in Floodplain Overlay Districts.
§ 25-595.	BZA review plans.
§ 25-596.	Review of BZA review plans.
§ 25-597.	Reserved.
§ 25-598.	Reconsideration.
§ 25-599.	Withdrawal of application.

CHAPTER 25. ZONING.

DIVISION I. PERMITS AND AMENDMENTS.

Article LIX. Variances.

§ 25-591. Purpose.

The purpose of this article is to authorize Variances as defined in § 15.2-2201 of the Code of Virginia (1950), as amended.

State law reference--Virginia Code § 15.2-2286.

§ 25-592. Authority granted.

The board of zoning appeals shall hear and decide applications for such Variances as may be authorized by state law. In authorizing a Variance the board of zoning appeals may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

State law reference--Virginia Code § 15.2-2309.

§ 25-593. Applications.

Applications for Variances shall be made on forms provided by the Department of Community Development and shall be signed by the owner of the property for which the Variance is sought. If the applicant is not the owner, the application shall be accompanied by the written consent of the owner.

§ 25-594. Limitations on Variances in Floodplain Overlay Districts.

In considering applications for Variances affecting property within Floodplain Overlay Districts, the board of zoning appeals shall consider the factors and procedures specified in §25-479.

§ 25-595. BZA review plans.

A. Any application for a Variance shall be accompanied by a BZA review plan.

February 10, 2010, at 7:00 p.m.

B. Each BZA review plan shall be drawn to scale on 8½" by 11", 8½" by 14", or 11" by 17" paper. The scale shall be one inch (1") equals a stated number of feet. The number of feet shall be a multiple of ten (10). For example, the scale may be one inch (1") equals fifty feet (50') or one inch (1") equals one hundred feet (100').

C. Each BZA review plan shall contain or be accompanied by the following:

1. Reference to the tax map and parcel number, and when the tax map is inaccurate, an "insert map" showing the location of the tract or lot.
2. A scaled drawing of the tract or lot with dimensions indicated or, if available, a boundary survey of the tract or lot.
3. Names of owners of all adjoining property.
4. Location of all zoning districts, buildings, structures, boundary lines and other features from which minimum setbacks are required by this chapter.
5. Type of surfacing, size, design and dimension of all off-street parking spaces.
6. Location, design and dimensions of all vehicular entrances and exits to the site.
7. Location and dimensions, including height in feet, and the proposed general use of each building.
8. Any information required by the reviewing agencies referenced in §25-596 below.

§ 25-596. Review of BZA review plans.

A. The Zoning Administrator shall review the BZA review plan to ensure compliance with the requirements of this chapter and other applicable ordinances.

B. The Zoning Administrator may forward the BZA review plan to such other public officials or agencies as he may deem appropriate for further review.

§ 25-597. Reserved.

§ 25-598. Reconsideration.

The board of zoning appeals shall not consider an application for a Variance within one (1) year following the date of final action by the board of zoning appeals on a prior application if such application seeks substantially the same Variance sought in the previous application for the same parcel of land.

§ 25-599. Withdrawal of application.

An application for a Variance may be withdrawn by the applicant at any time; provided, however, that there shall be no refund of any fee paid if the county has contracted for any advertising or notification as required by law. In no case shall more than one-half (1/2) of the fee paid be refunded.

Section 25-600 reserved.

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CHAPTER 25. ZONING.

DIVISION I. PERMITS AND AMENDMENTS.

Article LX. Rezoning and other amendments.

§ 25-601.	Authority.
§ 25-602.	Presubmission conference.
§ 25-603.	Submission of petition for rezoning.
§ 25-604.	Conditional zoning.
§ 25-605.	Reconsideration.
§ 25-606.	Withdrawal of application.

CHAPTER 25. ZONING.

DIVISION I. PERMITS AND AMENDMENTS.

Article LX. Rezoning and other amendments.

§ 25-601. Authority.

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.

State law reference--Virginia Code § 15.2-2286(A)(7).

§ 25-602. Presubmission conference.

A. Prior to the formal submission of a petition for rezoning by the owner, contract purchaser with the owner's consent, or the owner's agent, the petitioner or his representative shall hold a conference with the Director of the Community Development Department concerning the proposed rezoning.

B. The presubmission conference shall be for the following purposes:

1. To allow the petitioner to submit unofficial preliminary studies of the concept of the proposed development for tentative review, comments and recommendations.

February 10, 2010, at 7:00 p.m.

2. To review the Comprehensive Plan as it may relate to the requested rezoning and proposed development.
3. To review the recommendations of the Traffic Impact Analysis prepared and found to be in conformance with the requirements of Chapter 527 (24VAC30-155) by VDOT, if applicable.
4. To review the procedures which must be followed to effect the requested rezoning.
5. To determine whether the proposal may have an undue adverse impact on the surrounding neighborhood.
6. To consider possible conditions which the owner may be willing to voluntarily proffer to mitigate such adverse impact.

§ 25-603. Submission of petition for rezoning.

A. After presubmission review as set forth in § 25-602 above has been completed; the petitioner may submit his petition for rezoning. If the petitioner is not the owner, the petition shall be accompanied by written consent from the owner. The petitioner shall be notified in advance of the time and place the petition will be considered by the Planning Commission and the board of supervisors.

B. Proffered conditions may be submitted prior to a public hearing before the board of supervisors.

C. Amendments to proffered conditions may be submitted once the public hearing before the board of supervisors has begun provided such amendments do not materially affect the overall proposal.

State law reference--Virginia Code §15.2-2286. §15.2-2298

§ 25-604. Conditional zoning.

A. Purpose. The purpose of this section is to include and provide for the voluntary proffering in writing, by the owner, of reasonable conditions in addition to the regulations provided for the zoning district or zone by this chapter, as a part of a rezoning or amendment to a zoning map as authorized by state law.

B. Voluntary proffer authorized. The owner of property which is the subject of an application for rezoning may voluntarily proffer in writing reasonable conditions in addition to the regulations provided for the zoning district by this chapter, as a part of the rezoning, provided that:

1. The rezoning itself gives rise to the need for the conditions.
2. Such conditions have a reasonable relation to the rezoning.
3. All such conditions are in conformity with the Comprehensive Plan.

State law reference--Virginia Code § 15.2-2298.

§ 25-605. Reconsideration.

The board of supervisors shall not reconsider a petition to amend the zoning of a parcel of land for a period of one year from the date of final action on a prior petition if such petition seeks substantially the same zoning sought in the previous petition. (Augusta County Code 1969, §25-169)

§ 25-606. Withdrawal of application.

An application for an amendment may be withdrawn by the applicant at any time; provided, however, that there shall be no refund of any fee paid if the county has contracted for any advertising or notification as required by law. In no case shall more than one-half (1/2) of the fee paid be refunded. (Augusta County Code 1969, § 25-170)

Sections 25-607 through 25-660 reserved.

Articles LXI through LXV reserved.

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CHAPTER 25. ZONING.

DIVISION J. ADMINISTRATION AND ENFORCEMENT.

Article LXVI. Nonconforming uses, buildings and lots.

- § 25-661. Vested rights not impaired.
- § 25-662. Nonconforming uses.
- § 25-663. Nonconforming buildings and structures.
- § 25-664. Nonconforming lots.

CHAPTER 25. ZONING.

DIVISION J. ADMINISTRATION AND ENFORCEMENT.

February 10, 2010, at 7:00 p.m.

Article LXVI. Nonconforming uses, buildings and lots.

§ 25-661. Vested rights not impaired.

All permits, legally existing at the time of the enactment of this chapter may be continued, within the terms of their issuance even though such use, building or structure as covered by the permit may not conform with the provisions of this chapter for the district in which it is located. (Augusta County Code 1969, § 25-5(d)(2))

Nothing in this chapter shall be construed to impair any vested right except as provided in this article.

State law reference--Virginia Code § 15.2-2307.

§ 25-662. Nonconforming uses.

A. Nonconforming uses which do not conform to the zoning regulations prescribed for the district in which they are situated may be continued only so long as:

1. Such use is not discontinued for more than two years. Once a nonconforming use is discontinued for more than two years, the nonconforming use may not be resumed.

2. Such use is not changed to a conforming use. Once a nonconforming use is changed to a conforming use, the nonconforming use may not be resumed.

B. A nonconforming use may be extended throughout the existing building or structure provided that no structural alterations, other than those required by law or permitted by Special Use Permit, are made therein.

C. A nonconforming use may be substituted for another if the substituted use is authorized by a Special Use Permit granted by the board of zoning appeals.

D. In the case of agricultural animals existing as a nonconforming use, the category of animal may be substituted for another category of agricultural animal without a Special Use Permit. However, in no case shall swine or poultry be used as a substitution for another category of animal.

State law reference--Virginia Code § 15.2-2307.

§ 25-663. Nonconforming buildings and structures.

A. Whenever nonconforming buildings or structures are enlarged, extended, reconstructed or structurally altered, such buildings or structures and the use thereof shall conform to the zoning regulations prescribed for the district in which they are situated unless otherwise provided herein.

B. No nonconforming building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such nonconforming building or structure or the use thereof.

C. Such repairs and maintenance work as required to keep a nonconforming building or structure in sound condition may be made to a nonconforming building or structure.

D. A nonconforming building or structure may be enlarged, extended, reconstructed or structurally altered in one of the following circumstances:

1. Such enlargement, extension, reconstruction, alteration or replacement is required by law or order; or

2. Such enlargement, extension, reconstruction, alteration or replacement is authorized by Special Use Permit granted by the board of zoning appeals. (Ord. 1/24/96)

E. A nonconforming single-family dwelling may be enlarged, extended, reconstructed or altered without a Special Use Permit if:

1. The enlarged, extended, reconstructed, or altered dwelling is no closer to the front lot line than the closer of: (a) the minimum setback line or (b) the existing setback line; and

2. No side or rear setback requirements are violated.

F. Porches, decks and stoops

1. Nonconforming covered porches, decks and stoops may be enclosed, enlarged, extended, reconstructed or altered without a Special Use Permit if:

a. The enclosed, enlarged, extended, reconstructed, or altered porch, deck or stoop is no closer to the front lot line than the closer of the minimum setback line or the existing setback line; and

b. No side or rear setback requirements are violated.

2. Nonconforming uncovered porches, decks and stoops may be enlarged, extended, reconstructed or altered without a Special Use Permit if the porch, deck or stoop remains uncovered and:

a. The enlarged, extended, reconstructed, or altered uncovered porch, deck or stoop is no closer to the front lot line than the closer of the minimum setback line or the existing setback line; and

b. No side or rear setback requirements are violated.

G. A nonconforming manufactured home located in a manufactured home park zoned or not zoned Manufactured Home Park District may be replaced by another manufactured home without a Special Use Permit if:

1. The new manufactured home is no closer to the public or private street than the existing home, however, this requirement does not apply to internal streets

February 10, 2010, at 7:00 p.m.

within the park; and

2. The required distance between manufactured homes is not violated to any greater extent than it was prior to the substitution; and

3. The perimeter setback is not violated to any greater extent than it was prior to the substitution; or

4. Such enlargement, extension, reconstruction, alteration or replacement is required by law or order.

H. A nonconforming manufactured home located on a parcel in any other district, may be replaced by another manufactured home without a Special Use Permit if:

1. The enlarged, extended, reconstructed, or altered dwelling is no closer to the front lot line than the closer of the minimum setback line or the existing setback line; and

2. No side or rear setback requirements are violated.

I. Any nonconforming building or structure damaged or destroyed by fire, flood, explosion, wind, earthquake, war, riot or other calamity may be restored or reconstructed without enlargement or extension and used as before such calamity provided:

1. Restoration or reconstruction is completed and the same use resumed within two (2) years from the date of the calamity, and

2. If such building or structure in a Flood Plain Overlay District is damaged greater than fifty percent (50%), any work done to repair, rebuild or replace the building or structure shall be in compliance with the provisions of chapter 25 division H, article XLVII, "Floodplain Overlay District".

State law reference--Virginia Code § 15.2-2307.

J. Nonconforming parking facilities containing spaces less than the required width may be re-stripped to the conforming size, resulting in a substitution of the nonconformity from size of spaces to number of spaces, if requested by the owner of the property. The owner must submit a parking plan to the Zoning Administrator for approval.

After the plan is approved the spaces may be increased in width resulting in a reduced number of spaces, but once changed to a conforming size the parking spaces may not be returned to a nonconforming width.

§ 25-664. Nonconforming lots.

A. A nonconforming lot is one of the following:

1. A lot lawfully existing at the time of a change in zoning district or change in district regulations, which is or may hereafter become nonconforming with respect to the applicable district regulations by virtue of said change.

2. A lot lawfully existing at the time of a condemnation or other acquisition by an entity with condemning authority, which becomes nonconforming with respect to the applicable district regulations by virtue of said condemnation or other acquisition.

B. The boundaries of a nonconforming lot shall not be changed so that the resulting lot is anything less than:

1. A conforming lot whenever possible; or

2. When a conforming lot is not possible, the nonconformity has not been increased.

One nonconformity may not be substituted for another nonconformity, for example: lot area for lot width.

C. Any new development or use on a nonconforming lot shall comply with all setback and yard requirements applicable in the zoning district in which such lot is located; except that where the nonconforming lot does not have the minimum lot width at the setback line, minimum side yards adjacent to a street shall be not less than twenty feet (20') and all other side yards shall be not less than ten feet (10').

Sections 25-665 through 25-670 reserved.

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CHAPTER 25. ZONING.

DIVISION J. ADMINISTRATION AND ENFORCEMENT.

Article LXVII. Site plan review.

§ 25-671. Purposes.
 § 25-672. Site plan review required.
 § 25-673. Site plan contents.
 § 25-674. Submission of site plans.
 § 25-675. Review of site plans.
 § 25-676. Approval of site plans.
 § 25-677. Compliance with site plan required.

CHAPTER 25. ZONING.

DIVISION J. ADMINISTRATION AND ENFORCEMENT.

Article LXVII. Site plan review.

February 10, 2010, at 7:00 p.m.

§ 25-671. Purposes.

The purposes of this article are:

A. To specify the types of development or land use for which submission of a site plan for review shall be required.

B. To prescribe the requirements for the preparation and submission of site plans, and for the review and approval of such site plans. (Augusta County Code 1969, § 25-135.)

§ 25-672. Site plan review required.

A. Site plan review shall be required, in addition to any other applicable requirements of this chapter, before building permits, occupancy permits, zoning certificates, or zoning permits may be issued in the following cases:

1. Any development or use in any Multiple Residential Dwelling District.
2. Any development or use in any Business District.
3. Any development or use in any Industrial District.
4. Any development or use in any Mixed Use District, except in areas designated for single family dwellings, including duplexes and townhouses.
5. Any development or use in any Public Use Overlay District.
6. All cemeteries, with the exception of cemeteries for family members on private property.
7. All churches and hospitals.
8. Any development or use on a utility lot involving a building.
9. Any enlargement, reduction or reconfiguration of a parking lot unless waived by the Zoning Administrator.
10. Any change or enlargement of a use, or enlargement of a building or structure for which a site plan is required:
 - a. That requires five (5) or more additional parking spaces, or
 - b. When a site plan is not currently on file in the office of Community Development.
11. Wind energy systems.
12. Wireless telecommunication facilities.
13. Any new structure permitted by Special Use Permit or where required by the board of zoning appeals.

B. Where a site plan is on file in the Community Development Department and an applicant is applying for a change or enlargement of a use or enlargement of a building that requires less than five (5) parking spaces, a new site plan will not be required, however, the applicant must note the changes on the existing site plan. The Director of Community Development shall consult with applicable agencies for their comments.

§ 25-673. Site plan contents.

A. Each site plan shall be drawn to scale. The scale shall be one inch (1") equals a stated number of feet. The number of feet shall be a multiple of ten. For example, the scale may be one inch (1") equals fifty feet (50') or one inch (1") equals one hundred feet (100').

B. Each site plan shall contain or be accompanied by the following:

1. Site name, north arrow, date and revision dates and tax map and parcel number.
2. A narrative of the proposed development or use of the property and description of buildings and other structures to be erected or modified.
3. A boundary survey of the tract or lot, area of the lot, and the distances between all property lines and street right-of-way lines of each proposed building, manufactured home or other structure or addition thereto.
4. The boundaries of any Overlay District on the property, as designated in Division H of Chapter 25 "Zoning", of this code, including any sub-designations within such overlay district.
5. The boundaries of any dam break inundation zone required by §10.1-606.2 and on file with the Virginia Department of Conservation and Recreation and the Department of Community Development.
6. Source of title of the owner and the place of record of the last instrument in the chain of title.
7. Location of any grave or structure marking a place of burial or a note indicating that none were located.
8. Names of owners and current zoning of all adjoining property including across any public or private street or alley.
9. Location of all buildings, structures, boundary lines and other features and distances to all property lines. Distances over 500 feet may be estimated.
10. Location and dimensions, including building height, in feet, and the proposed general use and capacity of each building.
11. Type of surfacing, size, design and dimension of all off-street

February 10, 2010, at 7:00 p.m.

parking with spaces labeled as either existing or proposed.

12. Location, design and dimensions of all vehicular entrances and exits to the site with entrances and exits labeled as either existing or proposed.

13. Street layout which provides adequate access to adjacent property pursuant to Chapter 21-9.1. "Streets and Street Connections" where applicable.

14. Parking space calculations provided in a separate table and any information necessary to show compliance with article III, "Off-Street Parking," of division A of this chapter.

15. Any information necessary to show compliance with article VI, "Outdoor Lighting," of division A of this chapter. (Ord. 3/23/05, eff. 11:59 p.m. 6/30/05)

16. Any information necessary, including topography, to show compliance with chapter 9, "Erosion and Sediment Control," of this code.

17. Any information necessary, including topography, to show compliance with chapter 18, "Regulation of Stormwater," of this code.

18. Location and dimensions of existing and proposed easements, including, but not necessarily limited to, utility, stormwater drainage, and ingress and egress easements, showing appurtenant structures such as fire hydrants, manholes, clean-outs, and water meters.

19. Location, layout, dimensions, and calculations of all required buffers, landscaping areas, fences and walls, in a separate table, including where applicable, the distances to established uses.

20. Any information required by the reviewing agencies listed in § 25-675 below.

21. Any information necessary to show compliance with § 24-2, Fire Flow, if applicable.

22. In the case of development of an adult business within a General Business (GB) District, certification of compliance with the requirements of subsection (A-H) of § 25-310 of this Code. (Ord. 04/23/08)

23. Any rezoning proffers, Special Use Permit conditions such as operating or pre-conditions shall be noted on the plan.

24. A completed TIA Worksheet with a determination by the Community Development Department that a TIA is not necessary and a Traffic Impact Analysis (TIA) found to be in conformance with the requirements of Chapter 527 (24VAC30-155) by VDOT, if applicable.

§ 25-674. Submission of site plans.

A. Eight (8) copies of each site plan shall be submitted to the Director of the Community Development Department. Applicable fees and checklists for each applicable reviewing agency must accompany the site plan at the time of submittal and any re-submittal thereafter.

B. Where a previously submitted plan has been accepted for review and denied for failing to meet the technical requirements of this Chapter, no revised plan shall be accepted for review or approved unless and until the appropriate fees as prescribed in Chapter 19 of this Code have been paid.

C. The Community Development Department shall review the site plan to ensure compliance with the requirements of this chapter and other applicable ordinances.

§ 25-675. Review of site plans.

A. Upon receipt of a site plan, required checklists, and fees, the site plan will be routed to reviewing agencies no later than the next business day after submission. The Community Development Department shall forward each site plan to the following for further review where applicable:

1. Augusta County Service Authority.
2. Virginia Department of Health.
3. Virginia Department of Transportation.
4. Augusta County Building Official.
5. Augusta County Fire Chief.
6. Augusta County Engineer.
7. Augusta County Zoning Administrator.

8. Such other public officials or agencies as the Director of the Community Development Department may deem appropriate.

B. Upon receipt of comments from all applicable reviewing agencies or after ten (10) business days, whichever occurs first, comments will be forwarded to the applicant.

C. A site plan which meets the requirements of the applicable ordinances of the reviewing agencies, as determined by that agency's comments, may be deemed approved by the Director of Community Development and no site plan committee meeting is required.

D. A site plan which does not meet the requirements of the applicable ordinances of any reviewing agency and is not approved by the Director of Community Development shall be scheduled for the next available site plan committee meeting but in no case sooner than 5 business days prior to the site plan committee meeting. The applicant and/or agent is

February 10, 2010, at 7:00 p.m.

required to attend the meeting and property owners and developers are encouraged to attend the meeting in order to make development decisions regarding the plan.

E. During the site plan committee meeting, minor changes may be made to the site plan and sealed by the engineer, surveyor, certified landscape architect, or applicant if self designed which, if all applicable agencies recommend approval, may result in immediate approval of the site plan by the Director of Community Development.

F. Anything other than minor changes recommended by any agency will require the resubmittal of the site plan which will then be re-routed to all applicable reviewing agencies and given up to 10 business days for review and comment. Site plans that cannot be approved shall be forwarded a written explanation of the deficiencies within ten (10) working days of receipt of the plan.

§ 25-676. Approval of site plans.

A. Site plans shall be approved or denied by the Director of the Community Development Department and, if approved, shall be valid for a period of five (5) years.

B. An application for approval of a site plan shall become void and cancelled in the event the applicant fails to diligently pursue correction within ninety (90) days any deficiencies noted by the Community Development Department. Such deficiencies may include failure to comply with the technical requirements of any applicable ordinance or failure to obtain the appropriate approval from an applicable federal, state or local agency.

C. A site plan will be approved only to the extent it applies to a structure or use for which an application for building permit or other regulatory approval is pending. The approval of a site plan will create no vested interest in "future building sites" or similar features which may be identified on the site plan.

Editor's Note: The Code of Virginia was amended effective March 27, 2009, (§15.2-2209.1. Extension of approvals to address housing crisis) and provides that any site plan valid under §15.2-2260 and outstanding as of January 1, 2009) shall remain valid until July 1, 2014, or such later date provided for by the terms of the locality's approval, local ordinance, resolution or regulation, or for a longer period as agreed to by the locality.

State law reference—Virginia Code § 15.2-2259.

§ 25-677. Compliance with site plan required.

A. No location, relocation, construction, reconstruction, enlargement or alteration for which site plan review is required shall be undertaken until such site plan has been approved.

B. All owners, occupants and developers of property which is the subject of an approved site plan shall comply with the provisions, requirements, conditions or standards contained in the approved site plan.

C. No structure or use on property which is the subject of an approved site plan shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the approved site plan.

(Ord. 6/26/02, eff. 7/1/02)

Sections 25-678 through 25-680 reserved.

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CHAPTER 25. ZONING.

DIVISION J. ADMINISTRATION AND ENFORCEMENT.

Article LXVIII. Administration.

- § 25-681. Zoning Administrator.
- § 25-682. Building permits, certificates of occupancy and zoning certificates.
- § 25-683. Fees.
- § 25-684. Policies and procedures.
- § 25-685. Appeals.
- § 25-686. Waivers granted by the Board of Supervisors.

CHAPTER 25. ZONING.

DIVISION J. ADMINISTRATION AND ENFORCEMENT.

Article LXVIII. Administration.

§ 25-681. Zoning Administrator.

- A. The County Administrator shall appoint or designate a Zoning Administrator who may also hold another office in the county.
- B. The Zoning Administrator shall have all necessary authority on behalf of the board of supervisors to administer and enforce this chapter, including, but not necessarily limited to, the following powers:
 1. To make conclusions of law and findings of fact, with concurrence of the County Attorney, in connection with the administration, application and enforcement of this chapter in specific cases.
 2. To order in writing the remedying of any condition found in violation of this chapter.
 3. To bring legal action to ensure compliance with this chapter, including injunction, abatement, or other

February 10, 2010, at 7:00 p.m.

appropriate action or proceeding.

State law reference--Virginia Code § 15.2-2286.

§ 25-682. Building permits, certificates of occupancy and zoning certificates.

A. Subject to §25-21 of this chapter, no building permit for construction, repair or improvement shall be approved and no certificate of occupancy shall be issued by the County Building Official for any use, building or structure not in conformity with the provisions of this chapter.

B. Upon application by the County Building Official or by any interested person, the Zoning Administrator shall examine the proposed use for conformance with the provisions of this chapter and may issue a zoning certificate when all applicable provisions of this chapter have been met.

C. The certificate shall be issued within ten (10) days after receipt of the application, if the application complies with the requirements of this chapter and the application is accompanied by the proper fee.

D. A zoning certificate shall become void at the expiration of six (6) months after the date of issuance unless construction, occupancy or use is started.

§ 25-683. Fees.

The board of supervisors may by ordinance provide for the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of this chapter or to the filing or processing of any appeal or amendment thereto.

State law reference--Virginia Code § 15.2-2286(A)(6).

Cross reference--article I of chapter 19 of this code.

§ 25-684. Policies and procedures.

The Board of Supervisors, the Planning Commission, the Board of Zoning Appeals, the Director of the Community Development Department and the Zoning Administrator shall establish such procedures and policies as deemed necessary to carry out and administer the provisions and intent of this chapter. Such policies and procedures shall include administrative interpretations of this chapter and shall be kept in a manual format appropriately indexed and cross referenced to this chapter.

§ 25-685. Appeals.

An appeal to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this chapter.

State law reference--Virginia Code § 15.2-2311.

§ 25-686. Waivers granted by the Board of Supervisors.

The Board of Supervisors may by separate resolution waive the requirements of §§25-35., 25-226. J., 25-237.1, 25-308, and 25-387 pursuant to the standards set forth in the applicable sections. Waivers shall not be deemed to be amendments to this ordinance and consideration of waiver applications shall be made without public hearing. Where possible, a request for waiver shall be considered by the Board of Supervisors at the next available regular meeting of the Board.

Sections 25-687 through 25-690 reserved.

* * *

CHAPTER 25. ZONING.

DIVISION J. ADMINISTRATION AND ENFORCEMENT.

Article LXIX. Violations and penalties.

- § 25-691. Conduct declared unlawful.
- § 25-692. Penalties upon conviction.
- § 25-693. Uniform schedule of civil penalties.

CHAPTER 25. ZONING.

DIVISION J. ADMINISTRATION AND ENFORCEMENT.

Article LXIX. Violations and penalties.

§ 25-691. Conduct declared unlawful.

The following conduct is hereby declared to be unlawful:

A. Violation of any provision of this chapter or of any regulation adopted pursuant to authority conferred by it.

B. Failure by any owner or occupant to comply with any lawful written order of the Zoning Administrator requiring the remedying of any condition found in violation of this chapter.

February 10, 2010, at 7:00 p.m.

C. Failure to comply with the provisions, requirements, conditions or standards contained in any approved site plan, master plan or plan of development or in any Administrative Permit, Special Use Permit, Variance or Certificate of Zoning. (Ord. 11/21/06, eff. 1/1/07)

D. Procurement of any amendment or rezoning or any required Administrative Permit, Special Use Permit, Variance or other approval through misrepresentation of any material fact.

§ 25-692. Penalties upon conviction.

Any violation of this chapter may be a misdemeanor punishable by a fine of not less than ten dollars (\$10) nor more than one thousand dollars (\$1,000) for each such offense. If the violation is uncorrected at the time of the conviction, the Court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the Court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10) nor more than one thousand dollars (\$1,000), and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine on not less than one hundred (\$100) nor more than one thousand five hundred dollars (\$1,500).

State law reference--Virginia Code § 15.2-2286(A)(5).

§25-693. Uniform schedule of civil penalties.

A. There is hereby established a uniform schedule of civil penalties for violations of the following specified provisions of this chapter:

1. § 25-691(A). Violation of any provision of this chapter or of any regulation adopted pursuant to authority conferred by it--\$25 for the initial summons and \$75 for each additional summons.

2. § 25-691(B). Failure by any owner or occupant to comply with any lawful written order of the Zoning Administrator requiring the remedying of any condition found in violation of this chapter--\$100 for the initial summons and \$150 for each additional summons.

3. § 25-691(C). Failure to comply with the provisions, requirements, conditions or standards contained in any approved site plan, master plan or plan of development or in any Administrative Permit, Special Use Permit, Variance or Certificate of Zoning--\$50 for the initial summons and \$125 for each additional summons. (Ord. 11/21/06, eff. 1/1/07)

4. § 25-691(D). Procurement of any amendment or rezoning or any required Administrative Permit, Special Use Permit, Variance or other approval through misrepresentation of any material fact--\$100 for the initial summons and \$150 for each additional summons.

B. The following violations shall not be the subject of civil penalties:

1. Any zoning violation resulting in injury to any person or persons.
2. Any zoning violation resulting from activities related to land development.
3. Any zoning violation relating to the posting of signs on public property or public rights-of-way.

State law reference--Virginia Code § 15.2-2209.

Sections 25-694 through 25-700 reserved.

* * *

CHAPTER 25. ZONING.

DIVISION J. ADMINISTRATION AND ENFORCEMENT.

Article LXX. Transition.

- § 25-701. Zoning and map effective.
- § 25-702. Former districts redesignated.
- § 25-703. Single Residential Dwelling Districts.
- § 25-703.1. Business Districts.
- § 25-704. Industrial Districts.
- § 25-705. Planned Unit Development Ordinances.
- § 25-706. Urban Service Overlay Districts.
- § 25-706.1. Floodplain Overlay Districts.
- § 25-707. Validity of previously approved master plans and plans of development.

CHAPTER 25. ZONING.

DIVISION J. ADMINISTRATION AND ENFORCEMENT.

Article LXX. Transition.

§ 25-701. Zoning and map effective.

This chapter, including the zoning district map of the county, designated "district map," dated March 1, 2010, and the zoning districts shown thereon, shall become effective on March 1, 2010.

§ 25-702. Former districts redesignated.

The district map dated March 1, 2010, shall reflect the following redesignation of districts:

Zoning on February 28, 2010:

Zoning on March 1, 2010:

February 10, 2010, at 7:00 p.m.

GA- General Agriculture	GA- General Agriculture
XA- Exclusive Agriculture	GA- General Agriculture
RR- Rural Residential	RR- Rural Residential
SFR- Single Family Residential	SFR- Single Family Residential
DR- Duplex Residential where development has begun	DR- Duplex Residential
DR- Duplex Residential where no development has begun	AR- Attached Residential
TR- Townhouse Residential	AR- Attached Residential
MHS- Manufactured Home Subdivision	MHS- Manufactured Home Subdivision
MHP- Manufactured Home Park	MHP- Manufactured Home Park
MFR- Multi-Family Residential	MFR- Multi-Family Residential
AB- Airport Business	AB- Airport Business
LB- Limited Business	LB- Limited Business
GB- General Business	GB- General Business
GI- General Industrial	GI- General Industrial
PUD- Planned Unit Development	PUD- Planned Unit Development

§ 25-703. Single Residential Dwelling Districts.

A. All lots in areas zoned R-18, R-15, R-12, R-10 and R-9 on September 30, 1995, shall remain subject to the floor space requirements in effect on that date.

B. No new area shall be zoned Manufactured Home Subdivision (MHS) after December 31, 2002. Areas zoned MHS on December 31, 2002, shall remain zoned MHS, and shall remain subject to the zoning regulations applicable to MHS districts on December 31, 2002, until rezoned to another classification in accordance with the law.

Although not set forth herein, Article XIV shall remain in effect for this limited purpose until all areas zoned MHS have been rezoned. (Ord. 11/26/02, eff. 1/1/03)

C. No new area shall be zoned Duplex Residential (DR) after February 28, 2010. Areas zoned DR on February 28, 2010 where development has already begun shall remain zoned DR, and shall remain subject to the zoning regulations applicable to DR districts on February 28, 2010, until rezoned to another classification in accordance with the law. Although not set forth herein, Article XV shall remain in effect for this limited purpose until all areas zoned DR have been rezoned.

§ 25-703.1. Business Districts.

No new area shall be zoned Limited Business (LB) after February 28, 2010. Areas zoned LB on February 28, 2010, shall remain zoned LB, and shall remain subject to the zoning regulations applicable to LB districts on February 28, 2010, until rezoned to another classification in accordance with the law. Although not set forth herein, Article XXIX shall remain in effect for this limited purpose until all areas zoned LB have been rezoned.

§ 25-704. Industrial Districts.

No new area shall be zoned Limited Industrial (LI) after December 31, 2002. Areas zoned LI on December 31, 2002, shall remain zoned LI, and shall remain subject to the zoning regulations applicable to LI districts on December 31, 2002, until rezoned to another classification in accordance with the law. Although not set forth herein, Article XXXVII shall remain in effect for this limited purpose until all areas zoned LI have been rezoned.

§ 25-705. Planned Unit Development (PUD) Ordinances.

A. Planned Unit Development (PUD) Ordinances enacted prior to October 1, 1995, which adopt by reference provisions of the zoning ordinance of Augusta County "as hereafter amended" shall be deemed to refer to provisions of the zoning ordinance as it existed on September 30, 1995, unless the PUD Ordinance specifically refers to provisions as they existed on a different date.

B. Planned Unit Development (PUD) Ordinances enacted between October 1, 1995 and February 28, 2010 which adopt by reference provisions of the zoning ordinance of Augusta County "as hereafter amended" shall be deemed to refer to provisions of the zoning ordinance as it existed on February 28, 2010, unless the PUD Ordinance specifically refers to provisions as they existed on a different date.

§ 25-706. Urban Service Overlay (USO) Districts.

The areas shown on the zoning district map of the county, designated "district map," dated October 1, 1995, and marked "USO," are zoned as Urban Service Overlay Districts, in addition to the applicable underlying zoning districts and any other applicable overlay districts. (Renumbered by Ord. 11/26/01, eff. 1/1/03)

§ 25-706.1. Floodplain Overlay (FPO) Districts.

The basis for the delineation of these districts shall be the Augusta County Floodpool Maps and the Flood Insurance Study and associated FIRM for the County of Augusta prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated January 6, 2010, as amended. Floodplain Overlay Districts include areas identified as Floodway, Flood-Fringe, Approximated Floodplain and Floodpool Districts. These areas are zoned as Floodplain Overlay Districts, in addition to the applicable underlying zoning districts and any other applicable overlay districts.

§ 25-707. Validity of previously approved master plans and plans of development.

Nothing contained in this chapter shall be deemed to affect the validity of any master plan approved prior to January 1, 2007, in accordance with Chapter 21 of this Code, as it existed on December 31, 2006, or any plan of development approved prior to January 1, 2007, in accordance with Division D or Article XLI of Division G, both of Chapter 25 of this Code, as they existed on December 31, 2006. As the context may require, references in this chapter to "master plan" or "plan of development" shall be deemed to refer respectively to a master plan or plan of development approved prior to January 1, 2007. (Ord. 11/21/06, eff. 1/1/07)

February 10, 2010, at 7:00 p.m.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * *

SUBDIVISION ORDINANCE – ORDINANCE AMENDMENT

The Board considered Planning Commission recommendations, public comments received at the October 26, 2009 Public Hearing, as well as written comments received after the public hearing regarding ordinance to amend Chapter 21 of the Code of Augusta County, Virginia regulating the subdivision of land. **This item was discussed by the Board at its work sessions held on December 15, 2009, January 6, 2010, January 25, 2010, and regular meeting January 27, 2010.**

Mr. Cobb advised that there were no further changes.

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board adopt the following ordinance:

CHAPTER 21. SUBDIVISION OF LAND.

Article I. In General.

- § 21-1. Purpose.
- § 21-2. Definitions.
- § 21-3. Compliance with Chapter required.
- § 21-4. By whom subdivision plat may be prepared.
- § 21-5. Administration.
- § 21-6. Compliance with Chapter 25 required.
- § 21-7. Water and sewer generally.
- § 21-8. Fees.
- § 21-9. Site plans, master plans and plans of development.
- § 21-9.1 Streets and Street Connections.
- § 21-10. Public street design, construction and addition.
- § 21-11. Private street design, construction and maintenance.
- § 21-12. Subdivision and street names.
- § 21-13. Erection of street signs.
- § 21-14. Removal or relocation of utilities.
- § 21-15. Monuments to be installed.
- § 21-16. Drainage.

Article II. Minor Subdivisions.

- § 21-20. Limitations and exceptions.
- § 21-21. Submission of plat.
- § 21-22. Plat requirements.
- § 21-23. Area to be shown on the plat.
- § 21-24. Plat approval and recordation.

Article III. Procedure for Approval of Major Subdivisions.

- § 21-31. In general.
- § 21-32. Preliminary plat required.
- § 21-33. Consideration of the preliminary plat.
- § 21-34. Submission of final plat.
- § 21-35. Consideration of the final plat.
- § 21-36. Bonds required for final approval of final plat.
- § 21-37. Final approval and recordation of final plat.
- § 21-38. Periodic partial release of bonds.
- § 21-39. Final release of bonds.
- § 21-40. Additional maintenance and indemnifying bond.

Article IV. Preliminary Plats for Major Subdivisions.

- § 21-41. Compliance with minimum standards and procedures for land boundary surveys required.
- § 21-42. Contents of the preliminary plat.
- § 21-43. Other requirements.
- § 21-44. Copies of preliminary plat to be submitted.

Article V. Final Plats of Major Subdivisions.

- § 21-51. Compliance with minimum standards and procedures for land boundary surveys required.
- § 21-52. Compliance with Virginia Public Records Act required.
- § 21-53. Contents of the final plat.
- § 21-54. Copies of final plat to be submitted.
- § 21-55. Documents and other matters to accompany final plat.

Article VI. Enforcement.

- § 21-61. Approval of subdivision plat prerequisite to recordation.
- § 21-62. Variances.
- § 21-63. Proceedings to prevent, etc., violation of chapter.
- § 21-64. Building permits.

February 10, 2010, at 7:00 p.m.

§ 21-65. Penalty.
 § 21-66. Severability.

Article VII. Transition.

§ 21-71. Validity of previously approved master plans and plans of development.

CHAPTER 21. SUBDIVISION OF LAND.

Article I. In General.

§ 21-1. Purpose.

The purpose of this chapter is to assure the orderly subdivision of land and its development.

State law reference—Virginia Code § 15.2-2240.

§ 21-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Adjacent. Having a common boundary other than across a street, road or alley.

Alley. Alley means, solely for purposes of this chapter, where a lot has frontage on a public or private street, a private way not more than thirty (30) feet in width affording a means of access to such lot by means other than such public or private street.

Block. The property abutting one side of a street and lying between the two (2) nearest intersecting streets or nearest street and railroad right-of-way, unsubdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of development.

Cul-de-sac. The turnaround at the end of a dead-end street.

Department. The Community Development Department of the County.

Director. The Director of the Community Development Department of the County.

Interparcel travelway. A private street providing access among adjacent lots, parcels or tracts, but not including driveways.

Lot, new. Any lot, tract or parcel resulting from the division of a lot, tract or parcel into two or more lots, tracts or parcels, except a "parent lot" as defined herein.

Lot, parent. In General Agriculture (GA) Districts only, the largest lot, tract or parcel of land resulting from the division of a lot, tract or parcel into two (2) lots, tracts or parcels. Where the resulting lots are equal in size, no lot shall be deemed the parent lot.

Mutatis mutandis. To the same effect, while substituting different words and phrases as appropriate.

Onsite sewage disposal system. A sewerage system or treatment works.

Plat. Plat includes map, plan or plot, including preliminary plats.

Sewage dispersal area. A surface or subsurface drainfield, spray area or other area receiving effluent from an onsite sewage disposal system.

Street. Street means a road or street, whether public or private, which affords a principal means of access to abutting property.

Street, private. Private street means, solely for the purpose of this chapter, any road or street which affords a principal means of access to two or more abutting properties, and is not a public street, as defined by this chapter.

Street, public. Public street means, solely for the purpose of this chapter, a road or street which affords a principal means of access to abutting property and is maintained by the Commonwealth of Virginia as a part of the primary or secondary system of state highways.

Subdivision. A division of a parcel of land into two or more lots, tracts or parcels for any purpose. The term includes resubdivision and boundary line adjustments.

Subdivision agent. The Director of the Department, or his designees. The Director may designate more than one subdivision agent to perform separate functions under this chapter.

Subdivision, major. Major subdivision means any subdivision of land that does not fall within the definition of minor subdivision.

Subdivision, minor. Minor subdivision means any subdivision of land which is a division of a lot or parcel of land into no more than three lots, parcels or tracts for any purpose and, in each case, the subdivision of land:

(a) does not involve the creation or extension of public streets; and

(b) does not involve the creation or extension of public water systems or public sewer systems.

State law reference—Virginia Code § 15.2-2201.

§ 21-3. Compliance with chapter required.

No tract, lot, piece or parcel of land situated within Augusta County shall be subdivided unless and until the owner or subdivider shall cause a plat of such subdivision with reference to monuments, as prescribed in § 21-15 herein, to be made, submitted and

February 10, 2010, at 7:00 p.m.

approved pursuant to the terms of this chapter, unless specifically provided otherwise in this chapter.

State law reference—Virginia Code § 15.2-2254.

§ 21-4. By whom subdivision plat may be prepared.

Every plat which is intended for recording shall be prepared by a certified professional engineer or land surveyor, duly licensed by the Commonwealth of Virginia.

State law reference—Virginia Code § 15.2-2262.

§ 21-5. Administration.

A. The board of supervisors may establish reasonable administrative rules and regulations for the administration of this chapter.

B. Each subdivision agent is delegated the authority and power to administer this chapter, and in so acting, each subdivision agent shall be considered the agent of the board of supervisors. The subdivision agent shall perform his duties with respect to subdivisions in accordance with this chapter.

State law reference—Virginia Code § 15.2-2255.

§ 21-6. Compliance with Chapter 25 required.

A. All lots shall be of sufficient size, shape and dimension to meet all the applicable requirements of Chapter 25 of this Code.

B. Where it is not readily apparent from a submitted plat that a lot complies with the applicable development standards, the subdivision agent may require that the applicant submit a site plan of such lot in accordance with Chapter 25 of this Code.

C. Every final plat submitted pursuant to this chapter shall contain a written certification by the preparer that all lots are in compliance with the provisions of Chapter 25 of this Code applicable to frontage, width and area.

State law reference—Virginia Code § 15.2-2241.

§ 21-7. Water and sewer generally.

A. All required water and sewer facilities shall be designed and constructed to the current standards of the Augusta County Service Authority, the Virginia Department of Health, or the Virginia Department of Environmental Quality and the requirements of this chapter.

B. A public water system or a public sewer system shall be deemed available to a lot if such system is adjacent to such lot or across a public street, road or alley from such lot and a connection may be lawfully made thereto; provided, in the Urban Service Overlay (USO) Districts, a public water system or a public sewer system shall be deemed available in accordance with subsection (D) of § 25-505 of this Code.

C. Except in cluster subdivision in General Agriculture (GA) districts, all lots in major and minor subdivisions shall have service by a public sewer system when available or a private individual onsite sewage disposal system approved by the Virginia Department of Health when a public sewer system is not available. Except in cluster subdivision in General Agriculture (GA) districts, private sewer systems serving multiple lots shall not be permitted.

D. When private individual onsite sewage disposal systems approved by the Virginia Department of Health are utilized:

1. Each system shall have another sewage dispersal area reserved for use in the event of failure of the initial sewage dispersal area.

2. The reserve sewage dispersal area shall be sufficient to accommodate one hundred percent (100%) of the capacity of the initial sewage dispersal area.

3. The location of all offsite sewage dispersal areas and reserve sewage dispersal areas and the easements required for their construction, use and maintenance shall be shown on the plat.

4. The type of each system shall be shown on the plat.

5. No system shall be designed to result in a point source discharge.

6. Where applicable, each system shall be subject to the provisions of Article II of Chapter 11 of this Code.

E. All lots in major and minor subdivisions shall have service by a public water system when available.

F. The recordation of a deed of dedication, subdivision and easement or plat approved pursuant to the provisions of this chapter shall operate to transfer to the Augusta County Service Authority any easements shown on the plat for public pipelines and related facilities utilized for the supply, conveyance and distribution of water or for the collection, conveyance and disposal of sewage. The provisions of this paragraph shall not affect any right of the subdivider validly reserved on the plat, nor shall the provisions of this paragraph affect the obligation of the subdivider to install pursuant to paragraph A above.

G. Adequate fire hydrants will be installed by the developer and/or builder. Placement of hydrants and adequacy of fire flow shall be designed in accordance with §24-2 of the County Code. (Ord. 08/27/08)

State law reference—Virginia Code § 15.2-2241.

§ 21-8. Fees.

A. No plat shall be accepted for review or approved unless and until the appropriate fees as prescribed in Chapter 19 of this Code have been paid.

February 10, 2010, at 7:00 p.m.

B. Where a previously submitted plat has been accepted for review and denied for failing to meet the technical requirements of this chapter, no revised plat shall be accepted for review or approved unless and until the appropriate fees as prescribed in Chapter 19 of this Code have been paid.

C. A plat may be withdrawn by the applicant at any time; provided, however, that there shall be no refund of any fee paid if the subdivision agent has commenced review of the plat, or if the planning commission or the board of supervisors has approved or disapproved the plat.

State law reference—Virginia Code § 15.2-2241.

§ 21-9. Site plans, master plans and plans of development.

Site plans or plans of development which are required to be submitted in accordance with Chapter 25 of this Code shall be subject to the provisions of this chapter applicable to minor subdivisions, *mutatis mutandis*.

State law reference—Virginia Code § 15.2-2241.

§ 21-9.1. Streets and Street Connections.

A. Unless otherwise provided herein, new public or private streets, except private streets in General Agriculture (GA) Districts, alleys and interparcel travelways, created to serve the lots, tracts or parcels in any subdivision shall be designed and constructed in accordance with standards and procedures of the current Virginia Department of Transportation subdivision street requirements for addition into the secondary system of state highways. In addition, the following minimum design standards shall apply:

1. Temporary turnarounds. Provisions shall be made for a temporary turnaround where streets terminate at property boundaries if required by the standards of the Virginia Department of Transportation.

2. Angle of street intersections. Street intersections shall be as near ninety degrees as possible.

3. Lining up of streets. When possible, all streets and alleys shall line up with existing opposite state highways and city or subdivision streets.

4. Cul-de-sacs. Dead-end streets shall be provided with a turnaround if required by the standards of the Virginia Department of Transportation.

5. Curbs and gutters. Curbs and gutters in accordance with the standards of the Virginia Department of Transportation shall be provided where new streets are extensions of, or intersect or connect with, existing streets with curbs and gutters or where the subdivision adjoins a subdivision where the streets have curbs and gutters.

6. Pavement. Except for cluster subdivisions in General Agriculture (GA) Districts, the surfaces of all streets shall be paved with a minimum of two inches (2") of bituminous concrete as specified and approved by the Virginia Department of Transportation.

B. Except for cluster subdivisions in General Agriculture (GA) Districts, street layout shall be designed to provide adequate access to adjacent property. Where such adjacent property is a subdivision which is the subject of an approved master plan, preliminary plat or final plat, or such adjacent property is the subject of an approved site plan, the street layout shall be coordinated with existing or planned streets or access points, as shown on such approved master plan, preliminary plat, final plat or site plan, to facilitate street connections between developments. Where such adjacent property is not a subdivision or other development, but is located in an area designated in the Comprehensive Plan as Urban Service Area, Community Development Area, or where otherwise required by the subdivision agent, the street layout should provide for the extension of streets to the subdivision boundary to facilitate the continuity of possible adjacent development. Exceptions to this requirement may be granted by the Director if he finds that the required connection is not feasible due to the presence of limiting features such as existing development patterns, railroads, limited access highways, streams or rivers, or in the case of extreme topographic differences.

C. In any zoning district except General Agriculture (GA), no new lots may directly access existing public streets designated as arterial or collector streets as defined by the Virginia Department of Transportation. Instead, access must be provided from an existing entrance location or a new or existing public or private street. Lots created in residentially zoned subdivisions must access a subdivision street or an internal road system.

D. A single street connection may not serve more than 100 dwelling units. When more than 100 dwelling units are to be served, at least one additional street connection shall be provided. Where such additional connection is not feasible, a boulevard entrance, with ingress and egress lanes separated by at least a four (4) ft median, shall be provided and connections to the boulevard entrance may not serve more than 100 dwelling units each and the boulevard entrance may not serve more than 200 dwelling units in total. Financial considerations, standing alone, shall not be deemed sufficient to render an additional connection not feasible.

E. No changes to facilities designed and constructed in accordance with this section shall be made without the prior written approval of the subdivision agent.

State law reference—Virginia Code § 15.2-2241.

§ 21-10. Public street design, construction and addition.

A. Public street rights-of-way shall be dedicated in fee simple and shall be a minimum of:

1. forty (40) feet in width, if permitted by the Virginia Department of Transportation, provided curb and gutter and sidewalks are constructed to the applicable standards of the Virginia Department of Transportation, or

February 10, 2010, at 7:00 p.m.

2. fifty (50) feet in all other cases

B. Upon completion of the construction of the streets, the subdivider shall request that the streets be inspected for compliance with the standards and procedures in § 21-9.1. Until the streets are officially added to the secondary system, their maintenance and construction or reconstruction, as necessary for addition, shall be the responsibility of the subdivider. At such time after completion of construction and when sufficient public service is provided by the streets, the subdivider shall satisfy the requirements of the Virginia Department of Transportation with respect to surety and maintenance fees as required for the addition of the streets to the secondary system.

C. As used in this section, "maintenance" shall be deemed to mean maintenance of the streets, sidewalks, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such streets reasonably open for public usage.

State law reference—Virginia Code § 15.2-2241.

§ 21-11. Private street design, construction and maintenance.

A. Private streets shall be allowed only when authorized by Chapter 25 of this Code, for certain minor subdivisions in General Agriculture (GA) Districts, Attached Residential (AR) Districts, General Business (GB) Districts, General Industrial (GI) Districts, Planned Unit Development (PUD) districts, and for interparcel travelways.

B. In General Agriculture (GA) Districts as defined in Chapter 25 of this Code, thirty feet (30') shall be the minimum width of any private right-of-way or easement created after October 1, 1995, which affords a principal means of access to one or more lots, tracts or parcels.

C. All alleys shall be designed and constructed in accordance with a design standard issued by the Department.

D. All interparcel travelways shall be designed and constructed in accordance with standards and procedures of the current Virginia Department of Transportation subdivision street requirements for addition into the secondary system of state highways, except that the minimum pavement width of an interparcel travelway shall be eighteen feet (18').

E. All private streets that are not constructed in accordance with standards and procedures of the current Virginia Department of Transportation subdivision street requirements for addition into the secondary system of state highways shall be privately maintained and shall not be eligible for acceptance into the secondary system of state highways unless improved to current Virginia Department of Transportation standards with funds other than those appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.

F. All private streets shall be constructed in accordance with approved erosion and sediment control plans.

G. All private streets, except private streets in General Agriculture (GA) Districts, shall be constructed in accordance with approved construction plans. The final approval of such plats containing one or more private streets shall be conditioned on compliance by the subdivider with the performance guarantee requirements set forth in § 21-36 below, *mutatis mutandis*. The bond or other performance guarantee shall be released upon submission of a certificate from a duly licensed engineer or surveyor stating that the subdivision street construction has been completed and properly maintained and meets all of the requirements in subparagraphs A through D above.

H. In any subdivision where one or more streets are private streets, and any of such private streets are not to be constructed in accordance with standards and procedures of the current Virginia Department of Transportation subdivision street requirements for addition into the secondary system of state highways, the plat of such subdivision, every deed of subdivision and every deed of conveyance of any lot or parcel of land not having the required frontage on a public street within such subdivision, shall contain a statement as follows:

The streets in this subdivision do not meet the standards necessary for inclusion in the secondary system of state highways and shall not be maintained by the Virginia Department of Transportation or the county and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.

I. In any subdivision where one or more streets are private streets, and all of such streets are constructed in accordance with standards and procedures of the current Virginia Department of Transportation subdivision street requirements for addition into the secondary system of state highways, the plat of such subdivision, every deed of subdivision and every deed of conveyance of any lot or parcel of land not having the required frontage on a public street within such subdivision, shall contain a statement as follows:

The streets in this subdivision are not intended for inclusion in the secondary system of state highways and shall not be maintained by the Virginia Department of Transportation or the county and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.

State law reference—Virginia Code § 15.2-2242.

§ 21-12. Subdivision and street names.

A. Subdivision names shall not duplicate existing subdivision names in the City of Staunton, the City of Waynesboro, the Town of Craigsville, the Town of Grottoes or Augusta County, except that the board of supervisors may require that a subdivision adjacent to an existing subdivision bear the same name as the existing subdivision.

B. Once a subdivision name has been approved in accordance with this chapter, such name may not be changed without the approval of the board of supervisors.

C. Street names shall not duplicate existing street names in the City of

February 10, 2010, at 7:00 p.m.

Staunton, the City of Waynesboro, the Town of Craigsville, the Town of Grottoes or Augusta County, except that streets that are a continuation of present or existing streets shall bear the same name.

§ 21-13. Erection of street signs.

Street signs shall be erected at every intersection of a public street or private street intended to serve three or more residences.

§ 21-14. Removal or relocation of utilities.

Whenever the board of supervisors shall determine that any pipes, cable, poles, equipment, or other facilities installed by or for any utility after the recordation of a plat in any street right of way or stormwater management easement shown on the plat must be relocated or removed, the owner or operator of such facilities shall relocate or remove the same at its expense in accordance with the order of the board.

§ 21-15. Monuments to be installed.

A. In all subdivisions, subdivision lot monuments, in accordance with county design standard 80-2, shall be set at all corners and changes in direction of the boundary of each lot.

B. In major subdivisions, concrete subdivision monuments, in accordance with county design standard 80-1, or an alternate approved by the county engineer, shall be set at all corners and changes in direction of the original boundary of the subdivided tract; provided, however, where two monumented points are visible to each other when measured at a height of three and one-half feet above the adjacent grade, additional monuments need not be set in between such points.

C. In major subdivisions, subdivision street monuments, in accordance with county design standard 80-3, shall be set at all street curve points and street intersection points at the center of rights of way; provided, however, where two monumented points are visible to each other when measured at a height of three and one-half feet above the adjacent grade, additional monuments need not be set in between such points.

D. Notwithstanding anything to the contrary contained in this section, in connection with a major subdivision, where a subdivision contains or is adjacent to a public street identified by the Virginia Department of Transportation as an arterial or collector street, concrete subdivision monuments, in accordance with county design standard 80-1, or an alternate approved by the county engineer, shall be offset to the edge of the right of way at all street curve points and street intersection points of the right of way within or adjacent to the subdivision; provided, however, where two monumented points are visible to each other when measured at a height of three and one-half feet above the adjacent grade, additional monuments need not be set in between such points.

E. Upon completion of subdivision streets, sewers and other public improvements, the subdivider shall make certain that all monuments required by this chapter or shown on the plat are installed and are clearly visible for inspection and use and shall provide certification of such from a duly licensed professional engineer or surveyor; provided, street monuments shall be installed prior to the installation of the final surface coat of pavement.

State law reference—Virginia Code § 15.2-2241.

§ 21-16. Drainage.

A. Major and minor subdivisions shall be subject to the requirements of Chapter 18 of this Code, to the extent applicable.

B. In all Residential Districts, except Rural Residential Districts, as defined in Chapter 25 of this Code, stormwater conveyance systems shall be located, to the extent practicable, parallel and adjacent to lot lines.

C. In all Residential Districts, except Rural Residential Districts, as defined in Chapter 25 of this Code, where a storm drainage system is required under Chapter 18 of this Code, the system shall be comprised of underground stormwater management facilities under the following conditions:

1. where necessary to convey stormwater within the minimum right-of-way required by this chapter or the Virginia Department of Transportation, in accordance with the requirements of Chapter 18 of this Code; or

2. where a drainage easement is required by the county in accordance with the requirements of Chapter 18 of this Code, and an easement twenty feet (20') or less in width is insufficient to permit the aboveground conveyance of stormwater across lots or parcels.

D. Where underground stormwater management facilities are not required under subsection (C), and aboveground stormwater management facilities are constructed in the right-of-way, additional drainage easements adjacent to the right-of-way shall be permitted only to the extent necessary to facilitate the transition from such aboveground stormwater management facilities in the right-of-way to other drainage easements on a lot.

E. Where underground stormwater management facilities are required under subsection (C), (i) all such facilities shall be installed underground, except such facilities which are, under accepted engineering practices, normally installed above ground, such as inlet structures and stormwater detention and retention facilities, and (ii) additional drainage easements adjacent to the right-of-way shall be permitted for such facilities.

Sections 21-17 through 21-19 reserved.

Article II. Minor Subdivisions.

§ 21-20. Limitations and exceptions.

A. No lot or parcel of land or any portion thereof may be subdivided to create

February 10, 2010, at 7:00 p.m.

more than two new lots under this chapter more than once in any twelve month period, except in General Agriculture (GA) Districts, which shall be subject to the provisions of Chapter 25 of this Code. A lot shall be deemed to have been created as of the date of recordation of the duly approved plat.

B. Exception for divisions for deeds of trust. In General Agriculture (GA) Districts only, the agent may permit a division of land conveying a parcel in trust for the sole purpose of securing an indebtedness to a regulated commercial lender. Only one (1) such division of any parcel identified by a separate tax map number shall be permitted at any time. In the event of default, the holder of the note secured by the deed of trust shall have authority to enforce the lien of such deed of trust in any manner permitted by the laws of the Commonwealth of Virginia.

1. Prior to recordation, the plat and deed shall be submitted for approval to the subdivision agent, and such approval shall indicate that excepting the required frontage, the execution and delivery of the deed of trust does not violate any requirements of the county's zoning ordinance. In its title, the plat shall state that the conveyance is for deed of trust purposes.

2. The landowner shall obtain a separate tax map designation and tax billing from the commissioner of the revenue and notify the commissioner of the revenue and the subdivision agent upon the satisfaction and release of any such deed of trust.

3. A division of land approved under this paragraph (B) shall not constitute a subdivision of land until there is a conveyance by or to the holder of the note or its trustees and only upon default.

4. Upon such default, any such conveyance by or to the holder of the note or its trustee shall be reported, before recordation, to the subdivision agent; and no subsequent division of the land so conveyed shall be permitted under this chapter until a waiting period of three (3) years has been satisfied.

C. Exception for divisions for partition in kind. Real property which passes in the estate of a decedent and pursuant to which passage either a court ordered partition or a bona fide partition in kind by agreement occurs shall be exempted from the requirements of this chapter as to the original partition; except, that such division shall not create any parcel that does not meet the requirements for lot frontage, width or area in the zoning district in which the real property exists. The lot frontage requirement may be exempted if the division is for the purposed of a Family Member division under §21-22 F, and all requirements of that section are met.

§ 21-21. Submission of plat.

Eight (8) copies of a minor subdivision plat, together with the name and address of the subdivider, shall be submitted to the subdivision agent. A preliminary plat shall not be required.

§ 21-22. Plat requirements.

The following shall be required of all minor subdivision plats:

A. A minor subdivision plat shall contain or be drawn in accordance with the following:

1. On sheets eighteen inches (18") by twenty-four inches (24"), eleven inches (11") by seventeen inches (17"), eight and one-half inches (8-1/2") by eleven inches (11") or eight and one-half inches (8-1/2") by fourteen inches (14"). In cases where more than one sheet is required they shall be match marked. All copies shall bear the original signature of the preparer and shall be on white paper with black lines.

2. The name of the recorded owner and identification of the plat, the source of title of the recorded owner and the place of record of the last instrument in the chain of title.

3. The tax map sheet, section and parcel number of each tract being subdivided.

4. The exact layout, including all dimensions, both linear and angular, for locating lots, adjoining public streets, proposed and existing private streets and easements. The linear dimensions shall be expressed in feet and hundredths of a foot and the angular measurements shall be expressed by bearings or angles in degrees, minutes and seconds. Each curve shall be defined by its chord bearing, chord length, radius, central angle, tangent length and arc length. Survey accuracy shall result in an error of closure of one in ten thousand or better.

5. Approved "subdivision lot monuments," in accordance with county design standard 80-2.

6. Date and all revision dates, north point and scale.

7. The area of each lot or parcel and the total area of the subdivision.

8. Name and license of the land surveyor or professional engineer preparing the plat.

9. The location of all buildings which are at least in part within fifty feet (50') of any newly created lot lines, including the square footage of such buildings and the distance from such buildings to the newly created lot lines.

10. The boundaries of any Overlay District on the property, as designated in Division H of Chapter 25 "Zoning", of this code, including any sub-designations within such overlay district.

11. The boundaries of any dam break inundation zone required by §10.1-606.2 and on file with the Virginia Department of Conservation and Recreation and the Department of Community Development.

12. The location of any grave, object or structure marking a place of burial, or a note indicating that none were located.

February 10, 2010, at 7:00 p.m.

13. Approval signature panel.

B. A minor subdivision plat shall be accompanied by written confirmation from the appropriate officials that:

1. In accordance with § 21-7, a sewer connection is available for each lot less than twenty (20) acres in area shown on the plat to be served by a public sewer system and an onsite sewage disposal system can be approved for each such lot shown on the plat not to be served by a public sewer system.

2. A highway entrance permit can be obtained for each lot having the required road frontage, including a parent lot not shown on the plat if less than twenty (20) acres in area. Each lot without the required public street frontage, including a parent lot not shown on the plat if less than one hundred (100) acres in area, shall have confirmation that its access to a public street meets all of the regulations of the Virginia Department of Transportation for entrances.

C. The requirements of subsection (B) above shall not apply to:

1. A boundary line adjustment where no new lots are created, unless a lot is reduced in acreage from twenty (20) acres or more to less than twenty (20) acres.

2. A subdivision which will result in lots on which dwellings exist as of the effective date of subdivision, provided that such lots have previously approved means of sewage disposal and highway entrances, and provided further, the plat contains a certification by the preparer that neither will be disrupted as a result of the subdivision.

3. A division for a deed of trust in accordance with §21-20 (B).

D. Every plat shall contain in addition to the professional engineer's or land surveyor's certificate a statement as follows:

The platting or dedication of the following described land [here insert a correct description of the land subdivided] is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any.

The statement shall be signed by such persons and duly acknowledged before some officer authorized to take acknowledgment of deeds.

E. Where appropriate, a minor subdivision plat shall show on its face written certification by the preparer that:

1. When the area subdivided lies within an Urban Service Overlay District, that the requirements of Article L, "Urban Service Overlay (USO) Districts," of Chapter 25 "Zoning," of this Code have been met or that appropriate arrangements, acceptable to the subdivision agent, have been made to ensure that they will be met.

2. When existing buildings are present on either a newly created or parent lot, that those existing buildings, which may or may not be shown on the plat, unless already non-conforming, meet the requirements of either the permitted uses or accessory uses section of the underlying zoning classification of Chapter 25, "Zoning" of this code, or that a Special Use Permit has been issued, remains valid, and the building is in compliance with the provisions of such Special Use Permit.

F. A minor subdivision plat may be submitted in accordance with § 25-77.4 of this Code, to establish a "family member exception lot." When a minor subdivision plat is submitted for such purpose, the plat shall show on its face written certification by the grantor:

1. of the names of the grantor and grantee of the proposed lot and their familial relationship;

2. that the lot is not created for the purpose of the circumvention of this chapter;

3. that at least one grantee is a member of the immediate family of the grantor;

4. that such grantee has not been the prior recipient of any portion of a family member exception lot in Augusta County*;

5. that the grantor has not received previously from such grantee any portion of a family member exception lot in Augusta County*; and

* For example, in the case of a lot owned by a husband and wife, the husband or the husband and wife can convey a lot to the wife but she cannot then convey a lot to the husband.

6. that the lot created shall be titled in the name of such grantee, as the owner of at least a fifty percent (50%) interest in such lot, for a period of no less than three (3) years unless the earlier conveyance of such lot is permitted under § 25-77.4 of this Code.

Each initial deed of conveyance of any family member exception lot shall contain a similar certification by the grantor.

G. A minor subdivision plat submitted for approval shall be accompanied by the fees prescribed in Chapter 19 of this Code.

State law reference—Virginia Code § 15.2-2241.

§ 21-23. Area to be shown on the plat.

A. All new lots must be shown on the plat.

February 10, 2010, at 7:00 p.m.

B. Any parent lot must be shown on the plat unless exempted by this section.

C. A parent lot need not be shown on the plat if the following requirements are met:

1. The plat is accompanied by written confirmation from a licensed surveyor or engineer that the lot or parcel not shown is in compliance with the provisions of Chapter 25 applicable to frontage, width and area, and

2. If such lot or parcel does not have the required frontage on a public street, every deed of conveyance of such lot or parcel shall contain the statement specified in § 15.2-2242(3) of the Code of Virginia, (1950), as amended, and

3. Such lot or parcel exceeds five (5) acres in area.

D. The requirements of §21-22 Paragraph B Number 2 must be met, unless exempted, regardless of whether or not the parent lot is required to be shown on the plat.

§ 21-24. Plat approval and recordation.

A minor subdivision plat shall be reviewed in accordance with the following procedures:

A. Consideration of the proposed plat shall be completed in accordance with the provisions of § 15.2-2259 of the Code of Virginia (1950), as amended.

B. A minor subdivision plat shall be reviewed by a subdivision agent. Upon the subdivision agent's determination that the plat is in conformance with the requirements of this chapter, the subdivision agent shall sign the plat. Approval by the subdivision agent shall have the same force and effect as approval by the board of supervisors. Consideration by the planning commission and the board of supervisors shall not be required.

C. If the subdivision agent determines that the plat does not meet the requirements of this chapter, the agent will retain one copy of the plat, and the remaining copies shall be returned to the applicant with a written explanation of the deficiencies.

D. The plat shall be either approved or the written explanation of deficiencies shall be forwarded to the applicant within ten (10) working days of receipt of the plat.

E. An applicant may appeal the decision of the subdivision agent by filing a written request in the office of the board of supervisors within thirty (30) days of the decision of the subdivision agent. Upon appeal, the board of supervisors shall consider the plat at the earliest possible date and the decision of the governing body shall supersede the decision of the subdivision agent.

F. The approved plat shall be filed for recordation in the office of the Clerk of the Circuit Court of Augusta County within six (6) months of the date of approval by the subdivision agent. If the plat is not filed for recordation within six (6) months after final approval, such approval shall be withdrawn and the plat shall be void.

State law reference—Virginia Code § 15.2-2241.

Sections 21-25 through 21-30 reserved.

Article III. Procedure for Approval of Major Subdivisions.

§ 21-31. In general.

A. Any owner of land within Augusta County wishing to subdivide the same into lots, where said subdivision does not qualify as a minor subdivision under this chapter, shall follow the procedures and requirements of this article.

B. Except for cluster subdivisions, no major subdivisions shall be permitted in General Agriculture (GA) Districts as defined in Chapter 25 of this Code.

C. The subdivider or his representative shall be present at each meeting when an appeal of a subdivision agent's decision regarding a plat is considered by the planning commission or the board of supervisors.

§ 21-32. Preliminary plat required.

A. The subdivider shall cause to be prepared a preliminary plat in accordance with the requirements of Article IV of this chapter.

B. The preliminary plat shall include all of the property owned or controlled by the applicant subdivider which is adjacent to or considered to be contiguous to the proposed subdivision.

C. The preliminary plat, together with such supplementary material as may be required by Article IV of this chapter, shall be submitted to the Department with a written application for approval and payment of any applicable fees.

D. No preliminary plat shall be required where a master plan or plan of development has been approved and remains valid pursuant to Chapter 25 of this Code. The final plat shall be in substantial conformity with such approved master plan or plan of development.

E. No preliminary plat shall be required for cluster subdivisions in General Agriculture (GA) districts.

State law reference—Virginia Code § 15.2-2260.

§ 21-33. Consideration of the preliminary plat.

A. Upon receipt of a proposed preliminary plat which complies with the requirements of Article IV of this chapter and payment of any required fees, the preliminary plat shall be forwarded by the subdivision agent in accordance with § 21-43, for review as provided therein.

February 10, 2010, at 7:00 p.m.

B. Following receipt of comments from the reviewing agencies, the proposed preliminary plat shall be approved by the subdivision agent once he finds that the plat meets the technical requirements of this chapter.

C. Consideration of the proposed preliminary plat shall be completed in accordance with the provisions of § 15.2-2260 of the Code of Virginia (1950), as amended.

D. Once a preliminary plat is approved, it shall be valid for a period of five (5) years from the date of approval by the agent, or for such longer period as the agent may, at the time of the approval, determine to be reasonable, taking into consideration the size and phasing of the proposed subdivision, provided the subdivider:

1. submits a final plat for the major subdivision of all or a portion of the property shown in the preliminary plat, together with such documents as are required under subsections (B) through (F) of § 21-55, within two (2) years of such approval; and
2. thereafter diligently pursues approval of the final plat.

As used in this section "diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final plat or modifications thereto.

Editor's Note: The Code of Virginia was amended effective March 27, 2009, (§15.2-2209.1. Extension of approvals to address housing crisis) and provides that any subdivision plat valid under §15.2-2260 and outstanding as of January 1, 2009 shall remain valid until July 1, 2014, or such later date provided for by the terms of the locality's approval, local ordinance, resolution or regulation, or for a longer period as agreed to by the locality.

E. If a final plat is submitted within two (2) years of approval of a preliminary plat by the agent, but such final plat has not been approved within three (3) years of such approval, the subdivision agent may revoke such approval of the preliminary plat upon a specific finding of facts that the subdivider has not diligently pursued approval of the final plat. Such finding and revocation shall be communicated by written notice sent to the subdivider and the owner by certified mail return receipt at least ninety (90) days prior to the effective date of such revocation.

F. If no final plat for a major subdivision is submitted within two (2) years of approval, the approval of the preliminary plat shall be null and void and no final plat for a major subdivision shall be accepted until the preliminary plat is reapproved pursuant to the procedures set forth in this article. The subdivision agent may, on written request of the subdivider received at least fifteen (15) working days prior to expiration of the preliminary plat and for good cause shown, grant one (1) six-month extension of the deadline for submission of a final plat.

G. Upon the expiration of five (5) years from the date of approval of a preliminary plat, or such longer period as is approved by the agent pursuant to subsection (D), or upon the expiration of a period of five years from the date of the latest recorded plat of subdivision for the property, whichever is later, no further final plats shall be accepted until a preliminary plat is approved pursuant to the procedures set forth in this article.

H. No portion of the property shown on an approved preliminary plat which remains in effect may be the subject of a minor subdivision.

§ 21-34. Submission of final plat.

A. The subdivider shall submit a written request for final plat approval to the Department, together with payment of applicable fees.

B. The final plat shall be in substantial conformity with an approved and valid preliminary plat, but need not include all of the territory shown on the preliminary plat.

C. The final plat shall be in compliance with Article V of this chapter, and its submission shall be accompanied by such supplementary materials as may be required by said article.

§ 21-35. Consideration of the final plat.

A. Consideration of the proposed plat shall be completed in accordance with the provisions of § 15.2-2259 of the Code of Virginia (1950), as amended.

B. A final plat shall be reviewed by a subdivision agent and shall be acted upon by the subdivision agent within fifteen (15) working days of the receipt of submissions required by Article V of this chapter, including, without limitation, the documents and other matters to accompany the final plat, as provided in § 21-55.

C. Upon the subdivision agent's determination that the final plat or the accompanying submission is not in conformance with the requirements of this chapter, the agent will retain one copy, and the remaining copies of the final plat shall be returned to the applicant with a written explanation of the deficiencies. An applicant may appeal the decision of the subdivision agent by filing a written request in the office of the board of supervisors within thirty (30) days of the decision of the subdivision agent. Upon appeal, the board of supervisors shall consider the final plat at the earliest possible date and the decision of the governing body shall supersede the decision of the subdivision agent.

D. Upon the subdivision agent's determination that the final plat is in conformity with the requirements of this chapter but is not in substantial conformance with the approved preliminary plat, the final plat shall be scheduled for consideration by the board of supervisors at the earliest possible time in accordance with the established policies and the applicant shall be notified in advance of the time and place for such consideration. The board of supervisors shall, in such event, consider and take final action on the final plat pending compliance with the requirements of § 21-36 below.

E. When a final plat is approved that is not in substantial conformance with an approved preliminary plat, the subdivider shall file in the Department a revised preliminary plat reflecting the changes resulting from the approved final plat. Provided the revisions to the approved preliminary plat address only the nonconformity of the

February 10, 2010, at 7:00 p.m.

approved final plat with the approved preliminary plat, the revised preliminary plat may be approved by the Director, in his capacity as a subdivision agent, and need not be reviewed by the planning commission or approved by the board of supervisors.

F. For purposes of this section, circumstances in which a final plat shall be deemed "not in substantial conformance" with an approved preliminary plat shall include, but not be limited to, increases in the proposed number or density of lots in the subdivision, alterations of proposed street connections in the subdivision, or additions of streets to the subdivision.

§ 21-36. Bonds required for final approval of final plat.

The final approval of a final plat shall be conditioned on compliance by the subdivider with the following requirements:

A. Within six (6) months of the date of action under § 21-35 above by the subdivision agent or the board of supervisors, the subdivider shall submit for approval by the subdivision agent an itemized cost estimate of the work to be done to construct, install or furnish public facilities and improvements, including installation of required concrete subdivision monuments and subdivision street monuments. The estimate shall contain unit costs, quantities of each work element and total cost. In addition, the subdivider shall do at least one of the following:

1. Certify to the subdivision agent that the construction of all such facilities and improvements has been completed, that such facilities and improvements have been accepted for maintenance by the appropriate public agencies and that the construction costs have been paid to the persons constructing such facilities and improvements; or

2. Furnish to the subdivision agent a certified check or cash escrow in the amount of the estimated costs of construction plus, until July 1, 2014, ten percent (10%), and thereafter, twenty-five percent (25%) of said estimated costs as a reasonable allowance for administrative costs, inflation and potential damage to existing roads or utilities as well as maintenance of such facilities and improvements until maintenance is assumed by the appropriate public agencies; or

3. Furnish to the subdivision agent a corporate or property bond, with surety satisfactory to the subdivision agent, in an amount sufficient for and conditioned upon the construction of such facilities and improvements plus, until July 1, 2014, ten percent (10%), and thereafter, twenty-five percent (25%) of said estimated costs as a reasonable allowance for administrative costs, inflation and potential damage to existing roads or utilities as well as maintenance of such facilities and improvements until maintenance is assumed by the appropriate public agencies; or

4. Furnish to the subdivision agent a contract for the construction of such facilities and improvements and the contractor's bond, with surety satisfactory to the subdivision agent, in an amount sufficient for and conditioned upon the construction of such facilities and improvements plus, until July 1, 2014, ten percent (10%), and thereafter, twenty-five percent (25%) of said estimated costs as a reasonable allowance for administrative costs, inflation and potential damage to existing roads or utilities as well as maintenance of such facilities and improvements until maintenance is assumed by the appropriate public agencies; or

5. Furnish to the subdivision agent a bank or savings institution's letter of credit on certain designated funds satisfactory to the subdivision agent as to the bank or savings institution and as to form and in an amount sufficient for the construction of such facilities and improvements plus, until July 1, 2014, ten percent (10%), and thereafter, twenty-five (25%) of said estimated costs as a reasonable allowance for administrative costs, inflation and potential damage to existing roads or utilities as well as maintenance of such facilities and improvements until maintenance is assumed by the appropriate public agencies. Any such letter of credit must be able to be drawn in absentia, or at a branch office located within Augusta County, including the cities of Staunton and Waynesboro, or a within a contiguous locality, including any independent cities or towns therein.

"Such facilities and improvements" as used in this section means those facilities and improvements specifically provided for in this section.

B. In the event the subdivider submits to the subdivision agent a bond, letter of credit, cash escrow or other performance guarantee, in compliance with this section, the subdivider shall enter into an agreement with the county to complete the construction of all facilities and improvements required within a period of time determined by the subdivision agent. The form of the agreement shall be acceptable to the subdivision agent and be approved by the county attorney.

C. Any bond, letter of credit, cash escrow or other performance guarantee submitted in compliance with this section must be valid for the period of time established in the agreement between the subdivider and the county and must guarantee the installation and satisfactory completion of the facilities and improvements no later than the expiration of such period.

State law reference—Virginia Code § 15.2-2241.

§ 21-37. Final approval and recordation of the final plat.

A. Approval signature by the subdivision agent will be affixed on the final plat and other documents submitted in accordance with subsections (B) through (F) of § 21-55 only after (1) the requirements of § 21-36 above have been met, and (2) the subdivision agent has received written confirmation from the Augusta County Service Authority that sewer connections are available for each lot to be served by a public sewer system, and that capacity has been reserved for each such lot.

B. Final approval and recordation of the final plat and other documents submitted in accordance with subsections (B) through (F) of § 21-55 shall be deemed acceptance of the dedication for public use of any public area or improvement or any right-of-way located within the subdivision which has been or is proposed to be constructed, including, but not necessarily limited to: any street, curb, gutter, sidewalk, bicycle trail, drainage system, sewer line, waterline or other improvement dedicated for public use and to be maintained by the county, the Commonwealth of Virginia or other public agency. They shall also be deemed acceptance of provisions for other site-related improvements required by county ordinances for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of

February 10, 2010, at 7:00 p.m.

critical slopes and for stormwater management facilities, financed or to be financed in whole or in part by private funds.

C. The approved final plat and other documents submitted in accordance with subsections (B) through (E) of § 21-55 shall be filed for recordation in the office of the Clerk of the Circuit Court of Augusta County within six (6) months of the date of approval by the subdivision agent.

D. If the final plat and other documents submitted in accordance with subsections (B) through (E) of § 21-55 are not filed for recordation within six (6) months after final approval, such approval shall be withdrawn and the final plat and deed of dedication, subdivision and easement and such other documents shall be void, except that in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the county, or where the developer has furnished surety to the county by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one (1) year after final approval or to the time limit specified in the surety agreement approved by the county, whichever is greater.

State law reference—Virginia Code § 15.2-2241.

§ 21-38. Periodic partial release of bonds.

A. A periodic partial release of any bond, escrow, letter of credit, or other performance guarantee required by § 21-36 above shall be granted within thirty (30) days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities or improvements required to be constructed hereunder unless the subdivision agent notifies said subdivider or developer in writing of non-receipt of approval by an applicable public agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty-day period. Any inspection of such facilities or improvements shall be based solely upon conformance with the terms and conditions of the agreement required by subsection (B) of § 21-36, if any, and the approved design plan and specifications for the facilities or improvements for which the performance guarantee is applicable, and shall not include the approval of any person other than an employee of the county, its administrative agency, the Virginia Department of Transportation or other political subdivision or a person who has contracted with the county, its administrative agency, the Virginia Department of Transportation or other political subdivision.

B. If no such action is taken by the subdivision agent within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or developer.

C. Neither the board of supervisors nor the subdivision agent shall refuse to make a periodic partial release of a bond, escrow, letter of credit, or other performance guarantee for any reason other than a reason directly related to the specified defects or deficiencies in construction of the facilities or improvements covered by said bond, escrow, letter of credit or other performance guarantee.

D. Upon written request by the subdivider or developer, accompanied by approval letters from applicable public agencies, the subdivision agent shall make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee based upon the percentage of facilities or improvements completed and approved by the applicable public agency. The cumulative amount of such partial releases shall not exceed ninety percent (90%) of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken.

E. Periodic partial releases may not occur before the completion of at least thirty percent (30%) of the facilities or improvements covered by any bond, escrow, letter of credit, or other performance guarantee.

State law reference—Virginia Code § 15.2-2241 and § 15.2-2245.

§ 21-39. Final release of bonds.

A. A final complete release of any bond, escrow, letter of credit, or other performance guarantee required by § 21-36 above shall be granted within thirty (30) days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities or improvements required to be constructed hereunder unless the subdivision agent notifies said subdivider or developer in writing of non-receipt of approval by an applicable public agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty-day period.

B. If no such action is taken by the subdivision agent within the time specified above, the subdivider or developer may file an additional request in writing sent by certified mail return receipt to the County Administrator. The County Administrator or the subdivision agent shall act within ten (10) working days of receipt of the request. If no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

C. Upon final completion and acceptance of required facilities and improvements, the board of supervisors or the subdivision agent shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" is deemed to mean: when said public facility or improvement is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and for operating such facility upon acceptance.

D. A certificate of final completion of such facilities or improvements from any applicable public agency shall be required before the final complete release of any bond, escrow, letter of credit or other performance guarantee. In addition, a certificate of final completion of such facilities or improvements in full conformity with the final plat and accompanying construction plans from either a duly licensed professional engineer or land surveyor shall be required before any such release.

E. Neither the board of supervisors nor the subdivision agent shall refuse to

February 10, 2010, at 7:00 p.m.

make a final release of a bond, escrow, letter of credit, or other performance guarantee for any reason other than a reason directly related to the specified defects or deficiencies in construction of the facilities or improvements covered by said bond, escrow, letter of credit or other performance guarantee.

State law reference—Virginia Code § 15.2-2241 and § 15.2-2245.

§ 21-40. Additional maintenance and indemnifying bond.

A. In the event the subdivision agent has accepted the dedication of a road for public use and such road due to factors other than its quality of construction has not been accepted into the secondary system of state highways, then, prior to the release of any remaining bond, escrow, letter of credit, or other performance guarantee required by § 21-36 above, the subdivision agent may require the subdivider or developer to furnish the county with a maintenance and indemnifying bond, with surety satisfactory to the subdivision agent, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways.

B. In lieu of such bond, the subdivision agent may accept a bank or savings institution's letter of credit on certain designated funds satisfactory to the subdivision agent as to the bank or savings institution, the amount and the form, or accept payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways and assume the subdivider's or developer's liability for maintenance of such road. Any such letter of credit must be able to be drawn in absentia, or at a branch office located within Augusta County, including the cities of Staunton and Waynesboro, or a within a contiguous locality, including any independent cities or towns therein.

C. "Maintenance of such road" shall be deemed to mean maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

D. "Correction of defects" shall include the correction of defects which occur because of changes in standards required by the Virginia Department of Transportation as well as defects occurring for other reasons.

State law reference—Virginia Code § 15.2-2241.

ARTICLE IV. Preliminary Plats for Major Subdivisions.

§ 21-41. Compliance with minimum standards and procedures for land boundary surveys required.

Preliminary plats for major subdivisions shall be prepared in accordance with the minimum standards and procedures for boundary surveys set forth in Title 18 of the Virginia Administrative Code (18 VAC § 10-20-370).

§ 21-42. Contents of the preliminary plat.

A. The preliminary plat shall contain or be drawn in accordance with the following:

1. Be drawn on sheets no larger than twenty-four inches (24") by thirty-six inches (36"), at a scale no less than 1 inch equals 100 feet. Where the proposed subdivision cannot be drawn on a single sheet at a scale of 1 inch equals 100 feet, the preliminary plat shall be submitted with an overview sheet at a smaller scale, which shows on a single sheet the proposed subdivision in its entirety.
2. The name of the proposed subdivision.
3. A vicinity map oriented to the north which indicates the location of the proposed subdivision in relation to main traffic arteries.
4. The name of the recorded owner, the source of title of the recorded owner and the place of record of the last instrument in the chain of title.
5. The tax map sheet, section and parcel number of each tract being subdivided.
6. The name of the subdivider and designer.
7. Anticipated land uses including densities of all residential areas.
8. A proposed layout of streets, street names, lots and lot numbers.
9. The tax map sheet, section and parcel number of each adjacent property, the source of title of the owner thereof and the place of record of the last instrument in the chain of title.
10. Any tracts or lots proposed to be platted or dedicated for recreation, open space or public use and a statement of the public use intended and the conditions under which the dedication is tendered.
11. Complete existing exterior boundary information.
12. Preliminary water supply and sewage disposal plan including:
 - a. general location of lines;
 - b. proposed line sizes and materials;
 - c. calculations of pressures required for fire suppression and anticipated land uses;
 - d. locations of proposed pump stations, storage tanks, fire hydrants and manholes;
 - e. the type of each private individual onsite sewage disposal system, if any; and

February 10, 2010, at 7:00 p.m.

f. designation of each lot to be served by a public sewer system or confirmation that onsite sewage disposal systems have been approved for each other lot.

13. All watercourses and preliminary storm drainage, to include locations of bridges and culverts,

14. The boundaries of any Overlay District on the property as designated in Division H of Chapter 25 "Zoning", of this code, including any sub-designations within such overlay district.

15. The boundaries of any dam break inundation zone required by §10.1-606.2 and on file with the Virginia Department of Conservation and Recreation and the Department of Community Development.

16. General locations of soil classifications and descriptions of the characteristics of the identified soil classifications. Such descriptions shall include depth to bedrock, depth to seasonal high water table, erodibility, permeability and shrink-swell potential.

17. Proposed connections to existing state highways or city streets.

18. Contours at vertical intervals of five feet. Contours may be omitted where no roads, streets or drainage conditions are involved.

19. Estimated grades of streets and alleys and typical cross section.

20. The location of any grave, object or structure marking a place of burial, or a note indicating that none were located.

21. Anticipated uses of adjacent properties, if known.

22. Date and all revision dates, legend, north point and scale.

23. Approval signature panel.

B. The preliminary plat shall contain in addition to the professional engineer's or land surveyor's certificate a statement as follows:

The platting or dedication of the following described land [here insert a correct description of the land subdivided] is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any.

The statement shall be signed by such persons and duly acknowledged before some officer authorized to take acknowledgment of deeds.

State law reference—Virginia Code § 15.2-2264.

§ 21-43. Other requirements.

The preliminary plat shall also be forwarded by the subdivision agent to the following for further review and comment:

A. The Augusta County Service Authority, where applicable, or its designee, which shall advise the planning commission and the board of supervisors whether the proposed water and sewer facilities and related utilities are in conformity with the relevant sections of this Code, the rules, policies and regulations of the Authority, and the rules, policies and regulations of the Virginia Department of Health and the Virginia Department of Environmental Quality, as applicable.

B. The Virginia Department of Health, where applicable, or its designee, which shall advise the planning commission and the board of supervisors whether the proposed water and sewer facilities and related utilities are in conformity with the relevant sections of this Code and rules, policies and regulations of the Virginia Department of Health.

C. The Chief of Fire-Rescue, or his designee, who shall advise the planning commission and the board of supervisors concerning the provision of emergency services, including, but not limited to, emergency vehicle access and fire protection.

D. The Residency Administrator of the Virginia Department of Transportation, or his designee, who shall advise the planning commission and the board of supervisors whether the proposed streets and related improvements are in conformity with the relevant sections of this Code and rules, policies and regulations of the Virginia Department of Transportation.

E. Any other public officials or agencies as the subdivision agent may deem appropriate.

§ 21-44. Copies of preliminary plat to be submitted.

A. The request for approval of a preliminary plat shall be accompanied by eight (8) copies of the preliminary plat which shall be on white paper with black lines.

B. Each copy shall contain originals of all signatures required.

C. One full size copy and one 8½" x 11" copy of the preliminary plat, each without topographical features, shall also be submitted.

D. An approved version of the preliminary plat in CAD/GIS format shall also be submitted.

Sections 21-45 through 21-50 reserved.

Article V. Final Plats of Major Subdivisions.

§ 21-51. Compliance with minimum standards and procedures for land boundary surveys required.

February 10, 2010, at 7:00 p.m.

Final plats of major subdivisions shall be prepared in accordance with the minimum standards and procedures for boundary surveys set forth in Title 18 of the Virginia Administrative Code (18 VAC § 10-20-370).

§ 21-52. Compliance with Virginia Public Records Act required.

Final plats of major subdivisions shall contain plat details which shall meet the standards for plats as adopted under § 42.1-82 of the Virginia Public Records Act (Virginia Code §§ 42.1-76 *et seq.*)

State law reference—Virginia Code § 15.2-2241.

§ 21-53. Contents of the final plat.

A. The final plat shall contain the following:

1. The name or identifying title under which the subdivision is to be recorded, and the name of the recorded owner, the source of title of the recorded owner and the place of record of the last instrument in the chain of title.
2. The tax map sheet, section and parcel number of each tract being subdivided.
3. The name of the subdivider.
4. The numerical section number if the plat includes only a portion of a larger tract.
5. The exact layout, including all dimensions, both linear and angular, for locating lots, adjoining public streets, proposed and existing private streets and easements. The linear dimensions shall be expressed in feet and hundredths of a foot and the angular measurements shall be expressed by bearings or angles in degrees, minutes and seconds. Each curve shall be defined by its chord bearing, chord length, radius, central angle, tangent length and arc length. Survey accuracy shall result in an error of closure of one in ten thousand or better.
6. The location of all buildings which are at least in part within fifty (50) feet of any newly created lot line, including the square footage of such buildings and the distance from such buildings to the newly created lot lines.
7. The boundaries of any Overlay District on or adjacent to the property as designated in Division H of Chapter 25 "Zoning", of this code, including any sub-designations within such overlay district.. Within the Floodplain Overlay District (FPO), such areas shall include the 100 year backwater of any stormwater management facility outside a dedicated right-of-way or easement
8. The boundaries of any dam break inundation zone required by §10.1-606.2 and on file with the Virginia Department of Conservation and Recreation and the Department of Community Development.
9. The location of any grave, object or structure marking a place of burial, or a note indicating that none were located.
10. Numerical block and lot numbers.
11. Location and description of all "subdivision lot monuments," "concrete subdivision monuments" and "subdivision street monuments" in accordance with county design standards 80-1, 80-2 and 80-3.
12. Date and all revision dates, legend, north point and scale.
13. The area of each lot or parcel, in square feet, the area to be dedicated for public street purposes, the area to be reserved for private street purposes, and the total area of the subdivision.
14. Approved street names.
15. Approval signature panel.

B. Every final plat shall contain in addition to the professional engineer's or land surveyor's certificate a statement as follows:

The platting or dedication of the following described land [here insert a correct description of the land subdivided] is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any.

The statement shall be signed by such persons and duly acknowledged before some officer authorized to take acknowledgment of deeds.

C. Every final plat which establishes drainage easements shall contain a statement as follows:

By restrictive covenant an obligation shall be imposed on the owners of lots [here insert a correct description of the lots] which shall be a covenant running with the land, to keep debris removed from the drainage easements and to keep plant growth within the drainage easements mowed so that it never exceeds fifteen (15) inches in height. Said obligation by its terms shall inure to the benefit of the County of Augusta and shall permit the County, in the event of failure of the owner of said property to comply, to enter said property and remove the debris and mow the plant growth. In such event, the cost or expenses thereof plus a \$100 administrative fee shall be chargeable to and paid by the owner of said property and may be collected by the County as taxes and levies are collected.

D. Every final plat shall further address common or shared easements as follows:

1. The final plat shall provide for the conveyance of common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone and electric service to

February 10, 2010, at 7:00 p.m.

the subdivision.

2. Once a developer conveys an easement that will permit electric, cable or telephone service to be furnished to a subdivision, the developer shall, within thirty (30) days after written request by a cable television operator or telephone service provider, grant an easement to that cable television operator or telephone service provider for the purpose of providing cable television and communications services to that subdivision, which easement shall be geographically coextensive with the electric service easement, or if only a telephone or cable service easement has been granted, then geographically coextensive with that telephone or cable service easement; however, the developer and franchised cable television operator or telephone service provider may mutually agree on an alternate location for an easement.

3. Every final plat containing such easements shall contain the following statement:

Whenever the board of supervisors shall determine that any pipes, cables, poles, equipment, or other facilities installed by or for any utility after the recordation of this plat in any street right-of-way or stormwater management easement shown on this plat must be relocated or removed, the owner or operator of such facilities shall relocate or remove the same at its expense in accordance with the order of the board.

4. If the final plat is recorded and does not include conveyance of a common or shared easement as provided herein, the subdivision agent shall not be responsible to enforce the requirements of this subsection (D).

E. When the area subdivided lies within an Urban Service Overlay District, a final plat shall show on its face written confirmation by the preparer that the requirements of Article L, "Urban Service Overlay (USO) Districts," of Chapter 25, "Zoning" of this Code have been met or that appropriate arrangements, acceptable to the subdivision agent, have been made to ensure that they will be met.

State law reference—Virginia Code § 15.2-2264.

§ 21-54. Copies of final plat to be submitted.

A. The request for approval of a final plat shall be accompanied by eight (8) copies of the final plat which shall be on white paper with black lines.

B. Each copy shall contain originals of all signatures required.

C. An approved version of the final plat in CAD/GIS format shall also be submitted.

D. Final plats shall be drawn on sheets eighteen inches (18") by twenty-four inches (24"), eleven inches (11") by seventeen inches (17") or eight and one-half inches (8½") by fourteen inches (14"). In cases where more than one sheet is required, they shall be matched marked.

§ 21-55. Documents and other matters to accompany final plat.

The final plat shall be accompanied by:

A. Detailed construction plans for all required streets, water and sewer systems and storm drainage facilities.

B. Written confirmation from the appropriate officials that the construction plans have been approved by the Virginia Department of Transportation, the Augusta County Service Authority, the Virginia Department of Health or other agency as appropriate.

C. A deed of dedication, subdivision and easement, in a form approved by the county attorney, properly executed and ready for recordation, to convey to the county or the Augusta County Service Authority, as applicable, any property and on-site easements to be dedicated by the final plat within the boundaries of the subdivision.

D. A legal stormwater agreement, in a form approved by the county attorney, properly executed and ready for recordation, to allocate responsibility of the subdivider and his successors for maintenance of stormwater management facilities and drainage easements.

E. A deed of easement, in a form approved by the county attorney, properly executed and ready for recordation, to convey to the county or the Augusta County Service Authority, as applicable, all required off-site easements.

F. An agreement in the form required by subsection (B) of § 21-36 concerning the construction of public facilities and improvements.

G. An approved erosion and sediment control plan in accordance with the requirements of Chapter 9 of this Code.

State law reference—Virginia Code § 15.2-2241.

Sections 21-56 through 21-60 reserved.

Article VI. Enforcement

§ 21-61. Approval of subdivision plat prerequisite to recordation.

It shall be unlawful to submit to the Clerk of the Circuit Court of Augusta County, Virginia for recordation a plat or other document required by this chapter unless and until it shall have been submitted to and approved by the board of supervisors or its subdivision agent and such approval is shown on the plat or other document by the signatures required by this chapter.

§ 21-62. Variances.

February 10, 2010, at 7:00 p.m.

The board of supervisors may by separate resolution authorize variations in or exceptions to the general regulations of this chapter in cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship.

State law reference—Virginia Code § 15.2-2241.

§ 21-63. Proceedings to prevent, etc., violation of chapter.

In case of violation of the provisions of this chapter, the board of supervisors or its subdivision agent may institute such proceedings as are necessary to prevent, restrain, correct or abate such violation.

§ 21-64. Building permits.

Upon finding that the developer is in default with any provision of this chapter, the board of supervisors or its subdivision agent may request that the building official withhold building permits or certificates of occupancy for construction on any lot or lots in the subdivision.

§ 21-65. Penalty.

Any person, firm or corporation violating any provision of this chapter shall, upon conviction thereof, be punished in accordance with the provisions of § 15.2-2254 of the Code of Virginia (1950), as amended.

State law reference—Virginia Code § 15.2-2254.

§ 21-66. Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared invalid by a court of competent jurisdiction, such decision, for any reason whatsoever, shall be of no effect on the remainder of its provisions which shall remain in full effect and to this end the provisions of this chapter are declared to be severable.

Sections 21-67 through 21-70 reserved.

Article VII. Transition

§ 21-71. Validity of previously approved master plans and plans of development.

Nothing contained in this chapter shall be deemed to affect the validity of any master plan approved prior to January 1, 2007, in accordance with Chapter 21 of this Code, as it existed on December 31, 2006, or any plan of development approved prior to January 1, 2007, in accordance with Division D or Article XLI of Division G, both of Chapter 25 of this Code, as they existed on December 31, 2006. As the context may require, references in this chapter to "preliminary plat," "master plan" or "plan of development" shall be deemed to refer respectively to a master plan or plan of development approved prior to January 1, 2007.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * *

STORMWATER ORDINANCE – ORDINANCE AMENDMENT

The Board considered public comments received at the October 26, 2009 Public Hearing regarding ordinance to amend Chapter 18 of the Code of Augusta County, Virginia regulating stormwater. **This item was discussed by the Board at its work sessions held on December 15, 2009, January 6, 2010, January 25, 2010, and regular meeting January 27, 2010.**

Mr. Cobb advised that there were no further changes.

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board adopt the following ordinance:

CHAPTER 18. REGULATION OF STORMWATER.

- § 18-1. Local program.
- § 18-2. Stormwater management facilities required.
- § 18-3. Information to be submitted.
- § 18-4. When stormwater detention or retention facility required.
- § 18-5. Construction of stormwater management facilities.
- § 18-6. Channels and pipes.
- § 18-7. Inspection and Maintenance.
- § 18-8. General drainage improvement programs and multi-jurisdictional systems.
- § 18-9. Waivers.
- § 18-10. Bonding requirement.
- § 18-11. Proceedings to prevent violation of chapter.

February 10, 2010, at 7:00 p.m.

CHAPTER 18. REGULATION OF STORMWATER

§ 18-1. Local program.

A. The board of supervisors has determined that the lands and waters of the county are great natural resources; that as a result of intensive land development and other land use conversions, degradation of these resources frequently occurs in the form of water pollution, stream channel erosion, depletion of groundwater resources, and more frequent localized flooding; and that it is in the public interest to establish a stormwater management program in Augusta County.

B. The County Engineer, or his designee, shall be the approving authority for the requirements of this Chapter.

State law reference--Virginia Code §§ 10.1-603.3 and 15.2-2241.

Cross references - Erosion and Sediment Control Ordinance, §§ 9-1, et seq.; Subdivision Ordinance, §§ 21-16 and §§21-42(A)(13) and 21-55(A); Zoning Ordinance, Article XLVII, §§ 25-471, et seq.

§ 18-2. Stormwater management facilities required.

A. Every development requiring approval of construction plans, erosion and sediment control plans, or site plans shall be served by adequate stormwater management facilities.

B. Such facilities shall include channels, pipes, ponds, dams or other appurtenances computed by accepted engineering methods necessary to protect properties and receiving waters from erosion and damage due to changes in runoff rate of flow and hydrologic characteristics, including but not limited to, changes in volume, velocity, frequency, duration and peak flow rate of stormwater runoff.

§ 18-3. Information to be submitted.

A. An owner or developer submitting to the county construction plans, erosion and sediment control plans or site plans shall provide information concerning the computations used to design a storm drainage system.

B. Proposed residential, commercial, or industrial subdivisions shall apply the stormwater management criteria provided in this section to the land development as a whole. Individual lots in new subdivision shall not be considered separate land-disturbing activities, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land disturbance and shall be used in all engineering calculations.

C. Submitted information shall document the calculation of coefficients, curve numbers, time of concentrations, intensities, watershed sizes, channel sizes and related calculations.

D. Use of "pre-developed" coefficients for crop land is not acceptable. In place of crop land, coefficients for pasture shall be used. For purposes of computing runoff, all pervious lands in the site shall be assumed prior to development to be in good condition (if the lands are pastures, lawns, or parks), with good cover (if the lands are woods), or with conservation treatment (if the lands are cultivated); regardless of conditions existing at the time of computation.

E. Determination of flooding and channel erosion impacts to receiving streams due to land development projects shall be measured at each point of discharge from the development project and such determination shall include any runoff from the balance of the watershed that also contributes to that point of discharge.

F. Stormwater runoff shall be calculated by the following methods unless an alternative method for a specific project has been approved by the County Engineer:

1. Using the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) synthetic 24-hour rainfall distribution and models, including, but not limited to TR-55 and TR-20; hydrologic and hydraulic methods developed by the U.S. Army Corps of Engineers; or other standard hydrologic and hydraulic methods.

2. The Rational Method may be used for evaluating peak discharges or the Modified Rational Method for evaluating volumetric flows to stormwater conveyances with drainage areas of 200 acres or less.

G. Construction of stormwater management facilities or modifications to channels shall comply with all applicable laws and regulations. Evidence of approval of all necessary permits, such as US Army Corps of Engineers and VA DEQ Wetland Permits, VA DEQ VPDES Permits, etc., shall be provided prior to beginning construction.

H. Pre-development and post-development runoff rates shall be verified by calculations that are consistent with good engineering practices and performed with methods approved and illustrated in the Virginia Stormwater Management Handbook. Calculations and designs must be prepared by a licensed professional engineer, a land surveyor - B, or certified landscape architect.

§ 18-4. When stormwater detention or retention facility required.

A. Except for single family or two family dwellings covered by an Agreement in Lieu of an Erosion & Sediment Control Plan, stormwater detention or retention facilities will be required for proposed development where land disturbance is 10,000 square feet or greater and where there is a net increase in runoff between pre-developed and post-developed conditions.

B. Except for by right agricultural development, in cases of additions or incremental development, the pre-developed condition with respect to impervious or semi-impervious areas shall be the condition that existed on January 1, 1990. Stormwater detention or retention facilities may be required for proposed development where the sum of the currently proposed land disturbance and the existing impervious and semi-impervious surface is 10,000 square feet or greater and where there is a net increase in runoff

February 10, 2010, at 7:00 p.m.

between pre-developed and post-developed conditions. Existing stormwater management facilities must be verified adequate through calculations regardless of the type of development or the size of the addition or incremental development.

C. In cases where the contributing drainage area being developed is equal to or less than 1% of the entire watershed, stormwater detention will not be required. However, any concentrated water leaving the development site will be required to discharge into an adequate on or off site receiving channel as indicated in § 18-6.

§ 18-5. Construction of stormwater management facilities.

A. All stormwater management facilities shall be designed and constructed in accordance with the requirements of this chapter, "Minimum Standard 19" of the Virginia Erosion and Sediment Control Law and Regulations, and the Virginia Stormwater Management Handbook, Latest Edition. In the event the requirements of this chapter are more stringent, this chapter shall govern.

B. The capacity of retention or detention facilities shall be designed for the developed twenty-five (25) year frequency storm with the outlet structure designed to allow a maximum discharge equivalent to the pre-developed ten (10) year frequency storm. A retention or detention facility must also be designed so that there is no increase in runoff due to development based on the two (2) year frequency storm. All emergency spillways shall be designed to accommodate the developed one-hundred (100) year frequency storm.

C. Construction of stormwater management facilities within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain shall be avoided to the extent possible. When this is unavoidable, all stormwater management facility construction shall be in compliance with all applicable regulations under the National Flood Insurance Program, 44 CFR Part 59, and Chapter 25, Division H, Article XLVII, Floodplain Overlay Districts and the Augusta County Code. These stormwater management facilities shall be designed and located, to the extent practical, to provide an unrestricted release up to at least the 25-year flood elevation of the receiving state water.

D. Care shall be taken to avoid designs of stormwater management facilities which may result in excessive maintenance efforts and costs to the county. The county reserves the right to disapprove plans for stormwater management facilities which, even though properly designed to accommodate the calculated flows in the opinion of the County Engineer, may result in excessive maintenance efforts and costs to the county.

E. Use of Low Impact Development (LID) design methodologies and best management practices is acceptable and encouraged, however stormwater infiltration practices or practices having an infiltration component, as specified in the Virginia Stormwater Management Handbook, are prohibited, even with pretreatment, in the following circumstances:

1. Where stormwater is generated from highly contaminated source areas known as "hotspots, or;
2. Where stormwater is being managed in a designated source water protection area, or;
3. Under certain geologic conditions (e.g., karst) that prohibit the proper pretreatment of stormwater.

F. Where necessary, the County Engineer may require that peak stormwater flows from a development not exceed the capacity of the existing downstream drainage facilities or the peak flow resulting from the site in its true undeveloped state.

G. The bottom slopes of channels and detention facilities shall have no less than a 1% slope. Facilities constructed in cut or in areas of poorly drained soils may be required to backfill with amended soils and/or install underdrains in order to provide for proper drainage. In such facilities, a "low flow" channel may also be required across the facility's bottom to allow water to collect in one area and drain out rather than stand in the entire bottom. Low flow channels shall have concrete, asphalt or other appropriate lining in order to allow water to drain at minimum slope.

H. Any stormwater management facilities that are designed to have a permanent pool of water constructed in or adjacent to residential and commercial zoning areas shall be constructed with an aquatic bench or have a minimum of a six-foot fence installed around the perimeter of the facility.

I. To the extent possible, stormwater management facilities shall not be built on multiple lots, but rather should be located on a lot under single ownership. An access easement of sufficient width given site specific conditions, must be provided.

§ 18-6. Channels and pipes.

A. All concentrated stormwater runoff leaving a development site shall be discharged directly into an adequate, natural or man-made, on-site or off-site, receiving channel or pipe.

B. All concentrated runoff leaving the discharge structure of a detention facility shall discharge directly into an adequate natural or man-made receiving channel or pipe.

C. Natural channel characteristics shall be preserved to the maximum extent practicable.

D. An existing natural channel shall be deemed adequate if: (1) it is capable of conveying the runoff from a developed two (2) year frequency storm without over topping its banks or eroding after development of the site; or (2) an engineer's certificate, satisfactory to the County Engineer, that the existing natural channel is adequate and, given the limitations of existing conditions downstream, that construction, installation and utilization of a channel capable of conveying the runoff from a developed ten (10) year frequency storm would cause more damage downstream than utilization of the existing channel.

E. A previously constructed man made channel shall be deemed adequate if it is capable of conveying the runoff from a developed ten (10) year frequency storm without over topping its banks, and erosion will not occur from a developed two (2) year frequency storm.

February 10, 2010, at 7:00 p.m.

F. Channels, pipes and storm sewer systems may be analyzed utilizing the rational method to determine peak flow rate and shall be capable of conveying the runoff from a developed ten (10) year frequency storm except that channels, pipes and storm sewer systems intended to convey runoff to a stormwater detention or retention facility shall be capable of conveying the runoff from a developed twenty-five (25) year frequency storm. All channels, pipes and storm sewer systems shall be analyzed for the one-hundred (100) year frequency storm in order to establish drainage patterns anticipated during extreme meteorologic events.

G. If an adequate receiving channel or pipe does not exist on or off the development site, one shall be constructed to the nearest existing adequate channel, in accordance with the following requirements:

1. It shall be designed to accommodate the developed ten (10) year frequency storm while not causing erosion due to the developed two (2) year frequency storm.

2. It shall be constructed on or off site to the point where the channel is adequate or to the point where the total watershed is one hundred (100) times greater than the contributing or project watershed.

3. Bottom slopes shall, where reasonably possible, be no less than 1%. Side slopes shall be no steeper than 3:1. If side slopes of 3:1 cannot be achieved, the easement shall be piped.

4. All well-defined drainage channels across lots one-half (1/2) acre or less in area shall be installed within drainage easements on lot lines. For purposes of this section a well-defined channel is a channel with side slopes steeper than 3:1 and deeper than 2 feet or otherwise would be difficult to maintain with normal lawn equipment.

§ 18-7. Inspection and Maintenance.

A. When stormwater management facilities, including detention or retention facilities are utilized, the owner or developer shall provide methods, procedures and guarantees, including appropriate documentation, that the facilities will be periodically inspected and perpetually maintained so as to function as designed and not result in nuisances or health hazards.

B. In addition to owner inspections, the County will conduct periodic inspections of the storm drainage facilities and will provide the property owner or developer with the results of each inspection. The property owner or developer shall correct all identified deficiencies in a timely manner.

C. For all types of development, the owner or developer shall be responsible for maintenance of stormwater management facilities. In residential subdivisions only, the County will assume long-term maintenance of stormwater detention facilities and drainage easements from the developer in accordance with the provisions of the agreement required by Paragraph E below after:

1. If the subdivision has less than twenty-five (25) lots, eighty percent (80%) of the lots within the development have been built upon.

2. If the subdivision has twenty-five (25) or more lots, ninety percent (90%) of the lots within the development have been built upon.

D. In residential subdivisions only, for final plats recorded on or after January 1, 2010 and where no homeowners association is required by this code, the County will assume both routine and long-term maintenance of stormwater detention or retention facilities in accordance with the percentage requirements of the above Paragraph C and in accordance with the provisions of the agreement required by Paragraph E below if the facility:

1. Has a capacity of at least fifteen thousand (15,000) cubic feet, and
2. Is located on property dedicated to the County.

E. For all types of development, including residential development, the responsibility of the property owner or developer and their successors for maintenance shall be set forth in a legal stormwater agreement which shall be recorded by the property owner or developer. This agreement is separate and distinct from any agreements and bonding required in accordance with a site plan, §21-36 (Subdivision), or §25-213 (Plan of Development). The agreement shall provide that:

1. The County will periodically conduct inspections to ensure stormwater management facilities are being properly maintained.

2. If deficiencies are found, the owner or developer and its successors will correct the deficiencies in a timely manner.

3. If applicable under Paragraph C above, the developer and its successors shall contact the county when the percentage requirement is met. At that time the county will conduct a final inspection and the developer and its successors will be notified of the results of the inspection. Any deficiencies shall be corrected by developer and its successors. If there are no deficiencies the county will accept the facilities for long term maintenance by written certificate. For purposes of this chapter, long term maintenance is defined as maintenance other than routine maintenance, such as the repair of erosion and failures that do not occur on a regular basis.

4. The property owners of all stormwater management facilities and easements shall be responsible for routine maintenance. For purposes of this chapter, routine maintenance is defined as mowing so that vegetation never exceeds the height limitation imposed in §15-22 of this code for the underlying zoning district and lot size, and removing debris and trash that occurs on a regular basis.

5. If the property owners fail to perform routine maintenance, the

February 10, 2010, at 7:00 p.m.

county reserves the right to complete the work. In such event the cost or expenses thereof shall be chargeable to and paid by the lot owners of such property and may be collected by the county as taxes and levies are collected.

F. In "Mixed Use" Zoning Districts, storm drainage facilities, including detention or retention facilities and storm water drainage easements, shall be owned and managed as provided in § 25-418 of Chapter 25 of the County Code.

§ 18-8. General drainage improvement programs and multi-jurisdictional systems.

A. When the board of supervisors has established a general drainage improvement program for an area having related and common drainage problems and within which the land owned or controlled by the subdivider or developer is located, the subdivider or developer shall pay a pro rata share of the cost of providing reasonable drainage facilities located outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the construction or improvement of the subdivision or development.

B. Where stormwater resulting from a project flows into another political jurisdiction, final approval of the proposed development may be deferred until the county and the other jurisdiction mutually agree that the proposed system will be satisfactory.

State law reference--Virginia Code § 15.2-2243.

§ 18-9. Waivers.

The board of supervisors may by separate resolution authorize waivers in or exceptions to the general regulations of this chapter in cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship.

§ 18-10. Bonding requirement.

The board of supervisors or its agent may require appropriate bonding with surety or other security in favor of the county to guarantee construction and maintenance of storm drainage facilities.

§ 18-11. Proceedings to prevent violation of chapter.

In case of violation of the provisions of this chapter, the board of supervisors or its agent may institute such proceedings as are necessary to prevent, restrain, correct or abate such violation.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman
Nays: None

Motion carried.

* * * * *

GRASS, WEEDS, AND OTHER FOREIGN GROWTH – ORDINANCE AMENDMENT

The Board considered public comments received at the October 26, 2009 Public Hearing regarding ordinance to amend Chapter 15 of the Code of Augusta County, Virginia regulating the removal of grass, weeds and other foreign growth. **This item was discussed by the Board at its work sessions held on December 15, 2009, January 6, 2010, January 25, 2010, and regular meeting January 27, 2010.**

Mr. Cobb advised that there were no further changes.

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board adopt the following ordinance:

§ 15-22. Removal of Grass, weeds and foreign growth.

The owners of property in the county shall at all times, whether such property be vacant or otherwise, cut the grass, weeds, or other vegetation, except trees and ornamental shrubs, cultured plants and flowers, and growing or producing vegetable plants, of such property which might endanger the health or safety of other residents of the county subject to the following:

A. Agriculture Districts.

Property owners shall cut the grass, weeds, or other vegetation in excess of fifteen inches (15") on all lots one acre or less in area. Any grass, weeds, or other vegetation fifteen inches (15") above the surface of the surrounding ground shall be judged to be in violation of the provisions of this section.

B. Residential Dwelling Districts.

1. Property owners shall cut the grass, weeds, or other vegetation in excess of ten inches (10") on all lots two (2) acres or less in area in all residential zoned districts (except Rural Residential). Any grass, weeds, or other vegetation ten inches (10") above the surface of the surrounding ground shall be judged to be in violation of the provisions of this section.

2. Property owners shall cut the grass, weeds, or other vegetation in excess of fifteen inches (15") on all lots containing two (2) acres or less in area in

February 10, 2010, at 7:00 p.m.

Rural Residential zoned districts. Any grass, weeds, or other vegetation fifteen inches (15") above the surface of the surrounding ground shall be judged to be in violation of the provisions of this section.

C. Business and Industrial Districts.

Property owners shall cut the grass, weeds, or other vegetation in excess of fifteen inches (15") on all lots two (2) acres or less in area in Business and Industrial Districts. Any grass, weeds, or other vegetation fifteen inches (15") above the surface of the surrounding ground shall be judged to be in violation of the provisions of this section.

D. In General.

For all Residential, Business or Industrial lots not otherwise specified above the following shall apply:

In all cases where there is a residential, business, or industrial structure on the adjacent lot, property owners shall cut the grass, weeds, or other vegetation in excess of fifteen inches (15") within an area one hundred fifty feet (150') in width along the property line that is adjacent to such structure. For the purpose of this section, adjacent lots will not include parcels separated by a street.

§ 15-22.1 Enforcement.

It is the purpose of this section to establish requirements for the enforcement by county staff of the provisions of this article concerning grass, weeds, or other vegetation.

A. Notification. The county will notify property owners in writing regarding violations of the provisions of this section. The notification process will consist of two "notice of violation" letters as follows:

1. The first notice of violation will be sent by certified mail giving the property owner ten (10) days to mow the property and notify the county so that an inspection may be made.
2. The second notice of violation will be a "final notice" giving the property owner ten (10) days to mow the property and notify the county so that an inspection may be made.
3. Where the owner of a property has received a notice of violation or a series of notices of violation for a property in the current or immediately preceding calendar year, with respect to subsequent violations concerning the same property, the provision of "reasonable notice" shall require only a final notice of violation sent to the owner of the property. This "final notice" will require compliance within fifteen (15) days of the final notice or staff will proceed with abatement of the violation.

B. Abatement of violation.

1. The county may, after reasonable notice, have such grass, weeds or other vegetation cut by its agents or employees. In such event the actual cost incurred by the county for mowing said property plus an administrative fee of \$100.00 shall be chargeable to and paid by the owners of such property and may be collected by the county as taxes and levies are collected.
2. A violation of this section may be punishable by a civil penalty not to exceed \$100.00.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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CONSENT AGENDA

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board approve the consent agenda as follows:

CONSENT AGENDA (cont'd)

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, January 25, 2010
- Regular Meeting, Wednesday, January 27, 2010

CLAIMS

Approved claims paid since January 13, 2010.

February 10, 2010, at 7:00 p.m.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Beyeler: Congratulated Mr. Howdysshell in becoming a new granddaddy.

Chairman Garber:

- 1. Recognized Timmy Fitzgerald as being the new Community Development Director.
- 2. Reminder – Board dinner at the Garbers’ home Wednesday, February 17, at 6:30 p.m.; asked that they carpool to eliminate some of the parking issues. Invited media to attend.

* * *

INDUSTRIAL DEVELOPMENT AUTHORITY – REAPPOINTMENT

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board appoint Alphonso P. Boxley, III, to serve another four-year term on the Industrial Development Authority, effective March 26, 2010, to expire March 25, 2014.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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INDUSTRIAL DEVELOPMENT AUTHORITY – REAPPOINTMENT

Ms. Sorrells moved, seconded by Mr. Shifflett, that the Board appoint H. Joseph Williams, Jr., to serve another four-year term on the Industrial Development Authority, effective March 26, 2010, to expire March 25, 2014.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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AUGUSTA COUNTY SERVICE AUTHORITY – REAPPOINTMENT

Mr. Pyles moved, seconded by Mr. Coleman, that the Board appoint William Hrovat, to serve a four-year term on the Augusta County Service Authority, effective March 16, 2010, to expire March 15, 2014.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

February 10, 2010, at 7:00 p.m.

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AUGUSTA COUNTY SERVICE AUTHORITY – REAPPOINTMENT

Mr. Beyeler moved, seconded by Mr. Shifflett, that the Board appoint Larry Howdyshell, to serve another four-year term on the Augusta County Service Authority, effective March 16, 2010, to expire March 15, 2014.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1. Dog Ordinance – adopted previously; needs amendment regarding number of dogs for kennels. Suggested that ordinance be amended to increase number of dogs from 10 to 20 which would reinstate previous number.

Mr. Pyles added that the law was changed in 1988. At one time, you could have as many dogs as you wanted; then it was changed to limit the number; however, there were provisions that it was grandfathered. The Treasurer is asking for confirmation that they have had a certain number of dogs in 1988. Mr. Pyles asked if there were a way that the Treasurer could assume that the owner has owned the property continuous since 1988, that their rights go forward as grandfathered in. Mr. Morgan said that it would have to be tied to the use so that there was some type of proof that there actually dogs owned, not merely the ownership of property. Because it is a zoning issue, some type of proof is needed that there were at least more than four dogs on the property. Mr. McGehee noted that Community Development staff was accepting written statements from property owners to establish number to be “grandfathered”.

Mr. Pyles moved, seconded by Mr. Beyeler, that the Board authorize the County Attorney to draft ordinance and advertise for a public hearing at next available meeting.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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CLOSED SESSION

On motion of Mr. Shifflett, seconded by Mr. Howdyshell, the Board went into closed session pursuant to:

- (1) the personnel exemption under Virginia Code § 2.2-3711(A)(1)**
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

A) Boards and Commissions

February 10, 2010, at 7:00 p.m.

(2) the real property exemption under Virginia Code § 2.2-3711(A)(3)
[discussion of the acquisition for a public purpose, or disposition, of real property]:

A) Abandoned road property (Beverley Manor District)

(3) the legal counsel exemption under Virginia Code § 2.2-3711(A)(7)
[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:

A) Reassessment suits

On motion of Mr. Beyeler, seconded by Mr. Howdysshell, the Board came out of closed Session.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * *

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

1. Public business matters lawfully exempted from statutory open meeting requirements, and
2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Roll Call Vote was as follows:

AYE: Coleman, Garber, Sorrells, Howdysshell, Shifflett, Pyles and Beyeler

NAY: None

CLOSED SESSION (cont'd)

The Chairman authorized the County Administrator/Clerk of the Board to record this certification in the minutes.

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ADJOURNMENT

There being no other business to come before the Board Mr. Howdysshell moved, seconded by Mr. Shifflett, the Board adjourned subject to call of the Chairman.

February 10, 2010, at 7:00 p.m.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler,
Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * *

Chairman

County Administrator

h:2-10min.10