



**County of King William, Virginia**

**PLANNING COMMISSION  
WORK SESSION OF JUNE 23, 2022 – 7:00 P.M.  
KING WILLIAM COUNTY ADMINISTRATION BUILDING  
KING WILLIAM, VIRGINIA**

**A G E N D A**

**1. Call to Order**

**2. Roll Call**

• <b>Matt Sluder</b>	<b>Aye</b>	<b>Absent</b>
• <b>Bonnie Hite</b>	<b>Aye</b>	<b>Absent</b>
• <b>Don Wagner</b>	<b>Aye</b>	<b>Absent</b>
• <b>Stephen Greenwood</b>	<b>Aye</b>	<b>Absent</b>
• <b>John Breeden</b>	<b>Aye</b>	<b>Absent</b>

**3. Work Session Topics**

**a. Discussion of Subdivision and Zoning Ordinance**

**4. Adjourn or Recess**

# 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 consist of brick, stone, or hardi-plank siding unless 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.

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 five acres or more provided that the requirements for front yard setbacks in Article \_\_\_\_\_ are met and the size of the accessory structure does not exceed 50% of the first floor area of the main dwelling and is 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 300 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.

Gloucester County  
Cluster Subdivision Ordinance

## Sec. 5-4. - Conservation and countryside district development provisions.

In the C-2, RC-1, RC-2, and SC-1 districts, the following provisions shall apply.

- (1) Forest conservation. In developments of fifteen (15) acres or more, lot arrangement and layout shall be such that existing forest cover onsite is retained in large contiguous blocks.
- (2) Cluster subdivision requirements.
  - a. This type of subdivision consists of cluster lots, which are located on a portion or portions of the parcel being subdivided, and a preserved area, which is the entire residual area of the parcel being subdivided.
  - b. The maximum cluster lot size shall be as defined in section 5-2, the Official Schedule of District Regulations.
  - c. The maximum number of cluster lots which may be created shall be calculated by dividing the net acreage of the parcel being subdivided by the density given in section 5-2. For parcels which are subject to a preliminary subdivision plat approval on or before (date of adoption), the density shall be derived from section 5-2. One (1) additional principal dwelling unit (or manufactured home in the RC-1 and RC-2 districts) shall be allowed on the preserved area, provided the preserved area is at least twenty-five (25) acres. If a dwelling unit (or manufactured home in the RC-1 and RC-2 districts) is to be allowed on the preserved area, and the preserved area is less than twenty-five (25) acres, the number of permitted cluster lots shall be decreased by one (1).
  - d. The maximum density established by section 5-2 refers to principal dwelling units and not to accessory uses such as farm tenant houses, caretaker dwellings or accessory apartments.
  - e. The final plat(s) for the entire preserved area of a cluster subdivision shall be recorded at the same time that final plats are recorded for all cluster lots or the first section of cluster lots in the subdivision. Bulk parcels may be recorded for future sections of cluster lots, provided such parcels are unbuildable until subdivided into cluster lots.
  - f. The design of a cluster subdivision shall reflect the intended principal use or uses of the preserved area (i.e. farming, silviculture, conservation area, or other allowed uses as listed in subsection g below). As applicable, cluster subdivisions shall be designed to accomplish the following objectives:
    - (i) Result in a preserved area which is functional for its intended uses;
    - (ii) Cluster new lots in an arrangement which minimizes adverse impacts on the functioning of the preserved area;
    - (iii) Minimize disturbance of existing farm or silviculture operations;
    - (iv) Avoid the need for removal of existing hedge rows or tree stands, particularly along public street rights-of-way and between housing and farmland;
    - (v) Maximize the frontage of lots onto internal local roads and minimize the frontage and access of lots to state roads of a minor collector or higher classification;
    - (vi) Buffering where lots back onto public roads of a minor collector or higher classification; existing wooded buffers shall be preserved for a minimum depth of fifty (50) feet or a similar landscape buffer shall be planted;
    - (vii) Preserve the rural and scenic quality of the landscape, particularly as viewed from public roads;
    - (viii) Open space and conservation areas shall be contiguous both on site and off site. Stream corridors and contiguous wetlands can provide linkage;
    - (ix) Maximum total lot disturbance: fifty (50) percent of lot area or twenty-five thousand (25,000) square feet, whichever is less. Site disturbance in this context shall include all areas disturbed for the purpose of constructing buildings and structures as well as all graded areas and cleared areas. The total shall include disturbed areas both inside and outside the building envelope.
  - g. The following requirements and restrictions shall apply to the preserved area of a cluster subdivision.
    - (i) The preserved area may be divided into more than one (1) lot only at the time that the preserved area is originally recorded and only if the lots are designed for different principal uses in accordance with the intent of this section. The lot or lots which constitute the preserved area for a cluster subdivision shall be referred to as

preservation parcels.

(ii) Only the following uses may be permitted as a matter of right on preservation parcels:

(a) In the RC-1 and RC-2 districts:

1. Agriculture, provided that agricultural industry or business uses such as fruit packing plants, dairy processing facilities, and similar uses shall be permitted only by special exception, in accordance with subsection (iv), below.
2. Commercial feed mills and commercial grain processing or storage facilities, provided that all uses connected with such facilities shall be at least two hundred (200) feet from lot lines.
3. Farm tenant dwellings shall be permitted as accessory uses on preservation parcels which are improved by a principal dwelling unit.

(b) In all districts where clustering is permitted:

1. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
2. One (1) single-family detached dwelling (or manufactured home in the RC-1 and RC-2 districts), if provided for as required by subsection c, above.
3. Private outdoor recreational facilities, such as parks, athletic fields, swimming pools, basketball courts, and tennis courts, reserved for use by residents of the community and their guests. Such facilities shall be located within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
4. Commercial or private stables pursuant to the requirements of [Article 9](#).
5. Government uses, limited to schools, conservation areas, parks, and recreational facilities.
6. Sales of Christmas trees or other seasonal decorative plant material, between December first and January first.
7. Underground pipelines, electric transmission and distribution lines, telephone, telegraph, and cable television lines, fiber optics/data lines, mobile transformer units, telephone equipment boxes, and other similar public utility uses not requiring a special exception.

(iii) The following uses may be permitted by special exception on preservation parcels. Special exception uses shall not be permitted on preservation parcels unless they support the primary purpose of the preservation parcel and are approved by the board of zoning appeals in accordance with sections [14-16](#) through [14-21](#) of this ordinance.

(a) In the RC-1 and RC-2 districts:

1. Agricultural industry or business uses, provided that all structures and uses shall be limited to an area not greater than fifty (50) acres and located no nearer than five hundred (500) feet to an existing residence on a different lot. In addition, for meat and dairy processing facilities or livestock slaughtering facilities, all structures and uses shall be at least three hundred (300) feet from lot lines.

(b) Country clubs and golf courses are permitted in all districts where clustering is permitted.

(iv) Only one (1) preservation parcel within a cluster subdivision may be improved by a dwelling.

(v) For each preservation parcel, a preservation parcel easement agreement shall be recorded in the Land Records of Gloucester County at the time of recordation of the final plat. The easement agreement shall be approved by the zoning administrator prior to recordation. The easement shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:

(a) The location and size of the preservation parcel.

(b) Existing improvements on the preservation parcel.

- (c) A prohibition on future residential, commercial, or industrial development of the preservation parcel, other than the section. The easement must specify the primary use of the preservation parcel, and prohibit the use of the preservation parcel for incompatible uses.
- (d) A prohibition on future subdivision of the preservation parcel.
- (e) Provisions for maintenance of the preservation parcel.
- (f) Responsibility for enforcement of the easement.
- (g) Provisions for succession in the event that one of the parties to an easement agreement ceases to exist.
- (vi) Regardless of who the owner of a preservation parcel is or will be, the property owner and the county shall be parties to the above easement.

(Ord. of 7-5-2005, § 3; Ord. of 12-13-2016)

Hanover County

Rural Cluster Subdivision Ordinance

## Section 26-30. - Rural cluster subdivisions.

- (a) Rural Cluster subdivisions shall be permitted in areas designated as a Rural Conservation Area on the Conservation and Phased Suburban Development Plan in the Hanover County Comprehensive Plan, subject to the following standards, conditions, and criteria:
- (b) Minimum area for application; density. The minimum parcel size for consideration of a rural cluster subdivision shall be twenty (20) acres. Permissible density shall be one lot per ten (10) acres.
- (c) Lot area requirements.
  - (1) Residential lots. No residential lot within a Rural Cluster subdivision shall exceed two (2) acres. There shall be no minimum lot area.
  - (2) Conservation lot. A minimum of eighty (80) percent of the total area of the parcel shall be within the conservation lot.
- (d) Preservation of open space on conservation lot.
  - (1) Prior to or contemporaneous with final subdivision approval for any property within a Rural Cluster subdivision, the property owner shall record documents conveying an open space easement applicable to the conservation lot to the County, with content approved by the County, requiring preservation of features so designated on the subdivision plat in perpetuity and prohibiting further division of the conservation lot.
  - (2) The Board may approve conveyance of the open space easement to a qualifying nonprofit or governmental entity other than the County, upon a finding that such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the property, that the conveyance will be beneficial to the future owners within the subdivision and to the public, and that the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the open space and significant features.
- (e) Access. No residential lot shall have direct access to a road located outside the Rural Cluster subdivision. Conservation lots may have direct access to a road located outside the subdivision only for agricultural and related purposes.
- (f) Additional requirements for subdivision plat. In addition to the requirements set forth in the Subdivision Ordinance for subdivisions within the A-1 Agricultural District, the following shall also be required:
  - 1. Location(s) of any historic resources on both the subject and adjacent parcels, including cemeteries, trenches, and archeological features as reflected in available County records.
  - 2. Proposed location of single-family dwelling, if any, on conservation lot.
  - 3. Such other information as may be required by the Director.
- (g) Additional requirements for subdivision. The following additional development standards shall be required for Rural Cluster subdivisions:
  - 1. All floodplains, wetlands, and steep slopes shall be protected from clearing, grading, filling, or construction (except as may be approved by the County for essential infrastructure).
  - 2. Lots shall be designed to preserve and maintain existing treelines between fields or meadows,

pastures, meadows, orchards, and mature woodlands, especially those containing a significant wildlife habitat.

3. Lots shall be designed to minimize development on open fields and pastures, and should locate building sites on the least prime agricultural lands.
4. Existing views from public thoroughfares shall be preserved to the maximum extent practicable.
5. Lots shall be designed to minimize necessary grading or filling, and to take advantage of the existing topography and landforms to the extent practicable.
6. Lots shall be designed to avoid important historic, archaeological, or cultural sites.

(Ord. No. 12-08, § 3, 1-9-13)

Henrico County

Cluster Subdivision Ordinance

## ARTICLE 5. - CLUSTER SUBDIVISION

## DIVISION 1. - GENERAL PROVISIONS

## Sec. 19-5101. - Purpose

The purpose of this article is to establish procedures and standards for cluster subdivision in order to preserve the character of rural areas within the county through clustering of development while preserving large tracts of open space for conservation or agricultural uses. In particular, this article is intended to:

- A. Support the conservation of important site features in rural areas in the county, such as agricultural uses, open spaces, and preserved wooded areas;
- B. Protect the character of rural areas in the county in accordance with the county's comprehensive plan;
- C. Prioritize site characteristics for conservation; and
- D. Provide additional development flexibility to allow single-family residential development on smaller lots in exchange for the preservation of agricultural activities, natural features, or both.

## Sec. 19-5102. - Applicability

Lands designated as Prime Agricultural and Rural Residential areas in the county's comprehensive plan, and classified in the A-1, R-0, R-0A, or R-1 zoning districts, may be developed in accordance with this article.

## DIVISION 2. - CLUSTER SUBDIVISION PROCEDURE

## Sec. 19-5201. - General

Cluster subdivisions will be reviewed and decided in accordance with the procedures and standards in Sec. 19-2302 , Preliminary Plat, and Sec. 19-2303, Final Plat, except as modified by this article.

## Sec. 19-5202. - Development of Cluster Subdivision Plan

- A. **General.** Prior to review of an application for a preliminary plat, the applicant must prepare and the Planning Director will approve a Conservation and Development Plan in accordance with subsections B and C.
- B. **Conservation and Development Plan.** The Conservation and Development Plan must be prepared by completing the four steps below in the order listed:
  - 1. **Step 1: Site Analysis Map.** The applicant must first prepare a site analysis map, which must include information about existing site conditions and provides an initial designation of the portions of the site that are primary conservation areas (such as floodplains and wetlands), the portions that are secondary conservation areas (such as agricultural land and natural resources), and areas that would be developed. The map must incorporate natural resource data provided by the county's Geographic Information Systems (GIS) Office and the Department of Public Works, and must identify the following:
    - (a) Existing grades at two-foot contours; and

- (b) Areas and features identified in Sec. 19-5303A, Areas and Features to be Preserved, that are present on the site.
2. **Step 2: Site Inspection.** After submission of the site analysis map, the Planning Director will schedule a site inspection of the land. The applicant or a representative must attend the site inspection with a member of the Planning Department staff. The purpose of the site inspection is to:
    - (a) Familiarize Planning Department staff with the existing site conditions and natural and historic features of the site;
    - (b) Identify features omitted from the site analysis map and other potential site development issues;
    - (c) Identify and evaluate potential scenic view sheds; and
    - (d) Provide an opportunity for the applicant and Planning Department staff to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Any comments made by Planning Department staff during the site inspection will be construed as suggestions; no commitments or decisions will be made during the site inspection.
  3. **Step 3: Conservation and Development Areas Map.** Based on the site analysis map and the information gathered during the site inspection, the applicant must prepare a map that identifies the areas proposed to be conserved and areas proposed to be developed on the site, in accordance with Sec. 19-5303B, Conservation Area Delineation. The minimum percentage of the site identified in Sec. 19-5301, Minimum Conservation Area, must be included within the conservation area.
  4. **Step 4: Conservation and Development Plan.** After the Planning Director has approved the delineation of conservation areas, the applicant must prepare a Conservation and Development Plan, which must include the site analysis map, information gathered during the site inspection, and the map of conservation and development areas. The Plan must be submitted to the Planning Director and must include the following:
    - (a) A site analysis map;
    - (b) A conservation and development areas map; and
    - (c) A preliminary site improvements plan showing proposed site development, including:
      - (1) Areas proposed for conservation;
      - (2) Conceptual locations for proposed roads and trails;
      - (3) Conceptual locations for lot lines, setbacks, and proposed dwellings within designated areas; and
      - (4) Areas for stormwater management facilities, if any, and the type of facility proposed.
- C. **Plan Review and Decision.**
1. Upon receipt of a Conservation and Development Plan, the Planning Director will review and make a decision in accordance with Sec. 19-2204, Staff Review and Action. The Planning Director will approve the Conservation and Development Plan, or approve it subject to conditions, on finding that it complies with the requirements in Sec. 19-5202B, Conservation and Development Plan, with the requirements in Article 5, Division 3, Cluster Subdivision Standards, and with all other requirements for approval in this chapter. Any conditions of approval imposed by the Planning Director must be in furtherance of the purposes of the Chapter and must be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

2. Approval of the Conservation and Development Plan will remain valid for two years from the date of approval. The Planning Director may extend the period of approval for a Conservation and Development Plan two times for two years each time upon receipt of a written request received prior to the expiration of the approval if the Planning Director determines the applicant has not unduly delayed the filing of a preliminary plat.

Sec. 19-5203. - Preliminary Plat

Following review and approval (or approval subject to conditions) of a Conservation and Development Plan, the applicant may submit an application for a preliminary plat in accordance with Sec. 19-2302, Preliminary Plat. The Planning Director will approve a preliminary plat for a cluster subdivision only on finding the plat substantially conforms with the approved Conservation and Development Plan and complies with the standards in Article 5, Division 3, Cluster Subdivision Standards, and the standards in Sec. 19-2302D, Preliminary Plat Decision Standards.

DIVISION 3. - CLUSTER SUBDIVISION STANDARDS

Sec. 19-5301. - Minimum Conservation Area

A minimum of 50 percent of the gross land area in a cluster subdivision must be set aside as conservation area, in accordance with Sec. 19-5303 below.

Sec. 19-5302. - Dimensional Standards

Within a cluster subdivision, the dimensional standards established for each zoning district in Article 3, Zoning Districts, of Chapter 24 of the County Code will apply, except as modified by Table 5402: Cluster Subdivision Dimensional Standards.

<b>Table 5402: Cluster Subdivision</b>				
<b>Dimensional Standards</b>				
<b>Dimensional Standard</b>	<b>Zoning District</b>			
	<b>A-1</b>	<b>R-0</b>	<b>R-0A</b>	<b>R-1</b>
Lot size, minimum (feet)	20,000	20,000	17,500	12,500
Lot width, minimum (feet)	80	80	80	80
Front yard, minimum (feet)	25	25	25	25
Interior side yard, minimum (feet)	15	15	10	10

Street side yard, minimum (feet)	50	50	50	50
Rear yard, minimum (feet)	25	25	20	20

Sec. 19-5303. - Conservation Area Standards

A. **Areas and Features to be Preserved.** The areas and features identified below will be credited toward compliance with the minimum conservation area required by Sec. 19-5301 above. To the maximum extent practicable, conservation areas must be located and organized to include, protect, and enhance as many of the following areas and features as possible, in the following general order of priority:

1. Lands with active agricultural uses and activities;
2. Primary conservation areas, which include Chesapeake Bay Preservation Areas, the 100-year floodplain, all wetlands, and all areas having slopes of 15 percent or greater that are adjacent to Chesapeake Bay Preservation Areas, the 100-year floodplain, or wetlands;
3. Mature woodland areas;
4. Rivers and stream corridors;
5. Groundwater recharge areas;
6. Hedgerows, freestanding trees, or tree groups;
7. Scenic resources including view sheds;
8. Historic resources;
9. Other unique characteristics on the site; and
10. Any areas or features not listed in subsections 1 through 9 above that are identified in Article 5, Division 2, Required Open Space, of Chapter 24 of the County Code as counting towards open-space set-aside requirements.

B. **Conservation Area Delineation.** The following principles apply to the delineation of conservation areas in a cluster subdivision:

1. The area of the site required for a conservation area will be determined based on the priorities established in the review of the Conservation and Development Plan and may include areas of the site not otherwise specifically identified in subsection A above.
2. The conservation area should be contiguous and not divided among parcels, to the maximum extent possible. Fragmentation of the conservation area into small, irregularly shaped pieces is prohibited.
3. Conservation areas must connect with existing and potential conservation areas on abutting sites, to the maximum extent possible, to encourage corridors of compatible site characteristics, unless it is found to be impractical due to topography, spacing, existing natural barriers, or the prioritization of the lands indicated in the conservation area.
4. Naturally contiguous conservation areas must not be divided for the sole purposes of obtaining allowable density.

5. Farm structures and rural vistas must be retained, whenever possible.
  6. The layout and location of lots must be designed to minimize potential adverse impacts on existing farm operations.
  7. A single dwelling unit may be located on the same parcel as a conservation area.
  8. Septic recovery areas and stormwater management facilities may be located on the same parcel as a conservation area maintained by a homeowners' association if there is no adverse impact to the character of that area of land and in accordance with the following:
    - (a) Acceptable stormwater facilities include farm ponds, bioretention ponds, naturally contoured ponds, and wet ponds with wetland edges and no visible structures. Stormwater facilities should not include typical dry ponds with associated steep slopes, dams, mowed areas, fencing, or prominent overflow structures.
    - (b) A septic recovery area may be located in a conservation area if it is demonstrated that the development area cannot support these facilities and it is designed to appear to be part of the existing landscape.
    - (c) Community drainfields are prohibited.
- C. **Allowable Uses.** Uses allowed in conservation areas (see Chapter 24 of the County Code for definitions) will be limited to the following:
1. Agricultural Uses, except farm machinery sales, rental and service, and stockyard or slaughterhouses;
  2. Unpaved trails, walkways, and boardwalks;
  3. Docks or boat launches;
  4. Above-ground and below-ground public utilities and associated easements, provided no feasible alternative exists;
  5. Streets that provide access to the cluster subdivision; and
  6. Street or driveway crossings.
- D. **Ownership and Maintenance of Conservation Areas.** Conservation areas must be owned and controlled by an individual, homeowners' association, public or private organization, land trust, or corporation. Prior to approval of the final plat, a conservation easement that meets the requirements of this section must be recorded in the County's land records for each conservation area. The conservation easement must be referenced on the final plat by deed book and page number.
- E. **Conservation Easement Requirements.**
1. The conservation easement must be approved by the County Attorney as to form, must run with the land, and must be in full force and effect in perpetuity.
  2. The conservation easement must include the following:
    - (a) Details of the location, size, and purpose of the conservation area;
    - (b) Information about existing improvements on the conservation area;
    - (c) An agreement by which the owner assumes all responsibility for maintenance and continued protection of the conservation area; and
    - (d) Provisions that:

- (1) Prohibit future development of the conservation area;
  - (2) Prohibit future subdivision of the conservation area;
  - (3) Provide for maintenance and ownership of the conservation area;
  - (4) Assign responsibility for enforcement of the easement; and
  - (5) Provide for succession in the event that one of the parties to the easement should be dissolved.
3. Regardless of who owns a conservation area, at least one of the following must be a party to the easement in addition to the landowner:
- (a) A property owners' association that comprises owners of property in the subdivision; or
  - (b) A land conservation organization that is qualified to manage conservation easements in accordance with the Virginia Conservation Easement Act, Code of Virginia §§ 10.1-1009 et seq.

#### Sec. 19-5304. - Development Area Standards

##### A. General.

1. The development standards in this chapter and Chapter 24 of the County Code apply to cluster subdivisions, as supplemented by the provisions below.
2. Except as otherwise provided by this article, all individual residential lots, dwellings, recreational facilities, utilities, easements (other than the conservation easement in Sec. 19-5303 above), and streets serving individual lots and recreational facilities must be located in the development areas.

##### B. Subdivision Layout Standards.

1. Lots designated as buildable lots for single-family dwellings must be located a minimum of 40 feet from any environmentally regulated area, including woodland conservation areas.
2. Individual streets must be designed to maintain the existing grade, to the maximum extent practicable.
3. Existing farm roads and driveways must be incorporated into the internal street or trail design, where possible.
4. Lots designated as buildable lots for single-family dwellings and dwellings located on the lots must be arranged and sufficiently set back to preserve views of the site characteristics from streets and abutting lands.
5. Access to all lots used for single-family dwellings must be from streets interior to the subdivision.
6. Lots designated as buildable lots for single-family dwellings must not be located in the center of open fields or on a ridgeline, unless topographic, environmental, or other conditions necessitate that they be located there.
7. Dwellings and streets must be located at the edges of woodlands and situated in a manner that will maximize the amount of contiguous wooded area left intact.
8. Except to provide access to the cluster subdivision, proposed street and driveway crossings through wetlands, floodplains, and steep slopes are prohibited unless the crossing will provide a more efficient lot and street layout that provides less net disturbance of these features than an alternative layout.
9. Trees on ridgelines must be preserved, to the maximum extent practicable.

##### C. Lot Design Standards.

1. Buildings and driveways must be sited to maintain the existing grade as much as possible.
  2. Dwellings should be sited to avoid the rear of the dwelling being oriented toward the front of other dwellings and external streets. A landscape plan may be required to provide for the buffer of views of the rear and sides of dwellings from all streets and easements, and the fronts of other dwellings.
  3. Direct driveway access for individual lots onto external streets must be avoided unless necessary for safety reasons, environmental preservation, or similar benefit.
  4. Large expanses of driveways and parking areas must not be visible from the external streets and abutting lands.
- D. **Stormwater Management Standards.** To the maximum extent practicable, low-impact stormwater management designs must be used to satisfy the stormwater management requirements of Chapter 10 of the County Code. Low-impact stormwater management includes the use of existing hydrological site features; the reduction of impervious surfaces such as streets, curbs, and gutters; decreasing the use of storm drain piping, inlet structures; and eliminating or decreasing the size of stormwater ponds. Such integrated management practices may include bioretention, dry wells, filter buffer, infiltration trenches, and similar techniques.

Hanover County

Landscaping Regulations

DIVISION 5. - Landscaping Regulations.

Section 26-263. - Screening and planting standards.

(a) When screening is required through specific district regulations or through supplemental regulations contained in this ordinance, the following minimum standards shall apply:

1. Where a "continuous visual screen" or "screening" is specified, such screen may be comprised of either plant materials or structural materials, such as masonry or wood fencing.
2. Where a "masonry wall," "ornamental wall," or "fence" is specified, such structure shall be at least six (6) feet in height and shall be so constructed as to provide a permanent, year-round visual barrier from surrounding properties. Chain link, wire mesh, or similar fence materials may only be used in industrial districts and only when additional acceptable material is also used in such a manner as to provide the required visual barrier. Materials may be slats inserted into the wire fabric or boards attached directly to the frame to form the required visual barrier. Acceptable material shall be redwood, cedar, or other woods which have been pressure-treated, or 9-gauge polyethylene tubular slats in wood tones (slats shall have a minimum density of .951).
3. Where a "hedge," "compact evergreen hedge," "foliage" or "screen planting" is specified, such planting shall be acceptable evergreen shrubs, trees or plants planted in accordance with standards specified below. If plant material dies within an existing vegetative screen installed prior to the effective date of this ordinance, replacement trees or shrubs may be installed under the original standards or the new guidelines and tree list.

(b) Planting standards.

1. All screening shall comprise of evergreen plants, including broadleaf evergreens. Plants shall be at least six (6) feet in height at time of planting, or if using smaller plants (minimum height three (3) feet) they may be installed on a berm so that the combination of the berm and plant equals a height six (6) feet.
2. Plantings shall be staggered to achieve the required visual screen. If the distance to be screened exceeds fifty (50) feet in length, at least two different types of evergreens shall be used. If using plants with different spacing requirements, the plants may be planted, as an example, with the back row at ten (10) feet on center and the front row at eight (8) feet on center. Examples of acceptable evergreen species and plant spacing to fulfill this requirement are as follows:

The following trees shall be planted at ten (10) feet on center with the rows six (6) feet apart (staggered, triangular spacing):

Abies concolor	White (concolor) Fir
Calocedrus decurrens	California Incense Cedar
Chamaecyparis nootkatensis	Alaskan Cedar
Chamaecyparis obtuse	Hinoki Falsecypress

Chamaecyparis pisifera	Japanese Falsecypress
Chamaecyparis thyoides	Atlantic White Cedar
Cryptomeria japonica	Japanese Cedar
Magnolia grandiflora	Southern Magnolia
Picea abies	Norway Spruce
Picea pungens	Colorado Spruce
Pinus aristata	Bristlecone Pine
Pinus bungeana	Lacebark Pine
Pinus densiflora	Japanese Red Pine
Pinus nigra	Austrian Pine
Pinus strobus	Eastern White Pine
Pinus sylvestris	Scotch Pine
Pinus taeda	Loblolly Pine
Pinus thunbergiana	Japanese Black Pine
Tsuga canadensis	Canadian Hemlock
Tsuga caroliniana	Carolina Hemlock

The following evergreen trees shall be planted at eight (8) feet on center with the rows six (6) feet apart (staggered, triangular spacing):

Cupressocyparis leylandii	Leyland Cypress
Cupressus arizonica	Arizona Cypress
Ilex opaca	American Holly

<i>Ilex x Nellie Stevens</i>	Nellie Stevens Holly
<i>Ilex x Marynell</i>	Marynell Holly
<i>Juniperus chinensis</i>	Chinese Juniper
<i>Juniperus scopulorum</i>	Colorado Red Cedar
<i>Juniperus semiglobosa</i>	Russian Juniper
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Myrica cerafera</i>	Southern Waxmyrtle
<i>Thuja occidentalis</i>	White Cedar
<i>Thuja orientalis</i>	Oriental Arborvitae

The following evergreen shrubs shall be planted four (4) feet on center with triangular spacing:

<i>Cephalotaxus fortunei</i>	Plum Yew
<i>Ilex cornuta burfordii</i> (not dwarf)	Chinese Burford Holly
<i>Ilex cornuta</i>	Chinese Holly
<i>Ilex crenata</i> (not dwarf i.e. helleri)	Japanese Holly
<i>Ilex glabra</i> (not compacta)	Inkberry Holly
<i>Ilex vomitoria</i>	Yaupon Holly
<i>Illicium Floridanum</i>	Florida Anise
<i>Illicium parviflorum</i>	Common Anise
<i>Ligustrum obtusifolium</i>	Border Privet
<i>Magnolia virginiana</i>	Sweet Bay Magnolia

Osmanthus americanus	Devilwood
Osmanthus heterophyllus	False Holly
Prunus caroliniana	Carolina Cherrylaurel
Prunus laurocerasus schipkaensis	Schip Laurel
Rhodendron catawbiense	Catawba Rhododendron
Taxus baccata (not dwarf)	Common Yew
Viburnum obovatum	Walters Viburnum
Viburnum x pragense	Prague Viburnum
Viburnum rhytidophyllum	Leatherleaf Viburnum
Viburnum tinus	Laurustinus

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-264. - Buffers; General standards.

- (a) When a commercial site is located on a designated major thoroughfare, at least fifteen (15) feet shall be maintained along the road frontage as a buffer. When a site has frontage on Route 360, 301, 1, 33, 54, or 30, the buffer shall be increased to twenty-five (25) feet. The following standards shall apply to buffers required by this section:
1. The buffer shall be measured from the front property line.
  2. No parking area or structure, except for permitted signage, shall be located within the buffer.
  3. The buffer shall be landscaped with
    - a. at least one deciduous tree, at least two (2) inches in caliper measured six (6) inches from the ground when planted, with branching no closer than five (5) feet to the ground, or one evergreen tree, at least six (6) feet in height when planted, for each fifty (50) feet of lineal frontage;
    - b. at least one shrub, at least eighteen (18) inches in spread when planted, for each thirty (30) feet of lineal frontage, planted and maintained at twenty-four (24) inches in height or lower; and
    - c. other ground cover reasonably dispersed throughout the buffer.
  4. No required plantings shall be placed within the required sight distance triangle on site.
  5. When the buffer includes undulating berms, the berms shall have a minimum height of three (3) feet and a gradient of no more than 3:1. No berms shall be located within the sight distance triangle at each entrance to

the site. Where such berms are provided, there shall be a fifty-percent reduction in the number of required trees within the thoroughfare buffer, with such credit being calculated at the rate of two hundred (200) square feet of canopy per tree as shown in the Hanover County tree canopy chart; shrubbery shall be provided according to the requirement specified above.

- (b) *Outside speakers.* Outside speakers used in conjunction with any establishment shall not be audible beyond the property line of the establishment.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-265. - Standards for trees and shrubs used in buffers.

Minimum standards for trees and shrubs used in buffers:

*Tree and Shrub Sizing Table:*

Type	Minimum height at maturity (in feet)	Minimum width at maturity (in feet)	Minimum size at time of planting
Evergreen trees	15'	8'	6' in height
Small deciduous trees	15'	None	Single stem: 1.5" in caliper (measured 2' from ground) Multiple stem: 10' in height
Large deciduous trees	35'	None	2" in caliper (measured 2' from ground)
Shrubs	4'	4'	2' in height

1. Sizes at maturity and any other matters related to whether a tree or shrub meets the requirements of this section shall be determined by reference to the American Horticultural Society, the Virginia Landscape and Nursery Association, or other industry-recognized standards applicable to Hardiness Zone 7.
2. Evergreen trees and shrubs must be of varieties that do not lose their lower branching structure as the trees and shrubs mature.
3. All newly installed landscaping shall be placed in mulched and stabilized planting beds of groups of three or more. In all other areas, ground cover shall be provided.
4. For buffers in which more than twenty (20) trees are required, no individual species shall exceed thirty percent (30%) of the total number of plants required within the buffer.
5. After submission of a preliminary site plan, the applicant shall set up an appointment with the Planning Department for an inspection of the proposed material to be saved.
  - a. Plant materials that are to be saved and used to meet the buffer requirements shall be clearly delineated

on the landscape plan and marked in the field prior to the Planning Department's inspection.

- b. A tree protection plan certified by a Landscape Architect, Certified Horticulturist or ISA Certified Arborist must be provided to the Planning Department prior to site plan approval.
  - c. Tree protection measures shall be installed, inspected and certified by a Landscape Architect, Certified Horticulturist or ISA Certified Arborist prior to land disturbance.
6. The number of required trees and shrubs for buffers may be reduced fifteen percent (15%) when all the trees or shrubs used to satisfy a listed requirement are native or drought-resistant. In order to qualify as a native or drought-resistant plant, the applicant must provide the following information with the site plan:
- a. Documentation that the species is classified as drought-resistant in Hardiness Zone 7 or native to Virginia by the American Horticultural Society, the Virginia Department of Conservation and Recreation, or other industry-recognized standard;
  - b. Evidence that the conditions on the site are suitable for the cultural requirements of the species, including the current and future size of the tree or shrubs and the water and light requirements of the tree or shrub; and
  - c. Documentation that the species is not listed on the Virginia Department of Conservation and Recreation Invasive Species list.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-266. - Buffers for industrial uses.

When an M-1, M-2, or M-3 district adjoins an AR- or R-zoned district, or when an M-1, M-2, or M-3 district adjoins an A-1-zoned property on which there is a residence within two hundred (200) feet of the common property line, a buffer shall be provided in accordance with the standards set forth in Table I or Table II below:

1. Table I: Standards for buffers utilizing all newly planted vegetation

Minimum depth of buffer (measured from property line)	40 foot wide buffer (minimum)	30 foot minimum width buffer (berm required)	20 foot minimum width buffer (no berm)
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<p>Minimum number of required trees and shrubs:</p>	<p>One tree for every five linear feet of buffer length and                  One shrub for every four linear feet of buffer length  <i>Note:</i> No less than 30% and no more than 50% of the trees are to be evergreen</p>	<p>One evergreen tree per fifteen linear feet of buffer and                  One evergreen shrub per four linear feet of buffer  <i>Note:</i> Trees and shrubs are to be planted on the berm</p>	<p>One evergreen tree per seven linear feet of buffer;                  One evergreen shrub per three linear feet of buffer;                  One small deciduous tree per twenty-five linear feet of buffer; and                  One large deciduous tree per fifty linear feet of buffer</p>
<p>Berm (if applicable)</p>	<p>n/a</p>	<p>Design: Undulating and serpentine                  Height: At least four (4) feet for a minimum of sixty percent (60%) of the length of the buffer*                  Slope: Maximum three to one ratio (3:1), unless otherwise approved by the Planning Department and the Department of Public Works.</p>	<p>n/a</p>

\* When a berm is used in an area that naturally contains a slope steeper than a ratio of 12:1 (8%), the Planning Department may require that the height of the berm be modified and other design features adjusted so that the same screening effect is created as is intended by the Table I standards.

2. Table II: Standards for buffers utilizing some or all existing vegetation

<p>Minimum depth of buffer (measured from property line)</p>	<p>40 foot wide buffer (minimum)</p>	<p>20 foot minimum width buffer (no berm)</p>
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<p>Minimum number of required trees and shrubs:</p>	<p>Same as listed for 40' wide buffer in Table I</p>	<p>Same as listed for 20' wide buffer in Table I, provided that at least thirty three percent (33%) of the existing plant material to be used toward buffer requirements shall be trees</p>
<p>Supplementation requirements for buffers using existing vegetation</p>	<p>Where the Table II buffers are denuded or void of existing vegetation ("gaps") for ten (10) or more linear feet or the existing stand of trees have no branches or understory growth lower than six feet from the ground, supplementation is required in the form of evergreen trees and shrubs planted as follows:</p> <ol style="list-style-type: none"> <li>1. Placement can be a straight line staggered,</li> <li>2. Trees shall be seven feet on center or less</li> <li>3. Shrubs shall be three feet on center or less</li> </ol>	

3. The following additional requirements shall apply to the buffers provided for in Tables I and II:
  - a. Existing vegetation used to satisfy buffer requirements shall comply with the minimum standards for trees and shrubs in Section 26-265.
  - b. The Planning Department shall determine the suitability of existing vegetation for buffers and the necessity for supplemental plantings as established in Section 26-264.
  - c. Prior to certificate of occupancy, all planted and preserved trees and shrubs shall be inspected to verify that the trees and shrubs are healthy and meet the minimum requirements set forth in this section.

(Ord. No. 12-08, § 3, 1-9-13; Ord. 15-01, § 3, 3-11-15)

# Adjacent Counties Landscaping











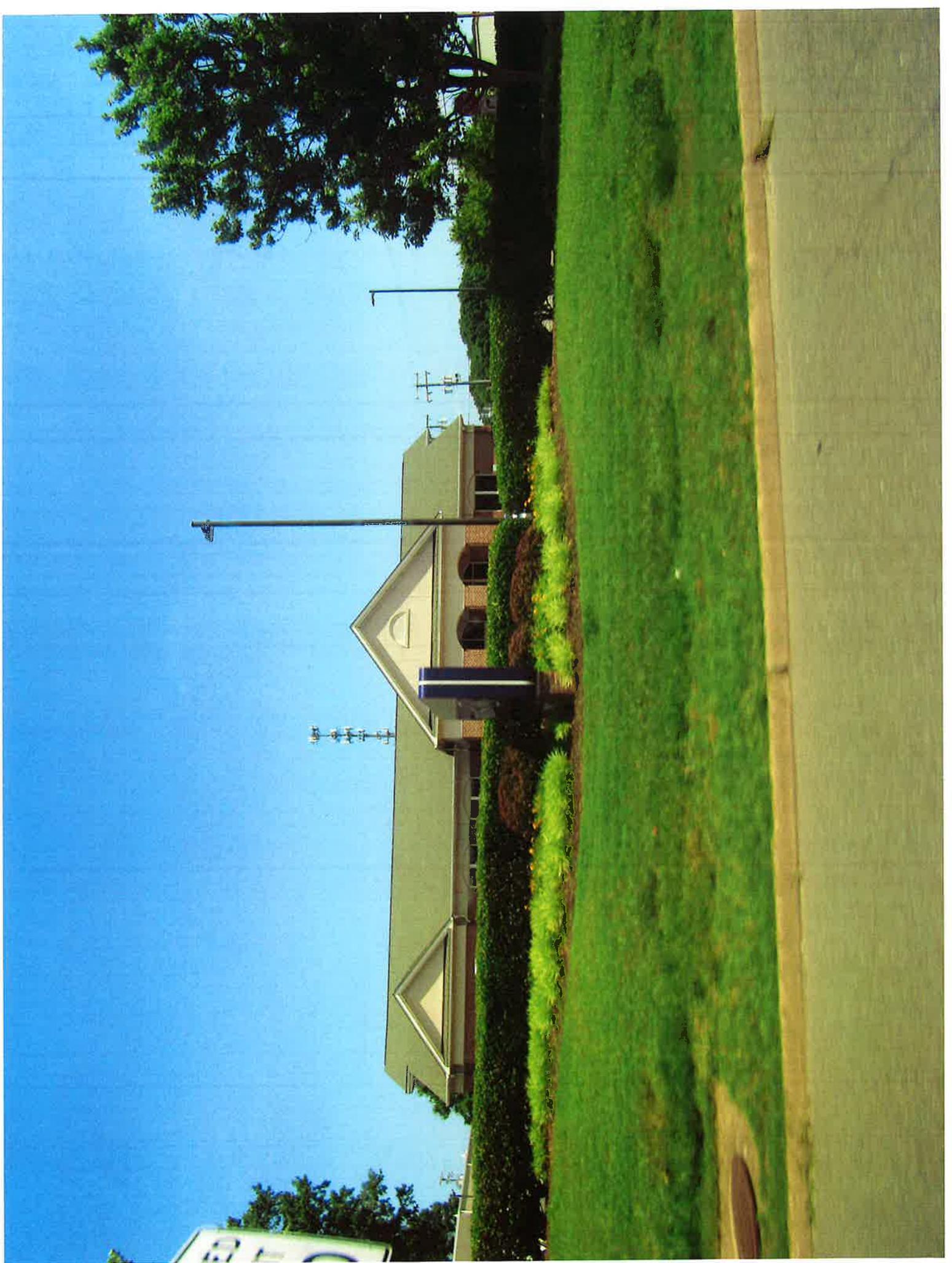
































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