



County of King William, Virginia

**PLANNING COMMISSION MEETING
JUNE 7, 2022 – 7:00 P.M.
KING WILLIAM COUNTY ADMINISTRATION BUILDING
KING WILLIAM, VIRGINIA**

1. Call to Order
2. Roll Call
3. Review and Adoption of Meeting Agenda
4. Review and Approval of Minutes:
 - a. May 3, 2022
5. Public Comment Period – Speakers: *One opportunity of 3 minutes per individual or 5 minutes per Group on Non-Public Hearing Matters*
6. Public Hearing
 - a. CUP 01-22 Charles Snead
7. Old Business
 - a. Subdivision and Zoning Ordinance
 - b. Discussion of Sweet Sue Solar Project
8. New Business - *None*
9. Staff and/or Special Committee Reports
 - a. Edmunds Reports provided by Christina Grover
 - b. Violation Logs
 - c. Commissioner Comments
10. Adjournment

4a.

May 3, 2022

Meeting Minutes



**MINUTES
KING WILLIAM COUNTY
PLANNING COMMISSION
REGULAR MEETING OF MAY 3, 2022**

A regular meeting of the Planning Commission of King William County, Virginia, was held on the 3rd day of May 2022, beginning at 7:00 p.m. in the King William County Board Room of the Administration Building and via Zoom.

Agenda Item 1. CALL TO ORDER

The meeting was called to order by Chairman John Breeden at 7:00 p.m.

Agenda Item 2. ROLL CALL

The members were polled:

Matt Sluder	Aye
Bonnie Hite	Aye
Don Wagner	Aye
Stephen Greenwood	Aye
John Breeden	Aye

Also in Attendance:

Percy Ashcraft, County Administrator
Sherry Graham, Director of Planning
Christina Grover, Zoning Administrator
Barbara Trimmer, Planning Secretary

Agenda Item 3. REVIEW AND ADOPTION OF MEETING AGENDA

Chairman Breeden requested a motion to adopt the meeting agenda. Ms. Hite moved for the adoption of the April 5, 2022, meeting agenda as amended; Mr. Greenwood seconded the motion.

The vote was unanimous on this motion.

Agenda Item 4. REVIEW AND APPROVAL OF MINUTES

Chairman Breeden requested a motion to approve the minutes as presented. A motion was made by Ms. Hite to approve the April 5, 2022, minutes as submitted. Mr. Sluder seconded the motion.

The vote was unanimous on this motion.

Agenda Item 5. PUBLIC COMMENT PERIOD

The Chairman opened the floor for public comments.

There being no one in person or via Zoom to speak, the Public Comment Period was closed.

Agenda Item 6. PUBLIC HEARING

The final review of the Comprehensive Plan and Future Land Use Map have been completed. Chairman Breeden requested a motion to recommend approval the Comprehensive Plan and Future Land Use Map and adopt a Resolution. Ms. Hite made a motion, seconded by Mr. Greenwood to recommend approval of the Comprehensive Plan and Future Land Use Map to the Board of Supervisors and adopt a Resolution.

The vote was unanimous on this motion.

Agenda Item 7. OLD BUSINESS

There was a discussion of the current Subdivision and Zoning Ordinance, and these items will be discussed at the next Planning Commission meeting.

Agenda Item 8. STAFF AND COMMITTEE REPORTS

Ms. Grover will be providing the reports to the Planning Commission through email.

Agenda Item 9. ADJOURNMENT

There being no further business, Chairman Breeden adjourned the meeting at 7:35 p.m.

John Breeden, Chairman

Sherry Graham, Commission Secretary

6a.

Public Hearing

CUP 01-22

Charles Snead



King William County
Est. 1702

Board of Supervisors

Office of
Community Development

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

TO: Planning Commission
FROM: Sherry Graham, Director of Planning
SUBJECT: CUP 01-2022, Charles Snead
DATE: June 7, 2022

Request

The applicant is requesting a Conditional Use Permit to operate a campground which will consist of four platformed campsites, a larger platformed gazebo, six recreational vehicle sites, a primitive tent camping area and nine additional camp sites. In addition to the camp sites, the property will also have a check-in office, dump station, guesthouse, bathhouse with laundry, boathouse, a large and small gazebo. Existing on the property are a pool with decking and gazebo, outdoor kitchen and bar, food cafe, hot tub, outdoor dining terrace, pond, and hiking trails. The property is located at 281 Roane Oak Trail, tax map parcel 29-72D. The property consists of approximately 35.8 acres and is zoned A-C (Agricultural-Conservation).

Background

Mr. Snead has approval for one camping area with a maximum occupancy of six people and approval for a Bed and Breakfast with two guest rooms and a maximum occupancy of eight people. The owner of the property is currently under a Notice of Violation for having freight containers on the property, constructing four roofed platforms for camping, a fifth roofed platform was also under construction. Under Section 86-171 of the Ordinance which was in effect at the time that the approval was obtained, the guest rooms in a bed and breakfast must be located in a primary residence. A storage building was converted into two guest rooms without approvals or permits. Guest rooms are required to be located in the primary residence. Over the past several years, the Planning Department has sent multiple violation notices to the property owner and have also receive numerous complaints from the neighbors that live on Roane Oak Trail.

Analysis

There are no deed restrictions barring the proposed use of the property. The area surrounding the subject property are single-family homes located on five plus acres.

Public Notice

Legal ads were run in the Tidewater Review on May 25th and June 1st for the Planning Commission's Public Hearing. Notices to adjacent property owners were mailed on May 23, 2022. Staff posted a sign in front of the property indicating there is a pending zoning action and provided contact information.

Comprehensive Plan

In the Comprehensive Plan, it talks about the need for "Growth in agritourism, focus on tourism that draws families interested in hunting, fishing, camping, boating, kayaking, biking, hiking ...nature! Market to outside events – weddings, concerts, tournaments etc. Encourage B & B / VRBO vacation rentals."

Conditional Uses

Section 86-44, states that a conditional use may be approved by the Board of Supervisors for any use specifically identified as a permitted conditional use in the Use Matrix in Article VII. In approving these conditional uses, the Board of Supervisors may, in addition to the general regulations applicable to the zoning district in which the conditional use is located, impose any additional reasonable conditions in connection therewith that it deems necessary to ensure that the conditional use will be consistent with the overall intent and spirit of this ordinance. The Board of Supervisors may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

Minimal requirements. A conditional use permit shall not be issued unless the Board of Supervisors shall find that:

- a. The proposed use will not adversely affect the health, safety, or welfare of persons residing or working in the general proximity, of the proposed use. Nor will the proposed use be detrimental to public welfare or injurious to the property or improvements in the neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibrations, with due regard for timing of operation. Screening, and other matters which might be regulated to mitigate adverse impact.
- b. The proposed use will conform to the comprehensive plan, or to specific elements of such plan, and the official policies adopted in relation thereto, including the purposes and the expressed intent of this ordinance.

Zoning and Subdivision Ordinance

Under Article II: Definitions

A campground means any area, place, parcel, or tract of land, by whatever name called, on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by covenants, restrictions, and easements, including any travel trailer camp, recreation camp, family campground, camping resort, or camping community.

Under Section 86-140, a campground is permitted in the A-C District with approval of a conditional use permit.

Under Section 86-185, Campgrounds or Camping Area:

1. The area shall contain not less than two contiguous acres.
2. The overall density of camping sites shall not exceed twenty units per acre, and not site shall be less than 2,000 square feet in area.
3. The camping area shall be properly located with respect to access roads and existing and future developed areas.
4. The camping area shall comply with all sanitary and other requirements prescribed by law or regulations.
5. The overall design shall evidence a reasonable effort to preserve the natural amenities of the site.
6. Accessory structures or recreation facilities, washrooms, swimming pools, game courts, and the like shall not be located closer than one hundred feet to any campground boundary or closer than two hundred feet to any property line.
7. Campsites in a campground are limited to one camping unit and a maximum of six persons or immediate family members.
8. No person directly or indirectly, shall conduct, control, manage, operate, or maintain a campground, or offer campsites for occupancy within the County without first making application for and receiving a valid permit from the Health Department for the operation of the campground or campsite.
9. Camping is limited to fourteen consecutive days.

The Planning Commission may recommend reasonable conditions to the Board of Supervisors, as it believes necessary to accomplish the objectives of this chapter.

Recommendation

Staff recommends the following conditions if the application is approved:

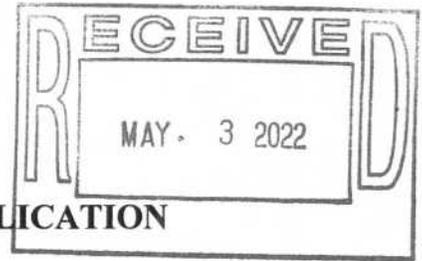
1. The owner/applicant shall meet all requirements in Article XI. Landscaping, Screening, and Fencing, which applies to properties seeking a conditional use permit. The landscape buffer should provide a year-round visual screen between all adjacent properties. The buffer may consist of fencing, evergreens, boulders, mounds, or a combination of material approved by the Director of Planning. Plants should be sufficiently large and planted in such a fashion that year-round screening at least six (6) feet in height shall be produced within one growing season.
2. Necessary safeguards such as noise levels from amplified noise, fireworks, gunfire, explosions, ATVs will be prohibited for the protection of surrounding property, persons, and the neighborhood values.

3. Any exterior lighting shall meet the requirements of Article XII and be approved by the Director of Planning.
4. Walls and fences may be used with landscaped areas to provide buffering, privacy, and separation. Any walls or fencing installed shall be approved by the Director of Planning and comply with Section 86-297. The walls or fencing can be used for security, or for aesthetic reasons, but may not create an unsightly or unsafe condition on or off of the public or private property on which the fence or wall is proposed.
5. The owner is required to have a separate entrance for guests and not use the existing shared private lane "Roane Oak Trail" with the residents that live and have property on Roane Oak Trail.
6. The property shall have a maximum capacity of fifty (50) people on the property at one time, including without limitation guests, invitees, owners, contractors, and other persons.
7. The property owner must meet all Virginia State Code requirements pertaining to the operation of a campground.
8. The property owner must meet all Health Department requirements and obtain any required Health Permits for the bathrooms, waste disposal, water supply, and food service.
9. The property owner must maintain all required liability insurance on the property.
10. No special events can take place unless the owner applies for and obtains approval through a Conditional Use Permit for an Event Venue which means hosting affairs, including but not limited to, banquets, dinners, parties, weddings, and the like.
11. There shall be no outdoor use of amplified music or sound.
12. The Planning Commission may review the Conditional Use Permit at the end of each year to ensure that the property owner/applicant is complying with all requirements and conditions.
13. The Board of Supervisors can process a CUP amendment to terminate the CUP based upon any violations. The process would require initiation by the Board of Supervisors of the Conditional Use Permit amendment to terminate, refer the proposed CUP to the Planning Commission, receive the Planning Commission's recommendation after a public hearing, then consider whether to terminate the CUP after the Board of Supervisor's public hearing.

Attachments

Application
Adjacent property owner list and letters
Property owner letter
Public Notice
County Ordinances
Permits
Violation Letters
Zoning map
GIS map
Future Land Use Map
Plat submitted by applicant
Health Department Approval (pending)
VDOT correspondence
Pictures

CUP-01-22
Application # 3769



CONDITIONAL USE PERMIT APPLICATION

King William County
Department of Community Development
180 Horse Landing Rd. #4 King William, VA 23086
Phone (804) 769-4980 Fax (804) 769-2235

1. Owner: Charles Snead
Name: Charles Snead / Zebulon's Gratto
Address: 281 Roane Oak Trail, KW, VA 23086
Phone Number: 804.240.7823

2. Applicant:
Name: Charles Snead
Address: 281 Roane Oak Trail KW, VA
Phone Number: 804.240.7823

3. Property description:
(a) Size (acres): 36 Road frontage: 50

(b) Deed recorded in Deed Book at Page
Plat recorded in Plat Book A at Page 241
Tax Map: 29 Section 72, Parcel D

(c) Zoning District: A/C

4. Hours of operation of the planned facility: 9am - Dark
and overnight for lodging guests

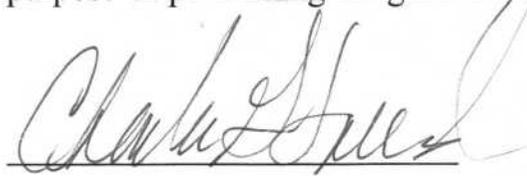
5. Describe water supply plans: Private

6. Describe sewage disposal plans: Private

7. Attach a statement describing how specific conditions stated in Article X, Sec. 86-451, of the Zoning Ordinance for the type of project planned will be met.

I hereby certify that the information presented in this application and on the accompanying site plan is complete and accurate to the best of my knowledge. County officials and employees are authorized to enter upon the property described herein during regular working hours for the purpose of performing assigned duties in connection with this application.

Signature of Owner or Applicant:

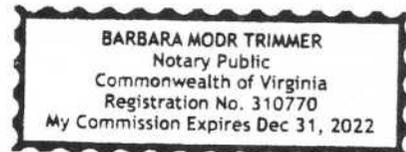


STATE OF: Virginia COUNTY OF: King William, to-wit:

The foregoing instrument was acknowledged before me this 3 day of Dec, 2022.

Barbara Modr Trimmer
Notary Public

12/31/2022
My Commission Expires



King William County

Date: 05/03/2022 Time: 02:49 PM

Invoice Payment

Customer: 0-000474

Name: SNEAD CHARLES

in person

Invoice: 22-04318

Permit App Id: 3769

Item 1 2,500.00

CONDITIONAL USE - ACCESSORY

2,500.00

Chk#: 2197

Batch Id: KL050322

Ref Num: 4206 Seq: 23 to 23

Cash Amount: 0.00

Check Amount: 2,500.00

Credit Amount: 0.00

Total: 2,500.00

Thank You for your payment!

King William County
Building & Zoning Department
180 horse Landing Road #4
King William, VA 23086

INVOICE #
22-04372

ACCOUNT ID: O-000495 PIN: 119618
INVOICE DATE: 05/17/22
DUE DATE: 06/16/22

Darrell Kellum Inc
622 Sharon Road
King William, VA 23086

PERMIT INFORMATION
PERMIT NO: 22-00222
LOCATION:
OWNER: Darrell Kellum Inc

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
		Permit No: 22-00222		
1.0000	BURN	BURN PERMIT Permit No: 22-00222	25.000000	25.00
			TOTAL DUE:	<u>\$ 25.00</u>

PAYMENT COUPON - PLEASE DETACH AND RETURN THIS PORTION ALONG WITH YOUR PAYMENT

King William County
Building & Zoning Department
180 horse Landing Road #4
King William, VA 23086

INVOICE #: 22-04372
DESCRIPTION: Permit No: 22-00222
ACCOUNT ID: O-000495 PIN: 119618
DUE DATE: 06/16/22
TOTAL DUE: \$ 25.00

Darrell Kellum Inc
622 Sharon Road
King William, VA 23086



Conditional Use Application Narrative for 'Campground'

For Zebulon's Grotto

May 3, 2022

Zebulon's Grotto was established in 2016 when the owner, Charles Snead obtained a Use by Right Bed & Breakfast Permit from King William County. Later in 2018 a Recreation Area Use and Tent Camping Area Use by Right were granted giving ZG the ability to house overnight guests within the (2 room) Bed & Breakfast as well as tent campers staying on the grounds. 4 Platform tent camping spots were added in 2020. The Recreation Area use allows paying guests to visit the grounds for swimming, fishing, boating and hiking without the requirement to stay as overnight guests.

Operating a business with multiple 'Uses by Right' has limitations which may be confusing and cumbersome to many. Zebulon's Grotto in seeking a Conditional Use allowing it to evolve to Campground status allowing it to be governed as a campground with allowable guest accommodations and associated services.

The property located at 281 Roane Oak Trail is in the A/C zoning district and the comprehensive plan for the county supports the placement of a campground at this location. The site is serviced by a private well and private septic system. As a campground ZG will offer guest rooms, permanent tent sites, primitive camping and limited RV acceptance. RVs will be restricted to a maximum length of 36ft to ensure maneuverability. The Preliminary plan allows for up to 6 pull thru RV parking sites. A black water dump station is shown on the preliminary plan.

The property is accessed via a neighbor shared access easement from state road Route 650 (Roane Oak Road) If approved, a second vehicular driveway entry gate (shown on the preliminary plan) will be installed to reduce the risk of any bottleneck of vehicles entering and exiting the property. In 2017 VDOT evaluated the entrance and determined that a low volume commercial entrance asphalt paved entrance apron would be required. The asphalt would encompass the current width of the entry and be a minimum of 35ft in depth. A construction detail drawing is included in the preliminary site plan prepared for the submittal. Standard roadway width within the campground will be 24ft wide with wide gentle turning radii.

Existing detached guestrooms will serve as "rooms or cabins" for transient guests; as well as the permanent tent sites on wooden platforms. Overnight accommodations and recreational visits would be reservation only. Hours of operation are 9am until Dark (Daily) unless a reservation for overnight lodging is approved.

9 new primitive camp sites are shown on the preliminary plan. 2 HCP parking spaces are shown on the preliminary plan as well as a food service café with outdoor dining.

(2) new washrooms are shown on the preliminary plan with sinks, flushing toilets, showers and laundry facilities. Additional septic will need Health Department approval. Standard electrical service is planned with the addition of solar in the near future. (2) electric car charging stations are planned.

Sport games are also planned for the site including Frisbee golf, volleyball, basketball but not shown on the preliminary plan.

The existing 4 acre lake provides beauty and habitat support for wildlife, and offers swimming, canoeing, fishing. Boat rental, life jackets, and fishing tackle are supplied in the Existing Boathouse building near the lake. There are (2) screened gazebos and a small swimming dock around the lake for guest usage.

Per 'Campground description' Accessory structures or recreation facilities, washrooms, swimming pools, game courts and the like shall not be located closer than 100 feet to any campground boundary or closer than 200 feet to any lot in an R-1 suburban residence district. Noise restrictions for amplified music are limited to hours of 9am until 12midnight. Zebulon's Grotto does not and will not project amplified music beyond 11pm.

Projected Traffic Count for Zebulon's Grotto "Campground"

281 Roane Oak Trail, KW, VA 23086

May 3, 2022

January (Ave Weekly Total Daily Visitorship)

Sun	Mon	Tue	Wed	Thur	Fri	Sat
2	0	0	0	0	2	3

February (Ave Weekly Total Daily Visitorship)

Sun	Mon	Tue	Wed	Thur	Fri	Sat
2	0	0	0	0	2	3

March (Ave Weekly Total Daily Visitorship)

Sun	Mon	Tue	Wed	Thur	Fri	Sat
4	0	0	0	0	4	8

April (Ave Weekly Total Daily Visitorship)

Sun	Mon	Tue	Wed	Thur	Fri	Sat
12	0	0	4	4	12	16

May (Ave Weekly Total Daily Visitorship)

Sun	Mon	Tue	Wed	Thur	Fri	Sat
20	8	8	8	8	20	35

June (Ave Weekly Total Daily Visitorship)

Sun	Mon	Tue	Wed	Thur	Fri	Sat
35	10	10	10	12	35	50

July (Ave Weekly Total Daily Visitorship)

Sun	Mon	Tue	Wed	Thur	Fri	Sat
40	15	15	15	15	35	60

Aug (Ave Weekly Daily Visitorship)

Sun	Mon	Tue	Wed	Thur	Fri	Sat
50	20	20	20	20	40	70

Sept (Ave Weekly Total Daily Visitorship)

Sun	Mon	Tue	Wed	Thur	Fri	Sat
40	15	15	15	15	35	60

Oct (Ave Weekly Total Daily Visitorship)

Sun	Mon	Tue	Wed	Thur	Fri	Sat
35	10	10	10	10	30	50

Nov (Ave Weekly Total Daily Visitorship)

Sun	Mon	Tue	Wed	Thur	Fri	Sat
20	8	8	8	8	25	35

Dec (Ave Weekly Total Daily Visitorship)

Sun	Mon	Tue	Wed	Thur	Fri	Sat
8	2	2	2	2	6	10

**Charles Snead
CUP-01-22
281 Roane Oak Trail
Tax Map Parcel 27-72D**

Victor G Einarsson
Debra Einarsson
397 Roane Oak Trail
Tax Map Parcel 29-72E
Zoned A-C

PL Mason Family Living Trust
392 Roane Oak Trail
Tax Map Parcel 29-72C
Zoned A-C

PL Family Living Trust
329 Roane Oak Trail
Tax Map Parcel 29-72C1
Zoned A-C

Richard H Meador
Terry H Meador
230 Roane Oak Trail
Tax Map Parcel 30-3B1
Zoned A-C

Joshua W Wright
170 Roane Oak Trail
Tax Map Parcel 30-3B
Zoned A-C

Uppowoc LLC
5700 Williamsburg Landing Dr
Tax Map Parcel 29-72
Zoned A-C

Thomas Fox Jr
15377 W River Road
Tax Map Parcel 29-75A
Zoned A-C

Amanda Rae Mills
112 Roane Oak Trail
Tax Map Parcel 30-3A1
Zoned A-C

Alan E Cosby Jr
60 Roane Oak Trail
Tax Map Parcel 30-3A
Zoned A-C

Olivia J Stokely
463 Roane Oak Road
Tax Map Parcel 30-6D
Zoned A-C

Betty Ann Farmer
Edmond Walker Farmer
414 Roane Oak Road
Tax Map Parcel 30-6C
Zoned A-C

Jean F Stokely
463 Roane Oak Road
Tax Map Parcel 30-6A
Zoned A-C

Thomas M and Ellen Davidson
15271 West River Road
Tax Map Parcel 29-72
Zoned A-C

Marie L Edwards Trustee
Holly E James Trustee
Robert L Edwards Trustee
6125 Green Haven Drive
Tax Map Parcel 29-78
Zoned A-C



King William
County
Est. 1702

Board of Supervisors

Office of
Community Development

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

May 23, 2022

**RE: Notice to Adjacent Property Owners
Request for Conditional Use Permit 01-2022
Tax Map Parcel: 29-72D
Owner/Applicant: Charles Snead/Zebulon's Grotto**

Dear Property Owner:

The King William County Planning Commission will hold a Public Hearing on Tuesday, June 7, 2022, at 7:00 p.m., or as soon thereafter, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia and via Zoom to receive public comment on the following matter:

A request for Conditional Use Permit 01-2022 to operate a campground which will consist of four platformed campsites, a larger platformed gazebo, six recreational vehicle sites, a primitive tent camping area and nine additional camp sites. The property is located at 281 Roane Oak Trail, tax map parcel 29-72D. The property consists of approximately 35.8 acres and is zoned A-C (Agricultural-Conservation).

You are being notified of this hearing because your property is adjacent to or in close proximity to the above-stated request. All interested persons may appear and present their views at the above time and place, or via the Zoom Meeting, as applicable. Those attending via Zoom **must preregister** at kingwilliamcounty.us by noon on the day of the meeting. If a member of the public cannot attend, comments may be submitted by mail to 180 Horse Landing Road, #4, King William, VA 23086; by email to sgraham@kingwilliamcounty.us or by calling 804-769-4980. Comments received by 12:00 noon on the day of the hearing will be distributed to Commission Members and made a part of the public record. All records pertaining to this matter may be viewed in the Office of Community Development at 180 Horse Landing Road, King William, VA during regular business hours. Anyone needing assistance or accommodations under the provisions of the American with Disabilities Act should contact the Office of Community Development at (804)769-4978 or sgraham@kingwilliamcounty.us.

Sherry L. Graham
Director of Planning

Copy



King William County
Est. 1702

Board of Supervisors

Office of
Community Development

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

May 23, 2022

Mr. Charles Snead
Zebulon's Grotto
281 Roane Oak Trail
King William, VA 23086

RE: Application for a Conditional Use Permit

Dear Mr. Snead:

The Planning Commission will hold a Public Hearing on Tuesday, June 7, 2022, at 7:00 p.m. in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia and via Zoom to consider your request for a conditional use permit in order to operate a campground on your property located at 281 Roane Oak Trail.

Your attendance is strongly encouraged. If you have any questions, please do not hesitate to call me at 804-769-4978.

Sincerely,

Sherry L. Graham
Director of Planning

King William County Public Hearing Notice

The Planning Commission of King William County, Virginia will hold a Public Hearing on Wednesday, June 7, 2022, at 7:00 p.m., or as soon thereafter, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia, and **via Zoom** to receive public comments on the following matters:

CUP-01-2022: Applicant/Owner – Charles Snead

A request for a Conditional Use Permit in order to permit a campground on the property located at 281 Roane Oak Trail. The property consists of approximately 35.8 acres and is zoned A-C (Agricultural-Conservation). The property is in the Courthouse District.

All interested persons may appear and present their views in person or via **Zoom Meeting** as applicable. Those attending via Zoom **must preregister** at kingwilliamcounty.us by noon on the day of the meeting. If a member of the public cannot attend, comments may be submitted by mail to 180 Horse Landing Road, #4, King William, VA 23086: by email to sgraham@kingwilliamcounty.us or by calling 804-769-4980. Comments received by 12:00 noon on the day of the hearing will be distributed to Commission members and made a part of the public record. All records pertaining to this matter may be viewed in the Office of Community Development at 180 Horse Landing Road, King William, VA during regular business hours. Anyone needing assistance or accommodations under the provisions of the American with Disabilities Act should contact the Office of Community Development at (804)769-4978 or sgraham@kingwilliamcounty.us.

By Authority of
Sherry L. Graham
Director of Community Development

Ad to run in the Tidewater Review, May 25th and June 1st, 2022, Edition

King William County Zoning and Subdivision Ordinance

- *Bulk* means the size and shape of a building or structure and its relationship to other buildings, to the lot area for a building, and to open spaces and yards.
- *Camper or camping trailer*. See *Recreational vehicle*.
- *Campground* means any area, place, parcel, or tract of land, by whatever name called, on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by covenants, restrictions, and easements, including any travel trailer camp, recreation camp, family campground, camping resort, or camping community. "Campground" does not mean a summer camp, migrant labor camp, or park for manufactured homes as defined in this section and in §§ 32.1-203 and 36-85.3, or a construction camp, storage area for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions from providing his sanitary facilities within his property lines.
- *Camp, day or youth* means an establishment, either publicly or privately owned, with its services designed for the recreation and education of youth. However, this facility does not accommodate the overnight stay of its patrons.
- *Camp, recreational* means an establishment consisting of facilities used periodically by an association of persons where seasonal accommodations for recreational purposes are provided to the members of the association.
- *Campsite* means a site with or without connections to water supply, electrical service, or sewage systems, used by one camping unit.
- *Camp unit* means a tent, camping cabin, recreational vehicle, camping trailers, pick-up campers, yurts, or other type of portable shelter intended, designed, or used for temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel.
- *Canopy* means a detachable, roof-like cover, supported from the ground, or deck, floor, or walls of a building, for protection from sun and weather.
- *Carport* means a roofed space having one or more sides open to the weather, primarily designed or used to park motor vehicles. In no case shall a carport be located in any required front or side yard.
- *Car wash* means a facility for the washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self-service car washes.
- *Cemetery* means a place for interment of human or animal remains, above the ground or below the ground, with or without sale of lots. A cemetery includes all uses necessarily or customarily associated with interment of human remains, including benches, ledges, walls, graves, roads, paths, landscaping, and soil storage consistent with federal, state, and local laws on erosion sediment control. Additionally, a cemetery includes mausoleums, columbaria, chapels, administrative offices, and maintenance and storage areas (Code of Virginia §15.2-2288.5).
- *Central sewage system* means a system which provides for sewage collection, treatment, and disposal for a single development. This does not include on-site individual lot systems.
- *Central water system* means a system which provides for water distribution for a single development. This does not include on-site individual lot wells.
- *Certificate of occupancy* means a document issued by the building official allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable County codes and ordinances.
- *Chesapeake Bay Preservation Area (CBPA)* means any land designated by the County pursuant to the Chesapeake Bay Preservation Area and Management Regulations, 9 VAC 25-830 et seq.,

King William County Zoning and Subdivision Ordinance

- *Primary highway* means a highway designated as a state primary highway or U.S. highway by the adopted comprehensive plan of the County or by the Virginia Department of Transportation (VDOT).
- *Property* means any tract, lot, parcel or several of the same collected together for the purpose of subdividing.
- *Public assembly* means facilities that accommodate public assembly for sports, amusements, or entertainment purposes. Typical uses include auditoriums, sports stadiums, convention facilities, and incidental sales and exhibition facilities.
- *Public building* means a building, or part thereof, owned or leased and occupied and used by an agency or political subdivision of the United States of America, the Commonwealth, a county or a town or city.
- *Public maintenance and service facility* means a public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment services centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
- *Public park and recreational area* means publicly owned and operated parks, picnic areas, playgrounds, indoor/outdoor athletic or recreation facilities, indoor/outdoor shelters, amphitheatres, game preserves, open spaces, and other similar uses. This shall not include Public recreation assembly.
- *Public recreation assembly* means publicly-owned and operated community, civic, or recreation centers, year-round swimming facilities, or indoor performing arts/auditoriums.
- *Public water and sewer system* means a water or sewer system owned and operated by a municipality or County, or owned and operated by a corporation approved by the Board of Supervisors and properly chartered and certified by the State Corporation Commission, and subject to special regulations as set forth in this ordinance, or the County ordinances.
- *Railroad facility* means an area of land, a portion of which is covered by a system of tracks that provides for the making up of trains by one or more railroads or private industry concerns. Necessary functions of a rail facility include but are not limited to the classifying, switching, storing, assembling, distributing, consolidating, moving, repairing, weighing, or transferring of cars, trains, engines, locomotives, and rolling stock.
- *Recreation, active* means those recreational pursuits which require physical alteration to the area in which they are performed including, but not limited to, pedestrian ways, bikeways, tennis courts, swimming and boating areas, playgrounds, and play fields.
- *Recreation, passive* means recreational activities that generally do not require a developed site such as hiking, horseback riding, and picnicking.
- *Recreation facility, private* means a private recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development.
- *Recreation facility, public* means a publicly owned or operated recreation facility.
- *Recreational vehicle* means a vehicular type or portable structure without a permanent foundation which can be towed, hauled, or driven and primarily designed as temporary living accommodations for recreational, camping, and travel use and including, but not limited to; travel trailers, truck campers, camping trailers and self-propelled motor homes.
- *Recreational vehicle sales and service* means the retail sales of recreational vehicles and boats, including service and storage of vehicles and parts and related accessories.

King William County Zoning and Subdivision Ordinance

Uses by Category	A-C	R-R	R-1	B-1	B-2	I
Automobile dealership					R	
Bed and breakfast	R	C		R		
Boarding house (Rooming house)	C			C	C	
Brewery or distillery					R	R
Brewpub or tasting room				R	R	R
Campground	C					
Camp, day or youth	C					
Camp, recreational	C					
Car wash				C	R	
Commercial indoor amusement				R	R	
Commercial indoor entertainment				R	R	
Commercial indoor sports and recreation					R	R
Commercial outdoor entertainment				C	C	R
Commercial outdoor sports and recreation	C			C	C	C
Commercial vehicle repair service					R	R
Consumer repair service				R	R	
Convalescent home				R	R	
Crematory				R	R	R
Day care center				R	R	
Equipment sales and rental					R	R
Event venue	C	C	C	C	C	
Extermination business					R	R
Family day home (5-12 individuals)	C	C	C			
Farm supply and service establishment					R	
Farmer's market	R			R	R	
Financial institution				R	R	

King William County Zoning and Subdivision Ordinance

6. Physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood.
7. Any additions or modifications for the bed and breakfast shall be residential in appearance and compatible with the original structure and surrounding structures and the overall footprint of the original structure.
8. Bed and breakfasts are to be integrated into the residential fabric of the neighborhood in which they are located. A proposed bed and breakfast should not affect the integrity or character of the single-family residential neighborhood for which it is proposed.
9. Off-street parking shall be screened from surrounding family residences by landscaping or fencing which is compatible with the neighborhood.
10. Guest rooms shall not have cooking facilities.
11. The maximum stay for a guest shall be 14 days.
12. Bed and breakfast establishments are permitted solely to provide lodging and breakfast accommodations. Additional activities, including receptions, parties and other events, are not permitted unless specifically authorized by the conditional use permit. Authorization for additional activities will be based on the suitability of the house and property for hosting such events. Specific consideration will be given to the floor plan of the house, the proximity of the house to neighboring houses, the size of the lot, provisions to buffer the effects of such activities from adjacent property and the ability to provide parking for such events.
13. Bed and breakfast establishments must be occupied by the owner except as outlined in the definitions.

Sec. 86-184. Camp, day or youth.

1. The youth group cabin and campgrounds are for the exclusive use of youth groups, which are defined as recognized, nonprofit organizations, or affiliated with a school, church, or recognized youth organization whose members are 17 or younger. A recognized group must be organized with by-laws, have an Article of Incorporation filed with the Secretary of State, and be insured with a current certificate of insurance on file.
2. Only members of qualifying groups with their accompanying leaders may camp in these areas.
3. Adult supervision of one group leader 21 or older for every 10 members 17 or younger is mandatory for the duration of the stay.

Sec. 86-185. Campgrounds or camping area.

4. The area shall contain not less than two contiguous acres.
5. The overall density of camping sites shall not exceed 20 units per acre, and no site shall be less than 2,000 square feet in area.
6. The camping area shall be properly located with respect to access roads and existing and future developed areas.
7. The camping area shall comply with all sanitary and other requirements prescribed by law or regulations.
8. The overall design shall evidence a reasonable effort to preserve the natural amenities of the site.
9. Accessory structures or recreation facilities, washrooms, swimming pools, game courts, and the like shall not be located closer than 100 feet to any campground boundary or closer than 200 feet to any property line.

King William County Zoning and Subdivision Ordinance

10. Campsites in a campground are limited to one camping unit and a maximum of 6 persons or immediate family members.
11. No person directly or indirectly, shall conduct, control, manage, operate, or maintain a campground, or offer campsites for occupancy within the County without first making application for and receiving a valid permit from the Health Department for the operation of the campground or campsite.
12. Camping is limited to 14 consecutive days.

Sec. 86-186. Car wash.

All car washes shall comply with the following general standards:

1. Car washes shall be located and designed so that vehicular circulation does not conflict with traffic movements in adjacent streets, service drives, and/or parking areas.
2. Car washes shall be constructed in a design similar to the building character of the surrounding area.
3. Parking shall be located behind the front line of the principal building.
4. Any use that has a car wash shall treat the car wash as a primary use
5. No sales, repair, or outside storage of motor vehicles shall be conducted on the site.

Sec. 86-187. Commercial outdoor sports and recreation.

1. Commercial outdoor sports and recreation areas shall include screening and buffering in accordance with the landscape section of this ordinance.
2. Where nighttime lighting is proposed, it shall be fully shielded, and large evergreen trees shall be required to appropriately screen adjoining residences.

Sec. 86-188. Crematories.

1. The minimum lot size is ten contiguous acres.
2. The minimum setback to existing off-site dwellings not owned by the subject property owner shall be 200 feet.
3. The minimum setback to property lines and/or rights-of-way not owned by the subject property owner shall be 100 feet.
4. The unit may not be used for disposal of waste, household trash, or garbage.
5. Only one animal or human may be cremated at a time.
6. The unit shall either be fully concealed within a building to appear as a garage, shed, barn or other permitted residential or agricultural accessory structure or shall be fully screened from view from adjacent properties not owned by the subject property owner and any public roads, rights-of-way or easements, by an opaque fence, new evergreen plantings, existing vegetation or natural topography, which must be maintained or replaced as needed to screen the unit.
7. The unit shall be located or constructed so that deliveries and pick-ups for cremation shall not be at any time visible from adjacent properties not owned by the subject property owner and any public roads, rights-of-way, or easements.
8. Any subjects not cremated immediately upon delivery shall be kept in refrigerated storage to prevent decomposition.
9. There shall be no on-site burials.
10. No on-site advertising signage shall be permitted for the use.



Zoning/Land Disturbance Permit Application

King William County
Community Development Dept. (804) 769-4969 • Fax: (804) 769-2235
180 Horse Landing Road #4 • King William, Virginia 23086

SEP 12 2018

Property Owner Charles Sneed Ph. # 804-240-7023
Mailing Address 281 Roane Oak Trail KW 23086
Email Charles.sneed428@gmail.com

Applicant (if different from Owner) (Same) Ph. # _____
Mailing Address _____
Email _____

Address of subject property _____
Tax Map Number 29-72D Zoning District A-C Subdivision _____
Lot Size 35.8 AC Building Height _____ Land Disturbed _____
Proposed Setbacks: Front _____ Side (1) _____ Side(2) _____ Rear _____
Utilities: Public Water Public Sewer Private Well Private Septic Alternative System
Current/Last Occupant SFD Current/Last Use _____
New Occupant _____ New Use _____

New structure square feet _____ Description of work to be completed, Camp Site, Recreational Use

Check all Permits being applied for:

- Zoning
- Land Disturbance (Residential requires an upfront fee of \$150, plus \$20 per inspection which is due prior to issuance of a Certification of Occupancy.)

I hereby certify that I am the owner of this property or that I have the authority of the owner to make application, that the information given is correct.

Name Charles Sneed Signature [Signature] Date 9/12/2018
Print Signature

FOR STAFF USE ONLY - DO NOT WRITE IN THIS AREA

Proffer? Y N \$ _____ Flood Zone _____ RPA on site? Y N
Site Plan, CUP, REZ, etc. # _____ Fees \$ 75.00
Zoning Permit: Approved Denied [Signature] Date: 09/12/2018
Land Disturbance Permit: Approved Denied _____ Date: _____

Application is hereby made for a Zoning and/or Land Disturbance Permit. It will be relied upon for the issuance of a building permit and/or Certificate of Occupancy. It is understood and agreed by this applicant that any error, misstatement or misrepresentation, either with or without intention on the part of this applicant, may cause disapproval of this application or shall constitute sufficient grounds for the revocation of such permit. Completion of this application acknowledges permission to access property. No building permit, manufactured home permit or occupancy permit shall be issued by the Building Official unless the Zoning Administrator first shall have issued a "zoning permit" which acknowledges that the proposed use, structure or building complies with the provisions of the County's Zoning Ordinance or authorized variance therefrom. (Sec. 86-93 (a) of Zoning Ordinance). A final inspection by the Zoning Administrator is required prior to a final Certificate of Occupancy for any Commercial or Industrial Use.

**Revenue Transmittal Planning/Building Department
King William County, VA**

7-12-18

Date

Name: Charles D. Wood

Subdivision: _____

Address: 41 S. ...

Permit No: _____

Address: King William, VA 23186

Tax Map No: 27-721

<u>Dept.</u>	<u>Description</u>	<u>Amount</u>
COPIES	Sale Of Copies (Maps, Data, Etc.)	\$ _____
CONUSE	Conditional Use/Rezoning Ap.	\$ _____
VARINC	Variance Applications	\$ _____
APPEAL	Appeals Fees-Zoning Decisions	\$ _____
HISREV	Hist. Pres. & Architectural Review Bd.	\$ _____
SITE	Site Plan	\$ _____
SIGN	911 Road Sign Maintenance	\$ _____
BOND	Escrow Acct. for Cash Bonds	\$ _____
ERSE	Erosion/Sediment Control	\$ _____
PROF	Cash Proffers	\$ _____
SUBD	Subdivision Application	\$ _____
WETL	Wetlands Board	\$ _____
ZPER	Zoning Permits	\$ <u>75.00</u>
BPER	Building Permits	\$ _____
SURC	Building Permit Surcharge	\$ _____
PLNR	Building Plans Review Fee	\$ _____
RENSP	Re-Inspection Fee / Penalty	\$ _____
FPCP	Fire Prevention	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
TOTAL REMITTANCE TO TREASURER		\$ <u>75.00</u>

Charles D. Wood 07/12/18

Signature and Date
Planning Office

Signature and Date
Treasurer's Office



Business license obtained 7/20/10
 Checking w/VOH on well requirements
Zoning/Land Disturbance Permit Application

King William County
 Community Development Dept. (804) 769-4969 • Fax: (804) 769-2235
 180 Horse Landing Road #4 • King William, Virginia 23086



Property Owner Charles Sneed, Arild Trent Ph. # 804-248-0782
 Mailing Address 281 Roane Oak Trail, KW, Va 23086
 Email Charles.sneed428@gmail.com

Applicant (if different from Owner) (same) Ph. # _____
 Mailing Address _____
 Email _____

Address of subject property _____
 Tax Map Number 29-72D Zoning District A-C Subdivision none
 Lot Size 35.80 AC Building Height 24 Land Disturbed 0

Proposed Setbacks: Front _____ Side (1) _____ Side(2) _____ Rear _____

Utilities: Public Water Public Sewer Private Well Private Septic Alternative System

Current/Last Occupant SFD Current/Last Use SFD

New Occupant _____ New Use _____

New structure square feet 1,400 Description of work to be completed, Existing home to be converted to Bed & Breakfast

Check all Permits being applied for:

Zoning

Land Disturbance (Residential requires an upfront fee of \$150, plus \$20 per inspection which is due prior to issuance of a Certification of Occupancy.)

I hereby certify that I am the owner of this property or that I have the authority of the owner to make application, that the information given is correct.

Name Charles Sneed Charles Sneed Date 4/15/2016
 Print Signature

FOR STAFF USE ONLY - DO NOT WRITE IN THIS AREA

Proffer? Y \$- Flood Zone _____ Disturbance within RPA? Y

Site Plan, CUP, REZ, etc. # _____ Fees \$50

Zoning Permit: Approved Denied BW SPM Date: 4/19/16

Land Disturbance Permit: Approved Denied _____ Date: _____

Application is hereby made for a Zoning and/or Land Disturbance Permit. It will be relied upon for the issuance of a building permit and/or Certificate of Occupancy. It is understood and agreed by this applicant that any error, misstatement or misrepresentation, either with or without intention on the part of this applicant, may cause disapproval of this application or shall constitute sufficient grounds for the revocation of such permit. Completion of this application acknowledges permission to access property. No building permit, manufactured home permit or occupancy permit shall be issued by the Building Official unless the Zoning Administrator first shall have issued a "zoning permit" which acknowledges that the proposed use, structure or building complies with the provisions of the County's Zoning Ordinance or authorized variance therefrom. (Sec. 86-93 (a) of Zoning Ordinance). A final inspection by the Zoning Administrator is required prior to a final Certificate of Occupancy for any Commercial or Industrial Use.

**Revenue Transmittal Planning/Building Department
King William County, VA**

9-17-16

Date

Name: White, David

Subdivision: _____

Address: 10000 ...

Permit No: _____

Tax Map No: 19-222

<u>Dept.</u>	<u>Description</u>	<u>Amount</u>
COPIES	Sale Of Copies (Maps, Data, Etc.)	\$ _____
CONUSE	Conditional Use/Rezoning Ap.	\$ _____
VARINC	Variance Applications	\$ _____
APPEAL	Appeals Fees-Zoning Decisions	\$ _____
HISREV	Hist. Pres. & Architectural Review Bd.	\$ _____
SITE	Site Plan	\$ _____
SIGN	911 Road Sign Maintenance	\$ _____
BOND	Escrow Acct. for Cash Bonds	\$ _____
ERSE	Erosion/Sediment Control	\$ _____
PROF	Cash Proffers	\$ _____
SUBD	Subdivision Application	\$ _____
WETL	Wetlands Board	\$ _____
ZPER	Zoning Permits	\$ <u>50.00</u>
BPER	Building Permits	\$ _____
SURC	Building Permit Surcharge	\$ _____
PLNR	Building Plans Review Fee	\$ _____
RENSP	Re-Inspection Fee / Penalty	\$ _____
FPCP	Fire Prevention	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
TOTAL REMITTANCE TO TREASURER		\$ <u>50.00</u>

David White
Signature and Date
Planning Office

Maureen Wilson
Signature and Date
Treasurer's Office 9-22-16

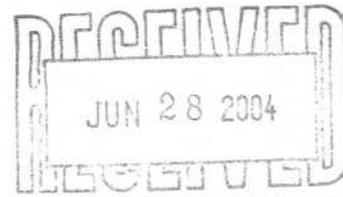
13-2007
281 Roone Oak Rd
KW 23086

Designated Lien Agent:

Address:

Phone:

Called
7-28-04
4hr



**King William County
Building Residential Application**

PO Box 215
King William, Virginia 23086
(804) 769-4934

Owner Charles Sneed Contractor Same

Address 2600 Lamb Ave Address _____
Richmond, Va 23222

Phone 240-7823 Phone _____

Fax 321-7460 Fax _____

Tax Map # 29-72 D Subdivision Name none

Directions To Site Turn Rt onto 650 e VDOT shed go 1/8 mi turn left on gravel road go 1/4 mile to house site

Addition: Alteration: New Construction: Temporary Construction:

Utility Company: _____ Inquiry Number: _____ (for power connection)

47431
1457

Water: Private/Public Sewer: Private/Public Health Permit No. _____

1st Floor _____ sq.ft. 2nd Floor _____ sq.ft. Unfinished _____ sq.ft.

Basement _____ sq.ft. Detached Garage _____ sq.ft. Attached Garage _____ sq.ft.

Porch _____ sq.ft. Deck _____ sq.ft. # Stories _____ # Units _____

Building Height _____ ft. # Bedrooms _____ # Bathrooms _____ # Rooms _____

Fireplace: Masonry: _____ Wood/Gas Prefab: _____ Wood/Gas Other: _____

Truss System: Exterior: Cinder Block Interior: _____

Other Work: Shed 19 x 23

Cost of Construction \$ 10,000

Office Use Only

Use Group R Use Code B3 Fed Use Code 434 Construction Type 5B Zoning _____ Area _____

Building Fee \$ 116.56 + State Levy \$ 2.04 = Total \$ 118.60

ISSUANCE OF THIS PERMIT SHALL NOT BE HELD TO PERMIT OR TO BE AN APPROVAL OF A VIOLATION OF ANY PROVISION OF COUNTY ORDINANCES OR STATE LAWS. I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND AGREE TO COMPLY WITH ALL COUNTY ORDINANCES AND STATE LAWS REGULATING BUILDING CONSTRUCTION AND USE.

Applicant Charles Sneed Date 6/28/04

BY: _____
Authorized Agent



King William County
Est. 1702

Board of Supervisors

Office of
Community Development

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

April 21, 2022

Mr. Charles Snead
281 Roane Oak Trail
King William, VA 23086

**RE: Notice of Violation of 2018 Virginia Residential Code
281 Roane Oak Trail, Tax Map Number 29-72**

Dear Mr. Snead,

On Friday, March 18, 2022, your property located at 281 Roane Oak Trail was inspected and the following 2018 Virginia Uniform Statewide Building Code violations were found:

- Two freight containers located on the property that have been converted into a commercial kitchen.
 - Freight containers currently are not recognized by the 2018 Virginia Residential Building Code and therefore, cannot be used.
- You have constructed four roofed platforms for camping, and one has been closed in. There is also another roofed platform under construction.
 - Section 108 of the 2018 Virginia Uniform Statewide Building Code requires that a permit be obtained prior to commencing any construction activities. No permits have been issued for the construction of any of these platforms.
- There is also a detached guest house with two guest rooms. This structure was permitted as a storage building and not for occupancy.
 - No additional permits or approvals were issued for any work performed to changes the use and occupancy of this structure as required by the 2018 Virginia Uniform Statewide Building Code.
 - Section 116.1 of the 2018 Virginia Uniform Statewide Building Code requires permits and approvals prior to the change of occupancy.

Please be advised that you have **Thirty (30) Days** to bring your property into compliance. Failure to do so will leave me no alternative but to pursue legal action.

You have the right to appeal this notice of violation within **Thirty (30) Days** to the local Board of Building Code Appeals. Failure to submit an application for appeal as provided by law within the time limit established shall constitute acceptance of the Building Official's decision.

If you have any questions, please feel free to contact me at 804-769-4916.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Melton", written in a cursive style.

Matt Melton
Building Official

CERTIFIED MAIL



King William County
Est. 1702

Board of Supervisors

Office of
Community Development

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

April 20, 2022

Mr. Charles Snead
281 Roane Oak Trail
King William, VA 23086

RE: Notice of Violation, 281 Roane Oak Trail, Tax Map Parcel 29-72

Dear Mr. Snead,

On Friday, March 18, 2022, we inspected your property located at 281 Roane Oak Trail. The following zoning violations were found on the property:

- Freight containers located on the property.
 - The freight container located in the front yard currently being used to house equipment: You have applied for a Land Disturbance permit. As discussed on site, the freight container can stay on the property until you complete the land disturbance work in the area under the permit. Once the work has been completed, the freight container will need to be removed.
- Two freight containers located in the side yard that have been converted into a commercial kitchen:
 - Freight containers are only permitted in the industrial zoning districts of the County. Your property is not zoned to an industrial district. The freight containers will need to be removed.
- You have constructed four roofed platforms for camping, and one has been closed in. There is also another roofed platform for camping under construction. No zoning permits have been issued for the construction of any of these platforms. Under the zoning ordinance and approvals in place, you were permitted to have one camping area with a maximum occupancy of six people.
 - In order to have more than one camping area, you would need to apply for and have approved by the Board of Supervisors, a conditional use permit for a campground. The campground would further need to meet the requirements of Section 86-185 of the Ordinance.
 - Since you are only permitted one camping area, all other camping areas will need to be removed unless you receive such a conditional use permit and meet all other requirements.

- There is also a detached guest house with two guest rooms. This structure was permitted as an accessory storage building and not for occupancy. No additional zoning permits, or approvals were issued for any work performed to change the use and occupancy of this structure.
- You were approved for a Bed and Breakfast with two guest rooms and a maximum occupancy of eight people. Under Section 86-171 of the Ordinance which was in effect at the time that you obtained approval, guest rooms in a bed and breakfast, must be located in the primary residence. This is currently a nonconforming use under the referenced Ordinance and previous approval but is out of compliance with the approvals and therefore unlawful. If you cease your otherwise lawful nonconforming use for 24 months, you will lose your rights as a nonconforming use. To return to lawful use, you will need to do the following:
 - The two guest rooms will need to be relocated within the primary residence or your guest house will need to be attached to your primary residence. Zoning and building permits and inspections are required. The Bed and Breakfast must comply with Section 86-183 of the Ordinance.
 - The guest rooms will need to be converted back into an accessory storage building without occupancy if you do not plan to incorporate these rooms as part of your primary residence.

Please be advised that you have Thirty (30) Days to bring your property into compliance. Failure to do so will leave me no alternative but to pursue legal action.

You have the right to appeal this notice of violation to the local Board of Zoning Appeals within Thirty (30) Days in accordance with the Virginia State Code, Section 15.2-2311, after which time this matter will be considered final and not subject to an appeal. The filing fee for an appeal is \$1,000.00.

If you have any questions or need further information regarding these violations or the filing of an appeal, please do not hesitate to contact me at 804-769-4978.

Sincerely,



Sherry L. Graham
Director of Planning

Cc: County Administrator
Deputy County Administrator

CERTIFIED MAIL

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**

Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$ 7.33

Sent To

Mr. Charles Sneed

Street and Apt. No., or PO Box No.

281 Roane Oak Trail

City, State, ZIP+4®

King William, VA 23086

PS Form 3800, April 2015 PSN 7530-02-000-9047



**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**

Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$ 7.33

Sent To

Charles Sneed

Street and Apt. No., or PO Box No.

281 Roane Oak Trail

City, State, ZIP+4®

King William VA 23086

PS Form 3800, April 2015 PSN 7530-02-000-9047



4811 2349 1189

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Mr. Charles Sneed
281 Roane Oak Trail
King William, VA 23086



9590 9403 0690 5196 4190 12

2. Article Number (Transfer from service label)
15 1520 0000 2349 1189

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent Addressee
- B. Received by (Printed Name) C. Date of Delivery
- Charles Sneed
- D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt



King William County
Est. 1702

Board of Supervisors

Office of
Community Development

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
C. Stewart Garber, Jr., Fourth District
Edwin H. Moren, Jr., Fifth District

December 17, 2021

Mr. Charles G. Snead
Mr. Arild O. Trent
101 W. Broad Street
#100A
Richmond, VA 23220

RE: 281 Roane Oak Trail, Tax Map Number 29-72D

Dear Mr. Snead and Mr. Trent,

It has come to our attention that you are clearing/excavating on your property at 281 Roane Oak Trail. All clearing/excavating activities must **cease immediately**.

A land disturbance permit is required for all work over 2,500 square feet. Anything less than 2,500 square feet will require a permit and an Agreement In-Lieu Of. If the work is in excess of 2,500 square feet, an erosion and sediment control plan will need to be submitted. Anything less than 2,500 will require the submittal of plan showing the limits of clearing and all erosion and sediment control measures. Any resource protection area is required on all plans.

Please contact me discuss a plan for bringing your property into compliance by **January 3, 2022**, so that further action from this office will not be necessary.

Your cooperation in this matter is greatly appreciated and if you have any questions, please contact me at sgraham@kingwilliamcounty.us or (804) 769-4978 to discuss the matter or have me view the property.

Sincerely,

Sherry L. Graham
Director of Planning

CERTIFIED MAIL

180 Horse Landing Road, No.4 • King William, Virginia 23086
804-769-4980 • Fax: 804-769-2235 • www.kingwilliamcounty.us



King William County
Est. 1702

Board of Supervisors

Department of Community Development

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
David E. Hansen, Fourth District
Robert W. Ehrhart, Fifth District

October 25, 2018

Mr. Charles G. Snead
101 W. Broad Street, #100A
Richmond, VA 23220

RE: **OFFICIAL NOTICE** of Zoning Code Violations
Zebulon's Grotto on Roane Oak Trail, Tax Map Parcel 29-72D

Dear Mr. Snead:

The following summarizes the permitted uses, non-compliance issues, and actions to comply with the King William County zoning code ordinances for the referenced property.

Permitted uses (Article V sec.86-173 TABLE OF PERMITTED USES):

- Bed and breakfast facility in a private home - by right in the A-C district (permit date 04/19/2016).
- Camping areas - by right in the A-C district (permit date 09/12/2018).
- Recreational uses or facilities such as golf courses, games courts, swimming pools, archery ranges, fishing and boating lakes, picnic grounds. Includes accessory sale of food, beverages, bait incidentals and supplies and equipment - by right in the A-C district (permit date 09/12/2018).

Non-compliance issues:

- Offering day passes and special events on the property.
- Allowing overnight guests exceeding the occupancy capacity of the bed and breakfast and permitted single camping area.

October 25, 2018

Page 2 of 2

In order to be in compliance with the Zoning Ordinance, you must:

- Cease offering day passes and having special events at the property.
- Limit overnight guests to 8 for the bed and breakfast and 6 for the camping area.

You will have thirty (30) days from the date of this letter to achieve compliance and cease operation of any unpermitted use.

In accordance with Section 86-97 of the King William County Code, failure to comply with the directives of this letter may result in prosecution by the County and, if convicted, you may be guilty of a misdemeanor and subject to a fine of not more than \$1,000 each day such violation exists.

You have the right to appeal this Notice of Violation within thirty days in accordance with Virginia State Code Section 15.2-2311, after which time the matter shall be considered final and no longer subject to appeal. The fee for an appeal is \$1,000.

If you have any questions concerning this matter, please contact the Community Development Department at planningdir@kingwilliamcounty.us or 804-769-4969 for assistance. Thank you for your cooperation in this matter.

Sincerely,



Ron W. Etter
Director of Community Development

U.S. Postal Service™
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 Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

Planning - 180 Horse Land

OFFICIAL USE

Certified Mail Fee
 \$ 3.35

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ 2.75

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage
 \$.58

Total Postage and Fees
 \$ 6.68 7.33

Postmark Here
 KING WILLIAM, VA 23086
 DEC 17 2021

Sent To
 Charles Snead / Arnold SP2
 Street and Apt. No., or PO Box No.
 106 W. Second St. # 100A
 City, State, ZIP+4®
 Richmond VA 23220

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1520 2349 2377

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com™.

OFFICIAL USE

Certified Mail Fee
 \$ 3.45

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ 2.75

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage
 \$.47

Total Postage and Fees
 \$ 6.67

Postmark Here
 (Planning DEPT.)

Sent To
 Mr. Charles Snead
 281 Roane Oak Trail
 King William, VA 23086

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



King William County
Est. 1702

Board of Supervisors

Department of Community Development

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
David E. Hansen, Fourth District
Robert W. Ehrhart, Fifth District

July 11, 2018

Mr. Charles G. Snead
101 W. Broad Street, #100A
Richmond, VA 23220

RE: **OFFICIAL NOTICE** of Zoning Code Violations, Articles, IV, X, and XVI.
Zebulon's Grotto on Roane Oak Trail, Tax Map Parcel 29-72D

Dear Mr. Snead:

It has come to the attention of the Planning Department that an illegal campground may be operating on the above referenced property. A campground in the A-C (Agricultural-Conservation) Zoning District is not allowed as a by-right use and requires the approval of a Conditional Use Permit per the Permitted Use Table in Article IV of the King William County Zoning Ordinance (Zoning Ordinance).

A Conditional Use Permit for a campground was withdrawn on this property in May 2017. Further discussions with County Staff following the withdrawal of the Conditional Use Permit was that a zoning permit for one camping area (one tent) could be obtained. After a review of the file, there is no approved application on file for the 'one' camping area.

In order to be in compliance with the Zoning Ordinance, you must cease operation of any unpermitted campground. You will have thirty (30) days from the date of this letter to cease operation of any unpermitted use. Failure to do so will result in King William County, through its agents/employees, initiating proceedings to remove the above referenced unpermitted campground.

In accordance with Section 86-97 of the King William County Code, failure to comply with the directives of this letter may result in prosecution by the County and, if convicted, you may be guilty of a misdemeanor and subject to a fine of not more than \$1,000 each day such violation exists.

You have the right to appeal this Notice of Violation within thirty days in accordance with Virginia State Code Section 15.2-2311, after which time the matter shall be considered final and no longer subject to appeal. The fee for an appeal is \$1,000.

July 11, 2018
Page 2 of 2

If you have any questions concerning this matter, please contact the Community Development Department at planningdir@kingwilliamcounty.us or 804-769-4969 for assistance. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Bobbie Tassinari".

Bobbie Tassinari
County Administrator



King William County
Est. 1702

Board of Supervisors

Wally Horton, AICP
Director of Community Development
180 Horse Landing Road #4
King William, VA 23086

William L. Hodges, First District
Travis J. Moskalski, Second District
Stephen K. Greenwood, Third District
David E. Hansen, Fourth District
Robert W. Ehrhart, Fifth District

October 21, 2016

Charles G. Snead
101 W. Broad Street, #100A
Richmond, VA 23220

RE: **OFFICIAL NOTICE** of Zoning Code Violations, Articles IV, X, and XVI.
Zebulon's Grotto on Roane Oak Trail Tax Map Parcel 29-72D

Dear Mr. Snead,

It has come to the attention of the Planning Department that an illegal campground is operating on the above referenced property. A campground in the A-C (agricultural-conservation) Zoning District is not allowed as a by-right use and requires the approval of a Conditional Use Permit per the Permitted Use Table in Article IV of the King William County Zoning Ordinance (Zoning Ordinance). Conditional Use permits are to be in accordance with Article X and Article XVI of the Zoning Ordinance.

In order to be in compliance with the Zoning Ordinance, you must cease operation of the unpermitted campground. If you wish to have a campground use in the future, you will need to pursue a conditional use permit for the use.

I will allow thirty (30) days from the date of this letter for you to cease operation of the campground. Failure to cease operation of the campground will result in King William County, through its agents/employees, initiating proceedings to remove the above referenced unpermitted campground.

In accordance with Section 86-97 of the King William County Code, failure to comply with the directives of this letter may result in prosecution by the County and, if convicted, you may be guilty of a misdemeanor and subject to a fine of not more than \$1,000 each day such violation exists.

You have the right to appeal this notice of violation within thirty days in accordance with Virginia State Code section 15.2-2311, after which time the matter shall be considered final and no longer be subject to appeal. The fee for an appeal is \$600. Contact the Community Development Department for additional information regarding the filing of an appeal.

If you have any questions or once the property has been brought into conformance, please contact me at planningdir@kingwilliamcounty.us or (804) 769-4973.

Sincerely,

Wally Horton
Director of Community Development

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OFFICIAL USE

Postage	\$ 1.46 ⁵
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.46⁵



Sen.
 Street or P.O. Box: Charles G. Snead
 City: 101 West Broad Street, #100A
 Richmond, VA 23220

PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.46 ⁵
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.46⁵



Sent To
 Street, P.O. Box, or City, State: Charles G. Snead
 281 Roane Oak Trail
 King William, VA 23086

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Charles G. Snead
 281 Roane Oak Trail
 King William, VA 23086

COMPLETE THIS SECTION ON DELIVERY

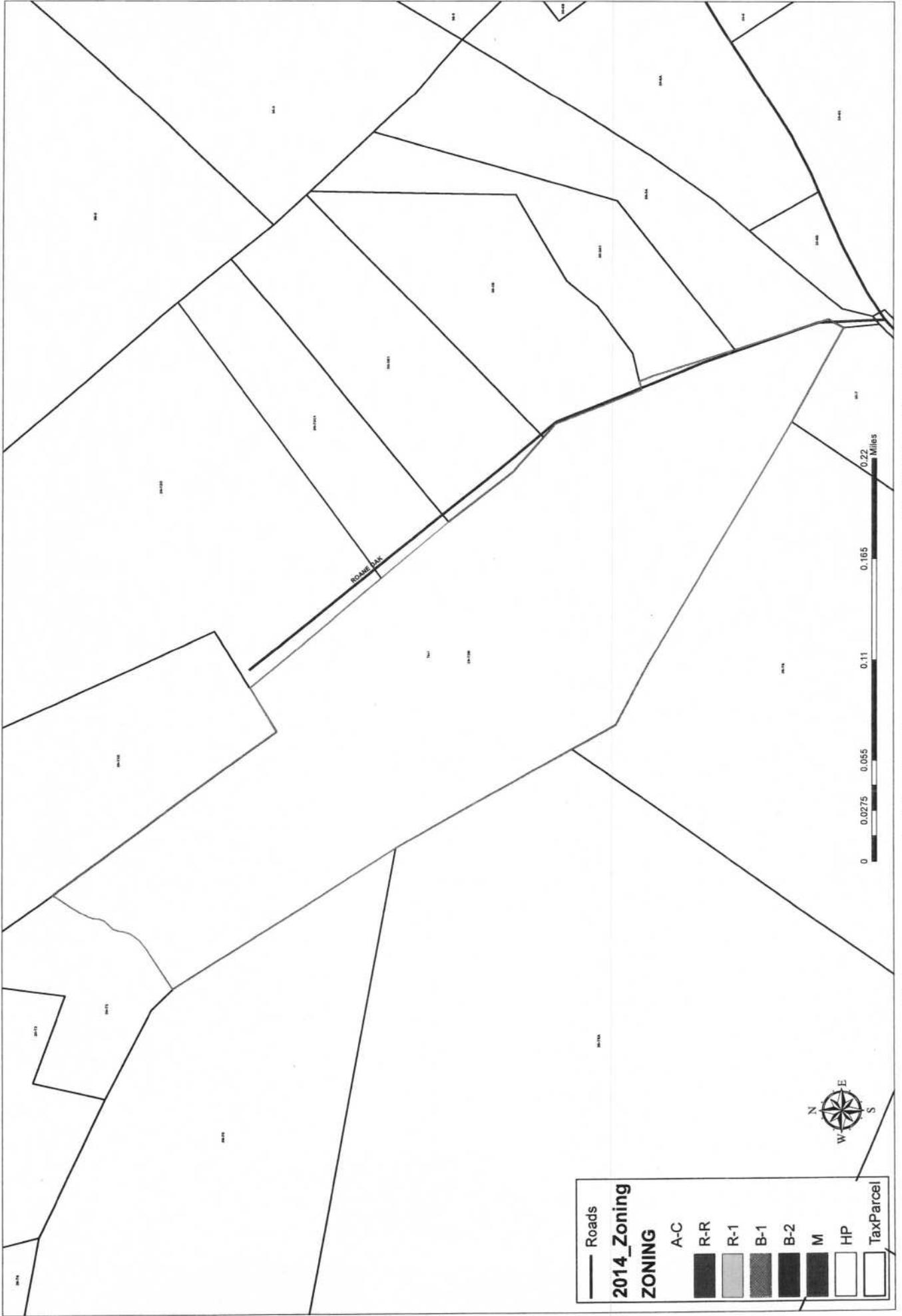
A. Signature Agent
 Addressee
 B. Received by (Printed Name) C. Date of Delivery
 Charles Snead 11/8/16
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Tr): 7012 3050 0002 0324/7486

CUP-01-22
OWNER/ APPLICANT: CHARLES SNEAD
TAX PARCEL: 29-72D



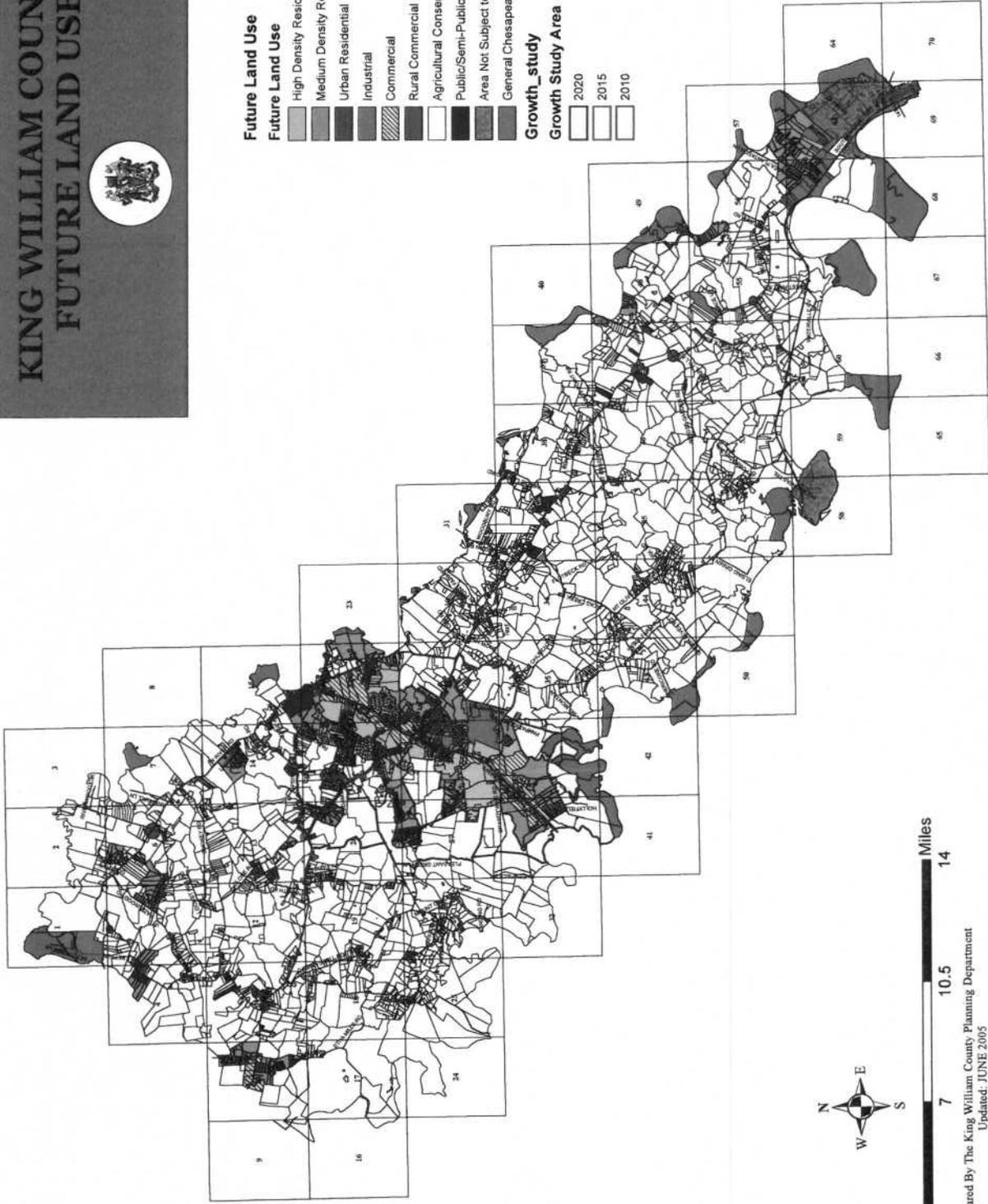
This map was created for planning purposes only. May 12, 2022 B. Brooks

CUP-01-22
OWNER/APPLICANT: CHARLES SNEAD
TAX PARCEL: 29-72D



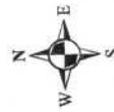
This map was created for planning purposes only. May 12, 2022 B. Brooks

KING WILLIAM COUNTY FUTURE LAND USE



- Future Land Use**
- High Density Residential
 - Medium Density Residential
 - Urban Residential
 - Industrial
 - Commercial
 - Rural Commercial
 - Agricultural Conservation
 - Public/Semi-Public
 - Area Not Subject to County Land Use Regulations
 - General Chesapeake Bay Preservation Area

- Growth Study Area**
- 2020
 - 2015
 - 2010



Prepared By The King William County Planning Department
Updated: JUNE 2005

LEGEND

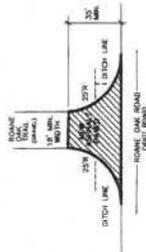
- 1 Existing Owner Residence/Check In
- 2 Existing Guesthouse Rooms
- 3 Existing Pool/Decking & Gazebo
- 4 Existing Outdoor Kitchen Bar
- 5 Existing Food Cafe
- 6 Existing Hot Tub
- 7 Existing Outdoor Dining Terrace
- 8 Future Bathroom/Showers/Laundry
- 9 Existing Covered Tent Site
- 10 Existing Covered Tent Site
- 11 Existing Covered Tent Site
- 12 Existing Covered Tent Site
- 13 Boothouse/Fishing Equip
- 14 Large Gazebo
- 15 Small Gazebo
- 16 Existing Primitive Tent Camping Area
- 17 Future Tent Camping Area
- 18 Existing Gated Entry / Exit
- 19 Proposed Paved Commercial Entrance
- 20 Existing Woodland Forest w/ Hiking Trails
- 21 Existing 24' Wide Gravel Roadway
- 22 Proposed Gravel Parking Area
- 23 Existing Lake Perimeter Access Trail
- 24 Proposed Check-In Office
- 25 Proposed RV Parking (Max 35' Long RVs)
- 26 Proposed RV Dump Station
- 27 Proposed Tent Camping Area



PRELIMINARY SITE PLAN
FOR
CONDITIONAL USE SUBMITTAL
FOR
CAMPGROUND

New Separated
Entry and Exit Gate
no scale

New Paved
Commercial Entrance
no scale



Sneed Associates, P.C.
Landscape Architecture
805 Oakdale Parkway #703
Mechanicsville, VA 23111
Tel: (804) 964-4300

PRELIMINARY
SITE PLAN
FOR
CONDITIONAL USE
SUBMITTAL
FOR
CAMPGROUND

Zebulun's Grotto
281 Roane Oak Trail
King William, VA
23086

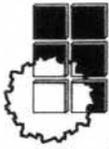
TAX MAP# 29-72D

No.	Description	Date

PRELIMINARY
SITE PLAN

Date:	5-3-2022
Scale:	C.G. Standard
Designed By:	C.G. Standard
Drawn By:	C.G. Standard
Checked By:	C.G. Standard
Project Number:	

Sheet Number:
1 of 2



Snead Associates, P.C.
 Landscape Architecture •
 8025 Crofton Parkway #700
 Mechanicsville, VA 23111
 Tel: (804) 964-8300

**PRELIMINARY
 SITE PLAN
 FOR
 CONDITIONAL USE
 SUBMITTAL
 FOR
 CAMPGROUND**

Zebulon's Grotto
 281 Roane Oak Trail
 King William, VA
 23086

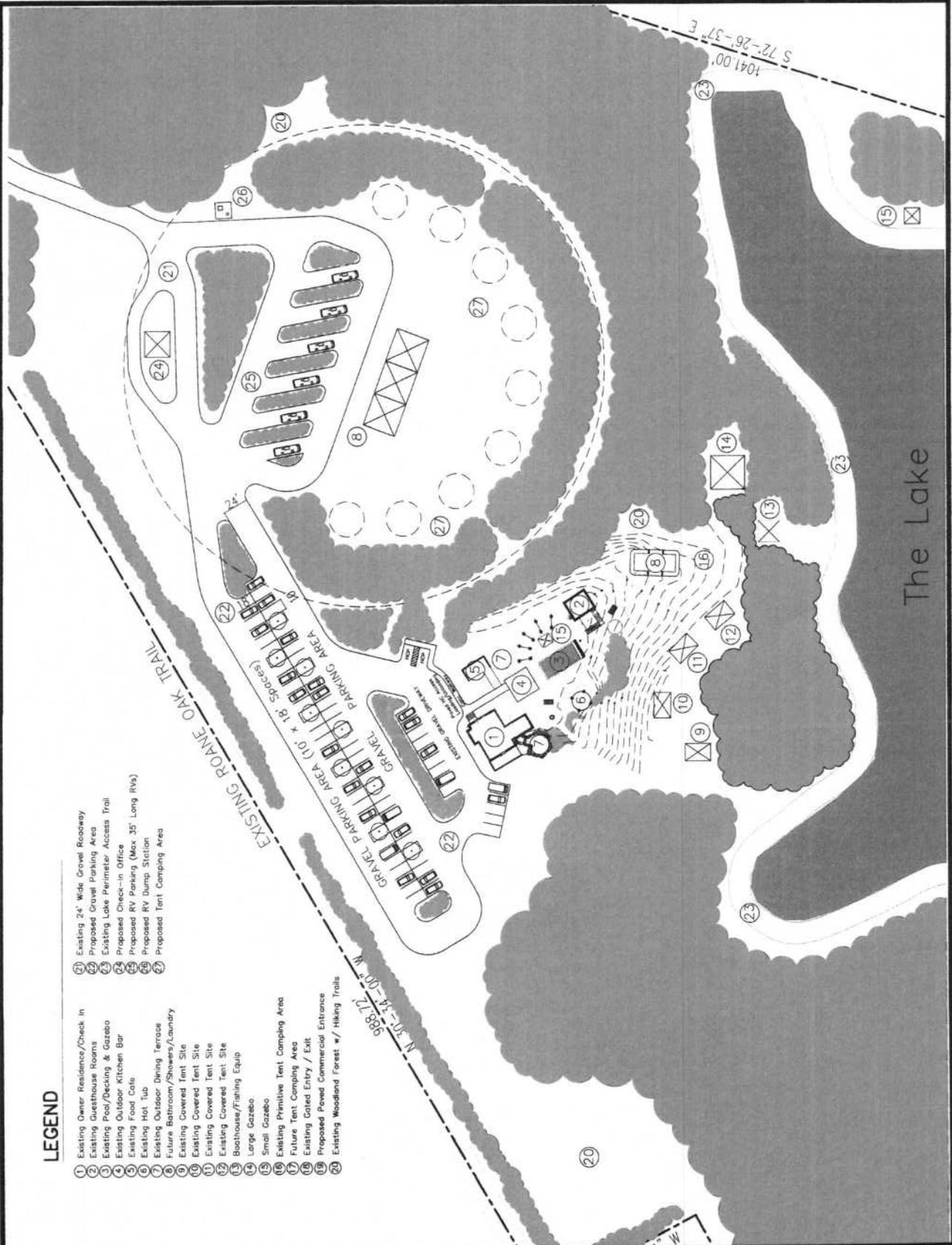
TAX MAP# 29-72D

No.	Description	Date

**PRELIMINARY
 SITE PLAN**

Date: 5-2-2022
 Scale: C.O. Snead
 Drawn By: C.O. Snead
 Checked By: C.O. Snead
 Project Number: C.O. Snead

Sheet Number:
2 of 2



LEGEND

- 1 Existing Owner Residence/Check In
- 2 Existing Guesthouse Rooms
- 3 Existing Pool/Decking & Gazabo
- 4 Existing Outdoor Kitchen Bar
- 5 Existing Food Cots
- 6 Existing Hot Tub
- 7 Existing Outdoor Dining Terrace
- 8 Future Bathroom/Showers/Laundry
- 9 Existing Covered Tent Site
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- 12 Existing Covered Tent Site
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- 14 Large Gazabo
- 15 Small Gazabo
- 16 Existing Primitive Tent Camping Area
- 17 Future Tent Camping Area
- 18 Existing Gated Entry / Exit
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- 21 Existing 24" Wide Gravel Roadway
- 22 Proposed Gravel Parking Area
- 23 Existing Lake Perimeter Access Trail
- 24 Proposed Check-in Office
- 25 Proposed RV Parking (Max 35' Long RVs)
- 26 Proposed RV Dump Station
- 27 Proposed Tent Camping Area



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
87 Deacon Road
Fredericksburg, Virginia 22405

Stephen C. Brich, P.E.
COMMISSIONER

May 18, 2022

King William County Planning
Attn: Ms. Christina Grover
P.O. Box 215
King William, VA. 23086

Re: Zebulon's Grotto (CUP-01-22)
1st Conditional Use Permit Review
King William County, Rt. 650

Dear Ms. Grover:

This office has reviewed the referenced conditional use permit in accordance with the minimum standards as received on March 11, 2022, and we offer the following comments:

1. The entrance to this site must be designed in accordance with the VDOT Road Design Manual, Appendix F for all applicable design items based on projected daily vehicle counts per the 10th Edition of the ITE Trip General Manual. It is recommended that those projected trips be provided with this CUP application prior to approval to include residential usage, bed & breakfast, campground, and any other proposed usages.
2. VDOT Saluda staff met with the applicant and King William County staff at the site entrance on April 4, 2017 to discuss entrance requirements, and sight distance for this entrance was problematic at that time. It is recommended that applicable sight distance in accordance with Appendix F, Table 2-5 be verified by a licensed individual with this CUP application prior to approval.
3. In addition to sight distance and projected trips, all other applicable items shall include, but not be limited to turn lane warrant charts, entrance width, radii, vertical profile, pavement section, drainage, grading, E&S, and traffic control.

If you have any questions concerning this review, contact Chad Brooks at (804) 761-2148 to discuss any technical issues.

Sincerely,

Robert Butler

Robert Butler, P.E.
Asst. Resident Engineer-Land Use

Cc: Charles Snead



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

87 Deacon Road
Fredericksburg, Virginia 22405

Stephen C. Brich, P.E.
COMMISSIONER

VDOT, Lee McKnight

Proposed area for RV Parking, Dump Station and Tent Camping Sites



Proposed area for RV Parking, Dump Station and Tent Camping Sites



View Towards Dwelling



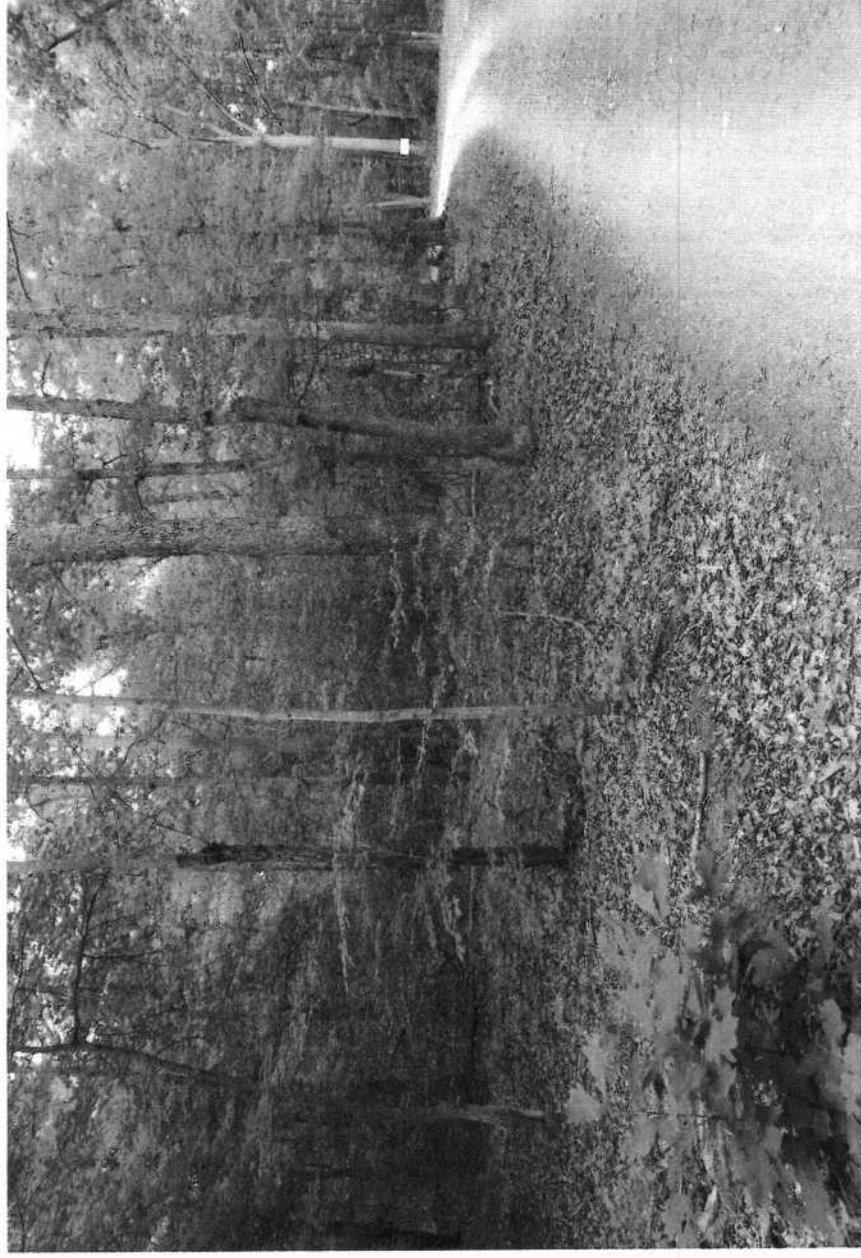
Proposed Area For Check-in Station #26



Proposed Area For Check-in Station #26



View of RV Parking Area #25, Tent Area #27, Check-in Station #24 and Dump Station #26



Proposed Parking Area



Proposed Parking Area



Proposed Parking Area



Proposed Parking Area



Proposed Parking Area



Outdoor Kitchen #5



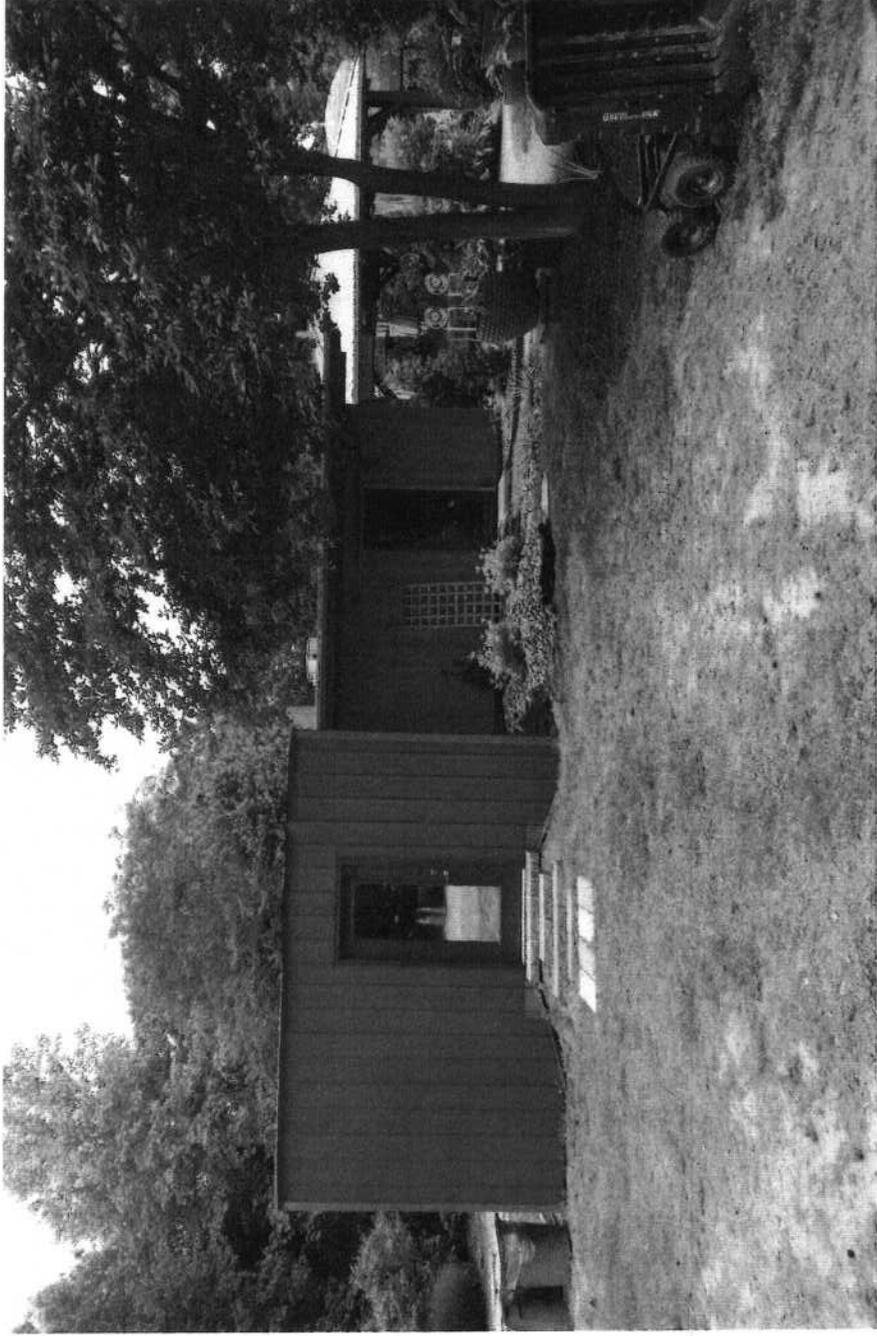
Main House



Main House #1



Outdoor Kitchen #5



Outdoor Dining #7



Main House #1



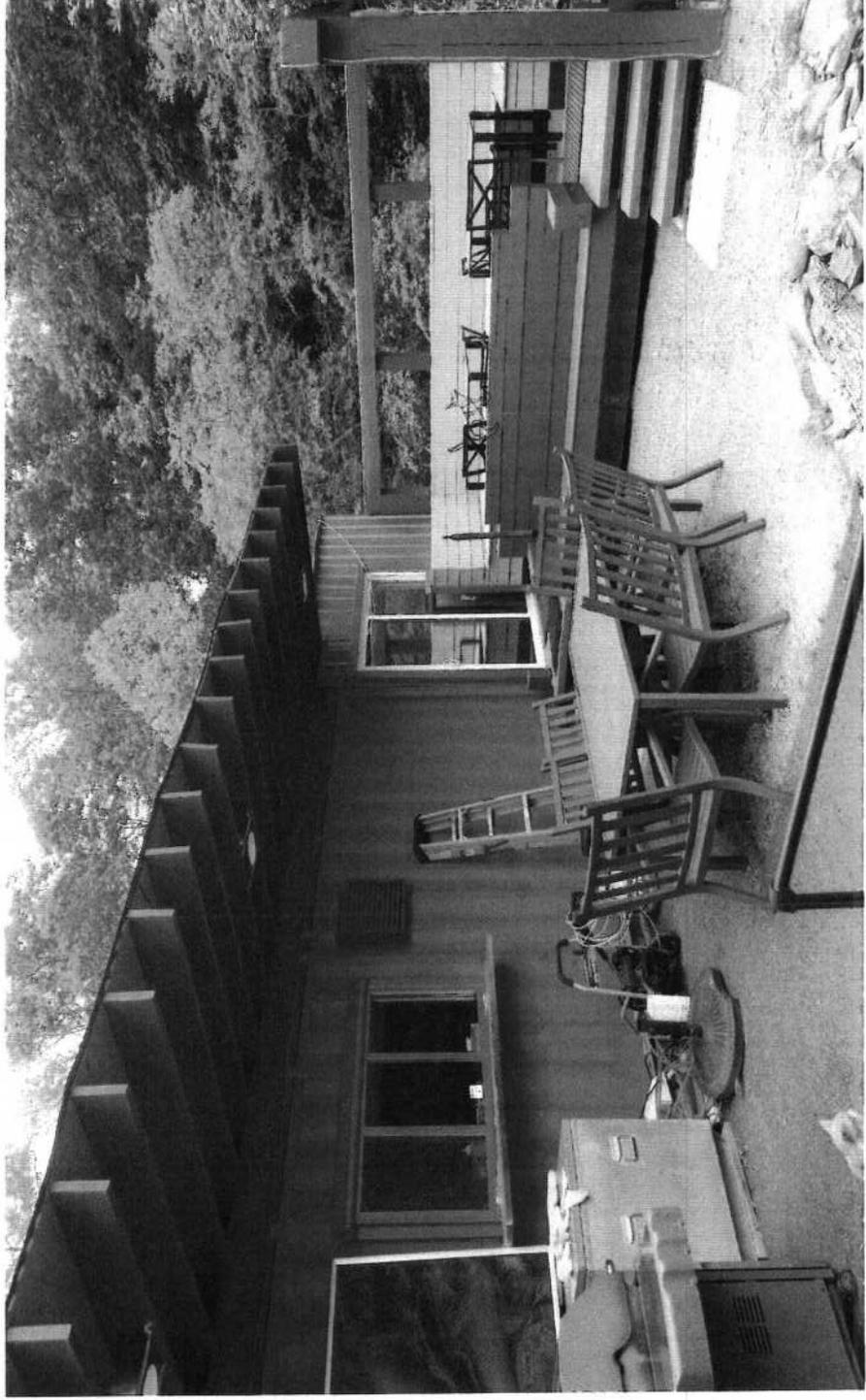
Pool Area #3



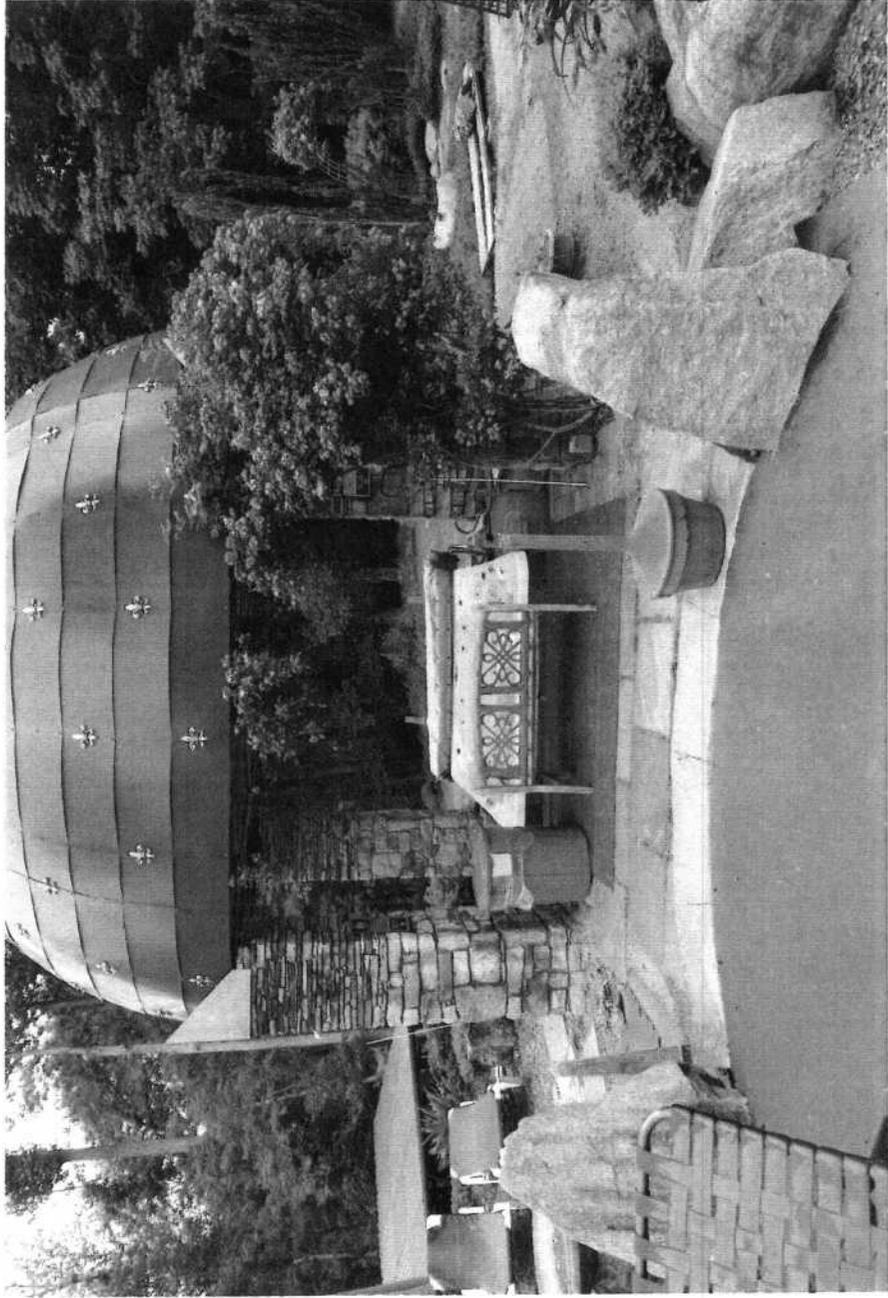
Outdoor Dining #7



Outdoor Kitchen & Dining



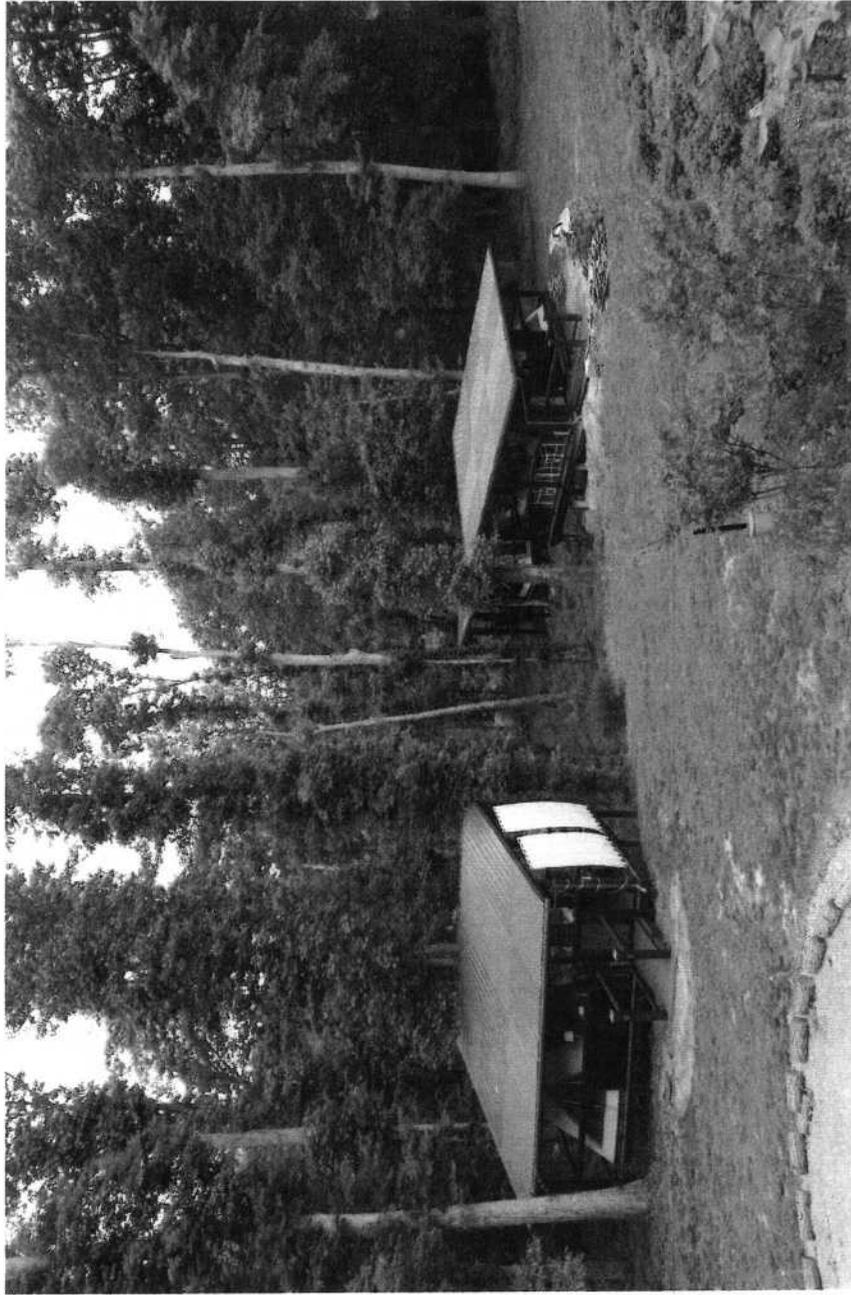
Hot Tub #6

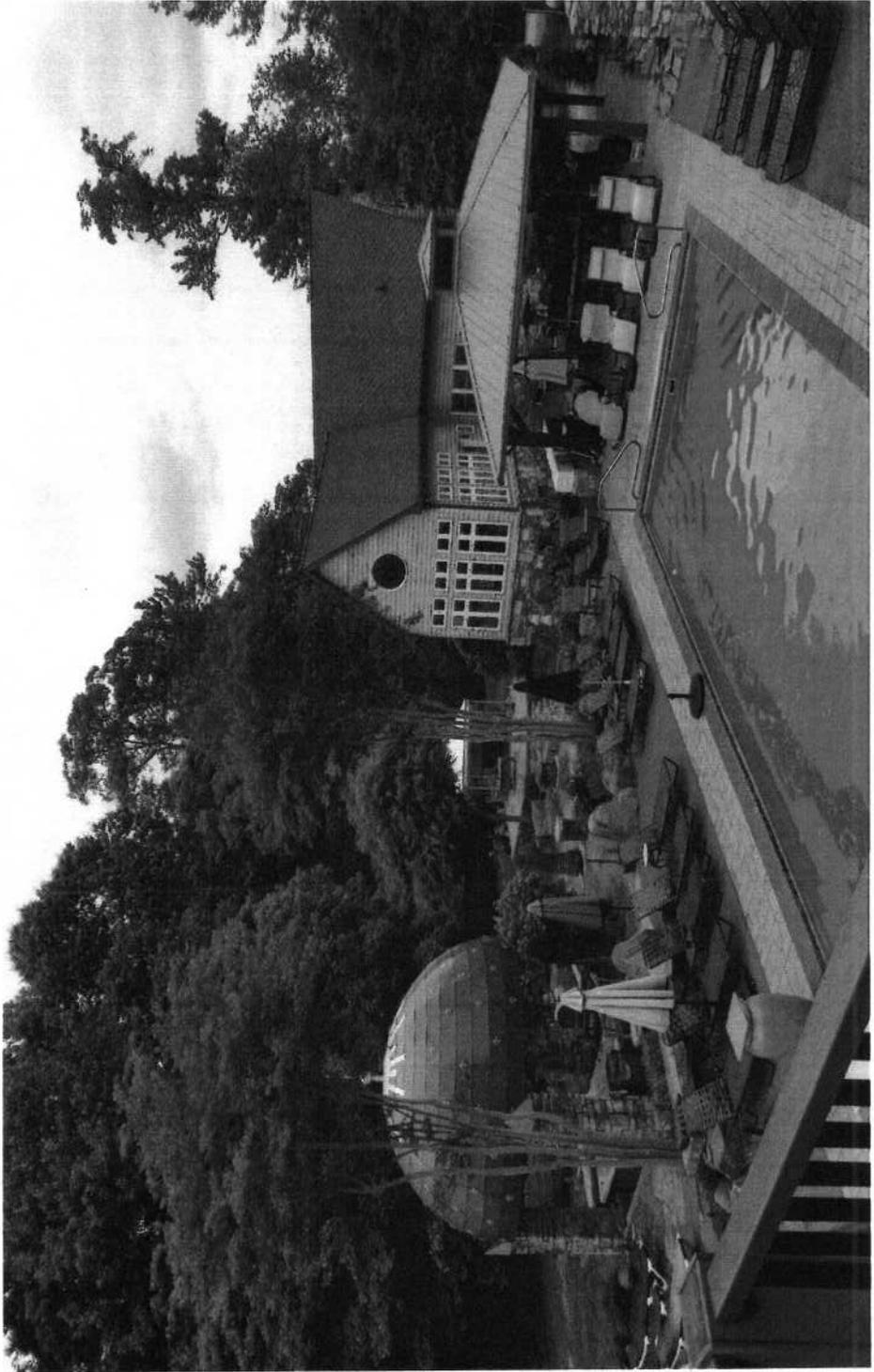


Pool Area #3

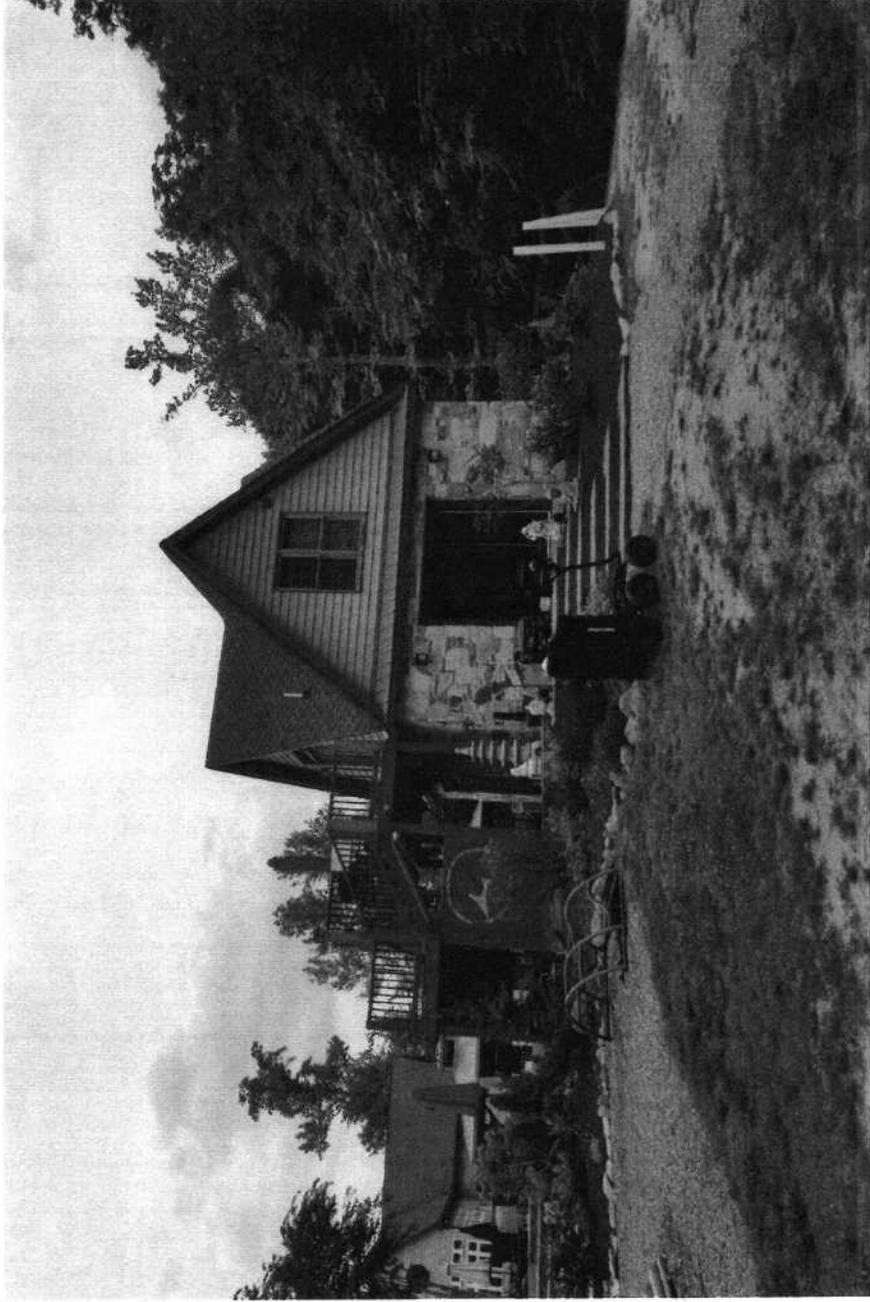


Covered Tent Sites #9, 10, 11,12

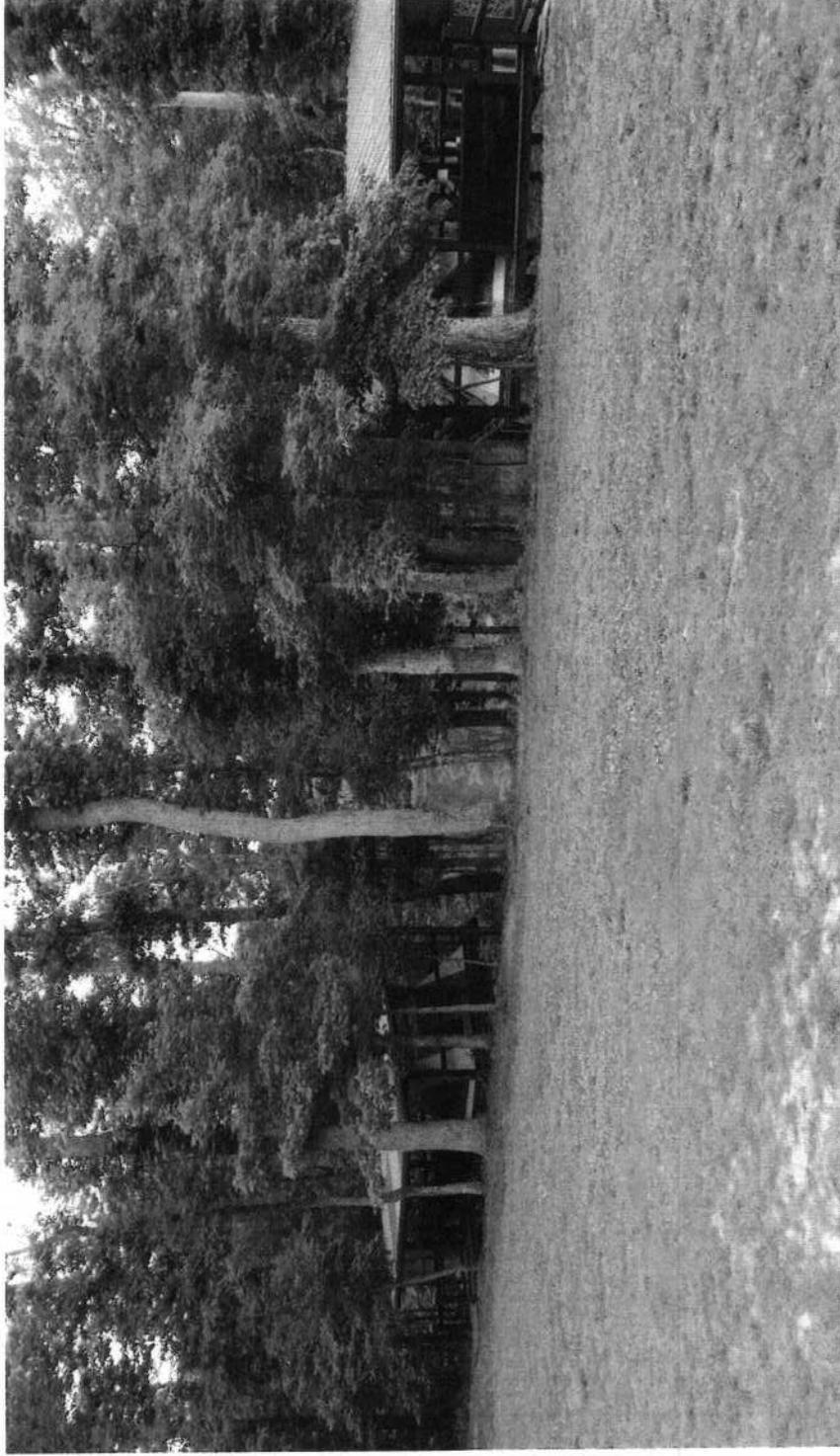




Guest House #2



Covered Tent Sites



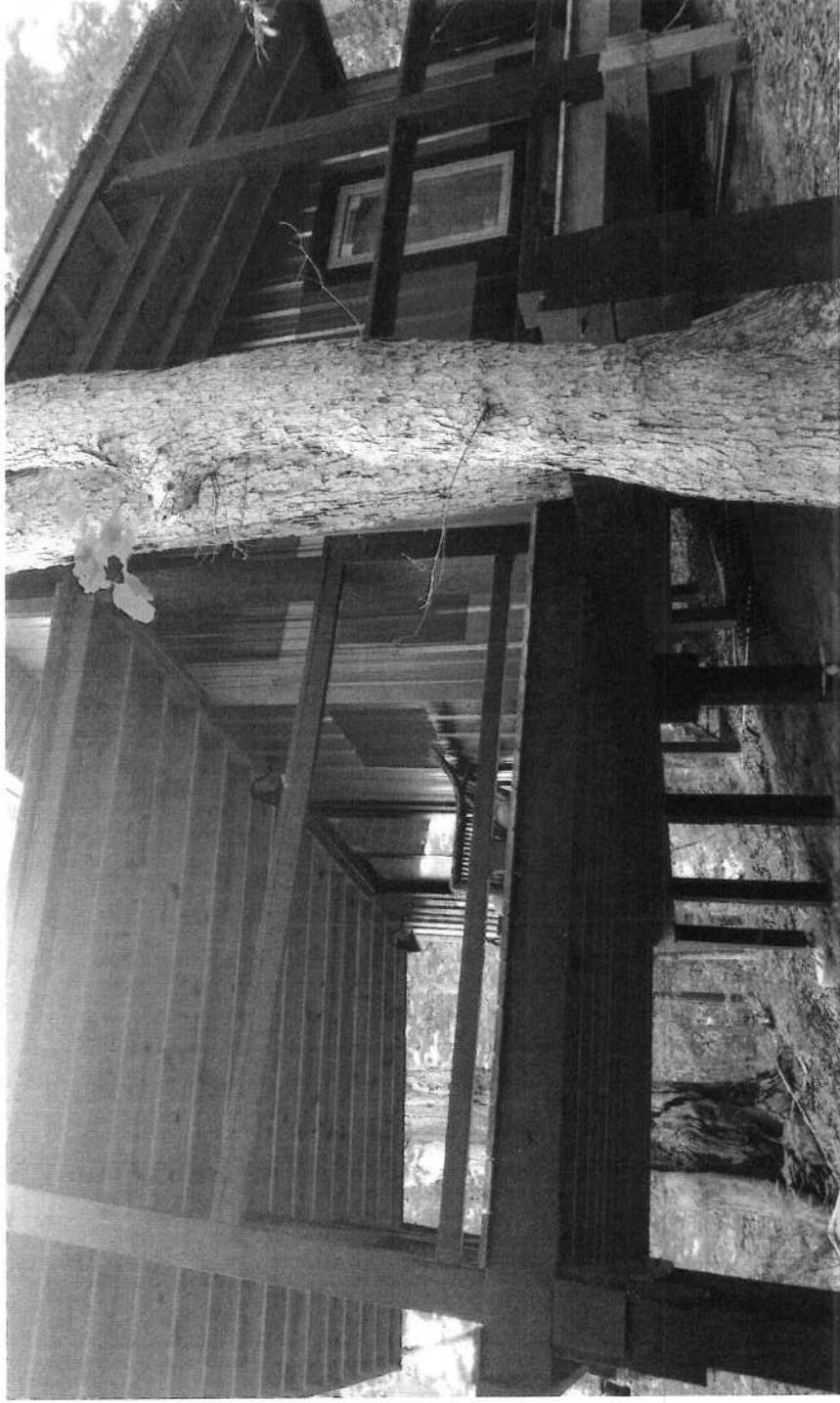
Large Gazebo #14



Large Gazebo – Under Construction



Boat House #13



Boat House



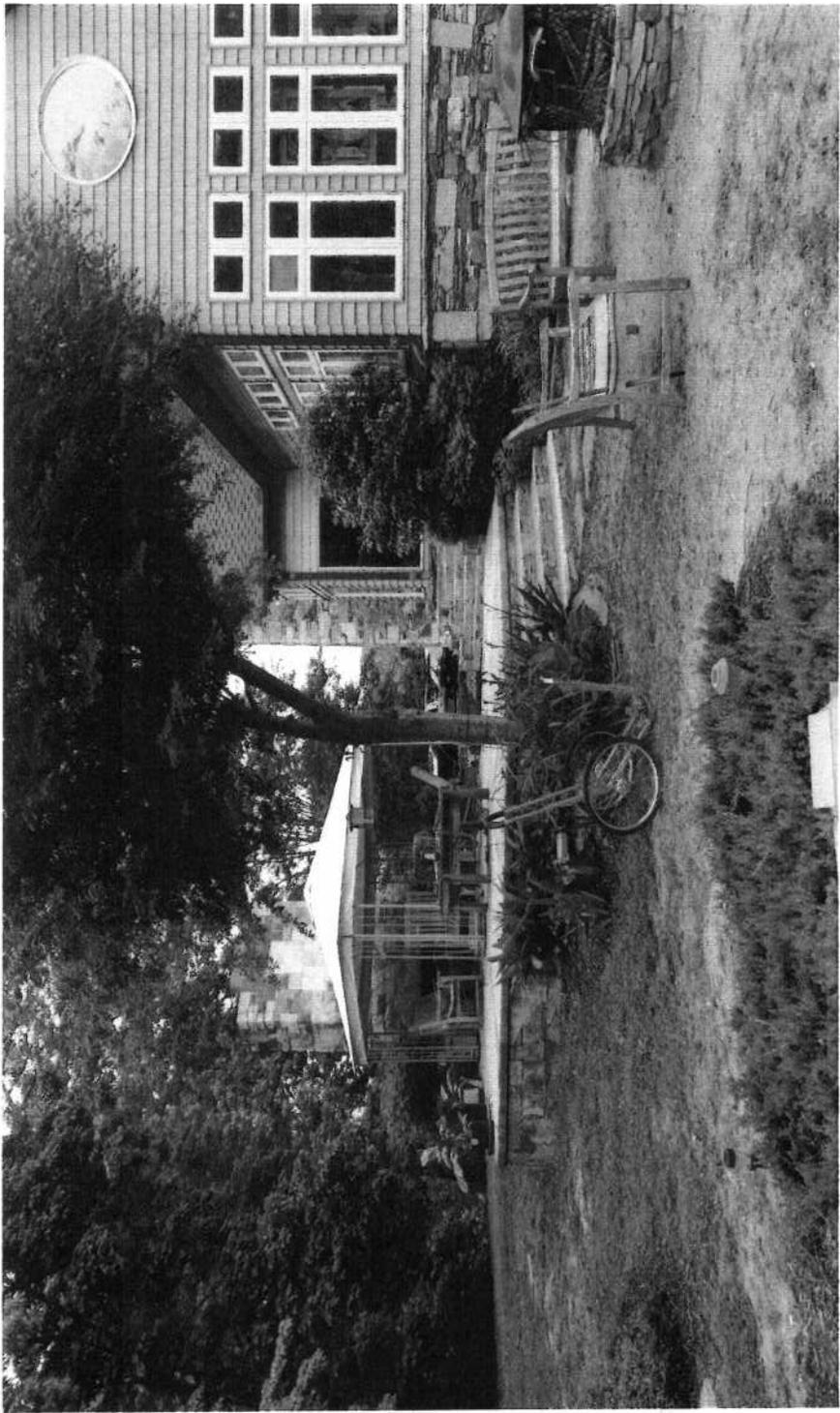
Covered Tent Site



Covered Tent Sites



Main House



Pool Area



Main House



Proposed Parking Area #27



Entrance



Entrance



Entrance



7a.

Old Business

**Subdivision and Zoning
Ordinance**

Review of Zoning and Subdivision Ordinances Adopted September 27, 2021

Division 2 – Primary Zoning District Yard, Height, and Bulk Requirements

Section 86-136. TCO Transportation Corridor Overlay District.

6. Building exteriors. Building exteriors visible from U.S. Highway 360 or State Highway 30 shall be ~~approved by the Zoning Administrator~~ approved by the Planning Commission prior to zoning approval.

ARTICLE VIII: USE AND DESIGN STANDARDS

Division 1 – Agricultural Uses

Section 86-151.1

Agriculture, private use

Private stables and other facilities used for keeping horses or livestock shall be at least 100 feet from all property lines and at least 300 feet from any adjacent property owner's residence.

Private stables and other facilities used for keeping horses or livestock must be located on a lot in the agricultural or rural residential zoning district that is at least five acres in size. On a five-acre lot in the agricultural or rural residential zoning district, there may be up to a total of two of any of the following animals: horses, ponies, cows, or a total of five of any of the following animals; sheep, goats, swine, llamas, or alpacas. For every acre in addition to the first five acres, there may be a total of one additional; horse, pony, cow, or a total of three sheep, goats, swine, llamas, or alpacas. This limitation does not apply to lots ten acres or larger in an agricultural-conservation zoning district.

Poultry, including fowl, ducks, and other birds kept for the production of eggs for domestic consumption, specifically excluding roosters, geese, guinea fowls, turkeys and peafowl, may be permitted in the R-1 Suburban-Residential zoning on parcels less than five acres in size provided there are no more than ten birds per parcel as a by-right use, however, the birds must be kept in a coop and shall not be permitted to free-range. In order to have more than ten birds and/or any roosters, geese, guinea fowls, turkeys and peafowl, a conditional use permit shall be required. Any coop housing the birds must be located a minimum of 100 feet from the adjacent property line and at least 300 feet from any adjacent property owner's residence. No coop or pen housing the birds shall be located in the front yard.

ARTICLE XVIII: SUBDIVISIONS

Section 86-438. Exempt Subdivisions.

- c. Every lot abuts an existing primary or secondary highway primary.

Note: Under the new ordinance, Single lot, Minor residential, Farmstead, allow access to a primary or secondary highway

2. Any further subdivision of a previously exempted lot pursuant to this exemption shall constitute a major subdivision except for family divisions and shall be subject to all applicable governing ordinances and requirements.

Section 86-456. Cluster subdivisions

2. Improvements. Cluster subdivisions shall comply with all requirements outlined in Section 86-454 in this Ordinance, with the following modifications:

- a. Number of lots. Cluster Subdivisions are allowed one lot per 5 acres.
- b. Lot area. Lots shall have a minimum lot size of 15,000 sf for lots served by both water and sewer, 20,000 sf if lots are served by public water or public sewer only, and ~~30,000~~ 40,000 sf if the lot is not served by either public water or sewer.

Modifications to front yard regulations.

Accessory buildings and structures shall not be constructed in a front yard on a lot that is less than five acres. An accessory building may be constructed in a front yard on a lot that is more than five acres provided that the requirements for front yard setbacks in Article _____ are met and in conformity with all other applicable provisions of this ordinance

Division 2 – Residential Uses

Section 86-154. Accessory dwelling unit.

3. An accessory dwelling that is detached shall be no more than 800 gross square feet unless a conditional use permit has been approved.

Division 6 – Miscellaneous Uses

Section 86-245. Kennel, private.

All private kennels must:

1. Provide a setback of at least 100 feet from the property lines;

2. Provide a setback of at least 200 feet from any residence not on the associated parcel;
3. Provide screening that is approved by the Zoning Administrator that visually blocks the front and closest side property lines.

Review of Zoning and Subdivision Ordinances adopted September 27, 2021

Article XVIII. Subdivisions

Sec. 86-47. Powers and Duties

As provided in the Code of Virginia, Sec 15.2-2255, the agent to whom responsibility for administration and enforcement of this Article, shall be designated by resolution of the Board of Supervisors.

Comment: Is the Agent the same as the Zoning Administrator and has the Board designated this by resolution?

Sec. 86-438. Exempt Subdivisions

2. States "Any further subdivision of a previously exempted lot pursuant to this exemption shall constitute a Major Subdivision and shall be subject to all governing ordinances and requirements.

Comment: If a 25acre lot is subdivided into four lots, how would this be enforced as a major subdivision?

Sec. 86-454. Minor residential subdivisions.

4.a. Generally. There shall be only one access to an adjacent State Primary or Secondary highway by a new street and no lot shall have direct access to an existing primary or secondary highway.

Comment: The prior ordinance for a minor subdivision on a State Primary or Secondary highway allowed only one access to such Primary or Secondary or Secondary highway and no lot in such subdivision could have direct access to said Primary or Secondary highway. The Ordinance for Farmstead Subdivisions used this same language, allowing Farmstead Subdivisions on Route 30 and Route 360 with a single entrance.

Sec. 86-455. Farmstead Subdivisions

Comments in the draft Comprehensive Plan state that Farmstead Subdivisions should be Major subdivisions, presumably because they may have up to seven lots and a Major subdivision is defined as having more than four (4) lots. However, under Sec. 86-455. 1. Intent, last sentence "Thus the regulations focus on access, lot sizes, visual impacts, suitability of the land, abbreviated platting requirements and accelerated administrative processing. Thus, Farmstead Subdivisions are not considered to be major subdivision

Questions regarding relationship between Concept plans (Sec. 86-35) Preliminary Site Plans (86-403) and preliminary Plats (Sec. 86-475)

When an application is submitted for a zoning amendment, Sec. 86-35. 3. a. iii requires a concept plan and if the application also includes an application for a conditional use permit (Sec.86-402. 2. a.) should the requirement for a preliminary site plan preclude the requirement for a concept plan? And, if the application for a zoning amendment also include an application for a major subdivision, do, or should, the requirements for a concept plan be waived as a preliminary plat will be required (Sec. 86-475)?

Review of Zoning Ordinance for TCO.

Sec. 86-136.5. Standards of Development

1. Frontage Landscaping

- a. A landscape buffer of at least 25 feet in width.

Comment: Required density of landscaping materials per 100 feet. 2-3 deciduous trees or 2-3 evergreen trees, and 3 shrubs at least 18" in height, and other ground cover (unspecified) reasonably dispersed. This is a total of 2-3 trees and 3 shrubs for every 100 feet of frontage along our major highways (the TCO district). This appears to be sparse landscaping as evidenced by recent plantings. Compare this with landscaping plantings along Route 360 in Hanover County, both recent plantings and mature landscaping.

Suggestion: Review Hanover County's Zoning ordinance for landscaping requirements in commercial districts. Also review landscape plantings on Route 360 in Hanover between Battlefield school and Mechanicsville and take pictures for review and comparison.

Sec. 86-136.5.

2. 5. Building Exteriors

Building exteriors shall be approved by the Zoning Administrator.

Comment: This does not provide any guidelines or standards for building exteriors. Remember, Route 360 is the corridor that is the showcase for our County and if we expect to attract quality development the face of the development in the TCO should reflect what we expect for ongoing and new development. The original TCO Ordinance from 2006, had requirements for building exteriors as follows: Building materials for exterior siding shall consist of brick, natural stone, stucco, split faced block, wood, cement board or glass. Trim and fascia materials may be vinyl, metal, wood, or other materials that appropriately compliment the exterior siding. These same materials are required in our current PUD ordinance. Suggest we review the above noted materials for current usage in building construction and provide standards for determination of building exteriors. I am personally opposed to corrugated metal and vinyl siding as these appear more appropriate for industrial building exteriors.

Sec. 86-110. Primary Zoning District yard, height and bulk regulations.

The minimum lot area for R-1, dependent on public utilities requires the following:

15,000 Sq Ft for properties served by both public water and public sewer.

20,000 Sq Ft for properties served by public water only or public sewer only.

30,000 Sq Ft for properties not served by public water or public sewer.

The previous ordinance require 40,000 Sq Ft for properties not served by public water or public sewer. It is my opinion that 30,000 Sq Ft is not adequate for properties with on site wells and septic systems.

Article XIV. Planned Unit Development (PUD)

Suggest we review the Ordinance in detail

Respectfully submitted

Don Wagner

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2288.1. Localities may not require a special use permit for certain residential uses.

No local ordinance shall require as a condition of approval of a subdivision plat, site plan, or plan of development, or issuance of a building permit, that a special exception, special use, or conditional use permit be obtained for the development and construction of residential dwellings at the use, height and density permitted by right under the local zoning ordinance. Nothing herein shall restrict the use of the special exception, special use, or conditional use permit process on application of a property owner for (i) a cluster or town center as an optional form of residential development at a density greater than that permitted by right, or otherwise permitted by local ordinance; (ii) use in an area designated for steep slope mountain development; (iii) use as a utility facility to serve a residential development; or (iv) nonresidential uses including but not limited to home businesses, home occupations, day care centers, bed and breakfast inns, lodging houses, private boarding schools, and shelters established for the purpose of providing human services to the occupants thereof.

1999, c. 1041; 2002, c. 703.

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2286.1. Provisions for clustering of single-family dwellings so as to preserve open space.

A. The provisions of this section shall apply to any county or city that had a population growth rate of 10% or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census. However, the requirements of this section shall not apply to any such county or city that has a population density of more than 2,000 people per square mile, according to the most recent report of the United States Bureau of the Census.

B. Any such locality shall provide in its zoning or subdivision ordinances, applicable to a minimum of 40% of the unimproved land contained in residential and agricultural zoning district classifications, standards, conditions, and criteria for the clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions, and criteria, the governing body may, in its discretion, include any provisions it determines appropriate to ensure quality development, preservation of open space, and compliance with its comprehensive plan and land use ordinances. A cluster development is otherwise subject to applicable land use ordinances of the locality; however, the locality shall not impose more stringent land use requirements for such cluster development.

The locality shall not prohibit extension of water or sewer from an adjacent property to a cluster development provided the cluster development is located within an area designated for water and sewer service by a county, city, or town or public service authority.

For any "open space" or "conservation areas" established in a cluster development, the locality shall not (i) require in such areas identification of slopes, species of woodlands or vegetation and whether any of such species are diseased, the locations of species listed as endangered, threatened, or of special concern, or riparian zones or require the applicant to provide a property resource map showing such matters in any conservation areas, other than that which may be required to comply with an ordinance adopted pursuant to § 15.2-961 or 15.2-961.1 or applicable state law; (ii) require such areas be excluded from the calculation of density in a cluster development or exclude land in such areas because of prior land-disturbing activities; (iii) prohibit roads from being located in such areas for purposes of access to the cluster development, but the locality may require such roads be designed to mitigate the impact on such areas; (iv) prohibit stormwater management areas from being located in such areas; or (v) require that lots in the cluster development directly abut such areas or a developed pathway providing direct access to such areas.

For purposes of this section, "open space" or "conservation areas" shall mean the same as "open-space land" in § 10.1-1700.

The density calculation of the cluster development shall be based upon the same criteria for the property as would otherwise be permitted by applicable land use ordinances. As a locality provides for the clustering of single-family dwellings and the preservation of open space developments, it may vary provisions for such developments for each different residential zoning classification within the locality. For purposes of this section, "unimproved land" shall not include land owned or controlled by the locality, the Commonwealth or the federal government, or any instrumentality thereof or land subject to a conservation easement.

If proposals for the clustering of single-family dwellings and the preservation of open space developments comply with the locality's adopted standards, conditions, and criteria, the development and open space preservation shall be permitted by right under the local subdivision ordinance. The implementation and approval of the cluster development and open space preservation shall be done administratively by the locality's staff and without a public

hearing. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for such developments. However, any such ordinance may exempt (a) developments of two acres or less and (b) property located in an Air Installation Compatible Use Zone from the provisions of this subdivision.

C. Additionally, a locality may, at its option, provide for the clustering of single-family dwellings and the preservation of open space at a density calculation greater than the density permitted in the applicable land use ordinance. To implement and approve such increased density development, the locality may, at its option, (i) establish and provide, in its zoning or subdivision ordinances, standards, conditions, and criteria for such development, and if the proposed development complies with those standards, conditions, and criteria, it shall be permitted by right and approved administratively by the locality's staff in the same manner provided in subsection A, or (ii) approve the increased density development upon approval of a special exception, special use permit, conditional use permit, or rezoning.

D. Notwithstanding any of the requirements of this section to the contrary, any local government land use ordinance in effect as of June 1, 2004, that provides for the clustering of single-family dwellings and preservation of open space development by right in at least one residential zoning classification without requiring either a special exception, special use permit, conditional use permit, or other discretionary approval may remain in effect at the option of the locality and will be deemed to be in compliance with this section. Any other locality may adopt provisions for the clustering of single-family dwellings, following the procedures set out in this section, in its discretion.

2006, c. 903; 2011, cc. 519, 549.

Sec. 86-136.2. Boundaries.

The boundaries of the TCO district are hereby established on the County's zoning district map and made a part of the applicable regulations for all properties shown on the zoning district map. The TCO district boundaries are defined as follows:

1. *Route 360.* Properties with frontage on U.S. Highway 360 for its entire length through the County and extending 750 feet on either side from the centerline of such highway or to the depth of the property, whichever is less; and,
2. *Route 30.* Properties with frontage on State Highway 30, for its entire length through the County and extending 500 feet on either side from the centerline of State Highway 30, or to the depth of the property, whichever is less.

Sec. 86-136.3. Applicability.

Regulations in the TCO district shall apply to all sites developed, redeveloped, or expanded after the establishment of the district. The district shall not apply to those sites developed prior to its establishment, unless there is an expansion of floor area in excess of a cumulative total of 50 percent or 5,000 square feet, whichever is less. A one-time expansion consisting of 1,200 square feet or less of additional floor area shall be exempt from the requirements of the TCO district.

Sec. 86-136.4. Permitted uses.

Permitted uses in the TCO district are uses permitted in the underlying primary zoning.

Sec. 86-136.5. Standards of development.

All applications for development or redevelopment in the TCO district except those exempted by section 86-136.3 must satisfy the following standards as well as applicable provisions of article XVII of this ordinance (site plans).

1. *Frontage landscaping.* Along the property's border on U.S. Highway 360 or State Highway 30, a buffer shall be provided as follows:
 - a. A landscape buffer of at least 25 feet in width shall be landscaped with at least one deciduous tree, at least two inches in caliper measured six inches from the ground when planted, with branching no closer than five feet to the ground, or one evergreen tree, at least six feet in height when planted, for each 50 feet of lineal frontage; as well as at least one shrub, at least 18 inches in spread when planted, for each 30 feet of lineal frontage, planted and maintained at 24 inches in height or lower; and other ground cover reasonably dispersed throughout the buffer.
 - b. Vegetation planted in the buffer shall be of a type and/or positioned so as to not interfere with overhead or underground utility lines when fully grown.
 - c. All landscaping shall be installed in accord with good horticultural practices. The owner of the property shall be responsible for the maintenance, repair, and replacement of all required landscaping materials. All plant materials shall be maintained in a healthy, growing condition and free from refuse and debris at all times. All unhealthy, dying, or dead plant materials shall be replaced during the next planting season.
 - d. The buffer shall adhere to all sight distance requirements as determined by VDOT.
 - e. An additional buffer of ten feet along the property's frontage shall be preserved for future road or pedestrian improvements.
2. *Buffers.* Buffers shall be provided in accordance with the requirements of section 86-294.

3. *Screening, loading, and storage.* Screening shall be required in accordance with the requirements of section 86-295. Loading docks shall be provided at the side or rear only. All outside storage shall be located only in the rear or side yard and shall be screened from view at the property line from a public road or adjoining A-C, R-R, or R-1.
4. *Installation of landscaping.* Required landscaping shall be installed in accordance with the requirements of section 86-293.
5. *Access.* Each B-1, B-2, or I development site shall be limited to one point of access for every 500 feet of frontage on U.S. Highway 360 or State Highway 30. To the extent feasible, parking areas shall be arranged so that circulation among or between various businesses can be accomplished without reentering a primary public highway. A-C, R-R, or R-1 parcels subdivided after the effective date of this section shall be required to share a single entrance on U.S. Highway 360 or State Highway 30.
6. *Building exteriors.* Building exteriors visible from U.S. Highway 360 or State Highway 30 shall be approved by the Zoning Administrator.
7. *Roofs.* Roofing materials shall consist of wood, tin, copper, slate, terra cotta, standing seam metal or dimensional fiberglass shingles. Pitched roofs shall be provided wherever practicable, and any flat roof shall have a parapet wall to screen from view at ground level at the property line the flat roof and any roof mounted equipment.
8. *Architectural.* All principal buildings within a single development project shall have a complementary architectural appearance with the use of similar building materials, scale, color and other architectural features.
9. *Signs.* All business identification signs shall be monument signs not to exceed 15 feet in height for individual businesses and 20 feet in height for businesses with multiple tenants. Pole signs and free-standing signs shall be prohibited. Electronic or digital signage, as permitted pursuant to article X, shall be equipped with a device to automatically dim the brightness during night or low-light conditions.
10. *Lighting.* Any on-site lighting shall be "shoe-box" style lighting fixtures, or equivalent, to conceal the lighting source and minimize spillover or glare on adjoining properties. Any lighting used under canopies shall be recessed to minimize glare. Lighting shall be reduced to no more than a security level following close of daily operations.
11. *Underground utilities.* Utility lines, including, but not limited to, electric, CATV, and telephone, shall be placed underground. This requirement applies to lines serving individual sites within the development as well as utility lines providing service to the development. Existing overhead utility lines may be extended to a terminal pole at the property line, as needed, and thence placed underground.

Sec. 86-137. Chesapeake Bay Preservation Area

State Law reference— Chesapeake Bay Preservation Act, Code of Virginia, §10.1-2100 et seq.; board to develop criteria, Code of Virginia, §10.1-2107; local Chesapeake Bay Preservation Areas, Code of Virginia, §10.1-2109; wetlands, Code of Virginia, §28.2-1300 et seq.; Ground Water Management Act of 1992, Code of Virginia, §62.1-254 et seq.

Sec. 86-137.1. Applicability.

The requirements of this article shall apply to all development and redevelopment involving land disturbance, the creation of a construction footprint or a change in an existing construction footprint. Agricultural activities and silvicultural activities are subject to the specific provisions applicable to those activities, as noted herein.

Division 2 - Residential Uses

Sec. 86-154. Accessory dwelling unit.

An accessory dwelling unit can take the form of the following, subject to these restrictions.

1. An accessory dwelling unit that is contained within a single family dwelling may equal the existing finished square footage of the primary dwelling, such as a basement, attic, or additional level.
2. An accessory dwelling unit that is attached to the primary single-family dwelling, or as a dwelling unit located above a detached accessory structure, shall be no more than one half the size of the finished square footage of the primary dwelling unit located on the subject property.
3. An accessory dwelling structure that is detached shall be no more than 800 gross square feet.
4. Only one Accessory dwelling is allowed per parcel.
5. A recreational vehicle, travel trailer, camper, or similar vehicle shall not be used as an Accessory dwelling.
6. An accessory dwelling shall obtain all proper permits and comply with all applicable requirements of the Virginia Department of Health.
7. Accessory dwellings shall comply with all applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building code (§36-97 et seq.).

Sec. 86-155. Dishes.

Microwave antennae (dishes) in excess of 24 inches in diameter used for reception of television signals from satellites shall not be located within the minimum front yard setback.

Sec. 86-156. Electric, telephone, cable TV, and service lines.

House service lines and cables for electric power utilities, telephone and cable television service to residential uses shall be considered an accessory use under this ordinance.

Sec. 86-157. Family health care structures, temporary.

Temporary family health care structures shall be subject to the following standards:

1. Such structures shall comply with all setback requirements that apply to the primary structure.
2. Only one family health care structure shall be allowed on a lot or parcel of land.
3. The structure shall be no more than 300 gross square feet and shall comply with all applicable provisions of the Industrialized Building Safety Law (§36-70 et seq.) and the Uniform Statewide Building Code (§36-97 et seq.).
4. Prior to installing a temporary family health care structure, a permit must be obtained from the County and associated fees paid.
5. Any family health care structure shall comply with all applicable requirements of the Virginia Department of Health.
6. No signage advertising or promoting the existence of the structure shall be permitted on the exterior of the structure or anywhere on the property.
7. Any temporary family health care structure shall be removed within 60 days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired family member receiving services or assistance.
8. The County may revoke the permit if the permit holder violates any provision of this section.

8. Approval of a home occupation use shall be revocable at any time by the County because of the failure of the owner or operator of the use covered by the approval to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions imposed in connection with the approval.
9. Approval of a home occupation use shall stand revoked, without any action by the County, if the use authorized has been intentionally abandoned, has ceased for a period of one year, has not commenced within one year of approval, or does not have a current business license.
10. No displays or signs shall be allowed indicating that the building is being utilized as a business.

Sec. 86-196. Hotel.

Additional standards in the B-2 district.

1. Parking shall be located behind the front line of the principal building.
2. The structure shall match the scale and mass of the surrounding structures as determined by the Zoning Administrator.

Sec. 86-197. Kennel, commercial

All commercial kennels must:

1. Setback 100 feet from the property lines;
2. Setback 200 feet from any residence not on the associated parcel;
3. Provide screening that is approved by the Zoning Administrator that visually blocks the front and closest side property lines.

Sec. 86-198. Marina or yacht club.

1. The marina or yacht club shall comply with all other codes, regulations, laws, and ordinances, including the requirements of the U.S. Army Corps of Engineers.
2. The proposed design shall be satisfactory as regards to such safety features as location of fueling points, fuel stations, effect on navigation, and possibilities for water pollution.
3. The marina or yacht club shall be properly located with respect to access roads and existing and future developed areas.
4. The location of piers, docks, ramps, and other facilities and dredged areas shall be such as to minimize damage to wetlands.

Sec. 86-199. Mini-warehouse facility.

1. Ministorage warehouse buildings shall have the outer walls of such buildings made of material approved to be fire resistant under the Virginia Uniform Statewide Building Code.
2. Parking requirements shall be based on the number of storage units provided and the square footage of the office area. Parking spaces shall be located near the office at the rate of one space per 400 square feet of office area (minimum two spaces) plus one space per 50 storage units or fraction (minimum two spaces) plus one handicapped parking space.
3. Space shall be provided near the door to each storage unit, or near the access door for storage units inside a multistory building, sufficient for a car or truck to unload. Within the project, aisles which have units (doors) on both sides shall be a minimum of 30 feet wide (two ten-foot parking lanes; one ten-foot travel lane); for aisles with units (doors) on one side only, the aisle shall be a minimum of 25 feet (one ten-foot parking lane; one 15-foot travel lane). The aisle width from the road to the storage facility's entrance gate shall be a minimum of 25 feet wide.
4. The storage buildings shall be limited to three stories, with a maximum of 45 feet in height.

than eight feet in height. All fences and walls shall have a uniform and durable character and shall be properly maintained.

3. Inoperative vehicles or parts thereof shall not be collected or stored outside the required fence or in piles more than six feet in height.
4. The collection or storage of any material containing or contaminated with dangerous explosives, chemicals, gases, or radioactive substances is prohibited.
5. Every junkyard, salvage yard or automobile wrecking yard or graveyard shall be operated and maintained in such a manner as not to allow the breeding of rats, flies, mosquitoes, or other disease-carrying animals and insects.

Sec. 86-232—86-244. Reserved.

Division 6 – Miscellaneous Uses

Sec. 86-245. Kennel, private.

All private kennels must:

1. Provide a setback of at least 100 feet from the property lines;
2. Provide a setback of at least 200 feet from any residence not on the associated parcel;
3. Provide screening that is approved by the Zoning Administrator that visually blocks the front and closest side property lines.

Sec. 86-246. Parking facility.

The following general standards shall apply to all parking facilities:

1. No motor vehicle work shall be permitted in association with a parking facility except under emergency service work.
2. Parking shall be the principal use of all parking facilities. Spaces may be rented for parking but no other business of any kind shall be conducted in the structure except County sanctioned farmer's markets or permitted mobile restaurants.

Sec. 86-247. Resource extraction.

Excavation or filling, borrow pits, extraction, processing, and removal of sand or gravel and stripping of topsoil and other major excavations in a district where listed as a conditional use permit and subject to the following conditions for major borrow pits, clay pits, mines, quarries, sand, and gravel mining and similar operations:

1. The excavations shall be confined to areas located at least 50 feet from all adjoining property lines, at least 100 feet from any and all adjoining property lines in any residential or any business district, and at least 200 feet from any dwelling or any and all property lines in any platted subdivision except that excavations may be conducted within such limits, provided that the written consent of the owners of such adjoining properties is secured.
2. The excavation shall be confined to areas located at least 200 feet from the right-of-way lines of any existing or platted street, road or highway, except that where the ground level is higher than the road, the Board may permit excavations down to the road level.

TABLE OF OFF-STREET PARKING REQUIREMENTS FOR INDIVIDUAL USES

Use or Use Category	Spaces Required
Abattoir, commercial greenhouse, commercial stable, livestock market, and other agricultural uses	As approved by Zoning Administrator
Agritourism and event venue	1 per 3 guests
Amusement, dancehall, skating rink, swimming pool, or other indoor sports and recreation, without fixed seats	1 per 100 square feet of floor area; does not apply to accessory uses
Auditorium, theater, gymnasium, stadium, arena or convention hall or other commercial indoor entertainment	1 per 4 seats or seating spaces
Automobile repair services, car washes, and gasoline stations	3 for each service bay, stall, rack or pit, plus 1 for each gasoline pump; minimum 5 spaces
Automobile dealership and equipment sales, rental/leasing	1 customer vehicle space for each 500 square feet of building floor space
Boardinghouse (Rooming house), short term rental or bed and breakfast	1 per 2 sleeping rooms
Brewpub, Craft/brewery, Distillery, Winery	1 space per 100 square feet of total gross floor area used for a bar or tavern type use, including outdoor bar or tavern area, tasting room, retail: 1 per 100 square feet of dining area including outdoor dining. Brewery/kitchen: 1 space per two employees on maximum working shift plus space for storage of trucks or other vehicles used in connection with the business or industry

King William County Zoning and Subdivision Ordinance

Use or Use Category	Spaces Required
Business or Trade School	1 per employee on largest shift, plus 1 per 4 students
Convalescent home, Nursing home, halfway house or similar facility	1 per 3 patient beds
Commercial indoor amusement and Bowling alley	1 space for each 3 persons based on maximum occupancy, plus 1 space per employee on largest shift
College or high school	1 per 4 seats or bench seating spaces (seats in main auditorium or fieldhouse only, whichever is larger) or 1 per each 4 students whichever is greater
Country club or golf club or other private clubs without sleeping rooms	1 per 5 members or 1 for each 400 square feet of club without sleeping floor area, whichever is greater
Day care center	1 for each 250 square feet
Elementary, junior high or nursery school	1 per 10 seats in main assembly room or 2 per classroom (whichever is greater)
Family Day Home (5-12 individuals)	2 plus residential requirement
Funeral home	1 per 50 square feet of floor area excluding storage and work area, 30 spaces minimum
Auto and boat sales and service	1 per 300 square feet of floor area; 2 spaces minimum; automobile sales and sales and service; 10 minimum

King William County Zoning and Subdivision Ordinance

Use or Use Category	Spaces Required
<p>General retail, personal service establishment, grocery store, financial institution, pawn shop, specialty shop, consumer repair service, neighborhood convenience, Farm Supply, and garden center</p>	<p>1 per 200 square feet of floor area; but for retail food stores over 4,000 square feet: 1 per 100 square feet of floor area for any area in excess of 4,000 square feet</p>
<p>General service or repair establishment, printing/publishing, plumbing, heating, broadcasting station</p>	<p>1 per 3 employees on maximum working shift plus space for storage of trucks or other vehicles used in connection with the business or industry</p>
<p>Home Occupation</p>	<p>2 plus residential requirement for Type I occupation; 4 plus residential requirement for Type II occupation</p>
<p>Hospital, or other medical facility which provides primary health services including surgery and overnight care.</p>	<p>2 per patient bed</p>
<p>Manufactured homes or recreational vehicle sales</p>	<p>1 per 200 square feet of sales office area, 10 spaces minimum</p>
<p>Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale, warehouse, or similar establishment</p>	<p>1 per employee on maximum working shift plus space for storage of trucks or other vehicles used in connection with the business or industry</p>
<p>Medical offices or clinic for examination and treatment of persons who are not lodged overnight</p>	<p>1 per 200 square feet of floor area; 10 spaces minimum for a clinic</p>
<p>Mini-warehouse</p>	<p>3 plus 1 per 100 units</p>

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Use or Use Category	Spaces Required
Motel, motor lodge, or hotel	5 spaces plus 1 per sleeping room suite
Office general, post office or studio	1 per 400 square feet of floor area, 3 spaces minimum
Public library, museum, art gallery or community center	10 per use plus 1 additional space for each 300 square feet of floor area in excess of 1,000 sq. ft.
Religious assembly, temple, synagogue or similar place of assembly	1 per 5 seats or bench seating spaces (seats in main auditorium only)
Restaurant or other establishment for consumption of food or beverages inside a building on the premises	1 per 100 square feet of floor area, 3 spaces minimum
Restaurant, fast food with drive-in service lanes	1 per 100 square feet of floor area for seating within the building plus stacking area for at least 8 vehicles for the first drive-through window and 5 vehicles for each additional drive-through window
Shopping center	1 per 200 square feet of gross leasable area (GLA) or sum of requirements for individual uses, whichever is greater.
Veterinary hospital	1 per 400 square feet of floor area; 4 spaces minimum
Wholesale sales, warehouses	1 for each 1,250 square feet

1. *Interpretation of specific requirements.*

- a. The requirements of this section are in addition to space for storage of trucks, campers, recreational vehicles or other similar vehicles used in connection with any use.
- b. The parking requirements in this article do not limit other parking requirements contained in the district regulations or the article on use and design standards.

King William County Zoning and Subdivision Ordinance

- c. The parking requirements in this article do not limit special requirements which may be imposed in connection with uses permitted by approval of a conditional use or special exception.
- d. Except as otherwise provided, the number of employees shall be compiled on the basis of the maximum number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.
- e. The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation or as required within the design standards.
- f. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need under the requirements of this article for an increase in parking spaces of ten percent or more, such additional spaces shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than ten percent of those required before the change or enlargement, but this exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking space of ten percent or more.

2. *Design standards.*

- a. *Minimum space area.* For the purpose of the regulations of this article, an off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than 162 square feet, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a paved driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.
- b. *Entrances and exits.* Location and design of entrances and exits shall be in accord with the requirements of applicable regulations and standards. In general, there shall not be more than one entrance and one exit, or one combined entrance and exit, along any one street and exits and entrances shall meet regular traffic safety and design standards. Landscaping, curbing or approved barriers shall be provided along lot boundaries to control entrance and exit of vehicles or pedestrians.
- c. *Drainage and maintenance.* Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. Off-street parking areas shall be maintained in a clean, orderly and, to the extent possible, dust-free condition at the expense of the owner or lessee.
- d. *Separation from walkways and streets.* Off-street parking spaces shall be separated from walkways, pedestrian paths, streets or alleys by a wall, fence or curbing or other approved protective device, or by distance, so that vehicles cannot protrude over publicly owned areas.
- e. *Marking.* Parking spaces in lots of more than 10 spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used to ensure efficient traffic operation on the lot.
- f. *Lighting.* Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged, installed and the light source shielded to minimize glare on adjacent property or streets and no lighting fixture shall exceed a height of 15 feet in an R-1 suburban residential district, 20 feet in a B-1 local business district or 30 feet in the industrial district. All lighting shall comply with the standards is article XII.

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envisioned as the major development style of this R-R district, although slightly higher densities are acceptable where public water is provided for larger subdivisions.

3. *Intent of the R-1 suburban residential district.* The R-1 district is to provide for higher residential development together with recreational facilities, public uses, and accessory uses as may be necessary or are normally compatible with residential surroundings. Since substantial tracts of vacant land are or may be included in the R-1 district, agricultural and open uses are permitted, but in general, urbanization is planned, and utilities and public services exist or are planned which will be adequate for the types of development contemplated. While a major purpose of the R-1 district is to protect and conserve areas of predominantly single-family detached residences, other types of residences may be permitted in order to provide for a wide spectrum of housing needs, provided that these new units are of generally compatible architectural character and are located on tracts of sufficient size so that necessary amenities can be provided and harmonious relationships between residences of different types ensured by means of careful planning and the process of subdivision plat review and approval.
4. *Intent of the B-1 local business district.* The B-1 district is to provide primarily for retail shopping and personal service uses, to be developed either as a unit or in individual parcels, and to serve the needs of families living in the County or the needs of the traveling public on the highways. To enhance the general character of the B-1 district, its function of local service, and its compatibility with its surroundings, the size of certain uses is limited.
5. *Intent of the B-2 general business district.* The B-2 district is to provide sufficient space in appropriate locations for a wide variety of commercial and light industrial activities, serving a wide area of the County and generally located in or near development centers where a mixture of commercial and service activity now exists or is planned, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, or the nuisance factors of dust, odor, and noise, associated with medium or heavy industrial activity.
6. *Intent of the I industrial district.* The I district is to provide for a wide variety of manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located for access by highways and providing a controlled environment within which signage is limited, uses are to be conducted generally within completely enclosed buildings, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business district and service uses are limited primarily to those which will be useful to employees in the I district and residential uses are restricted.

Sec. 86-101—86-109. Reserved.

Division 2 – Primary Zoning District Yard, Height and Bulk Requirements

Sec. 86-110. Minimum site area and dimensional regulations for primary zoning districts

TABLE OF MINIMUM SITE AREA AND DIMENSIONAL REGULATIONS FOR PRIMARY ZONING DISTRICTS						
	A-C	R-R	R-1	B-1	B-2	I
Minimum Lot Area	5-acres ¹	3-acres	Dependent upon public utilities ²	N/A	N/A	N/A
Minimum Lot Depth (in feet)						

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TABLE OF MINIMUM SITE AREA AND DIMENSIONAL REGULATIONS FOR PRIMARY ZONING DISTRICTS						
	A-C	R-R	R-1	B-1	B-2	I
	500	300	150	100	100	100
Minimum Lot Frontage (in feet)						
Fronting Primary Road	400	200	200	100	100	100
Fronting Secondary Road	300	200	150	100	100	100
Fronting Subdivision Street	150	150	100	100	100	100
Minimum Setback (in feet)						
From Primary Road	100	75	75	75	75	75
From Secondary Road	75	50	40	50	50	50
From Subdivision Street	50	50	40	50	50	50
Minimum Yard (main building – in feet)						
Side	25	25	15	0 ³	0 ³	0 ⁴
Rear	50	50	40	0 ³	0 ³	0 ⁴
Minimum Yard (accessory buildings – in feet)						
Side	15 ⁵	15	15	0 ⁶	0 ⁶	0 ⁶
Rear	15 ⁵	15	15	0 ⁶	0 ⁶	0 ⁶
Maximum Height (in feet)						
	45 ⁷	45	45	45	100 ⁸	100 ⁸

¹ The minimum lot area for a family subdivision shall be 3 acres.

²15,000 square feet (sf) for properties served by both public water and sewer;
20,000 sf served by public water only or public sewer only;
30,000 sf not served by public water or public sewer

³50 foot main building setback required from any residentially zoned parcel

⁴100 foot main building setback required from any residentially zoned parcel

⁵For non-agricultural accessory buildings only

⁶25 foot accessory building setback required from any residentially zoned parcel

⁷Agricultural structures may exceed 45 feet in height as long as they are exempt under the building code.

⁸No part of a building that is located within 200 horizontal feet of any R-R or R-1 residential zoning district may exceed 45 feet in height.

Sec. 86-111. Adjustments and special provisions to lot area and dimensional regulations in the A-C zoning district.

Adjustments and special provisions to lot area and dimensional regulations in the A-C zoning districts are as follows:

Minimum Lot Size and Dimensions

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	Area	Width	Depth
Veterinary hospital: large animals	10 acres	500 feet	300 feet
Veterinary hospital: small animals, open pens, or kennels	5 acres	300 feet	300 feet
Stable, commercial	10 acres	-	-
Stable, private	2 acres	200 feet	200 feet

Sec. 86-112. Modifications to lot area regulations.

1. Requirements for lot area per family do not apply to dormitories, fraternities, sororities, and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments.
2. Requirements for lot area per family do not apply to rental units in a hotel, motel, motor lodge or or rooms in a rooming house, boardinghouse, or lodging house or an Accessory dwelling unit.
3. Multiple buildings on a single lot: More than one main building may be located upon a lot or tract only in the following instances:
 - a. Institutional buildings;
 - b. Public or semipublic buildings;
 - c. Multiple-family dwellings or condominiums under approved site plans;
 - d. Attached single-family dwellings with two times the required lot area for a single-family dwelling;
 - e. Convalescent or nursing homes for the aged; and
 - f. Tenant houses on a farm in accord with applicable district regulations.
4. The provisions of this section shall not be construed to allow the location or erection of any building or portion of a building outside of the buildable area of the lot.

Sec. 86-113. Yards and open space generally.

1. Except for vegetation every part of a required yard shall be open from the ground upward, except as authorized by this article, and except ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features which may project to a distance not to exceed 24 inches into a required yard.
2. *Open space partially surrounded by buildings.* Where an open space is more than 50 percent surrounded by a building, the minimum width of the open space shall be at least 20 feet for one-story buildings, 30 feet for two-story buildings, and 40 feet for three-story buildings.

Sec. 86-114. Front yards.

1. Where an official line has been established by an officially adopted detailed plan on file with the Zoning Administrator for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

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2. The depth of a building setback line for a particular lot is generally the same dimension as the required front yard of a zoning district except in cases where a greater setback line is approved for planned residential developments, cluster subdivisions, or for some unique subdivision design. In cases where a greater setback line is established on a subdivision plat pursuant to such approval, the setback line recorded on the subdivision plat shall be considered to be the minimum building setback line.
3. Unless otherwise provided in design standards, there shall be a required front yard setback of the side street of a corner lot in any district; provided, however, that the buildable width of a lot of record at the time of passage of this ordinance shall not be reduced to less than 30 feet.

Sec. 86-115. Side yards.

1. Open, unenclosed porches, platforms, or paved terraces, not covered by roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into a required side yard not more than six feet.
2. For the purpose of the side yard regulations, a group of office, business, or industrial buildings separated by common or party walls shall be considered as one building occupying one lot.

Sec. 86-116. Rear yards.

Open or lattice-enclosed fire escapes, outside stairways, and balconies opening upon fire towers, and the ordinary projection of chimneys and flues may project into the required rear yard for a distance of not more than five feet, but only where the same or so placed as not to obstruct light and ventilation.

Sec. 86-117. Height regulations.

1. The height limitations of this ordinance shall not apply to:
 - a. Belfries, Cupolas;
 - b. Chimneys, flues;
 - c. Church spires;
 - d. Conveyors;
 - e. Cooling towers;
 - f. Elevator bulkheads;
 - g. Fire and parapet walls extending no more than four feet above the roof;
 - h. Fire towers;
 - i. Flagpoles;
 - j. Ornamental towers and spires, domes or cupolas;
 - k. Public monuments;
 - l. Silos and grain dryers, tanks barns and farm-related buildings;
 - m. Smokestacks;
 - n. Stage towers or scenery lofts; and,
 - o. Water towers and standpipes.

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2. *Radio, microwave and television towers.* In all commercial, industrial, and business districts, radio and television towers may be erected to a height not exceeding 125 feet. In all residential districts, such towers shall not exceed 25 feet above the highest point of the nearest building and shall be limited to noncommercial use.
3. *Storage buildings.* Buildings located in commercial or industrial zoning districts that are to be used for storage purposes only, may not exceed the height permitted in such districts.
4. *Accessory buildings and uses.* Except for farm dwellings, the maximum height of any accessory building cannot exceed 60 percent of the allowable maximum height of the principal residential building permitted in the zoning district in which the parcel resides.

Sec. 86-118. Permitted lot frontage adjustment.

1. Except for camp cabins and summer cottages for seasonal occupancy, no lot shall be used in whole or in part for dwelling purposes unless such lots abuts upon a road in accordance with the minimum frontage requirements of this ordinance. No lot or parcel of land abutting the terminus of a public road shall be deemed to comply with road frontage requirements unless such lot abuts on an approved permanent cul-de-sac.
2. Where lot lines are established radially from a curved street so as to increase the width of the lot with the distance from the street line, the frontage of such lots thus created may be reduced to not less than 70 percent of the lot width at the building line; and provided further, that the frontage of any lot located on the turnaround of a cul-de-sac (dead-end street) may be reduced to not less than 50 percent of the lot width.

Sec. 86-119. Reference to Virginia Condominium Act.

1. Nothing within this ordinance shall be interpreted to prohibit condominiums as such by reason of form of ownership inherent therein. Neither shall any condominium be treated differently under any provision in this ordinance which would permit a physically identical project or development under a different form of ownership.
2. All condominium projects or developments hereafter constructed shall comply with the provisions of this ordinance.

Sec. 86-120. Parking, loading, landscaping, drainage and sign requirements for all districts.

1. *Parking and loading.* Off-street parking and loading shall be provided for all uses in accordance with the requirements of article XIII of this ordinance.
2. *Landscaping.* Any part of the lot or project area not used for buildings or other structures, parking, loading, and access ways, shall be maintained in a neat and orderly condition landscaped with grass, trees, shrubs, or pedestrian walks or maintained as crops or natural forest, or as a lake or pond and in accordance with the requirements of article XI of this ordinance.
3. *Drainage.* Provision shall be made for proper stormwater drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accord with applicable County ordinances.
4. *Signs.* When permitted in zoning districts, signs shall be in accordance with the regulations in article X of this ordinance.

Sec. 86-131.8. Razing or demolition when certificate of approval denied.

1. In accordance with the Code of Virginia, §15.2-2306 A., addition to the right of appeal set forth in this division, the owner of a historic landmark, building, structure or improvement, the razing or demolition of which is subject to the restrictions of the HP district, shall, as a matter of right, be entitled to raze or demolish such landmark, building, or structure, provided that:
 - a. Applicant has applied to the Board of Supervisors for such right.
 - b. The owner has, for the period of time, set forth in the schedule set out in this section and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building, or structure, and the land pertaining thereto, to such County or municipality or to any person, firm, corporation, or government agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building, or structure and the land pertaining thereto.
 - c. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building, or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule contained in this section.
 - d. The time schedule for offers of sale shall be six (6) months.
2. The fact that an appeal has been made to the County circuit court from a decision of the Board of Supervisors shall not affect the right of the owner to make the bona fide offer to sell referred to in subsection (b) of this section. No offer to sell shall be made more than one year after a final decision by the Board of Supervisors, but thereafter the owner may renew his request to approve the razing or demolition of the historic landmark, building, or structure. The time schedule for offers to sell shall be in accordance with the Code of Virginia, §15.2-2306.

Sec. 86-131.9. Moving or Relocation.

No building or structure officially designated as a historic landmark or contributing building or structure within the district on the inventory map which accompanies this Ordinance shall be moved or relocated unless the same is approved by the HPARB and a Certificate of Appropriateness issued with right of direct appeal of an adverse decision to the Board of Supervisors shall be automatic and mandatory in the case of approval of the moving or relocation of a building or structure so designated as a historic landmark. The Zoning Administrator may approve the moving or relocation of the building or structure within the historic district, which has not been designated either as a historic landmark, contributing building or structure on said inventory map.

Secs. 86-132—86-135. Reserved.

Sec. 86-136. TCO Transportation Corridor Overlay District.

Sec. 86-136.1. Establishment.

For the purposes enumerated in section 86-100, a special overlay zoning district is hereby established to be known as the transportation corridor overlay (TCO) district.

Sec. 86-136.2. Boundaries.

The boundaries of the TCO district are hereby established on the County's zoning district map and made a part of the applicable regulations for all properties shown on the zoning district map. The TCO district boundaries are defined as follows:

1. *Route 360.* Properties with frontage on U.S. Highway 360 for its entire length through the County and extending 750 feet on either side from the centerline of such highway or to the depth of the property, whichever is less; and,
2. *Route 30.* Properties with frontage on State Highway 30, for its entire length through the County and extending 500 feet on either side from the centerline of State Highway 30, or to the depth of the property, whichever is less.

Sec. 86-136.3. Applicability.

Regulations in the TCO district shall apply to all sites developed, redeveloped, or expanded after the establishment of the district. The district shall not apply to those sites developed prior to its establishment, unless there is an expansion of floor area in excess of a cumulative total of 50 percent or 5,000 square feet, whichever is less. A one-time expansion consisting of 1,200 square feet or less of additional floor area shall be exempt from the requirements of the TCO district.

Sec. 86-136.4. Permitted uses.

Permitted uses in the TCO district are uses permitted in the underlying primary zoning.

Sec. 86-136.5. Standards of development.

All applications for development or redevelopment in the TCO district except those exempted by section 86-136.3 must satisfy the following standards as well as applicable provisions of article XVII of this ordinance (site plans).

1. *Frontage landscaping.* Along the property's border on U.S. Highway 360 or State Highway 30, a buffer shall be provided as follows:
 - a. A landscape buffer of at least 25 feet in width shall be landscaped with at least one deciduous tree, at least two inches in caliper measured six inches from the ground when planted, with branching no closer than five feet to the ground, or one evergreen tree, at least six feet in height when planted, for each 50 feet of lineal frontage; as well as at least one shrub, at least 18 inches in spread when planted, for each 30 feet of lineal frontage, planted and maintained at 24 inches in height or lower; and other ground cover reasonably dispersed throughout the buffer.
 - b. Vegetation planted in the buffer shall be of a type and/or positioned so as to not interfere with overhead or underground utility lines when fully grown.
 - c. All landscaping shall be installed in accord with good horticultural practices. The owner of the property shall be responsible for the maintenance, repair, and replacement of all required landscaping materials. All plant materials shall be maintained in a healthy, growing condition and free from refuse and debris at all times. All unhealthy, dying, or dead plant materials shall be replaced during the next planting season.
 - d. The buffer shall adhere to all sight distance requirements as determined by VDOT.
 - e. An additional buffer of ten feet along the property's frontage shall be preserved for future road or pedestrian improvements.
2. *Buffers.* Buffers shall be provided in accordance with the requirements of section 86-294.

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3. *Screening, loading, and storage.* Screening shall be required in accordance with the requirements of section 86-295. Loading docks shall be provided at the side or rear only. All outside storage shall be located only in the rear or side yard and shall be screened from view at the property line from a public road or adjoining A-C, R-R, or R-1.
4. *Installation of landscaping.* Required landscaping shall be installed in accordance with the requirements of section 86-293.
5. *Access.* Each B-1, B-2, or I development site shall be limited to one point of access for every 500 feet of frontage on U.S. Highway 360 or State Highway 30. To the extent feasible, parking areas shall be arranged so that circulation among or between various businesses can be accomplished without reentering a primary public highway. A-C, R-R, or R-1 parcels subdivided after the effective date of this section shall be required to share a single entrance on U.S. Highway 360 or State Highway 30.
6. *Building exteriors.* Building exteriors visible from U.S. Highway 360 or State Highway 30 shall be approved by the Zoning Administrator.
7. *Roofs.* Roofing materials shall consist of wood, tin, copper, slate, terra cotta, standing seam metal or dimensional fiberglass shingles. Pitched roofs shall be provided wherever practicable, and any flat roof shall have a parapet wall to screen from view at ground level at the property line the flat roof and any roof mounted equipment.
8. *Architectural.* All principal buildings within a single development project shall have a complementary architectural appearance with the use of similar building materials, scale, color and other architectural features.
9. *Signs.* All business identification signs shall be monument signs not to exceed 15 feet in height for individual businesses and 20 feet in height for businesses with multiple tenants. Pole signs and free-standing signs shall be prohibited. Electronic or digital signage, as permitted pursuant to article X, shall be equipped with a device to automatically dim the brightness during night or low-light conditions.
10. *Lighting.* Any on-site lighting shall be "shoe-box" style lighting fixtures, or equivalent, to conceal the lighting source and minimize spillover or glare on adjoining properties. Any lighting used under canopies shall be recessed to minimize glare. Lighting shall be reduced to no more than a security level following close of daily operations.
11. *Underground utilities.* Utility lines, including, but not limited to, electric, CATV, and telephone, shall be placed underground. This requirement applies to lines serving individual sites within the development as well as utility lines providing service to the development. Existing overhead utility lines may be extended to a terminal pole at the property line, as needed, and thence placed underground.

Sec. 86-137. Chesapeake Bay Preservation Area

State Law reference— Chesapeake Bay Preservation Act, Code of Virginia, §10.1-2100 et seq.; board to develop criteria, Code of Virginia, §10.1-2107; local Chesapeake Bay Preservation Areas, Code of Virginia, §10.1-2109; wetlands, Code of Virginia, §28.2-1300 et seq.; Ground Water Management Act of 1992, Code of Virginia, §62.1-254 et seq.

Sec. 86-137.1. Applicability.

The requirements of this article shall apply to all development and redevelopment involving land disturbance, the creation of a construction footprint or a change in an existing construction footprint. Agricultural activities and silvicultural activities are subject to the specific provisions applicable to those activities, as noted herein.

ARTICLE VII: USE MATRIX

Sec. 86-140. Use matrix.

1. The following table provides all use types and all zoning districts where the use type is permitted ("R") or permitted with approval of a conditional use permit ("C") in accordance with the requirements of this ordinance.
2. All uses listed in Tables 1 and 2 not specifically permitted ("R") or permitted with approval of a conditional use permit ("C") are prohibited.
3. Overlay Districts: Regardless of whether the use table lists a use type as permitted or permitted with approval of a conditional use permit, the use type shall be restricted or prohibited by the requirements of any overlay district.

KING WILLIAM COUNTY USE MATRIX

Uses by Category	A-C	R-R	R-1	B-1	B-2	I
<i>R = by-right use</i>						
<i>C = conditional use</i>						
AGRICULTURAL						
Abattoir	C					C
Agriculture	R	R				
Agriculture, intensive	R					
Agritourism	R					
Biomass	R					R
Conservation easement	R	R	R	R	R	R
Fish hatchery	R					
Forestry	R	R				R
Greenhouse, commercial	R			C	C	R
Greenhouse, private	R	R	R			
Livestock market	C					
Nursery	R			R	R	R
Sawmill, permanent	C					R
Sawmill, temporary	R					R
Small-scale conversion of biomass	R					R

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Uses by Category	A-C	R-R	R-1	B-1	B-2	I
Stable, commercial	R					
Stable, private	R	R	R			
Stockyard	C					C
Wayside stand	R			R	R	
Wildlife reservation	R					
Winery	R					
Wood yard	R					R
RESIDENTIAL						
Accessory dwelling unit	R	C	C			
Dwelling, attached single-family	C	C	R			
Dwelling, detached single-family	R	R	R			
Dwelling, manufactured home	R	R	R			
Dwelling, modular home	R	R	R			
Dwelling, multi-family		C	C			
Dwelling, townhouse	C	C	C			
Dwelling, two-family	C	C	R			
Family health care structure, temporary	R	R	R			
Group home	R	R	R			
Guesthouse	R					
Living quarters	R			R	R	
Manufactured home park		C				
COMMERCIAL						
Auction house				R	R	R
Automobile auction house					R	R
Automobile repair service					R	R

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Uses by Category	A-C	R-R	R-1	B-1	B-2	I
Automobile dealership					R	
Bed and breakfast	R	C		R		
Boarding house (Rooming house)	C			C	C	
Brewery or distillery					R	R
Brewpub or tasting room				R	R	R
Campground	C					
Camp, day or youth	C					
Camp, recreational	C					
Car wash				C	R	
Commercial indoor amusement				R	R	
Commercial indoor entertainment				R	R	
Commercial indoor sports and recreation					R	R
Commercial outdoor entertainment				C	C	R
Commercial outdoor sports and recreation	C			C	C	C
Commercial vehicle repair service					R	R
Consumer repair service				R	R	
Convalescent home				R	R	
Crematory				R	R	R
Day care center				R	R	
Equipment sales and rental					R	R
Event venue	C	C	C	C	C	
Extermination business					R	R
Family day home (5-12 individuals)	C	C	C			
Farm supply and service establishment					R	
Farmer's market	R			R	R	
Financial institution				R	R	

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Uses by Category	A-C	R-R	R-1	B-1	B-2	I
Flea market, indoor				R	R	
Flea market, outdoor					C	R
Funeral home	C			R	R	R
Garden center				R	R	
Gasoline station				R	R	
General retail				R	R	
Halfway house	C			C	C	
Home occupation, Type I	R	R	R			
Home occupation, Type II	C	C	C			
Hotel	C			C	C	
Kennel, commercial	C			C	C	R
Life care facility				R	R	
Manufactured home sales					R	R
Marina	C			C	C	
Mini-warehouse facility					R	R
Office, general				R	R	R
Office, medical				R	R	
Outdoor storage				C	C	R
Parking facility				C	R	R
Pawn shop				C	C	
Personal improvement services				R	R	
Personal services				R	R	
Recreational vehicle sales and service					R	R
Restaurant, drive-in				R	R	
Restaurant, fast food				R	R	
Restaurant, general				R	R	

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Uses by Category	A-C	R-R	R-1	B-1	B-2	I
Restaurant, mobile				R	R	R
Restaurant, small				R	R	
Shooting range, indoor				C	C	C
Shooting range, outdoor	C					
Shooting range, private	R	R				
Shopping center				R	R	
Short term business rental	R	C	C			
Specialty food shop	C			R	R	
Specialty shop				R	R	
Store, grocery					R	
Store, neighborhood convenience	C			R	R	
Taxidermy	C				R	R
Trade school	C			R	R	R
Veterinary hospital	C			R	R	R
Wholesale sales					R	R
INDUSTRIAL						
Industry, heavy						C
Industry, light					C	R
Industry, medium						R
Petroleum or chemical storage over 30,000 gallons						C
Petroleum or chemical storage up to 30,000 gallons						R
Power generation plant						C
Railroad facility						C
Research and development				R	R	R
Resource extraction	C					R
Salvage and scrap service						C

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Uses by Category	A-C	R-R	R-1	B-1	B-2	I
Sanitary landfill						C
Truck /freight terminal						R
Warehousing and distribution						R
CIVIC						
Community center			R	R	R	
Correctional institution						C
Cultural institution	C	C	C	R	R	C
Educational facility	C	C	C	R	R	
Emergency shelter	C			R	R	R
Governmental facility				R	R	R
Greenway	R	R	R	R	R	R
Hospital				R	R	
On-site sewage disposal	R	R	R	R	R	R
On-site water supply	R	R	R	R	R	R
Post office				R	R	R
Public assembly					C	C
Public maintenance and service facility					R	R
Public park and recreational area	R	R	R	R	R	R
Public recreation assembly	R	R	R	R	C	
Public water and sewer system	C	C	R	R	R	R
Recreation facility, public	C			C	R	
Recycling center					C	R
Refuse collection site						C
Religious assembly	R	R	R	R	C	C
Transfer station	R	R	R	R	R	R
Utility service, major	C	C	C	C	C	R

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Uses by Category	A-C	R-R	R-1	B-1	B-2	I
Utility service, minor	R	R	R	R	R	R
Water control structure	R	R	R	R	R	R
Water tower			R	R	R	R
MISCELLANEOUS						
Accessory structure	R	R	R	R	R	R
Airport or helipad	C					C
Bikeway	R	R	R	R	R	R
Boathouse	C	C	C	C	C	C
Boatshed	R	R	R	R	R	R
Cemetery	R	R		R	R	
Club, private	C			R	R	R
Country Club	C	C	C	C	C	
Hunt camp	R					
Kennel, private	R	R	C			
Picnic shelter or area	R	R	R	R	R	R
Pier, private	R	R	R	R	R	R
Pier, commercial	C	C	C	C	C	R
Pier, community	C	C	C			
Pier gazebo, large	C	C	C	C	C	C
Pier gazebo, small	R	R	R	R	R	R
Recreation facility, private	R	R	R			
Shooting, private recreational	R	R				
Telecommunications and Solar Facilities						
Amateur radio antenna	R	R	R	R	R	R
Antenna, private	R	R	R	R	R	R
Base station						R

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Uses by Category	A-C	R-R	R-1	B-1	B-2	I
Broadcasting or communication tower	C					C
Communications service					C	R
Micro-wireless facility	R	R		R	R	R
Small-cell facility	R	R	R	R	R	R
Solar facility, medium-scale	C			C	C	R
Solar facility, roof small-scale	R	R	R	R	R	R
Solar facility, utility-scale	C					

Sec. 86-141—86-150. Reserved.

ARTICLE VIII: USE AND DESIGN STANDARDS

Division 1 – Agricultural Uses

Sec. 86-151. Agriculture, intensive.

Intensive agriculture includes the commercial raising of cattle, swine, poultry, and the drying and storage of grains, peas, beans and other agriculture products except for hay. All such facilities shall:

1. Setback 100 feet from any public road;
2. Setback 200 feet from any residential district;
3. Setback 400 feet from any residence not located on the same parcel, religious assemblies, public or private schools, and other public-owned facilities;
4. Submit an approved Nutrient Management Plan and any Federal and State permits.

Sec. 86-152. Agritourism.

1. Findings. The board hereby finds that the standards and restrictions in this section were established by considering their economic impact on agricultural operations and the agricultural nature of the events and activities authorized herein. The board further finds that one or more substantial impacts on the public health, safety, or welfare have been identified when a conditional use permit is required by this section. In addition, the board finds that the thresholds and standards established herein are the minimum necessary in order to prevent substantial impacts and thereby endanger the public health, safety, or welfare.
2. Applicability. This section applies only to the events and activities and does not apply to the agricultural operation itself.
3. Agritourism shall comply with the following general standards or apply for a conditional use permit:
 - a. Any agriculture operation event established in the county on or after the date of adoption of this ordinance, may be held only if the agricultural operation to which it is subordinate has a minimum of five acres of land devoted to agricultural production on-site, or on any abutting lot under the same ownership, and at least one growing season each calendar year.
 - b. The event or activity will generate less than 100 visitor vehicle trips per day and each event or activity would have 150 or fewer attendees at any single time.
 - c. Parking may be provided on a pervious or impervious surface.
 - d. There shall be no outdoor use of amplified music between 9:00 p.m. and 7:00 a.m. on Sunday through Thursday and 10:00 p.m. and 7:00 a.m. on Friday through Saturday.

Sec. 86-153. Small-scale conversion of biomass.

Small-scale conversion of biomass is subject to the following:

1. At least 50 percent of the feedstock is produced either on site or by the owner of the conversion equipment;
2. Any structure used for the processing of the feedstock into energy occupies less than 4,000 square feet, not including the space required for storage of feedstock
3. The facility is setback 100 feet from any public road;
4. The facility is setback 200 feet from any residential or business district
5. The facility is setback 400 feet from any residence no located on the same parcel, religious assemblies, public or private schools, and other public-owned facilities.

ARTICLE XVIII: SUBDIVISIONS

Division 1 – General Regulations

Sec. 86-420. Title.

This article shall be known and may be cited as the "King William County Subdivision Ordinance" or "Subdivision Ordinance."

Sec. 86-421. Purpose.

The general purpose of this article is to ensure the orderly subdivision and development of land in the County in furtherance of the goals and objectives of the comprehensive plan of the County, as provided in Code of Virginia §15.2-2240. More specifically, it is intended to:

1. Protect public interests in subdivisions by ensuring permanence of development; making possible the safe, adequate and efficient provision of services to subdivision residents; preventing blight; protecting the tax base; and providing the County with clear and accurate descriptions and records of subdivided land for assessment purposes;
2. Guide and protect the investments of lot purchasers, home buyers and their mortgage lenders by providing standards for development, a graphic picture of the ultimate character of a subdivision, and accurate boundary lines; and
3. Protect the interest of subdividers by prohibiting improperly located subdivisions and discouraging competition from poorly designed or developed subdivisions.

State Law reference— Declaration of legislative intent as to subdivision ordinances. Code of Virginia, §15.2-2200.

Sec. 86-422. Recording of ordinance.

In accord with the Code of Virginia §15.2-2252, a certified copy of the adopted subdivision ordinance and any and all amendments thereto shall be filed in the office of the Zoning Administrator and in the Clerk's office of the Circuit Court.

Sec. 86-423. Severability.

Should a court rule any article, section, or portion thereof of this article to be invalid or unconstitutional, such a ruling shall not be construed to invalidate the Subdivision Ordinance as a whole, nor shall such a ruling render inoperative any other portion than that specifically ruled invalid or unconstitutional.

Sec. 86-424. Conflicting ordinances or conditions.

1. Should any Commonwealth or federal ordinance, provision, or regulation conflict with this article or portion thereof, the language of whichever is more restrictive shall be controlling to the extent necessary to resolve the conflict.
2. Should any provision of this article conflict with another provision therein, the language contained in the more restrictive provision shall be controlling.
3. As stated in the Code of Virginia §15.2-2261.1, if the provisions of a recorded plat or final site plan, which was specifically determined by the Board of Supervisors, to be in accordance with the zoning conditions previously approved conflict with underlying zoning conditions of the previous rezoning then the provisions of the recorded plat or final site plan shall control and the zoning amendment shall be deemed satisfied.

Sec. 86-425. Application and interpretation.

This article shall apply to the unincorporated area of the County in the manner prescribed by law. In interpreting and applying the provisions of this article, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare

Sec. 86-426. Administration.

As provided in Code of Virginia §15.2-2255, the agent, to whom responsibility for administration and enforcement of this article is delegated, shall be designated by resolution of the Board of Supervisors.

Sec. 86-427. Powers and duties.

1. The agent shall have the following duties:
 - a. To review and approve or disapprove plats and plans for family land divisions, single-lot subdivisions, farmstead subdivisions, minor subdivisions and cluster subdivisions per Code of Virginia §15.2-2286.1.c;
 - b. To conduct informal conferences with subdividers as provided in this article;
 - c. To assist the Planning Commission with evaluation of preliminary plats and plans for major subdivisions;
 - d. To review and approve or disapprove final plats and plans for major subdivisions after consideration of recommendations made by the commission during review of preliminary plats and plans;
 - e. To have all final plats required pursuant to this ordinance, recorded in the Clerk of ourt's office at the subdivider's cost within ten days of the agent's signature of the final plat;
 - f. To inspect the installation of facilities and improvements in subdivisions;
 - g. To take such actions as are necessary, proper and legally permissible to prevent, terminate, remove or correct violations of this article;
 - h. To recommend to the Planning Commission and the Board of Supervisors, as needed, amendments to this article.
2. The commission shall have the following duties:
 - a. To review and approve or disapprove preliminary plats and plans for major subdivisions and to recommend changes to be incorporated in the final plats and plans thereof in order to ensure compliance with the standards and requirements of this article;
 - b. To prepare and recommend amendments to the Subdivision Ordinance.
3. The Board of Zoning Appeals shall consider applications for variations in or exceptions to the requirements of this article as hereinafter provided. Approval of a variation or exception by the Board of Zoning Appeals shall be limited to cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship.

State Law reference— Variations, exceptions, Code of Virginia, §15.2-2242(1); delegation of duties to Planning Commission, Code of Virginia, §15.2-2255.

Sec. 86-428. Amendments.

In accordance with Code of Virginia §§15.2-2251 and 2253, the Planning Commission shall prepare and recommend, on its own initiative or by request, the subdivision ordinance and its amendments to the governing body of the locality. The notice, publication and public hearing shall all be conducted in accord with Code of Virginia §15.2-2204. In no instance shall an amendment be adopted by the governing body of the locality without first seeking the recommendation of the commission. If no recommendation is made by the commission the governing body may take action sixty days from their inquiry.

Sec. 86-429. Consultations.

In the performance of their duties, the agent and the Planning Commission may call for advice, opinions or decisions from highway engineers, health department officials and other County officials when evaluating subdivision plats and plans.

State Law reference— State transportation engineers, Code of Virginia, §33.1-8.

Sec. 86-430. Development and inspections.

1. Subdivision of land and installation or construction of required improvements shall be accomplished only in strict accordance with plats and plans approved by the agent. Any deviation from approved plats and plans shall be approved in writing in advance by the agent.
2. The agent shall periodically inspect every subdivision during development and may employ any legally permissible means to ensure that the subdivision is developed in accordance with the approved plat and the provisions of this article.

Sec. 86-431. Violation, enforcement, & penalties.

As provided in the Code of Virginia §15.2-2254, the following applies:

1. No person shall subdivide land without making and recording a plat of the subdivision and without fully complying with the provisions state code and this ordinance.
2. No plat of any subdivision shall be recorded unless and until it has been submitted to and approved by the local Planning Commission or by the governing body or its duly authorized agent, of the locality wherein the land to be subdivided is located; or by the commissions, governing bodies or agents, as the case may be, of each locality having a subdivision ordinance, in which any part of the land lies.
3. No person shall sell or transfer any land of a subdivision, before a plat has been duly approved and recorded as provided herein, unless the subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto. However, nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.
4. The violation of any provision of this article shall be punished by a fine of not more than \$500.00 for each lot or parcel of land subdivided or transferred or sold in violation thereof; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The County may, notwithstanding the imposition of any fine in accordance with this section, seek equitable relief to enjoin any violation of this article, in any court of competent jurisdiction.
5. No Clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until the plat has been approved as required herein. The penalties provided by Code of Virginia §17.1-223 shall apply to any failure to comply with the provisions of this subsection.
6. No building permit shall be issued nor shall construction be authorized by the County on lands where a subdivision plat is required to be approved and recorded as provided in this article and no

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certificate of occupancy shall be issued until the compliance with this article and other applicable provisions regarding the use of any structure or land where a subdivision plat is required to be approved and recorded as provided in this article has been approved by the agent.

State Law reference— Enforcement of subdivision ordinance, Code of Virginia, §15.2-2241(9); persons subdividing land to comply with subdivision ordinance, Code of Virginia, §15.2-2254.

Sec. 86-432. Mutual responsibility.

The County and the subdivider share a mutual responsibility to divide land to improve the general use pattern of the land being subdivided.

Sec. 86-433. Land suitability.

1. No subdivision shall be approved if adequate investigations by trained personnel determine that, due to soil, water table, topographic, light, air or other natural conditions, the site of the proposed subdivision is unsuitable for platting and development in the manner proposed.
2. Wetlands, as defined in the state wetlands zoning act, or any land subject to periodic flooding or dam break inundation zones shall not be subdivided in such a way as to provide sites for residential occupancy nor for any other use which might involve danger to health, life or property, or aggravate the flood hazard. Any such land within the proposed subdivision, whether it be within a lot or reserved for common use of subdivision occupants, shall be restricted against buildings or otherwise reserved for uses which will not be endangered by periodic or occasional inundation. To ensure sufficient buildable land which is flood-free, the agent may require the subdivider to provide elevation and flood profiles sufficient to demonstrate the land to be completely free of the danger of floodwaters.
3. A plat for the subdivision of land with poor drainage, excessive slope or other adverse physical or soil conditions will be considered for approval only if the subdivider shall agree in writing to make whatever improvements are necessary, in the judgment of the agent, to render the land safe and otherwise acceptable for development.

State Law reference— Wetlands zoning ordinance authorized, Code of Virginia, §28.2-1302.

Sec. 86-434. Responsibility for improvements.

All improvements and facilities required by this article shall be installed by the subdivider at his cost and is not the responsibility of the locality, as outlined in the Code of Virginia §15.2-2268. No bond or other performance guarantee posted by the subdivider shall be released until construction has been completed, inspected and approved.

Sec. 86-435. Fees.

As authorized by the Code of Virginia §15.2-2241 (9), there shall be a charge for examination and processing of plats and inspection of subdivision improvements. The fees for which are listed in the King William County Fee Schedule and maintained in the office of the Zoning Administrator. No plat or application shall be deemed complete, reviewed or processed until the applicable fee established by the Board has been paid by the subdivider.

Sec. 86-436. Irregularities.

In case of uncertainties or irregularities with reference to property lines, street or road right-of-way boundaries, easements or other features which may affect the preparation of a plat, the agent and subdivider shall apply the provisions of this article to the extent practicable, utilizing the best information available.

Sec. 86-437. Existing Subdivisions.

Any subdivision, as defined herein, which was lawfully recorded in the office of the Clerk of the Circuit Court of the County in the form of a plat of subdivision and/or deed prior to the effective date of this article shall

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be deemed to meet the requirements of this article. Any further division or resubdivision in any such subdivision after the effective date of this article shall, however, comply with all applicable provisions of this article.

Sec. 86-438. Exempt Subdivisions.

1. Any subdivision, as defined herein, shall be exempt from the requirements of this article if all the following are met:
 - a. Every lot of the subdivision is 25 acres or greater in area,
 - b. The subdivision is in an area zoned agricultural/conservation,
 - c. Every lot abuts an existing secondary highway,
 - d. The subdivision complies with the general platting requirements of King William County,
 - e. The subdivision shall meet any Virginia Department of Transportation (VDOT) safety and/or design requirements.
2. Any further subdivision of a previously exempted lot pursuant to this exemption shall constitute a major subdivision and shall be subject to all applicable governing ordinances and requirements.
3. All prospective subdivisions for this classification shall be reviewed by the agent, who shall determine if the above criteria have been met. Such subdivisions shall have language to be placed on the plat to indicate that it is an exempt subdivision and accordingly any further subdivision of the parcels shall constitute a major subdivision and must comply with all appropriate County regulations.

Sec. 86-439. Classification of certain subdivisions

In making a determination as to whether a subdivision is major, farmstead, minor or cluster, as defined herein, the agent shall consider the definitions and requested lot sizes but shall not consider any lots in such subdivision which were lawfully recorded by plat of subdivision and/or deed in the office of the Clerk of the Circuit Court prior to the adoption of this ordinance.

Sec. 86-440. Division of sale or gift to immediate family members.

1. In accordance with Code of Virginia §15.2-2244, a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner shall be permitted, subject only to any express requirement contained in the Code of Virginia and to any requirement imposed by the Board of Supervisors that all lots of less than five acres have reasonable right-of-way of 20 feet providing ingress and egress to a dedicated recorded public street or thoroughfare. Only one such division shall be allowed per family member and shall not be for the purpose of circumventing this section. For the purpose of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, grandchild, grandparent, sibling, parent, niece, or nephew of the owner.
2. As allowed by Code of Virginia §15.2-2244.1, the parcel from which a family division is proposed shall be held by the subdivider for a minimum of five consecutive years prior to the date of subdivision and subdivided parcels or lots from such family divisions shall be held by the immediate family member for a minimum of three years from the date of subdivision to prevent the use of this section to circumvent the subdivision ordinance. A variance request may go to the Board of Zoning Appeals when a changed circumstance would require the transfer of the property to a nonmember of the immediate family.
3. All prospective subdivisions for this classification shall be reviewed by the agent, who shall determine if the above criteria have been met. Such subdivisions shall have language to be placed on the plat to indicate that it is a family transaction, who is involved and what is their family relationship.

Sec. 86-441. Responsibility for costs of sewerage and drainage facilities.

A pro rata share of the cost of facilities as outlined in the State Code of Virginia §15.2-2243 are as follows:

1. A subdivider or developer of land shall pay his pro rata share of the cost of providing reasonable and necessary sewerage, water and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development as per County water and sewer regulations.
2. Payments received for such improvements shall be expended only for the engineering and related studies and construction of those facilities for which the payment was required, however, in lieu of such payment the Board of Supervisors may provide for the posting of a personal, corporate or property bond, cash escrow or other method of performance guarantee satisfactory to it conditioned on payment at commencement of such construction.

Secs. 86-442—86-449. Reserved.

Division 2 – Subdivision Methods

Sec. 86-450. Relationship to comprehensive plan and zoning ordinance.

The subdivision layout shall conform in all essential respects with the adopted thoroughfares plan and other elements of the adopted comprehensive plan for the County. As allowed by Code of Virginia §15.2-2246, the subdivision layout shall also comply fully with the provisions of the zoning district in which the subdivision is located, as well as other applicable provisions of the zoning ordinance, including any limitations on area, dimensions and number or location of lots.

Sec. 86-451. Design principles.

The subdivision layout shall be designed in accordance with the principles and standards contained in this article with the objective of achieving the most advantageous development of the subdivision and adjoining areas. Experimentation with new layout and design techniques is encouraged and such designs as are approved under the zoning ordinance are permitted under these regulations controlling the subdivision of land. Clustering of single-family dwellings and the preservation of open space will also be considered as outlined in Code of Virginia §15.2-2286.1, and as allowed in this Ordinance.

Sec. 86-452. Sketch plan.

It is recommended, but not required, that the subdivider submit to the agent a preliminary sketch plan of the proposed minor or major subdivision prior to preparation of engineered preliminary and final plats. The purpose of such preliminary sketch plan is to permit the agent to advise the subdivider whether his plans are in general accord with the requirements of this article. The agent, upon submission of any preliminary sketch, shall study same and advise the subdivider wherein it appears that changes would be necessary. The agent may mark the preliminary sketch plan indicating necessary changes and any such marked sketch shall accompany the preliminary plat.

Sec. 86-453. Single-lot subdivisions.

1. *Intent.* The provisions of this division shall apply to any subdivision consisting of only one lot, except those exempted by section 86-403. It is intended that platting and approval requirements for such subdivisions be restricted to the minimum necessary to ensure compliance with minimum lot size requirements of the zoning ordinance.
2. *Access.* A single-lot subdivision shall either abut a public road or have access to a public road via a deeded right-of-way not less than 25 feet in width.

3. *Multiple single-lot subdivisions.* Development of two or more single-lot subdivisions, for the purpose of circumventing the requirements pertaining to minor or farmstead subdivisions shall not be permitted.

Sec. 86-454. Minor residential subdivisions.

1. *Intent.* The requirements of this division are intended to be commensurate with the impact of small subdivisions, creating two to four lots, on the areas in which they are located. Thus, the regulations focus on access, lot sizes, and suitability of the land, abbreviated platting requirements and accelerated administrative processing.
2. *Multiple minor subdivisions.* Development of two or more adjoining minor subdivisions, for the purpose of circumventing the requirements of this division pertaining to major subdivisions shall not be permitted. Refer to the definition of "major subdivision".
3. *Improvements.* Improvements in minor subdivisions shall be installed in accordance with provisions 5. – 7. below.
4. *Streets.* As allowed by the State Code of Virginia §15.2-2241
 - a. *Generally.* There shall be only one access to an adjacent primary or secondary highway by a new street and no lot shall have direct access to an existing primary or secondary highway.
 - b. *New streets.* All streets in a proposed subdivision shall be designed and constructed in accordance with subdivision street standards of VDOT. Streets so designed and constructed shall be recommended by the County for inclusion in the state highway system. For streets that remain private, there shall be road maintenance agreements for each lot in the subdivision as provided for in Item i. of this section.
 - c. *Alignment and layout.* Street arrangement shall be such as to cause no unnecessary hardship to owners of adjoining property should they decide to plat their own land and seek to provide convenient access to it. Where in the opinion of the agent it is necessary to provide for street access to adjoining property, right of way for proposed streets shall be extended to the property line. Half streets along the boundary of land proposed for subdivision shall not be permitted. The street layout shall be designed to create desirable building sites while respecting existing topography, minimizing street grades, avoiding excessive cuts and fills, and preserving trees to the maximum extent feasible for a reasonable economic use of the land.
 - d. *Spacing.* Streets shall be spaced to allow for blocks meeting the dimensional requirements contained herein and to minimize the number of intersections with existing or proposed arterial thoroughfares.
 - e. *Minor residential streets.* Minor residential streets, intended primarily for access to individual properties, shall be arranged to discourage their use by through traffic.
 - f. *Reduction of traffic impacts.* No residential lot shall be platted in a minor subdivision, which has its primary frontage on U.S. Highway 360 or State Highway 30. Reverse frontage lots having access only from a parallel secondary highway or from new public streets are required.
 - g. *Right of access.* Anyone who subdivides land shall provide right of access to public streets to meet the minimum requirements of VDOT. No land shall be reserved, held or controlled for the purpose of prohibiting access to streets and roads unless owned, held or controlled exclusively by the County or an agency of the state or federal government.

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- h. *Scenic roads.* Where an existing or proposed street or roadway is designated as a scenic road or byway on the comprehensive plan, of which the major thoroughfare plan is a part, the purpose and standards established for such roads to maintain their scenic and historic qualities shall be observed in the design and development of an adjacent subdivision, including but not limited to such factors as maintenance of existing alignments and natural vegetation, appropriate pavement design, and due care with respect to location and design of access points.
- i. *Maintenance of private streets.* Private streets must be maintained at a level that keeps the private street in compliance with the subdivision street standards of VDOT. Any private street must be owned and maintained by the developer, until such time as it is turned over to the ownership and maintenance of an approved homeowners' association.
- j. *Maintenance of public streets.* The subdivider shall provide for maintenance of all new or improved public streets until such time as the streets are accepted into the secondary highway system of VDOT. The subdivider or developer shall furnish to the County a maintenance and indemnifying bond with surety satisfactory to the Board of Supervisors, in an amount sufficient for and conditioned upon the maintenance of public streets until such time as they shall be reviewed at the end of each twelve month period and at such times the agent may require that the amount of the bond be increased to cover inflated maintenance costs.
- k. *Street names.* Proposed streets which are obviously in alignment with existing named streets shall bear the names of such existing streets. Names of proposed streets shall not duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane or court. Street names shall be indicated on all plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the Board of Supervisors.
- l. *Street signs.* Street identification signs of a design approved by the agent shall be installed at all intersections either by the subdivider or at their cost.
- m. *Construction of utilities.* All utilities constructed in or on public streets rights-of-way shall comply with the current land use permit manual of VDOT.

State Law reference— Coordination of streets with other streets, Code of Virginia, §15.2-2241(2); acceptance of dedication of right-of-way, Code of Virginia, §15.2-2241(5).

5. Lots.

- a. *Generally.* Lots in minor subdivisions shall comply with the requirements of this section.
- b. *Lot arrangement.* The lot arrangement, design and orientation, shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
- c. *Remnants.* Remnants or parcels of land below minimum area, including parcels which fail percolation tests, which may be left over after subdivision of a tract, shall be incorporated to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.
- d. *Suitability for sewage disposal.* If on-site disposal systems are to be utilized in a minor subdivision, the plat shall not be approved until the health official affixes his signature to a statement on the plat certifying that the lots are generally suitable for the installation of such on-site systems.

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6. *Easements.*

- a. *Generally.* Easements in minor subdivisions shall be reserved as indicated in this section.
- b. *Required.* Where alleys are not provided in appropriate locations, easements of not less than 15 feet in width shall be provided where necessary to meet public utility requirements. Easements of greater width may be required along lot line or across lots where necessary for the extension of trunk sewers or other primary utility lines.

Drainage easements. Where a proposed subdivision is traversed by any stream, watercourse or drainageway, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements along such streams, watercourses and drainageways, in accordance with standards established by the County.

- c. *Utilities.* All utilities, poles or underground conduits for electric power lines or communication lines shall be placed in alleys if such are provided or in easements appropriately located, generally along the rear or side lot lines whenever this is possible.

State Law reference— Drainage, Code of Virginia, §15.2-2241(3).

- 7. *Monuments.* All lot corners shall be marked with iron pipe not less than three-fourths inch in diameter or iron rod not less than one-half inch in diameter, and not less than 24 inches long and driven so as to be flush with the finished grade.

State Law reference— Monuments, Code of Virginia, §15.2-2241(7).

- 8. *Performance guarantee.* The Code of Virginia §15.2-2241 (11)(B) provides that, prior to approval of the final plat, the subdivider shall file with the agent a performance guarantee to ensure that improvements required by this ordinance or proposed by the subdivider are installed in accordance with approved plats and plans.

- a. Such guarantee shall either be:

- i. A certified check or a personal, corporate or property bond with cash escrow or other method of performance guarantee approved by the Agent and sufficient to cover the cost of all improvements as estimated by the agent, furnished by the subdivider; or
- ii. Evidence of the existence of agreements between the subdivider and a qualified contractor for the installation and completion of the improvements and the contractor's performance bond with surety for the benefit of the County and the subdivider, and satisfactory to the Agent, in an amount to cover the cost of all improvements as estimated by the agent.

- b. Within 30 days after receipt of written notice by the subdivider of completion of part or all of any facilities or improvements required to be constructed by this article, the agent shall either grant a periodic partial or final complete release of any bond, escrow, letter of credit or other performance guarantee required by this section, or notify the subdivider or developer in writing of non-receipt of approval by applicable state agency or of any specified defects or deficiencies in construction and suggested corrective measures. If no such action is taken by the agent within the 30-day period, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be granted until after expiration of such 30-day period and there is an additional request in writing sent by certified mail, return receipt, to the County Administrator. The agent shall act within ten working days of receipt of the request; then if no action is taken, the request shall be deemed approved and final release granted to the subdivider. The agent shall not refuse to make a periodic partial or final complete release of a bond, escrow, letter of credit or other performance guarantee for any reason not directly related to specified defects in

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construction of the facilities covered by such bond, escrow, letter of credit or other performance guarantee.

- c. Upon written request by the subdivider, the agent shall be required to make periodic partial releases of such bond, escrow, letter of credit or other performance guarantee in a cumulative amount equal to 80 percent of the original amount for which the bond, escrow, letter of credit or other performance guarantee was taken, based upon the percentage of facilities completed and approved by the agent or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least 30 percent of the facilities covered by any bond, escrow, letter of credit or other performance guarantee to the subdivider. For the purpose of final release, the term "acceptance" is deemed to mean when such public facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and for operating such facility upon acceptance.
- d. For the purposes of this section a certificate of partial or final completion of such facilities from either a duly licensed professional engineer or land surveyor, as defined in and limited to §54.1-408 of the Code of Virginia or from a department or agency designated by the agent may be accepted without requiring further inspection of such facilities.

Sec. 86-455. Farmstead subdivisions.

1. *Intent.* The intent of this division shall be to preserve the rural heritage of our farms, forests and historic resources by minimizing the impact of small residential subdivisions in the agricultural/forestal (A-C) district of the County, by creating two to seven lots with a minimum lot size of 15 acres. Thus, the regulations focus on access, lot sizes, visual impacts, suitability of the land, abbreviated platting requirements and accelerated administrative processing.
2. *Streets.* As allowed by the State Code of Virginia §15.2-2241
 - a. *Generally.* For two-lot subdivisions, a shared access shall be provided on a 50-foot-wide easement extending from the existing public road to cover the entrance of both lots. Access for farmstead subdivisions with three to seven lots shall be to a new public street. There shall be only one access to an adjacent primary or secondary highway by a new street and no lot shall have direct access to an existing primary or secondary highway.
 - b. *New streets.* Public streets in a proposed subdivision shall be designed and constructed in accordance with subdivision street standards of VDOT. Streets so designed and constructed shall be recommended by the County for inclusion in the state highway system. For streets that remain private, there shall be road maintenance agreements for each lot in the subdivision as provided for in Item f. of this section. The following shall be minimum specifications for any private street in a farmstead subdivision:
 - i. *Right-of-way.*
 1. *Minimum 50 feet of right-of-way.*
 2. *Minimum 20 feet travel surface width.*
 3. *Minimum 2 feet shoulder on each side.*
 - ii. *Road surface.*
 1. *Minimum six-inch compacted travel surface depth.*
 2. Subgrade shall be prepared by excavation and removal of all vegetative cover, root mat, and topsoil. Drainage systems must provide relief for

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	Area	Width	Depth
Veterinary hospital: large animals	10 acres	500 feet	300 feet
Veterinary hospital: small animals, open pens, or kennels	5 acres	300 feet	300 feet
Stable, commercial	10 acres	-	-
Stable, private	2 acres	200 feet	200 feet

Sec. 86-112. Modifications to lot area regulations.

1. Requirements for lot area per family do not apply to dormitories, fraternities, sororities, and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments.
2. Requirements for lot area per family do not apply to rental units in a hotel, motel, motor lodge or or rooms in a rooming house, boardinghouse, or lodging house or an Accessory dwelling unit.
3. Multiple buildings on a single lot: More than one main building may be located upon a lot or tract only in the following instances:
 - a. Institutional buildings;
 - b. Public or semipublic buildings;
 - c. Multiple-family dwellings or condominiums under approved site plans;
 - d. Attached single-family dwellings with two times the required lot area for a single-family dwelling;
 - e. Convalescent or nursing homes for the aged; and
 - f. Tenant houses on a farm in accord with applicable district regulations.
4. The provisions of this section shall not be construed to allow the location or erection of any building or portion of a building outside of the buildable area of the lot.

Sec. 86-113. Yards and open space generally.

1. Except for vegetation every part of a required yard shall be open from the ground upward, except as authorized by this article, and except ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features which may project to a distance not to exceed 24 inches into a required yard.
2. *Open space partially surrounded by buildings.* Where an open space is more than 50 percent surrounded by a building, the minimum width of the open space shall be at least 20 feet for one-story buildings, 30 feet for two-story buildings, and 40 feet for three-story buildings.

Sec. 86-114. Front yards.

1. Where an official line has been established by an officially adopted detailed plan on file with the Zoning Administrator for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

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2. The depth of a building setback line for a particular lot is generally the same dimension as the required front yard of a zoning district except in cases where a greater setback line is approved for planned residential developments, cluster subdivisions, or for some unique subdivision design. In cases where a greater setback line is established on a subdivision plat pursuant to such approval, the setback line recorded on the subdivision plat shall be considered to be the minimum building setback line.
3. Unless otherwise provided in design standards, there shall be a required front yard setback of the side street of a corner lot in any district; provided, however, that the buildable width of a lot of record at the time of passage of this ordinance shall not be reduced to less than 30 feet.

Sec. 86-115. Side yards.

1. Open, unenclosed porches, platforms, or paved terraces, not covered by roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into a required side yard not more than six feet.
2. For the purpose of the side yard regulations, a group of office, business, or industrial buildings separated by common or party walls shall be considered as one building occupying one lot.

Sec. 86-116. Rear yards.

Open or lattice-enclosed fire escapes, outside stairways, and balconies opening upon fire towers, and the ordinary projection of chimneys and flues may project into the required rear yard for a distance of not more than five feet, but only where the same or so placed as not to obstruct light and ventilation.

Sec. 86-117. Height regulations.

1. The height limitations of this ordinance shall not apply to:
 - a. Belfries, Cupolas;
 - b. Chimneys, flues;
 - c. Church spires;
 - d. Conveyors;
 - e. Cooling towers;
 - f. Elevator bulkheads;
 - g. Fire and parapet walls extending no more than four feet above the roof;
 - h. Fire towers;
 - i. Flagpoles;
 - j. Ornamental towers and spires, domes or cupolas;
 - k. Public monuments;
 - l. Silos and grain dryers, tanks barns and farm-related buildings;
 - m. Smokestacks;
 - n. Stage towers or scenery lofts; and,
 - o. Water towers and standpipes.

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2. *Radio, microwave and television towers.* In all commercial, industrial, and business districts, radio and television towers may be erected to a height not exceeding 125 feet. In all residential districts, such towers shall not exceed 25 feet above the highest point of the nearest building and shall be limited to noncommercial use.
3. *Storage buildings.* Buildings located in commercial or industrial zoning districts that are to be used for storage purposes only, may not exceed the height permitted in such districts.
4. *Accessory buildings and uses.* Except for farm dwellings, the maximum height of any accessory building cannot exceed 60 percent of the allowable maximum height of the principal residential building permitted in the zoning district in which the parcel resides.

Sec. 86-118. Permitted lot frontage adjustment.

1. Except for camp cabins and summer cottages for seasonal occupancy, no lot shall be used in whole or in part for dwelling purposes unless such lots abuts upon a road in accordance with the minimum frontage requirements of this ordinance. No lot or parcel of land abutting the terminus of a public road shall be deemed to comply with road frontage requirements unless such lot abuts on an approved permanent cul-de-sac.
2. Where lot lines are established radially from a curved street so as to increase the width of the lot with the distance from the street line, the frontage of such lots thus created may be reduced to not less than 70 percent of the lot width at the building line; and provided further, that the frontage of any lot located on the turnaround of a cul-de-sac (dead-end street) may be reduced to not less than 50 percent of the lot width.

Sec. 86-119. Reference to Virginia Condominium Act.

1. Nothing within this ordinance shall be interpreted to prohibit condominiums as such by reason of form of ownership inherent therein. Neither shall any condominium be treated differently under any provision in this ordinance which would permit a physically identical project or development under a different form of ownership.
2. All condominium projects or developments hereafter constructed shall comply with the provisions of this ordinance.

Sec. 86-120. Parking, loading, landscaping, drainage and sign requirements for all districts.

1. *Parking and loading.* Off-street parking and loading shall be provided for all uses in accordance with the requirements of article XIII of this ordinance.
2. *Landscaping.* Any part of the lot or project area not used for buildings or other structures, parking, loading, and access ways, shall be maintained in a neat and orderly condition landscaped with grass, trees, shrubs, or pedestrian walks or maintained as crops or natural forest, or as a lake or pond and in accordance with the requirements of article XI of this ordinance.
3. *Drainage.* Provision shall be made for proper stormwater drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accord with applicable County ordinances.
4. *Signs.* When permitted in zoning districts, signs shall be in accordance with the regulations in article X of this ordinance.

Sec. 86-131.8. Razing or demolition when certificate of approval denied.

1. In accordance with the Code of Virginia, §15.2-2306 A., addition to the right of appeal set forth in this division, the owner of a historic landmark, building, structure or improvement, the razing or demolition of which is subject to the restrictions of the HP district, shall, as a matter of right, be entitled to raze or demolish such landmark, building, or structure, provided that:
 - a. Applicant has applied to the Board of Supervisors for such right.
 - b. The owner has, for the period of time, set forth in the schedule set out in this section and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building, or structure, and the land pertaining thereto, to such County or municipality or to any person, firm, corporation, or government agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building, or structure and the land pertaining thereto.
 - c. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building, or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule contained in this section.
 - d. The time schedule for offers of sale shall be six (6) months.
2. The fact that an appeal has been made to the County circuit court from a decision of the Board of Supervisors shall not affect the right of the owner to make the bona fide offer to sell referred to in subsection (b) of this section. No offer to sell shall be made more than one year after a final decision by the Board of Supervisors, but thereafter the owner may renew his request to approve the razing or demolition of the historic landmark, building, or structure. The time schedule for offers to sell shall be in accordance with the Code of Virginia, §15.2-2306.

Sec. 86-131.9. Moving or Relocation.

No building or structure officially designated as a historic landmark or contributing building or structure within the district on the inventory map which accompanies this Ordinance shall be moved or relocated unless the same is approved by the HPARB and a Certificate of Appropriateness issued with right of direct appeal of an adverse decision to the Board of Supervisors shall be automatic and mandatory in the case of approval of the moving or relocation of a building or structure so designated as a historic landmark. The Zoning Administrator may approve the moving or relocation of the building or structure within the historic district, which has not been designated either as a historic landmark, contributing building or structure on said inventory map.

Secs. 86-132—86-135. Reserved.

Sec. 86-136. TCO Transportation Corridor Overlay District.

Sec. 86-136.1. Establishment.

For the purposes enumerated in section 86-100, a special overlay zoning district is hereby established to be known as the transportation corridor overlay (TCO) district.

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Sec. 86-136.2. Boundaries.

The boundaries of the TCO district are hereby established on the County's zoning district map and made a part of the applicable regulations for all properties shown on the zoning district map. The TCO district boundaries are defined as follows:

1. *Route 360.* Properties with frontage on U.S. Highway 360 for its entire length through the County and extending 750 feet on either side from the centerline of such highway or to the depth of the property, whichever is less; and,
2. *Route 30.* Properties with frontage on State Highway 30, for its entire length through the County and extending 500 feet on either side from the centerline of State Highway 30, or to the depth of the property, whichever is less.

Sec. 86-136.3. Applicability.

Regulations in the TCO district shall apply to all sites developed, redeveloped, or expanded after the establishment of the district. The district shall not apply to those sites developed prior to its establishment, unless there is an expansion of floor area in excess of a cumulative total of 50 percent or 5,000 square feet, whichever is less. A one-time expansion consisting of 1,200 square feet or less of additional floor area shall be exempt from the requirements of the TCO district.

Sec. 86-136.4. Permitted uses.

Permitted uses in the TCO district are uses permitted in the underlying primary zoning.

Sec. 86-136.5. Standards of development.

All applications for development or redevelopment in the TCO district except those exempted by section 86-136.3 must satisfy the following standards as well as applicable provisions of article XVII of this ordinance (site plans).

1. *Frontage landscaping.* Along the property's border on U.S. Highway 360 or State Highway 30, a buffer shall be provided as follows:
 - a. A landscape buffer of at least 25 feet in width shall be landscaped with at least one deciduous tree, at least two inches in caliper measured six inches from the ground when planted, with branching no closer than five feet to the ground, or one evergreen tree, at least six feet in height when planted, for each 50 feet of lineal frontage; as well as at least one shrub, at least 18 inches in spread when planted, for each 30 feet of lineal frontage, planted and maintained at 24 inches in height or lower; and other ground cover reasonably dispersed throughout the buffer.
 - b. Vegetation planted in the buffer shall be of a type and/or positioned so as to not interfere with overhead or underground utility lines when fully grown.
 - c. All landscaping shall be installed in accord with good horticultural practices. The owner of the property shall be responsible for the maintenance, repair, and replacement of all required landscaping materials. All plant materials shall be maintained in a healthy, growing condition and free from refuse and debris at all times. All unhealthy, dying, or dead plant materials shall be replaced during the next planting season.
 - d. The buffer shall adhere to all sight distance requirements as determined by VDOT.
 - e. An additional buffer of ten feet along the property's frontage shall be preserved for future road or pedestrian improvements.
2. *Buffers.* Buffers shall be provided in accordance with the requirements of section 86-294.

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3. *Screening, loading, and storage.* Screening shall be required in accordance with the requirements of section 86-295. Loading docks shall be provided at the side or rear only. All outside storage shall be located only in the rear or side yard and shall be screened from view at the property line from a public road or adjoining A-C, R-R, or R-1.
4. *Installation of landscaping.* Required landscaping shall be installed in accordance with the requirements of section 86-293.
5. *Access.* Each B-1, B-2, or I development site shall be limited to one point of access for every 500 feet of frontage on U.S. Highway 360 or State Highway 30. To the extent feasible, parking areas shall be arranged so that circulation among or between various businesses can be accomplished without reentering a primary public highway. A-C, R-R, or R-1 parcels subdivided after the effective date of this section shall be required to share a single entrance on U.S. Highway 360 or State Highway 30.
6. *Building exteriors.* Building exteriors visible from U.S. Highway 360 or State Highway 30 shall be approved by the Zoning Administrator.
7. *Roofs.* Roofing materials shall consist of wood, tin, copper, slate, terra cotta, standing seam metal or dimensional fiberglass shingles. Pitched roofs shall be provided wherever practicable, and any flat roof shall have a parapet wall to screen from view at ground level at the property line the flat roof and any roof mounted equipment.
8. *Architectural.* All principal buildings within a single development project shall have a complementary architectural appearance with the use of similar building materials, scale, color and other architectural features.
9. *Signs.* All business identification signs shall be monument signs not to exceed 15 feet in height for individual businesses and 20 feet in height for businesses with multiple tenants. Pole signs and free-standing signs shall be prohibited. Electronic or digital signage, as permitted pursuant to article X, shall be equipped with a device to automatically dim the brightness during night or low-light conditions.
10. *Lighting.* Any on-site lighting shall be "shoe-box" style lighting fixtures, or equivalent, to conceal the lighting source and minimize spillover or glare on adjoining properties. Any lighting used under canopies shall be recessed to minimize glare. Lighting shall be reduced to no more than a security level following close of daily operations.
11. *Underground utilities.* Utility lines, including, but not limited to, electric, CATV, and telephone, shall be placed underground. This requirement applies to lines serving individual sites within the development as well as utility lines providing service to the development. Existing overhead utility lines may be extended to a terminal pole at the property line, as needed, and thence placed underground.

Sec. 86-137. Chesapeake Bay Preservation Area

State Law reference— Chesapeake Bay Preservation Act, Code of Virginia, §10.1-2100 et seq.; board to develop criteria, Code of Virginia, §10.1-2107; local Chesapeake Bay Preservation Areas, Code of Virginia, §10.1-2109; wetlands, Code of Virginia, §28.2-1300 et seq.; Ground Water Management Act of 1992, Code of Virginia, §62.1-254 et seq.

Sec. 86-137.1. Applicability.

The requirements of this article shall apply to all development and redevelopment involving land disturbance, the creation of a construction footprint or a change in an existing construction footprint. Agricultural activities and silvicultural activities are subject to the specific provisions applicable to those activities, as noted herein.

ARTICLE VII: USE MATRIX

Sec. 86-140. Use matrix.

1. The following table provides all use types and all zoning districts where the use type is permitted ("R") or permitted with approval of a conditional use permit ("C") in accordance with the requirements of this ordinance.
2. All uses listed in Tables 1 and 2 not specifically permitted ("R") or permitted with approval of a conditional use permit ("C") are prohibited.
3. Overlay Districts: Regardless of whether the use table lists a use type as permitted or permitted with approval of a conditional use permit, the use type shall be restricted or prohibited by the requirements of any overlay district.

KING WILLIAM COUNTY USE MATRIX

Uses by Category	A-C	R-R	R-1	B-1	B-2	I
<i>R = by-right use</i>						
<i>C = conditional use</i>						
AGRICULTURAL						
Abattoir	C					C
Agriculture	R	R				
Agriculture, intensive	R					
Agritourism	R					
Biomass	R					R
Conservation easement	R	R	R	R	R	R
Fish hatchery	R					
Forestry	R	R				R
Greenhouse, commercial	R			C	C	R
Greenhouse, private	R	R	R			
Livestock market	C					
Nursery	R			R	R	R
Sawmill, permanent	C					R
Sawmill, temporary	R					R
Small-scale conversion of biomass	R					R

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Uses by Category	A-C	R-R	R-1	B-1	B-2	I
Stable, commercial	R					
Stable, private	R	R	R			
Stockyard	C					C
Wayside stand	R			R	R	
Wildlife reservation	R					
Winery	R					
Wood yard	R					R
RESIDENTIAL						
Accessory dwelling unit	R	C	C			
Dwelling, attached single-family	C	C	R			
Dwelling, detached single-family	R	R	R			
Dwelling, manufactured home	R	R	R			
Dwelling, modular home	R	R	R			
Dwelling, multi-family		C	C			
Dwelling, townhouse	C	C	C			
Dwelling, two-family	C	C	R			
Family health care structure, temporary	R	R	R			
Group home	R	R	R			
Guesthouse	R					
Living quarters	R			R	R	
Manufactured home park		C				
COMMERCIAL						
Auction house				R	R	R
Automobile auction house					R	R
Automobile repair service					R	R

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Uses by Category	A-C	R-R	R-1	B-1	B-2	I
Automobile dealership					R	
Bed and breakfast	R	C		R		
Boarding house (Rooming house)	C			C	C	
Brewery or distillery					R	R
Brewpub or tasting room				R	R	R
Campground	C					
Camp, day or youth	C					
Camp, recreational	C					
Car wash				C	R	
Commercial indoor amusement				R	R	
Commercial indoor entertainment				R	R	
Commercial indoor sports and recreation					R	R
Commercial outdoor entertainment				C	C	R
Commercial outdoor sports and recreation	C			C	C	C
Commercial vehicle repair service					R	R
Consumer repair service				R	R	
Convalescent home				R	R	
Crematory				R	R	R
Day care center				R	R	
Equipment sales and rental					R	R
Event venue	C	C	C	C	C	
Extermination business					R	R
Family day home (5-12 individuals)	C	C	C			
Farm supply and service establishment					R	
Farmer's market	R			R	R	
Financial institution				R	R	

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Uses by Category	A-C	R-R	R-1	B-1	B-2	I
Flea market, indoor				R	R	
Flea market, outdoor					C	R
Funeral home	C			R	R	R
Garden center				R	R	
Gasoline station				R	R	
General retail				R	R	
Halfway house	C			C	C	
Home occupation, Type I	R	R	R			
Home occupation, Type II	C	C	C			
Hotel	C			C	C	
Kennel, commercial	C			C	C	R
Life care facility				R	R	
Manufactured home sales					R	R
Marina	C			C	C	
Mini-warehouse facility					R	R
Office, general				R	R	R
Office, medical				R	R	
Outdoor storage				C	C	R
Parking facility				C	R	R
Pawn shop				C	C	
Personal improvement services				R	R	
Personal services				R	R	
Recreational vehicle sales and service					R	R
Restaurant, drive-in				R	R	
Restaurant, fast food				R	R	
Restaurant, general				R	R	

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Uses by Category	A-C	R-R	R-1	B-1	B-2	I
Restaurant, mobile				R	R	R
Restaurant, small				R	R	
Shooting range, indoor				C	C	C
Shooting range, outdoor	C					
Shooting range, private	R	R				
Shopping center				R	R	
Short term business rental	R	C	C			
Specialty food shop	C			R	R	
Specialty shop				R	R	
Store, grocery					R	
Store, neighborhood convenience	C			R	R	
Taxidermy	C				R	R
Trade school	C			R	R	R
Veterinary hospital	C			R	R	R
Wholesale sales					R	R
INDUSTRIAL						
Industry, heavy						C
Industry, light					C	R
Industry, medium						R
Petroleum or chemical storage over 30,000 gallons						C
Petroleum or chemical storage up to 30,000 gallons						R
Power generation plant						C
Railroad facility						C
Research and development				R	R	R
Resource extraction	C					R
Salvage and scrap service						C

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Uses by Category	A-C	R-R	R-1	B-1	B-2	I
Sanitary landfill						C
Truck /freight terminal						R
Warehousing and distribution						R
CIVIC						
Community center			R	R	R	
Correctional institution						C
Cultural institution	C	C	C	R	R	C
Educational facility	C	C	C	R	R	
Emergency shelter	C			R	R	R
Governmental facility				R	R	R
Greenway	R	R	R	R	R	R
Hospital				R	R	
On-site sewage disposal	R	R	R	R	R	R
On-site water supply	R	R	R	R	R	R
Post office				R	R	R
Public assembly					C	C
Public maintenance and service facility					R	R
Public park and recreational area	R	R	R	R	R	R
Public recreation assembly	R	R	R	R	C	
Public water and sewer system	C	C	R	R	R	R
Recreation facility, public	C			C	R	
Recycling center					C	R
Refuse collection site						C
Religious assembly	R	R	R	R	C	C
Transfer station	R	R	R	R	R	R
Utility service, major	C	C	C	C	C	R

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Uses by Category	A-C	R-R	R-1	B-1	B-2	I
Utility service, minor	R	R	R	R	R	R
Water control structure	R	R	R	R	R	R
Water tower			R	R	R	R
MISCELLANEOUS						
Accessory structure	R	R	R	R	R	R
Airport or helipad	C					C
Bikeway	R	R	R	R	R	R
Boathouse	C	C	C	C	C	C
Boatshed	R	R	R	R	R	R
Cemetery	R	R		R	R	
Club, private	C			R	R	R
Country Club	C	C	C	C	C	
Hunt camp	R					
Kennel, private	R	R	C			
Picnic shelter or area	R	R	R	R	R	R
Pier, private	R	R	R	R	R	R
Pier, commercial	C	C	C	C	C	R
Pier, community	C	C	C			
Pier gazebo, large	C	C	C	C	C	C
Pier gazebo, small	R	R	R	R	R	R
Recreation facility, private	R	R	R			
Shooting, private recreational	R	R				
Telecommunications and Solar Facilities						
Amateur radio antenna	R	R	R	R	R	R
Antenna, private	R	R	R	R	R	R
Base station						R

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Uses by Category	A-C	R-R	R-1	B-1	B-2	I
Broadcasting or communication tower	C					C
Communications service					C	R
Micro-wireless facility	R	R		R	R	R
Small-cell facility	R	R	R	R	R	R
Solar facility, medium-scale	C			C	C	R
Solar facility, roof small-scale	R	R	R	R	R	R
Solar facility, utility-scale	C					

Sec. 86-141—86-150. Reserved.

ARTICLE VIII: USE AND DESIGN STANDARDS

Division 1 – Agricultural Uses

Sec. 86-151. Agriculture, intensive.

Intensive agriculture includes the commercial raising of cattle, swine, poultry, and the drying and storage of grains, peas, beans and other agriculture products except for hay. All such facilities shall:

1. Setback 100 feet from any public road;
2. Setback 200 feet from any residential district;
3. Setback 400 feet from any residence not located on the same parcel, religious assemblies, public or private schools, and other public-owned facilities;
4. Submit an approved Nutrient Management Plan and any Federal and State permits.

Sec. 86-152. Agritourism.

1. Findings. The board hereby finds that the standards and restrictions in this section were established by considering their economic impact on agricultural operations and the agricultural nature of the events and activities authorized herein. The board further finds that one or more substantial impacts on the public health, safety, or welfare have been identified when a conditional use permit is required by this section. In addition, the board finds that the thresholds and standards established herein are the minimum necessary in order to prevent substantial impacts and thereby endanger the public health, safety, or welfare.
2. Applicability. This section applies only to the events and activities and does not apply to the agricultural operation itself.
3. Agritourism shall comply with the following general standards or apply for a conditional use permit:
 - a. Any agriculture operation event established in the county on or after the date of adoption of this ordinance, may be held only if the agricultural operation to which it is subordinate has a minimum of five acres of land devoted to agricultural production on-site, or on any abutting lot under the same ownership, and at least one growing season each calendar year.
 - b. The event or activity will generate less than 100 visitor vehicle trips per day and each event or activity would have 150 or fewer attendees at any single time.
 - c. Parking may be provided on a pervious or impervious surface.
 - d. There shall be no outdoor use of amplified music between 9:00 p.m. and 7:00 a.m. on Sunday through Thursday and 10:00 p.m. and 7:00 a.m. on Friday through Saturday.

Sec. 86-153. Small-scale conversion of biomass.

Small-scale conversion of biomass is subject to the following:

1. At least 50 percent of the feedstock is produced either on site or by the owner of the conversion equipment;
2. Any structure used for the processing of the feedstock into energy occupies less than 4,000 square feet, not including the space required for storage of feedstock
3. The facility is setback 100 feet from any public road;
4. The facility is setback 200 feet from any residential or business district
5. The facility is setback 400 feet from any residence no located on the same parcel, religious assemblies, public or private schools, and other public-owned facilities.

ARTICLE XVIII: SUBDIVISIONS

Division 1 – General Regulations

Sec. 86-420. Title.

This article shall be known and may be cited as the "King William County Subdivision Ordinance" or "Subdivision Ordinance."

Sec. 86-421. Purpose.

The general purpose of this article is to ensure the orderly subdivision and development of land in the County in furtherance of the goals and objectives of the comprehensive plan of the County, as provided in Code of Virginia §15.2-2240. More specifically, it is intended to:

1. Protect public interests in subdivisions by ensuring permanence of development; making possible the safe, adequate and efficient provision of services to subdivision residents; preventing blight; protecting the tax base; and providing the County with clear and accurate descriptions and records of subdivided land for assessment purposes;
2. Guide and protect the investments of lot purchasers, home buyers and their mortgage lenders by providing standards for development, a graphic picture of the ultimate character of a subdivision, and accurate boundary lines; and
3. Protect the interest of subdividers by prohibiting improperly located subdivisions and discouraging competition from poorly designed or developed subdivisions.

State Law reference— Declaration of legislative intent as to subdivision ordinances. Code of Virginia, §15.2-2200.

Sec. 86-422. Recording of ordinance.

In accord with the Code of Virginia §15.2-2252, a certified copy of the adopted subdivision ordinance and any and all amendments thereto shall be filed in the office of the Zoning Administrator and in the Clerk's office of the Circuit Court.

Sec. 86-423. Severability.

Should a court rule any article, section, or portion thereof of this article to be invalid or unconstitutional, such a ruling shall not be construed to invalidate the Subdivision Ordinance as a whole, nor shall such a ruling render inoperative any other portion than that specifically ruled invalid or unconstitutional.

Sec. 86-424. Conflicting ordinances or conditions.

1. Should any Commonwealth or federal ordinance, provision, or regulation conflict with this article or portion thereof, the language of whichever is more restrictive shall be controlling to the extent necessary to resolve the conflict.
2. Should any provision of this article conflict with another provision therein, the language contained in the more restrictive provision shall be controlling.
3. As stated in the Code of Virginia §15.2-2261.1, if the provisions of a recorded plat or final site plan, which was specifically determined by the Board of Supervisors, to be in accordance with the zoning conditions previously approved conflict with underlying zoning conditions of the previous rezoning then the provisions of the recorded plat or final site plan shall control and the zoning amendment shall be deemed satisfied.

Sec. 86-425. Application and interpretation.

This article shall apply to the unincorporated area of the County in the manner prescribed by law. In interpreting and applying the provisions of this article, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare

Sec. 86-426. Administration.

As provided in Code of Virginia §15.2-2255, the agent, to whom responsibility for administration and enforcement of this article is delegated, shall be designated by resolution of the Board of Supervisors.

Sec. 86-427. Powers and duties.

1. The agent shall have the following duties:
 - a. To review and approve or disapprove plats and plans for family land divisions, single-lot subdivisions, farmstead subdivisions, minor subdivisions and cluster subdivisions per Code of Virginia §15.2-2286.1.c;
 - b. To conduct informal conferences with subdividers as provided in this article;
 - c. To assist the Planning Commission with evaluation of preliminary plats and plans for major subdivisions;
 - d. To review and approve or disapprove final plats and plans for major subdivisions after consideration of recommendations made by the commission during review of preliminary plats and plans;
 - e. To have all final plats required pursuant to this ordinance, recorded in the Clerk of ourt's office at the subdivider's cost within ten days of the agent's signature of the final plat;
 - f. To inspect the installation of facilities and improvements in subdivisions;
 - g. To take such actions as are necessary, proper and legally permissible to prevent, terminate, remove or correct violations of this article;
 - h. To recommend to the Planning Commission and the Board of Supervisors, as needed, amendments to this article.
2. The commission shall have the following duties:
 - a. To review and approve or disapprove preliminary plats and plans for major subdivisions and to recommend changes to be incorporated in the final plats and plans thereof in order to ensure compliance with the standards and requirements of this article;
 - b. To prepare and recommend amendments to the Subdivision Ordinance.
3. The Board of Zoning Appeals shall consider applications for variations in or exceptions to the requirements of this article as hereinafter provided. Approval of a variation or exception by the Board of Zoning Appeals shall be limited to cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship.

State Law reference— Variations, exceptions, Code of Virginia, §15.2-2242(1); delegation of duties to Planning Commission, Code of Virginia, §15.2-2255.

Sec. 86-428. Amendments.

In accordance with Code of Virginia §§15.2-2251 and 2253, the Planning Commission shall prepare and recommend, on its own initiative or by request, the subdivision ordinance and its amendments to the governing body of the locality. The notice, publication and public hearing shall all be conducted in accord with Code of Virginia §15.2-2204. In no instance shall an amendment be adopted by the governing body of the locality without first seeking the recommendation of the commission. If no recommendation is made by the commission the governing body may take action sixty days from their inquiry.

Sec. 86-429. Consultations.

In the performance of their duties, the agent and the Planning Commission may call for advice, opinions or decisions from highway engineers, health department officials and other County officials when evaluating subdivision plats and plans.

State Law reference— State transportation engineers, Code of Virginia, §33.1-8.

Sec. 86-430. Development and inspections.

1. Subdivision of land and installation or construction of required improvements shall be accomplished only in strict accordance with plats and plans approved by the agent. Any deviation from approved plats and plans shall be approved in writing in advance by the agent.
2. The agent shall periodically inspect every subdivision during development and may employ any legally permissible means to ensure that the subdivision is developed in accordance with the approved plat and the provisions of this article.

Sec. 86-431. Violation, enforcement, & penalties.

As provided in the Code of Virginia §15.2-2254, the following applies:

1. No person shall subdivide land without making and recording a plat of the subdivision and without fully complying with the provisions state code and this ordinance.
2. No plat of any subdivision shall be recorded unless and until it has been submitted to and approved by the local Planning Commission or by the governing body or its duly authorized agent, of the locality wherein the land to be subdivided is located; or by the commissions, governing bodies or agents, as the case may be, of each locality having a subdivision ordinance, in which any part of the land lies.
3. No person shall sell or transfer any land of a subdivision, before a plat has been duly approved and recorded as provided herein, unless the subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto. However, nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.
4. The violation of any provision of this article shall be punished by a fine of not more than \$500.00 for each lot or parcel of land subdivided or transferred or sold in violation thereof; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The County may, notwithstanding the imposition of any fine in accordance with this section, seek equitable relief to enjoin any violation of this article, in any court of competent jurisdiction.
5. No Clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until the plat has been approved as required herein. The penalties provided by Code of Virginia §17.1-223 shall apply to any failure to comply with the provisions of this subsection.
6. No building permit shall be issued nor shall construction be authorized by the County on lands where a subdivision plat is required to be approved and recorded as provided in this article and no

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certificate of occupancy shall be issued until the compliance with this article and other applicable provisions regarding the use of any structure or land where a subdivision plat is required to be approved and recorded as provided in this article has been approved by the agent.

State Law reference— Enforcement of subdivision ordinance, Code of Virginia, §15.2-2241(9); persons subdividing land to comply with subdivision ordinance, Code of Virginia, §15.2-2254.

Sec. 86-432. Mutual responsibility.

The County and the subdivider share a mutual responsibility to divide land to improve the general use pattern of the land being subdivided.

Sec. 86-433. Land suitability.

1. No subdivision shall be approved if adequate investigations by trained personnel determine that, due to soil, water table, topographic, light, air or other natural conditions, the site of the proposed subdivision is unsuitable for platting and development in the manner proposed.
2. Wetlands, as defined in the state wetlands zoning act, or any land subject to periodic flooding or dam break inundation zones shall not be subdivided in such a way as to provide sites for residential occupancy nor for any other use which might involve danger to health, life or property, or aggravate the flood hazard. Any such land within the proposed subdivision, whether it be within a lot or reserved for common use of subdivision occupants, shall be restricted against buildings or otherwise reserved for uses which will not be endangered by periodic or occasional inundation. To ensure sufficient buildable land which is flood-free, the agent may require the subdivider to provide elevation and flood profiles sufficient to demonstrate the land to be completely free of the danger of floodwaters.
3. A plat for the subdivision of land with poor drainage, excessive slope or other adverse physical or soil conditions will be considered for approval only if the subdivider shall agree in writing to make whatever improvements are necessary, in the judgment of the agent, to render the land safe and otherwise acceptable for development.

State Law reference— Wetlands zoning ordinance authorized, Code of Virginia, §28.2-1302.

Sec. 86-434. Responsibility for improvements.

All improvements and facilities required by this article shall be installed by the subdivider at his cost and is not the responsibility of the locality, as outlined in the Code of Virginia §15.2-2268. No bond or other performance guarantee posted by the subdivider shall be released until construction has been completed, inspected and approved.

Sec. 86-435. Fees.

As authorized by the Code of Virginia §15.2-2241 (9), there shall be a charge for examination and processing of plats and inspection of subdivision improvements. The fees for which are listed in the King William County Fee Schedule and maintained in the office of the Zoning Administrator. No plat or application shall be deemed complete, reviewed or processed until the applicable fee established by the Board has been paid by the subdivider.

Sec. 86-436. Irregularities.

In case of uncertainties or irregularities with reference to property lines, street or road right-of-way boundaries, easements or other features which may affect the preparation of a plat, the agent and subdivider shall apply the provisions of this article to the extent practicable, utilizing the best information available.

Sec. 86-437. Existing Subdivisions.

Any subdivision, as defined herein, which was lawfully recorded in the office of the Clerk of the Circuit Court of the County in the form of a plat of subdivision and/or deed prior to the effective date of this article shall

be deemed to meet the requirements of this article. Any further division or resubdivision in any such subdivision after the effective date of this article shall, however, comply with all applicable provisions of this article.

Sec. 86-438. Exempt Subdivisions.

1. Any subdivision, as defined herein, shall be exempt from the requirements of this article if all the following are met:
 - a. Every lot of the subdivision is 25 acres or greater in area,
 - b. The subdivision is in an area zoned agricultural/conservation,
 - c. Every lot abuts an existing secondary highway,
 - d. The subdivision complies with the general platting requirements of King William County,
 - e. The subdivision shall meet any Virginia Department of Transportation (VDOT) safety and/or design requirements.
2. Any further subdivision of a previously exempted lot pursuant to this exemption shall constitute a major subdivision and shall be subject to all applicable governing ordinances and requirements.
3. All prospective subdivisions for this classification shall be reviewed by the agent, who shall determine if the above criteria have been met. Such subdivisions shall have language to be placed on the plat to indicate that it is an exempt subdivision and accordingly any further subdivision of the parcels shall constitute a major subdivision and must comply with all appropriate County regulations.

Sec. 86-439. Classification of certain subdivisions

In making a determination as to whether a subdivision is major, farmstead, minor or cluster, as defined herein, the agent shall consider the definitions and requested lot sizes but shall not consider any lots in such subdivision which were lawfully recorded by plat of subdivision and/or deed in the office of the Clerk of the Circuit Court prior to the adoption of this ordinance.

Sec. 86-440. Division of sale or gift to immediate family members.

1. In accordance with Code of Virginia §15.2-2244, a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner shall be permitted, subject only to any express requirement contained in the Code of Virginia and to any requirement imposed by the Board of Supervisors that all lots of less than five acres have reasonable right-of-way of 20 feet providing ingress and egress to a dedicated recorded public street or thoroughfare. Only one such division shall be allowed per family member and shall not be for the purpose of circumventing this section. For the purpose of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, grandchild, grandparent, sibling, parent, niece, or nephew of the owner.
2. As allowed by Code of Virginia §15.2-2244.1, the parcel from which a family division is proposed shall be held by the subdivider for a minimum of five consecutive years prior to the date of subdivision and subdivided parcels or lots from such family divisions shall be held by the immediate family member for a minimum of three years from the date of subdivision to prevent the use of this section to circumvent the subdivision ordinance. A variance request may go to the Board of Zoning Appeals when a changed circumstance would require the transfer of the property to a nonmember of the immediate family.
3. All prospective subdivisions for this classification shall be reviewed by the agent, who shall determine if the above criteria have been met. Such subdivisions shall have language to be placed on the plat to indicate that it is a family transaction, who is involved and what is their family relationship.

Sec. 86-441. Responsibility for costs of sewerage and drainage facilities.

A pro rata share of the cost of facilities as outlined in the State Code of Virginia §15.2-2243 are as follows:

1. A subdivider or developer of land shall pay his pro rata share of the cost of providing reasonable and necessary sewerage, water and drainage facilities, located outside the property limits of the land owned or controlled by him but necessitated or required, at least in part, by the construction or improvement of his subdivision or development as per County water and sewer regulations.
2. Payments received for such improvements shall be expended only for the engineering and related studies and construction of those facilities for which the payment was required, however, in lieu of such payment the Board of Supervisors may provide for the posting of a personal, corporate or property bond, cash escrow or other method of performance guarantee satisfactory to it conditioned on payment at commencement of such construction.

Secs. 86-442—86-449. Reserved.

Division 2 – Subdivision Methods

Sec. 86–450. Relationship to comprehensive plan and zoning ordinance.

The subdivision layout shall conform in all essential respects with the adopted thoroughfares plan and other elements of the adopted comprehensive plan for the County. As allowed by Code of Virginia §15.2-2246, the subdivision layout shall also comply fully with the provisions of the zoning district in which the subdivision is located, as well as other applicable provisions of the zoning ordinance, including any limitations on area, dimensions and number or location of lots.

Sec. 86–451. Design principles.

The subdivision layout shall be designed in accordance with the principles and standards contained in this article with the objective of achieving the most advantageous development of the subdivision and adjoining areas. Experimentation with new layout and design techniques is encouraged and such designs as are approved under the zoning ordinance are permitted under these regulations controlling the subdivision of land. Clustering of single-family dwellings and the preservation of open space will also be considered as outlined in Code of Virginia §15.2-2286.1, and as allowed in this Ordinance.

Sec. 86–452. Sketch plan.

It is recommended, but not required, that the subdivider submit to the agent a preliminary sketch plan of the proposed minor or major subdivision prior to preparation of engineered preliminary and final plats. The purpose of such preliminary sketch plan is to permit the agent to advise the subdivider whether his plans are in general accord with the requirements of this article. The agent, upon submission of any preliminary sketch, shall study same and advise the subdivider wherein it appears that changes would be necessary. The agent may mark the preliminary sketch plan indicating necessary changes and any such marked sketch shall accompany the preliminary plat.

Sec. 86–453. Single-lot subdivisions.

1. *Intent.* The provisions of this division shall apply to any subdivision consisting of only one lot, except those exempted by section 86-403. It is intended that platting and approval requirements for such subdivisions be restricted to the minimum necessary to ensure compliance with minimum lot size requirements of the zoning ordinance.
2. *Access.* A single-lot subdivision shall either abut a public road or have access to a public road via a deeded right-of-way not less than 25 feet in width.

3. *Multiple single-lot subdivisions.* Development of two or more single-lot subdivisions, for the purpose of circumventing the requirements pertaining to minor or farmstead subdivisions shall not be permitted.

Sec. 86-454. Minor residential subdivisions.

1. *Intent.* The requirements of this division are intended to be commensurate with the impact of small subdivisions, creating two to four lots, on the areas in which they are located. Thus, the regulations focus on access, lot sizes, and suitability of the land, abbreviated platting requirements and accelerated administrative processing.
2. *Multiple minor subdivisions.* Development of two or more adjoining minor subdivisions, for the purpose of circumventing the requirements of this division pertaining to major subdivisions shall not be permitted. Refer to the definition of "major subdivision".
3. *Improvements.* Improvements in minor subdivisions shall be installed in accordance with provisions 5. – 7. below.
4. *Streets.* As allowed by the State Code of Virginia §15.2-2241
 - a. *Generally.* There shall be only one access to an adjacent primary or secondary highway by a new street and no lot shall have direct access to an existing primary or secondary highway.
 - b. *New streets.* All streets in a proposed subdivision shall be designed and constructed in accordance with subdivision street standards of VDOT. Streets so designed and constructed shall be recommended by the County for inclusion in the state highway system. For streets that remain private, there shall be road maintenance agreements for each lot in the subdivision as provided for in Item i. of this section.
 - c. *Alignment and layout.* Street arrangement shall be such as to cause no unnecessary hardship to owners of adjoining property should they decide to plat their own land and seek to provide convenient access to it. Where in the opinion of the agent it is necessary to provide for street access to adjoining property, right of way for proposed streets shall be extended to the property line. Half streets along the boundary of land proposed for subdivision shall not be permitted. The street layout shall be designed to create desirable building sites while respecting existing topography, minimizing street grades, avoiding excessive cuts and fills, and preserving trees to the maximum extent feasible for a reasonable economic use of the land.
 - d. *Spacing.* Streets shall be spaced to allow for blocks meeting the dimensional requirements contained herein and to minimize the number of intersections with existing or proposed arterial thoroughfares.
 - e. *Minor residential streets.* Minor residential streets, intended primarily for access to individual properties, shall be arranged to discourage their use by through traffic.
 - f. *Reduction of traffic impacts.* No residential lot shall be platted in a minor subdivision, which has its primary frontage on U.S. Highway 360 or State Highway 30. Reverse frontage lots having access only from a parallel secondary highway or from new public streets are required.
 - g. *Right of access.* Anyone who subdivides land shall provide right of access to public streets to meet the minimum requirements of VDOT. No land shall be reserved, held or controlled for the purpose of prohibiting access to streets and roads unless owned, held or controlled exclusively by the County or an agency of the state or federal government.

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- h. *Scenic roads.* Where an existing or proposed street or roadway is designated as a scenic road or byway on the comprehensive plan, of which the major thoroughfare plan is a part, the purpose and standards established for such roads to maintain their scenic and historic qualities shall be observed in the design and development of an adjacent subdivision, including but not limited to such factors as maintenance of existing alignments and natural vegetation, appropriate pavement design, and due care with respect to location and design of access points.
- i. *Maintenance of private streets.* Private streets must be maintained at a level that keeps the private street in compliance with the subdivision street standards of VDOT. Any private street must be owned and maintained by the developer, until such time as it is turned over to the ownership and maintenance of an approved homeowners' association.
- j. *Maintenance of public streets.* The subdivider shall provide for maintenance of all new or improved public streets until such time as the streets are accepted into the secondary highway system of VDOT. The subdivider or developer shall furnish to the County a maintenance and indemnifying bond with surety satisfactory to the Board of Supervisors, in an amount sufficient for and conditioned upon the maintenance of public streets until such time as they shall be reviewed at the end of each twelve month period and at such times the agent may require that the amount of the bond be increased to cover inflated maintenance costs.
- k. *Street names.* Proposed streets which are obviously in alignment with existing named streets shall bear the names of such existing streets. Names of proposed streets shall not duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane or court. Street names shall be indicated on all plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the Board of Supervisors.
- l. *Street signs.* Street identification signs of a design approved by the agent shall be installed at all intersections either by the subdivider or at their cost.
- m. *Construction of utilities.* All utilities constructed in or on public streets rights-of-way shall comply with the current land use permit manual of VDOT.

State Law reference— Coordination of streets with other streets, Code of Virginia, §15.2-2241(2); acceptance of dedication of right-of-way, Code of Virginia, §15.2-2241(5).

5. Lots.

- a. *Generally.* Lots in minor subdivisions shall comply with the requirements of this section.
- b. *Lot arrangement.* The lot arrangement, design and orientation, shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
- c. *Remnants.* Remnants or parcels of land below minimum area, including parcels which fail percolation tests, which may be left over after subdivision of a tract, shall be incorporated to adjacent lots or otherwise disposed of rather than allowed to remain as unusable parcels.
- d. *Suitability for sewage disposal.* If on-site disposal systems are to be utilized in a minor subdivision, the plat shall not be approved until the health official affixes his signature to a statement on the plat certifying that the lots are generally suitable for the installation of such on-site systems.

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6. *Easements.*

- a. *Generally.* Easements in minor subdivisions shall be reserved as indicated in this section.
- b. *Required.* Where alleys are not provided in appropriate locations, easements of not less than 15 feet in width shall be provided where necessary to meet public utility requirements. Easements of greater width may be required along lot line or across lots where necessary for the extension of trunk sewers or other primary utility lines.

Drainage easements. Where a proposed subdivision is traversed by any stream, watercourse or drainageway, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements along such streams, watercourses and drainageways, in accordance with standards established by the County.

- c. *Utilities.* All utilities, poles or underground conduits for electric power lines or communication lines shall be placed in alleys if such are provided or in easements appropriately located, generally along the rear or side lot lines whenever this is possible.

State Law reference— Drainage, Code of Virginia, §15.2-2241(3).

7. *Monuments.* All lot corners shall be marked with iron pipe not less than three-fourths inch in diameter or iron rod not less than one-half inch in diameter, and not less than 24 inches long and driven so as to be flush with the finished grade.

State Law reference— Monuments, Code of Virginia, §15.2-2241(7).

8. *Performance guarantee.* The Code of Virginia §15.2-2241 (11)(B) provides that, prior to approval of the final plat, the subdivider shall file with the agent a performance guarantee to ensure that improvements required by this ordinance or proposed by the subdivider are installed in accordance with approved plats and plans.

- a. Such guarantee shall either be:
 - i. A certified check or a personal, corporate or property bond with cash escrow or other method of performance guarantee approved by the Agent and sufficient to cover the cost of all improvements as estimated by the agent, furnished by the subdivider; or
 - ii. Evidence of the existence of agreements between the subdivider and a qualified contractor for the installation and completion of the improvements and the contractor's performance bond with surety for the benefit of the County and the subdivider, and satisfactory to the Agent, in an amount to cover the cost of all improvements as estimated by the agent.
- b. Within 30 days after receipt of written notice by the subdivider of completion of part or all of any facilities or improvements required to be constructed by this article, the agent shall either grant a periodic partial or final complete release of any bond, escrow, letter of credit or other performance guarantee required by this section, or notify the subdivider or developer in writing of non-receipt of approval by applicable state agency or of any specified defects or deficiencies in construction and suggested corrective measures. If no such action is taken by the agent within the 30-day period, the request shall be deemed approved and a partial release granted to the subdivider. No final release shall be granted until after expiration of such 30-day period and there is an additional request in writing sent by certified mail, return receipt, to the County Administrator. The agent shall act within ten working days of receipt of the request; then if no action is taken, the request shall be deemed approved and final release granted to the subdivider. The agent shall not refuse to make a periodic partial or final complete release of a bond, escrow, letter of credit or other performance guarantee for any reason not directly related to specified defects in

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construction of the facilities covered by such bond, escrow, letter of credit or other performance guarantee.

- c. Upon written request by the subdivider, the agent shall be required to make periodic partial releases of such bond, escrow, letter of credit or other performance guarantee in a cumulative amount equal to 80 percent of the original amount for which the bond, escrow, letter of credit or other performance guarantee was taken, based upon the percentage of facilities completed and approved by the agent or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least 30 percent of the facilities covered by any bond, escrow, letter of credit or other performance guarantee to the subdivider. For the purpose of final release, the term "acceptance" is deemed to mean when such public facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and for operating such facility upon acceptance.
- d. For the purposes of this section a certificate of partial or final completion of such facilities from either a duly licensed professional engineer or land surveyor, as defined in and limited to §54.1-408 of the Code of Virginia or from a department or agency designated by the agent may be accepted without requiring further inspection of such facilities.

Sec. 86–455. Farmstead subdivisions.

1. *Intent.* The intent of this division shall be to preserve the rural heritage of our farms, forests and historic resources by minimizing the impact of small residential subdivisions in the agricultural/forestal (A-C) district of the County, by creating two to seven lots with a minimum lot size of 15 acres. Thus, the regulations focus on access, lot sizes, visual impacts, suitability of the land, abbreviated platting requirements and accelerated administrative processing.
2. *Streets.* As allowed by the State Code of Virginia §15.2-2241
 - a. *Generally.* For two-lot subdivisions, a shared access shall be provided on a 50-foot-wide easement extending from the existing public road to cover the entrance of both lots. Access for farmstead subdivisions with three to seven lots shall be to a new public street. There shall be only one access to an adjacent primary or secondary highway by a new street and no lot shall have direct access to an existing primary or secondary highway.
 - b. *New streets.* Public streets in a proposed subdivision shall be designed and constructed in accordance with subdivision street standards of VDOT. Streets so designed and constructed shall be recommended by the County for inclusion in the state highway system. For streets that remain private, there shall be road maintenance agreements for each lot in the subdivision as provided for in Item f. of this section. The following shall be minimum specifications for any private street in a farmstead subdivision:
 - i. *Right-of-way.*
 1. *Minimum 50 feet of right-of-way.*
 2. *Minimum 20 feet travel surface width.*
 3. *Minimum 2 feet shoulder on each side.*
 - ii. *Road surface.*
 1. *Minimum six-inch compacted travel surface depth.*
 2. Subgrade shall be prepared by excavation and removal of all vegetative cover, root mat, and topsoil. Drainage systems must provide relief for