



POWHATAN COUNTY PLANNING COMMISSION

Agenda: Regular Meeting and Workshop

Tuesday, December 3, 2019

7:00 PM

Powhatan Village Building Auditorium
3910 Old Buckingham Road

1. Call to Order

Karin Carmack (Chair)

2. Invocation

David Van Gelder (Vice Chair)

3. Administrative Items

- a. Request to Postpone Action/Amend the Agenda
- b. Approval of Minutes: November 6, 2019 (Regular Meeting) ([p. 3](#))

4. Public Comment Period

At this time, the Planning Commission will hear citizen comments on unscheduled matters involving the services, policies, and affairs of Powhatan County government regarding planning or land use issues.

5. Old Business

None

6. Public Hearings

- a. **Case #19-09-REZC:** Richard Lee Bucher (District #4: Powhatan Courthouse/Mt. Zion) requests the rezoning of Tax Map Parcel #39-4A from Agricultural-10 (A-10) to Village Residential (VR) with proffered conditions and amendment of the zoning district map of approximately 5.66 acres of land with frontage along the north side of State Route 13 (Old Buckingham Road) approximately 0.25 miles west of State Route 620 (Mill Quarter Road) (3780 Old Buckingham Road). Proffered conditions address maximum residential densities (up to 3 single-family dwelling units), minimum lot area (1.5 acres), building design, access, and right-of-way dedication. The 2019 Long-Range Comprehensive Plan designates the subject property as Village Residential (Courthouse Village Special Area Plan), which recommends maximum residential densities of four units per acre. ([p. 6](#))

7. New Business

None

8. Workshop

- a. Initial Presentation: Case #19-08-REZC (Lipscomb Real Estate Holdings, LLC) ([p. 40](#))
- b. Discussion: Recommended Densities (2019 Long-Range Comprehensive Plan) ([p. 51](#))
- c. Discussion: Amendments to Planned Development Zoning Districts ([p. 74](#))

- d. Discussion: Revisions to the Sign Ordinance (Sec. 83-488) ([p. 78](#))
- e. Discussion: Revisions to Article XI (Definitions) of the Zoning Ordinance ([p. 99](#))

9. Adjourn

Next Meeting: Tuesday, January 7, 2020

November 6, 2019

VIRGINIA: AT A REGULAR MEETING OF THE PLANNING COMMISSION HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, NOVEMBER 6, 2019 AT 7:00 PM

Planning Commissioners Present	Karin Carmack, District 1, Chairman David Van Gelder, District 5, Vice-Chairman Donna Moore, District 3 Bill Cox, District 4
Planning Commissioners Absent	Amy Kingery, District 2
Staff Members Present	Andrew Pompei, Planning Director Kelley Kemp, Assistant County Attorney Bret Schardein, Assistant County Administrator Ed Howland, Principal Planner Alyson Oliver, Planner II

1. Call to Order

Ms. Carmack called the meeting to order at 7:00 PM.

2. Invocation

Mr. Van Gelder gave the invocation. Following the invocation, Ms. Carmack led the Planning Commission and attendees in a moment of silence in memory of former Planning Commission member Owen Walker.

3. Administrative Items

a. Request to Postpone Action/Amend the Agenda

None.

b. Approval of Minutes

Ms. Carmack motioned to approve the minutes from the regular meeting and workshop on October 1, 2019 as presented.

Ms. Carmack, Mr. Van Gelder, Ms. Moore, and Mr. Cox voted AYE.

**VOTE 4-0
MOTION Passed**

4. Public Comment Period

Ms. Carmack opened the public comment period.

Seeing as there were no speakers, the public comment period was closed by Ms. Carmack.

5. Old Business

None

6. Public Hearings

- a. **Case #19-06-REZC: Markel Eagle Partners, LLC (District #1: Subletts/Manakin/Flat Rock)** requests the rezoning of Tax Map Parcels #42-55A, 42-55B, 42-57G, 42-72 and a portion of Tax Map Parcel #42-55 from Agricultural-10 (A-10) and General Commercial (C) with proffered conditions (Case #06-14-REZC) to Commerce Center (CC) with proffered conditions and Village Residential Planned Development (VR-PD) with proffered conditions and amendment of the zoning district map of approximately 43.15 acres of land with frontage along the north side of U.S. Route 60 (Anderson Highway) at its intersection with State Route 1101 (Holly Hills Road) and along the south side of State Route 675 (Page Road) at its intersection with State Route 1110 (Old Powhatan Estates), including 1680 Anderson Highway and 1647 Page Road. Approximately 5.06 acres will be rezoned to CC with proffered conditions and approximately 38.09 acres will be rezoned to VR-PD with proffered conditions (Maximum Density: 79 Dwelling Units/2.07 Dwelling Units Per Acre). Proffered conditions associated with the proposed CC zoning district address building materials, parking lot surfacing, and shared access. Proffered conditions associated with the proposed VR-PD zoning district address adherence to a master plan, maximum residential densities (up to 79 single-family dwelling units), perimeter buffers, stormwater management, transportation improvements, provision of age-restricted units, and cash proffers. The 2019 Long-Range Comprehensive Plan designates the subject properties as Commerce Center and Village Residential (Route 60 Corridor East Special Area Plan) on the Countywide Future Land Use Plan, with maximum recommended densities in the Village Residential land use designation being four dwelling units per acre.

Mr. Pompei gave an overview of this request. Natalie Croft (Markel Eagle Partners) gave a short presentation to the Planning Commission, highlighting key aspects of the plan, including how it relates to the 2019 Long-Range Comprehensive Plan, and specific details regarding site layout, proposed transportation improvements, proposed landscaping, and fiscal impact.

Ms. Carmack opened the public hearing.

Carl Schwendeman (1727 Theresa Lane) spoke on the request, posing questions regarding proposed pedestrian infrastructure and other transportation improvements along U.S. Route 60 (Anderson Highway).

Mike Hall (1746 Old Powhatan Estates) spoke in opposition to the request, expressing concerns with the proposed density and proposed location.

Deborah Weir (1501 Page Road) expressed concerns with the proposed development, specifically noting the proposed density, potential impacts on public services, regulation of construction traffic, and impacts to the area's rural character.

Elaine Hall (1746 Old Powhatan Estates) spoke in opposition to the request, expressing concerns with traffic, potential impacts on public services, and the community's need for additional age-restricted communities.

Floyd Greene (2047 Hancock Road) expressed concerns with the project's impact on public utilities (water availability).

Jim Carver (4245 Steger Creek Drive) expressed concerns with potential transportation-related impacts, the project's lack of significant environmental design, and its compatibility with the adopted comprehensive plan.

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Steve Willis (1870 Boyer Road) expressed concerns with potential impacts to the local transportation network and the area's rural character.

Bobby Hall (1770 Old Powhatan Estates) expressed concerns with stub roads shown on the conceptual plan and their implications for future development.

Following the final speaker, Ms. Carmack left the public hearing open and made a motion to **defer** the request for 60 days. Members of the Planning Commission expressed concerns with the project's potential impacts on the local transportation network (level of service on adjacent roadways) and the lack of information provided regarding the commercial component of the proposed development.

Ms. Carmack, Mr. Van Gelder, Ms. Moore, and Mr. Cox voted AYE.

VOTE 4-0
MOTION Passed

7. New Business

a. Case #19-04-PB: Development Design Pattern Book (Tax Map Parcel #41-12)

Mr. Pompei provided an overview of this request.

The Planning Commission briefly discussed the specifics of the request and the recommend **approval** of this request with the following conditions:

The following features must be incorporated into the design of street-facing elevations prior to site plan approval:

- *Awnings (with muted and/or earth-toned colors) above windows and/or doors OR a covered porch/stoop at the primary building location; and*
- *Projection(s) that adhere to requirements set forth in Sec. 83-477(k)(1) (wall offsets that are at least one foot deep, at least ten feet wide, and spaced no more than 40 feet apart).*

8. Adjourn

Prior to adjourning the meeting, Mr. Cox initiated a series of discussions regarding issues that he would like the Planning Commission and Department of Community Development to consider in the following months. They include:

- Assessing current density standards and guidelines for residential development in the Zoning Ordinance and 2019 Long-Range Comprehensive Plan to determine if any adjustments need to be made to ensure these documents align with the County's goals;
- Reviewing the requirements for approval of a Planned Development (PD) District to see if changes could be made to raise the quality of development proposals being submitted;
- Clarifying the requirements for filing a complete application; and
- Determining whether or not project phasing should be mandated in all projects.

There being no further business, Ms. Carmack adjourned the meeting at 8:13 PM, cancelling the scheduled workshop.

Karin Carmack
Chairman

Andrew Pompei
Planning Director



Powhatan County Planning Commission Agenda Item

Meeting Date: December 3, 2019

Agenda Item Title: **Case #19-09-REZC:** Richard Lee Bucher (District #4: Powhatan Courthouse/Mt. Zion) requests the rezoning of Tax Map Parcel #39-4A from Agricultural-10 (A-10) to Village Residential (VR) with proffered conditions and amendment of the zoning district map of approximately 5.66 acres of land with frontage along the north side of State Route 13 (Old Buckingham Road) approximately 0.25 miles west of State Route 620 (Mill Quarter Road) (3780 Old Buckingham Road). Proffered conditions address maximum residential densities (up to 3 single-family dwelling units), minimum lot area (1.5 acres), building design, access, and right-of-way dedication. The 2019 Long-Range Comprehensive Plan designates the subject property as Village Residential (Courthouse Village Special Area Plan), which recommends maximum residential densities of four units per acre.

Motion: In accordance with Article II of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Planning Commission recommends (*approval / denial / deferral*) of the request submitted by Richard Lee Bucher to rezone approximately 5.66 acres of land from Agricultural-10 (A-10) and Village Residential (VR) with proffered conditions.

Dates Previously Considered by PC: None

Summary of Item: The applicant is requesting approval to rezone approximately 5.66 acres along State Route 13 (Old Buckingham Road) near the Courthouse Village from Agricultural-10 (A-10) to Village Residential (VR) with proffered conditions. If this request is approved, the applicant would divide the property into three lots, accommodating construction of three single-family dwellings (Maximum Density: 0.53 units per acre).

Staff Recommendation: The Department of Community Development recommends **denial** of the rezoning request.

Attachments: Staff Report
Application

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.



19-09-REZC

Bucher

Request to Rezone Tax Map Parcel #39-4A
from Agricultural-10 (A-10) to
Village Residential (VR) with Proffered Conditions
Staff Report Prepared for the Planning Commission
December 3, 2019

I. PUBLIC MEETINGS

Neighborhood Meeting	October 29, 2019	
Planning Commission	December 3, 2019	Public Hearing

II. GENERAL INFORMATION

Request	Rezone to Village Residential (VR) with Proffered Conditions
Existing Zoning	Agricultural-10 (A-10)
Parcel ID#	39-4A
Total Area	5.66
Proposed Density	3 Residential Units Maximum (0.53 units per acre)
Applicant	Richard Lee Bucher
Owner	Richard Lee Bucher
Location of Property	3780 Old Buckingham Road North side of State Route 13 (Old Buckingham Road) approximately 0.25 miles west of State Route 620 (Mill Quarter Road)
Electoral District	(4) Powhatan Courthouse/Mt. Zion
2019 Land Use Plan Recommendation	Village Residential (Courthouse Village Special Area Plan)

III. EXECUTIVE SUMMARY

The applicant is requesting approval to rezone approximately 5.66 acres along State Route 13 (Old Buckingham Road) near the Courthouse Village from Agricultural-10 (A-10) to Village Residential (VR) with proffered conditions. If this request is approved, the applicant would divide the property into three lots, accommodating construction of three single-family dwellings (Maximum Density: 0.53 units per acre).

IV. PROPERTY DESCRIPTION

Location

The proposed project is located near the Courthouse Village in central Powhatan County. The subject property has frontage along the north side of State Route 13 (Old Buckingham Road) approximately 0.25 miles west of State Route 620 (Mill Quarter Road).

Existing Conditions

The subject property is currently vacant.¹ An open field is located along State Route 13 (Old Buckingham Road), with the rear of the subject property heavily wooded.



View of Subject Property from Existing Driveway/State Route 13 (Old Buckingham Road)

Surrounding Properties

Direction	Zoning	Uses
North	Agricultural-10 (A-10)	<ul style="list-style-type: none"> • Vacant Properties
South	Agricultural-10 (A-10)	<ul style="list-style-type: none"> • Single-Family Dwellings along State Route 13 (Old Buckingham Road)
East	Agricultural-10 (A-10)	<ul style="list-style-type: none"> • Vacant Properties
West	Agricultural-10 (A-10)	<ul style="list-style-type: none"> • Vacant Properties • Single-Family Dwellings along State Route 13 (Old Buckingham Road)

Community Character

The subject property is located along State Route 13 (Old Buckingham Road) southeast of the Courthouse Village.

Along State Route 13 (Old Buckingham Road), there is existing low-density residential development. There are existing single-family dwellings on lots ranging from less than one acre to ten acres, with many of these homes fronting directly on the roadway. There are some larger, undeveloped parcels immediately adjacent to the subject property on the north side of State Route 13 (Old Buckingham Road).

¹ There was a single-family dwelling on the subject property, which was demolished in 2013.

V. PROJECT ANALYSIS

Current Zoning

The subject property is currently zoned Agricultural-10 (A-10).

The minimum lot area within the A-10 zoning district is currently ten (10) acres.

Requested Zoning

The applicant is proposing to rezone the property to Village Residential (VR) with proffered conditions. The intent of the VR zoning district is as follows [Sec. 83-220(A)]:

The purpose of the Village Residential (VR) District is to accommodate moderate-density residential development of walkable neighborhoods that include single-family detached, duplex, and townhouse dwellings, as well as small (1- to 4-unit) multifamily dwellings that look like large single-family homes. District standards are intended to encourage traditional style homes that relate to the street, with front porches and detached or side- or rear-loading garages. VR districts shall be located in areas designated village residential by the comprehensive plan, relatively close to village centers or retail and service uses in commerce centers. Development is also intended to provide transitions to surrounding low-density residential neighborhoods through buffers or larger perimeter lots.

The dimensional standards for the VR zoning district are as follows [Sec. 83-220(B)]:

Lot Area (Minimum)		10,000 sq. ft.
Lot Width (Minimum)		60 ft.
Density (Maximum)		4 dwelling units/acre
Lot Coverage (Maximum)		60%
Structure Height (Maximum)		35 ft.
Front Yard Depth (Minimum)	Along Major Arterials (Excluding Limited Access Roads)	75 ft.
	Along Minor Arterials ²	50 ft.
	Along Rural Collector Roads	35 ft.
	Abutting Internal/Local Roads	10 ft.
Side Yard Depth (Minimum)		5 ft.
Rear Yard Depth (Minimum)		25 ft.
Corner Lot Yard Depth (Minimum)		10 ft.

Currently, no properties in Powhatan County are zoned VR. VR is classified as a *Village Growth Area District*, which is intended to be applied within designated growth areas (including the Courthouse Village area).

² In the 2019 Long-Range Comprehensive Plan: Major Thoroughfare Plan, the adjacent segment of State Route 13 (Old Buckingham Road) is classified as a *Minor Arterial (Existing)*.

The conceptual plan adheres to the intensity and dimensional standards required within the VR zoning district. Its design exemplifies some, but not all of the features identified in the purpose of the zoning district [Sec. 83-220(A)]:

- Proffered conditions require homes to have a front porch/stoop and side- or rear-loaded garages, which helps create a more attractive development.
- The layout does not create a walkable neighborhood with pedestrian connections to existing commercial or institutional uses. No pedestrian infrastructure is proposed along State Route 13 (Old Buckingham Road).
- The subject property is designated *Village Residential* in the *2019 Long-Range Comprehensive Plan*.

Environment/Natural Resources

Agency Comments: Environmental Review (Powhatan County)

There are no concerns or additional comments at this time.

On-Site Natural Resources

Portions of the property adjacent to State Route 13 (Old Buckingham Road) are generally open and level, with forested areas and steeper slopes on the northern half of the property.

The subject property has varied topography. Per GIS, elevations range from approximately 360 feet near State Route 13 (Old Buckingham Road) to 328 feet in the northwestern portion of the subject property. Based on analysis of public GIS data, 12.95% percent of the total area has steep slopes.

Transportation

Agency Comments: Virginia Department of Transportation (VDOT)

VDOT provided the following comments (letter dated November 14, 2019):

- The applicant is proposing to create three lots that are approximately 1.5 to 2.5 acres in area. Lot 1 is proposed to use the existing driveway and Lots 2 and 3 shall have a shared entrance. The 3 Single Family Residencies shall have PE-1 entrances.
- The Traffic Generation Statement submitted by the Traffic Impact Group, dated 10/24/19, utilizing the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition is acceptable for Trip Generation and the Auxiliary Lane Analysis.
- Access Management does not apply.
- While the Right of Way dedication proffer of 15' from Center Line is acceptable in this instance, VDOT normally request sufficient dedication of 35 feet from Center Line to include the clear zone for maintenance purposes and/or future road improvements where future road improvements are anticipated.

The Virginia Department of Transportation takes no exception to this request for the identified proposed use of this property.

Local Road Network

The subject property has frontage on State Route 13 (Old Buckingham Road):

Roadway Characteristic	State Route 13 (Old Buckingham Road)
Functional Classification: VDOT	Major Collector
Functional Classification: Powhatan Co. Major Thoroughfare Plan	Minor Arterial (Existing)
Traffic Volume Estimates	2,600 ³

Traffic Analysis

A traffic generation statement (Traffic Impact Group, LLC: Dated October 24, 2019) was prepared and estimates that the proposed project will generate 28 daily trips (AM Peak Hour: 2 trips and PM Peak Hour: 3 trips). Based on the proposed trip generation and traffic volumes along State Route 13 (Old Buckingham Road), this report determines that the “proposed residential development . . . will have a negligible impact to the surrounding roadways” (p. 2).

Site Entrances

Proposed lots will have direct access to State Route 13 (Old Buckingham Road). No internal street network is proposed.

Proffered Condition #6 states that “two of the three proposed lots shall share an entrance from State Route 13 (Old Buckingham Road).”

Major Thoroughfare Plan

The Major Thoroughfare Plan (2019 Long-Range Comprehensive Plan: Chapter 9), establishes guidance regarding long-term development of the local transportation network. Per that plan, the adjacent segment of State Route 13 (Old Buckingham Road) is classified as a *Minor Arterial (Existing)*.

The Major Thoroughfare Plan recommends that, along the entire segment of State Route 13 (Old Buckingham Road) in Powhatan County, the pavement be widened, curves straightened, and intersections improved. The applicant is not proposing any roadway improvements, but Proffered Condition #7 states that right-of-way along State Route 13 (Old Buckingham Road) will be dedicated to Powhatan County.⁴

Pedestrian/Bicycle Circulation

No pedestrian- or bicycle-related improvements are proposed along State Route 13 (Old Buckingham Road).

³ Traffic volumes are from VDOT (2018) and represent the segment of State Route 13 (Old Buckingham Road) between U.S. Route 60 (Anderson Highway) and State Route 300 (Courthouse Tavern Lane).

⁴ The existing right-of-way along State Route 13 (Old Buckingham Road) is 30 feet in width (15 feet from the existing centerline). The applicant is proposing to dedicate at least 25 feet of right-of-way from the existing centerline of the roadway. VDOT recommends that at least 35 feet of right-of-way be dedicated from the centerline of the existing roadway (per letter dated November 14, 2019).

Utilities and Public Infrastructure

Agency Comments: Department of Public Works (Powhatan County)

The subject property is located within the County's Water and Wastewater Service District and is not required to connect to the public sanitary system, due to the proximity from the existing sanitary sewer system.

Agency Comments: Virginia Department of Health

No comments received.

Utilities

The proposed project will be served by on-site individual wells and septic systems. Permits for each on-site well and septic system must be approved by the Health Department prior to issuance of a building permit for each lot.

Public Safety

Agency Comments: Sheriff's Office (Powhatan County)

No comments at this time.

Agency Comments: Fire Department (Powhatan County)

Reviewed and there are no concerns with this proposal.

Fire/Rescue

The nearest fire station/rescue squad is Powhatan Volunteer Fire Department (Company #1), which is located approximately 1.4 miles away. Currently, that facility has three career employees, who are supplemented by volunteers. In ideal conditions, response time would be approximately nine (9) minutes.

Based on an average of 0.28 calls per dwelling per year, it is estimated that this development will generate one call for Fire/EMS services annually:

- Approximately 80% of calls are for EMS services, with Powhatan County recouping most of these costs from insurance providers.
- Due to the time and resources necessary to adequately respond, structure fires are generally more costly to respond to than other types of emergencies. Each year, 10 to 20 structure fires occur countywide (0.001 per dwelling). Based on the anticipated number of dwellings, it is unlikely that Powhatan County will respond to a structure fire in the near future at this location (if this request is approved).

Public Schools

Upon full buildout (three dwelling units), the proposed project is expected to generate a maximum of three students as follows:

School Level	Anticipated Generation Rate	Estimated Number of Students
Elementary	0.2 students per dwelling unit	1
Middle	0.15 students per dwelling unit	1
High	0.15 students per dwelling unit	1

*When the calculations result in a fraction, the estimate is rounded to the next whole number.

The enrollment and capacity for each school in Powhatan County (as of June 1, 2019) is as follows:

School	Current Enrollment	Total Capacity	% of Capacity	No. of Students Below Capacity
Powhatan Elementary	484	575	84	91
Pocahontas Elementary	723	850	85	127
Flat Rock Elementary	612	760	81	148
Powhatan Middle	1,027	1,200	86	173
Powhatan High	1,385	1,500	92	115

Any students living within the proposed development would attend Powhatan Elementary School, Powhatan Middle School, or Powhatan High School.

Development Requirements and Standards

Agency Comments: Building Inspections Department (Powhatan County)

A portion of the property is shown as having high shrink/swell soil per the County GIS. Any new structures in this area that are not exempt under the current Uniform Statewide Building Code will be required to have a soil analysis with an engineered footing design.

Development Review: Next Steps

If this rezoning request is approved, the development will be required to undergo additional administrative review.

A final subdivision plat must be submitted to Powhatan County for review and approval prior to recordation at the Office of the Clerk of the Circuit Court [Sec. 68-110(c)]. Final plats are reviewed by the Department of Community Development to ensure compliance with provisions set forth in the zoning and subdivision ordinances.

VI. COMPREHENSIVE PLAN ANALYSIS

Countywide Future Land Use Plan

The 2019 Long-Range Comprehensive Plan designates the subject property as *Village Residential*. The subject property is within the Courthouse Village Special Area Plan (p. 120 – 121) (Attachment #6).

Land Use: Village Residential

The *Village Residential* land use designation is described as follows (p. 84):

Village Residential generally applies to large areas of land that could be developed under a unified planned development. Village Residential recommends thoughtful design to provide a variety of housing options in a layout that respects the low-intensity, single-family character of adjacent rural areas, while providing slightly more intense development. The gross density in these areas may vary within each growth area (special area plan) between one-half and four units per acre and could include single-family detached, single-family attached, and three- to four-unit multi-family buildings. The average lot size would range between one-fourth acre and two acres.

The primary location for Village Residential is near the courthouse in the Courthouse Village, Route 711 Village, and along eastern portions of the Route 60 Corridor. Village Residential represents the residential-only neighborhood component of a complete village and is often developed near a Village Center.

The following uses are recommended within areas designated *Village Residential* (p. 84):

- Single-Family Detached Residential with Accessory Residential Structures
- Two- to Four-Family Residential Structures
(Examples: Apartments, Condominiums, Townhouses)
- Bed and Breakfasts
- Public and Institutional Uses
(Examples: Schools, Churches, and Community Centers)
- Parks and Recreation
- Village Center uses may be appropriate as part of a master plan.

The applicant is proposing residential development at a density of 0.53 units per acre.

VR is as an appropriate zoning district within areas designated *Village Residential*.

Below is an analysis of how the proposed project relates to recommended design elements for areas designated *Village Residential*:

Design Element	Adherence to Design Recommendations (Yes/No)	Analysis
Min. Project Size	No	The comprehensive plan recommends that projects within areas designated <i>Village Residential</i> be at least 20 acres in area. The proposed project is 5.66 acres.

Design Element	Adherence to Design Recommendations (Yes/No)	Analysis
Residential Densities	Yes	Recommended residential densities for projects within areas designated <i>Village Residential</i> are 0.5 units/acre to 4 units/acre. This development will have 0.53 units/acre.
Mix of Uses	Yes	Only detached single-family dwellings are proposed.
Minimum Open Space	Yes	Per the application, at least 20% of the site will be dedicated to open space, with the rear portions of the proposed lots preserved as open space encumbered with an easement. Per Sec. 83-470(c) of the zoning ordinance, at least 20% of the site must be preserved as open space.
Open Space Features	Some Recommendations (Not All)	The applicant has proposed providing trails accessible to residents within the required open space. No sidewalks are proposed along State Route 13 (Old Buckingham Road).
Landscaping and Buffers	Some Recommendations (Not All)	No perimeter buffers are proposed adjacent to the side property lines or along State Route 13 (Old Buckingham Road). Preserved open space is proposed along the rear of the property, where there is existing mature vegetation.
Environmental Design	No	There is no indication that exceptional environmentally-friendly features will be incorporated into the development.
Transportation Network	No	No new streets are proposed. Proposed lots would have access to State Route 13 (Old Buckingham Road). No sidewalks are proposed along State Route 13 (Old Buckingham Road).
Utilities and Infrastructure	No	The project will be served by individual wells and septic systems on each lot. Proffered conditions do not address potential impacts the project may have on public schools, parks, and/or public safety.

Design Element	Adherence to Design Recommendations (Yes/No)	Analysis
Community Character	Yes	Proffered conditions help create a more attractive development: <ul style="list-style-type: none"> • Covered porches/stoops will be required (Proffered Condition #5). • Attached garages must have side-facing or rear-facing doors (Proffered Condition #4). • Foundations must be faced with brick or stone (Proffered Condition #3).
Other Components	No	The proposed project will not be developed in accord with a master plan. Residential units will be more than ¼ mile from commercial uses (and there are no pedestrian connections to these uses).

While the proposed zoning district, density, and uses reflect recommendations in the *2019 Long-Range Comprehensive Plan*, the overall project does not align with the intent of this land use designation, which recommends “walkable neighborhoods with diverse housing options and integrated parks and public uses” (p. 84).

VII. PROFFERED CONDITIONS

The applicant has voluntarily proffered the following seven conditions (latest version dated November 13, 2019) (Attachment #2):

- *Proffered Condition #1*
Maximum Density: *There shall be no more than three (3) lots for single-family detached dwellings on the property.*

Analysis: This language is generally acceptable. With three lots on the property, the total density would be 0.53 units per acre. The maximum density permitted within the VR zoning district is four units per acre.
- *Proffered Condition #2*
Minimum Lot Area: *The minimum lot area shall be 1.5 acres.*

Analysis: This language is generally acceptable. The minimum lot area within the VR zoning district is 10,000 square feet.
- *Proffered Condition #3*
Foundations: *Exterior portions of all foundations below the first-floor level that are visible above grade shall be finished with brick or stone.*

Analysis: This language is generally acceptable. The zoning ordinance does not establish any requirements regarding materials for single-family dwellings.

- *Proffered Condition #4*

Garages: No front-loading attached garages are permitted. Attached garages shall be designed as either side-loading or rear-loading garages.

Analysis: This language is generally acceptable. The zoning ordinance does not establish requirements regarding the placement of attached garages for single-family dwellings, but the 2019 Long-Range Comprehensive Plan states that “detached, side-loading, or rear-loading garages are preferred” (p. 87).

- *Proffered Condition #5*

Porches: Each single-family dwelling shall have a covered porch on the street-facing façade with a minimum depth of five feet (5’) and a minimum width of five feet (5’).

Analysis: This language is generally acceptable. The zoning ordinance does not require that single-family dwellings have front porches, but the 2019 Long-Range Comprehensive Plan states that “front porches are encouraged.”

- *Proffered Condition #6*

Shared Driveways: Two of the three proposed lots shall share an entrance from State Route 13 (Old Buckingham Road).

Analysis: This language is generally acceptable.

- *Proffered Condition #7*

Right-of-Way Dedication: Prior to issuance of the first building permit for a single-family dwelling, the property owner shall dedicate at least twenty-five feet (25’) of right-of-way from the existing centerline of State Route 13 (Old Buckingham Road) to Powhatan County for future transportation improvements.

Analysis: This language is generally acceptable.

VIII. PUBLIC COMMENTS

Comments provided at the neighborhood meeting (October 29, 2019) are included as Attachment #7. In general, attendees commented on potential transportation-related impacts and negative impacts to the area’s character.

VI. STAFF RECOMMENDATION

Rezoning Request

Favorable Attributes of Request

- The proposed project is generally compatible with existing development in the surrounding area.
- The proposed project is located within a designated growth area (Courthouse Village Special Area Plan) in an area recommended for residential development.
- Proffered conditions related to building design (covered porches/stoops, side- and rear-loading garages, brick/stone foundations, etc.) help create a more attractive development.
- The project will have limited impacts on the local transportation network and other public infrastructure.

Unfavorable Attributes of Request

- While the proposed zoning district, density, and uses reflect recommendations in the *2019 Long-Range Comprehensive Plan* for areas designated *Village Residential*, the overall project does not align with the intent of this land use designation, which recommends “walkable neighborhoods with diverse housing options and integrated parks and public uses” (p. 84).
- The overall project does not align with the intent of the Village Residential (VR) zoning district, which is intended “to accommodate moderate-density residential development of walkable neighborhoods” [Sec. 83-220(A)]. With proposed lots stripped along an existing roadway with no internal street network or pedestrian amenities, the proposed project (if approved as currently presented) does not create a walkable neighborhood.

The Department of Community Development recommends **denial** of this rezoning request.

VII. PROPOSED RESOLUTION

In accordance with Article II of the Powhatan County Zoning Ordinance and public necessity, convenience, general welfare, and good zoning practice, the Powhatan County Planning Commission recommends (*approval / denial / deferral*) of the request submitted by Richard Lee Bucher to rezone approximately 5.66 acres of land from Agricultural-10 (A-10) and Village Residential (VR) with proffered conditions.

Attachment(s)

1. Application
2. Proffer Statement (Dated November 13, 2019)
3. Traffic Generation Statement (Dated October 24, 2019)
4. Vicinity Map
5. Zoning Map
6. Countywide Future Land Use Map
7. Neighborhood Meeting Comments

Attachment #1
Application



**County of Powhatan,
Virginia**
Rezoning Application

For Office Use Only

Case Number

19-09-REZC

Powhatan County, Virginia
Department of Community Development
3834 Old Buckingham Road: Suite F
Powhatan, VA 23139

Applicant Information	
Name of Applicant	Richard Lee Bucher
Mailing Address	1803 Cook Road Powhatan, Virginia 23139
Phone Number	804-387-0327 cell, 804-598-2382 home
Email Address	chbucher@aol.com

Owner Information (Complete this section if the applicant is not the current property owner)	
Name of Owner	
Mailing Address	
Phone Number	
Email Address	

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the application (see form entitled *Consent of Owner(s) to Request Rezoning*).

If there are multiple owners, all owners must sign the application or provide other documentation consenting to the application (see form entitled *Ownership Disclosure*).

Applicant Representative (Complete this section if correspondence should be directed to someone other than the applicant)	
Name of Representative	
Mailing Address	
Phone Number	
Email Address	

Parcel Information	
Tax Map Number	039-4A
Physical Address	3780 Old Buckingham Road Powhatan, VA 23139
General Description of Property Location	Route 13 East of Powhatan Village
Election District	PS
Total Acreage	5.66
Current Zoning	A-10
Requested Zoning	Village Residential
Acreage to Be Rezoned	5.66
Countywide Future Land Use: Land Use Designation	Village Residential

Proposed Use	
Describe Proposed Use	3 residential lots ranging in size from 1.5 acres to 2.42 acres
Amount of Dedicated Open Space (Acreage + % of Site)	20% 1.13 acres
If this request is approved, will new lots be created?	Yes
If this request is approved, will new structures be constructed?	Yes,
Are there existing structures on the subject property?	No
Will the proposed use connect to public water and/or sewer?	no

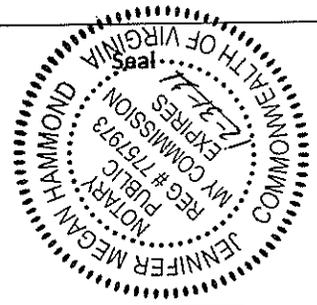
A conceptual plan that shows the general configuration of the proposed development, including land uses, general building types, density/intensity, resource protection areas, pedestrian and vehicular circulation, open space, public facilities, and phasing, should be submitted with the application.

List of Adjacent Property Owners

Tax Map No.	Owner Name	Mailing Address
026B3-1-25	Michael W. & Amy B. Potter	P.O. Box 24 Powhatan, VA 23139
039-3	F.W. Boatwright & Gerald L. Hagen	3511 Trenholm Rd. Powhatan, VA 23139
039-7	Lonnie & Pamela Combs	3777 Old Buckingham Road Powhatan, VA 23139
039-4B	Norman A Development LLC	3301 Duke Rd. Powhatan, VA 23139
039-7D	Rebecca J. Wilkinson	3747 Old Buckingham Road Powhatan, VA 23139

Note: Adjacent properties include those across roadways, waterways, railroads, and municipal boundaries.

Proffer Statement	
<p>In accordance with § 15.2-2303 and Article II of the Powhatan County Zoning Ordinance, I do hereby voluntarily proffer, as the owner of record of the property or the applicant of this rezoning request, the conditions listed below. I hereby acknowledge that the rezoning of the subject property gives rise to the need for these conditions.</p> <p>(Note: If text for all proffered conditions does not fit on this page, additional proffered conditions may be attached to the application as separate pages.)</p>	
Proffer #1	<i>see attached proffers</i>
Proffer #2	
Proffer #3	
Proffer #4	
Signature of Applicant	<i>Richard Lee Bucher</i>
Name of Applicant (Printed)	Richard Lee Bucher
<p>Commonwealth of Virginia County of <u>Powhatan</u>, to wit:</p> <p>Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Richard Lee Bucher</u>, whose name is signed to the above, on this <u>30</u> day of <u>October</u> 20<u>19</u>.</p>	
Notary Public	<i>Jennifer M. Hammond</i>
Commission Expires	<u>12-31-21</u>
Notary Number	<u>7757973</u>



Ownership Disclosure

List below the names and addresses of all owners or parties in interest of the land subject to this request.

If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.

Name	Address
Richard L. Bucher	1803 Cook Rd. Powhatan, VA 23139

I, _____, do hereby swear and affirm to the best of my knowledge and belief, the above information is true and that I am the applicant requesting rezoning for Tax Map _____.

If the information listed above changes at any time while this request is being considered, I will provide Powhatan County with an updated list of owners.

Signature of Applicant	<i>Richard Lee Bucher</i>
Name of Applicant (Printed)	Richard Lee Bucher

Commonwealth of Virginia
County of Powhatan, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Richard Lee Bucher, whose name is signed to the above, on this 30 day of October 20 19.

Notary Public	<i>Megan Hammond</i>	
Commission Expires	12-31-21	
Notary Number	7752973	

Powhatan, Virginia

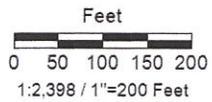
Legend

- Places
- Parcels



Title: Settle Farm

Date: 3/9/2016



DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Waynesboro is not responsible for its accuracy or how current it may be.

Attachment #2
Proffer Statement
(Dated November 13, 2019)

Proffered Conditions

Case #19-09-REZC: Dated November 13, 2019

1. Maximum Density: There shall be no more than three (3) lots for single-family detached dwellings on the property.
2. Minimum Lot Area: The minimum lot area shall be 1.5 acres.
3. Foundations: Exterior portions of all foundations below the first-floor level that are visible above grade shall be finished with brick or stone.
4. Garages: No front-loading attached garages are permitted. Attached garages shall be designed as either side-loading or rear-loading garages.
5. Porches: Each single-family dwelling shall have a covered porch on the street-facing façade with a minimum depth of five feet (5') and a minimum width of five feet (5').
6. Shared Driveways: Two of the three proposed lots shall share an entrance from State Route 13 (Old Buckingham Road).
7. Right-of-Way Dedication: Prior to issuance of the first building permit for a single-family dwelling, the property owner shall dedicate at least twenty-five feet (25') of right-of-way from the existing centerline of State Route 13 (Old Buckingham Road) to Powhatan County for future transportation improvements.

Signature

Richard Lee Buckee 11/13/19

Attachment #3
Traffic Generation Statement
(Dated October 24, 2019)

TO: Rick Bucher

FROM: Scott Israelson, P.E., PTOE

DATE: 24 October 2019

RE: Traffic Generation Statement
Proposed Residential Development
Powhatan County, VA

Traffic Impact Group, LLC has been retained to prepare a traffic impact statement for the proposed development located on the north side of SR 13 (Old Buckingham Road), east of its intersection with Little Fighting Creek Road. See Figure 1 for a concept plan, Figure 2 for the vicinity map. Also attached is the transportation review worksheet.

The existing parcel is vacant. The development proposes to divide the parcel into three single-family homes. Access to the homes is provided by an existing driveway and a proposed new shared driveway.

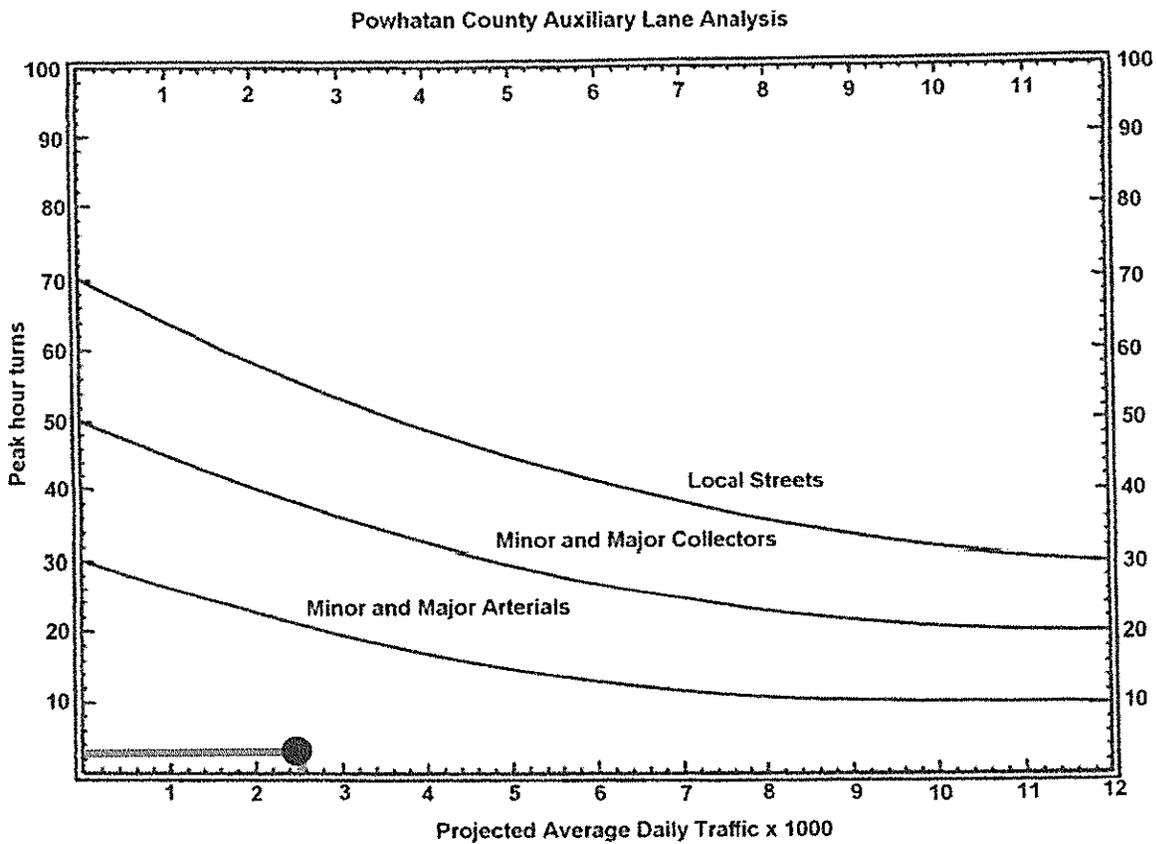
SR 13 (Old Buckingham Road) is classified by VDOT as a Major Collector. It has an AADT of 2,600 vehicles per day between US 60 and Courthouse Tavern Lane.

A trip generation analysis has been prepared in accordance with the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition*. Table 1 summarizes the trip generation estimate.

Average Weekday Driveway Volumes				AM Peak Hour		PM Peak Hour	
Land Use	ITE Code	Size	Daily Trips	Enter	Exit	Enter	Exit
Single-Family Detached Housing	210	3 Dwelling Units	28	1	1	2	1

Auxiliary Lane Analysis for eastbound SR 13 (Old Buckingham Road) was performed using the County's Auxiliary Lane Analysis graph.

Figure 1 below shows the graph point for the site. SR 13 (Old Buckingham Road) has an AADT of 2,600 vpd, and the peak hour turns are assumed to be 1 vehicle in either direction.



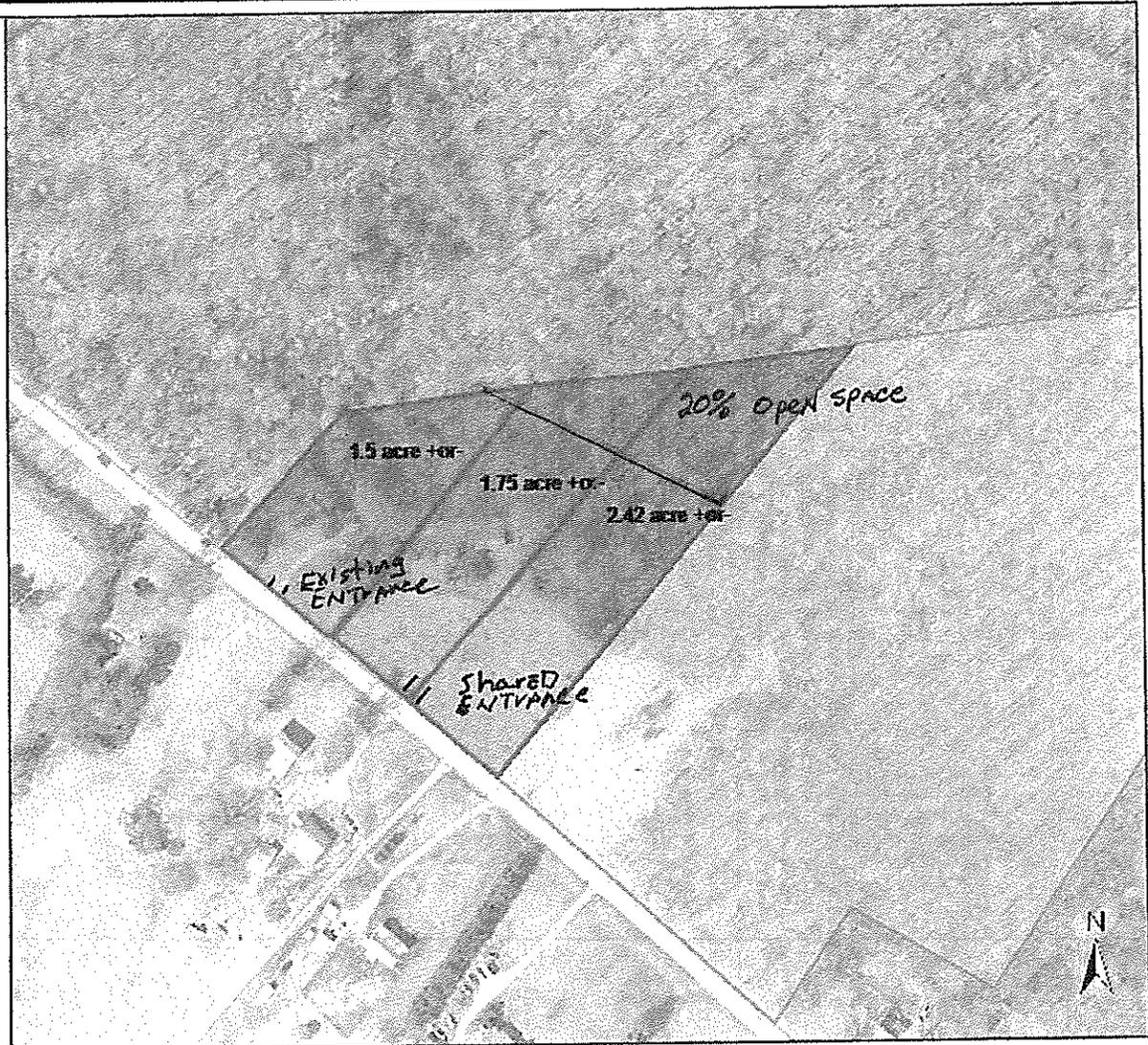
Analysis shows that the projected peak hour turning trips does not meet the threshold for a turn lane. The proposed residential development at SR 13 (Old Buckingham Road) will have a negligible impact to the surrounding roadways and intersections. If you have any questions, please feel free to contact me at 407.607.6985.

Scott P. Israelson, P.E., PTOE
PE #043491

Powhatan, Virginia

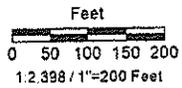
Legend

- Places
- ▭ Parcels



Title: Settle Farm

Date: 3/9/2016



DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Waynesboro is not responsible for its accuracy or how current it may be.

Site Plan

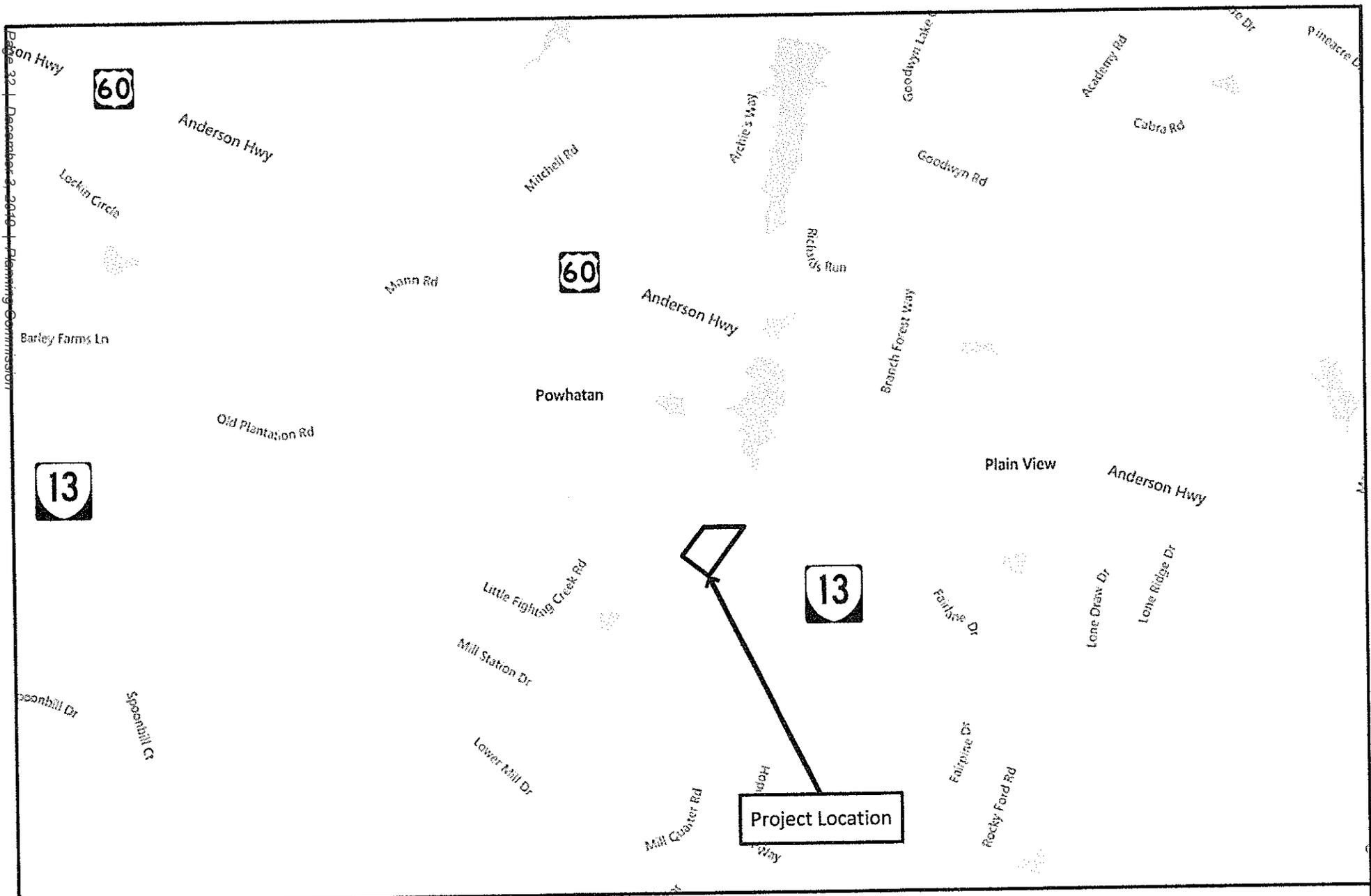
Figure 1

Residential - Powhatan County

Project No: 19-VA8057-1

Date: 23 October 2019

TRAFFIC IMPACT
GROUP LLC



Vicinity Map

Figure 2

Residential - Powhatan County

Project No: 19-VA8057-1

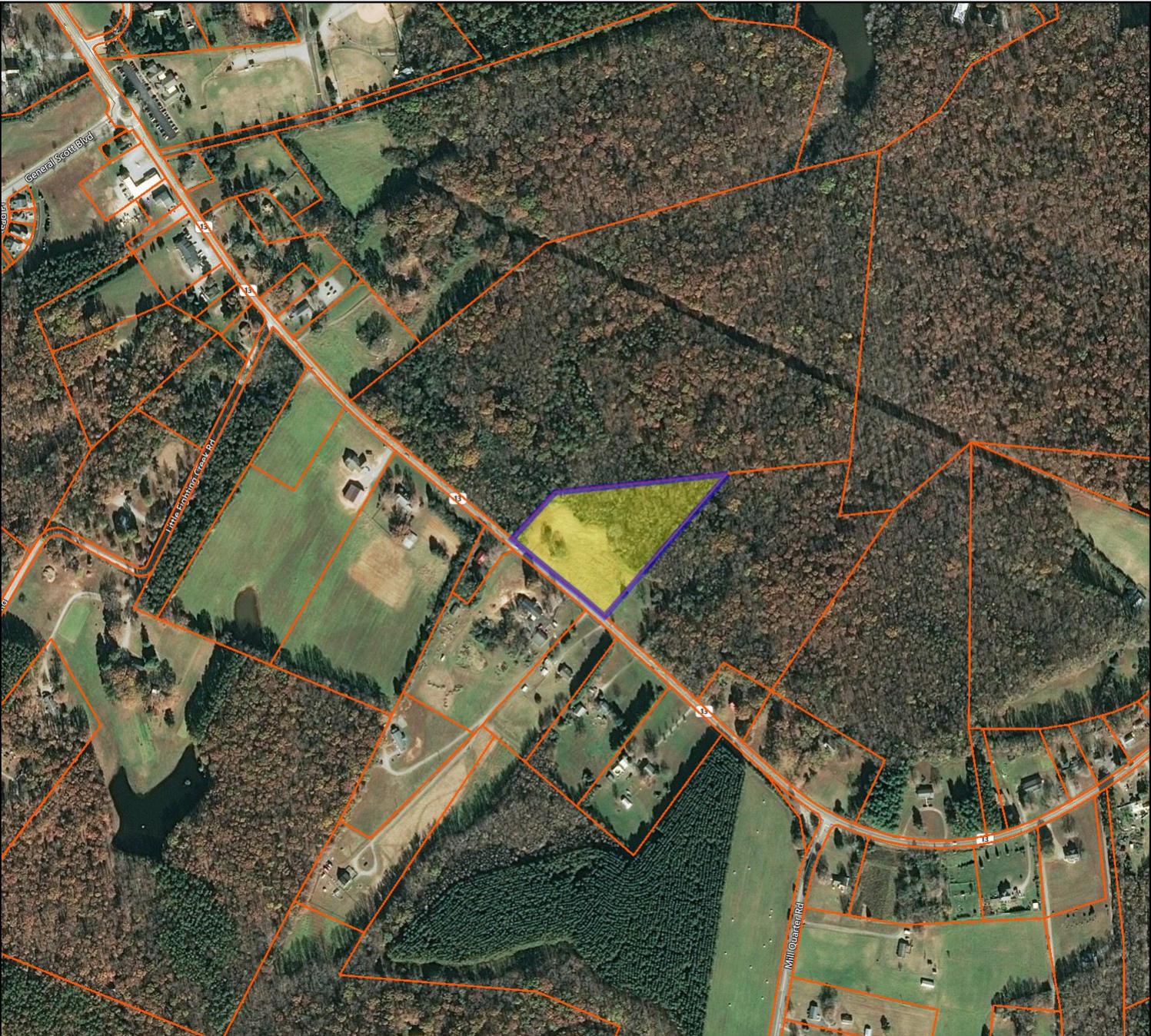
Date: 23 October 2019

TRAFFIC IMPACT
GROUP, LLC

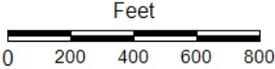
Powhatan County, Virginia

Legend

-  County Boundary
-  Parcels



Case #19-09-REZC: Vicinity Map



Powhatan County, Virginia

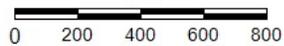
Legend

-  County Boundary
-  Parcels
- Zoning**
-  Agriculture A-10
-  Agricultural/Animal Confinement
-  Commerce Center Planned Development
-  Commerce Center
-  Commercial
-  Courthouse Square Center
-  Industrial - 1
-  Industrial - 2
-  Mining
-  Office
-  Residential - 2
-  Rural Residential 5
-  Residential Commercial
-  Residential Utility
-  Rural Residential
-  Village Center Planned Development
-  Village Center



Case #19-09-REZC: Zoning Map

Feet



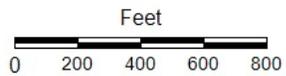
Powhatan County, Virginia

Legend

-  County Boundary
-  Parcels
-  Crossroads
-  Growth Area Boundaries
-  Rural Enterprise Zone Boundary
- Future Land Use**
-  Public Lands
-  Natural Conservation
-  Rural Preservation
-  Rural Residential
-  Low Density Residential
-  Village Residential
-  Village Center
-  Commerce Center
-  Economic Opportunity
-  Industrial



Case #19-09-REZC: Countywide Future Land Use Plan



Attachment #7
Neighborhood Meeting Comments

PLEASE SIGN IN 10/29/19

NAME

Dorothy Cash

1. ADDRESS

3795 OLD Buckingham Rd, Powhatan

email dotanqus52@gmail.com

2.

Rebecca Wilkinson

3747 Old Buckingham Rd Powhatan

ILUVJKRusL@yahoo.com

3.

Pam Combs

3777 Old BUCKINGHAM Rd

Powhatan Va 23139 pamlonnie2003@YAHOO.COM

4.

Conn I Schwendeman

5.

6.

7.

8.

9.

10/29/19

①
CASH

My husband and I moved here from our 80 acre cattle farm in the Shenandoah Valley. We liked the rural atmosphere of Powhatan Courthouse. Bought 15 acres of the Maxey place, our daughter bought 2 acres next to us to build a house to be near us. The realtor assured us that development across the street would be in 10 acre tracts. The road is very dangerous. A lot of people travel 65 mph. I am 100% opposed to the rezoning.

②
Wilkinson

I moved here from Chesterfield, it has ballooned like New York City. Potter has wiped the feel of Powhatan Court House with River Hill. Who wants to pay \$400,000 for a house and live so close to your neighbor? People are always turning around in my driveway. #1 and #3 agreed with people turning around in driveways. The property is too pretty to develop.

10/29/19
Page 2

③
Combs

My big concern is that I don't want to see a strip mall there. My husband likes to sit on the porch and watch the deer.

④

Schwenderman in sidewalk when he develops his property to connect with the sidewalk in the village. I have no problem with this rezoning. How many houses?

③

Holly Hills needs a right turn lane off Rt. 60. Do you know about any other developments in the County? I said no, and I would like to stay focused on this project.

①
CAST

We built close to the road so our grandchild can ride in the back. I put my life in danger when I cut my grass along the road (Cold Buckingham).



Powhatan County Planning Commission Agenda Item

Meeting Date: December 3, 2019

Agenda Item Title: Initial Presentation: Case #19-08-REZC (Lipscomb Real Estate Holdings, LLC)

Motion: n/a

Dates Previously
Considered by PC: n/a

Summary of Item: Lipscomb Real Estate Holdings, LLC has submitted a rezoning application (Case #19-08-REZC) requesting that Tax Map Parcel #32-41 (3.15 acres) be rezoned from Agricultural-10 (A-10) to Commerce Center (CC) with proffered conditions. The subject property is located at 577 Huguenot Trail (along State Route 711 east of State Route 288). If this request is approved, the applicant is planning to convert an existing dwelling into a dental office.

A neighborhood meeting was held on September 26, 2019.

Attachments: Application Submitted

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.



County of Powhatan,
Virginia
Rezoning Application

For Office Use Only	
Case Number	19-08-REZC (10/4/2019)

Powhatan County, Virginia
Department of Community Development
3834 Old Buckingham Road: Suite F
Powhatan, VA 23139

Applicant Information	
Name of Applicant	Lipscomb Real Estate Holdings, LLC
Mailing Address	3625 Stone Harbor Dr. Midlothian, VA 23113
Phone Number	804-986-4058
Email Address	shockoedentist@gmail.com

Owner Information (Complete this section if the applicant is not the current property owner)	
Name of Owner	Jason T. Lipscomb + Melissa Lipscomb
Mailing Address	3625 Stone Harbor Dr Midlothian VA 23113
Phone Number	804-986-4058
Email Address	shockoedentist@gmail.com

If the applicant is not the owner, the applicant must provide written documentation that the current property owner consents to the application (see form entitled *Consent of Owner(s) to Request Rezoning*).

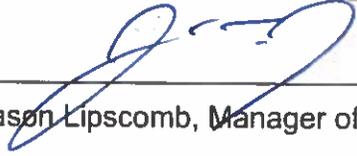
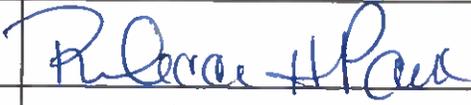
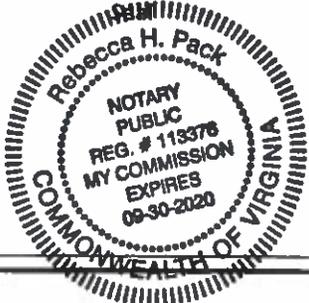
If there are multiple owners, all owners must sign the application or provide other documentation consenting to the application (see form entitled *Ownership Disclosure*).

Applicant Representative (Complete this section if correspondence should be directed to someone other than the applicant)	
Name of Representative	Kerry Brian Hutcherson
Mailing Address	9910 Wagners Way Chesterfield, VA 23832
Phone Number	804-748-3600 or 804-516-8910 (cell)
Email Address	kerry@rudycoyner.com

Parcel Information	
Tax Map Number	032-41
Physical Address	577 Huguenot Trail
General Description of Property Location	On Huguenot Trail between Winterfield Road and I-288
Election District	1
Total Acreage	3.15 acres, more or less
Current Zoning	Agriculture A-10
Requested Zoning	Commerce Center
Acreage to Be Rezoned	3.15 acres, more or less
Countywide Future Land Use: Land Use Designation	Economic Opportunity

Proposed Use	
Describe Proposed Use	Professional Offices (primarily dentistry)
Amount of Dedicated Open Space (Acreage + % of Site)	0.47 acres (15% of 3.15 acres) will be dedicated
If this request is approved, will new lots be created?	No
If this request is approved, will new structures be constructed?	No; the Applicant wishes to convert the existing single-family dwelling to be used as an office building
Are there existing structures on the subject property?	Single-family dwelling
Will the proposed use connect to public water and/or sewer?	No

A conceptual plan that shows the general configuration of the proposed development, including land uses, general building types, density/intensity, resource protection areas, pedestrian and vehicular circulation, open space, public facilities, and phasing, should be submitted with the application.

Proffer Statement	
<p>In accordance with § 15.2-2303 and Article II of the Powhatan County Zoning Ordinance, I do hereby voluntarily proffer, as the owner of record of the property or the applicant of this rezoning request, the conditions listed below. I hereby acknowledge that the rezoning of the subject property gives rise to the need for these conditions.</p> <p>(Note: If text for all proffered conditions does not fit on this page, additional proffered conditions may be attached to the application as separate pages.)</p>	
Proffer #1	See attached proffered conditions statement.
Proffer #2	
Proffer #3	
Proffer #4	
Signature of Applicant	
Name of Applicant (Printed)	Jason Lipscomb, Manager of Lipscomb Real Estate Holdings, LLC
<p>Commonwealth of Virginia County of <u>Chesterfield</u>, to wit:</p> <p>Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by <u>Jason Lipscomb</u>, whose name is signed to the above, on this <u>4th</u> day of <u>October</u> 20<u>19</u>.</p>	
Notary Public	
Commission Expires	9/30/20
Notary Number	113374
	

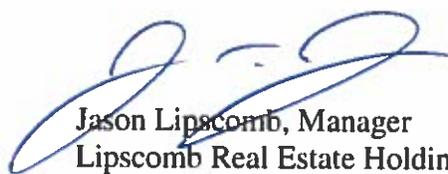
Proffered Conditions Statement

Lipscomb Real Estate Holdings, LLC
October 3, 2019

The Applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Powhatan County, for itself and its successors or assigns, proffer that the property under consideration in this case (TMP 032-41; “the Property”) will be used according to the following proffer(s) if, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the owners and Applicant, the proffer shall immediately be null and void and of no further force or effect.

1. **Cross-Access.** Prior to site plan approval, the Applicant/Developer/Assignee shall dedicate or convey easements as necessary to facilitate cross-access among the Property and adjacent parcels.
2. **Master Plan.** The conceptual development plan made by Townes Site Engineering, entitled “PROPOSED IMPROVEMENTS 577 HUGUENOT TRAIL,” and attached hereto as EXHIBIT A, shall be considered the Master Plan, and the Property shall be developed in general conformance with the Master Plan.
3. **Signage.** Any freestanding sign located on the Property shall be a monument-style sign, with a foundation of brick or stone veneer, and with a maximum copy area of fifty (50) square feet and a maximum height of eight (8) feet.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jason Lipscomb', is written over the typed name and title.

Jason Lipscomb, Manager
Lipscomb Real Estate Holdings, LLC

Powhatan County

Legend

-  County Boundary
-  Places
-  Parcels



Case #19-08-REZC: Vicinity Map

DISCLAIMER: ALL INFORMATION DEPICTED ON THIS MAP SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL ONLY BE USED FOR THE SOLE PURPOSE FOR WHICH IT WAS PROVIDED. ANY OTHER USE OF THIS MAP, OR THE INFORMATION INCLUDED THEREON, IS STRICTLY PROHIBITED. THE DATA SHOWN ON THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS MAP MAY NOT BE COPIED OR OTHERWISE MADE AVAILABLE TO ANY OTHER PARTY IN PAPER OR ELECTRONIC FORMAT.

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

EXISTING RESIDENTIAL HOME TO
BE CONVERTED TO 1,580 SqFt
DENTAL OFFICE.
PARKING REQUIRED:
1 SPACE PER 400 SqFt=4
4 SPACES SHALL BE PROVIDED

TURN LANE SHALL BE
PROVIDED TO MEET
POWHATAN COUNTY CODE

PARCEL: 32-42A
ZONED R-R

HUGUENOT TRAIL
ST. RT. #711-35 MPH

POTENTIAL
PARKING
AREA

PARCEL: 32-41B
ZONED A-10

TYPE B INTERMITTENT
LANDSCAPE BUFFER
REQUIRED

PARCEL: 32-41
ZONED A-10

PARCEL: 32-41A
ZONED A-10



577 HUGUENOT TRAIL
3.3± ACRES
HUGUENOT DISTRICT
POWHATAN COUNTY, VIRGINIA

OCTOBER 4, 2019
SCALE: 1" = 100'



Townes
SITE ENGINEERING
1 Park West Circle, Suite 100
Blacksburg, Virginia 24014
Phone: (864) 748-8811 Fax: (864) 748-8811
Website: www.townes.com
PROJECT#-20190185

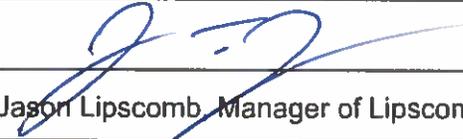
This drawing and the design shown is the property of Townes Site Engineering the reproduction, copying, or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action. © 2019 Townes Site Engineering

Ownership Disclosure

List below the names and addresses of all owners or parties in interest of the land subject to this request.
 If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.

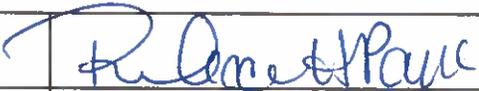
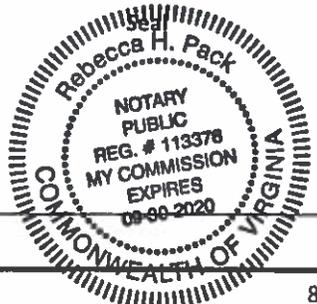
Name	Address
Jason Lipscomb, Manager of Lipscomb Real Estate Holdings, LLC	3625 Stone Harbor Dr. Midlothian, VA 23113

I, Jason Lipscomb, do hereby swear and affirm to the best of my knowledge and belief, the above information is true and that I am the applicant requesting rezoning for Tax Map 032-41.
 If the information listed above changes at any time while this request is being considered, I will provide Powhatan County with an updated list of owners.

Signature of Applicant	
Name of Applicant (Printed)	Jason Lipscomb, Manager of Lipscomb Real Estate Holdings, LLC

Commonwealth of Virginia
 County of Chesterfield, to wit:

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid by Jason Lipscomb, whose name is signed to the above, on this 4 day of October 2019.

Notary Public		
Commission Expires	9/30/20	
Notary Number	113376	



September 23, 2019

Re: Lipscomb Real Estate Holdings, LLC
Powhatan County, Virginia

Traffic Impact Statement

The proposed rezoning to be used as a dental clinic falls within ITE Code 720 Medical-Dental Office. Based off the 1580 SF of the existing building, the below chart represents the trip generation.

Land Use #	Description	Variable	AM Peak Hour (7 to 9 AM)			PM Peak Hour (4 to 6 PM)			ADT
			Enter	Exit	Total	Enter	Exit	Total	
720	Medical-Dental Office (s.f.)	1,586	3	1	4	2	5	7	57

Access to the property will be via right-in, right-right out only. The peak hour entries into the property do not warrant any turn lanes by VDOT.

Per the criteria set forth in Section 15.2-2222.1 of the Code of Virginia and its supporting regulations, 24 VAC 30-155-50, a Traffic Impact Analysis is not required to be submitted to VDOT. The proposed rezoning will not substantially affect transportation on state controlled highways, as evidenced by the trip generation table shown above.

Sincerely,

Zackary A. Wilkins, P.E.
Project Manager

ASK US HOW.

1 Park West Circle, Suite 108 Midlothian, VA 23114
804-748-9011 Fax 804-748-2590 www.cctownes.com



September 26, 2019

**Re: Lipscomb Real Estate Holdings, LLC
Powhatan County, Virginia**

Community Meeting Summary

The community meeting was held on September 26th at 6:30pm at the property requesting rezoning, 577 Huguenot Trail. Bret Schardein was present representing Powhatan Community Development and Planning. The property owner, Jason Lipscomb, was present as well as the engineer Zackary Wilkins. From the community, Shirley Marshall, the adjacent neighbor to the west, and Linda Phillips, the property owner on the north side of Rt. 711, were present.

The major points of discussion were relating to the intended business use, as a dental office, and how the home would be remodeled to achieve this use. The other focus was on traffic and how the property would be accessed. It was discussed that a turn lane is proposed with the project. We also clarified that the access would be right in and right out only, no median crossover of Rt. 711 would be added (no left turns would be allowed out of the property).

Please feel free to reach out if any additional information is needed regarding the community meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Zackary Wilkins", written over a white background.

Zackary A. Wilkins, P.E.
Project Manager

ASK US HOW.

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804-748-9011 Fax 804-748-2590 www.cctownes.com

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ATTORNEYS AT LAW

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Telephone (804) 748-3600, ex. 306
Fascimile (804) 748-4671

September 23, 2019

Powhatan County Planning Commission

C/O Karin Carmack

Powhatan Village Building

3910 Old Buckingham Road

Powhatan, VA 23139

Re: Economic Impact Statement for Rezoning of 577 Huguenot Trail

Dear Ms. Carmack:

I am writing on behalf of my client, Dr. Jason Lipscomb of Lipscomb Real Estate Holdings, LLC, to provide supplemental information to be filed with my client's application for rezoning of the property located at 577 Huguenot Trail. In addition to the 3-4 employees that this development will add to the local economy, rezoning this property 3.15-acre from A-10 to CC zoning will immediately generate significant tax revenue for Powhatan County. The average countywide assessment for A-10 properties is \$7,000/acre, while the average countywide assessment for Residential/Commercial zoning districts is \$56,000/acre. Assessed values in the Route 711 corridor tend to be much higher than the countywide average (e.g., assessments for some unimproved parcels located near the Founders Bridge and Winterfield Place Phase II developments run between \$100,000 to \$150,000/acre). Please consider this information along with my client's rezoning application.

Sincerely,



Kerry Brian Hutcherson, Esquire

Cc: Andrew Pompei, Powhatan County Planning (via e-mail)



Powhatan County Planning Commission Agenda Item

Meeting Date: December 3, 2019

Agenda Item Title: Discussion: Recommended Densities (2019 Long-Range Comprehensive Plan)

Action Requested: Discussion Only

Dates Previously Considered by PC: At its meeting on November 6, 2019, the Planning Commission requested that information be compiled and a recommendation made regarding suggested residential densities for certain land use designations within the 2019 Long-Range Comprehensive Plan.

Summary of Item: The 2019 Long-Range Comprehensive Plan recommends what residential densities may be appropriate in certain locations.

At the direction of the Planning Commission, staff researched:

- Recommended residential densities in previously-adopted comprehensive plans;
- Recommended residential densities in peer localities' comprehensive plans; and
- Densities of completed residential communities.

Based on this research, staff has developed an initial recommendation regarding appropriate residential densities described in the 2019 Long-Range Comprehensive Plan.

Attachments: Memo
Supporting Materials

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.

Board of Supervisors
Angela Y. Cabell, Chairman
William E. Melton, Vice Chairman
Laurence J. Nordvig
Carson L. Tucker
David T. Williams



Planning Director
Andrew J. Pompei, CZA, AICP

The County Of
Powhatan

TO: Planning Commission
FROM: Andrew Pompei (Planning Director)
DATE: November 20, 2019
SUBJECT: Recommended Residential Densities within the 2019 Long-Range Comprehensive Plan

Overview

At its meeting on November 6, 2019, the Planning Commission requested that information be compiled and a recommendation made regarding suggested residential densities for certain land use designations within the *2019 Long-Range Comprehensive Plan*.

Staff researched:

- Recommended residential densities in previously-adopted comprehensive plans (Attachment #1);
- Recommended residential densities in peer localities' comprehensive plans (Attachment #2); and
- Densities of completed residential communities (Attachment #3).

Based on this research, staff has developed an initial recommendation (below).

Recommended Residential Densities

If the Planning Commission is interested in amending the *2019 Long-Range Comprehensive Plan*, the following densities are recommended for the *Village Residential* and *Village Center* land use designations:

- *Village Residential*

Recommended residential densities within the *Village Residential* designation are 0.5 units per acre (1 unit per 2 acres) to 2.5 units per acre. Residential densities of up to 4 units per acre may be acceptable, if the project demonstrates exceptional design that provides significant benefits to the community. Exemplary projects that may be appropriate for higher densities include:

- Pedestrian-oriented infill development or redevelopment (with appropriate architecture and scale).
- Projects that provide sidewalks and/or shared-use paths along adjacent (external) roadways and on both sides of internal streets, or construct segments of regional trail networks.
- Projects that integrate high-quality workforce housing with market-rate units.
- Projects that permanently preserve a significant amount of open space (at least 35% of the site).

- Projects that incorporate significant water conservation measures, such as the use of reclaimed water for irrigation.
- *Village Center*

Recommended residential densities within the *Village Center* designation are 2.5 units per acre to 4 units per acre. Residential densities of up to 8 units per acre may be acceptable, if the project demonstrates exceptional design that provides significant benefit to the community. Exemplary projects that may be appropriate for higher densities include:

 - Pedestrian-oriented infill development or redevelopment (with appropriate architecture and scale).
 - Projects that provide sidewalks and/or shared-use paths along adjacent (external) roadways and on both sides of internal streets, or construct segments of regional trail networks.
 - Projects that integrate high-quality workforce housing with market-rate units.
 - Projects that include a publicly-accessible park or plaza with significant amenities.
 - Projects that incorporate significant water conservation measures, such as the use of reclaimed water for irrigation.
 - Projects that include the rehabilitation and reuse of historic structures that are listed on (or eligible for inclusion on) the state or national historic registers.

If desired, maximum residential densities for each of the aforementioned land use designations could vary by growth area (special area plan).

Attachment #1:

Recommended Residential Densities in Previously-Adopted Comprehensive Plans

Attachment #2:

Comparison of Residential Densities within Comprehensive Plans (Peer Localities)

Attachment #3:

Densities of Completed Residential Communities in Virginia

Recommended Residential Densities in Previously-Adopted Comprehensive Plans

December 2019

Overview

Recommended residential densities identified in Powhatan County’s comprehensive plans (1994, 1998, 2010, and 2019) have changed over time, with recommended residential densities within designated growth areas generally increasing over the past 25 years.

Plan	Recommended Residential Densities (Growth Areas)
1994	Limited guidance regarding maximum recommended densities
1998	<ul style="list-style-type: none"> • Single-Family Dwellings: Up to 1 unit per acre – 2 units per acre • Townhouses: Up to 4 units per acre
2010	<ul style="list-style-type: none"> • Residential-Only Neighborhoods (Low-Density Residential + Village Residential): 1 unit per 5 acres – 4 units per acre • Mixed-Use Communities (Village Center): 4 units per acre – 8 units per acre
2019	<ul style="list-style-type: none"> • Residential-Only Neighborhoods (Village Residential): 1 unit per 2 acres – 4 units per acre • Mixed-Use Communities (Village Center): 4 units per acre – 8 units per acre

1994 Comprehensive Plan

In the 1994 Comprehensive Plan, the Land Use Plan Map shows four different land use designations:

- *Agriculture*, which includes most of Powhatan County.
- *Community Center*, which primarily identifies “existing villages and crossroad settlements which perform a number of important community functions.” These areas include Tobaccoville, Ballsville, Macon, and Dorset. Limited residential development may be permitted (one unit per acre).
- *Major Commercial*, which accommodates “major commercial uses” at six locations (Route 60/Page Road East intersection, Route 60/Stavemill Road intersection, Route 60/Dorset Road intersection, Route 60/Academy Road intersection, Route 60/Maidens Road intersection, and the Courthouse Village).
- *Industrial*, which accommodates industrial uses southeast of the intersection of Maidens Road/Huguenot Trail and north of the intersection of Route 60/Stavemill Road.

Other land use designations are described, but are not depicted on the Land Use Plan Map:

- *Residential*

The plan states that “given the soil restrictions, patterns of development, availability of utilities and their factors, the Land Use Plan Map does not distinguish the actual location of various densities.” It states that density will be dictated by the aforementioned factors and will be determined at the time of rezoning. “Within the residential classification, it is expected that single-family detached residential (2 – 10 acre lot sizes), rural density incentive, clustering, residential planned unit development, multi-family, and two-family (duplex) zoning would be appropriate based on the individual case.”

Within the *Rural Preservation District* (which is not shown on the map), it states that the densities of one unit per 8 acres are recommended, with density bonuses of one unit per 5 acres within cluster subdivisions with significant buffers (minimum 150 feet) and at least 50% of the site preserved as open space. It states that “the creation of larger lots does not preserve rural character. It simply cuts large tracts of land into bigger pieces of private ownership and promotes sprawl. In order to preserve open space, the same number of houses should be developed on fewer acres.”

- *Neighborhood Conservation District*

This land use designation, which is not shown on the Land Use Plan Map, is applied to existing residential developments. “Future infill development in the *Neighborhood Conservation Districts* should be permitted to continue in the density and pattern for which respective subdivisions were designated at the time they were approved.”

- *Planned Unit Development*

“The *Planned Unit Development (PUD)* designation, although not shown on the Land Use Plan Map, is established to provide for areas where more intense residential and mixed-use development can be accommodated. Rather than mapping each of their future locations in advance, Planned Unit Development Districts will be designated in accordance with performance standards to be structured into the County’s zoning ordinance. The designation will be limited to locations where public benefits, in the form of highway improvements, provision of affordable housing, provision of parks, provision for sites appropriate for construction of schools or other needed community facilities, are provided as a part of the development approval process in exchange for higher densities.” There is no specific number provided regarding recommended residential densities, but the plan states that densities should not be “substantially higher” than surrounding neighborhoods.

1998 Comprehensive Plan

In the 1998 Comprehensive Plan, there seem to be two different maps related to development:

- Land Use Policy Map
- Future Land Use Plan Map

In the Land Use Policy Map, there are four Land Use Policy Areas. These designations include:

- *Rural Preservation Areas*, which include most of Powhatan County.
- *Village Preservation Areas*, which seem to include areas with existing residential development, including the Red Lane Road Corridor, the Mill Quarter area, areas surrounding Macon, areas surrounding the Bell Road/Powhatan Lakes Road intersection, areas surrounding the Huguenot Trail/Maidens Road intersection, and areas surrounding Moseley.
- *Village Service Areas*, which include the Courthouse Village/Route 60 Corridor from near Route 522 to Academy Road (similar to the existing Courthouse Village Special Area Plan) and the area east of Route 288 and south of Huguenot Trail.
- *Business Service Areas*, which stretch along Route 60 from the Flat Rock area to the Chesterfield County (similar to the existing Route 60 Corridor East Special Plan, but does not extend as far north/south from Route 60).

There is a table entitled *Summary of Criteria for Residential Rezoning*s that lists the recommended residential densities within each Land Use Policy Area:

- Within *Rural Preservation Areas*, the recommended residential density was up to 1 unit per 5 acres.
- Within *Village Preservation Areas*, the recommended residential density was up to 1 unit per acre.
- Within *Village Service Areas*, the recommended residential density was up to 2 units per acre for single-family dwellings (up to 4 units per acre for townhouses and multi-family residential).
- Within *Business Service Areas*, the document states that “residential uses are not the preferred uses in the Business Service Area, which is aimed at being a focal point for employment growth.” However, the table does state that projects with residential densities of up to 2 units per acre “may be

supportable by on-site septic capacity and water supplies and subject to the other criteria of Village Service Areas.”

It seems that the Future Land Use Map shows where different types of uses (Low-Density Residential, Community Residential, Community Commercial, Village Mixed Use, Light Industrial, Heavy Industrial, Non-Conforming Industrial Use, and Public/Institutional) may be permitted within each Land Use Policy Area.

2010 Comprehensive Plan

Within the 2010 Comprehensive Plan, there were three land use designations that accommodated residential development within designated growth areas:

- Within areas designated *Low-Density Residential*, the recommended residential density was 1 unit per 5 acres to 1 unit per 2 acres.

The intent of this designation is “to allow a transition from the more intense *Village Residential* areas and the surrounding rural area. *Low-Density Residential* should be permitted in limited areas of the county and used as transitional areas only. Isolated pockets of *Low-Density Residential* are not appropriate.”

- Within areas designated *Village Residential*, the recommended residential density was 1 unit per 2 acres to 4 units per acre.

The plan states that “*Village Residential* should include walkable neighborhoods with diverse housing options and integrated parks and public uses, which are compatible with the residential qualities of the neighborhoods.”

- Within areas designated *Village Center*, the recommended residential density was 4 units per acre to 8 units per acre.

The plan states that “Quaint *Village Centers* should be established in targeted growth areas of the county to accommodate local business growth and provide services and employment to the local population of Powhatan County. *Village Centers* will serve as an integral component of complete communities within the county and will be within walking distance of many *Village Residential* neighborhoods.”

These land use designations were generally located within designated growth areas (special area plans), as shown on Map 7: Countywide Land Use Plan. Some areas designated *Low-Density Residential* were located outside of designated growth areas (in the Dorset/Moseley area).

2019 Comprehensive Plan

Within the 2019 Comprehensive Plan, there are three land use designations that accommodate residential development within designated growth areas:

- Within areas designated *Village Residential*, the recommended residential density is 1 unit per 2 acres to 4 units per acre (no change from 2010).

The plan states that “*Village Residential* should include walkable neighborhoods with diverse housing options and integrated parks and public uses, which are compatible with the residential qualities of the neighborhoods” (no change from 2010).

- Within areas designated *Village Center*, the recommended residential density is 4 units per acre to 8 units per acre (no change from 2010).

The plan states that “Quaint *Village Centers* should be established in targeted growth areas of the county to accommodate local business growth and provide services and employment to the local population of Powhatan County. *Village Centers* will serve as an integral component of complete communities within the county and will be within walking distance of many *Village Residential neighborhoods*” (no change from 2010).

- Within areas designated *Economic Opportunity*, the recommended residential density is 0 units per acre to 9 units per acre. This land use designation was added in 2019 and is intended to primarily accommodate commercial and light industrial uses complemented by limited residential development (up to 30% of the project area).

The plan states that “areas identified as *Economic Opportunity* should be established at targeted locations near major highways to accommodate commercial, light industrial, and/or residential uses within master-planned developments. New developments will utilize innovative design techniques, including high-quality architectural features and environmentally-friendly practices, which minimize negative impacts on surrounding uses and create communities with lasting value.”

These land use designations are located within designated growth areas (special area plans), as shown on Map 6: Countywide Future Land Use Plan.

Urban Development Areas (UDAs)

In an attempt to improve the efficiency of Virginia’s transportation system, the Transportation Act of 2007 (and subsequent actions by the General Assembly in 2009, 2010, and 2011) required that fast-growing localities identify *Urban Development Areas (UDAs)* within their comprehensive plans. UDAs are intended to accommodate a mix of uses in a compact pattern. Constructing, expanding, and maintaining roadways to accommodate dispersed development is costly. By locating residences and businesses in close proximity to one another and in areas with existing infrastructure, fewer capacity improvements are required to accommodate development (and with fewer roads/road miles constructed, there are lower maintenance costs). By mixing uses together, shorter trips are required to access daily needs, and some trips can be completed by walking or biking. In 2012, the General Assembly eliminated the mandate that fast-growing localities include UDAs in their comprehensive plans (making UDAs optional). Powhatan County’s 2010 Comprehensive Plan was developed and adopted when UDAs were a mandatory element of local comprehensive plans.

If a locality chooses to create UDAs in their comprehensive plans, certain requirements must be met [Code of Virginia §15.2-2223.1]. These requirements align with what was required in the original legislation:

- UDAs must be located in areas near existing developed areas where there are existing transportation facilities and public water/sewer.
- UDAs must accommodate a mix of uses at varying densities:
 - Single-Family Residential Development: 4 units per acre
 - Townhouses: 6 units per acre
 - Multi-Family Residential Development: 12 units per acre
 - Commercial Development: 0.4 Floor Area Ration (FAR)
- UDAs must be sized to accommodate projected residential and commercial development anticipated over the next 10 to 20 years.

Comparison of Residential Densities Recommended within Comprehensive Plans
November 2019

The following table lists land use designations identified in ten localities' long-range comprehensive plans that recommend residential uses (either within residential-only subdivisions or mixed-use developments), along with their recommended residential densities. These localities are generally rural or semi-rural in character.

Locality	Land Use Designations Recommending Residential Uses	Recommended Densities	Notes
Amelia County (Adopted 2016/2017)	Amelia Courthouse (Town Center)	4 units per acre – 12 units per acre	Mixed-use development is recommended within this area.
	Corridor Crossroads Mixed-Use	Not Specified	It is recommended to “plan for a mix of residential uses at different sizes and prices” and “emphasize suburban residential development with community/neighborhood commercial.”
Culpeper County (Adopted 2015) (Currently Under Review)	Residential Low Density	1 unit per acre	
	Residential Medium/High Density	2 units per acre – 8 units per acre	
	Mixed Use	Not Specified	Developments within this area “often combine commercial and residential components within a single property, e.g. an apartment building with offices or stores.”
Fluvanna County (Adopted 2015)	Village	4 units per acre – 6 units per acre	This designation includes a mix of commercial and residential uses, with single-family residential (25 – 75% of project) and multi-family residential recommended (25 – 50% of project).
	Neighborhood Residential	4 units per acre – 8 units per acre	
	Neighborhood Mixed-Use	8 units per acre – 10 units per acre	This designation includes a mix of commercial and residential uses, including single-family residential (5 – 20% of project) and multi-family residential (10 – 35% of project).

Locality	Land Use Designations Recommending Residential Uses	Recommended Densities	Notes
Gloucester County (Adopted 2016)	Bayside Residential	Not Specified	“Large-lot, single-family detached residential development or low-density cluster development is recommended.”
	Rural Residential	1 unit per 5 acres (maximum)	
	Suburban Countryside	1 unit per 2 acres	
	Mixed Density Residential	Not Specified	“This designation aims to provide a variety of housing types including higher-density, village-scale neighborhood development.”
	Suburban High Density	>2 units per acre	
Goochland County ¹ (Adopted 2015)	Single-Family Residential, Low Density	1 unit per 2 acres (maximum)	
	Single-Family Residential, Medium Density	1 unit per acre (maximum)	
	Suburban Residential	2.5 units per acre (maximum)	
	Flexible Residential	2.5 units per acre (maximum)	Recommends a combination of residential, retail/service, and office uses.
Hanover County (Adopted 2018)	Suburban General	1.5 units per acre – 3 units per acre	
	Suburban High	3 units per acre – 7 units per acre	
	Multi-Family	8 units per acre – 15 units per acre	
	Multi-Use	15 units per acre	No more than 50% of the total area of a mixed-use project should be devoted to residential uses, with density calculated based upon the portion of the project devoted to residential uses.

¹ While the description of the *Prime Economic Development Area* land use designation does not include recommendations regarding minimum/maximum residential densities, rezoning requests for residential projects within this land use designation have been approved. Examples include Mosaic (Approved 2018: Age-Restricted Single-Family Development/Townhouses at approx. 2.5 units per acre) and 2000 West Creek Apartments (Approved 2016: Multi-Family Residential at approx. 16.6 units per acre).

Locality	Land Use Designations Recommending Residential Uses	Recommended Densities	Notes
Isle of Wight County (DRAFT 2019/2020)	Conservation Development	1 unit per 5 acres	
	Suburban Estate	1 unit per acre – 3 units per acre	
	Suburban Residential	3 units per acre – 5 units per acre	
	Urban Residential	5 units per acre – 10 units per acre	
	Mixed Use	14 units per acre (maximum)	
James City County (Adopted 2015)	Low-Density Residential	1 unit per acre – 4 units per acre	The base recommended density is 1 unit per acre. Densities of up to 4 units per acre may be acceptable, “if particular public benefits are provided. Examples of such benefits include mixed-cost housing, affordable and workforce housing, enhanced environmental protection, or development that adheres to principles of open space design.”
	Moderate-Density Residential	4 units per acre – 12 units per acre	“Development at this density is not recommended unless it offers particular public benefits. Examples of such public benefits include mixed-cost housing, affordable and workforce housing and enhanced environmental protection.”
	Mixed Use	18 units per acre	“Mixed use developments that include residential components should have commercial or office uses that complement those residences.” Highest densities are not recommended unless the development “offers particular public benefits to the community. Examples of such benefits include affordable housing, workforce housing, enhanced environmental protection, a high degree of access to multi-modal/transit transportation, or development that adheres to the principles of open space development design.”

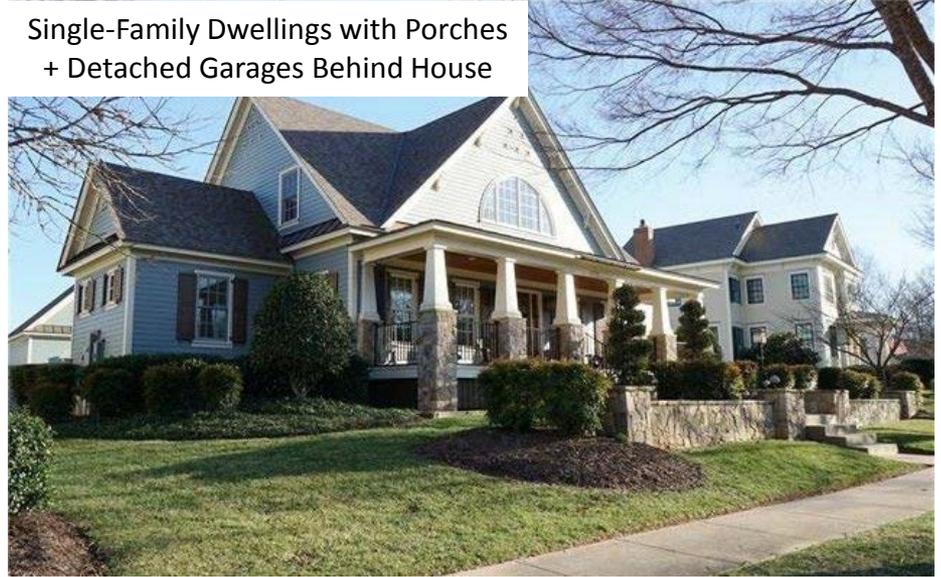
Locality	Land Use Designations Recommending Residential Uses	Recommended Densities	Notes
New Kent County (Adopted 2012)	Suburban Housing	1 unit per acre – 2 units per acre	
	Village	Not Specified	Recommends mix of uses with: <ul style="list-style-type: none"> • Single-family attached/detached units on smaller lots • Apartments/condominiums (freestanding buildings and upper-story units)
Orange County (Adopted 2013/ Updated 2018)	Village	Not Specified	Recommends mix of uses with a “concentration of residential development along with areas of open land.”
	Town - Suburban	Not Specified	Recommends that “the predominant type of development is single-family detached dwellings, although greater density . . . may be appropriate if consistent with existing adjacent uses.”

Oak Park

Chesterfield County: Live Oak Lane at W. Huguenot Road

Total Acreage	40.92
Number of Lots/Units	82
Unit Types	Single-Family Detached
Overall Density (Dwelling Units/Acre)	2.00
Average Lot Size (Sq. Ft.)	17,619
Open Space (Acres)	2.42

Single-Family Dwellings with Porches
+ Detached Garages Behind House



Single-Family Dwellings with Porches



Tree-Lined Streets with Sidewalks



Oak Park

Chesterfield County: Live Oak Lane at W. Huguenot Road



Scottville

Powhatan County: Old Buckingham Road/General Scott Blvd.

Total Acreage	79.36 (Commercial Uses: 14.18 acres)
Number of Lots/Units	140
Unit Types	Single-Family Detached Townhouses
Overall Density (Dwelling Units/Acre)	2.15
Average Lot Size (Sq. Ft.)	8,139
Open Space (Acres)	23.92

Based on preliminary plat (Case #03-03-PSP)

Single-Family Dwellings with Alleys



Townhouses with Alleys



Park as a Focal Point/Amenity



Scottville

Powhatan County: Old Buckingham Road/General Scott Blvd.



Village at Candle Station

James City County: Richmond Road (Rt. 60)/Croaker Road

Total Acreage	64.45 (Commercial Uses: 3.06 acres)
Number of Lots/Units	208
Unit Types	Single-Family Detached Townhouses
Overall Density (Dwelling Units/Acre)	3.39
Average Lot Size (Sq. Ft.)	3,692
Open Space (Acres)	36.46

Based on JCC-Z-0008-2014/MP-0004-2014



Single-Family Dwellings and Townhouses Facing a Central Park



Single-Family Dwellings with Rear Alley



Townhouses with Rear Alley Facing Park and Shared-Use Path

Village at Candle Station

James City County: Richmond Road (Rt. 60)/Croaker Road



Riverside Village

Albemarle County: Stony Point Road/Trailside Drive

Total Acreage	18.65 (Mixed-Use Area: 3.46 acres)
Number of Lots/Units	69 (Maximum Permitted)
Unit Types	Single-Family Detached Townhouses Condominiums
Overall Density (Dwelling Units/Acre)	3.7 (Maximum Permitted)
Average Lot Size (Sq. Ft.)	4,880
Open Space (Acres)	8.27



Single-Family Dwellings with Alleys



Townhouses with Alleys



Riverside Village

Albemarle County: Stony Point Road/Trailside Drive



Courthouse Village: Rosson Road

Powhatan County: Rosson Rd./Old Buckingham Road

Total Acreage	1.3
Number of Lots/Units	8
Unit Types	Single-Family Detached Multi-Family (Condos/Apts.)
Overall Density (Dwelling Units/Acre)	6.15
Average Lot Size (Sq. Ft.)	9,590 (Single-Family Detached)
Open Space (Acres)	0

Multi-Family Building



Single-Family Dwelling



Single-Family Dwellings



Courthouse Village: Rosson Road

Powhatan County: Rosson Rd./Old Buckingham Road



Winterfield Park

Chesterfield County: Michaux Springs Dr./Winterfield Road

Total Acreage	23.21
Number of Lots/Units	147
Unit Types	Single-Family Detached Townhouses
Overall Density (Dwelling Units/Acre)	6.33
Average Lot Size (Sq. Ft.)	1,756
Open Space (Acres)	12.91

Single-Family Dwellings with Alleys



Pedestrian-Friendly Streetscape



Townhouses with Alleys



Winterfield Park

Chesterfield County: Michaux Springs Dr./Winterfield Road



Riparian Buffer

Mix of Different Housing Types
(Single-Family Detached + Townhouses)

Central Park
(1/2 acre)

Amenity Area

Pedestrian-Oriented Streets
(Sidewalks, Street Trees, Lighting,
On-Street Parking)



Powhatan County Planning Commission Agenda Item

Meeting Date: December 3, 2019

Agenda Item Title: Discussion: Amendments to Planned Development Zoning Districts

Action Requested: Discussion Only

Dates Previously Considered by PC: At its meeting on November 6, 2019, the Planning Commission requested that possible amendments to language/requirements related to *Village Growth Area Planned Development (PD) Districts* be prepared.

Summary of Item: The Planning Commission does not feel that previously-proposed planned developments have provided exceptional design features and/or public benefits (considering the degree of design flexibility requested by applicants).
Sec. 83-280 does not provide clear guidance as to when a *Village Growth Area Planned Development (PD) District* is appropriate versus application of a *Village Growth Area Base District*.
Different approaches and possible ordinance amendments have been prepared that could help address those concerns.

Attachments: Memo

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.

Board of Supervisors
Angela Y. Cabell, Chairman
William E. Melton, Vice Chairman
Laurence J. Nordvig
Carson L. Tucker
David T. Williams



Planning Director
Andrew J. Pompei, CZA, AICP

The County Of
Powhatan

TO: Planning Commission
FROM: Andrew Pompei (Planning Director)
DATE: November 22, 2019
SUBJECT: Amendments to Language Regarding Planned Development Zoning Districts

Problem

The Planning Commission does not feel that previously-proposed planned developments have provided exceptional design features and/or public benefits (considering the degree of design flexibility requested by applicants).

Sec. 83-280 does not provide clear guidance as to when a *Village Growth Area Planned Development (PD) District* is appropriate versus application of a *Village Growth Area Base District*.

Possible Solutions

Revisions to Sec. 83-280

Language in Sec. 83-280 could be reworded to explain how the *Village Growth Area Planned Development (PD) Districts* are intended to promote high-quality design and innovative planning (revised language in red):

A planned development is a development that is planned and developed under unified control in accordance with more flexible standards and procedures that are conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher-quality development than could be achieved through base zoning district regulations. The purpose of this division is to provide a uniform means for amending the official zoning district map to establish any of the three planned development (PD) zoning districts allowed by this chapter: the VR-PD village residential planned development; the VC-PD village center planned development; and the CC-PD commerce center planned development.

The village growth area planned development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality development, environmental sensitive, energy efficiency, and other county goals and objectives by:

- 1. Allowing greater design flexibility than permitted through application of the village growth area base districts.*

2. *Accommodating a well-integrated mix of residential and/or nonresidential land uses within the same development, including a mix of housing types, lot sizes, and densities.*
3. *Promoting quality design and environmentally-sensitive development that aligns with recommendations made in the long-range comprehensive plan, reflects the character of the surrounding area, and takes advantage of a site's natural and manmade features, such as mature trees, wetlands, surface waters, floodplains, and historic features.*

Language Regarding Required Project Features/Eligibility

Language could be added to Sec. 83-280 or Sec. 83-282 (or a new section created) that identifies what types of projects are an appropriate application of the PD districts. Example language below lists suggested design concepts, which are based upon recommendations made in the 2019 Long-Range Comprehensive Plan and described within the intent of individual PD districts. Each PD plan could include language describing how the project addresses one (or more) of the listed design concepts:

Eligibility. In exchange for this flexibility, the development should incorporate innovative, high-quality design concepts that provide significant benefits to the public. Exemplary projects that may be appropriate within a planned development zoning district include those that achieve at least one (or more) of the following:

- *Enable pedestrian-oriented infill development or redevelopment designed to reflect the scale and architecture of surrounding development.*
- *Provide pedestrian and/or bicycle infrastructure (sidewalks, shared-use paths, etc.) that exceeds minimum development standards and/or facilitates implementation of a regional trail network.*
- *Integrate high-quality workforce housing with market-rate units.*
- *Provide diverse housing options (or single-family dwellings on lots of varying sizes).*
- *Protect an exceptional amount of open space (30% or more of the site) or preserve a unique natural feature or habitat.*
- *Incorporate significant water conservation measures, such as the use of reclaimed water for irrigation.*
- *Include the rehabilitation and reuse of historic structures (constructed prior to 1940).*
- *Incorporate high-quality architecture and site design to create an attractive pedestrian-friendly streetscape, with buildings that relate to the street and are scaled to maintain a "small town feel" (guaranteed with proffered conditions).*

Density Bonuses

To incentivize higher-quality projects that provide public benefits, another approach could be to adjust (reduce) permitted maximum densities within PD districts and provide opportunities for density bonuses (if certain design concepts are incorporated into proposed projects and guaranteed through proffered conditions).

For its Planned Unit Development Districts (PUD) (single-use master-planned developments) and Mixed Use (MU) district (mixed-use master-planned developments), James City County establishes a base maximum residential density (varying by type of residential use) and a maximum bonus residential density. A matrix/points-based system is used to determine the density bonus. *Bonus item options* include:

- Provision of affordable/workforce housing.
- Use of low-impact development (LID) techniques to manage stormwater.
- Completion of a stream restoration project or stormwater management facility retrofit within the same sub-watershed as the project.
- Achieving green building certification (EarthCraft, LEED, etc.).
- Dedicating a site for development of a public facility.
- Constructing a greenway trail recommended in the local Greenway Master Plan and/or Virginia Outdoors Plan.
- Preserving a single area of healthy, mature, mixed hardwood forestland at least two acres in size within the developable portion of the site.
- Retaining a single area of agricultural land at least five acres in size.
- Preserving wildlife corridors at least 100 feet wide.
- Providing riparian buffers that exceed local requirements.
- Providing sidewalks that exceed local requirements.
- Preserving a perimeter buffer at least 100 feet wide along adjacent right-of-ways (provided that the perimeter buffer makes up at least five percent of the total developable area).
- Preserving and rehabilitating an historic structure.
- Developing on-site architectural design guidelines that exceed local requirements.

Within its Planned Unit Development Districts (PUD), Fluvanna County allows *density bonuses* if:

- At least 50% of the project area is preserved as open space (with additional density bonuses if 75% of the project area is preserved as open space).
- Affordable housing units are provided.

Powhatan County already allows *density bonuses* to incentivize the implementation of sustainable development practices [Sec. 83-486]. To date, no approved projects have utilized this bonus.



Powhatan County Planning Commission Agenda Item

Meeting Date: December 3, 2019

Agenda Item Title: Discussion (Workshop): Revisions to the Sign Ordinance (Sec. 83-488)

Action Requested: The Department of Community Development requests feedback and direction regarding possible revisions to the sign ordinance (Sec. 83-488) (see attachment).

Dates Previously
Considered by PC: May 7, 2019
June 4, 2019

Summary of Item: Based on discussion at the workshop on May 7, 2019 and June 4, 2019, the Department of Community Development has continued to research possible revisions to the sign ordinance (Sec. 83-488) and develop a strategy for drafting those revisions (see attachment).

Attachments: Memo

Staff/Contact: Andrew Pompei: Planning Director
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apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.

Board of Supervisors
Angela Y. Cabell, Chairman
William E. Melton, Vice Chairman
Laurence J. Nordvig
Carson L. Tucker
David T. Williams



County Administrator
Theodore L. Voorhees

The County Of
Powhatan

TO: Planning Commission
FROM: Andrew Pompei, Planning Director
DATE: October 29, 2019
SUBJECT: Possible Amendments to Sign Ordinance (Sec. 83-488)

Current Situation

Sec. 83-488 of the Powhatan County Zoning Ordinance establishes standards regarding the placement and design of temporary and permanent signage.

Project Goals

The Department of Community Development recommends that Sec. 83-488 be rewritten to:

- Revise standards to align with guidance provided by the U.S. Supreme Court in *Reed v. Town of Gilbert* (2015) regarding the regulation of sign content;¹
- Refine design requirements (area, height, illumination, etc.) to better reflect recommendations set forth in the 2010 Long-Range Comprehensive Plan;
- Revise and simplify language to provide greater clarity regarding certain requirements and practices.

Proposed Changes

Possible revisions to Sec. 83-488 of the Powhatan County Zoning Ordinance were discussed by the Planning Commission at workshops held on May 7, 2019 and June 4, 2019. Based on feedback provided, proposed standards have been drafted to address the following issues:

- Signs exempt from obtaining a sign permit;
- Prohibited sign types and features; and
- Standards for permanent signage by type of zoning district.

The Department of Community Development is requesting feedback on these proposed standards.

¹ In *Reed v. Town of Gilbert* (2015), the U.S. Supreme Court determined that content-neutral sign regulations best protect freedom of speech (First Amendment). Local regulations may address such issues as the size and placement of signage, but should not regulate signage based on its content (i.e. sign messaging). Other localities in Virginia have recently revised sign regulations to address guidance provided by the U.S. Supreme Court in *Reed v. Town of Gilbert*, including [York County](#) and [Fairfax County](#).

Next Steps

Based on feedback received, the Department of Community Development will continue to draft amendments to the standards regarding signage (Sec. 83-488). Proposed standards regarding temporary signage will be prepared.

Attachments

- Attachment #1: Sign Ordinance Rewrite
(Draft Standards: Exemptions, Prohibited Signs, and Permanent Signs)
- Attachment #2: Sign Ordinance Rewrite
(Draft: Definitions Related to Signs)
- Attachment #3: Examples of Different Sign Types

DRAFT: Sign Ordinance Rewrite

Presented to Planning Commission: December 3, 2019

Exemptions

The following signs may be erected, altered, or maintained without obtaining a sign permit, provided that such signs comply with all applicable standards of this section:

1. *Signage erected by governmental entity or required by regulation.* Signs erected and maintained pursuant to and in discharge of any federal, state, or county governmental function, or as may be required by law, ordinance, or governmental regulation, including official traffic signs and signals, warning devices and other similar signs, and street signs and addresses required to be posted pursuant to the terms of Code of the County of Powhatan.
2. *Signage erected by a public utility.* Signs erected and maintained a public utility and required by law.
3. *Traffic control and safety-related signs.* Traffic control and safety-related signs within parking areas and/or along vehicle access driveways or aisles, when not exceeding three (3) square feet in area and three feet (3') in height, provided that such signs are not illuminated. A permit shall be secured for any such signs that are illuminated. Such signs shall be exempt from minimum setback requirements.
4. *Grave stones and memorials within a cemetery.* Grave stones, memorial tablets, or similar monuments located within a cemetery;
5. *Small-scale permanent signage on parcels occupied by single-family dwellings, duplexes, and townhouses.* For each single-family detached dwelling, duplexes, and townhouse, one (1) permanent non-illuminated wall sign not exceeding one (1) square foot in area and one (1) permanent non-illuminated freestanding sign not exceeding one (1) square foot in area and four (4) feet in height. Such signage shall count towards the maximum cumulative sign area for permanent signs permitted in Sec. _____.
6. *Small-scale permanent signage on parcels occupied by multi-family dwellings.* For each building containing multi-family dwellings, one (1) permanent non-illuminated wall sign not exceeding four (4) square feet in area and one (1) permanent non-illuminated freestanding sign not exceeding four (4) square feet in area and four (4) feet in height shall be permitted. Such signage shall count towards the maximum cumulative sign area for permanent signs permitted in Sec. _____.
7. *Small-scale, non-illuminated temporary signs on lots used for residential purposes.* Up to a cumulative total of sixteen (16) square feet in area of signage on property used for residential purposes within any zoning district, provided that such signs are non-illuminated and each sign is not displayed for more than sixty (60) days at a time. Such signage shall count towards the maximum cumulative sign area for temporary signs permitted in Sec. _____.
8. *Cornerstones.* Cornerstones or plaques, when incorporated within or affixed to façade materials of a building and not exceeding six (6) square feet in area.
9. *Noncommercial flags.* Flags up to sixty (60) square feet in area and limited to two (2) per parcel whether on a freestanding flagpole or a pole or staff mounted on a building. The height of flagpoles shall not exceed the maximum building height specified for the zoning district in which located. Flags shall be mounted such that the lowest point of the flag at rest is above the finished grade directly beneath it and below the roofline of the building to which it is mounted. The flag's horizontal projection from the pole shall not impede vehicular travel.
10. *Signage on active development sites.* Non-illuminated signs on property for which building permits or land development approvals are active, not exceeding thirty-two (32) square feet in area and six (6) feet in height and limited to one sign per street frontage. No such signs shall be permitted unless a building permit has been issued or unless a site plan, preliminary plat, or final plat for the proposed development has been submitted to Powhatan County for official review. Such signs shall be removed at the completion of

construction. Such signage shall count towards the maximum cumulative sign area for temporary signs permitted in Sec. _____.

11. *Signs on properties for sale, lease, or rent.* Non-illuminated signs on property for sale, lease, or rent, not exceeding six (6) square feet in area and four (4) feet in height within agricultural and residential districts (as defined in this section) and thirty-two (32) square feet and six (6) feet height in commercial, industrial, and mixed-use districts (as defined in this section), and limited to one sign for each street frontage. Such signage shall count towards the maximum cumulative sign area for temporary signs permitted in Sec. _____.
12. *Window signs.* Signs displayed in the windows of establishments permitted in commercial, industrial, and mixed-use districts (as defined in this section), provided, however, that if such signs occupy more than ten percent (10%) of the total area of the window in which they are displayed, the area in excess of the 10% limit shall count towards the maximum signage allowance for the subject property/building.
13. *Signs on recreational facilities.* Signs located on property occupied by public or private recreational uses and which are not legible from adjacent streets or adjacent properties.
14. *Historical markers.* Historical markers erected by duly constituted and authorized public authorities or nonprofit organizations.

Prohibited Sign Types: General Prohibitions

1. Any sign attached to trees, bushes, shrubberies, or other plants or vegetation.
2. Any sign located within the public rights-of-way, except those posted by or on behalf of a governmental body.
3. Any sign simulating, or which is likely to be confused with, a traffic control sign, any other sign displayed by a public authority, or the lights or markings on an emergency vehicle.
4. Any unauthorized sign located at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between heights of two-and-one-half (2.5) and eight (8) feet.
5. Any sign obstructing safety equipment, openings required for proper light and ventilation, or openings used as a means of ingress or egress for public safety purposes.
6. Any sign displayed on a stationary vehicle or trailer that is used for the purpose of a mobile or portable sign, including the parking of a vehicle for a period of more than 24 hours in such a manner that it is within 100 feet of and plainly visible from the public right-of-way and not parked within a designated parking space.
7. Any building-mounted sign that faces the side lot of an adjoining residential property.

Prohibited Sign Types: Based on Construction

1. Any sign with parts that rotate or move, or appear to rotate or move, either by movement of the atmosphere or by mechanical, electrical, or other means, including but not limited to: flags (other than those listed in Sec. _____), adversails, feathers, pennants, posters, propellers, discs, ribbons, balloons, streamers, and spinners.
2. Any sign displaying flashing, scrolling, or intermittent lights or lights of changing degrees of intensity.
3. Searchlights.
4. Any sign consisting primarily of exposed illuminated tubing or strings of lights, except in windows or when used for temporary decorations not to exceed 90 days in any calendar year.
5. Any sign that emits sound or smoke, flame, scent, mist, aerosol, liquid, or gas.
6. Inflatable signs, devices, and balloons.
7. Any wall sign projecting above the roofline or mounted to the roof.
8. Awning signs.

Permanent Signage Permitted by Zoning District

The following tables indicate the area, height, location, and type of illumination of permanent signs permitted within each of the zoning districts prescribed by this chapter. All such signs shall be in accordance with the general provisions established in _____.

Table 83-488 _____: Permanent Signage in Agricultural Districts				
Agricultural-20 (A-20), Agricultural-10 (A-10), Agricultural/Animal Confinement (A-C)				
Land Use	Freestanding Signs		Wall Signs	
Residential	Number of Signs Permitted	1 per dwelling unit	Maximum Cumulative Sign Area (per façade)	3 square feet
	Maximum Sign Area (per sign)	6 square feet		
	Maximum Sign Height	6 feet		
	Setback	5 feet from property line	Illumination	External
	Illumination	External		
	Electronic Message Center (EMC)	Prohibited		
Entrance to a Residential Subdivision	Number of Signs Permitted	1 per entrance	Prohibited	
	Maximum Sign Area (per sign)	36 square feet		
	Maximum Sign Height	6 feet		
	Setback	15 feet from property line		
	Illumination	External		
	Electronic Message Center (EMC)	Prohibited		
Non-Residential	Number of Signs Permitted	1 per street frontage	Maximum Cumulative Sign Area (per façade)	12 square feet
	Maximum Sign Area (per sign)	16 square feet ¹		
	Maximum Sign Height	8 feet		
	Setback	5 feet from property line	Illumination	External
	Illumination	External		
	Electronic Message Center (EMC)	Prohibited		
¹ The maximum sign area for an individual sign may increase to 24 square feet, if the sign is designed as a monument sign with a base of brick or stone that complements the appearance of the main building.				

Table 83-488 _____ : Permanent Signage in Residential Districts
 Rural Residential (RR), Rural Residential-5 (RR-5), Single-Family Residential-2 (R-2), Village Residential (VR),
 Village Residential Planned Development (VR-PD), Residential Utility (R-U)

Land Use	Freestanding Signs		Wall Signs	
Residential	Number of Signs Permitted	1 per dwelling unit	Maximum Cumulative Sign Area (per façade)	3 square feet
	Maximum Sign Area (per sign)	6 square feet		
	Maximum Sign Height	6 feet		
	Setback	5 feet from property line	Illumination	Prohibited
	Illumination	Prohibited		
	Electronic Message Center (EMC)	Prohibited		
Entrance to a Residential Subdivision	Number of Signs Permitted	2 per entrance	Prohibited	
	Maximum Sign Area (per sign)	36 square feet		
	Maximum Sign Height	6 feet		
	Setback	15 feet from property line		
	Illumination	External		
	Electronic Message Center (EMC)	Prohibited		
Non-Residential	Number of Signs Permitted	1 per street frontage	Maximum Cumulative Sign Area (per façade)	12 square feet
	Maximum Sign Area (per sign)	16 square feet ¹		
	Maximum Sign Height	8 feet		
	Setback	10 feet from property line (including public right-of-way)	Illumination	External
	Illumination	External		
	Electronic Message Center (EMC)	Prohibited		

¹The maximum sign area for an individual sign may increase to 24 square feet, if the sign is designed as a monument sign with a base of brick or stone that complements the appearance of the main building.

Table 83-488 _____ : Permanent Signage in Commercial Districts

Commerce Center (CC), General Commercial (C), Office (O)

Land Use	Freestanding Signs		Wall Signs	
Any Use	Number of Signs Permitted	1 per street frontage ^{1, 2}	Maximum Cumulative Sign Area (per façade)	25 square feet + ½ square foot per 1 foot of façade length, with a maximum of 200 square feet on a single facade ^{7, 8}
	Maximum Sign Area	36 square feet ^{2, 3, 4}	Illumination	External Internal Halo Illumination
	Maximum Sign Height	10 feet ⁵		
	Setback	10 feet from public right-of-way ⁶ 5 feet from other property lines		
	Illumination	External Halo Illumination		
	Electronic Message Center (EMC)	Up to 1 per parcel with street frontage on U.S. Route 60		

¹ One additional freestanding sign may be permitted, if the parcel has 400 feet or more of road frontage. Each sign must be spaced at least 400 feet apart.

² Signs that are not clearly legible from adjacent roadways shall not count towards the maximum number of permitted signs or the maximum sign area.

³ The maximum sign area for an individual sign may increase to 48 square feet, if the sign is designed as a monument sign with a base of brick or stone that complements the appearance of the main building.

⁴ If the sign is a unified development sign, as described in Sec. _____, the maximum sign area may increase to 72 square feet.

⁵ If the sign is a unified development sign, as described in Sec. _____, the maximum sign height may be increased to 12 feet.

⁶ The minimum setback may be reduced to five feet, if the sign is designed as a monument sign with a base of brick, stone, or a similar material that complements the appearance of the main building.

⁷ The maximum cumulative sign area per façade may increase by 20 percent, if the sign is externally illuminated or features halo illumination.

⁸ For multi-tenant buildings, the maximum cumulative sign area on a single façade may be modified to allow 40 square feet per individual unit with a separate publicly-accessible entrance on that façade.

Table 83-488 _____ : Permanent Signage in Industrial Districts
 Light Industrial (I-1), Heavy Industrial (I-2), Mining and Mineral Extraction (M)

Land Use	Freestanding Signs		Wall Signs	
Any Use	Number of Signs Permitted	1 per street frontage	Maximum Cumulative Sign Area (per façade)	1 square foot per 1 foot of façade length (up to 50 square feet on a single facade) ^{5,6}
	Maximum Sign Area	24 square feet ^{1,2}	Illumination	External Internal Halo Illumination
	Maximum Sign Height	10 feet ³		
	Setback	10 feet from public right-of-way ⁴ 5 feet from other property lines		
	Illumination	External Halo Illumination		
	Electronic Message Center (EMC)	Up to 1 per parcel with street frontage on U.S. Route 60		

¹ The maximum sign area for an individual sign may increase to 36 square feet, if the sign is designed as a monument sign with a base of brick or stone that complements the appearance of the main building.
² If the sign is a unified development sign, as described in Sec. _____, the maximum sign area may increase to 72 square feet.
³ If the sign is a unified development sign, as described in Sec. _____, the maximum sign height may be increased to 12 feet.
⁴ The minimum setback may be reduced to five feet, if the sign is designed as a monument sign with a base of brick, stone, or a similar material that complements the appearance of the main building.
⁵ The maximum cumulative sign area per façade may increase by 20 percent, if the sign is externally illuminated or features halo illumination.
⁶ For multi-tenant buildings, the maximum cumulative sign area on a single façade may be modified to allow 40 square feet per individual unit with a separate publicly-accessible entrance on that façade.

Table 83-488 _____ : Permanent Signage in Mixed Use Districts
 Crossroads (CR), Village Center (VC), Village Center Planned Development (VC-PD), Courthouse Square Center (CHSC)

Land Use	Freestanding Signs		Wall Signs	
Residential	Number of Signs Permitted	1 per dwelling unit	Maximum Cumulative Sign Area (per façade)	3 square feet
	Maximum Sign Area (per sign)	6 square feet		
	Maximum Sign Height	6 feet	Illumination	Prohibited
	Setback	3 feet from property line		
	Illumination	Prohibited		
	Electronic Message Center (EMC)	Prohibited		
Non-Residential	Number of Signs Permitted	1 per street frontage ^{1, 2}	Maximum Cumulative Sign Area (per façade)	25 square feet + ½ square foot per 1 foot of façade length, with a maximum of 200 square feet on a single facade ⁶
	Maximum Sign Area (per sign)	24 square feet ^{2, 3, 4}	Illumination	External
	Maximum Sign Height	8 feet ⁵		
	Setback	3 feet from property line		
	Illumination	External		
	Electronic Message Center (EMC)	Prohibited		

¹ One additional freestanding sign may be permitted, if the parcel has 400 feet or more of road frontage. Each sign must be spaced at least 400 feet apart.

² Gas station signs and outdoor drive-through message boards, as described in Sec. _____, shall not count towards the maximum number of permitted signs or the maximum sign area, provided that they are not clearly legible from adjacent roadways.

³ The maximum sign area for an individual sign may increase to 36 square feet, if the sign is designed as a monument sign with a base of brick or stone that complements the appearance of the main building.

⁴ If the sign is a unified development sign, as described in Sec. _____, the maximum sign area may increase to 72 square feet.

⁵ If the sign is a unified development sign, as described in Sec. _____, the maximum sign height may be increased to 12 feet.

⁶ The maximum cumulative sign area per façade may increase by 20 percent, if the sign is externally illuminated.

Additional Design Standards for Permanent Signage

Monument signs. Monument signs shall be permitted as follows:

1. Monument signs shall have a base (support structure) of brick, stone, or another masonry material that is the same as at least one of the materials as the principal building on the property.
2. The height of the base shall be no more than 50 percent of the total height of the monument sign.

Changeable copy sign. Changeable copy signs shall be permitted as follows:

1. Changeable copy signs shall adhere to the standards for a monument sign.
2. Up to 50 percent of the allowed sign area of a monument sign may be occupied by a changeable copy sign.

Electronic message centers. Electronic message centers (EMCs) shall be permitted as follows:

1. EMCs shall adhere to the standards for a monument sign.
2. Up to 50% of the allowed sign area of a monument sign may be occupied by an EMC.
3. Lighting from the EMC shall not exceed 0.3 foot candles as measured from the sign's face. The EMC shall have automatic dimmer software or solar sensors to control brightness. The intensity of the light source shall not produce glare. Documentation shall be provided from the sign manufacturer which verifies compliance with auto dimming and brightness requirements.
4. The transition duration between messages shall not exceed one (1) second, and the message hold time shall be a minimum of ten (10) seconds.

Outdoor drive-through message boards. Outdoor drive-through message boards, which is signage associated with and oriented towards drive aisles that accommodate drive-through service, shall be permitted as follows:

1. Up to one menu board up to 24 square feet in area per drive-through lane.
2. Up to one pre-order board up to 12 square feet in area per drive-through lane.
3. The rear of the pre-order and menu boards shall be painted to match the color of the primary building.

Signs within a multi-tenant development.

Unified development sign. Unified development signs are permitted at the entrance of a multi-tenant development as follows:

1. The unified development sign shall include the name of the development.
2. The number of signage spaces available on the unified development sign shall not exceed the maximum number of tenants in the development. The letter style and graphic display of all individual tenant signs on the unified development sign shall be similar.
3. Lots within the multi-tenant development shall be permitted one additional monument sign, up to 18 square feet in area, with an overall height of 6 feet.

Directional signage within a multi-tenant development. Directional signage within a multi-tenant development is permitted as follows:

1. Such signage shall include a directional arrow and either the tenant name or logo.
2. Signage shall not exceed 4 square feet in area and 5 feet in height.
3. Signage shall be placed at internal intersections within the multi-tenant development and at shared entrances serving two or more tenants. Signage shall not be permitted at any other internal locations or external entrances to the multi-tenant development.

Bracket Signs. Bracket signs are permitted as part of a multi-tenant development as follows:

1. The sign shall be located beneath a canopy over a pedestrian walkway.
2. There shall be a minimum clearance of 8 feet between the ground and the bottom of the sign.
3. The sign shall not exceed 4 square feet in area.
4. The sign shall be oriented perpendicular to the building façade.

DRAFT: Definitions Related to Signs

Presented to the Planning Commission: December 3, 2019

Flag means any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device. Such signs are distinguishable by virtue of the shorter dimension of the flag being the side attached to the pole/staff.

Pennants means multiple pieces of cloth, plastic, or flexible material, generally triangular or rectangular in shape, and which are strung together in a series on lines which are hung from poles, between buildings, or in other arrangements for the purpose of decoration or attracting attention.

Illumination, external means illumination by floodlights, spotlights, or other external sources which are focused directly on the face of a sign.

Illumination, internal means illumination by a light source which is concealed or contained within the sign itself and which shines through a translucent surface, except as defined under *electronic message center*.

Illumination, halo means illumination by a light source originating from behind the sign that shines around an opaque surface, creating a halo effect around the sign face.

Sign means any written copy, display, illustration, insignia, or illumination used to communicate a message or idea which is displayed or placed in view of a public right-of-way or adjoining property.

Sign, A-frame means a type of temporary sign consisting to two display faces mounted to supports that are connected at the top and separated at the base, forming an "A" shape not more than four (4) feet in height. An a-frame sign is also known as a *sidewalk sign* or a *sandwich board sign*.

Sign, awning means a sign that is mounted, painted, or otherwise applied on or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building. A canopy is not an awning.

Sign, banner means a type of temporary sign made of cloth, plastic, or other flexible material that is generally rectangular in shape and which is suspended for display from temporary poles.

Sign, bracket means a small, pedestrian-oriented sign that is hung beneath a canopy.

Sign, canopy means a sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service or pedestrian area. An awning is not a canopy.

Sign, changeable copy means a sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

Sign, directional means any sign on a parcel that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure, or business enterprise occupying the same parcel.

Electronic message center (EMC) means a type of changeable copy sign with a fixed or changing display composed of a series of lights that may be changed through electronic means.

Sign face means the area or display surface used for the message.

Sign, feather means a type of temporary sign made of cloth, plastic, or other flexible material attached to a pole or staff that is inserted into the ground or supported by means of an individual stand. Such signs are distinguishable by virtue of the longer dimension of the banner being the side attached to the pole/staff.

Sign, flashing means a sign which contains intermittent or sequential flashing light used primarily to attract attention. Such motion does not refer to transition methods or duration of changing copy used with an electronic message center.

Sign, freestanding means any sign that is attached to, erected on, or supported by a permanent structure (such as a pole, mast, frame, or other structure) that is not attached to a building.

Sign, monument is a type of freestanding sign where the entire width of the base of the sign structure is on the ground, and where the width of the top of the sign structure is no more than 120 percent and no less than 80 percent of the width of the base.

Sign, permanent means a sign located on a parcel fabricated from metal, rigid plastic, stone, brick, wood, or other durable materials, or having been painted directly on such materials, typically anchored in the ground or affixed to a building, and whose presence on the site is not limited in duration.

Sign, projecting means a two-sided permanent sign that is mounted perpendicularly to a vertical building wall, and that project more than 12 inches from the wall.

Sign, roof means a sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, temporary means a sign that is not permanently affixed to the ground or other structure, that is designed or constructed in such a manner that it can be moved or relocated without any structural or support changes. These signs are typically made of light materials with limited durability, such as lightweight fabric, cardboard, plywood, and/or paper.

Sign, unified development means a freestanding sign used to identify multiple business uses within a shopping center, office park, or industrial park.

Sign, wall means a building-mounted sign permanently attached to, painted on, inscribed upon, or deriving its major support from a wall, and which projects less than 12 inches from the wall. If a wall sign projects more than 12 inches from the wall, it is classified as a projecting sign.

Sign, wayfinding means a sign authorized by a governmental body for placement in the public right-of-way that is designed to orient and navigate the general public from place to place.

Sign, window means a sign which is applied or attached to either the interior or exterior of a window and intended to be viewed from outside the building or structure.

Sign, yard means a type of temporary sign less than four (4) square feet in area that is portable and constructed of paper, vinyl, plastic, wood, metal, or other comparable material, and designed or intended to be displayed for a limited period of time on a parcel.

Works of art means a sculpture, painting, graphic, or other type of art that does not advertise or promote a particular business, service, or product and is intended for the enjoyment of the general public.

Examples of Existing Freestanding Signs

Freestanding Sign #1		
	Location	1950 Anderson Highway
	Case #	12-04-SA
	Type	Monument
	Area	64 sq. ft. (Current Allowable: 50 sq. ft.)
	Height	12.5 ft. (Current Allowable: 15 ft.)
	Illumination	Internal

Freestanding Sign #2		
	Location	4135 Old Buckingham Road
	Case #	Unavailable
	Type	Monument with Electronic Message Center (EMC)
	Area	32 sq. ft. (Current Allowable: 32 sq. ft.)
	Height	8 ft. (Current Allowable: 15 ft.)
	Illumination	None (EMC)

Freestanding Sign #3		
	Location	2624 Anderson Highway
	Case #	16-07-SA
	Type	Monument
	Area	42 sq. ft. (Current Allowable: 50 sq. ft.)
	Height	15 ft. (Current Allowable: 15 ft.)
	Illumination	Internal

Examples of Existing Freestanding Signs

Freestanding Sign #4		
	Location	1860 Stavemill Crossing Lane
	Case #	15-27-SA
	Type	Monument
	Area	17.71 sq. ft. (Current Allowable: 50 sq. ft.)
	Height	4.5 ft. (Current Allowable: 15 ft.)
	Illumination	Internal

Freestanding Sign #5		
	Location	2625 Anderson Highway
	Case #	09-36-SA
	Type	Monument (Unified Sign for Shopping Center)
	Area	96.74 sq. ft. (Current Allowable: 100 sq. ft.)
	Height	20 ft. (Current Allowable: 20 ft.)
	Illumination	None

Freestanding Sign #6		
	Location	2625 Anderson Highway
	Case #	09-37-SA
	Type	Monument (Outparcel for Shopping Center)
	Area	32 sq. ft. (Current Allowable: 36 sq. ft.)
	Height	10 ft. (Current Allowable: 10 ft.)
	Illumination	Internal

Examples of Existing Freestanding Signs

Freestanding Sign #7



Location	4100 Old Buckingham Road
Case #	Unavailable
Type	Pole Sign
Area	20 sq. ft. (Current Allowable: 50 sq. ft.)
Height	15 ft. (Current Allowable: 15 ft.)
Illumination	Internal

Freestanding Sign #8



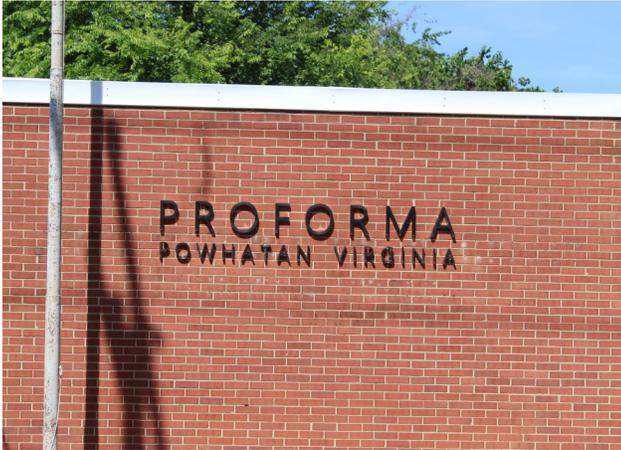
Location	3844 Old Buckingham Road
Case #	Unavailable
Type	Mast Arm Sign
Area	12 sq. ft. (Current Allowable: 50 sq. ft.)
Height	6 ft. (Current Allowable: 15 ft.)
Illumination	External

Freestanding Sign #9



Location	3841 Old Buckingham Road
Case #	18-11-SA
Type	Mast Arm Sign
Area	6 sq. ft. (Current Allowable: 20 sq. ft.)
Height	6 ft. (Current Allowable: 8 ft.)
Illumination	External

Examples of Existing Building Signs

Building Sign #1		
	Location	3895 Old Buckingham Road
	Case #	17-08-SA
	Type	Individually Mounted Flat Cut Out Letters
	Area	13 sq. ft. (Current Allowable: 75 sq. ft.)
	Illumination	None

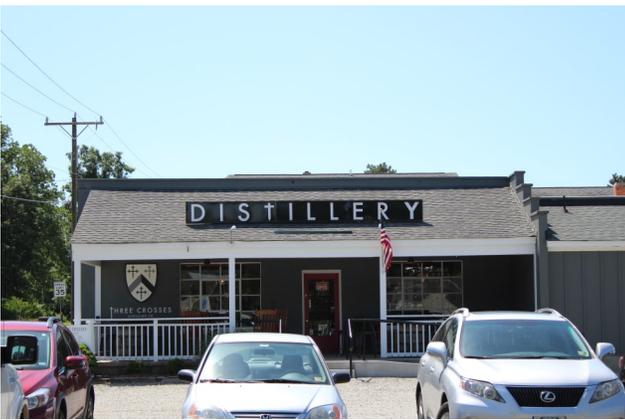
Building Sign #2		
	Location	4140 Anderson Highway
	Case #	17-33-SA
	Type	Wall Sign (Paint)
	Area	134 sq. ft. (Current Allowable: 150 sq. ft.)
	Illumination	External

Building Sign #3		
	Location	1800 South Creek One
	Case #	17-03-SA
	Type	Individually Mounted Pan Channel Letters
	Area	95.55 sq. ft. (Current Allowable: 150 sq. ft.)
	Illumination	Internal

Examples of Existing Building Signs

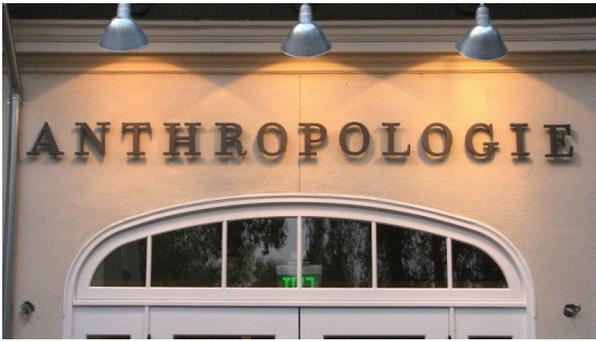
Building Sign #4		
	Location	1790 South Creek One
	Case #	05-30-SA
	Type	Pan Channel Letters on Raceway
	Area	50 sq. ft. (Current Allowable: 130 sq. ft.)
	Illumination	Internal

Building Sign #5		
	Location	1799 South Creek One
	Case #	Unavailable
	Type	Roof Mounted Pan Channel Sign
	Area	40 sq. ft. (Current Allowable: 95 sq. ft.)
	Illumination	Internal

Building Sign #6		
	Location	3835 Old Buckingham Road
	Case #	Unavailable
	Type	Roof Mounted Sign
	Area	30 sq. ft. (Current Allowable: 50 sq. ft.)
	Illumination	External

Examples of Illumination

External Illumination



Building Mounted



Freestanding (Monument)

Internal Illumination



Halo Illumination (Reverse Pan Channel)



Building Mounted



Freestanding (Monument)

Examples of Temporary Signage

Banner **Yard Sign**



Feather/Flag Sign **Portable Message Center Sign**



A-Frame/Sidewalk Sign **Balloon Sign**



Definitions

Term	Definition
Raceway	An aluminum channel box that pan channel letters can be attached to. The raceway contains all electrical components.
Pan Channel Sign	Custom-made plastic or metal enclosures shaped like letters. The pan holds the electrical components and the face of the letter is translucent allowing the sign to be illuminated. These signs can either be internally or externally illuminated and are typically building mounted, either directly to the wall or on a raceway.
Halo Lit or Reverse Pan Channel	Pan channel letters that are lit from behind to create a halo effect. The letters are pegged off of the wall at least one inch.
Flat Cut Out	Custom letters or symbols that are cut from metal sheets. These are typically mounted as individual letters flat against a wall or pegged off of a wall to add dimension. They are either not illuminated or externally illuminated.



Powhatan County Planning Commission Agenda Item

Meeting Date: December 3, 2019

Agenda Item Title: Discussion:
Revisions to Article XI: Definitions of the Zoning Ordinance

Action Requested: The Department of Community Development requests feedback regarding possible “clean-up” amendments to Article XI: Definitions

Dates Previously Considered by PC: None

Summary of Item: The Department of Community Development continues to review development-related ordinances to identify potential revisions that could be made to provide clarification for members of the public and the Zoning Administrator (“clean-up” amendments). Several possible revisions have been prepared to provide clarification regarding language included in Article XI: Definitions.

Attachments: Draft: “Clean-Up” Amendments to Article XI: Definitions

Staff/Contact: Andrew Pompei: Planning Director
(804) 598-5621 x2006
apompei@powhatanva.gov

If Planning Commission members have questions, please call the staff / contact prior to the meeting.

Draft “Clean-Up” Amendments to Article XI: Definitions

Planning Commission (Workshop): November 6, 2019

Sec. 83-521. - Definitions.

Abandonment, for the purposes of Article X, abandonment shall mean the stopping or halting of use or occupancy of a nonconformity for a period of two years or more.

Abattoir means a building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises.

Abutting means the condition of two adjoining parcels of land having a common property line or boundary including cases where two or more parcels of land adjoin a corner, but not including cases where adjoining parcels of land are separated by a street or alley.

Accessory apartment means a secondary dwelling unit established in conjunction with, and clearly subordinate to, the principal dwelling unit on a lot, contained within or attached as part of the same structure as the principal dwelling unit on the same lot. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Accessory dwelling unit (detached) means a secondary dwelling unit established in conjunction with, and clearly subordinate to, the principal dwelling unit on a lot, as a detached structure on the same lot. (See Accessory/Use-Specific Standards, division 2: Standards for Accessory Uses and Structures, of article VII: Use Standards.)

Accessory structure means a structure that is detached from the principal structure on the same lot and serves a purpose clearly incidental to a principal use of the lot. Garages, carports and storage sheds are examples of common accessory structures on residential lots. In addition, pole barns, hay sheds and the like qualify as accessory structures on farms. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Accessory use means a use that is incidental to and customarily associated with a principal use on the same lot. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Accessway, vehicular means a path, route, etc., that provides vehicular access to a specific destination or property.

Adjacent means a parcel of land that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street or right-of-way divides the parcels.

Administrative appeal (subdivision) . See Powhatan County Code chapter 68 (Subdivisions).

Administrative appeal (zoning) . See Article II: Administration.

Administrator means the Powhatan County, Virginia Zoning Administrator. See Article II: Administration.

Draft “Clean-Up” Amendments to Article XI: Definitions
(Planning Commission: November 6, 2019)

Adult book or video store means an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating "specified sexual activities" or "special anatomical areas," or an establishment with a segment or section devoted to the sale or display of such material. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Adult day care center means any facility that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the state board of health or the department of behavioral health and developmental services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

Adult motion picture theater means an enclosed building or outdoor facility used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Agricultural support (direct) means uses that provide support and services to animal and crop production and dairying, or other related agricultural use, which are limited to and that operate on the site of on-going agricultural uses. These uses include: agricultural processing, agri-education, animal care businesses, customer operators (haymaking, brush hogging, crop storage, hauling, fencing, barn construction); direct market businesses for the sale of products produced on-site (e.g., pick your own), farm co-ops, farm-based tourism events, farm machinery repair, pet farms, products combining recreation and consumption of agricultural products, portable sawmills, stables, wetlands mitigation banks, and similar uses. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Agricultural support (indirect) means uses that provide support and services to animal and crop production and dairying, or other related agricultural use, either on the site of the agricultural use or off-site. These uses include: agricultural research facility, animal care businesses, central farm distribution hub for agricultural products, farm machinery repair, farm machinery sales, rental, and service, mill feed and farm supply centers, and other similar uses. (See Principal/Use-Specific Standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Airport means any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft and the provision of services to aircraft passengers and users. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Airstrip means a runway without normal air base or airport facilities. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards; and see accessory use/structure, Division 2: Standards for Accessory Uses and Structures, of Article VII.)

Draft “Clean-Up” Amendments to Article XI: Definitions
 (Planning Commission: November 6, 2019)

Aisle way, parking means a passage for vehicular traffic within a parking area, through a parking bay.

Alley means a narrow street or thoroughfare giving access to the rear of lots or buildings.

Amateur radio antenna means an antenna, or any combination of a mast plus an attached or mounted antenna, that transmits noncommercial communications signals and is used by an amateur radio operator licensed by the Federal Communications Commission. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Amphitheater See: *Arena, stadium, or amphitheater* .

Amusement park means a facility, primarily outdoors and open to the public for a fee, that includes structures and buildings for providing entertainment including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

Animal confinement facility means a facility and its supporting lot area used for the purpose of keeping or raising livestock, dairy cattle, or poultry under cover or in a confined lot where:

- (1) The facility or lot area includes the equivalent of at least 300 animal units (see below);
- (2) Animals are stabled or confined for more than 12 hours per day and fed or maintained a total of 45 days or more in a 12-month period; and
- (3) No more than 25 percent of the area of the facility and lot includes crops, vegetation, forage, growth or post-harvest residues.

Type of Facility	Equivalent of 300 Animal Units
Livestock (swine)	2,000 finishing hogs over 55 lbs.
Livestock	150 horses
Livestock	1,200 sheep or lambs
Dairy	200 mature milking dairy cattle
Poultry	15,000 turkeys
Poultry	30,000 laying hens
Poultry	75,000 broilers
Livestock	300 slaughter and feeder cattle

Draft “Clean-Up” Amendments to Article XI: Definitions
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Livestock (swine)	750 swine breeding stock
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Examples of animal confinement facilities include, but are not limited to, dairies, poultry houses, swine or veal operations, or feed lots.

(See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards; and see Article III: Rural Districts.)

Animal grooming means any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health, and for which a fee is charged.

Animal production (other than an animal confinement facility) means a facility and its supporting lot area used for propagation, rearing, exercising, feeding, or general raising of livestock or other living animals for animal husbandry purposes, and not including animal confinement facilities or dairies. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Animal shelter mean a facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated, or maintained by a nongovernmental entity including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Antique store means any premises used for the sale or trading of articles of which 80 percent or more are over 50 years old or have collectible value. Antique shop does not include secondhand or thrift stores.

Applicant means a person who submits a development application requesting approval of a permit or development approval under this chapter.

Application or development application means the completed form or forms and all accompanying documents, exhibits, and fees required by this chapter to be submitted for review when a person requests approval of a permit or development approval.

Arena, stadium, or amphitheater means a building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings, which is partially or entirely surrounded by tiers of seats for spectators. Such uses may or may not include lighting facilities for illuminating the field or stage area, ticket booths, concessions, restrooms, parking facilities, and maintenance areas. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Art gallery is an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

Draft “Clean-Up” Amendments to Article XI: Definitions
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Art, crafts, music, dance, photography, or martial arts studio/school means an establishment with space used for the production of—or instruction in—art, crafts, music, dance, photography, or the martial arts.

Asphalt or concrete plant means an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Assessed value means the monetary price that a parcel of land, portion of land, improvement on land, or other commodity is assigned by the tax assessor's office for the purposes of taxation.

Assisted living facility means a public or private congregate residential facility that provides personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

The following are not deemed assisted living facilities:

- (1) A facility or portion of a facility licensed by the state board of health or the department of behavioral health and developmental services, but including any portion of such facility not so licensed;
- (2) The home or residence of an individual who cares for or maintains only persons related to him by blood or marriage;
- (3) A facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to Code of Virginia § 22.1-214, when such facility is licensed by the department as a children's residential facility under Code of Virginia § 63.2-1700 et seq., but including any portion of the facility not so licensed;
- (4) Any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority; and
- (5) A residential facility for eight or fewer individuals who are treated as a single-family in accordance with Code of Virginia § 15.2-2291.

Attached means, when used in reference to two or more structures, having one or more common walls or being joined by a covered porch or passageway. Two structures may also be considered attached if separated by less than three (3) feet.

Commented [AP1]: This is intended to provide clarity as to what *attached* means. Should a garage, accessory dwelling unit, or other accessory structure be considered attached if connected only by covered porch/breezeway? If an accessory building is considered attached to the main structure, it would have to adhere to the setbacks for principal structures.

Commented [AP2]: This is intended to ensure that there is adequate space for circulation and access between two separate structures.

Draft “Clean-Up” Amendments to Article XI: Definitions

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Attention-getting device means any pennant, balloon, inflatable device, flag, propeller, spinner, streamer, or similar device or ornamentation used for promotions, advertising, or attracting attention. This does not include banner signs.

Auction facility means a structure or structures in combination used for the conduct of personal property auctions on a temporary basis by an auctioneer licensed by the Commonwealth. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards; and see temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures of Article VII.)

Auditorium or stage means a building or structure designed or intended for use for presentation of dramatic, musical, or live performances, other entertainment and cultural events, and/or other public gatherings, all occurring inside an enclosed structure typically limited to a capacity of 500 or fewer seats. This use does not include motion picture theaters.

Authorized agent means a person with express written consent to act upon another's behalf.

Automatic teller machine (ATM) means a mechanized device operated by a bank or financial institution that allows pedestrian customers or customers in motor vehicles to perform banking or financial transactions at locations remote from the controlling bank of financial institution. Where an ATM is provided at the site of a bank or financial institution for use by customers in motor vehicles, the use is considered a bank of financial institution with drive through service. At other locations, an ATM may be considered an accessory use to the principal use(s) of the location.

Automotive painting or body shop means a facility providing collision repair and painting services for automobiles, pickup and other light trucks, or trailers, including bodywork, framework, welding, and major painting and undercoating work. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Automotive repair and servicing means an establishment primarily engaged in providing repair and maintenance services for automotive vehicles such as passenger cars, sports utility vehicles, pickup and other light trucks, small vans, and motorcycles. This use includes oil change and lubrication shops (which primarily engage in checking and changing motor oil and lubricating the chassis), automotive glass shops (which primarily engage in replacing, repairing, or tinting vehicle windows), and general automotive repair garages or shops (which provide a wide range of mechanical and electrical repair and maintenance services, including diagnosing, rebuilding, or reconditioning engines and other mechanical and electrical systems). This use does not include automotive painting or body shops or heavy vehicle/equipment repair and servicing (which typically have greater impacts on adjacent properties). It also does not include gas stations (which primarily engage in the sale of fuel) or auto parts stores that do not involve major installation and servicing of automobiles. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Automotive wrecker service means an establishment providing towing and temporary storage on-site of no more than nine wrecked or inoperable vehicles for a period no longer than 90 days. If an establishment has ten or more inoperable vehicles located on-site, stores inoperable vehicles for more than 90 days, stacks vehicles, or portions of the vehicles are dismantled or removed for sale, it shall be considered a salvage and junkyard. (See principal/use-

Draft “Clean-Up” Amendments to Article XI: Definitions

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specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Awning means a roof like cover extending over, or in front of, a place as a shelter.

Bank or financial institution with drive-through service means an establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money, but shall not include bail bond brokers or check-cashing facilities. Financial institutions may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. These uses include drive-through facilities. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Bank or financial institution without drive-through service means an establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money, but shall not include bail bond brokers or check-cashing facilities. Financial institutions may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. These uses do not include drive-through facilities.

Bar or lounge means an establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food. This use does not include nightclubs or restaurants that serve and sell alcohol or have a bar as an accessory use. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Base flood elevation means the Federal Emergency Management Agency designated 100-year flood water surface elevation.

Basement means any area of the building having its floor sub-grade (below ground level) on all sides.

Bed and breakfast inn means private residence, generally a single-family residence, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and business people, where meals may be served. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Block means a surface land area separated and distinguished from other surface land areas by visible physical boundaries such as streets, railroads, rivers, extremely steep land, or other physical barriers. (See: Powhatan County Code, chapter 68 (Subdivisions)).

Boarding house. See *Rooming or boarding house.*

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Bottling/packaging plant means a facility for assembling, mixing, bottling, canning, packing, wrapping, and boxing of commercial products assembled or manufactured off-site.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Brewery means an establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of greater than 315,000 gallons per year. A brewery may include a restaurant or public tasting room as an accessory use.

Brewpub means an establishment that is primarily a restaurant where ale or beer is brewed on the premises as an accessory use. A Brewpub may include off-site distribution of its ale or beer consistent with state law. This use does not include a microbrewery, where the primary use is brewing rather than a restaurant (though a micro-brewery may include a restaurant or public tasting room as an accessory use). (See: Principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Buffer means a strip of land with existing vegetation retained and supplemented as required with trees/shrubs and maintained to provide transition and separation, to reduce noise and glare and to partially obstruct the view between adjacent land uses or properties. Buffers shall be maintained as undeveloped space and shall not be cleared, graded or excavated. (See Article VIII: Development Standards.)

Building means a combination of any materials, whether portable or fixed, that forms a structure for use or occupancy by persons or property.

Building code means the Virginia Uniform Statewide Building Code adopted by the state legislature and any amendments thereto.

Building permit means an approval statement signed by the building official authorizing the construction, alteration, reconstruction, or demolition of all or part of any building because the proposed development complies with this chapter and the building code.

Business service establishment means an establishment primarily engaged in providing a range of office support services, such as document copying services, facsimile services, word processing services, on-site personal computer rental, office product sales, and mailing services.

Business sign means a sign that directs attention to a product, commodity, or service available on the premises, including professional offices or institutional use.

Caliper means diameter of the tree trunk measured 4.5 feet above ground level.

Campground/recreational vehicle park means a lot or group of lots under common ownership designed and used to accommodate short-term, overnight guests using recreational vehicles, tents, or some other form of temporary lodging and not for permanent residential use. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Canopy, nonresidential drive-through means a structure that is not enclosed and is made of rigid or flexible materials, that provides overhead protection from rain or sun for drive-through service activity, including nonresidential establishments with drive-through service and gas pump islands at gas stations. The canopy may be attached or adjacent to a nonresidential

Draft “Clean-Up” Amendments to Article XI: Definitions

(Planning Commission: November 6, 2019)

building. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Car wash or auto detailing means an establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Drying may be conducted automatically, manually by the vehicle operator or by on-site attendants. Interior cleaning may be conducted manually by the vehicle operator or by on-site attendants. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Casualty damage means damage to a use, land, or structure from an event that is sudden, unexpected, and unusual, such as a hurricane, earthquake, fire, flood, theft, or similar event.

Cemetery means a cemetery or mausoleum is a use intended for the burial of the dead and dedicated for cemetery purposes. This use type may include a funeral home or mortuary or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), but does not include a crematory. This use also includes pet cemeteries. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Certificate of occupancy means a certificate granted by the building official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit. A building may not be occupied without the issuance of a certificate of occupancy.

Change of use means the change in the use of a structure or land. Change of use shall include a change from one use type to another use type ~~in the use tables in Article VII.~~

Commented [AP3]: There is no use table in Article VII.

Check cashing establishment means any person or establishment engaged in the business of cashing checks, drafts, or money orders for compensation, and registered with the state corporation commission pursuant to Code of Virginia § 6.1-433.

Child day care center means s an establishment providing a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) six or more children at any location. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Civic center means ~~a civic center is~~ a facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption. Similar structures with a capacity of less than 500 people constitute conference centers or training centers. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Club or lodge consists of a building or facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or

Draft “Clean-Up” Amendments to Article XI: Definitions

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cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership.

Clubhouse means a building or room used for social or recreational activities by members of a club (e.g., golf course clubhouse) or occupants of a residential or other development. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Code or code of ordinances means the Code of the County of Powhatan County, Virginia.

College or university means a public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions. Trade or vocational schools are a different use type.

Commercial industrial services means an establishment engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Such uses may include tool repair shops, machine shops, or repairing of scientific or professional instruments. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, and storage.

Commercial landscape operation means the provision of tree, lawn, and landscaping services including planting, pruning, mulching, and tree/lawn/grounds maintenance using landscaping materials grown on the property and landscape materials produced off-site such as top soil and mulch. Such uses may include greenhouses, office buildings, and equipment necessary for the operation of such services. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Commercial planned development means a specific parcel of land or several contiguous parcels of land, which have been master planned, in accordance with the requirements of this chapter, proposing permitted commercial and/or retail land uses, density patterns, a fixed system of streets, provisions for public utilities, drainage and other essential services and similar features necessary or incidental to development.

Commercial slaughterhouse. See *Abattoir*.

Community center means a building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency. This includes community centers focused on serving senior citizens and youth.

Community development staff means the professional-level staff of Powhatan County, Virginia to whom the director of community development department delegates responsibilities to administer provisions in this chapter.

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Community garden means a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, or family. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Concrete plant. See *Asphalt or concrete plant.*

Conditional zoning. See Article II: Administration.

Conditional use permit. See Article II: Administration.

Comprehensive plan shall mean the long-range comprehensive plan of Powhatan County, Virginia, including those maps, plats, charts, and descriptive matter that have been formally adopted by the Board of Supervisors, pursuant to the provisions of the Code of Virginia.

Commented [AP4]: The comprehensive plan is referenced in the zoning ordinance, but it is not defined. *Comprehensive plan* is defined in the subdivision ordinance (but this definition seems more complete/comprehensive).

Condominium means a multiple-unit residential or nonresidential development where individual units are owned individually, but all other elements of the development are owned jointly by unit owners.

Conference or training center means a facility designed to accommodate fewer than 500 persons and used for conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption. Similar facilities located in a rural setting constitute rural event venues (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Commented [AP5]: Ordinance #O-2019-20 (Adopted April 24, 2019) created and defined a new use called *rural event venue*.

Conservation easement means the recorded grant of property rights establishing limitations that run with the land for a minimum of 40 years duration that prohibit subdivision of non-farm development on the tract other than one single-family dwelling. Such easements shall be held by any entity authorized to hold easements by state law. (Title 10.1 Virginia Conservation Easement Act, Code of Virginia.)

Construction means the erection of any building or structure or any preparations (including land disturbing activities) for the same.

Construction plans. See Powhatan County Code, chapter 68 (Subdivisions).

Contiguous means abutting directly or immediately adjacent to a boundary or separated only by a street, railroad or public utility right-of-way.

Continuing care retirement community means an integrated development that offers senior citizens a full continuum of housing options and assistance, ranging from fully independent dwelling units, to assistance with personal care in assisted living facilities, to long-term skilled nursing care in a nursing home facility. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Contractor's offices means a building or portion of a building used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building. If outdoor storage of materials, supplies, or equipment is associated with the office, the use is considered a contractor's storage yard.

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Contractor’s storage yard means an outdoor storage area operated by, or on behalf of, a contractor for the storage of construction equipment, vehicles, or other materials commonly used in the individual contractor’s type of business and/or the storage of scrap materials used for the repair and maintenance of contractor’s own equipment.

Commented [AP6]: Contractor’s storage yard is referenced in the definition of contractor’s office, but it is not defined or listed elsewhere in the zoning ordinance. This definition is similar to one adopted by Fluvanna County.

Convenience center, county means a facility that accepts solid wastes generated by and transported from individual uses for temporary storage pending transport to a processing or disposal facility. It does not accept solid wastes from collection vehicles that have collected solid wastes from more than one real property owner; such wastes go directly to a disposal facility.

Convenience store means a retail establishment that offers for sale the following types of articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, general hardware articles, gasoline, and related petroleum products. Fast food may be offered, but only as a secondary activity of a convenience store. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Correctional facility means a publicly or privately operated facility for the confinement of persons in lawful detention, especially persons awaiting trial or convicted of a crime, and located within or surrounded by existing state correctional facilities. Such uses may include cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, medical facilities, agricultural facilities, and facilities for the production of goods or materials produced for sale.

Country club means a chartered, nonprofit membership club catering primarily to its membership. Country clubs may provide one or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, club house, locker room, special event facility, or pro shop.

Country inn means a business operated in one or more structures which offers overnight accommodations of up to 20 rooms and may contain a full-service restaurant providing meals to guests and the general public with seating for no more than 50 guests, meeting rooms, and banquet/event facilities; and may include related accessory uses such as an antique or gift shop, sale of baked, packaged or canned food products prepared on the premises, and recreational uses for the sole use of guests at the inn. The owner may or may not live on the premises. A country inn is not a bed-and-breakfast lodging, motel, inn or other use defined or regulated elsewhere in this chapter.

Crop production means agricultural and horticultural uses, including, but not limited to the commercial production of grains, field crops, vegetables, fruits, flower fields and seed production, ornamental crops, tree and sod farms.

Cupola means a small structure built on top of a roof.

Dairy means a commercial establishment for the manufacture, processing, or sale of dairy products, and not including animal confinement facilities. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Data center means an establishment primarily engaged in providing infrastructure (e.g., computer systems and associated components such as telecommunications and storage systems) for data processing and storage, web hosting, application hosting, streaming services, and related

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services. This use includes a server farm, telecom hotel, carrier hotel, telco hotel, telehouse colocation center, or any other term applicable to facilities which are used for these specified purposes.

Density means the ratio of the total number of residential dwelling units on a lot to total lot area (or in the case of mixed-use development, to lot area allocated to residential use).

Detached means a building that does not have a wall in common or in contact with another building and is separated from other structures by at least three (3) feet.

Developer means any person, including a governmental agency, undertaking development.

Development means the initiation or change of any use and any man-made change to improved or unimproved real estate. ~~“Development”~~ “Development” shall include, but not be limited to, the following:

- (1) Change in the type of use of a building, structure, or land;
- (2) Disturbance of land through the removal of trees or ground cover;
- (3) Division of land into two or more parcels;
- (4) Dredging, filling, and grading;
- (5) Construction or enlargement of a building or other structures;
- (6) Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;
- (7) Demolition of a structure;
- (8) Commencement or expansion of agricultural, horticultural, or forestry activities on a parcel of land;
- (9) Commencement or expansion of resource extraction activities such as mining, excavation, or drilling operations;
- (10) Deposition of refuse or solid or liquid waste on a parcel of land;
- (11) Storage of equipment or materials;
- (12) Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other body of water or alteration of any wetland; and
- (13) Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Director means the Powhatan County, Virginia Director of Community Development. See Article II: Administration.

Distillery means an establishment primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity greater than 5,000 gallons of finished product per year. A distillery may include a restaurant or public tasting room as an accessory use.

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Driveway. See Powhatan County Code, chapter 68 (Subdivisions): Driveways; Driveway Layout and Design.

Drugstore or pharmacy with drive-through service means a freestanding establishment including one or more drive-through lanes for customer service that is engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Dump heap shall mean any lot on which trash, debris, garbage or other waste, tires, junk or scrap material is dumped or deposited, and which has not been approved as either a debris landfill or a sanitary landfill. This use does not include agricultural equipment, debris, or scrap material kept on any parcel enrolled in the *Land Use Deferral Program* (described in Chapter 70, Article II, Division 3 of the Code of the County of Powhatan), or where the property owner demonstrates there is a bona fide agricultural operation devoted to animal production, crop production, or a similar agricultural use defined in this section.

Dwelling unit means one or more rooms connected together and constituting a single housekeeping unit, with independent cooking and sleeping facilities, designed or used for occupancy by a single family, and separate from any other dwelling units or rooms in the same building.

Dwelling, duplex means a residential building containing two dwelling units. Such units may be part of a single structure, or may be attached by one or more common walls. Unlike *dwelling, townhouses*, each dwelling unit is located on the same parcel and are not located on individual lots (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Dwelling, live/work means a structure or portion of a structure combining a residential living space for one or more persons with an integrated nonresidential work space principally used by one or more of the residents. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Dwelling, manufactured home means a residential building constructed in accordance with the U.S. HUD’s Manufactured Housing Construction and Safety Standards that:

- (1) Is transportable in one or more sections that are at least eight feet wide and 40 feet long in the traveling mode or contain at least 320 square feet of gross floor area when erected onsite (unless otherwise certified by under the Manufactured Housing Construction and Safety Standards Act);
- (2) Is built on a permanent chassis and designed to be used as a single dwelling unit with or without a permanent foundation when connected to the required utilities; and
- (3) Includes the plumbing, heating, air-conditioning, and electrical systems contained in the building.

(See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Commented [AP7]: As the zoning ordinance is currently written, it seems that *duplex* is intended to refer to a two-family dwelling under single ownership. For example, in the R-U district, a footnote states that the minimum lot size for a duplex is 3 acres (where public utilities are not available).

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Dwelling, multifamily means a residential building containing three or more dwelling units, with the units often stacked one above the other in a vertical configuration and sharing common vertical walls and/or horizontal floors and ceilings. Individual dwelling units may be rented or individually owned (i.e., a condominium unit). Multifamily dwellings differ from townhouse dwellings in that individual dwelling units are not located on individual lots.

Dwelling, single-family detached means a detached residential building other than a manufactured home containing a single dwelling unit. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Dwelling, three- or four-family means a residential building containing three or four individual dwelling units. The units may be located side by side in a horizontal configuration and/or stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors/ceilings. A three-family dwelling may be referred to as a triplex, and a four-family dwelling as a quadplex. Unlike *dwelling, townhouses*, each dwelling unit is located on the same parcel and not located on individual lots (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Dwelling, townhouse means a residential building containing ~~three-two~~ or more dwelling units, each with its own outside entrance and individual lot, and that are joined together by a common or party wall that is without openings for human passage.

Easement means a grant by a landowner to another landowner or to the public, of a right to occupy or use designated land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.

Eave means the lower border of a roof that overhangs the wall.

Educational, scientific, or industrial research and development means a facility that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use.

Electric vehicle (EV) means a vehicle that operates, either partially or exclusively, on electric energy stored in the vehicle's batteries. "Electric vehicle" includes a vehicle operating exclusively on electrical energy from its batteries (battery electric vehicle, or BEV), or a vehicle that is powered by both an internal combustion engine and an electric motor operating on electrical energy from on-board batteries charged primarily through connections to the electric grid or other off-board electrical source (plug-in hybrid electric vehicle, or PHEV).

Electric vehicle (EV) level 1 or 2 charging station means an electric vehicle (EV) level 1 or 2 charging station is a vehicle parking space that is served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy, by conductive or inductive means, from the electric grid or other off-board electrical source to a battery or other energy storage device within an electric vehicle. A level 1 charging station is a slow charging station that typically operates on a 15- or 20-amp breaker on a 120-volt alternating current (AC) circuit. A level 2 charging station is a medium charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt alternating

Commented [AP8]: There is not a definition that addresses two-unit structures where each unit is on an individual lot. Throughout the ordinance, *duplex* seems to refer to a two-unit structure where units are not located on individual lots.

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current (AC) circuit. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Electric vehicle (EV) level 3 charging station means an electric vehicle (EV) level 3 charging station is a vehicle parking space that is served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy, by conductive or inductive means, from the electric grid or other off-board electrical source to a battery or other energy storage device within an electric vehicle. A level 3 charging station is an industrial grade charging station that operates on a high-voltage circuit to allow for fast or rapid charging. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Electronic message sign. See Article VIII: Development Standards.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment means for purposes of floodplain management, the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Estate sale/auction means a public sale or auction to dispose of the majority of the materials owned by a person who is deceased or will be moving. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Expansion means an increase in the floor area of an existing structure or building, or the increase of area of a use.

Fabrication. See *Manufacturing, assembly, or fabrication, light.*

Facade means the front of a building, including the entire building wall, fascia, windows, doors, and canopy.

Fairground means an area of land use including, but not limited to: agricultural-related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters. Amphitheaters, arenas, stadiums, auditoriums, amusement parks or stages may be an accessory use to a fairground. Fairgrounds do not include racetracks or motorsports parks.

Family means one or more persons occupying a single dwelling unit and living together as a single housekeeping unit, provided that the unit is made up of:

- (1) Any number of persons who are all related by blood, marriage, adoption, or foster care arrangement; or
- (2) No more than five persons not related by blood, marriage, adoption or guardianship living together; and
- (3) Domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

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Family day care home means the use of a dwelling unit where a resident provides care for one through five children under the age of 13, exclusive of the resident provider's own children and any children residing in the home as part of the resident family, when at least one child receives care for compensation. In accordance with Code of Virginia §§ 15.2-2292 and 63.2-100, this use is treated as an accessory use to the residential use of a dwelling unit.

Farm winery means an establishment with facilities for fermenting and bottling wine where the owner or lessee of the facility manufactures wine that contains not more than 18 percent alcohol by volume and that is either:

- (1) Located on a farm with a producing vineyard, orchard, or similar growing area; or
- (2) Located in the state with a producing vineyard, orchard, or similar growing area or that has agreements to purchase grapes or fruits from agricultural growers within the state.

As used in this definition, the term "owner" or "lessee" shall include a cooperative formed by an association of individuals for the purposes of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative, as long as such land is located in the state. A minimum of 51 percent of the fresh fruits or agricultural products used at the farm winery for the production of wine shall be grown or produced on the farm or at the winery and no more than 25 percent of the fruits, fruit juices, or other agricultural products shall be grown outside the state.

Accessory uses at a farm winery can include: wine tasting, rooms at which wine tasting occurs, accessory food sales related to wine tasting, and retail areas where wines produced on-site are sold.

Farm winery, special impact means a farm winery that involves the regular use of outdoor amplified music or other customary farm winery activities or events that have a substantial impact on the health, safety, or welfare of the public. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards (agriculture related uses, general standards; and farm winery, special impact).)

Farm worker housing means living accommodations for farm workers or for families in which the head of household is a farm worker.

Farmers' market means a public market held in a structure or open area where farmers primarily sell produce and other farm products they have grown, gathered, or raised directly to consumers. A farmers' market as a principal use occurs regularly for all or most of the year, whereas a farmers' market as a temporary use occurs occasionally or periodically for only a limited time period during the year. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards; and See Temporary/Use-Specific Standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Fenestration means the arrangement, proportions, and design of windows and doors along the facade of a building.

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Fire or EMS station means a facility for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles, and equipment and facilities for the housing and feeding of emergency personnel while on duty.

Fire training facility means a facility for intensive training of fire protection personnel in firefighting, rescue, fire investigation, and other skills associated with the provision of fire protection. Such facilities may include fire training towers and other fire simulating facilities and equipment.

Flea market means a market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. The use does not include a farmers' market, where food items predominate, or a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Flood or flooding:

- (1) A general or temporary condition of partial or complete inundation of land areas from:
 - a. The overflow of inland or tidal waters; or
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
- (2) The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)a. of this definition.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source.

Floodplain permit. See Article II: Administration.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor area (gross floor area) means the sum of the gross horizontal areas of each covered floor of a building, measured from the outside faces of exterior walls or from the centerline of party walls separating two buildings—but not including areas devoted to vehicle parking or loading; uninhabitable basements, attics, and service or mechanical equipment rooms; and areas open to the sky or unenclosed on two or more sides (e.g., balconies, open porches and breezeways, patios, and courtyards).

Floor area ratio (FAR) means the ratio of gross floor area of all buildings on a lot to total lot area.

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Foot candle means a quantitative unit of measure referring to the measurement of illumination incident to a single point. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot.

Forestry and logging means a use of land whereby forests are tended, harvested, and reforested either by natural or artificial reforestation, or both and where timber is cut and sorted on-site for commercial purposes.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Fuel oil or bottled gas distribution or storage means an establishment that distributes fuel oil or bottled gases, such as propane or liquid petroleum, for compensation or that may store in bulk fuel oil or kerosene for heating purposes in aboveground containers.

Fuel oil or bottled gas distribution or storage, limited means the distribution of fuel oil or bottled gases, such as propane or liquid petroleum, in cans no greater than five gallons in volume, for compensation. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Full cut off angle means the angle formed by a line drawn from the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted.

Full cut off luminaire means a full cut off luminaire has zero candela intensity at an angle of 90 degrees above the vertical axis (nadir or straight down) and at all angles greater than 90 degrees from straight down.

Fully shielded means fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in a way that allows no direct or internally reflected light to shine above the fixture.

Funeral home means an establishment that provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home.

Garage or yard sale means the temporary and occasional use of the garage or yard of a residential dwelling for the casual sale of miscellaneous items of personal property to the general public. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Gas station means an establishment used partly or entirely for storing and dispensing flammable liquids, combustible liquids, combustible gases or gas used as fuel, from fixed equipment into the fuel tanks of motor vehicles. The use may include the sale of lubricating oil and minor accessories for motor vehicles and the sale of soft drinks, candy, cigarettes, and related items for the convenience of motorists. This use does not include automotive repair and servicing or car wash and detailing or a convenience store, although a gas station use may be combined with these principal uses where they too are permitted. (See principal/use-specific

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standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

General industrial services means an establishment engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Establishments providing these services do so mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities include retail sales, offices, and storage. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Golf course means a tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. Accessory uses of a golf course may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

Greenhouse, nursery, and floriculture production means an establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown for resale both in open or enclosed buildings.

Grocery store means an establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public.

Guest room means a room designed or intended for occupancy by one or more guests who pay direct or indirect compensation therefore, but in which no provisions is made for cooking. Dormitories are not included herein.

Halfway house means a licensed residential facility providing housing, food, supervision, rehabilitation, and counseling to juvenile or adult persons who have had alcohol or drug problems that make it difficult to cope in society or have been placed in the facility on release from, or in lieu of, more restrictive custodial confinement under the criminal justice system. The purpose of such facilities is to provide residents a supportive family living environment and care that will help mainstream them back into society. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Hardship housing. See *Post-disaster temporary dwelling*.

Hazardous material collection site means an establishment for the collection, distribution, sale and/or transfer of hazardous material that because of their concentration or physical or chemical characteristics, may pose a substantial hazard to human health or the environment if improperly stored, disposed of, or otherwise managed. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Heavy vehicle/equipment repair and servicing means a heavy vehicle/equipment repair and servicing use is an establishment engaged in the repair and servicing of heavy vehicles and equipment of 12,000 or more pounds gross vehicular weight (GVW). (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Heavy vehicle/equipment sales, rental, or storage means a heavy equipment sales, rental, or storage use is an establishment engaged in the display, sale, leasing, rental, or storage of heavy vehicles and equipment of 12,000 or more pounds gross vehicular weight (GVW). (See

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principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Hedge means a fence or a boundary formed by a dense row of shrubs or low trees.

Height. See *Structure height*.

Helicopter landing facility means an identifiable area on land or water, or elevated on a structure, that is licensed or approved for the landing and takeoff of helicopters or other rotorcraft, and which may include auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Historic district means any district listed on the Virginia Landmarks Register by the Historic Resources Board according to the procedures specified in Code of Virginia, Title 10.1, ch. 22. (See Article VI: General Overlay Districts.)

Historic landmark means any landmark listed on the Virginia Landmarks Register by the Historic Resources Board according to the procedures specified in Code of Virginia, Title 10.1, ch. 22.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the Virginia Landmarks Register, or certified by the Director of the Virginia Department of Historic Resources as contributing to the historic significance of a historic district listed in the Virginia Landmarks Register, or meeting the criteria for listing in the Virginia Landmarks Register; or
- (4) Individually listed on an inventory of historic places developed by the county as part of a historic preservation program that has been certified by the Virginia state historic preservation program.

Home garden means use of land on a residential lot for the outdoor cultivation of vegetables, fruits, flowers, or other small plants as accessory to the principal residential use, for consumption by the occupants of the use.

Home occupation means a business, profession, occupation, or trade that is conducted within or on the premises of a residential dwelling unit for the economic gain or support of a resident of the dwelling, is incidental and secondary to the residential use of the lot, and does not adversely and/or perceptively affect the character of the lot or surrounding area. Home occupation includes, but is not limited to: Offices; electronic and offsite retail; studios for fine arts and crafts; and personal services (such as physical therapy and massage clinics by licensed individuals; beauty parlors; pet grooming; and the like), that generally operate on an appointment-only basis. Home occupation does not include such businesses as automotive repair and the like; dentists' or physicians' offices and the like; any licensed or unlicensed practitioner

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who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business that is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties. (See accessory/use-specific standards, division 2: Standards for Accessory Uses and Structures, of article VII: Use Standards.)

Home-based business means a special type of home occupation that employs up to two persons who are not residents of the dwelling. (See accessory/use-specific standards, division 2: Standards for Accessory Uses and Structures, of article VII: Use Standards.)

Home-based landscape business means a special type of home occupation that provides tree, lawn, and landscaping services including planting, pruning, mulching, and tree/lawn/grounds maintenance. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Home-based truck hauler business means any home-based business utilizing a truck or commercial vehicle exceeding 5,000 pounds net weight, and having more than two axles. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Homeless shelter means a facility with support and supervisory personnel that provides temporary living accommodations for homeless persons.

Homeowners association means a non-profit organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization activities.

Horse boarding and equestrian training means an establishment where horses are boarded and cared for, where instruction in riding, jumping, and showing is offered, and where horses may be hired for riding. Uses include livery stables and riding academies. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Horse racetrack or show grounds means a facility that includes a measured course where horses or other animals are entered in competition against one another or against time or where horses or ponies are judged as part of an exhibition. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Hospice facility means a facility owned or operated by a hospice provider and licensed in accordance with Code of Virginia § 32.1-162 to provide room, board, and appropriate hospice care on a 24-hour basis, including respite and symptom management, to individuals requiring such care pursuant to the orders of a physician.

Hospital means any facility licensed by the Commonwealth of Virginia pursuant to Code of Virginia Title 32.1, in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as children's hospitals, sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient, outpatient maternity hospitals, and including such

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facilities as nursing homes, assisted living facilities, continuing care facilities, self-care facilities, wellness and health maintenance centers, medical office facilities, clinics, alcohol, substance abuse and drug treatment centers, laboratories, research facilities, hospice facilities, facilities for the residence or care of the elderly, the handicapped or the chronically ill, residential facilities for nurses, interns, and physicians and any other kind of facility for the diagnosis, treatment, rehabilitation, prevention, or palliation of any human illness, injury, disorder, or disability. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Hotel or motel means a hotel or motel is a building or a group of buildings in which one or more sleeping accommodation units are offered to the public and intended primarily for use by transient persons or tourists for overnight or short-term lodging basis. Such uses may include kitchenettes, microwaves, and refrigerators for each guest unit. This use type does not include bed and breakfast inns. Hotels and motels are considered synonymous uses. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Independent cooking facility. See kitchen, residential.

Infill development means the development of vacant or partially developed parcels that are surrounded by or in close proximity to areas that are substantially or fully developed. (See Article VIII: Development Standards.)

Initial lumens means the lumens emitted from a lamp as specified by the manufacturer of the lamp.

Interpretation means an interpretation of the text, uses, or other provisions of this chapter, or the boundaries of official zoning district map of this chapter, or the conditions of approval imposed on a permit or development approval. Interpretations are rendered in accordance with Article II: Administration, or Powhatan County Code, chapter 68 (Subdivisions).

Junkyard/salvage yard means an establishment where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, house wrecking yards, heavy equipment wrecking yards, and yards or places where salvaged house wrecking or structural steel materials are stored, handled, and sold. This use does not include automobile wrecker services and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor does it include the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs. This use includes "automotive graveyard" as defined in Code of Virginia § 33.1-348, but does not include storage that is accessory to an agricultural use. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Kennel, commercial means a facility (other than an animal confinement facility or animal production use) which charges to or collects from animal owners a fee for overnight maintenance, care or boarding of animals, where five or more dogs, cats, fowl, or other ~~domestic~~

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~~animals or~~ pets over the age of six months are kept. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Commented [AP9]: This is intended to provide clarification that *commercial kennels* do not include facilities where livestock are kept.

Kennel, private means a building and/or premises where five or more dogs, cats, fowl (including domestic chickens and ducks), or other ~~domestic animals or~~ pets over the age of six months are kept, boarded, maintained, or cared for overnight, for private, noncommercial purposes such as for show, hunting, farming, or as household pets. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Commented [AP10]: This is intended to provide clarification that *private kennels* do not include facilities where livestock are kept, and that chickens and ducks are considered fowl.

Kitchen, residential means any single room within a dwelling unit that contains a cooking oven (other than a microwave oven) or gas or electric burners for cooking food, and two or more of the following items:

1. ~~A microwave oven;~~
2. ~~An electrical supply of more than 110 volts;~~
3. ~~A sink with a drain one inch in diameter or larger;~~
- 4-4. ~~A garbage disposal;~~
- 2-5. ~~A dishwasher; and/or~~
- 3-6. ~~A refrigerator or freezer.~~

Commented [AP11]: This is intended to provide clarity regarding what *independent cooking facilities* are (which will help determine whether a living area is an independent dwelling unit).

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

Land means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

Land clearing debris disposal facility means a land clearing debris disposal facility is a solid waste management facility other than a construction and demolition debris disposal facility that is the final resting place for materials that normally result from land clearing and/or land development operations for a construction project—including rocks, soils, trees, tree remains, and other vegetative matter, but not vegetative matter from lawn and landscape maintenance, right-of-way or easement maintenance, farming operations, nursery operations, or other sources not related to a construction project. This use is subject to state solid waste management regulations. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Land disturbing activity means any man-made change of the land surface, including removing vegetative cover, excavating, filling, and grading, and the construction of any structure—but not including minor modifications to landscaping or agricultural activities such as planting, cultivating, and harvesting of crops or trees, or growing or tending of gardens.

Landowner means any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner.

~~Large lot development. See Powhatan County Code, chapter 68 (Subdivisions).~~

Commented [AP12]: *Large lot development* is no longer part of the subdivision ordinance.

Large retail sales establishment means a large retail sales establishment is any retail sales establishment constituting a single business engaged in retail sales activities and located in a stand-alone single tenant building with a gross floor area of 60,000 square feet or more.

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Law enforcement facility means protection centers operated by a governmental agency, including administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles. Correctional facilities are not a law enforcement facility and are a separate use type.

Lawn care, pool, or pest control service means an establishment primarily engaged in providing lawn care services (e.g., mowing, aeration, seeding, fertilizer, landscaping), swimming pool services (e.g., cleaning, draining, equipment repair), or pest control services (e.g., inspection, extermination).

Limited commercial landscaping contractor. See *Home-based landscaping business*.

Liquor store means an establishment licensed by the state exclusively for the retail sale of liquor or spirits in sealed containers for consumption off the premises where sold.

Live entertainment means and shall include, but not be limited to, musical performances, public speaking, or comedy.

Livestock means animals normally kept for use on a farm or raised for sale or profit, including but not limited to pigs, sheep, goats, cattle, bison (American buffalo), chickens, and horses, ponies, alpacas, and llamas.

Livestock market means an enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Loading space, off-street. See Article VIII: Development Standards.

Logo means any display of emblems, lines, or colors, or any combination thereof (but not including letters or numbers), used as a symbol of an organization or business.

Lot means a parcel of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

Lot area means the total horizontal land area within the lot lines of a lot, excluding any area within existing or proposed public street rights-of-way or private road easements or the Floodplain Overlay District.

Lot coverage means the percentage of total lot area covered by all principal and accessory buildings.

Lot line means a line forming the boundary of a lot.

Lot line adjustment means an adjustment or reconfiguration of lot lines qualifying as a subdivision exception in accordance with Powhatan County Code, chapter 68 (Subdivisions).

Lot line, corner means, on a corner lot, the longer of the two lot lines abutting a public street right-of-way or private road easement.

Lot line, front means a lot line (other than a corner lot line) separating the lot from an abutting public street right-of-way or private road easement. Where the boundaries of a lot

Commented [AP13]: This is intended to provide further clarification as to what types of animals are considered livestock.

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extend into an abutting public street right-of-way or private road easement, the front lot line shall be the outside edge of the right-of-way or easement.

Lot line, rear means a lot line not abutting a street and connecting the lot's side lot lines—or a side lot line and a front lot line, for corner lots—along the edge of the lot opposite its front lot line.

Lot line, side means a lot line not abutting a street and connecting the lot's front and rear lot lines.

Lot of record means a lot which is part of a subdivision, a plat of which has been recorded in the office of the clerk of circuit court, or a lot described by metes and bounds, the description of which has been so recorded.

Lot width means the horizontal distance along a line delineating the minimum front yard depth applicable to a lot, between its intersections with the lot's side lot lines. For lots with more than one front yard, lot width applies along the front yard that has the shorter street frontage and for residential lots, fronts the street with the lower traffic volume capacity.

Lot, corner means a lot other than a through lot that abuts two or more streets at their intersection.

Lot, flag means a lot consisting of a narrow "flagpole" strip extending from an abutting street to a much wider "flag" section lying immediately behind an abutting lot or lots, or a lot not abutting a street, where the access to the lot is by a narrow "flagpole" private access easement. Flag lots shall not be permitted except for family divisions and lots along a cul-de-sac's circular turnaround.

Commented [AP14]: This addition is intended to ensure that this definition aligns with a similar definition in the subdivision ordinance.

Lot, interior means a lot abutting only one street.

Lot, through means a lot abutting two parallel or nearly parallel streets.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR § 60.3.

Lumen means a standard unit of measurement referring to the amount of light energy emitted by a light source without regard to the effectiveness of its distribution

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

Major recreational equipment means a boat, boat trailer, travel trailer, pick-up truck camper, motor coach, motorized dwelling, tent trailer, or similar recreational vehicle or equipment, as well as cases or boxes used for transporting recreational equipment, whether or not occupied by such equipment. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Major thoroughfare plan means a plan identifying roadway improvements needed to support projected growth and assigning priorities for roadway construction, which is incorporated into

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the ~~County of Powhatan 2010 Long Range Comprehensive Plan~~ long-range comprehensive plan of Powhatan County, Virginia, as amended.

Manufactured home means a structure subject to federal regulation, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Manufactured home park (includes mobile home park) means a parcel of land under single ownership or management which is operated as a business engaged in providing a place where manufactured or mobile homes are installed for non-transient living or sleeping purposes and where sites or lots are set aside or offered for lease for use by manufactured or mobile homes for living or sleeping purposes. Accessory uses to manufactured home parks include caretaker quarters, laundry facilities, and facilities for parks and recreation. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Manufacturing, assembly, or fabrication, heavy means an establishment primarily engaged in the basic manufacturing or processing of materials or products predominately from extracted or raw materials, in the bulk storage or manufacturing use of highly flammable, toxic, or explosive materials, or in storage or manufacturing processes that potentially involve hazardous conditions, the generation of noxious noise, smoke, vapors, fumes, dust, glare, odor, vibration, or other offensive conditions beyond the site of the use. Such uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Manufacturing, assembly, or fabrication, light means an establishment primarily engaged in manufacturing uses that involve the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. This use type does not include other manufacturing uses specifically listed in the principal use tables. Examples include, but are not limited to: computer design and development; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of ~~artificial limbs, dentures, hearing aids, and~~ surgical instruments; manufacture, processing, and packing of cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Commented [AP15]: These uses would be addressed as part of proposed changes to *medical or dental lab*.

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Marina, commercial means a harbor, boat basin, or other commercial facility that provides secured moorings and/or docking facilities, supplies, or other services for watercraft, including facilities for storing watercraft in or out of the water. Accessory uses may include hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, personal services, fueling facilities, storage and overnight guest facilities. This use type does not include the mooring or docking of watercraft at a private dock associated with a residential unit or on private property where no fee is charged.

Marina, noncommercial means a marina designed and intended to be used for mooring of boats by residents of a general neighborhood with no commercial facilities other than those necessary for minor servicing and repairs.

Massage clinic means any establishment other than a regularly licensed hospital where nonmedical and nonsurgical manipulative exercises are practiced on the human body for reasons other than cosmetic or beautifying purposes by anyone that is not a physician or surgeon or has a similarly registered professional status.

Maximum practicable extent means no feasible or practical alternative exists, as determined by the director or administrator (as appropriate), and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account, depending upon their legal applicability, but shall not be the overriding factor determining "maximum extent practicable."

Medical or dental clinic means a small-scale facility where patients are admitted for examination and treatment by one or more physicians, dentists, or other health practitioners on a short-term basis. The use includes the offices of physicians, dentists, chiropractors, optometrists, podiatrists, audiologists, speech pathologists, physical therapists, acupuncturists, psychologists, and other health practitioners. It also includes facilities providing short-term outpatient care and treatment (which may or may not be overnight), such as urgent care centers, kidney dialysis centers, ambulatory surgical clinics, outpatient pain therapy clinics, biofeedback centers, sleep disorder clinics, family planning clinics, community health clinics, and health maintenance organization (HMO) medical clinics. Such facilities that provide overnight care and treatment may include sleeping rooms for care workers and members of patients' families. This use does not include hospitals (which are much larger in scale) or blood/tissue collection centers, drug or alcohol treatment facilities, or massage clinics (which provide specialized medical services).

~~*Medical or dental lab* means facilities and offices for performing diagnostic or therapeutic medical procedures of a non-surgical nature devoted to bacteriological, biological, x-ray, pathological, and similar analytical or diagnostic services to medical doctors or dentists, including incidental pharmaceuticals and the production, fitting, and/or sale of optical, dental, or prosthetic appliances.~~

Medical treatment facility means facilities and offices for providing inpatient and overnight treatment, care, and support targeted to chronically ill patients or involving minor surgical procedures. This use involves more intensive and longer duration treatment and care than medical clinics and less intensive treatment and care than hospitals. Examples include urgent care centers and outpatient surgery centers.

Metal-working, welding, pipe fitting means an establishment primarily engaged in processing metals to create individual parts or assemblies, fabricating products by joining metals

Commented [AP16]: The existing definition of *medical or dental lab* does not seem to reflect activities conducted by existing medical labs. The proposed definition is similar to what has been adopted by Albemarle County.

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through welding, or installing or repairing piping or tubing systems that convey liquids, gas, steam, or water.

Micro-brewery means an establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of not more than 315,000 gallons per year. This use does not include brewpubs, where the primary use is a restaurant rather than brewing, although a micro-brewery may include a restaurant or public tasting room as an accessory use.

Micro-distillery means an establishment primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity of not more than 5,000 gallons of finished product per year. A micro-distillery may include a restaurant or public tasting room as an accessory use.

Mobile home park. See *Manufactured home park*.

Model sales home/unit means a dwelling, dwelling unit, or other marketable unit of a new development that is used for real estate sales or leasing activities associated with the development pending construction of the development and the initial sales of homes or units in the development. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Motel. See *Hotel or motel*.

Motion picture theater means a motion picture theater that is a building or part of a building, and is devoted to showing motion pictures. This can also include an open lot or part of an open lot and auxiliary facilities devoted primarily to the showing of motion pictures on a paid admission basis to patrons seated on outdoor seats.

Motorsports park means a facility, primarily outdoors and open to the public for a fee, which is designed for motor vehicle sporting activities. Motor vehicles include but are not limited to automobiles, trucks, go-carts, motorcycles, tractors, dirt bikes, all-terrain vehicles (ATVs) and similar vehicle types.

Moving and storage establishment means a facility primarily engaged in providing local or long-distance trucking of used household, used institutional, or used commercial furniture and equipment. Incidental packing and storage activities are often provided by these establishments.

Museum means a building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products to the public.

Natural disaster means any event in which damage to a use or structure is caused by flooding, hail, wind event or wind storm, lightning strike, tornado damage, explosion, falling trees, or falling tree limbs.

New construction means, for the purposes of determining flood insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction structures for which start of construction commenced on or after the effective date

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of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Newspaper or magazine publishing means an establishment primarily involved in carrying out operations necessary for producing and distributing newspapers, including gathering news; writing news columns, feature stories, and editorials; selling and preparing advertisements; and publishing of newspapers in print or electronic form. Not included are establishments primarily engaged in printing publications without publishing (categorized as manufacturing and production uses) or education or membership organizations incidentally engaged in publishing magazines or newsletters for distribution to their membership.

Nightclub means a place of entertainment offering alcoholic beverages for consumption on the premises that may also provide on-site entertainment in the form of live performances, dancing, billiards, comedic performances, or other entertainment activities. This use does not include adult theater uses. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Nonconforming lot means any lot of record that lawfully existed before adoption of this chapter, or subsequent amendment thereto, but does not comply with the lot standards of this chapter, or the subsequent amendment. (See Article IX: Nonconformities.)

Nonconforming sign means any sign that lawfully existed before adoption of this chapter, or subsequent amendment thereto, but does not comply with the sign standards of this chapter, or the subsequent amendment. (See Article IX: Nonconformities.)

Nonconforming site feature means any landscaping, lighting, screening, signage, or exterior building design that lawfully existed before adoption of this chapter, or subsequent amendment thereto, but does not comply with the landscaping, lighting, screening, signage, or exterior building design standards of this chapter, or the subsequent amendment. (See Article IX: Nonconformities.)

Nonconforming structure means any building or other structure (other than a sign) that lawfully existed before adoption of this chapter, or subsequent amendment thereto, but does not comply with the standards of this chapter, or the subsequent amendment, that govern its size, height, lot coverage, setbacks, and other locational aspects. (See Article IX: Nonconformities.)

Nonconforming use means any use of land or a building or other structure that lawfully existed before adoption of this chapter, or subsequent amendment thereto, but does not comply with the use standards of this chapter, or the subsequent amendment. (See Article IX: Nonconformities.)

Nonconformity means a nonconforming use, structure, lot of record, sign, or site feature. (See Article IX: Nonconformities.)

Notice of violation means a notice indicating a violation of this chapter. (See Article X: Enforcement.)

Nursing home means any facility or any identifiable component of any facility licensed in accordance with Code of Virginia Title 32.1 in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled nursing facilities or skilled care facilities,

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intermediate care facilities, extended care facilities and nursing or nursing care facilities. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Office park means a development that contains more than one separate office building, along with supporting uses, and open space, all of which are designed, planned, constructed, and managed on an integrated and coordinated basis.

Oil or gas extraction means the drilling, extraction, and transportation of subterranean fossil gas and petroleum, and necessary attendant uses and structures, but excluding refining, processing, or manufacturing thereof.

Opacity means the quality or state of a body that makes it impervious to the rays of light.

Open area means the portion of a lot not used for buildings, structures, parking, loading, or streets, which is set aside for landscaping and/or recreation.

Open space means land used for a park, a playground, a recreation facility, resource protection, scenic, or recreational purposes that is individually owned or owned by a property owners association, or similar entity, and is designed for the common use of the residents or occupants of a development, and not for the general public. (See Article VIII: Development Standards.)

Ordinary maintenance and repairs means work done on a building or structure to correct any deterioration or decay of, or damage to, the building or structure, or any part thereof, and restore the building or structure as nearly as practical to its condition before the deterioration, decay, or damage.

Other office facility means any private office use that is a principal use and is not specifically listed in the principal use tables.

Other retail sales establishment means any establishment primarily engaged in the sale, rental, and incidental servicing of goods or commodities that are generally delivered or provided on the premises to a consumer, and that is not specifically listed in the principal use tables. Examples include, but are not limited to, book or media stores, dry cleaning or laundry drop-off stores, laundromats, home and building supply centers, personal and household goods repair, floor covering stores, window treatment stores, camera stores, optical goods stores, clothing stores, shoe stores, luggage stores, jewelry stores, piece goods stores, and pet shops.

Other surface mining means an area used for the excavation or extraction of natural mineral deposits or other natural materials, for financial gain, not including quarrying, soil extraction, or removal of plant matter for resale as landscaping material.

Outdoor display and sale of merchandise means the placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment. (See accessory/use-specific standards, Division 3: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Outdoor luminaire means a luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign.

Outdoor seasonal sales means a temporary outdoor business enterprise that is conducted primarily outdoors and offers for retail sale items that are, by their nature, are in particular

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demand during a relatively short peak season—including, but not limited to, Christmas trees, pumpkins, produce, flowers, and fireworks. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Outdoor storage means the keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include a junkyard or salvage yard or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use. Such activities may be the principal use of a lot or an accessory use to another principal use. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards; see accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards (outdoor storage; and parking or storage of large vehicles); and see Article VIII: Development Standards.)

Parcel of land means any quantity of land capable of being described with such definiteness that its location and boundaries may be established which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Parent tract means any lot or parcel which was lawfully recorded by a plat of subdivision and/or deed(s) in the Office of the Clerk of the Circuit Court of Powhatan County prior to April 18, 1988. (See: Powhatan County Code, chapter 68 (Subdivisions).)

Park or greenway means a park consists of land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks. A greenway is a linear park that links various parts of the community with bicycle and facilities such as bicycle paths and footpaths.

Parking lot or parking structure means a lot or structure used primarily for the temporary storage of motor vehicles. A parking structure may be partially enclosed (parking deck) or fully enclosed or located underground (parking garage). A parking lot or structure may be a principal use of a lot (which may impose time-based parking fees) or an accessory use to the principal use of the lot. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Performance guarantee. See Powhatan County Code, chapter 68 (Subdivisions).

Person means any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

Personal industrial services means an establishment engaged in the repair or servicing of commercial or individually owned products. Such uses may include laundry or dry cleaning facilities, carpet cleaning, dyeing facilities, leather-working or upholstery establishments. Customers, including the general public, may come to the visit to conduct business. Accessory activities may include retail sales, offices, and storage.

Personal services establishment means an establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include hair salons, tanning salons, and nail care stores.

Pet means any of the following animals that have been bred or raised to live in the habitation of humans in a residential setting, and are dependent upon the same for food and

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shelter; dogs; cats; rabbits; hedgehogs; chinchillas; hermit crabs; hamsters; gerbils; guinea pigs; mice; rats; turtles; fish; domestic chickens, ducks, and geese; birds such as canaries, parakeets, doves, and parrots; worm/ant farms; chameleons and similar lizards; and spiders and snakes not venomous to humans.

Commented [AP17]: This definition is intended to clarify what a *pet* is. This definition is similar to what has been adopted by Fairfax County.

Photometric plan means a point by point plan depicting the intensity and location of lighting on the property.

Place of worship means a building or structure, together with its accessory buildings and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and education. The building or structure and its accessory buildings and uses are maintained and controlled by a religious body. Places of worship include chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other similar religious places of assembly. Accessory uses may include administrative offices, classrooms, meeting rooms, and cooking and eating facilities. A place of worship may include other uses that generally exist as principal uses—e.g., adult day care center, child day care center, school, cemetery, or recreational facility. Such uses are treated as principal uses combined with the place of worship use and subject to the standards and limitations applicable to such uses. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Planned development. See Article II: Administration.

Planning commission. See Article II: Administration.

Post office means a facility designated or licensed by the federal government to sell U.S. postage stamps and U.S. postal products and accept mail and packages for delivery.

Post-disaster temporary dwelling means a temporary establishment and use of a replacement dwelling on a lot pending the repair or reconstruction of a single-family detached dwelling on the same lot that has been damaged or destroyed by a fire, hurricane, tornado, or other physical disaster. The temporary dwelling may be an existing accessory structure on the lot, or a manufactured home, recreational vehicle, or other structure placed on the lot. (See temporary/use-specific standards, Division 2: Standards for Temporary Uses and Structures, of Article VII: Use Standards; and see Article II: Administration.)

Pound means a facility operated by the commonwealth, or any locality, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any locality or incorporated society for the prevention of cruelty to animals.

Principal building or structure means a building or other structure in which the principal use of the lot is conducted. A lot may contain more than one principal building or structure. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Principal use means the primary or predominant purpose to which a lot or structure is devoted. A lot may contain more than one principal use.

Printing or other similar reproduction facility means a commercial establishment primarily engaged in lithographic (offset), gravure, flexographic, screen, quick, digital, or other method of printing or reproduction on stock materials on a job order basis.

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Private recycling bins means a container or set of containers used for the collection and temporary storage of recyclable materials generated on-site. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Private school means a privately owned and operated school offering general, technical, or alternative instruction at the elementary, middle, and/or high school levels that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

Professional offices means an office for a business that does not involve the sale of goods or commodities available in the office or dispensing of personal services and provides legal, architectural, engineering, real estate brokerage, insurance, accounting, corporate training facilities, or some other related service to customers.

Public school means a publicly owned and operated school offering general, technical, or alternative instruction at the elementary, middle, and/or high school levels that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

Public square or plaza means a public square or plaza is community space generally open and readily accessible to the public and used by pedestrians for passive recreation and as an outdoor meeting or gathering place. Such uses may be provided with amenities such as shelters, seating, fountains, art, and landscaping.

Public utility systems/facility. See *Utility use, major.*

Quarrying or soil extraction means an area used for the purpose of removing or extracting stone, rock, soil or similar materials from an open excavation for financial gain and to be used for building or construction purposes. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Radio or television broadcast studio means a facility for the staging and recording of audio or television productions.

Rainwater cistern means a catchment device to capture rain water from a roof or other surface before it reaches the ground. Rainwater cisterns may be located underground or aboveground.

Recreation facility, nonprofit means any use providing for sports and recreation activities that are operated or carried on by a nonprofit organization and open only to organization members and their guests, and that is not specifically listed in the principal use tables. Examples include, but are not limited to, athletic fields, playgrounds, and swimming and tennis clubs.

Recreation facility, commercial indoor means any private indoor (entirely within an enclosed structure) use providing for sport and recreation activities that are operated or carried

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on primarily for financial gain, and that is not specifically listed in the principal use tables. Examples include, but are not limited to, health and fitness centers, spas, and gymnastic facilities.

Recreation facility, commercial outdoor means any private outdoor use providing for sports and recreation activities that are operated or carried on primarily for financial gain, and that is not specifically listed in the principal use tables. Examples include, but are not limited to, commercial outdoor swimming and tennis court facilities, batting cages, laser tag facilities, miniature golf, and water parks. This use does not include go-cart racing or motorcycle dirt-track facilities, which constitute motorsports park uses.

Recreation facility, public means any use providing for sports and recreation activities that are operated or carried on by a county, state, or federal government and open to the public, and that is not specifically listed in the principal use tables. Examples include, but are not limited to, athletic fields, playgrounds, swimming and tennis facilities, and gymnasiums.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Recycling drop-off center means a small collection facility where recyclable materials are purchased or accepted from the public. Typical uses associated with a drop-off center include facilities that accept donations of charitable goods. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Repair means the restoration to a good or sound condition of materials, systems and/or components of a structure that are worn, deteriorated, or broken using materials or components identical to or closely similar to existing materials or components.

Replacement cost means the cost of restoring a damaged building or structure to its original condition (exclusive of foundations). Replacement cost shall include reasonable estimates of the cost of materials and labor and shall be compared with the assessed value as determined by the county assessor to determine the percentage of the cost of improvements.

Residential care facility means a residential facility for eight or fewer individuals who are treated as a single-family in accordance with Code of Virginia § 15.2-2291.

Resource recovery facility means a solid waste management facility engaged solely in the storage, processing, resale, or reuse of recovered materials—e.g., metal, paper, glass, plastic, textile, rubber, or other materials—that have known recycling potential, can be feasibly recycled, and have been diverted from the solid waste stream. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Restaurant with drive-through service means an establishment where meals or prepared food, including beverages and confections, are served to customers, and that provides an accessory use for the ordering, selling, dispensing, or serving of food, refreshments, or beverages to persons driving by the structure in their motor vehicles. Sale of alcoholic beverages is

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prohibited within restaurants with drive-through service. Other accessory uses may include banquet rooms, catering services, pick-up facilities for take-out orders, windows for walk-up service, and outdoor seating. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Restaurant without drive-through service means an establishment where meals or prepared food, including beverages and confections, are served to customers. Other accessory uses may include bars, banquet rooms, catering services, pick-up facilities for take-out orders, windows for walk-up service, and outdoor seating. An establishment that sells both alcoholic beverages and food is classified as a bar or lounge if it derives no more than ten percent of its gross revenue from the sale of food consumed on the premises.

Right-of-way means a dedication of land to be used generally for streets, alleys, or other public uses wherein the owner gives up all his rights to the property as long as it is being used for the dedicated purpose. Also, a land measurement term meaning the distance between lot property lines which generally contain not only the street pavement but also the sidewalks, grass area, and utilities.

Roadside stand means a building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Rooming or boarding house means a building or portion thereof with three or more sleeping rooms used or designed to provide rental lodging, either with meals (boarding house) or without meals (rooming house). (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Rural event venue means a facility owned and operated for the purpose of providing a rural setting in which conferences, banquets, meetings, weddings, and other events may take place, and may include accessory amenities such as dining services, recreational facilities, and overnight accommodations for guests.

Satellite dish means a round or parabolic antenna and its supporting structure for the purposes of sending and/or receiving radio or electromagnetic signals. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Sawmill, commercial means an operation or facility established for the purpose of sawing or planing of logs or trees into rough slabs using on-site or off-site cut timber. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Sawmill, portable means a portable sawmill, including chippers and debarkers, temporarily located on private property for the processing of on-site cut timber.

Self-service storage facility means a building or group of buildings divided into separate self-contained units or areas offered for rent for self-service storage of household and personal

Commented [AP18]: The term *right-of-way* is commonly used, but it is not defined in the zoning ordinance. The proposed text matches what is currently in the subdivision ordinance.

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property. The storage units or areas are designed to allow private access by the tenant for storing and removing personal property. Accessory uses may include leasing offices, outdoor storage of boats and recreational vehicles, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. The rental of trucks or trailers is a separate principal use and not considered accessory to this use. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Shallow flooding area means a special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

~~*Shed sales, outdoor* means the retail sale and display of prefabricated sheds, carports, gazebos, and similar small-scale structures in an outdoor area as a principal use.~~

Commented [AP19]: As part of Ordinance #O-2019-05 (January 28, 2019), *shed sales, outdoor* has been listed as a permitted use in certain zoning districts, and use standards have been adopted for that specific use. However, the use has not been defined.

Shelter for victims of domestic abuse means a facility with support and supervisory personnel that provides temporary living accommodations for abused persons.

Shipping container means a standardized, reusable shipping vessel used in the transportation of freight and capable of being mounted on a rail car, or mounted on a chassis for movement by truck trailer, or loaded on a ship. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Shooting range, commercial in accordance with Code of Virginia § 15.2-917, a sport shooting range is an area or structure designed for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting, and that is open to the general public.

Shooting range, non-commercial means shooting or archery ranges permitted by a property owner for the benefit of non-profit, non-commercial, or community service organizations, provided that the owner participates in the operation of the range. Such range shall be located on a parcel not less than 30 acres in size. Adjoining parcels may be treated as combined to satisfy the 30 acre requirement, provided all other requirements of this subsection are satisfied. No part of such use shall be located any closer than 300 feet to the public road right-of-way, or 300 feet from any property boundary. Use of the range shall not be open to the general public. The range shall operate only during daylight, and not before 10:00 a.m. No automatic weapons shall be used. Only weapons of recreational or instructional caliber shall be used.

Shopping center means a development containing three or more separate or different commercial uses on a single lot and that is planned, developed, or managed as a unit, with shared access, parking, and other common areas.

Sight triangle means an area of unobstructed sight distance along the approaches of a street or driveway to an intersection.

~~*Sign* means any object, display, structure, or device, or part thereof, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. (See Article VIII: Development Standards.)~~

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~~Sign permit. See Article II: Administration.~~

~~Sign, banner means a sign made of fabric or any non-rigid material with no enclosing framework.~~

~~Sign, building-mounted means a sign attached, erected, or painted on the outside wall of a building and supported by any part of a building such as a wall, roof, window, door, canopy, awning, arcade or marquee. (See Article VIII: Development Standards.)~~

~~Sign, changeable copy means a sign whose informational content related to the premises where such sign is located can be changed manually such as by changing individually applied letters.~~

~~Sign, freestanding means a nonmovable sign supported by a fence or retaining wall, or by upright structural members or braces on or in the ground, and not attached to a building. (See Article VIII: Development Standards.)~~

~~Sign, monument means any sign in which the entire bottom is in contact with the ground and is independent of any other structure.~~

~~Sign, obsolete means any sign which advertises a business, use, or activity that once occurred but is no longer occurring on the property in which the sign is located.~~

~~Sign, outdoor advertising means a sign that directs attention to a product, commodity, or service not necessarily conducted, sold, or offered on the same lot where the sign is located; also referred to as a “billboard.”~~

~~Sign, temporary means a sign that is not permanently affixed to the ground or other structure, that is designed or constructed in such a manner that it can be moved or relocated without any structural or support changes, and that (a) is used in conjunction with a circumstance, situation, or event designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (b) is intended to remain on the location where it is erected or placed only until the occurrence of some event. If a sign display area is permanent but the message is displayed subject to periodic changes, such a sign shall not be regarded as temporary. An inflatable device with an affixed sign shall be considered a temporary sign. (See Article VIII: Development Standards.)~~

~~Sign, unified means a freestanding sign used to identify multiple business uses within a shopping center, office park, or industrial park. (See Article VIII: Development Standards.)~~

Small wind energy system means a wind energy conversion system consisting of a rotating wind turbine and related control or conversion equipment that converts the kinetic energy in wind into mechanical energy, has a rated capacity of not more than 100 kilowatts (kW), and is intended to primarily reduce on-site consumption of utility power for homes or businesses. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Solar energy collection system means a system consisting of solar panels and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for on-site use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity for direct on-site use and transfer of excess electricity to an electric utility grid. Solar panels and equipment are typically

Commented [AP20]: Sign-related definitions would be revised in conjunction with revisions to Sec. 83-488 (Signage).

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mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Solar energy farm means a system consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. It is designed to meet demands for a larger area and is typically mounted on the ground.

Special flood hazard area means the land in the floodplain subject to a one percent or greater chance of being flooded in any given year as identified by the Federal Flood Insurance Administration's Flood Insurance Rate Maps, incorporated into the Floodplain Overlay District, and subject to the standards in Article VI: General Overlay Districts.

Specialty eating or drinking establishment means an establishment selling specialty food or beverage items that normally do not constitute a full meal—including, but not limited to, ice cream parlors, dessert cafes, snack shops, juice and coffee houses, and retail bakeries. Accessory uses may include pick-up facilities for take-out orders, windows for walk-up service, outdoor seating, and facilities providing for drive-through service.

Stadium. See *Arena, stadium, or amphitheater.*

Staff means the professional-level staff of Powhatan County, Virginia to whom the director of community development department delegates responsibilities to administer provisions in this chapter.

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stop work order means an order issued by the administrator that directs the person responsible for a development activity or other act in violation of this chapter to cease and desist such activity or act. (See Article X: Enforcement.)

Story means that portion of a building between the surface of any floor and the surface of the next floor above, or for the topmost floor, between the surface of the floor and the ceiling or roof above. A mezzanine floor counts as a story if it covers over one-third of the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more. A basement counts as a story if its ceiling is over five feet above the level from which the structure height of the building is measured.

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Stream, intermittent means, for purposes of this chapter, a hydrographic feature shown on USGS quadrangle topographic maps (7.5-minute, 1:24,000 scale) as a broken blue line.

Stream, perennial means, for purposes of this chapter, a hydrographic feature shown on USGS quadrangle topographic maps (7.5-minute, 1:24,000 scale) as a solid blue line.

Street grade means the officially established grade of a street, or if no officially established grade exists, the top of the street's roadway at its centerline.

Structure means anything constructed, installed, placed, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. "Structure" also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs.

Structure height means the vertical distance from the average elevation of the existing finished grade of a structure at the front of the structure to the top of the roof for a flat roof, to the deck line for a mansard roof, or to the mean height between eaves and ridge for a gable, hip, cone, gambrel, or shed roof.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Surface transportation passenger station/terminal means a facility or location where the principal use is the handling, receiving, transfer, and discharging of passengers of various modes of surface transportation, and at which facilities and equipment for such activities are provided. Examples include terminals for bus, trolley, taxi, railroad, shuttle van, or other similar vehicular services.

Swimming pool, spa, or hot tub means an above- or below-ground structure that is filled with water and used for swimming (swimming pool) or for soaking, relaxation, massage, or hydrotherapy (hot tub).

Tattoo or body piercing establishment means an establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, or (2) using ink or other substances that result in the permanent coloration or

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alteration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Taxi or limousine service facility means a service that offers transportation in passenger automobiles and vans to persons, including those who are handicapped, in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs or limousines.

Taxidermy shop means a business for the preparation, stuffing, and mounting of animal skins.

Telecommunications facility, collocated means placement of telecommunications tower and/or other telecommunication equipment by two or more different telecommunications service providers on a common antenna-supporting a freestanding telecommunication tower. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Telecommunications tower means any structure that is designed and constructed primarily for the purpose of supporting telecommunication antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes television transmission towers, microwave towers, common-carrier towers, wireless communication towers, alternative tower structures, and the like. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Television or radio antenna means an omnidirectional antenna tuned to the broadcast frequencies assigned to television or commercial radio. This use does not include an amateur radio antenna or a satellite dish. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Temporary business means a commercial use established on a temporary basis at a particular location other than those other temporary uses specifically listed in the temporary use/structure table. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Temporary business permit. See Article II: Administration.

Temporary construction-related structure or facility means a structure or facility that is associated with new construction—including storage buildings, construction waste and recycling receptacles, temporary sanitation facilities, outdoor storage, and employee parking areas—and located on or adjacent to the construction site. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Temporary family health care structure means a transportable residential structure (as defined in Code of Virginia § 15.2-2292) providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person requiring assistance with two or more activities of daily living (as defined in Code of Virginia § 63.2-100) that: (a) is primarily assembled at a location other than the site of its installation; (b) is limited to one occupant who is the mentally or physically impaired person; (c) contains no more than 300 square feet of gross floor area; and (d) complies with applicable provisions of the Industrialized Building Safety Law (Code of Virginia § 36-70 et seq.) and the Building Code. A temporary family health care structure shall not count as a dwelling unit for purposes of applying density standards. (See

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temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Temporary second dwelling for hardship, handicapped, or elderly family member means the temporary use of a second dwelling on a lot as the primary residence for an elderly or infirm member of the family occupying the other dwelling on the lot. A temporary second dwelling for hardship, handicapped, or elderly family member shall not count as a dwelling unit for purposes of applying density standards. (See temporary/use-specific standards, Division 3: Standards for Temporary Uses and Structures, of Article VII: Use Standards.)

Title loan establishment (motor vehicle title loan establishment) means any person or establishment engaged in the business of extending a loan secured by a non-purchase money security interest in a motor vehicle pursuant to Code of Virginia, § 6.2-2200.

Truck gardening means the relatively small-scale production of vegetables (as well as fruit and flowers) for direct sale at markets.

Truck hauler business means any commercial enterprise utilizing trucks or commercial vehicles exceeding 5,000 pounds net weight, and having more than two axles. Thus use is generally a principal use, but may be an accessory use to a dwelling in certain zoning districts. (See Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.)

Truck or freight terminal means a use where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Truck stop means any building or lot where the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, and the sale of accessories or equipment for trucks or similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Turkey shoot means a shooting match or similar activity conducted by a non-profit organization, non-commercial, or community service organization involving the discharge of firearms at a target or targets with the object of such activity being to determine a winner of a prize such as a turkey or pork ham or other prize.

Utility entity means a utility district or other entity providing water, sewer, electric, gas, cable television, or telephone services.

Utility use, major means a structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility uses include potable water treatment plants, water towers, wastewater treatment plants, solid waste facilities, gas compressor stations, and electrical substations. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards; and see Article XII: Interpretations.)

Utility use, minor means a structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide services and that needs to be

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located in or near the neighborhood or use type where the service is provided. Examples of minor utility uses include water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, CATV lines and certain water towers. The use also includes surface transportation stops such as bus stops and park-and-ride facilities. (See Article XII: Interpretations.)

Variance permit (floodplain). See Article II: Administration.

Variance permit (zoning). See Article II: Administration.

VDOT means the Virginia Department of Transportation.

Vehicle/equipment sales or rental means establishment at which new or used passenger automobiles, trailers, light trucks, motorcycles, boats, or other vehicles or mobile equipment that are in operating condition are displayed for sale, lease, or rental. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Veterinary clinic means a facility for the medical care and treatment of animals, including household pets and larger domesticated animals. Such facilities may provide animal grooming and boarding services, as well as limited retail sales of pet-related merchandise. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Vocational or trade school means a public or private school offering vocational or trade instruction to students and that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

Warehouse, distribution or storage means a use engaged in the storage or distribution of manufactured products, supplies, and equipment. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Waste-related uses. See Article XII: Interpretations.

Watercourse means a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Wetlands means areas inundated or saturated by surface water or groundwater at a frequency or duration sufficient to support—and that normal circumstances do support—a prevalence of vegetation typically adopted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands, jurisdictional means wetlands regulated by the U.S. Army Corps of Engineers under Section 404 of the federal Clean Water Act.

Wholesale trade establishment means any establishment primarily engaged in selling goods, generally in large quantities, to other businesses for subsequent resale, and that is not specifically listed in the use tables. Such use generally includes facilities for storage and distribution of

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goods, and may include display areas. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)

Winery (other than farm winery) means a winery use is a facility licensed in accordance with Code of Virginia § 4.1-207 and regulations of the board of Alcoholic Beverage Control to manufacture wine and to sell, and deliver or ship such wine in closed containers for the purpose of resale outside the state or by persons licensed by the state to sell the wine at wholesale. The use may include the licensed operation of distilling equipment on the premises to manufacture spirits from fruit or fruit juices only, where used solely to fortify wine produced by the winery. This use does not include a farm winery.

Wood and stump recycling. See *Land clearing debris disposal facility*.

Woodworking means an establishment primarily engaged in millwork and other manufacturing of wood products, such as windows and doors, moldings, flooring. The use also includes millwork, but does not include cabinet or furniture manufacturing, which is considered a separate principal use: manufacturing, assembly, or fabrication, light.

Xeriscape landscaping means a landscaping method that utilizes water-conserving techniques such as the use of drought-tolerant plants, mulch, and efficient irrigation.

Yard means an area within a lot that lies between a principal structure on the lot and the nearest lot line. Yards are further classified as front yards, side yards, and rear yards.

Yard sale. See *Garage or yard sale*.

Yard, corner means the yard on a corner lot that is located between the principal structure on a lot and the lot's longest frontage along a public street right-of-way or private road easement (corner lot line), extending the full length of that frontage.

Yard, front means the yard (other than a corner yard) between a principal structure on a lot and the lot's frontage along a public street or private road easement (front lot line), extending the full width of the lot.

Yard, rear means the yard between a principal building on a lot and the rear lot line, extending the full width of the lot.

Yard, required means the area within a lot extending inward from the front, side, or rear lot line for the minimum front, side, or rear yard depth applicable in the zoning district in which the lot is located, and that is required to remain unoccupied and unobstructed from the ground upward except as may be otherwise specifically provided in this chapter.

Yard, side means the yard between a principal building on a lot and the nearest side lot line, extending between the lot's front yard and rear yards (or for through lots, between the lot's opposite front yards).

Zoning district means an area delineated on the official zoning district map within which a prescribed set of development standards are applied to various types of development. (See Article I, General Provisions.)

Zoning district map, official means the official zoning district map upon which the boundaries of various zoning districts are drawn and which is an integral part of this chapter.

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Zoning district, base means a zoning district within which a single set of use, intensity, dimensional, and development standards are applied.

Zoning district, overlay means a zoning district superimposed over one or more underlying base zoning districts that imposes standards and requirements in addition to those required by the underlying base zoning district.

(Ord. No. O-2013-06, 9-16-13; Ord. No. O-2013-09, 2-3-14; Ord. No. O-2014-03, 2-18-14; Ord. No. O-2014-11, 6-2-14; Ord. No. O-2014-26, 10-6-14; Ord. No. O-2018-24, 9-24-18; Ord. No. O-2019-12, 2-25-19)