

ATTACHMENT B

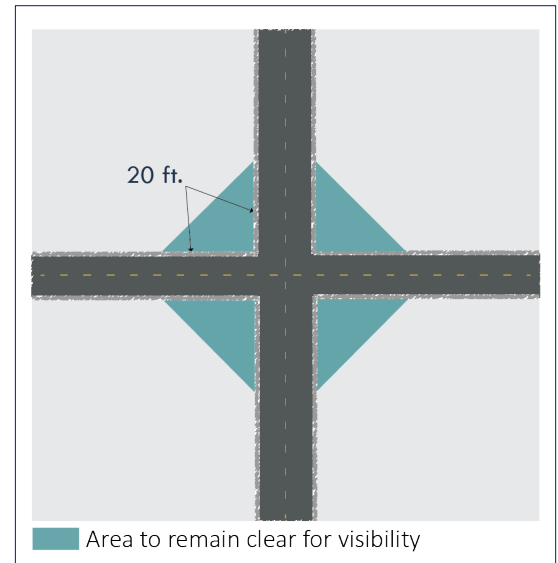
ARTICLE VIII. – Community Design Standards.

Division 1. Visibility Clearance¹.

Section 8-1-1. General.

- (A) For protection against traffic hazards, no planting, sign, structure, or other impediment to visibility greater than 3 ft. in height shall be erected, placed, allowed to grow, or maintained within a visibility triangle on any corner lot.
- (B) The apex of the triangle shall be at the intersection of the Department of Transportation or other designated right-of-way lines (extended in the case of rounded corners), the sides being 20 ft. in length along the right-of-way lines, and the base of the triangle running through the lot.

Figure 8.1
Visibility Clearance



¹ Editor's Note: This Section is carried over from Sec. 3.9.2 of the existing Ordinance.

Division 2. Lighting².

Section 8-2-1. Purpose and Intent.

(A) The purpose of this Division is to:

- (1) Permit the use of exterior lighting at the minimum level necessary for nighttime safety, utility, security, productivity, enjoyment, and commerce;
- (2) Ensure exterior lighting does not adversely impact land uses on adjacent land by minimizing light trespass, obtrusive light, and glare;
- (3) Curtail light pollution, reduce sky glow, and preserve the nighttime environment for astronomy, wildlife, and enjoyment of residents and visitors; and
- (4) Ensure security for persons and property.

Section 8-2-2. Applicability.

(A) **General.** Unless exempted by (B), below, the standards of this Division shall apply to:

- (1) All commercial zoning districts, industrial zoning districts, the R-3 Multifamily Dwelling District, the M-U Mixed-Use District, R-C Resort Community District, and on any property located within any zoning district that is used for non-residential purposes through a permitted use or a Special Exception.
- (2) To the maximum extent practicable, redevelopment of an existing structure, building, parking lot, or use when it is expanded, enlarged, or otherwise increased in intensity equivalent to or beyond 50% of its existing state.

(B) **Exemptions.** The following are exempted from the exterior lighting standards of this Article:

- (1) Lighting within a public right-of-way or easement that is used principally for illuminating a roadway;
- (2) Lighting for single- and two-family residential development.
- (3) Lighting exempt under State or Federal law;
- (4) Lighting for public monuments and statuary;
- (5) Lighting that is required under the Uniform Statewide Building Code;
- (6) Construction lighting, provided the lighting is temporary and discontinued upon completion of the construction activity;
- (7) Emergency, or holiday decorative or festive lighting, provided such lighting does not create unsafe glare on street rights-of-way and is used for 90 days or less;

² Editor's Note: Division's provisions are predominately new; the existing Ordinance provides requirements for the HCOD (Article 10), Mixed-Use Development (Article 14), and for manufactured home parks.

- (8) Temporary lighting for circuses, fairs, carnivals, theatrical, and other performance areas, provided such lighting is turned off not more than 1 hour after the last performance/event of the day and discontinued upon completion of the final performance/event;
 - (9) Security lighting, provided it is directed downward, does not glare onto adjacent property, and is controlled and activated by motion sensor devices for a duration of 15 minutes or less, unless it can be demonstrated otherwise that there is a need for constant security lighting;
 - (10) Lighting for flags of the United States of America or the Commonwealth of Virginia, or any department, division, agency or instrumentality thereof, and other noncommercial flags expressing constitutionally protected speech;
 - (11) Architectural lighting of 40 watts incandescent or less;
 - (12) Field lighting for an outdoor athletic facility, provided such lighting is directed and falls within the primary playing area and is turned off at the end of the sports event;
 - (13) FAA-mandated lighting associated with a utility tower or airport; and,
 - (14) The replacement of a failed or damaged luminaire that is one of a matching group serving a common purpose installed prior to the adoption of this Division.
- (C) **Conformance with all Applicable Codes.** All outdoor lighting shall be installed in accordance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code.
- (D) **Time of Review.** Review for compliance with the standards of this Division shall occur as part of the review of an application for a Site Plan, Planned Development, Zoning Permit, Special Exception, or Variance.
- (E) **Signs.** Lighting for signage shall be governed by the standards set forth in Division 5, Signs, of this Article.

Section 8-2-3. Standards³.

- (A) **Hours of Illumination.** Institutional uses, commercial uses, and industrial uses that are adjacent to existing residential development or residential zoning districts shall extinguish all exterior lighting, except lighting necessary for security or emergency purposes, within 1 hour after closing and shall not turn on such lights until within 1 hour of opening.
- (1) For the purposes of this subsection, lighting necessary for security or emergency purposes shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways and parking areas, or to illuminate outdoor storage areas. Lighting activated by motion sensor devices is encouraged for these purposes.

³ Editor's Note: Section added to address general standards that apply to all lighting, regardless of associated use, type, or district.

- (B) **Uniformity.** Outdoor luminaires shall be of uniform style for each project site and conform to the design of the project.
- (C) **Shielding.** Each outdoor luminaire subject to these outdoor lighting requirements shall be dark sky compliant with a full cutoff luminaire and aimed and controlled such that directed light is directed inward to the property and confined to the object intended to be illuminated. Directional control shields shall be used when necessary to limit stray light and prevent glare to adjacent properties and vehicular public rights-of-way.
- (D) **Color Temperature.** All exterior lights shall be 3,000 Kelvin light color temperature or less.
- (E) **Type.** Low-pressure sodium vapor (LPS), high-pressure sodium vapor (HPS), or light emitting diode (LED) lights shall be the preferred type of exterior site lighting.
- (F) **Maximum Illumination Levels.** All lighting visible from outside, except for street lighting and pedestrian area lighting, must be designed and located so that the maximum illumination at any lot line abutting an agricultural district, residential district, dwelling, or any public right-of-way, does not exceed 0.5⁴ footcandles.
- (G) **Canopy Lighting.** Light fixtures under any gasoline canopy or other structural canopy shall be recessed into the canopy ceiling with a flat lens to prevent glare.
- (H) **Height.** Any pole-mounted exterior lighting shall not exceed a height of 30 ft. in Industrial districts and 20 ft. in all other districts.

Section 8-2-4. Modifications.

Modifications of the lighting standards contained herein may be approved by the Administrator upon a determination that the lighting is necessary for nighttime safety, utility, security, productivity, enjoyment, and commerce and does not adversely impact pedestrians, traffic, or adjacent properties.

⁴ Editor's Note: The existing Ordinance, Article 10 HCOD, provides this .5 footcandle maximum along property lines and along all public rights-of-way. Stafford County, Spotsylvania County, and Caroline County all require a .5 footcandle maximum when abutting agricultural and/or residential districts, and public rights-of-way. To align with neighboring localities, and to provide a consistent maximum for all districts, propose a .5 footcandle maximum for all lighting, except those mentioned in (F) (street lighting and pedestrian lighting.)

Division 3. Landscaping and Screening.

Section 8-3-1. Purpose and Intent.⁵

- (A) The purpose of this Division is to establish standards for landscape architecture, site design, site buffering, and landscape screening. With the intent of preserving and promoting the health, safety, and general welfare of the County, this Division is intended to:
- (1) Preserve and enhance the aesthetic character and visual harmony of the County;
 - (2) Protect the quality of the County's natural rivers, streams, and wetlands;
 - (3) Enhance erosion control;
 - (4) Improve the relationship between adjacent properties through screening, buffering, and proper placement and design of landscaping and screening;
 - (5) Promote economic development in the County's commercial districts and main thoroughfares, and;
 - (6) Ensure the safety, security, and privacy of properties.

Section 8-3-2. Applicability.

- (A) **General.** The requirements of this Division shall apply to new construction, developments, or redevelopments in all zoning districts requiring an approved Site Plan, Special Exception Permit, or Zoning Permit specified by the Ordinance.
- (B) **Exemptions.** The following are exempted from the landscaping and screening standards of this Article:
- (1) Agricultural uses as identified in Article VI, Use Matrix, of this Ordinance; and
 - (2) Single-family and two-family dwellings not part of a larger development.
- (C) **Timing of Review.** Review for compliance with the standards of this Division shall occur as part of the review of an application for a Site Plan, Planned Development, Zoning Permit, Special Exception, or Variance.

Section 8-3-3. Landscape Plan Requirements.

- (A) **Landscape Plan Required.** A Landscaping Plan shall be required for all new construction, developments, or redevelopments in all zoning districts requiring an approved Site Plan, Special Exception Permit, or Zoning Permit specified by the Ordinance. The Landscaping Plan shall:
- (1) Be prepared and/or certified by a certified professional or firm qualified to create such a plan; provided, however, that in the case of a single lot disturbing less than 2,500 sq. ft., the landscaping plan may be prepared by the property owner.

⁵ Editor's Note: Section added to address the purpose of landscaping and screening standards.

(2) Cover the entire project area included in the overall Site Plan or development plan for which approval is sought.

(B) **Landscape Plan Contents.** The landscape plan shall include:

- (1) Location, type, size, height, and number of proposed plantings;
- (2) Planting specifications or installation details with consideration of the appropriateness of plants and locations for the specific characteristics of the site and the purpose for installation;
- (3) Location and size of all existing plants and trees to be retained during construction, as well as protection measures to be implemented during construction;
- (4) Location, size, and other related design details for all hardscape improvements, ground-mounted signage, recreational improvements, and open space areas, fences, walls, barriers, and other related elements;
- (5) Designation of required setbacks, yards, and screening areas;
- (6) Location of other man-made site features, parking lots, overhead structures, and underground utilities to ensure that landscape materials will not be in conflict with the placement and operation of these improvements; and
- (7) A preference to design and plant materials which are native and with reduced water needs.

Section 8-3-4. General Standards⁶.

(A) **Tree and Plant Standards.**

- (1) Existing trees and vegetation shall be preserved to the greatest extent possible.
 - (i) Existing, healthy trees and shrubs shall be credited toward any minimum landscaping required by this Division, provided they meet minimum size standards of (B), below, and are protected before and during construction and maintained thereafter in a healthy growing condition.
 - (ii) Where existing vegetation is not adequate to achieve the required landscaping or screening, additional plants shall be installed as necessary to meet the objective, and in accordance with the standards of this Division.
- (2) Any required landscaping shall be installed prior to the issuance of a Certificate of Occupancy.
 - (i) When the planting of required landscaping conflicts with the planting season, a Certificate of Occupancy may be issued subject to the owner or developer providing surety in a form and an amount approved by the Administrator to sufficiently guarantee the completion of all required improvements.
 - (ii) The owner or developer shall provide a development agreement which sets a deadline by which the plantings will be installed to be approved by the Administrator.

⁶ Editor's Note: General landscaping standards that would apply to all landscaping/transitional buffers/screening/etc. required by this Ordinance.

- (3) The owner of the property upon which the required landscaping or buffering is installed shall be responsible for maintenance and replacement.
- (4) All plantings shall be maintained in perpetuity in such a way to ensure that the requirements of this Ordinance continue to be met.
 - (i) Any dead or dying plants shall be removed within 30 days of notification by the Administrator. If notified during winter, such plants may be replaced by the property owner during the next viable planting season.
- (5) Landscaping materials should generally be sustainable and biologically diverse with emphasis on trees and plants native to Virginia and the King George County region.
- (6) Plants shall be nursery grown and materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, as published by the American Association of Nurserymen, as amended.
- (7) Landscaping shall not obstruct the view of motorists using any street, driveway, parking isles, or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety.
- (8) Plant materials shall be installed via dig, ball, burlap, and transplant. Bare-root planting is not permitted for any tree.
- (9) For buffers in which more than 20 trees are required, no individual species shall comprise more than 30% of the total number of plants required within the buffer.

(B) Tree Measurement Standards.

- (1) Caliper measurements shall be taken 6 inches above grade for trees under 4 inches in diameter. Caliper measurements shall be taken 12 inches above grade for trees 4 inches in diameter and larger⁷.
- (2) All required landscaping materials shall conform to the following minimum size or height standards provided in **Table 8.1, Minimum Plant Measurements.**

Table 8.1 Minimum Plant Measurements		
Plant Type	Minimum at Planting	Minimum at Maturity
Deciduous trees	2-inch caliper; no height minimum	50 ft. height
Evergreen trees	6 ft. height	
Ornamental and understory trees	4 ft. height	20 ft. height
Shrubs	18-inch spread or height	3 ft. spread or height

⁷ Editor’s Note: Provision retained from the existing Ordinance. (Sec. 7.6 (3) (J) (2) (c) (1))

(C) **Tree Protection Standards⁸.**

- (1) Trees which are to be preserved on site shall be protected before, during, and after the development process utilizing accepted practices. At a minimum, the tree protection practices set out in the Virginia Erosion and Sediment Control Handbook, as amended, shall be utilized.
- (2) Trees selected for preservation in order to obtain landscaping credits shall be shown on the landscape plan and clearly marked. In wooded areas, groups of trees shall be selected for preservation rather than single trees wherever possible.
- (3) Trees and groups of trees which are to be preserved shall be enclosed by a temporary fence or barrier to be located and maintained 5 ft. outside of their dripline during construction.
 - (i) Such a fence or barrier shall be installed prior to clearing or construction, shall be sufficient to prevent intrusion into the fenced area during construction, and in no case shall materials, vehicles, or equipment be stored or stockpiled within the enclosure.
 - (ii) Within the fenced area, the topsoil layer shall not be disturbed except in accordance with accepted tree protection practices.
- (4) No healthy deciduous tree(s) with a caliper of 15 inches⁹ or greater shall be removed from the site unless such trees are replaced.
 - (i) Such trees shall be shown on the Landscaping Plan.
 - (ii) These replacement trees shall be in addition to landscaping required by this Division.
 - (iii) No replacement tree shall have a caliper of less than 3 inches, measured 6 inches from the ground, at the time of planting.
 - (iv) The total caliper of replacement trees shall equal or exceed the total caliper of trees 15 inches or greater removed from the site.
- (5) The developer shall be responsible for notifying all construction personnel of the presence and purpose of clearing limits and protective fences or barriers and for ensuring that they are observed.
- (6) Where grade changes in excess of 6 inches from the existing natural grade level are necessary, permanent protective structures such as tree wells or walls shall be installed as recommended by the tree preservation and protection standards outlined in the Virginia Erosion and Sediment Control Handbook, as amended.
- (7) In determining which trees shall be preserved, consideration shall be given to preserving trees which:
 - (i) Are trees of 15-inch caliper or larger;
 - (ii) Are ornamental trees of any size;

⁸ Editor's Note: Code of Virginia § 15.2-961 allows for localities to require minimum tree canopy percentages based on the type of development (residential, commercial, etc.) These provisions can be included, if desired.

⁹ Editor's Note: Provision taken from the existing Ordinance, Section 10.4.8 (HCOD).

- (iii) Are trees within required setbacks or along boundaries unless necessary to remove for access, grading, circulation, utilities or drainage.
- (iv) Are heritage, memorial, significant, and specimen trees;
- (v) Complement the project design including the enhancement of the architecture and streetscape appearance;
- (vi) Can tolerate environmental changes to be caused by development (i.e., increased sunlight, heat, wind, and alteration of water regime);
- (vii) Have strong branching and rooting patterns;
- (viii) Are disease and insect resistant;
- (ix) Complement or do not conflict with stormwater management and best management practice designs;
- (x) Are located in required buffer areas;
- (xi) Exist in natural groupings, including islands of trees;
- (xii) Do not conflict with necessary utility; and,
- (xiii) Have been recommended by the Commonwealth Department of Forestry, the County cooperative extension service, or a certified arborist or urban forester for preservation.

Section 8-3-5. Transitional Buffers^{10,11}.

(A) **Applicability.** The standards of this Section apply to:

- (1) All new development, except as provided in (B), below;
- (2) A change of use of an existing structure is proposed that requires a Zoning Map Amendment (rezoning); and
- (3) Any development within the HCOD and/or abutting the right-of-way of Route 3 and US Route 301.

(B) **Exceptions.** A transitional buffer is not required:

- (1) For any single- or two-family dwelling not part of a larger development;
- (2) Between uses, buildings, or lots developed under a common plan or operated under common management; or
- (3) As exempt in Table 8.2, Transitional Buffer Type Required, below.

¹⁰ Editor's Note: New Section to address buffer yards, as a transitional tool, between conflicting uses/districts.

¹¹ Editor's Note. The existing Ordinance only provides for buffers/landscaped buffers for Industrial districts (Section 7.6 (3) (J)). Propose requiring transitional buffers between all differing districts (i.e., commercial abutting agricultural or residential, etc.) During public engagement it was noted as a concern that there is an inadequate amount of required landscaping in the existing Ordinance, and development throughout the County would benefit from additional landscaping/buffers between districts and use types.

(C) **Modifications.**

- (1) The applicant may propose, and the Administrator may approve, a screening alternative where a building or screening has been specifically designed to minimize adverse effects through a combination of architectural and landscaping techniques, and the Administrator determines the building or screening is consistent with the purposes of this Section. See **Table 8.4, Alternative Transitional Buffer.**
- (2) The Administrator may approve modifications to these requirements, upon determining that the modifications, including any additional conditions or requirements imposed on the development project, meets the intent of this Section.

(D) **Transitional Buffer Types Required.** **Table 8.2, Transitional Buffer Type Required,** identifies the type of transitional buffer, if any, required between a proposed use and adjacent property/development. **Table 8.3, Minimum Plantings,** provide the minimum width and planting standards for each transitional buffer type.

- (1) "Adjacent" includes land closer to the proposed use than the required buffer width, even if they are separated by a narrow strip of land with different zoning districts.
- (2) Transitional buffers for planned developments (Resort Community and Mixed-Use districts) will be determined as part of the rezoning process.

(E) **Location and Design.**

- (1) Transitional buffers must be located along the boundaries of the adjacent district, as provided below, except where driveways or other openings are permitted.
 - (i) When located within the HCOD, this includes frontage, in addition to any side and/or rear lot lines abutting adjacent districts.
 - (ii) When not located within the HCOD, this includes any lot lines abutting the adjacent districts, including those separated by any public road.
- (2) Transitional buffers may be located in required minimum front, side, or rear setbacks.
- (3) Transitional buffers shall be as follows:
 - (i) Types A and B shall fill the required minimum buffer width, as provided in **Table 8.3,** and plantings should be dispersed to create a natural setting.
 - (ii) Type C shall be provided in a minimum of two staggered rows, with each row containing the plantings provided in **Table 8.3.**
- (4) Development within a transitional buffer is limited to the following:
 - (i) Fences and walls, including retaining walls, in accordance with Division 3 of this Article; and
 - (ii) Sidewalks, trails, and other pedestrian/bicycle paths that intersect the transitional buffer yard at or near a 90-degree angle.
- (5) Development within a transitional buffer must not reduce the separation of land uses or interfere with the required plantings.

- (6) A continuous 10 ft. deep landscape strip, exclusive of easements, shall be located adjacent to any stormwater management facility or Best Management Practice(s) (BMP) when it:¹²
- (i) Is located in any residential (R-1, R-2, R-3) or commercial (C-1, C-2) district; or
 - (ii) Encroaches into a required side or rear setback.

District of Proposed Development	Adjacent Property/Development/District					
	HCOD ¹³	A-1, A-2, A-3	R-1 R-2	R-3	C-1 C-2	I I-1
A-1, A-2, A-3	Type B	n/a				
R-1, R-2	Type B					
R-3	Type B	Type A	Type A	n/a	n/a	n/a
C-1, C-2	Type B	Type B	Type B	Type B	n/a	n/a
I, I-1	Type B	Type C	Type C	Type C	Type C	n/a

n/a = transitional buffer not required

Buffer Type	Minimum Buffer Width (in feet)	Number of Required Large Deciduous or Evergreen Trees (per 100 linear feet) ¹	Number of Required Ornamental or Understory Trees (per 100 linear feet) ¹	Required Shrubs (per 100 linear feet) ¹
A	15	2	1	6
B	30	4	8	10
C	50 ¹⁴	8	10	20

¹ Where fractional numbers result, the required number of plantings shall be rounded up to the nearest whole number.

¹² Editor’s Note: Provisions retained from the existing Ordinance, Sec. 10.4.9, which pertained only to the HCOD. Propose requiring for all districts, if adjacent to residential or commercial districts.

¹³ Editor’s Note: The existing Ordinance provides specific landscaping standards for the HCOD, requiring 1 tree/40 linear feet of “landscaping strip.” The proposed increase, as shown below in Table 8.2 (Type B), is an increase in required plantings with the HCOD. This increase is in response to public engagement and staff/PC discussion. **Discussion Question: Does the Planning Commission want the landscaping along the HCOD to be for aesthetic purposes, or to serve more for screening of sight, noise, etc.**

¹⁴ Editor’s Note. The existing Ordinance only provides for buffers/landscaped buffers for Industrial districts (Section 7.6 (3) (J)). The current requirements are 30 ft. between industrial and agricultural/residential districts, and 15 ft. between industrial and commercial. The increase to 50 ft (agricultural, residential, and commercial) is in response to the call for beautification heard during public engagement, as well as staff and Planning Commission discussion.

Table 8.4 | Alternative Transitional Buffer

Buffer Alternative	Minimum Height of Screening Alternative (in feet)	Reduction ² in Minimum Buffer Width (in feet)	Reduction in Required Plantings (percentage)
Solid wall/fence ¹	6	15	25 ¹⁵
Evergreen plantings in an unbroken strip (at maturity)	6 (planted) 50 (maturity)		50
Berm ³ ¹⁶	6 ft., with a maximum slope of 2:1	No decrease	25

¹ Walls and fences must comply with the standards in Division 3 of this Article.

² The minimum width of a transitional buffer must not be reduced below 10 ft.

³ Required plantings shall be located on the berm.

Section 8-3-6. Screening and Enclosures¹⁷.

(A) Except on lots where the principal use is a single- or two-family dwelling, manufactured home, or any Agricultural use, the following objects and areas must be screened from public view at ground level, both on and off the premises, in accordance with this Section:

- (1) Large waste receptacles (dumpsters) and refuse and recycling collection points (including containers);
- (2) Loading and service areas;
- (3) Outdoor storage areas;
- (4) Utility and mechanical equipment, such as, generators, HVAC units, utility meters, junction and accessory boxes, and transformers; and
- (5) Stormwater management facilities, when not developed as a site amenity in accordance with Division 7, Open Space; and
- (6) All other uses or elements where screening is required as identified in Article VII, Use Performance Standards, of this Ordinance.

(B) Screening/enclosures shall be comprised singularly, or of a combination of:

- (1) A solid masonry wall or opaque fence, in accordance with Division 4.

¹⁵ Editor’s Note: The existing Ordinance provides a 50% reduction if a 6 ft. wall/fence is provided; propose reducing this to 25% and allowing a greater reduction in plantings if an evergreen buffer is provided. (See second row of chart).

¹⁶ Editor’s Note: The existing Ordinance allows reduction, if 3 ft. earth berms are provided. This will not provide enough coverage and has been increased to a minimum of 6 ft. in height.

¹⁷ Editor’s Note: Rather than specify specific uses that may need screening, this Section provides general screening requirements for “unsightly” elements, regardless of principal use or district.

- (2) A double, unbroken row of evergreens that, at maturity, blocks visibility of the object being screened.
- (3) A planted berm.
- (C) Access to all grease containers, recycling and trash containers, and other outside storage shall be through gates capable of closure when not in use. All gates shall be closed and secured when not in use.

Section 8-3-7. Parking Lot Landscaping.

(A) General.

- (1) To provide shade, screen views, and mitigate stormwater runoff, all vehicle parking areas shall include landscaping as required in this Section.
- (2) Parking lot landscaping shall be installed and continuously maintained by the owner according to the requirements contained in this Article.

(B) Exemptions.

- (1) The landscape provisions of this Division shall not apply to off-street parking for individual single- or two-family residential dwellings or for parking garages or similar multi-level parking structures.
- (2) In the case of redevelopment proposals, parking lot landscape requirements do not apply to those proposals that are not required to add parking spaces over those that are currently provided.

(C) Parking Lot Landscape Buffers.

- (1) Where a parking lot (or a private driveway providing access to a parking lot or building entry) abuts a residential district, agricultural district, or a public right-of-way, a landscaping strip of at least 10 ft.¹⁸ in width shall be located between the parking lot and the abutting property line.
 - (i) A minimum of 1 deciduous shade tree for each 40¹⁹ ft. of contiguous property line shall be planted in the landscape strip.
 - (ii) A minimum of 5 shrubs for each 40 ft. of contiguous property line shall be planted in the landscape strip.
 - (iii) The landscape strip may include a sidewalk or trail. The remainder of the landscape strip must contain groundcover, turf, trees, or shrubs, or be mulched.

¹⁸ Editor's Note: The existing Ordinance (Sec. 3.12.17.b) requires an "opaque buffer" of 4 ft. for lots with 19 or fewer spaces; and a 4 ft. landscape strip and a 5 ft. wall/barrier for lots with 20 or more spaces. Propose simplifying these requirements. This is typically not enough space to allow for planting without disrupting pavement or sidewalks. Propose 10 feet. Additionally, the existing Ordinance (Sec. 3.12.17.c) also requires a barrier of at least 3 ft. Propose simplifying these requirements and not requiring a barrier in addition to the landscaping.

¹⁹ Editor's Note: Increase of required trees; existing Ordinance requires 1 per 50 ft.

(D) **Parking Lot Landscape Islands.**

- (1) Landscaped planting islands shall be provided in the interior of the following types of parking lots:
 - (i) The total size of the parking lot exceeds 20²⁰ total parking spaces; or,
 - (ii) Parking lot layout incorporates 3 or more double-loaded or single-loaded parking bays which are contiguous and parallel to each other.
- (2) Landscaped planting islands minimum standards:
 - (i) Landscape parking islands shall be at least 10% of the parking area.
 - (ii) A minimum of 1 tree shall be provided for each 5 spaces of required parking. The remaining area of the island(s) shall be landscaped with shrubs, ground cover, lawn, or additional trees.
 - (iii) Planting islands shall have a minimum width of 8 ft. to allow for bumper overhang and shall otherwise provide adequate width for the growth and maintenance of the intended landscape materials to be planted therein.
 - (iv) The landscaping islands shall be dispersed throughout the parking lot, with interior dimensions of any planting area (i.e. interior parking median or island) sufficient to protect and maintain all landscaping materials planted therein.

Section 8-3-8. Modifications.

- (A) Modifications to the layout and design standards contained herein may be approved through a waiver by the Administrator upon a determination that the following conditions exist:
 - (1) The proposed layout and design provide landscaping which will have the same or similar screening impact, intensity, or variation throughout the year when viewed from adjacent properties or rights-of-way as that which would be required by strict interpretation of the standards contained in this Division.
 - (2) The proposed layout and design fully integrate and complement the existing trees to be preserved on the site.
 - (3) Any trees or shrubs installed or preserved on the site which exceed the minimum numerical requirements of this Division shall not be subject to the species mixture, locational, maintenance, or replacement requirements contained herein.
- (B) Modifications and/or reductions to required transitional buffers may be approved through a waiver by the Administrator, as deemed appropriate when uses are in-kind with adjacent uses.

²⁰ Editor's Note: The existing Ordinance (Sec. 3.12.7.a.) requires interior landscaping for lots of 50 or more spaces. Propose lowering this threshold to 20, to encourage more parking lots with interior landscaping.

Division 4. Walls and Fences²¹.

Section 8-4-1. Purpose and Intent.

The purpose of this Division is to provide standards to ensure that walls and/or fences used to provide buffering, privacy, separation, security, or for aesthetic reasons, will not create an unsightly or unsafe condition on or off the public or private property on which the fence or wall is proposed.

Section 8-4-2. Applicability.

(A) The provisions of this Division shall apply to all construction, reconstruction, or replacement of walls and/or fences except:

- (1) Walls and/or fences required for the physical support of a principal or accessory structure;
- (2) Walls and/or fences erected temporarily for construction sites or a similar purpose, provided that they comply with all relevant requirements of the Uniform Statewide Building Code and do not block sight distance;
- (3) Landscaping berms without fences;
- (4) Walls and/or fences necessary for soil erosion control;
- (5) Walls and/or fences at government facilities;
- (6) Customary fencing provided as part of a permitted tennis court, athletic field, and similar recreational facility will be exempt from the height standards;
- (7) Fences for protecting livestock or for other similar agricultural functions, if part of a use in the agricultural use classification; and
- (8) Fences for tree protection (temporary and permanent).

Section 8-4-3. Location.

(A) Walls and/or fences shall not:

- (1) Be located within the public right-of-way;
- (2) Be installed in a manner, or in a location, so as to block or divert a natural drainage flow on to or off of any other land, unless the fence or wall has specifically been approved as part of an approved stormwater management plan;
- (3) Be constructed in a manner or in a location that impairs safety or sight lines for pedestrians and vehicles traveling on public rights of way; or
- (4) Prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices.

(B) Walls and/or fences may be located within any required setback or yard.

²¹ Editor's Note: Division's provisions are predominately new; the existing Ordinance provides requirements for the HCOD (Article 10), as well as mention of required fencing for certain uses.

- (1) However, walls and/or fences located along HCOD designated roads shall be located in the side or rear setback or yard only; ornamental fencing, as defined by Article XI of this Ordinance, may be erected inside the front setback or yard²².
- (C) Walls and/or fences located within an easement shall receive written authorization from the easement holder or the County (as appropriate).
 - (1) The County shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements or facilities.
- (D) Walls and/or fences within required transitional buffers shall be installed so as not to disturb or damage existing vegetation or installed plant material.

Section 8-4-4. Height.

- (A) **Maximum Height.** Walls and/or fences shall be permitted in accordance with the following standards:
 - (1) No wall and/or fence between a street and a front building line shall be more than 4 ft. in height.
 - (2) And not forgoing 8-4-4 (A) (1), above:
 - (i) Walls and/or fences in any agricultural, residential, or planned development district shall not exceed 7 ft. in height above the existing grade without approval of a Special Exception;
 - (ii) Walls and/or fences in any commercial zoning district shall not exceed 8 ft. in height above the existing grade without approval of a Special Exception; and
 - (iii) Walls and/or fences in any industrial zoning district shall not exceed 10 ft. in height above the existing grade without approval of a Special Exception.
- (B) **Measuring Height.** Wall and/or fence height will be measured parallel along the side of the fence from the highest point above grade to where the grade is lowest but excluding the height of any retaining wall directly beneath the fence or wall. Supporting columns or posts may extend up to 18 inches above the maximum allowed height for the wall and/or fence.

Section 8-4-5. Materials.

- (A) **Permitted Materials.**
 - (1) Walls and/or fences shall be constructed of any combination of:
 - (i) Treated or rot-resistant wood or similar composite wood material;
 - (ii) Wrought iron;
 - (iii) Decorative metal materials; or
 - (iv) Brick, stone, masonry materials, or products designed to resemble these materials.

²² Editor's Note: Provision retained from the existing Ordinance (Sec. 10.4.2.)

- (v) Where wood, masonry, or other opaque materials are specified for particular types of screening or buffering fences or walls, all other fence materials are prohibited.
- (2) All wall and/or fence segments located along a single lot side shall be composed of a uniform style, material, and color compatible with other parts of the wall and/or fence.
- (B) **Prohibited Materials.** Walls and/or fences made of debris, junk, rolled plastic, sheet metal, plywood, barbed wire, or waste materials are prohibited in all zoning districts unless such materials have been recycled and reprocessed into new building materials that resemble the customary materials listed in (A), above.
- (C) **Chain Link Fencing.** Chain link fencing shall be allowed, subject to the following requirements:
 - (1) Permitted in agricultural, R-1, and R-2 districts.
 - (2) Permitted in R-3, commercial, and industrial districts.
 - (i) The chain link fencing shall be coated with black or dark green vinyl.
 - (ii) Where opaque fencing is required, the chain link fencing may include black or dark green opaque slats.
- (D) **Finished Side to Outside.** Wherever walls and/or fences are installed, if one side of the wall and/or fence appears more “finished” than the other (e.g., one side has visible support framing and the other does not), then the more “finished” side of the fence shall face the perimeter of the lot, rather than the interior of the lot.

Section 8-4-6. Maintenance.

- (A) All walls and/or fences shall be maintained in good repair and in a safe and attractive condition.
- (B) The owner of the property on which wall and/or fences are located shall be responsible for maintenance, including but not limited to, the replacement of missing, decayed, or broken structural and decorative elements.

Division 5. Parking and Loading.

Section 8-5-1. Purpose and Intent.²³

- (A) The purpose of this Division is to ensure efficient traffic flow and to reduce hazards to public safety by establishing standards for off-street parking and off-street loading areas. This Division is intended to:
- (1) Ensure adequate parking is designed and constructed during the erection of all new structures and the modifications to existing structures;
 - (2) Provide safe and convenient traffic flow and add to the beautification of the County;
 - (3) Provide for adequate but not excessive off-street parking and loading while accommodating alternative parking solutions for permanent, temporary, and seasonal demands;
 - (4) Minimize the environmental impact of vehicular parking by avoiding excessive paved surface areas, applying appropriate minimum parking requirements, and encouraging the use of permeable parking surfacing; and
 - (5) Support walking and bicycling in appropriate locations through the provision of bicycle parking.

Section 8-5-2. General.

- (A) Off-street parking and loading shall be provided in all zoning districts in accordance with the requirements of this Division.
- (B) For purposes of this Division, off-street parking shall mean an improved surface not in a street or alley.
- (C) Parking shall be provided at the time of the erection of any building or structure, not less than the amount of parking space(s) given in **Section 8-5-8**, below.
- (D) Parking space(s) shall be maintained and shall not be encroached upon unless in conformance with **Section 8-5-4 and Section 8-5-5**, below.
- (E) Loading space(s), as required in **Section 8-5-12**, below, shall not be construed as supplying off-street parking.

Section 8-5-3. Obligations of Owner.²⁴

- (A) The requirements for off-street parking space(s) and off-street loading space(s) shall be a continuing obligation of the owner of the real estate on which any structure or use is located as long as such structure or use is in existence, and the use requiring off-street parking or loading facilities continues.
- (B) It shall be unlawful for the owner of any structure or use affected by this Division to discontinue, change, dispense with, or cause the discontinuance or change of the required off-street parking or

²³ Editor's Note: New Section.

²⁴ Editor's Note: New Section; (B) is similar to text provided in the existing Ordinance, Sec. 3.12

loading space, apart from the alternate off-street parking or loading space which meets with the requirements of, and complies with, this Division.

- (C) It shall be unlawful for any firm or corporation to use such structure without acquiring such land or other suitable land for off-street parking or loading space(s) which meets the requirements of, and complies with, this Division.

Section 8-5-4. Location to Use.²⁵

- (A) All parking spaces required herein shall be located on the same lot with the building or principal use served; except that:
 - (1) Off-site parking spaces may be approved by a Special Exception.
 - (2) Required parking spaces can be used jointly by two (2) or more buildings, uses, or establishments.
- (B) A remote parking lot to satisfy the required spaces may be located and maintained not to exceed 600 ft. from the principal building or use it serves.
 - (1) Such parking space shall be established by a recorded covenant or agreement as parking space(s) to be used in conjunction with the principal building or use and shall be reserved as such through an encumbrance on the title of the property.

Section 8-5-5. Joint/Shared Parking.²⁶

- (A) Uses may share parking space(s) with other establishments, as provided below:
 - (1) The shared parking space(s) may be used to meet no more than 50% of the required off-street parking requirement.
 - (2) The shared parking space(s) must be for those uses that the normal periods of peak use are different from the shared use.
 - (3) The use(s) for which parking is being shared shall be within 600 ft., as measured along lines of public access.
- (B) In the case of mixed or joint uses of a building or premises having different peak parking demands, the parking spaces required may be reduced up to 50% if approved by the Administrator, in conjunction with Site Plan approval.

²⁵ Editor's Note: New Section that contains new provisions for remote/off-site parking, as well as text similar to that which is provided in the existing Ordinance Sec 3.12.9.

²⁶ Editor's Note: The existing Ordinance (Sec. 3.12.4) provides a maximum decrease in parking up to 10%, and states that reductions do not apply to shopping center. Propose a more modern approach to parking standards that allow greater flexibility in in shared/joint parking. This reduces the potential for large amounts of parking spaces/areas that are consistently unused, among other benefits. Propose increasing the maximum reduction to 50% of the required parking.

- (1) In such instances, the applicants shall demonstrate that the periods of peak use are separated sufficiently, and shared parking spaces are available to all uses sharing them, to not cause a parking demand problem.
- (C) In the case of joint use of a building or premises by more than one use having the same peak parking demand, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

Section 8-5-6. Reduction and/or Increase in Parking.²⁷

- (A) **Reduction in Required Spaces.** Off-street parking space(s) required under this Division may be reduced at a time when the capacity or use of a building is changed in such a manner that the new use or capacity would require less space than before the change.
- (B) **Increase in Required Parking.** Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need under the requirements of this Division for an increase in parking spaces of 10% or more, such additional spaces shall be provided on a basis of the change or enlargement.
 - (1) Parking increases shall not be circumvented by a series of changes that together would meet, or exceed, the 10% requirement.

Section 8-5-7. Parking Design Standards.

- (A) **Surfacing.**
 - (1) All parking areas shall have an improved surface to prevent soil erosion, abate dust, and provide an adequate driving surface.
 - (i) Improved surface shall mean gravel, concrete, asphalt, bituminous pavement, brick or stone pavers, or other hard, all-weather, permeable pavement system.
 - (ii) Grass parking permitted under certain circumstances, as provided in (B), below.
- (B) **Grass Parking.**
 - (1) Grass parking areas are permitted for the following:
 - (i) Uses that require 8²⁸ or fewer parking spaces; or
 - (ii) Those uses that permit grass parking through their use standards, provided in Article VII, Use Performance Standards, of this Ordinance.
 - (2) All grass parking areas shall:
 - (i) Be maintained to grass height of no more than 6 in. from grade.
 - (ii) Be maintained in good condition with uniform grass coverage and free from rill or gully erosion.

²⁷ Editor's Note: New Section; contains some text from existing Ordinance.

²⁸ Editor's Note: Provision retained from the existing Ordinance.

- (iii) Have travelways appropriately marked to maintain egress.
- (3) All grass parking areas shall not:
 - (i) Be permitted for any parking area that includes drive-through windows.
 - (ii) Include any existing or proposed landscaped area, stormwater management area, or easement.
- (C) **Marking.** For all paved parking areas, each parking space shall be striped and maintained. Parking spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used to ensure efficient traffic operation on the lot.
- (D) **Location.** Off-street parking areas shall be located to the side or rear of the structure it is associated with; if it can be demonstrated that the lot could not accommodate parking area(s) to the side or rear of the lot, the Administrator may waive this provision.
- (E) **Area.**
 - (1) Off-street parking areas shall be a minimum width of 9 ft. and a minimum length of 18 ft.; or in the case of parking spaces for trucks, buses, or special equipment, parking spaces of a minimum size to be determined by the Administrator based on the nature of the parked vehicles.
 - (2) Reduction in Required Area of Space.²⁹ Where more than 10 spaces are required by this Ordinance, a maximum of 30% of the required spaces may be reduced to a minimum width of 8 ft. and a minimum length of 16 ft., provided that such spaces are designated by appropriate signs as reserved for compact cars only.
- (F) **Handicap Accessible Parking.**³⁰ Every land use shall include the number of handicap accessible off-street parking spaces in accordance with the requirements of the Virginia Uniform Statewide Building Code.
- (G) **Arrangement of Interior Aisles.**³¹ All aisles within parking areas shall have the minimum widths:
 - (1) Parking spaces at a 90-degree angle: 22 ft.
 - (2) Parking spaces at a 60-degree angle: 18 ft.
 - (3) Parallel parking spaces³²: 12 ft.
- (H) **Entrances and Exits.**³³ The location and design of entrances and exits shall meet the VDOT traffic safety and design standards.

²⁹ Editor's Note: Provision retained from existing Ordinance (Sec. 3.12.3).

³⁰ Editor's Note: New provision.

³¹ Editor's Note: The existing Ordinance (Sec. 3.12.2) provides two measures; one for one row, and one for two rows. Suggest simplifying and requiring one measurement for each type of angle.

³² Editor's Note: Provision added for minimum aisles for parallel parking.

³³ Editor's Note: New provision.

- (I) **Separation from Walkways and Streets.**³⁴
 - (1) Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, or curbing.
 - (2) Off-street parking shall not be located within 5 ft. of any commercial building.
- (J) **Drainage and Maintenance.** Off-street parking areas shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. Off-street parking areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee.
- (K) **Lighting.**³⁵ Adequate lighting shall be provided in accordance with Division 1 of this Article.
- (L) **Screening.** Whenever a parking area is located in or adjacent to a residential district, it shall be effectively screened in accordance with Division 3 of this Article. However, areas requiring natural air circulation, unobstructed view, or other technical considerations necessary for proper operation, may submit an alternative screening plan to be approved by the Administrator.
- (M) **Fleet Vehicles.** Whenever daily or overnight storage of fleet vehicles is proposed, these vehicles shall be parked in off-street parking spaces located to the side or rear of the principal structure and screened in accordance with the requirements of Division 3 of this Article. These off-street parking spaces shall be identified on any approved Site Plan.

Section 8-5-8. Parking Requirements.

- (A) Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected or structurally altered, or any building or structure hereafter erected is converted, off-street parking space(s) shall be provided according to the requirements for individual uses in the following table.
- (B) Where fractional spaces result, the parking spaces required shall be increased to be the next highest whole number.
- (C) Exemptions to off-street parking requirements are contained in **Section 8-5-5** and **Section 8-5-6**, above.
- (D) The parking requirements in this Division are in addition to space for storage of trucks, campers, recreational vehicles, or other similar vehicles used in connection with the use.
- (E) The parking requirements in this Division are in addition to any other parking requirements contained in the district or use standards of this Ordinance.
- (F) The parking requirements in this Division do not limit additional requirements that may be imposed for approval of a Special Exception.

³⁴ Editor's Note: New provision(s).

³⁵ Editor's Note: The existing Ordinance provides that only parking areas of more than 8 vehicles must meet lighting standards; propose to require all parking areas to comply with the lighting standards of this Article.

- (G) For residential uses, the total number of off-street parking spaces provided inside a private garage shall be calculated based on the intended design of the garage.
- (H) Except as otherwise provided, the number of employees shall be compiled based on the maximum number of persons employed on the premises at 1 time, on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.
- (I) The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation, as determined by the Administrator.

Table 8.5 | Minimum Off-Street Parking Requirements³⁶

Use(s)	Minimum Number of Required Spaces
Residential Uses	
<i>Bed and Breakfast; Short-Term Rental</i>	1 per bedroom, plus 1 per owner/operator
<i>Dwelling, Accessory</i>	1 per accessory dwelling unit
<i>Dwelling, Manufactured; Dwelling, Multi-, Single-, Two-Family; Dwelling, Townhouse</i>	2 per dwelling unit
<i>Family Home Day Care (1-4 children)</i>	1, plus residential requirement
<i>Family Home Day Care (5-12 children)</i>	3, plus residential requirement
<i>Group Home Life Care Facility</i>	1 per 4 residents, plus 1 per 2 employees
<i>Home Occupation, Class A</i>	1, plus residential requirement
<i>Home Occupation, Class B</i>	2, plus residential requirement
<i>Home Occupation, Class C</i>	2, plus 1 per employee, plus residential requirement
<i>Residential Shelter</i>	1 per 500 sq. ft.
<i>Manufactured Home Park</i>	2 per dwelling unit, plus 1 per owner/operator
Public/Civic/Recreational Uses	
<i>Campground</i>	1 per campsite
<i>Club</i>	1 space per 3 persons based on maximum occupancy
<i>Cultural/Community Facility</i>	1 per 500 sq. ft. of floor area, plus 1 per employee on largest shift
<i>Education Facility, College/University</i>	1 per employee on largest shift, plus 1 per 10 full-time students
<i>Education Facility, Primary/Secondary</i>	1 per each employee on largest shift, plus 1 for each 4 seats in the largest assembly room
<i>Recreation Facility, Neighborhood</i>	1 per 5 members, based on the design capacity of the facility
<i>Recreational Facility, Non-Commercial</i>	1 per 4 visitors at peak service

³⁶ Editor’s Note: Parking requirements have been comprehensively updated to align with modern practices and overall reduced parking.

Table 8.5 | Minimum Off-Street Parking Requirements³⁶

<i>Religious Assembly</i>	1 per 4 fixed seats in main assembly area, <i>or</i> 10 per 500 sq. ft. of assembly floor space without fixed seating
Commercial Uses	
<i>Brewery or Distillery; Micro- Brewery, Distillery, or Winery</i>	1 per 150 sq. ft. of food beverage preparation and consumption area, plus 1 per 800 sq. ft. of operations
<i>Business Support Services; Consumer Repair Services; Personal Improvement Services; Personal Services</i>	1 per 500 sq. ft. of floor area
<i>Car Wash; Gas Station; Vehicle Service/Repair</i>	3 per bay, stall, rack, or pit, plus 1 per gasoline pump; minimum 5 spaces
<i>Construction Material Sales; Garden Center/Commercial Greenhouse; Manufactured / Modular Home Sales</i>	1 per 500 sq. ft.
<i>Day Care Center</i>	1 per employee on largest shift, plus 1 per 10 children; plus an unobstructed pick-up space with a stacking area for 8 vehicles
<i>Equipment Sales, Rental, and Repair (Heavy)</i>	1 per 1,500 sq. ft. of display area, plus 3 per bay/stall
<i>Event Venue</i>	10 per 1,000 sq. ft. of floor
<i>Farmer’s Market; Outdoor Sales, Seasonal</i>	6, plus 1 per 250 sq. ft.
<i>Financial Institution³⁷</i>	1 per 500 sq. ft. of floor area
<i>Funeral Home³⁸</i>	1 per 100 sq. ft. of main assembly area; 30 spaces minimum
<i>Hospital³⁹</i>	1 per patient bed
<i>Hotel</i>	1 per bedroom or unit, plus required parking for any additional uses on site (restaurant, event venue, etc.)
<i>Kennel, Commercial; Veterinary Hospital</i>	1 per 400 sq. ft. of floor area
<i>Marina, Commercial</i>	1 per 150 sq. ft. of floor space, plus 1 per 2 boat slips
<i>Nursing Home</i>	1 per 4 residents, plus 1 per 2 employees
<i>Office, General</i>	1 per 400 sq. ft. of floor area
<i>Offices, Medical/Clinic</i>	1 per 200 sq. ft. of floor area; 10 spaces minimum for a clinic

³⁷ Editor’s Note: Reduced parking with the increase in online banking, and the introduction of Drive Through as a use, with stacking space standards.

³⁸ Editor’s Note: Streamlined parking to not be based on chapel or parlor seating, as many services are standing services.

³⁹ Editor’s Note: Reduced parking to not include a standard based on employees, as hospital employee numbers can fluctuate with temporary staff, additionally, all patients will likely not have their own vehicle parked and/or a visitor – at the same time as all other patients – thus, designated spaces may remain empty majority of the time.

Table 8.5 Minimum Off-Street Parking Requirements³⁶	
<i>Recreation/Entertainment, Commercial Indoor Shooting Range, Indoor</i>	1 per 3 persons based on maximum occupancy, plus 1 per employee on largest shift
<i>Recreation/Entertainment, Commercial Outdoor</i>	<i>If a facility with fixed seating:</i> 1 per 3 seats, plus 1 per employee on maximum working shift <i>If a facility without fixed seating:</i> 1 space per 300 sq. ft. of floor area of enclosed buildings, plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity
<i>Restaurant, General⁴⁰</i>	1 per 150 sq. ft. of floor space, including outside seating
<i>Self-Storage Facility</i>	1 per 5 rental units, plus 1 for each employee, plus 1 for manager/operator
<i>Store, All Types</i>	1 per 250 sq. ft. of floor area
<i>Tradesperson Service</i>	2, plus 1 per employee on maximum working shift
Industrial Uses	
<i>Manufacturing, Light; Manufacturing, Small-Scale</i>	1 per employee on maximum working shift
<i>Data Centers; Warehousing and Distribution</i>	5, plus 1 per employee on maximum working shift
Miscellaneous Uses	
<i>Mixed use structure</i>	1 per 250 sq. ft. of sales floor area, plus 1 space per dwelling unit

Section 8-5-9. Bicycle Parking⁴¹.

- (A) **When Required.** Bicycle parking shall be required for the following:
 - (1) All commercial developments greater than 10,000 sq. ft.; and
 - (2) All multi-family developments.
- (B) **Required Spaces.**
 - (1) 1 bicycle parking space for every 30 required off-street parking spaces, as shown in Table 8.5, above.
 - (2) The maximum number of required bicycle parking spaces shall be 10.
- (C) **Standards.**

⁴⁰ Editor’s Note: Reduced parking to not include a standard based on employees, as total employees may fluctuate seasonal or throughout the week for peak hours.

⁴¹ Editor’s Note: New Section/provisions for bicycle parking, as a result of public engagement, which called for more bicycle paths and parking throughout the County.

- (1) A bicycle rack, bicycle loops, or other device as approved by the Administrator shall be installed to secure bicycles within the bicycle parking area.
- (2) Each rack must:
 - (i) Allow for the securing of the frame and at least one wheel of a bicycle in a bicycle parking space to the rack with an industry-standard U-shaped bike lock;
 - (ii) Provide each bicycle parking space with support for a bicycle in a stable position with direct support to the bicycle frame;
 - (iii) Be securely anchored to the ground or to a structural element of a building or structure; and
 - (iv) Be constructed of materials designed to withstand cutting, severe weather, and permanent exposure to the elements, such as powder-coated steel or stainless steel.
- (3) Bicycle parking must be visible from the main entrance of the building it serves, unless the Administrator determines that another location provides better security for users.
- (4) The location of the bicycle parking area, when fully occupied, shall not obstruct any pedestrian way and a 5 ft. wide pedestrian path shall be maintained at all times.
- (5) A bicycle parking area may not be located in any minimum front, side, or rear setbacks, or required landscaping or transitional buffer.

Section 8-5-10. Joint/Shared Off-Street Loading.

Where a building is used for more than 1 use, and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces, but the aggregate floor area used is greater than such minimum, then off-street loading space shall be provided as if the entire building were used for the use in the building for which the most spaces are required. In such cases, the Administrator may make reasonable requirements for the location of required loading.

Section 8-5-11. Off-Street Loading Design Standards.

- (A) **Minimum Size.** For the purpose of the regulations of this Division, a loading space is a space within the main building or on the same lot providing for the standing, loading, or unloading of trucks, and having a minimum width of 12 ft., a minimum length of 45⁴² ft., and a vertical clearance of at least 15 ft.
- (B) **Location.** All required off-street loading areas shall be located on the same lot as the use served.
 - (1) Within the HCOD, loading spaces shall be located only within side or rear yards and shall be screened from view of the HCOD roadway.⁴³
- (C) **Surfacing.** All off-street loading areas shall be surfaced with an improved dustless surface.

⁴² Editor's Note: Increase of 15 ft.

⁴³ Editor's Note: Carried over from Section 10.4.5 of the existing Ordinance.

- (D) **Screening.** Whenever an off-street loading area is located in or adjacent to a residential district, it shall be effectively screened in accordance with Division 2 of this Article. However, areas requiring natural air circulation, unobstructed view, or other technical considerations necessary for proper operation, may submit a screening plan to be approved by the Administrator.
- (E) **Entrances and Exits.** Location and design of entrances and exits shall be in accordance with VDOT traffic safety and design standards.
 - (1) Where the entrance or exit of a building is designed for truck loading and unloading, such entrance or exit shall be designed to provide a least 1 off-street loading space.
 - (2) Where an off-street loading space is to be approached directly from a major thoroughfare, necessary maneuvering space shall be provided on the lot without impeding the public-right-of-way or any parking space or parking lot aisle.

Section 8-5-12. Off-Street Loading Requirements.

- (A) Off-street loading shall be provided at the time of the erection of any building or structure or at the time any building or structure is altered, enlarged, or increased in capacity by adding dwelling units, guest rooms, floor area, or seats, or a change of use, not less than the amount of loading space required by this Division.
- (B) Space allocated to any off-street loading use shall not be used to satisfy the space requirements for any off-street parking area or portion thereof.
- (C) Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected, or structurally altered to the extent of increasing the floor area by 25% or more, or any building is hereafter converted, for the uses and floor areas listed below, accessory off-street loading spaces shall be provided as required in **Table 8.6⁴⁴**, below.
- (D) The loading space requirements in this Division do not limit other loading requirements contained in the district or use standards of this Ordinance.
- (E) The loading space requirements in this Division do not limit additional requirements that may be imposed in connection with uses permitted by approval of a Special Exception.

⁴⁴ Editor's Note: The existing Ordinance, Section 3.13, states that loading spaces are required for uses such as, "manufacturing, storage, sales, display, a hotel, motel, a hospital, or any activity normally involving the receipt or distribution of materials or merchandise," that exceeds 3,000 sq. ft. Table 8.6 introduces the minimums for various uses, based on floor area, that typically utilize loading spaces.

Table 8.6 | Minimum Off-Street Loading Requirements

Use(s)	Floor Area (in sq. ft.)	Loading Space(s) Required
Commercial and Industrial Uses (except those listed below)	0-2,999	0
	3,000-15,000	1
	15,001-100,000	1 space, plus 1 space for each 20,000 sq. ft.
	<i>each 40,000 over 100,000</i>	1 additional for each
Dwelling, Multi-family; Funeral Home; Hotel; Office; Hospital or similar institutions	0-2,999	0
	3,000-10,000	1
	10,001-100,000	2
	100,001-200,000	3
	<i>each 100,000 over 200,000</i>	1 Additional

Division 6. Signs.

Section 8-6-1. Purpose and Intent.

- (A) The purpose of these sign regulations is to define, permit, and control the size, material, location, and condition of signs in a manner that, as its first priority, protects those who travel in and through the County. These sign regulations are intended to achieve the following community goals and objectives:
- (1) Protect the health, safety, and welfare of the public;
 - (2) Equitably distribute the privilege of using the public environs to communicate private information;
 - (3) Safeguard the public use and nature of the streets and sidewalks;
 - (4) Protect and enhance the visual environment of the County;
 - (5) Discourage the diminishing of property values in the County;
 - (6) Minimize visual distractions to motorists using the public streets;
 - (7) Promote the economic growth of the County by creating a community image that is conducive to attracting new business and industrial development;
 - (8) Permit reasonable effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk, density, and area;
 - (9) Promote the safety of persons and property by requiring that signs not create a hazard due to collapse, fire, decay, or abandonment;
 - (10) Ensure that signs do not obstruct fire-fighting efforts or create traffic hazards by confusing or distracting motorists or by impairing drivers' ability to see pedestrians, obstacles, other vehicles, or traffic signs;
 - (11) Promote commerce and trade, with recognition of the effects of signage on the character of the community; and
 - (12) The Board of Supervisors finds that the regulations in this Division advance the significant government interests identified herein and are the minimum amount of regulation necessary to achieve those interests.

Section 8-6-2. Administration.

(A) **Interpretation.**

- (1) The regulations of this Division shall apply to all new signs, replacement signs, and their modification(s) established after the effective date of this Ordinance.
- (2) Signs not expressly permitted are prohibited.
- (3) Signs containing noncommercial speech are permitted anywhere that advertising or commercial signs are permitted, subject to the same regulations of such signs.

(4) This Division shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.

(B) Application and Permit.

(1) Sign Permit Required.

- (i) No sign shall be erected, installed, altered, modified, refaced, re-hung, or replaced, without obtaining a permit pursuant to this Division, except as otherwise provided in this Division.
- (ii) No permit shall be issued by the Administrator except upon a determination that a proposed sign is in conformity with the requirements of this Division and, where applicable, in conformity with the requirements of an approved Site Plan for the property upon which the sign is to be placed.
- (iii) More than one sign on one building or group of buildings located on the same parcel of land may be included on one application provided that all such signs are applied for at one time.
- (iv) After the issuance of an approved sign permit, the applicant may install and display the approved sign(s). Once installed, the Administrator may inspect the sign(s) for conformance with the approved sign permit and this Ordinance.

(2) Application. An application for a sign permit shall:

- (i) Specify the type of sign to be constructed and the zoning district in which this sign is to be located;
- (ii) Be accompanied with plans including a sketch of the property indicating the lot frontage;
- (iii) Indicate the square footage and location of all existing signs on the property;
- (iv) The area, size, structure, design, location, lighting, and materials for the sign; and
- (v) Contain written consent of the owner or lessee of the land or building upon which the sign is to be erected, if not owned by the applicant.

(3) Duration and Revocation of Permit.

- (i) Any sign permit shall be null and void if any sign for which the permit was issued is not installed in accordance with the permit within 6 months of the date of approval.
- (ii) A sign permit shall become null and void if the use to which it pertains is not commenced within 6 months after the date the sign permit is issued.
 - (a) Upon written request and for good cause shown, the Administrator may grant one 6-month extension.
- (iii) Whenever the use of a building or land is discontinued by the specific business, the sign permit shall expire and all signs pertaining to that business shall be removed by the property owner within 30 calendar days of the discontinuance.

- (iv) The Administrator shall revoke a sign permit if the sign does not comply with applicable regulations of this Division, building code, or other applicable law, regulation, or Ordinance.

Section 8-6-3. Prohibited.

- (A) The following types of signs are prohibited in all zoning districts, unless otherwise specifically permitted in this Ordinance:
 - (1) Any sign affixed to, hung, placed, or painted on any cliff, rock, tree, or other natural feature; public utility pole or structure supporting wire, cable, or pipe; or radio, television, or similar tower;⁴⁵
 - (i) This prohibition shall not affect official traffic, parking, or informational signs placed on utility poles by the County.
 - (2) Any sign or banner within or across a public right-of-way, unless specifically approved by the Virginia Department of Transportation (VDOT) and the King George County Board of Supervisors⁴⁶;
 - (3) Any sign that, due to its size, illumination, location, or height, obstructs the vision of motorists or pedestrians at any intersection, or similarly obstructs the vision of motorists entering a public right-of-way from private property;
 - (4) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized County official as a nuisance;
 - (5) Signs which obstruct any window or door opening used as a means of egress, prevents free passage from one part of a roof to any other part thereof, or interferes with an opening required for ventilation;
 - (6) Signs attached, painted, or mounted to unlicensed, inoperative, or generally stationary vehicles and/or trailers. Vehicles and/or trailers shall not be used primarily as static displays, advertising a business, product, or service, nor utilized as storage, shelter, or distribution points for commercial products or services for the general public⁴⁷;
 - (7) Signs on the roof surface or extending above the roofline of a structure, building, or parapet wall⁴⁸;
 - (8) Any flashing sign or signs with intermittent lights or lights of changing degrees of intensity or color, except those officially erected for safety purposes;
 - (i) This prohibition shall not apply to electronic or digital displays that display messages in intervals of at least 10 seconds.

⁴⁵ Editor's Note: New prohibition.

⁴⁶ Editor's Note: New prohibition.

⁴⁷ Editor's Note: New prohibition.

⁴⁸ Editor's Note: New prohibition.

- (9) Any exposed tubing or strings of lights, either outlining any part of a building or affixed to any ornamental feature thereof, except for seasonal holiday displays which are limited to 45 days.
- (10) Any sign of which all or any part is in motion by any means, including fluttering, rotating or other means of movement.
- (11) Signs that emit sound, smoke, flame, scent, mist, aerosol, liquid, or gas;⁴⁹
- (12) Signs that violate any provision of any Federal or State law relative to outdoor advertising; and
- (13) Any sign representing or depicting specified sexual activities or specified anatomical areas or sexually oriented goods.⁵⁰
- (14) Any signs greater in size, quantity, or window coverage than provided for in **Section 8-6-4**, below.

Section 8-6-4. Exemptions.

- (A) The following signs are exempt from the provisions of this Division and may be erected or constructed without a permit but shall be in accordance with the structural and safety requirements of the King George County Building Code.
 - (1) **Governmental Body or Required by Law.** Signs erected by a governmental body or required by law, including official traffic signs or sign structures and provisional warning signs or sign structures, and temporary signs indicating danger.
 - (2) **Message Content.** The changing of message content, including message content on a changeable message sign if permitted in the district.
 - (3) **Small signs.**
 - (i) **Portable Signs.** Portable signs subject to the dimension requirements in this Division and provided they in no way obstruct vehicular travel, public parking, and/or pedestrian movement along sidewalks and are removed when the establishment is closed for business⁵¹.
 - (ii) **Minor Signs.** Two minor signs per street frontage, each minor sign not to exceed 3 sq. ft. in area.
 - (a) A minor sign is any wall or freestanding sign not exceeding 3 sq. ft. in area, not exceeding 4 ft. in height, and not illuminated. Examples include no trespassing signs, displays of building address, security warning signs, parking signs, entrance/exit signs, and on-site directional signs.
 - (iii) **Temporary Signs.**

⁴⁹ Editor's Note: New prohibition.

⁵⁰ Editor's Note: New prohibition.

⁵¹ Editor's Note: New exemption.

- (a) Temporary signs for events or non-recurring activities, not exceeding 3⁵² sq. ft. in area and erected for not more than 30 consecutive days.
- (b) On a property under construction or renovation, for sale, or for rent, temporary signs not exceeding 6 sq. ft. for single- and two-family residential properties or 18⁵³ sq. ft. for all other residential, nonresidential, or mixed-use properties.
- (iv) **Memorial Plaques and Building Cornerstones.** Memorial plaques and building cornerstones not exceeding 6 sq. ft. in area and cut or carved into a masonry surface or other noncombustible material and made an integral part of the building or structure⁵⁴.
- (4) **Flag Signs.** Flag signs up to 16 sq. ft. in size or up to 50 sq. ft. in commercial and industrial districts, and up to 3 per parcel, provided that the minimum setback for a flagpole is the longest dimension of the pole, in order to prevent the flag or pole falling into the property of another or into a public street, trail, or sidewalk⁵⁵.
- (5) **Window Signs.** Window signs, provided that no more than 20% of the window is covered and no more than 2⁵⁶ illuminated signs.
- (6) **Recreation/Sports Facility Fence Signs.** Signs affixed to the interior of a permanent fence of a recreational or sports facility⁵⁷.

Section 8-6-5. Measurement and General Sign Standards.

(A) Sign Area Calculation.

- (1) The sign area permitted under this Division is determined by measuring the entire face of the sign, including any background incidental to its decoration, but excluding support elements for the sole purpose of supporting the sign.
- (2) The sign area shall be calculated using the smallest rectangle, circle, or triangle that can enclose the sign face.
 - (i) Rectangle formula: sign area = length (L) x width (W)
 - (ii) Circle formula: sign area = πr^2
 - (iii) Triangle formula: sign area = $1/2 \times \text{base (B)} \times \text{height (H)}$
- (3) The surface area of any sign made up only of individual letters or figures shall include the space between such letters or figures.

⁵² Editor's Note: Proposed decrease from 16 sq. ft., as provided for temporary signs in Sec. 3.11.4 (i) of the existing Ordinance. The proposed change is to allow for smaller signs but would allow an unlimited number. If desired, the text can maintain a limit of two of these signs, at a larger size.

⁵³ Editor's Note: Decrease from 32 sq. ft., as provided in Sec. 3.11.4 (e) of the existing Ordinance.

⁵⁴ Editor's Note: New exemption.

⁵⁵ Editor's Note: New exemption.

⁵⁶ Editor's Note: Added an illuminated sign maximum for window signs, to abate the amount of lit window signs.

⁵⁷ Editor's Note: New exemption.

(4) Whenever one sign contains information on both sides, sign area shall be calculated based on the largest sign face. Faces are not totaled.

(B) **Sign Height⁵⁸.**

(1) The maximum height for signs shall be as provided in Table 8.7 and Table 8.8, provided in Section 8-5-6, below.

(2) The height of a sign shall be computed as the distance from the base of the sign at average grade to the top of the highest attached component of the sign.

(C) **Sign Setbacks⁵⁹.**

(1) Signs less than 10 ft. in height: minimum of 5 ft. from the street right-of-way.

(2) Signs 10 ft. or greater in height: minimum of 15 ft. from the street right-of-way.

(D) **Illumination.**

(1) All permitted signs may be internally or externally lit.

(2) No sign shall be illuminated in such a way that light may shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling.

(3) Any electrical sign shall display the required UL, ETL, CSA, or ULC label.

(4) Illumination shall be no greater than 700⁶⁰ nits from sunrise to sunset, or 500 nits from sunset to sunrise and be equipped with automatic brightness control which can dim the display brightness when ambient conditions exist.

(5) Electronic service lines shall be underground.

Section 8-6-6. Special Sign Standards.

(A) **Off-Site Signs⁶¹.** Off-Site signs shall be permitted, only if written permission, as part of the sign permit application, is provided by the owner of the property where the off-site sign is to be located.

(1) All off-site signs shall comply with the provisions of the District it is located in and all other provisions of this Division, as applicable.

⁵⁸ Editor's Note: The existing Ordinance (Section 3.11.6) provides that all signs cannot exceed 25 ft unless an SE is granted. Recommend providing height limits based on type, use, and district, to avoid superfluous SE applications.

⁵⁹ Editor's Note: Setbacks retained from the existing Ordinance. Another streamlined option for sign setbacks is to require that all signs are set back from rights-of-way a minimum equal to half the height of the sign; while this method would prevent uniform setbacks, it would allow for signs to be closer to the road, if they are smaller in size.

⁶⁰ Editor's Note: The United States Sign Council's *Best Practice Recommendations & Standards for On-Premise Sign Lighting* provides that for LED lighting, 10,000 nits is a common maximum reached, with a recommendation that standards provide a maximum of 700 nits prior to sunset.

⁶¹ Editor's Note: During the County tour, it was noted that off-site signage is an issue within the County, as the existing Ordinance does not permit off-site signage, but many businesses in the County are located away from road frontage. This provision has been revised/added to provide for off-site signage, requiring the permission be given if the sign is on property not owned by the owner of the sign and that the off-site sign comply with all other provisions on this Division, as if the sign was on-site to the business or establishment it is for.

(2) Any off-site sign shall count towards the maximum sign limit for the lot where it is located.

(3) All off-site signs shall meet VDOT standards.

(B) **Changeable Signs.** Within any commercial or industrial district, 1 changeable sign per lot shall be permitted, subject to the following requirements:

(1) The changeable sign may be an existing or proposed freestanding, wall, or projected sign.

(2) The message shall not be changed more than once every 10 seconds, move, flash, or display animation, as prohibited in this article.

(3) Any changeable message sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, thereby causing motion, movement, flashing or any other similar effects, shall be repaired, covered, or disconnected by the owner or operator of such sign within 24 hours of Notice of Violation.

(C) **Projecting Signs.**

(1) Signs projecting over public walkways, including doors and entryways, shall be a minimum height of 8 ft. from average grade to the bottom of the sign.

(2) Projecting signs shall not extend more than 4 ft. beyond the face of the building or greater than 2 ft⁶². from the curb line towards the building the sign is attached to.

(3) Signs, architectural projections, or sign structures projecting over vehicular access areas shall have a minimum vertical clearance of 14 ft.⁶³

(D) **Temporary Signs.**

(1) Each temporary sign shall be maintained in good, safe condition, securely affixed to a building or the ground.

(2) Any temporary sign pertaining to an event must be removed within 10 days after the event.

(3) No temporary sign shall be illuminated.

Section 8-6-7. Permitted Signs by District.

(A) The following standards, shown in **Table 8.6**, Maximum Sign Dimensions – Agricultural and Residential Districts,⁶⁴ **Table 8.7**, Maximum Sign Dimensions – Commercial and Industrial Districts, and **Table 8.8**, Maximum Sign Dimensions – HCOD, show the maximum sign dimensions, per type

⁶² Editor's Note: Added provision to ensure that signs do not project to far towards the curb line.

⁶³ Editor's Note: Retained from the existing Ordinance (Sec. 3.11.8.2)

⁶⁴ Editor's Note: The existing Ordinance does not differentiate between signs in agricultural and residential districts based on their use, whether residential or nonresidential. As that is the proposed method, it should be noted here that the proposed dimensions are different from the existing Ordinance. In some cases, the maximum is larger, and others it is smaller. For ease of reviewing, each change has not been noted here; careful attention should be given to the proposed dimensions and those provided in the existing Ordinance. The proposed dimensions are recommended to ensure signs within predominately residential areas are not overly large, while also accounting for non-residential uses that may require larger signs.

of sign, permitted in each district for all by-right and Special Exception uses, subject to all other requirements of this Ordinance.

- (1) Signs requiring a sign permit within planned developments (Resort Community and Mixed-Use districts) will be determined as part of the rezoning process.
- (B) Sign area square footage limits are provided per sign, unless specified as a total.
 - (1) Total area is calculated as an aggregate of all signs of that type.
- (C) See Article XI, Definitions, of this Ordinance, for the definitions of the sign types provided in the Tables of this Division.
- (D) For the purposes of **Table 8.6**, the Residential Uses shall be those under the Residential category in Table 6.1, Use Matrix, and Non-Residential Uses shall be those under the Agriculture, Public/Civic/Recreation, Commercial, Industrial, and Miscellaneous category of Table 6.1, Use Matrix.

Table 8.6 Maximum Sign Standards – Agricultural and Residential Districts						
Sign Type ⁶⁵	Residential Uses			Non-Residential Uses		
	Number	Area (square feet)	Height (feet)	Number	Area (square feet)	Height (feet)
Freestanding	1 per street frontage; 2 permitted if for subdivision entrance	12 ¹ ⁶⁶	6	1 per street frontage	16	6
Wall	1 per street frontage	12 ⁶⁷	n/a	1 per street frontage	16	n/a

¹ Subdivision monument signs may be a maximum of 20 sq. ft.

⁶⁵ Editor’s Note: Minor, portable, and temporary signs are new additions to maximum sign standards; the existing Ordinance only provides for freestanding and wall signs.

⁶⁶ Editor’s Note: Existing Ordinance allows freestanding sign, in ag, R-2, and R-3 districts, at a maximum of 50 sq. ft. in area. Recommend reducing the maximum to reduced large signs in areas that are predominately residential.

⁶⁷ Editor’s Note: Existing Ordinance allows wall signs, in ag, R-2, and R-3 districts, at a maximum of 3 sq. ft. in area. Recommend increasing this maximum to align with freestanding signs, for uniform sign sizes throughout residential districts.

Table 8.7 | Maximum Sign Standards – Commercial and Industrial Districts

Sign Type ^{68,69}	Number	Area (square feet) LF = Linear Foot	Height (in feet)
Freestanding (1 business)	1 per street frontage	50	10
Freestanding (2+ businesses with coordinated access point(s))	1 per street frontage, per access point	150 ¹ ⁷⁰	25
Projecting	1 per street frontage	12	n/a
Wall	Unlimited	1.5 ⁷¹ sq. ft. for every 1 LF of building face occupied by the tenant; 200 sq. ft. maximum	n/a
Canopy	1 per street frontage	0.5 ⁷² sq. ft. per LF of canopy fascia on which the sign is mounted	n/a

¹ Provided that any 2 signs on the same public street are at least 75 ft. apart.

Table 8.8 | Maximum Sign Standards – Highway Corridor Overlay District (HCO)

Sign Type ^{73,74}	Number	Area (square feet) LF = Linear Foot	Height (in feet)
Freestanding (1 business)	1 per street frontage	35	8
Freestanding (2+ businesses with coordinated access point(s))	1 per street frontage, per access point	100 ¹	15
Projecting	1 per street frontage	12	n/a
Wall	Unlimited	1.5 sq. ft. for every 1 LF of building face occupied by the tenant; 200 sq. ft. maximum	n/a
Canopy	1 per street frontage	0.5 sq. ft. per LF of canopy fascia on which the sign is mounted	n/a

¹ Provided that any 2 signs on the same public street are at least 75 ft. apart.

⁶⁸ Editor’s Note: Propose providing freestanding signs based on whether they are for an individual business in a standalone building, and freestanding signs for 2+ businesses (strip malls, developments, etc.) that share a building.

⁶⁹ Editor’s Note: Canopy is a new addition to maximum sign standards; the existing Ordinance only provides for freestanding, projecting, and wall signs.

⁷⁰ Editor’s Note: 150 sq. ft. is the maximum allowed per the existing Ordinance; propose providing only the maximum here, rather than the step-stair approach in the existing Ordinance (Sec. 3.11.2 (a) (i)).

⁷¹ Editor’s Note: Lowered from 2 sq. ft.

⁷² Editor’s Note: The existing Ordinance states the canopy signs may be permitted up to 6 sq. ft.

⁷³ Editor’s Note: Propose providing freestanding signs based on whether they are for an individual business in a standalone building, and freestanding signs for 2+ businesses (strip malls, developments, etc.) that share a building.

⁷⁴ Editor’s Note: Canopy is a new addition to maximum sign standards; the existing Ordinance only provides for freestanding, projecting, and wall signs.

Section 8-6-8. Nonconforming Signs⁷⁵.

(A) Nonconforming Signs.

- (1) Any sign legally existing at the time of the effective date of this Ordinance that does not conform in use, location, height, or size with the regulations of the district in which such sign is located, shall be considered legally nonconforming and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:
 - (i) A nonconforming sign shall not be enlarged, nor shall any feature of a nonconforming sign such as, illumination, be increased.
 - (ii) A nonconforming sign shall not be moved for any distance on the same lot or to any other lot unless:
 - (a) Such change in location will make the sign meet all current requirements of this Division; or
 - (b) Such change in location is to conform to required setbacks of this Ordinance.
 - (iii) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding 50% of its sign area, may be restored within 2 years after such destruction or damage but shall not be enlarged in any manner.
- (2) If such a sign is destroyed or damaged to an extent exceeding 50%, it shall not be reconstructed but may be replaced with a sign that meets all current requirements of this Division.
- (3) Notwithstanding any contrary provision in this Ordinance, no nonconforming sign is required to be removed solely by the passage of time.

Section 8-6-9. Maintenance and Enforcement⁷⁶.

(A) Maintenance, Repair, and Removal.

- (1) Every sign permitted by this Division shall be kept in good condition and repair.
- (2) If a sign is in violation of the provisions of this Ordinance, the owner shall correct such violations and make the sign conform with the provisions of this Division, within 10 days of a Notice of Violation from the Administrator. Signs in violation may include:
 - (i) Any that becomes insecure, in danger of falling, or is otherwise deemed unsafe by the Administrator; or
 - (ii) Any sign that is unlawfully installed, erected, or maintained in violation of any of the provisions of this Ordinance.
- (3) If within 10 days the Notice of Violation is not complied with, the Administrator shall be permitted to remove or cause such sign to be removed at the expense of the owner of the sign.

⁷⁵ Editor's Note: Additional provisions added for nonconforming signs.

⁷⁶ Editor's Note: New Section; (2) contains similar language to that found in Section 3.11.9 of the existing Ordinance.

- (4) If a sign presents an imminent and immediate threat to life or property, then the Administrator may abate, raze, or remove it, and may bring an action against the responsible party to recover the necessary costs incurred for abating, razing, or removing the sign.

(B) Removal of Abandoned Signs.

- (1) A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises.
- (2) If the owner or lessee fails to remove such sign, the Administrator shall give the owner 30 days' written notice to remove it.
- (3) Upon failure to comply with this notice, the Administrator may remove the sign at cost to the property owner.

Division 7. Open Space^{77,78}.

Section 8-7-1. Purpose and Intent.

- (A) The standards in this Division are intended to ensure that a minimum amount of required open space is provided in new development for the use and enjoyment of the development's residents, employees, and users in a manner that:
- (1) Preserves the County's natural resources;
 - (2) Provides open areas for use as active and passive recreation;
 - (3) Reduces the heat island effect of developed areas;
 - (4) Provides civic and meeting spaces for use by the public;
 - (5) Preserves trees and strands of older growth;
 - (6) Enhances stormwater management; and
 - (7) Provides other public health benefits.

Section 8-7-2. Applicability.

- (A) **General.** Unless exempted in accordance with **8-7-2 (B)**, below, all new development within agricultural, residential, and planned development districts in the County must comply with the standards in this Division.
- (B) **Exemptions.** The following development is exempted from the standards in this Division:
- (1) Any development not part of a larger development plan (e.g., a residential subdivision of 10 or more lots, or part of a planned development) that consists of single- or two-family dwellings on individual lots, or other development on individual lots smaller than 25,000 sq. ft.;
 - (2) Subdivision of less than 10 lots;
 - (3) Utility uses;
 - (4) Agricultural uses; and
 - (5) Development where the total minimum open space set-aside otherwise required by this Division, including all phases of development, would be 100 sq. ft. or less.

⁷⁷ Editor's Note: The existing Subdivision Ordinance (Sec 8.3.2) provides open space requirements for certain residential developments/subdivisions based on lot size and cluster developments. As discussed, and proposed in drafting of Article 4, recommend providing streamlined and universal open space requirements for all subdivisions (greater than 10 lots), residential development within R-3, planned developments, and cluster developments, as shown in the requirements in 8-6-3.

⁷⁸ Editor's Note: This Division is predominately new, including sections pertaining to what counts and does not count as open space, general design standards; and ownership and maintenance of open space.

- (C) **Timing of Review.** Review for compliance with the standards of this Division will occur during review of an application for a planned development, Zoning Permit, Special Exception, Building Permit, Certificate of Occupancy, Site Plan, or Subdivision Plat, as appropriate.
- (D) **Open Space Plan Required.** All development applications subject to review for compliance with the standards of this Division must include an Open Space Plan, which shall designate all open-space areas, including the amount of each type of open space provided, and the relation of each open space area to the constructed areas of the site, including all buildings and circulation systems.

Section 8-7-3. Amount of Open Space Required⁷⁹.

- (A) Development subject to these standards must provide required open space in an amount that meets or exceeds the minimum provided in **Table 8.9, Minimum Open Required Space**, based on the district where the development is proposed.

Table 8.9 Minimum Required Open Space		
District	Standard Development ⁸⁰	Cluster Development
A-1	25% for subdivisions of 10 or more lots	<i>Cluster development not permitted</i>
A-2 and A-3	20% for subdivisions of 10 or more lots	55%
R-1 and R-2	15% for subdivisions of 10 or more lots	45%
R-3	20%	
R-C	40%; of that 40%, a minimum of 5,000 sq. ft per 2 acres shall be for active or passive recreation	<i>Cluster development not permitted</i>
M-U	25%; of that 25%, a minimum of 5,000 sq. ft per 2 acres shall be for active or passive recreation	

Section 8-7-4. Areas Counted as Open Space.

- (A) The features and areas identified below shall count toward required open space as required by this Division.
 - (1) **Natural Features.**

⁷⁹ Editor’s Note: Article IV, Primary Zoning Districts, included minimum open space requirements within the district standards. As a result of drafting this Article, recommend removing the requirements from Article IV and supplying all open space requirements and standards here, in one place.

⁸⁰ Editor’s Note: Agricultural districts require the most open space, with A-1 requiring the most, to protect the natural open space and “rural character” of those areas.

- (i) **Description**⁸¹. Native mixed forests, existing and healthy wooded areas, wildlife habitat areas, natural vegetation, streams, rivers, ponds, lakes, wetlands, steep slopes, drainageways, riparian buffers, other riparian areas, and flood hazard areas.
 - (ii) **Limitation.**
 - (a) In agricultural districts, 100% of the required open space may be comprised of natural features.
 - (b) In all other districts, only 50% of the required open space shall be comprised of natural features.
- (2) **Passive Recreation Areas.**
- (i) **Description.** Planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, community gardens, picnic shelters, gazebos, and similar structures.
 - (ii) **Design Requirements.** Passive recreation areas must have at least 1 direct access to a building or to a street or walkway accessible to the development’s residents and users.
- (3) **Active Recreation Areas.**
- (i) **Description.** Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, and community buildings and clubhouses.
 - (ii) **Design Requirements.** Land must be compact and contiguous unless used to link or continue an existing or planned open space resource. Areas must have at least 1 direct access to a building or to a street or walkway accessible to the public or the development’s residents and users.
- (4) **Required Landscaping and Buffers.**
- (i) **Description.** All areas occupied by required landscape areas and transitional buffers, except for parking lot landscaping.
 - (ii) **Design Requirements.** As provided in Division 2 of this Article.
- (5) **Stormwater Management Areas/Facilities Treated as Site Amenities.**
- (i) **Description.** Stormwater management features that are incorporated into a site amenity (e.g., with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water circulation device, and pedestrian access or seating).

⁸¹ Editor’s Note: Section 5.2 and Section 8.3.2 of the existing Subdivision Ordinance state that open space shall not include floodplains, wetlands, steep slopes, etc. Recommend allowing these areas to count towards required open space, as it is a means of protecting those sensitive environments. Certain developments (MU, RC) require that a minimum amount of the open space be for active or passive recreation, this would ensure that those developments’ open space is not *only* met by existing sensitive areas.

- (ii) **Limitation.** Up to 75% of the land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices) may be included as open space.
 - (iii) **Design Requirements.** To qualify, stormwater management facilities must support passive recreation uses by providing access, pedestrian elements such as paths and benches, gentle slopes (less than 3:1), and vegetative landscaping.
- (6) **Public Access Easements.**
- (i) **Description.** Public access easements that include paths or trails that are available for activities such as walking, hiking, running, and/or biking.
 - (ii) **Design Requirements.** Such access easements must include at least 1 improved access from a public street, sidewalk, or trail that includes signage designating the access point.
- (7) **Squares and Plazas⁸².**
- (i) **Description.** Flat, open areas immediately in front of a building/group of buildings or framed by buildings or streets that provide gathering places, opportunities for outdoor dining, and other similar activities.
 - (ii) **Design Requirements.** A square or plaza must be at least 200 sq. ft., but no more than one acre, in area. It must have at least 1 direct access to a principal building, or to a street or walkway accessible to the public or the development's residents and users. Surrounding principal buildings must be oriented toward the square or plaza where possible.

Section 8-7-5. Areas Not Counted as Open Space.

- (A) The following features and areas will not be counted as required open space for purposes of this Division:
- (1) More than 50% of open space comprised of natural features, for residential, commercial, industrial, and planned development districts, as provide in 8-7-4 (A) (1), above.
 - (2) More than 25% of all required Cluster Development setbacks.
 - (i) If Cluster Development setbacks are used towards open space, the portion of the setback used as open space must be adjacent to the remaining required open space.
 - (3) Yards on lots containing a single- or two-family dwelling, or manufactured home;
 - (4) Street rights-of-way, private access easements, or utility easements, including sidewalks located within those rights-of-way or easements;
 - (5) Parking areas and driveways, including parking lot landscaping and walkways;
 - (6) Land covered by structures, unless designed for active or passive recreational uses;

⁸² Editor's Note: This open space type is intended to provide an open space option tailored toward Mixed-Use districts and developments, or larger, cohesive commercial developments that may be proposed for the County.

- (7) Designated outdoor storage areas and mechanical yards; and
- (8) Stormwater management facilities not located and designed as a site amenity, as described in **Section 8-7-4, above.**

Section 8-7-6. Design and Development Standards.

(A) Location.

- (1) Required open space must be readily accessible by residents and users of the development to the maximum extent practicable.
- (2) To the extent practicable, a portion of the open space should provide focal points for the development through prominent placement or direct visibility from streets.

(B) Configuration.

- (1) Required open space must be compact with a minimum of 40% of the required open space contiguous unless:
 - (i) A linear configuration is needed to continue an existing trail or accommodate preservation of natural features; or
 - (ii) It can be demonstrated that a different configuration provides better access to usable open space for intended users of the open space.
- (2) If the development site is adjacent to existing or planned public trails, parks, or other public open space area, the required open space must, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other public open space area.
- (3) Pedestrian access to required open space must be provided from sidewalks or other pedestrian ways within or adjacent to the development.

(C) Limitations.

- (1) Development within required open space shall be appropriate to the purposes of the type of required open space.
- (2) All structures within required open space shall comply with setback and other dimensional requirements of the district for which the development is located.

Section 8-7-7. Ownership and Maintenance.

- (A) All required open space must include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes and provide for the continued and effective management, operation, and maintenance of the land and facilities.
 - (1) Stormwater management facilities treated as site amenities must be maintained to provide for the effective management of stormwater and as a passive recreation.
- (B) Required open space must be maintained by the developer or owner of the project or by a property owners' association comprising owners of the property in the project.

- (1) If property is conveyed to the property owners' association, deed restrictions and covenants, in form satisfactory to the County Attorney, must provide that any assessments, charges, or costs of maintenance of required open space constitute a pro rata lien upon the individual properties inferior in lien and dignity only to taxes and bona fide duly recorded first deeds of trust on each property or lot.
- (C) Required open space may be dedicated to the County for public use only in a manner and form approved by the County.
- (D) Maintenance of natural features is limited to the minimum removal and avoidance of hazards, nuisances, and unhealthy conditions, and the clearing of debris from trails.

Division 8. Utilities⁸³.

Section 8-8-1. Purpose and Intent.

The purpose of this Division is to protect the public health, safety, and welfare of the County, and the environment through ensuring that the location and design of private wells and on-site sewage disposal systems are built to sustain and protect natural resources and are in compliance with all other local and State regulations.

Section 8-8-2. Required Connection to King George County Service Authority.

(A) When Required.

- (1) In accordance with the King George County Service Authority Regulations, any owner of property adjacent to a right-of-way or easement within which there is located a public water main or public wastewater line, or both, shall be required to connect each new development and/or any voluntary upgrades or enhancements to existing systems.

(B) When Not Required. An owner of property shall not be required to connect an existing structure when the following conditions apply:

- (1) When the existing structure is served by an existing functional domestic supply source of potable water which meets the standards established by the Virginia Department of Health.
- (2) When the existing structure is served by a private septic system or domestic sewage system which:
 - (i) Has absorption trenches that are functioning properly. The Virginia Department of Health shall determine whether absorption trenches are functioning properly; or
 - (ii) Can be made to function properly by replacing or repairing one of the following:
 - (a) Building sewer;
 - (b) Septic tank or any of its parts;
 - (c) Pump or pump chamber;
 - (d) Conveyance lines; or
 - (e) Distribution box.
 - (iii) Additionally, a one-time remedial repair may be made to correct a failing drainfield that would not require excavation or replacement of any portion of the drainfield, such as a chemical treatment, flushing, or root removal. Minor excavations to access the drainfield lines will be allowed.
- (3) A replacement structure is needed due to natural disaster or fire; or

⁸³ Editor's Note: New Division to address additional standards to ensure adequate construction – and compliance with VDH requirements – of private utilities.

- (4) When access to the property to be connected requires the crossing the property of another owner, other than the Authority or the Virginia Department of Transportation.

Section 8-8-3. Applicability.

- (A) The requirements of this Division shall apply to all new private wells and on-site sewage disposal systems, and any voluntary upgrades, enhancements, or physical additions/expansions to existing systems.
- (B) The repair of a previously permitted on-site sewage disposal system or the replacement of an existing private, well when performed under a valid repair/replacement permit issued by the Virginia Department of Health, shall be exempt from this Division.

Section 8-8-4. Compliance.

- (A) No provision contained in this Division shall be construed to interfere with any requirements that may be imposed by the Virginia Department of Health, and all well and on-site sewage disposal systems shall comply with such requirements.
- (B) Private wells and on-site sewage disposal systems shall not be constructed within the County unless and until a certificate is obtained from the County Engineer stating that a public connection is not accessible to the property and no such water or sewer service is proposed for construction in the immediate future.
 - (1) No certificate shall be issued for any private well or on-site sewage disposal system, unless and until a valid construction permit is issued by the Virginia Department of Health.
- (C) All private wells and on-site sewage disposal systems shall comply with the provisions and regulations of the Virginia Department of Health permit, including capacities.
- (D) Building contractors, plumbers, well diggers and well drillers, or any person making installation and/or repairs to existing installations, shall be responsible to the owners of lots for compliance with this Division.

Section 8-8-5. On-Site Sewage Disposal Systems.

- (A) **Location.** Sewage disposal systems shall be located only where permitted by the Virginia Department of Health.
- (B) **Size.** All newly constructed on-site sewage disposal systems shall be sized to accommodate the number of bedrooms provided on the building plans.
- (C) **Reserve Drainfield.**
 - (1) All newly constructed structures served by on-site sewage disposal systems to which this Division applies shall have a 100% reserve to drainfield in addition to a primary drainfield.
 - (i) Said reserve drainfield shall have the same soil requirements as the primary drainfield areas and shall be located not less than 100 ft. from any existing well or permitted well.

Section 8-8-6. Private Wells.

- (A) **Additional Standards.** These standards shall be supplementary to the standards provided in Article VII, Use Performance Standards, of this Ordinance, for Community/Public Water Systems and Shared Water Systems.
- (B) **Location.**
- (1) All private wells shall be properly located on the lot consistent with the general layout, topography, and surroundings, including abutting lots.
 - (2) All private wells shall be located in accordance with the setbacks of 12VAC5-630-380 of the Virginia Administrative Code.
 - (3) All private wells, when possible, shall be setback 15 ft. from all property lines.
 - (i) This provision shall not apply when it can be demonstrated to the Administrator that the only suitable location for the private well is within the setback of (B) (3), above.
- (C) **Siting Standards.**
- (1) **Downslope Siting from Source of Pollution.** In accordance with 12VAC5-630-380 of the Virginia Administrative Code, special precaution shall be taken when locating a well within a 60 degree arc directly downslope from any part of any existing or intended onsite sewage disposal system or other known source of pollution, including, but not limited to buildings subject to termite or vermin treatment, or used to store polluting substances or storage tanks or storage areas for petroleum products or other deleterious substances. The minimum separation distance shall be:
 - (i) Increased by 25 ft. for every 5.0% of slope; or
 - (ii) An increase shall be made to the minimum depth of grout and casing in the amount of 5 ft. for every 5.0% of slope.
 - (2) **Siting in Swampy Areas, Low Areas, or Areas Subject to Flooding.** No private well shall be located in areas subject to the collection of pollutants such as swampy areas, low areas, or areas subject to flooding.
 - (i) However, a system may be located in a floodplain upon affirmative finding by the Board of Supervisors that placement of the well within the floodplain is the only available alternative to rectify an existing problem of water quality or quantity.
 - (ii) Wells located in floodplains shall be adequately constructed so as to preclude the entrance of surface water during flood conditions. At a minimum, such construction will include extending the well terminus 18 inches above the annual flood level.