Unified Development Ordinance

Pulaski County, Virginia

Adopted October 26, 2015

Amendments

Adopted: October 26, 2015

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Article 1: Title, Purpose, and General Provisions

1.0 Intent and Applicability

This Article provides an introduction to the structure and the legal framework of the Unified Development Ordinance (the UDO). The UDO combines the zoning and subdivision authority of Pulaski County into one document. Specifically, this Article covers the title of this Ordinance, purpose of adoption, applicable statutory authority, effective date, and other related matters.

1.1 Title

This Ordinance shall be known and may be cited and referred to as the Unified Development Ordinance of the County of Pulaski, Virginia, and may be referred to as the Unified Development Ordinance, the UDO, or this Ordinance, and includes the Official Zoning Map of Pulaski County, Virginia.

1.2 Purpose

The regulations herein established have been made in accordance with a comprehensive plan to promote and improve, in accordance with present and future needs, the health, safety, convenience, and welfare of County citizens, to implement the Pulaski County Comprehensive Plan, and carry out the purposes of §§ 15.2-2200 et. seq. of the Code of Virginia, 1950, as amended, (hereinafter referred to as "Code of Virginia") and other relevant statues. To those ends, this Ordinance has the following specific purposes:

1. Encourage economic growth, development, and redevelopment in a manner that is consistent with the social, economic, community design, and environmental goals of the County that provide desirable employment and enlargement of the tax base;
2. Protect against overcrowding of land and undue density of population in relation to the community facilities existing or available;
3. Preserve agricultural and forestal lands, as well as other lands of significance for the protection of the natural environment;
4. Protect and preserve the aesthetic, cultural, and historic resources of the County;
5. Promote the efficient, appropriate, and best use of land;
6. Promote development patterns that are consistent with the efficient and economical use of public funds;
7. Protect against the loss of life, health, or property from fire, flood, impounding structure failure, panic, crime, or other dangers;
8. Provide for adequate light, air, and convenience of access;
9. Facilitate the creation of a convenient, attractive, and harmonious community;
10. Protect approach slopes and other safety areas of licensed airports;
11. Prevent congestion in the public streets;
12. Ensure efficient review and procedures for proposed development and redevelopment;
13. Make zoning and development decisions predictable, fair, and cost effective; and
14. Assist in the implementation of the Pulaski County Comprehensive Plan and other official plans, policies, and programs.

1.3 Authority and Enactment

This Ordinance is adopted pursuant to the authority granted by §§ 15.2-2200 et. seq. of the Code of Virginia and all other relevant statues. In accordance with the authority conferred on

Pulaski County by these statutes and for promoting the purposes, intent, and design objectives expressed in this Ordinance, the Board of Supervisors of Pulaski County does ordain and enact into law the following articles and sections. This Ordinance includes the Zoning Ordinance of Pulaski County, enacted pursuant to the authority of §§ 15.2-2280 and 15.2-2281 of the Code of Virginia and the Subdivision Ordinance of Pulaski County, enacted pursuant to the authority of § 15.2-2240 of the Code of Virginia.

1.4 Conflicting Provisions

Where there is a conflict between provisions of an applicable Virginia law and provisions of this Ordinance, the provisions of the applicable Virginia law shall control. Where there is a conflict or apparent conflict among provisions of this Ordinance, the more restrictive provision shall control; except, when there is a conflict or apparent conflict between an overlay district and the underlying base zoning district, the provisions of the overlay district shall control. Where it is possible to implement, administer, or construe a particular provision of this Ordinance in more than one way, it shall be implemented, administered, or construed in a way that eliminates or minimizes conflicts with other provisions of this Ordinance.

With regard to matters dealing with zoning, land development, and the subdivision of land, this Ordinance shall control over all other County ordinances.

1.5 Severability

The provisions of this Ordinance are to be liberally construed to carry out the purposes of the Ordinance and to avoid conflict with the laws of the Commonwealth of Virginia or any other limitations imposed by law. However, if the provisions of any article, section, subsection, paragraph, subdivision, or clause of this Ordinance shall be adjudged or construed to be invalid by a court of competent jurisdiction for any reason, such judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this Ordinance, all of which shall remain in full force and effect.

1.6 Jurisdiction

The provisions of this Ordinance shall apply to all property within the Town of Draper, VA and unincorporated portions of Pulaski County, Virginia.

1.7 Repeal of Preexisting Ordinances

Any and all previous and existing versions of the Pulaski County Zoning Ordinance and Subdivision Ordinance are hereby repealed in their entirety.

1.8 Zoning History

Pulaski County adopted zoning for the entire County in November 1990.

1.9 Effective Date

This Ordinance shall take effect upon the date of its adoption.

Article 2: Administration

2.0 Intent and Applicability

This Article provides general information related to the administration and use of this Ordinance, boards and commissions, and general requirements. Specifically, this Article covers boards and commissions applicable to zoning and development, administrative responsibilities, and other related matters.

2.1 Administration and Staff

A. **UDO Administrator**

1. **Establishment:** The Board of Supervisors hereby establishes the UDO Administrator, also known as "Zoning Administrator" and/or "Administrator" as it relates to this Ordinance. The UDO Administrator shall be the County's zoning administrator, subdivision agent, and chief administrative officer for all zoning and land development matters under this Ordinance. The UDO Administrator is charged with the authority and the duty to administer and enforce this Ordinance and is authorized to establish standards of operation and procedures for Pulaski County consistent with the intent of this Ordinance.

   The UDO Administrator is further empowered to delegate the duties and powers granted to, and imposed upon, the UDO Administrator by this Ordinance and may determine the scope of authority of such designees under this Ordinance. As used in this Ordinance, "UDO Administrator", "Zoning Administrator", and/or "Administrator" shall include staff authorized by the UDO Administrator to perform any function assigned to the UDO Administrator by this Ordinance or Virginia law. The UDO Administrator shall have the authority, powers, and duties conferred by this Ordinance and by Code of Virginia § 15.2-2286 and any and all additional authority, power, and duties granted by Virginia Law.

2. **Appointment:** The Pulaski County Administrator shall designate the UDO Administrator.

3. **Powers and Duties:** The powers and duties of the UDO Administrator include, but are not limited to:
   a. Performing the planning functions for the County and providing technical support and guidance for action on plans, policies, and ordinances that may impact land development patterns or future growth;
   b. Reviewing and taking action on, approving, approving with conditions, or denying zoning permits or approvals for the use of land, buildings, and structures, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure;
   c. Reviewing and taking action on, or approving, approving with conditions, or denying subdivision plats, and other boundary line and plat adjustments as a delegated authority from the Board of Supervisors, pursuant to Code of Virginia § 15.2-2255;

d. Reviewing and taking action on, or approving, approving with conditions, or denying site plans;
e. Reviewing and taking action on, or approving, approving with conditions, or denying applications based on authority that has been delegated from the Planning Commission;
f. Making administrative interpretations of this Ordinance;
g. Preparing and publishing rules and procedures relating to the administration of this Ordinance;
h. Reviewing and making recommendations for action to approve, approve with conditions, or deny applications to the Board of Supervisors, Planning Commission, Board of Zoning Appeals, and other appropriate decision making authorities;
i. Preparing and recommending for adoption by the applicable approval authority technical requirements for the orderly development of Pulaski County in conformance with this Ordinance;
j. Serving as Secretary to the Planning Commission and Board of Zoning Appeals; and
k. Such other powers, duties, and responsibilities explicitly granted by this Ordinance or State law and as delegated by the Board of Supervisors.

4. **Appeals:** Authorized appeals from any zoning decision made by the UDO Administrator shall be heard by the Board of Zoning Appeals. Appeals from any subdivision decision made by the UDO Administrator shall be heard by the Planning Commission.

2.2 Boards and Commissions

A. Board of Supervisors

1. **Establishment:** The Board of Supervisors is an elected body that has power and authority designated by the Code of Virginia.

2. **Appointment:** The Pulaski County Board of Supervisors are elected pursuant to the Code of Virginia.

3. **Powers and Duties:** The powers and duties of the Board of Supervisors with regard to zoning and land development regulations include, but are not limited to:
   a. Adopting the Comprehensive Plan and all elements of the Comprehensive Plan, including a Future Land Use Map, pursuant to Code of Virginia §§ 15.2-2226 and 15.2-2229;
   b. Reviewing and taking action on, approving, approving with conditions, or denying amendments to the adopted Comprehensive Plan and all elements of the Comprehensive Plan, including a Future Land Use Map;
   c. Adopting a zoning ordinance (codified herein) pursuant to Title 15.2, Chapter 22, Article 7 of the Code of Virginia, including Code of Virginia § 15.2-2285;
   d. Adopting subdivision regulations (codified herein) pursuant to Code of Virginia §§ 15.2-2240, 15.2-2251, and 15.2-2253;

e. Reviewing and taking action on, approving, approving with conditions, or denying amendments to the adopted zoning ordinance and subdivision regulations;
f. Adopting an official zoning map pursuant to Title 15.2, Chapter 22, Article 7 of the Code of Virginia;
g. Reviewing and taking action on, approving, approving with conditions, or denying amendments to the adopted official zoning map;
h. Reviewing and taking action on, approving, approving with conditions, or denying special use permits;
i. Appointing members of the Planning Commission and Board of Zoning Appeals, provide for their compensation, and appropriate funds for expenses, pursuant to Code of Virginia §§ 15.2-2212 and 15.2-2216;
j. Reviewing and taking action on, approving, approving with conditions, or denying amendments and modifications to adopted ordinances, plans, and maps;
k. Reviewing and taking action on, approving, approving with conditions, or denying Master Plan applications;
l. Reviewing and taking action on, approving, approving with conditions, or denying requests to vacate a lot plat or subdivision plat pursuant to Code of Virginia, § 15.2-2271 or 15.2-2272;
m. Accepting dedication of land or facilities for public use and/or maintenance;
n. Delegating authority to the UDO Administrator for the administration of the subdivision regulations pursuant to Code of Virginia § 15.2-2255 or as otherwise provided by Virginia law; and
o. All additional authority, power and duties granted by the Code of Virginia or Virginia law.

4. **Appeals:** Authorized appeals from any decision made by the Board of Supervisors shall be heard by the Pulaski County Circuit Court.

B. **Planning Commission**

1. **Establishment:** The Planning Commission is an appointed body that has those functions, duties, and powers provided by the Code of Virginia § 15.2-2210.

2. **Appointment:** The Board of Supervisors appoints all members of the Planning Commission.

3. **Organization:** The Planning Commission is organized pursuant to Title 15.2, Chapter 22, Article 2 of the Code of Virginia. The Planning Commission has adopted rules of procedure that detail membership, terms, appointment, removal of members, and other specific details regarding the operation and functioning of the Commission.

4. **Powers and Duties:** The powers and duties of the Planning Commission include, but are not limited to:
   a. Preparing and periodically reviewing the Comprehensive Plan in accordance with the Code of Virginia §§ 15.2-2223 and 15.2-2230;
   b. Reviewing and determining if any street or connection to an existing street, park or other public area, public building or public structure, public utility facility or

public service corporation facility, other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility, is substantially in accordance with the adopted Comprehensive Plan or part thereof, pursuant to Code of Virginia § 15.2-2232;

c. Reviewing and taking action on, approving, approving with conditions, or denying Subdivision Variance applications;
d. Reviewing and making recommendations to the Board of Supervisors for the following:
    i. Adoption of and amendments to the Comprehensive Plan and Future Land Use Map;
    ii. Adoption of and amendments to this Ordinance;
    iii. Adoption of and amendments to the Official Zoning Map;
    iv. Special Use Permits;
    v. Capital Improvements Plan setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the Board of Supervisors;
    vi. Policies or procedures to facilitate implementation of planning and zoning elements; and
    vii. Other amendments and modifications to adopted ordinances, plans, and maps related to zoning and land development;
e. Making, publishing, and distributing maps, plans, and reports related to zoning, planning, and development of the County to public officials and agencies, civic and professional organizations, other organizations, and County citizens;
f. Expend such funds as budgeted by the Board of Supervisors for the Planning Commission pursuant to the Code of Virginia §§ 15.2-2217 and 15.2-2222; and
g. Exercising such other powers as may be granted by this Ordinance pursuant to the Code of Virginia, delegated by the Board of Supervisors, or granted by the Code of Virginia.

5. **Appeals:** Authorized appeals from any decision made by the Planning Commission shall be heard by the Board of Supervisors.

C. **Board of Zoning Appeals**

1. **Establishment:** The Board of Zoning Appeals is an appointed body that has those functions, duties, and powers provided by the Code of Virginia §§ 15.2-2308 and 15.2-2309.

2. **Appointment:** The Circuit Court appoints Board of Zoning Appeals members after a recommendation from the Board of Supervisors is provided to the Circuit Court.

3. **Organization:** The Board of Zoning Appeals is organized pursuant to Code of Virginia § 15.2-2308. The Board of Zoning Appeals has adopted rules of procedure that detail membership, terms, appointment, removal of members, and other specific details regarding the operation and functioning of the Board.

4. **Powers and Duties:** The powers and duties of the Board of Zoning Appeals include, but are not limited to:

a. Hearing and deciding appeals where it is alleged there is error in an order, requirement, decision, or determination by the UDO Administrator in the enforcement of the zoning standards of this Ordinance;
b. Hearing and approving, approving with conditions, or denying appeals for variances from the zoning standards contained in this Ordinance when strict application of the provisions would result in unnecessary hardship;
c. Reviewing and approving, approving with conditions, or denying applications for uses by special exception subject to the terms and conditions for the uses set forth for such uses in the applicable zoning portions of this Ordinance;
d. Hearing and deciding requests for an interpretation to the Official Zoning Map where there is any uncertainty as to the location of a district boundary; and
e. Exercising such other powers as may be granted by this Ordinance pursuant to Code of Virginia, §§ 15.2-2309 to 15.2-2312, or afforded by the Code of Virginia.

5. **Appeals:** Authorized appeals from any decision made by the Board of Zoning Appeals shall be heard by the Pulaski County Circuit Court.

Article 3: Applications

3.0 Intent and Applicability

This Article provides general information related to the various application types regulated by this Ordinance. Specifically, this Article covers general application review procedures, application types, public notice standards, bonding/ development sureties, and other related information.

3.1 General Application Information

A. **Application Requirements:** Complete applications shall include a completed application form, any required fee based upon the adopted fee schedule, minimum submittal requirements for the respective application, and any other information determined necessary by the UDO Administrator to demonstrate compliance with the requirements and standards of this Ordinance and/or the Code of Virginia. Minimum submittal requirements may be identified in this Ordinance, on the application form, or in the application checklist.

B. **Certified Plans:** All design, grading, and construction plans for all roads, utilities, and other infrastructure, as well as for site-related improvements for commercial and industrial development, shall be prepared and signed and sealed by either an Engineer or Landscape Architect duly licensed and authorized to perform such services in the Commonwealth of Virginia. All design and construction plans for commercial and industrial building-related improvements shall be prepared and sealed by an Architect or Engineer as appropriate. The UDO Administrator has the authority to request certified plans for any project.

C. **Outside Agency Review:** The UDO Administrator may request review by any agency, County Department, County Staff, or other applicable person or organization to ensure compliance with all applicable laws and regulations. If it is determined that an application is not in compliance with either this Ordinance or other applicable laws and regulations, the UDO Administrator, Planning Commission, or Board of Supervisors may withhold approval of any application.

D. **Maximum Review Period:** Once an application for approval of any plat or land development plan is considered complete, failure by staff to act on such application within 60 days shall constitute approval of the plat or plan. If the plat or plan is approved, the UDO Administrator shall provide the applicant with a written notice of approval within this 60 day period. If the plat or plan is not approved, the UDO Administrator shall provide the applicant with written notice of denial detailing the reasons for such denial. If a previously disapproved plat or plan is resubmitted for consideration as a complete application, failure by staff to act on such application within 45 days shall constitute approval of the plat or plan. The maximum review period may be extended only by written agreement between the UDO Administrator and the applicant.

E. **Expected Review Period:** Once an application for approval of any plat or land development plan is considered complete, the UDO Administrator will try to ensure all reviews are completed and comments provided to the applicant within 10 business days.

F. **Preliminary Review:** All applicants are encouraged to review preliminary information with the UDO Administrator prior to a formal submittal. This preliminary review is

informal and designed to help assist the applicant with the application to limit delays in the permitting process.

G. **Application Expiration:** As determined by the UDO Administrator, if at any time an application pending approval remains inactive through the inaction or lack of response by the applicant, the UDO Administrator, with written notice to the applicant, may declare the application has expired not less than 120 days since the last date of action by the applicant or 60 days since the last date of response by the applicant.

H. **Approval Expirations:** Special Use Permits shall become void if the Permit is not utilized within twelve (12) months after approval, except for telecommunication towers and wind energy systems which shall become void if the Permit is not utilized within twenty-four (24) months after approval. Utilization of a Special Use Permit shall consist of use of the Permit or sufficient evidence showing that the applicant is actively working toward using the Permit.

I. **Approval Extensions:** The UDO Administrator may grant extensions to approvals pursuant to the Code of Virginia and any specific conditions imposed on said approval by the Board of Supervisors, Planning Commission, or Board of Zoning Appeals. In deciding whether or not to grant the extension, the UDO Administrator shall determine that there shall not be any adverse impact on the public health, safety, and welfare; that no amendments to this Ordinance have been adopted that prohibit the approved activity or permit; and no conditions placed on the permit require extensions to be granted by the Board of Supervisors or Planning Commission. Requests for extensions must be received and accepted by the UDO Administrator prior to the expiration date.

J. **Application Re-submittals:** If an application for a Zoning Map Amendment, Future Land Use Map Amendment, or Special Use Permit is denied, there shall be a minimum waiting period of one (1) year to reapply for the same application type for the same property.

K. **Voluntary Proffers:** An applicant may provide voluntary proffers in writing before the public hearing is held for a Zoning Map Amendment that meets the criteria set forth in Code of Virginia §15.2-2297.

L. **Application Types:**
    1. **Zoning Map Amendment*:** A Zoning Map Amendment shall be required to change the zoning designation of one or more properties.
    2. **UDO Text Amendment*:** A UDO Text Amendment shall be required for a change to the text of this Ordinance.
    3. **Future Land Use Map Amendment*:** A Future Land Use Map Amendment shall be required to change the future land use designation of one or more properties as depicted by the Future Land Use Map, which is part of the Comprehensive Plan.
    4. **Comprehensive Plan Amendment*:** A Comprehensive Plan Amendment shall be required to change any elements of the Comprehensive Plan, other than the Future Land Use Map.
    5. **Special Use Permit*:** A Special Use Permit shall be required when a use is identified as needing a Special Use Permit to be allowed in a certain zoning district. Special Use Permits are reviewed for the following:
        a. the use shall not tend to change the character, established pattern of development, or anticipated future pattern of development of the area in which it will be located;
        b. the use shall be in harmony with surrounding uses;

c. the use shall not have an adverse impact to the use of neighboring property; and
d. the use shall not pose a risk to the health, safety, or welfare of people in the area in which it will be located.

6. **Variance:** A Variance shall be required when a property owner desires a reasonable deviation from provisions contained in this Ordinance regulating the size, area, or bulk of a lot or structure when a strict application would result in unnecessary or unreasonable hardship to the property owner. A Variance is further defined in the Code of Virginia §15.2-2201. Review and determination of Variance applications shall adhere to Code of Virginia §15.2-2309. Variance Applications to the Airport Overlay standards shall include a determination from the FAA as to the effect of the proposal on the safety of aircraft and navigation.
7. **Administrative Appeal:** An Administrative Appeal shall be required when an applicant wishes to appeal a decision or interpretation made by the UDO Administrator pursuant to this Ordinance. Review and determination of Administrative Appeal applications shall adhere to Code of Virginia §15.2-2309.
8. **Master Plan:** A Master Plan shall be required for any of the following:
    a. new Planned Unit Development or significant modification to an existing Master Plan; or
    b. new Planned Industrial Development or significant modification to an existing Master Plan.
9. **Major Site Plan:** A Major Site Plan shall be required for any of the following:
    a. new industrial, commercial, mixed-use, institutional, multi-family, townhouse, or other non- single-family residential building or site;
    b. major modification to an existing industrial, commercial, mixed-use, institutional, or multi-family building or site;
    c. minor modification to an existing industrial building or site;
    d. new manufactured home park or modification to an existing manufactured home park; or
    e. new residential subdivision that includes more than two lots and the development or roads, utilities, open space, or other amenities designed for use by property owners.
10. **Minor Site Plan:** A Minor Site Plan shall be required for any of the following:
    a. minor modification to an existing commercial, mixed-use, institutional, multi-family, townhouse, or other non- single-family residential building or site;
    b. more than one single dwelling or duplex on a single property, excluding multi-family or townhouse;
    c. a use that requires specific site elements that need to be evaluated for approval;
    d. new bed and breakfast, inn, or day care center or modification to an existing bed and breakfast, inn, or day care center;
    e. agritourism operation; or
    f. any other times when the UDO Administrator determines a site plan is necessary in evaluating a proposed activity, use, or development for approval.
11. **Wind Energy Permit:** Wind Energy Permits shall be required for the installation of wind energy generating equipment. There are several different types of Wind

Energy Permits, depending on the size and scope of the project, as further defined in this Ordinance.

12. **Zoning Permit:** A Zoning Permit shall be required for any of the following:
    a. change in the use or occupancy of an existing building or property;
    b. occupancy or use of a building that is built, enlarged, or altered;
    c. occupancy or use of vacant land except for the raising of crops and other agricultural uses not involving structures;
    d. any change in use of a non-conforming use or alteration of a non-conforming building or structure;
    e. construction of a single-family home or duplex or setting a manufactured home;
    f. use of a property for Residential Chicken Keeping;
    g. construction of an accessory structure on a residential property;
    h. construction or alteration of a dock on the New River or Claytor Lake;
    i. any other time when the UDO Administrator determines a Zoning Permit is required for a specific activity, use, or development.
13. **Sign Permit:** A Sign Permit shall be required before any sign can be erected or replaced, pursuant to the sign standards identified in this Ordinance.
14. **Subdivision:** A Subdivision plat shall be required anytime there is a subdivision of any tract, parcel, or property. There are multiple types of subdivisions, as further defined in this Ordinance, each of which require a Subdivision plat.
15. **Lot Line Revision:** A Lot Line Revision plat shall be required anytime there is a modification to an existing parcel or boundary line, as long as no new parcel is created.
16. **Plat Vacation*:** A Plat Vacation shall be required to vacate an existing, recorded plat.
17. **Right-of-Way Vacation***: A Right-of-Way Vacation shall be required to vacate a public, platted right-of-way.
18. **Public Land Dedication*:** A Public Land Dedication shall be required for Pulaski County to accept land or facilities for public use or maintenance.
19. **Subdivision Variance*:** A Subdivision Variance shall be required to waive specific provisions of this Ordinance related to the subdivision of property in the event that strict adherence to the provisions of this Ordinance would result in substantial injustice or hardship to that specific property.

    ***** public hearing is required

M. **Application Fee Table:** The Application Fee Table (Table 3.1) contains all application and permit fees related to planning and zoning applications can be found at the end of this Article.

N. **Exemptions:** Residential gazebos, decks, fences, personal playgrounds, tree houses, retaining walls, and other decorative garden/play structures used for residential purposes are exempt from this Ordinance. Dwellings, accessory structures, garages, sheds, and other similar buildings are not exempt from this Ordinance.

3.2 Public Notice and Advertising

Specific applications are subject to public hearing notice requirements as set forth in this Section. Upon acceptance of an application that requires a public hearing, the UDO

Administrator shall fix a reasonable date and time for the public hearing. Notice of public hearing requirements shall, at a minimum, follow the Code of Virginia § 15.2-2204. Specific advertising requirements are as follows:

A. **Printed Advertising:** The UDO Administrator shall have advertisements printed in the local newspaper(s) identifying the public hearing date, time, and location, as well as a brief description of the topic, once a week for two successive weeks (not less than six days elapsing between the first and second publication). The public hearing cannot be held less than five days nor more than 21 days after the second advertisement appears in such newspaper(s).
B. **Property Posting:** The UDO Administrator shall post a sign on properties being considered for a Zoning Map Amendment at least seven days prior to the public hearing held by the Planning Commission. In the event that multiple adjacent properties are being reviewed at once, one (1) sign may be used to advertise all of the adjacent properties.
C. **Adjacent Property Owner Mailings:** The UDO Administrator shall send letters to adjacent property owners identifying the public hearing date, time, and location, as well as a brief description of the topic, by the United States Postal Services First Class Mail at least ten (10) days prior to the public hearing held by the Planning Commission.

3.3 Development Sureties

A. **Applicability:** Development Sureties shall be filed with Pulaski County to ensure unfinished development will be completed for specific situations, as detailed below.
    1. Development Sureties do not apply to an individual property owner who is building his/her own single-family home.
    2. Development Sureties shall be required for development of a multi-lot residential subdivision, multi-family property, commercial property, or industrial property once a site development plan, subdivision plat, and/or construction plan has/ have been approved; however, all construction elements shown on the approved plan/ plat have not been installed or built:
        i. Prior to issuance of a final construction approval;
        ii. Prior to issuance of a permanent Certificate of Occupancy;
        iii. Prior to the approval of a recordable instrument, including a subdivision plat;
        iv. Prior to acceptance of dedication for public use improvements made by private development or funding, pursuant to Code of Virginia §15.2-2241; or
        v. As determined appropriate by the Board of Zoning Appeals, pursuant to Code of Virginia §15.2-2309.
B. **Type:** The following forms of sureties shall be accepted by Pulaski County:
    1. Certified check,
    2. Cash escrow,
    3. Bond, or
    4. Irrevocable letter of credit.
C. **Amount:** Sureties shall be in an amount of 110% of estimated construction costs for any uncompleted work based on an engineer's estimate and approved by the UDO Administrator.

D. **Partial Releases:** Once a surety is in place, it may be drawn down based on percentage of work, in increments of at least 10%, once at least 30% of the work is completed, with the final 10% of the original amount being held until all work is completed. Partial releases of sureties shall be processed within 30 days of written request to the UDO Administrator, pursuant to Code of Virginia §15.2-2245, unless there are specified defects or deficiencies in the construction of the public facilities covered by the surety, which will be detailed in a letter provided by the UDO Administrator.
E. **Acceptance:** Once the public facilities are deemed to be complete by the UDO Administrator or accepted by Pulaski County or other applicable public authority, a Final Release may be requested, which shall be processed within 30 days of receipt by the UDO Administrator.
F. **Frequency:** No more than three releases of a single surety (including partial and final releases) are required to be approved by Pulaski County within any twelve-month period.

Table 3.1: Application Fee Table

Board of Zoning Appeals Applications	Fees
Administrative Appeal	$150
Variance	$150
Site Development Applications	**Fees**
Major Site Plan	$150
Minor Site Plan	$25
Small Wind Energy Facility	$150
Medium Wind Energy Facility	$300
Large Wind Energy Facility	$2,500
Temporary Meteorological Tower	$25
Subdivision Applications	**Fees**
Agricultural and Family Subdivisions	$60 per plat, plus $10 per lot
Creation of Family or Church-Adjunctive Cemetery Lot	$25
Creation of Utility Lot	$25
Minor Subdivision	$75 per plat, plus $10 per lot
Major Subdivision	$150 per plat, plus $10 per lot
Lot Line Revision	$60
Lot Vacation	$30
Plat Vacation	$150
Subdivision Variance Request	$60
Zoning Applications	**Fees**
Comprehensive Plan Amendment	$150
Sign Permit	$25
Special Use Permit	$150
UDO Text Amendment	$150
Zoning Map Amendment	$150
Zoning Permit	$25

Article 4: District Regulations and Land Uses

4.0 Intent and Applicability
This Article provides information related to the various zoning districts and permitted land uses throughout Pulaski County. Specifically, this Article identifies specific zoning districts, types of land uses and where they are allowed, setbacks, height restrictions, density, lot sizes, and detailed information relating to typical zoning regulations.

4.1 Official Zoning Map: The Official Zoning Map, known as "Official Zoning Map of Pulaski County," depicts the established zoning districts, as established by this Ordinance. The Official Zoning Map is maintained in the Pulaski County Geographic Information System database and a printed copy is located in the UDO Administrator's office, as well as kept on file with the Pulaski County Clerk of Circuit Court.

4.2 General Districts: In accordance with the requirement of Code of Virginia §15.2-2280 that zoning regulations be by districts, the County is hereby divided into multiple zoning districts, which shall be governed by all of the uniform use and areas requirements of this Ordinance and which are depicted on the Official Zoning Map. The zoning districts for Pulaski County are described in the following sections.

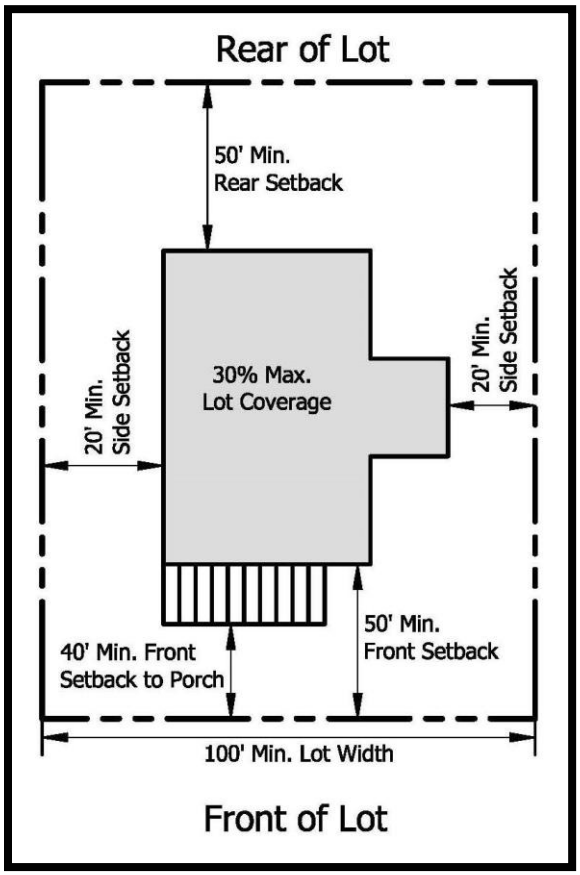
4.3 Agricultural (A)

A. Statement of Intent: The intent of this district is to support and protect farming and agricultural activities as primary uses, while limiting other uses that may have adverse impacts on agriculture or are considered secondary uses, such as residential development. Specifically, this district is designed to fulfill the following objectives:

1. Provide for a wide range of agricultural uses and to accommodate all activities typically associated with the primary production and harvesting of crops, livestock, animal products, or plant materials;
2. Allow for incidental uses that support the agricultural community;
3. Discourage industrial, commercial, and residential development that negatively impacts the pastoral lands associated with this district;
4. Preserve productive agricultural property for production of food and fiber by preventing land use conflicts between incompatible uses and limiting the spread of urban growth into agricultural areas; and
5. Reduce costs associated with providing governmental services to non-agricultural parcels scattered among agricultural lands.

B. Allowed Uses: Allowed uses for the district can be found in Table 4.1, later in this Article.

C. Lot Standards:



Minimum Lot Size	1 acre
Minimum Lot Width	100 feet
Minimum Road Frontage	50 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	30%
Building Setbacks	Front: 50 feet Side: 20 Feet Rear: 50 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 50 Feet Side: 3 Feet Rear: 3 Feet
Accessory Building Maximum Height	18 feet

D. Special Provisions: Special Provisions that impact the Lot Standards for the Agricultural District are as follows:

1. Agricultural structures such as barns, silos, and other structures used exclusively for farming activities can exceed the maximum building height, as long as each setback is increased by one (1) foot for each additional one (1) foot in height over forty (40) feet.
2. Maximum building height can be increased by ten (10) feet if each setback is increased by one (1) foot for each additional one (1) foot in height over forty (40) feet.
3. A front porch or stoop can encroach into the front setback up to ten (10) feet.
4. Minimum building setbacks between detached dwellings on the same property shall be ten (10) feet.

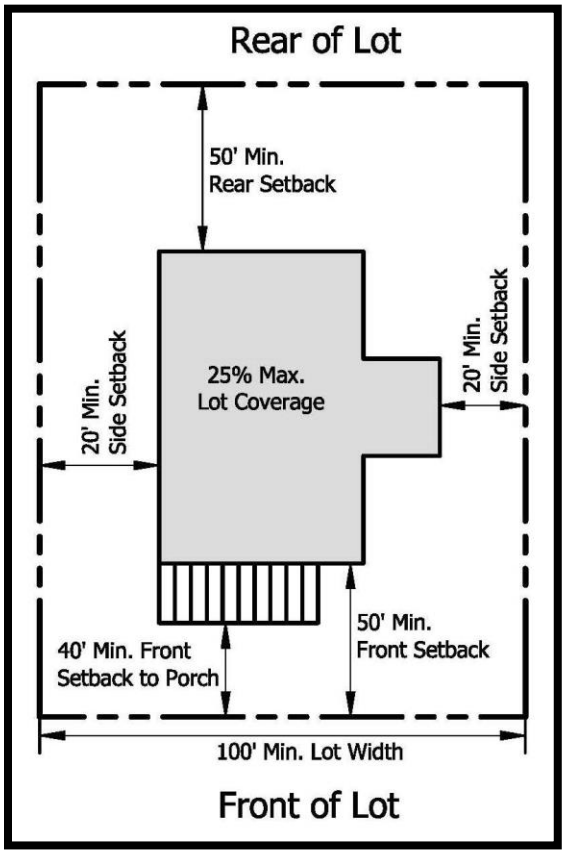
4.4 Conservation (C)

A. Statement of Intent: The intent of this district is to preserve and perpetuate in an open state certain areas that provide scenic views, wildlife habitat, recreational opportunities, or are deemed desirable to be retained for the benefit of current and future generations. Specifically, this district is designed to fulfill the following objectives:

1. Preserve land for the benefit of the entire community;
2. Encourage preservation of sensitive habitats, steep slopes, wetlands, wooded areas, other ecologically important areas, and viewsheds;
3. Limit development and the creation of small parcels from large tracts;
4. Preserve historically significant sites and structures; and
5. Protect the community from costs and consequences which may be incurred from unsuitable development occurring in this district.

B. Allowed Uses: Allowed uses for the district can be found in Table 4.1, later in this Article.

C. Lot Standards:



Minimum Lot Size	2 acres
Minimum Lot Width	100 feet
Minimum Road Frontage	50 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	25%
Building Setbacks	Front: 50 feet Side: 20 Feet Rear: 50 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 50 Feet Side: 3 Feet Rear: 3 Feet
Accessory Building Maximum Height	18 Feet

D. Special Provisions: Special Provisions that impact the Lot Standards for the Conservation District are as follows:

1. Agricultural structures such as barns, silos, and other structures used exclusively for farming activities can exceed the maximum building height, as long as each setback is increased by one (1) foot for each additional one (1) foot in height over forty (40) feet.
2. Maximum building height can be increased by ten (10) feet if each setback is increased by one (1) foot for each additional one (1) foot in height over thirty-five (35) feet.
3. A front porch or stoop can encroach into the front setback up to ten (10) feet.
4. Minimum building setbacks between detached dwellings on the same property shall be ten (10) feet.

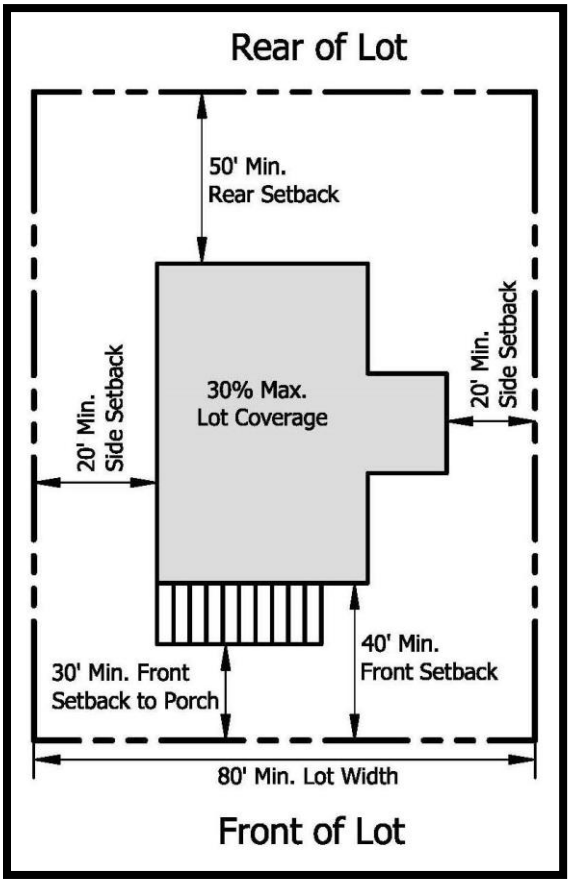
4.5 Rural Residential (RR)

A. Statement of Intent: The intent of this district is to allow for low-density residential development as a primary use on larger lots with limited farming and agricultural uses as ancillary uses. Specifically, this district is designed to fulfill the following objectives:

1. Provide a rural lifestyle for those not earning a living directly from agriculture;
2. Encourage the development of residential housing that may or may not be associated with farming and agricultural activities;
3. Provide a buffer/ transition between property used for bona fide agricultural uses and more dense residential development; and
4. Preserve opportunities for small scale and hobby farming by providing a district specifically intended to encourage a blending of residential and limited agricultural uses.

B. Allowed Uses: Allowed uses for the district can be found in Table 4.1, later in this Article.

C. Lot Standards:



Minimum Lot Size	0.75 acre
Minimum Lot Width	80 feet
Minimum Road Frontage	40 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	30%
Building Setbacks	Front: 40 feet Side: 20 Feet Rear: 50 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 40 Feet Side: 3 Feet Rear: 3 Feet
Accessory Building Maximum Height	18 Feet

D. Special Provisions: Special Provisions that impact the Lot Standards for the Rural Residential District are as follows:

1. Agricultural structures such as barns, silos, and other structures used exclusively for farming activities can exceed the maximum building height, as long as each setback is increased by one (1) foot for each additional one (1) foot in height over forty (40) feet.
2. Maximum building height can be increased by ten (10) feet if each setback is increased by one (1) foot for each additional one (1) foot in height over forty (40) feet.
3. A front porch or stoop can encroach into the front setback up to ten (10) feet.
4. Minimum building setbacks between detached dwellings on the same property shall be ten (10) feet.

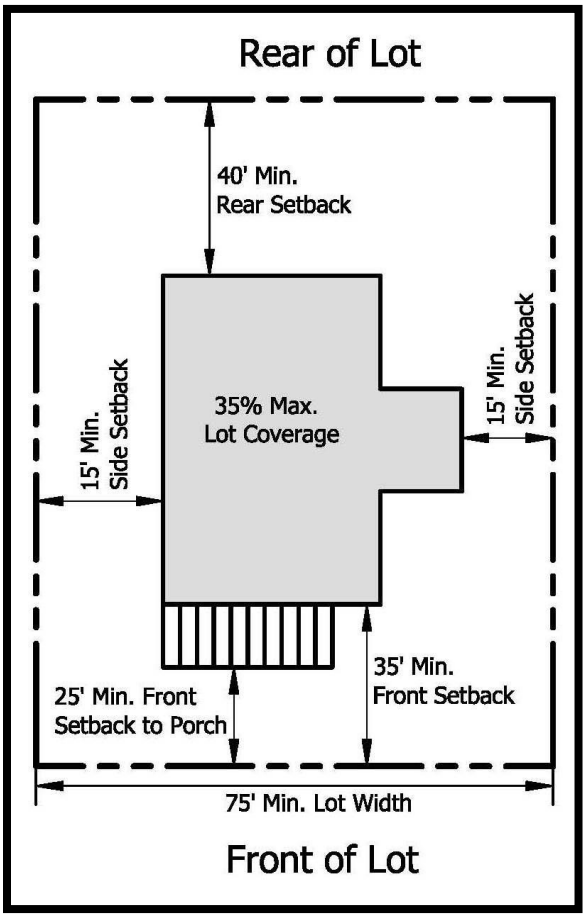
4.6 Residential (R)

A. Statement of Intent: The intent of this district is to provide for the use of detached single-family dwellings together with specified accessory uses and other uses as may be compatible with low density residential development. It is intended that the character and use of this district be for housing and living purposes free from the encroachment of incompatible uses. Specifically, this district is designed to fulfill the following objectives:

1. Encourage low density development of single-family homes;
2. Provide for a safe, clean, and enjoyable environment for living and promote neighborhood character;
3. Discourage commercial development or other development that would be incompatible with single-family residential uses; and
4. Allow for community and recreational uses to serve the residents of the district.

B. Allowed Uses: Allowed uses for the district can be found in Table 4.1, later in this Article.

C. Lot Standards:



Minimum Lot Size	0.25 acre (public water & sewer) 0.5 acre (public water or sewer) 0.75 (private water & sewer)
Minimum Lot Width	75 feet
Minimum Road Frontage	30 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	35%
Building Setbacks	Front: 35 feet Side: 15 Feet Rear: 40 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 35 Feet Side: 3 Feet Rear: 3 Feet
Accessory Building Maximum Height	18 Feet

D. Special Provisions: Special Provisions that impact the Lot Standards for the Residential District are as follows:

1. Maximum building height can be increased by ten (10) feet if each setback is increased by one (1) foot for each additional one (1) foot in height over forty (40) feet.
2. A front porch or stoop can encroach into the front setback up to ten (10) feet.
3. Patio homes are considered single-family detached homes and can have one reduced side setback, down to zero (0) feet, as long as the adjacent structure is at least ten (10) feet from the property line.
4. Minimum building setbacks between detached dwellings on the same property shall be ten (10) feet.

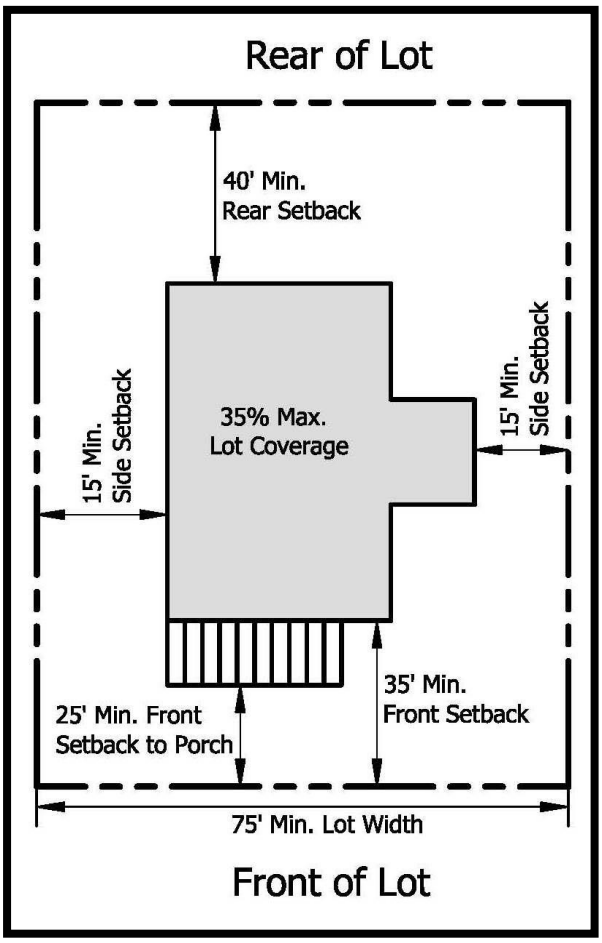
4.7 Low Density Residential (LR) (formerly R-1)

A. Statement of Intent: The intent of this district is to provide for the use of detached single-family dwellings together with specified accessory uses and other uses as may be compatible with low density residential development. It is intended that the character and use of this district be for housing and living purposes free from the encroachment of incompatible uses. Specifically, this district is designed to fulfill the following objectives:

1. Encourage low density development of single-family homes;
2. Provide for a safe, clean, and enjoyable environment for living and promote neighborhood character;
3. Discourage commercial development or other development that would be incompatible with single-family residential uses; and
4. Allow for community and recreational uses to serve the residents of the district.

B. Allowed Uses: Allowed uses for the district can be found in Table 4.1, later in this Article.

C. Lot Standards:



Minimum Lot Size	0.25 acre (public water & sewer) 0.5 acre (public water or sewer) 0.75 (private water & sewer)
Minimum Lot Width	75 feet
Minimum Road Frontage	30 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	35%
Building Setbacks	Front: 35 feet Side: 15 Feet Rear: 40 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 35 Feet Side: 3 Feet Rear: 3 Feet
Accessory Building Maximum Height	18 Feet

D. Special Provisions: Special Provisions that impact the Lot Standards for the Low Density Residential District are as follows:

1. Maximum building height can be increased by ten (10) feet if each setback is increased by one (1) foot for each additional one (1) foot in height over forty (40) feet.
2. A front porch or stoop can encroach into the front setback up to ten (10) feet.
3. Patio homes are considered single-family detached homes and can have one reduced side setback, down to zero (0) feet, as long as the adjacent structure is at least ten (10) feet from the property line.
4. Minimum building setbacks between detached dwellings on the same property shall be ten (10) feet.

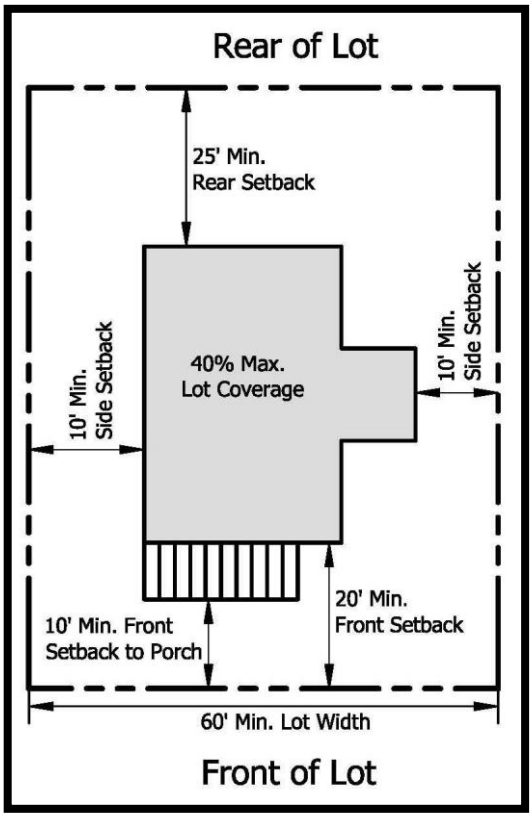
4.8 Medium Density Residential (MR) (formerly R-2)

A. Statement of Intent: The intent of this district is to provide for a wide range of dwelling types, specified accessory uses, and other uses as may be compatible with medium density residential development. It is intended that the character and use of this district be for medium density housing, allow for higher densities of development than the Low Density Residential District, and be for living purposes free from the encroachment of incompatible uses. Specifically, this district is designed to fulfill the following objectives:

1. Encourage medium density development of detached and attached single-family homes, duplexes, and townhomes;
2. Allow for accessory uses commonly associated with medium density residential development;
3. Provide for a safe, clean, and enjoyable environment for living and promote neighborhood character;
4. Discourage commercial development or other development that would be incompatible with single-family residential uses;
5. Allow for community and recreational uses to serve local residents; and
6. Provide for a transitional buffer between lower density residential development and higher density residential development.

B. **Allowed Uses:** Allowed uses for the district can be found in Table 4.1, later in this Article.

C. Lot Standards:



Minimum Lot Size	0.2 acre (public water & sewer) 0.5 acre (public water or sewer) 0.75 (private water & sewer)
Minimum Lot Width	60 feet
Minimum Road Frontage	20 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	40%
Building Setbacks	Front: 20 feet Side: 10 Feet Rear: 25 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 20 Feet Side: 3 Feet Rear: 3 Feet
Accessory Building Maximum Height	18 Feet

D. Special Provisions: Special Provisions that impact the Lot Standards for the Medium Density Residential District are as follows:

1. Maximum building height can be increased by ten (10) feet if each setback is increased by one (1) foot for each additional one (1) foot in height over forty (40) feet.
2. A front porch or stoop can encroach into the front setback up to ten (10) feet.
3. Patio homes are considered single-family detached homes and can have one reduced side setback, down to zero (0) feet, as long as the adjacent structure is at least ten (10) feet from the property line.
4. Minimum building setbacks between detached dwellings on the same property shall be ten (10) feet.
5. Townhome lots shall have the following lot standards:
    a. Minimum Lot Size: 0.03 acres
    b. Minimum Lot Width: 18 feet
    c. Minimum Road Frontage: 18 feet
    d. Maximum Lot Coverage: 65%

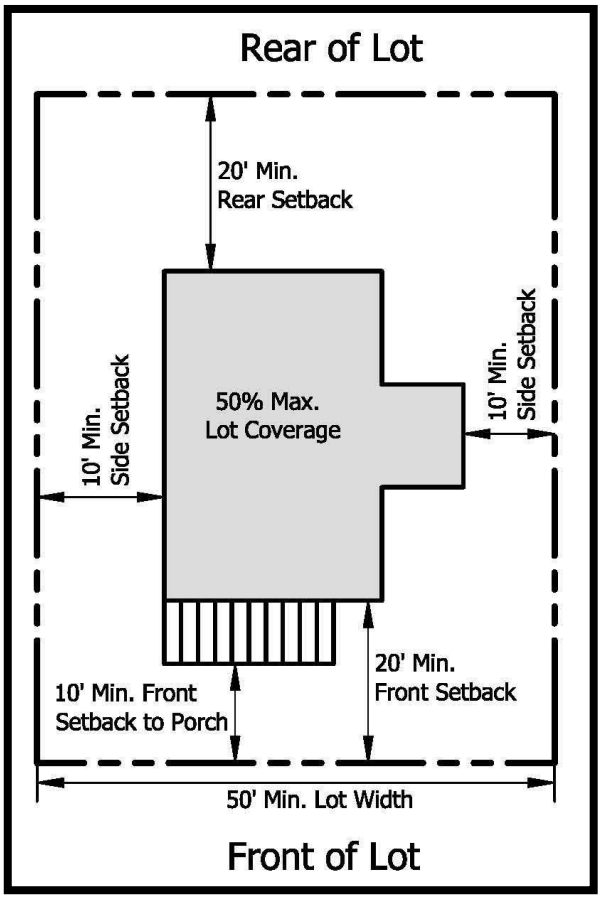
4.9 High Density Residential (HR) (formerly R-3)

A. Statement of Intent: The intent of this district is to provide for the use of high density residential development, specified accessory uses, and other uses as may be compatible with high density residential development. It is intended that the character and use of this district be for high density housing and allow for the highest densities of dwelling units in Pulaski County. Specifically, this district is designed to fulfill the following objectives:

1. Encourage high density development of detached and attached single-family homes, townhomes, and multi-family housing;
2. Allow for accessory uses commonly associated with high density residential development;
3. Provide for a safe, clean, and enjoyable environment for living and promote neighborhood character;
4. Discourage commercial development or other development that would be incompatible with high density residential uses;
5. Allow for community and recreational uses to serve local residents; and
6. Provide for a transitional buffer between lower density residential development and commercial and/or industrial development.

B. Allowed Uses: Allowed uses for the district can be found in Table 4.1, later in this Article.

C. Lot Standards:



Minimum Lot Size	0.2 acre (public water & sewer) 0.5 acre (public water or sewer) 0.75 (private water & sewer)
Minimum Lot Width	50 feet
Minimum Road Frontage	20 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	50%
Building Setbacks	Front: 20 feet Side: 10 Feet Rear: 20 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 20 Feet Side: 3 Feet Rear: 3 Feet
Accessory Building Maximum Height	18 Feet

D. Special Provisions: Special Provisions that impact the Lot Standards for the High Density Residential District are as follows:

1. Maximum building height can be increased by twenty (20) feet if each setback is increased by one (1) foot for each additional one (1) foot in height over forty (40) feet.
2. A front porch or stoop can encroach into the front setback up to ten (10) feet.
3. Patio homes are considered single-family detached homes and can have one reduced side setback, down to zero (0) feet, as long as the adjacent structure is at least ten (10) feet from the property line.
4. Minimum building setbacks between detached dwellings on the same property shall be ten (10) feet.
5. Townhome lots shall have the following lot standards:
    i. Minimum Lot Size: 0.03 acres
    ii. Minimum Lot Width: 18 feet
    iii. Minimum Road Frontage: 18 feet
    iv. Maximum Lot Coverage: 65%

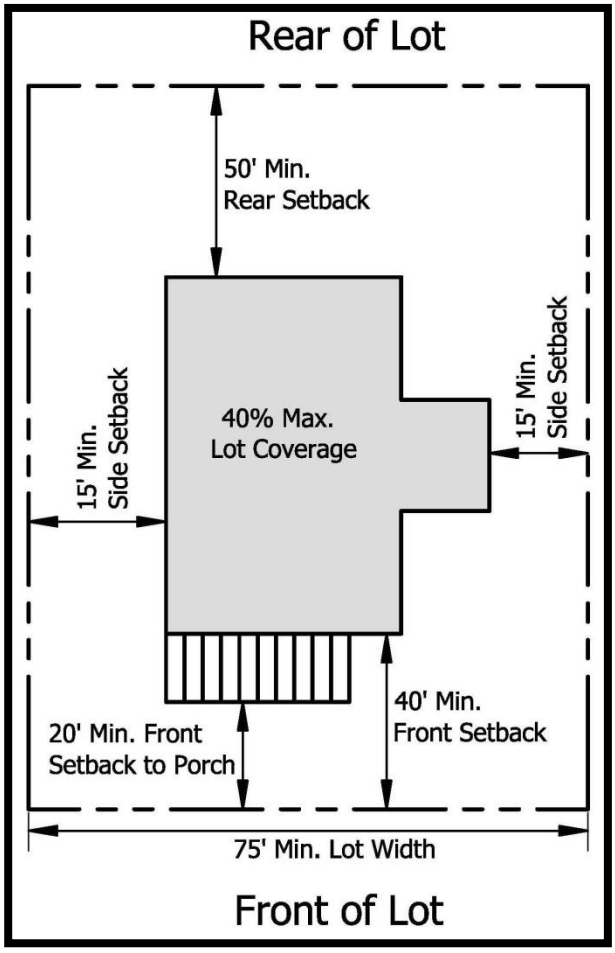
4.10 Rural Commercial (RC)

A. Statement of Intent: The intent of this district is to provide for the small-scale commercial development in either a neighborhood or rural setting. Specifically, this district is designed to fulfill the following objectives:

1. Limit the scale and intensity of uses and development to encourage compatibility with residential and agricultural uses;
2. Provide for convenient access to goods and services for citizens in the surrounding area and pass-by traffic;
3. Allow for unique economic opportunities for citizens and businesses; and
4. Preserve traditional development patterns of small scale retail, service, and other similar business establishments that compliment residential or agricultural uses throughout the County.

B. **Allowed Uses:** Allowed uses for the district can be found in Table 4.1, later in this Article.

C. Lot Standards:



Minimum Lot Size	0.5 acre
Minimum Lot Width	75 feet
Minimum Road Frontage	40 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	40%
Building Setbacks	Front: 40 feet Side: 15 Feet Rear: 50 Feet
Accessory Building Maximum Height	18 Feet
Gas Canopy Setback	Front: 10 feet Side: 15 feet Rear: 50 feet

D. Special Provisions: Special Provisions that impact the Lot Standards for the Rural Commercial District are as follows:

1. Maximum building height can be increased by ten (10) feet if each setback is increased by one (1) foot for each additional one (1) foot in height over forty (40) feet.
2. A front porch or stoop can encroach into the front setback up to twenty (20) feet.
3. Outdoor seating areas designed for outdoor dining can encroach into the front or rear setbacks by up to twenty (20) feet.
4. Minimum building setbacks between detached dwellings on the same property shall be ten (10) feet.

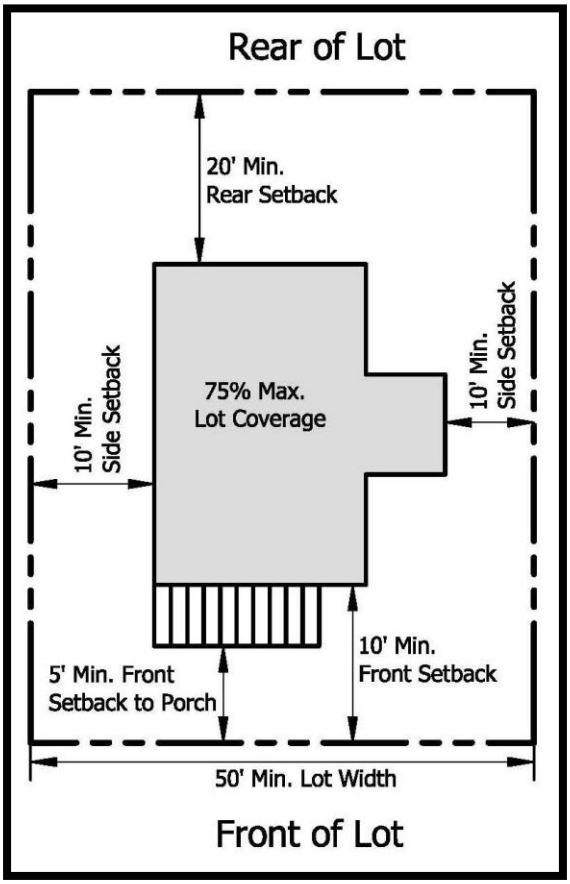
4.11 Commercial (CM)

A. Statement of Intent: The intent of this district is to provide for community and regional scale commercial development. In addition to a variety of retail sales, offices, restaurants, and service businesses, this district generally features large-scale development that may include high traffic generators that require access to major transportation corridors. Specifically, this district is designed to fulfill the following objectives:

1. Provide for both local and regional scale commercial development;
2. Provide for diverse economic opportunities for citizens and businesses;
3. Allow for a wide range of commercial uses to encourage mixed commercial centers;
4. Limit negative impacts to rural and residential areas from noise, traffic, light, and other associated impacts from commercial development; and
5. Encourage commercial development that supports local and regional economic growth.

B. Allowed Uses: Allowed uses for the district can be found in Table 4.1, later in this Article.

C. Lot Standards:



Minimum Lot Size	0.25 acre
Minimum Lot Width	50 feet
Minimum Road Frontage	50 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	75%
Building Setbacks	Front: 10 feet Side: 10 Feet Rear: 20 Feet
Accessory Building Maximum Height	18 Feet

D. Special Provisions: Special Provisions that impact the Lot Standards for the Commercial District are as follows:

1. Maximum building height can be increased by twenty (20) feet if each setback is increased by one (1) foot for each additional one (1) foot in height over forty (40) feet.
2. A front porch or stoop can encroach into the front setback up to five (5) feet.
3. Outdoor seating areas designed for outdoor dining can encroach into the front or rear setbacks by up to ten (10) feet.

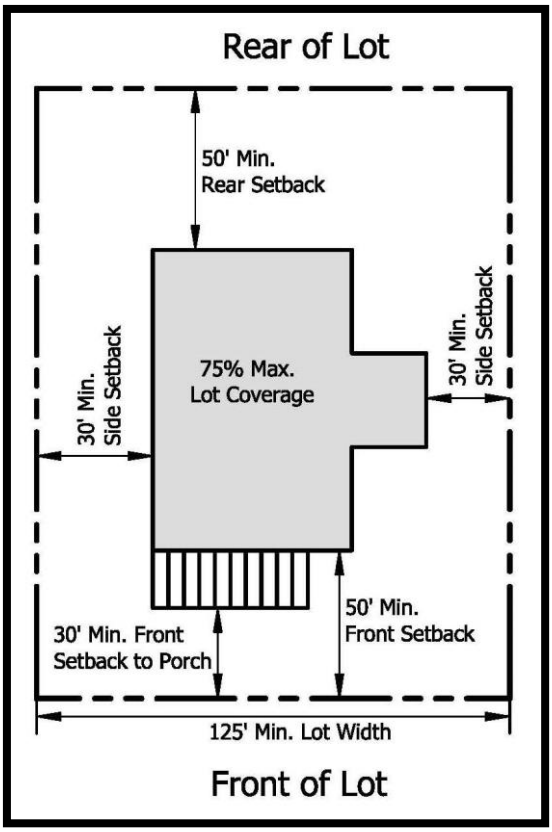
4.12 Light Industrial (LI) (formerly Transitional Industrial, I-0)

A. Statement of Intent: The intent of this district is to provide for light industrial, research and development, assembly, high technology production, precision manufacturing, commercial, and tourism-related development. This district can be used to integrate a number of mutually supportive uses to create employment centers, mixed commercial, and development that supports tourism. Specifically, this district is designed to fulfill the following objectives:

1. Provide for mixed industrial, commercial, and tourism development of a nature that limits impacts on adjacent properties;
2. Encourage economic diversification of the County and provide primary jobs;
3. Allow for a mixing of compatible uses that can create a unique environment for development; and
4. Encourage development and property uses that support a variety of employment types.

B. Allowed Uses: Allowed uses for the district can be found in Table 4.1, later in this Article.

C. Lot Standards:



Minimum Lot Size	1.0 acre
Minimum Lot Width	125 feet
Minimum Road Frontage	50 feet
Maximum Building Height	50 feet
Maximum Lot Coverage	75%
Building Setbacks	Front: 50 feet Side: 30 Feet Rear: 50 Feet
Accessory Building Maximum Height	20 Feet

D. Special Provisions: Special Provisions that impact the Lot Standards for the Light Industrial District are as follows:

1. Maximum building height can be increased by ten (10) feet if each setback is increased by one (1) foot for each additional one (1) foot in height over fifty (50) feet.
2. Maximum building height can be increased up to seventy-five (75) feet with approval of a Special Use Permit.
3. A front porch or stoop can encroach into the front setback up to twenty (20) feet.
4. Outdoor seating areas designed for outdoor eating can encroach into the front or rear setbacks by up to twenty (20) feet.
5. Setbacks between like uses may be reduced by up to 50%, such as setbacks in an industrial park that contains multiple parcels.

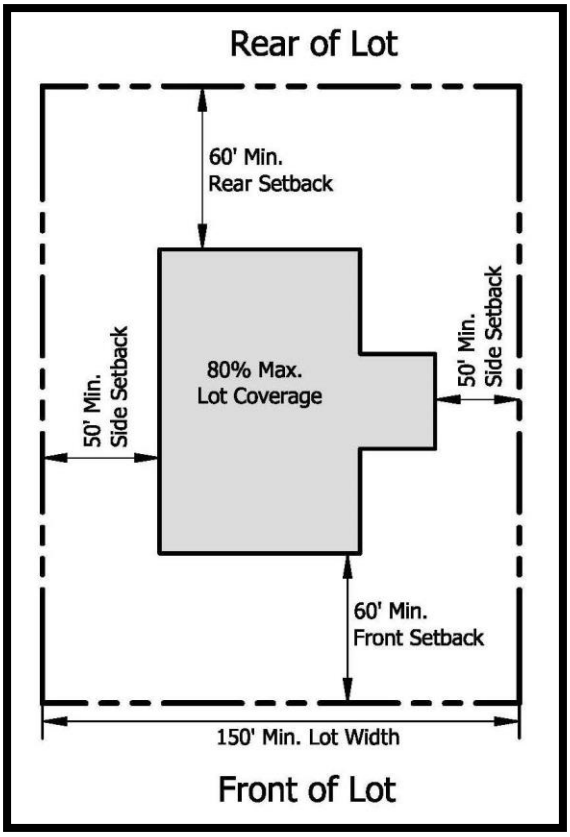
4.13 Industrial (I)

A. Statement of Intent: The intent of this district is to provide for heavy industrial development, high-intensity land use, and primary job centers. This district includes development that may not be suitable in close proximity to residential development due to negative impacts of light, noise, odor, heavy equipment, long hours of operation, and traffic. Specifically, this district is designed to fulfill the following objectives:

1. Provide for industrial development, production, assembly, storage, distribution centers, and other uses commonly associated with industrial development;
2. Encourage economic development of the County and provide primary jobs for citizens;
3. Protect those locations in which a variety of compatible industrial uses may be located against encroachment from other uses that may impede industrial development; and
4. Provide sufficient space in appropriate locations for industrial development, while affording protection to surrounding properties from potential nuisance factors and pollution.

B. Allowed Uses: Allowed uses for the district can be found in Table 4.1, later in this Article.

C. Lot Standards:



Minimum Lot Size	1.0 acre
Minimum Lot Width	150 feet
Minimum Road Frontage	75 feet
Maximum Building Height	60 feet
Maximum Lot Coverage	80%
Building Setbacks	Front: 60 feet Side: 50 Feet Rear: 60 Feet
Accessory Building Maximum Height	25 Feet

D. Special Provisions: Special Provisions that impact the Lot Standards for the Industrial District are as follows:

1. Maximum building height can be increased by fifteen (15) feet if each setback is increased by one (1) foot for each additional one (1) foot in height over fifty (60) feet.
2. Maximum building height can be increased up to one hundred (100) feet with approval of a Special Use Permit.
3. Setbacks between industrial uses may be reduced by up to 50%, such as setbacks in an industrial park that contains multiple parcels.

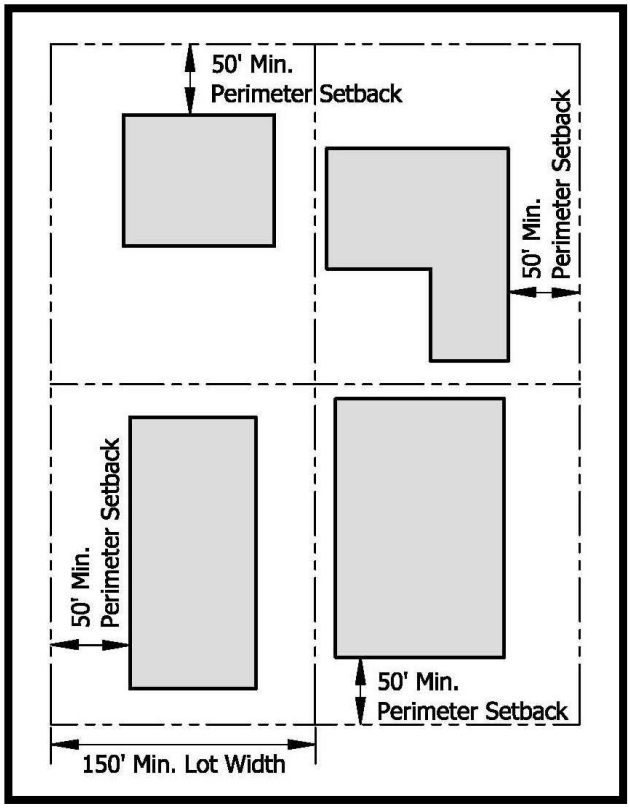
4.14 Planned Industrial (PID)

A. Statement of Intent: The intent of this district is to allow for greater flexibility in development than could otherwise be achieved through strict application of this Ordinance and that will result in improved design, character, and quality of industrial developments. Specifically, this district is designed to fulfill the following objectives:

1. Provide for design flexibility in laying out master planned industrial developments;
2. Encourage preservation of natural and scenic features of open space;
3. Allow for higher density development in suitable areas; and
4. Encourage high-quality industrial parks that support primary job creation for Pulaski County residents.

B. Allowed Uses: Allowed uses for the district can be found in Table 4.1, later in this Article.

C. Lot Standards:



Minimum Lot Size	2.0 acres
Minimum Lot Width	150 feet
Minimum Road Frontage	50 feet
Maximum Building Height	60 feet
Maximum Lot Coverage	80%
Building Setbacks	Perimeter: 50 feet
Accessory Building Maximum Height	25 Feet

D. Special Provisions: Special Provisions that impact the Lot Standards for the Planned Industrial District are as follows:

1. Maximum building height can be increased by fifteen (15) feet if each setback is increased by one (1) foot for each additional one (1) foot in height over fifty (60) feet.
2. Maximum building height can be increased up to one hundred (100) feet with approval of a Special Use Permit.
3. Setbacks between industrial uses may be reduced by up to 50%, such as setbacks in an industrial park that contains multiple parcels.
4. An overall buffer surrounding the entire industrial park shall be a minimum of 200 feet in width, except when located adjacent to property zoned Planned Industrial (PID) or Industrial (I). No buffer shall be required for the portions of the property located adjacent to Planned Industrial (PID) or Industrial (I).

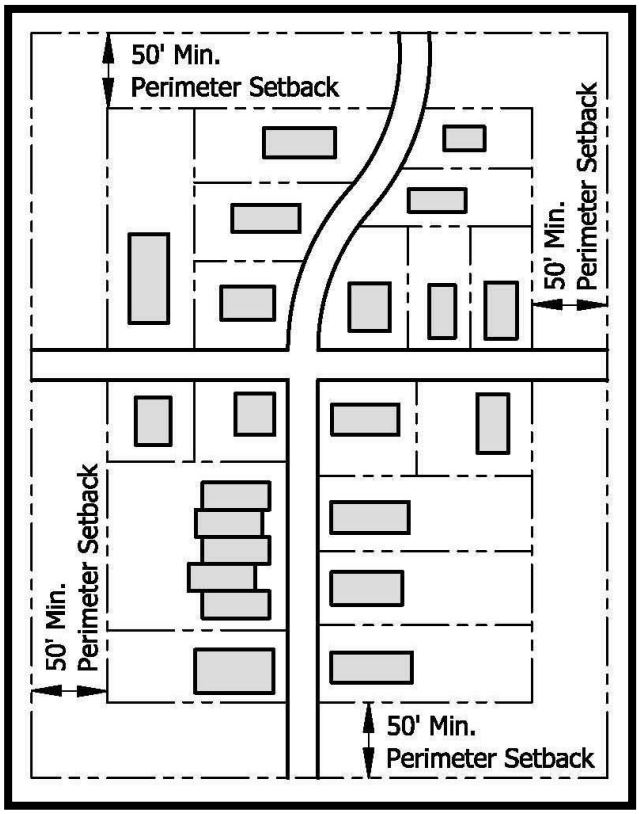
4.15 Planned Unit Development (PUD)

A. Statement of Intent: The intent of this district is to allow for greater flexibility in development than could otherwise be achieved through strict application of this Ordinance and that will result in innovative design, improved character, and enhanced quality of residential and mixed-use developments. Specifically, this district is designed to fulfill the following objectives:

1. Provide for design flexibility in laying out master planned residential and mixed-use developments;
2. Encourage preservation of natural and scenic features of open space;
3. Allow for higher density development in suitable areas; and
4. Encourage high-quality developments that improve the standards of living for Pulaski County residents.

B. Allowed Uses: Allowed uses for the district can be found in Table 4.1, later in this Article.

C. Lot Standards:



Minimum PUD Size	5.0 acres
Minimum Lot Width	Determined by Master Plan
Minimum Road Frontage	Determined by Master Plan
Maximum Building Height	60 feet
Maximum Lot Coverage	30%
Building Setbacks	Perimeter: 50 feet
Maximum Density (average)	20 dwelling units per acre
Accessory Building Maximum Height	18 Feet

D. Special Provisions: Special Provisions for the Planned Unit Development District are as follows:

1. A master plan detailing the site layout, land uses, transportation network, dwelling units, square footage of commercial space, traffic impact analysis or study, and other applicable items defined in either Article 3 of this Ordinance or by the UDO Administrator shall be submitted in conjunction with any rezoning request for a PUD. Any existing property zoned PUD prior to the adoption of this Ordinance shall not be allowed to develop any portion of the property for any use or purpose until a master plan has been reviewed and approved pursuant to Article 3 of this Ordinance.
2. Open Space Requirements:
   a. At least fifty percent (50%) of the total PUD area shall be open space.
   b. The Open space shall be available and accessible to all occupants and businesses located in the PUD for use and enjoyment.
   c. A property owners' association, or similar entity, shall be formed to own and maintain the Open Space. The property owners' association, or similar entity, shall be formed prior to the sale of any lots and shall be mandatory for all residential property owners.
   d. The UDO Administrator may withhold the approval of site plans, subdivision plats, or other approvals if the open space is determined, by the UDO Administrator, to not meet the criteria in this Section.
3. All utilities shall be placed underground, with the exception of above-ground utility enclosure boxes, which shall be screened with landscaping.
4. Minimum building setbacks between detached dwellings on the same property shall be ten (10) feet.

4.16 Overlay Districts: Overlay districts include use restrictions and development regulations in addition to those found in the underlying zoning districts. The overlay districts are described in the following sections.

4.17 Airport Overlay (AO)

A. **Statement of Intent:** The intent of this overlay district is to protect the New River Valley Airport from obstructions to air traffic and to foster the expansion and development of the Airport. Specifically, this district is designed to fulfill the following objectives:
   1. Protect the public and the Airport by reducing land uses that concentrate large numbers of persons underneath runway takeoff and approach paths;
   2. Allow for continued use and future expansion of the Airport;
   3. Preserve the current instrument approach standards; and
   4. Protect against hazards that may create safety concerns to air traffic and navigation.

B. **Allowed Uses:** Allowed uses for the district can be found in Table 4.1, later in this Article.

C. **Overlay District Boundaries:** The Airport Overlay District can be described as FAR Part 77 Surface Elevations, which consists of the conical, horizontal, and approach surfaces for the New River Valley Airport, as depicted on the Airport Overlay Map. The Airport Overlay Map identifies the various surfaces, has been incorporated into the Pulaski County GIS system, and can also be found in the UDO Administrator's office.

D. **Airport Surfaces:** There are multiple surfaces contained in the Airport Overlay District. These surfaces are designated based on location, take off/ landing approach angles, and other key factors to provide a safe flying environment. The surfaces and their descriptions are as follows:
   1. Runway Larger Than Utility Visual Approach Surface: The inner edge of this approach surface coincides with the width of the primary runway surface and is five hundred (500) feet wide. The approach surface expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. The surface's centerline is the continuation of the centerline of the runway.
   2. Runway Approach Surface: The inner edge of this approach surface coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach surface expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. The surface's centerline is the continuation of the centerline of the runway.
   3. Transitional Surface: The transitional surface is the area that connects the Primary Surface and Approach Surface to the Horizontal Surface.
   4. Horizontal Surface: The horizontal surface is established by swinging arcs ten thousand (10,000) feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface does not include the approach and transitional surface.
   5. Conical Surface: The conical surface is established as the area that commences at the periphery of the horizontal surface and extends outward there from a horizontal distance of four thousand (4,000) feet.

E. **Height Limitations:** In order to protect aircraft from the hazards of tall objects, the following height maximums are based on Airport Surface to prevent objects from extending into the surface area:
   1. Runway Larger Than Utility Visual Approach Surface: For each foot upward, it slopes twenty (20) feet outward beginning at the end of and at the same elevation as the primary runway surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
   2. Runway Approach Surface: For each foot upward, it slopes fifty (50) feet outward beginning at the end of and at the same elevation as the primary runway surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; and then slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.
   3. Transitional Surface: For each foot upward, it slopes seven (7) feet outward beginning at the sides of and at the same elevation as the primary runway surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the previous referenced standards, there are established height limits sloping seven (7) feet outward of each foot upward beginning at the sides of the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the runway approach surface projects beyond the conical surface, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline.
   4. Horizontal Surface: Established at one hundred fifty (150) feet above the airport elevation.
   5. Conical Surface: For each foot upward, it slopes twenty (20) feet outward beginning at the periphery of the horizontal surface and at one hundred fifty (150) feet above the Airport elevation and extending to a height of three hundred fifty (350) feet above the Airport elevation.

F. **FAA Review:** The FAA shall review any development detailed in 14 CFR Part 77.9 to ensure aircraft safety. Determinations provided by the FAA shall be provided to the UDO Administrator as part of any applicable application.

G. **Airport Review:** The UDO Administrator shall consult the New River Valley Airport Manager with regards to the following applications:
   1. Any development located within the Airport Overlay District, except subdivisions of land; and
   2. If a Variance to the standards of this Section is requested. The NRV Airport shall have thirty (30) days to provide a response back to the UDO Administrator, unless additional time is agreed to by both parties. If no response is received within thirty (30) days, the Variance request may proceed forward with the assumption that the NRV Airport has no concerns with the request.

H. **Airport Commission Review:** If the FAA determines a specific activity or development can occur; however, requires that in order to accommodate such activity or development the NRV Airport must raise the approach minimums, the Airport Commission shall have the right to review and approve or deny the modification to the approach minimums. If the Airport Commission denies the modification to the approach minimums, the denial shall be taken into consideration by the County during the application review.

I. **Obstruction Marking and Lighting:** The UDO Administrator, based on requirement from the Airport Manager, Airport Commission, or FAA may require any obstructions to be marked and/or lighted in accordance with FAA requirements. If an obstruction is required to be marked and/or lighted, the applicant shall be responsible for installation and continued maintenance of the marking and/or lighting.

J. **Airport Overlay Restrictions:** Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within the Airport Overlay District established by this Ordinance in such a manner that may

a. create electrical interference with navigational signals or radio communication between the Airport and aircraft;
b. make it difficult for pilots to distinguish between the Airport lights and others;
c. result in glare in the eyes of pilots using the Airport;
d. impair visibility in the vicinity of the Airport;
e. create bird strike hazards in the vicinity of the Airport; or
f. otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Airport.

4.18 Landfill Overlay (LO)

A. Statement of Intent: The intent of this overlay district is to provide standards regulating the placement of waste disposal facilities. Specifically, this district is designed to fulfill the following objectives:

1. Protect the public by ensuring waste disposal facilities are properly located away from residential areas;
2. Provide regulations for landfills, recycling centers, incendiary facilities, and other waste disposal facilities; and
3. Provide sufficient space in appropriate locations for waste disposal, while affording protection to surrounding properties from potential nuisance factors, unpleasant odors, and pollution.

B. Allowed Uses: Allowed uses for the district can be found in Table 4.1, later in this Article.

C. Special Provisions: The following provisions shall apply to the Landfill Overlay:

1. Shall be at least two hundred fifty (250) feet from any residential structure or zoned property;
2. An environmental report detailing containment of any spills, leaching, or other potential environmental hazard shall be included with the request for a new landfill or expansion of an existing landfill;
3. Traffic impact analysis shall be included with the request for a new landfill or expansion of an existing landfill;
4. Sufficient area shall be provided to adequately screen all portions of the landfill from all adjacent properties;
5. Minimum size of a Landfill Overlay district shall be 500 acres; and
6. There shall be direct access onto a public roadway that has sufficient capacity to safely handle traffic anticipated from the proposed use.

4.19 Claytor Lake Overlay (CLO)

A. Statement of Intent: The intent of this District is to establish regulations for uses, development, and activities that could occur within the Project Boundary of the Claytor Project #739, as licensed by the Federal Energy Regulatory Commission (FERC). In accordance to the license and property rights, as the fee simple owner and/or owner of flowage rights, Appalachian Power Company (APCO) has the authority to regulate all uses, activities, and development within the Project Boundary, as defined later in this Section. In an effort to align land uses, development regulations, and permitting, this Section specifically addresses uses and development regulated by APCO to ensure there is consistency between APCO and County regulations. For full regulations, please refer to the Claytor Lake Shoreline Management Plan developed by APCO and approved by FERC on December 27, 2011, and amended on January 7, 2014.

B. Allowed Uses: Allowed uses for the district can be found in Table 4.1, later in this Article.

C. Goals and Objectives: In an effort to provide guidance for fulfilling license responsibilities and obligations for the Claytor Project, a Shoreline Management Plan (SMP) has been developed for Claytor Lake (Lake), approved by FERC, and administered by APCO. The following are specific goals of the SMP:

1. Protect environmental attributes such as wetland, habitat and spawning areas;
2. Preserve the natural scenic quality of the shoreline for both boaters and shore viewers and preserve specific scenic attributes;
3. Protect cultural resources;
4. Enhance recreational opportunities by considering boating densities and navigation and maximize available use of the project waters by the public;
5. Cooperate with Pulaski County to coordinate adjacent land uses and permitting efforts; and
6. Minimize impacts among contrasting uses.

D. Claytor Lake Overlay District Boundary: The boundary for this overlay district follows the boundary set for the Claytor Project, which generally follows the contour elevation 1,850 feet (National Geodetic Vertical Datum, 1929) around the perimeter of the reservoir, except in those areas defined by survey that extend beyond the 1,850 foot contour. A map of the specific Project Boundary can be found on the County's GIS Map, found in the UDO Administrator's office, or obtained from APCO.

E. APCO Approval: Any development or use of property located in the Claytor Lake Overlay District Boundary shall require approval from APCO. This approval may be in the form of a lease, agreement, permit, or any other form that APCO determines appropriate to ensure compliance with its license from FERC.

F. Base Elevation: The Base Elevation for Claytor Lake is 1,846 feet above sea level (National Geodetic Vertical Datum, 1929). This is the elevation of the normal pond level for the Lake. All heights and measurements referenced in this Section, unless otherwise specified, are taken from the Base Elevation.

G. Shoreline Classifications: There are several shoreline classifications defined in the SMP as a tool to guide growth and development in the Claytor Lake Project Boundary. These shoreline classifications also govern uses and development standards, as can be found in the tables at the end of this Section. The shoreline classifications for Claytor Lake are as follows:

1. High Density Commercial

2. High Density Multi-Use
3. Low Density Use
4. Public Use
5. Steep Slope Protection
6. Impact Minimization Zone
7. Conservation/ Environmental

H. General Provisions:

1. The property within the Claytor Lake Overlay District being considered for a permit must immediately adjoin property owned by the applicant of the permit (upland property owner).
2. Upland property owners shall sign an acknowledgement when obtaining a dock permit stating that water depths may not be adequate for accessing the lake during times of low inflow or drought or for any other reason the reservoir is drawn down.
3. As Claytor Lake is used for multiple purposes, other agencies and regulations may have standards that govern specific uses or structures, such as, but not limited to, the Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings, Army Corps of Engineers, Virginia Department of Game and Inland Fisheries, Virginia Department of Environmental Quality, Virginia Department of Health, and Virginia Department of Conservation and Recreation.
4. Vegetation Removal: Any vegetation removal, including, but not limited to, the pruning of tree limbs and shrubs, removal of dead or dying trees or shrubs, or removal of aquatic vegetation, requires a permit from APCO prior to removal.
5. The following are prohibited in the Claytor Lake Overlay District; however, some of the following may be approved with a variance from FERC through APCO:
    a. Structures that block, obstruct, or otherwise impede the line of vision between public aids to navigation or the visibility of public aids to navigation;
    b. Structures that encroach closer than thirty (30) feet to a lateral public aid to navigation;
    c. Boathouses or enclosures on docks, including screened areas, except as specifically permitted in this Section;
    d. Barriers and partitions, including, but not limited to walls, knee walls, and bars added to docks;
    e. Discharge of liquid or solid waste into the Lake;
    f. Sinks, showers, toilets, or any other type of device that could cause liquid or solid waste to be discharged into the Lake;
    g. Structures classified as either a temporary or permanent dwelling;
    h. Sanitary sewer lines or drain fields;
    i. Bulk storage of chemicals or petroleum;
    j. Retaining walls (not including bulkheads);
    k. Jetties; and
    l. Sand beaches.

I. Shoreline Stabilization: There are several allowed techniques to assist with shoreline stabilization, all of which require approval from APCO prior to initiating work. The techniques outlined in the SMP are as follows:

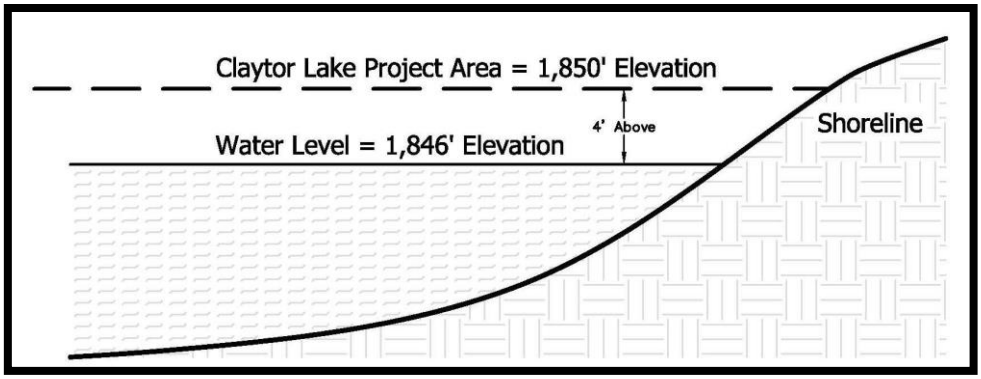
1. Native vegetation: this is the preferred method that includes preserving existing vegetation and planting additional native vegetation to stabilize the shoreline to help prevent erosion;
2. Rip rap: allowed when native vegetation is inadequate in preventing erosion from occurring;
3. Bulkheads: least desirable method, due to potential for adverse impacts to adjoining properties by deflecting wave energy; and
4. Alternative techniques as approved by APCO.

J. Shoreline Management Plan Variance Process: In cases that warrant exception from the regulations and classifications set forth in the SMP, APCO will consider if a variance from the SMP is warranted on a case-by-case basis. Please see the SMP for more information.

K. Specific Dates: Any development or subdivision that occurred prior to December 27, 2011 that does not meet the regulations contained within this Section shall be considered a legal, non-conforming use or structure. See Article 9 for additional information and limitations of non-conforming structures.

L. Development and Use Regulations: Allowed uses and amount/ type of development is based on a property's shoreline classification. The following are specific development and use regulations by shoreline classification:

Claytor Lake Project Area*



***depicts typical situation- water level may fluctuate and Project Area may not always match the 1,850' contour**

4.19.1 Low Density Use- Single Family Residential

A. Distance Into Water: 50 feet or ¼ of width of cove or water in front of property, whichever is less; however, no more than ½ of the width of a cove or water can be obstructed.

B. Setback from Other Docks: 30 feet. 20 feet if reduced setback is allowed (need neighbor agreement to reduced setback in writing)

C. Setback from Property Line: 15 feet- unless a reduced setback is allowed

D. Maximum Size:

1. 1,000 sf, excluding walkway connecting to shore.

2. Maximum of 2 boat slips per dock, excluding personal watercraft lifts, ramps, or slips.
3. An additional 300 sf of dock may be permitted for water dependent recreational uses, which are limited to a floating or stationary dock for swimming or for temporary access to boats, and for personal watercraft ramps. The additional 300 sf shall not be covered and cannot be configured to increase the number of boat slips. The entire structure, including the additional square footage, cannot exceed 1/3 of the total linear feet of the shoreline length.

E. Enclosure Size: One allowed per dock, maximum of 72 sf, located within 12 feet of the shore side of the dock

F. Reflectors: See SMP for specific requirements

G. Minimum Height: Fixed decking shall be at least 2 feet above base elevation

H. Maximum Height: 16 feet to the bottom of the trusses supporting the roof over the dock or the top of the deck of a sun deck over the dock. No covered second story allowed. An exception to this height can be considered on a case-by-case basis, if the applicant can demonstrate why 16 feet is inadequate to accommodate his/her boat, obtain written concurrence from adjacent neighbors whose viewsheds could be impeded (as determined by APCO), the second story cannot be roofed, and the overall height does not exceed 19 feet.

I. Walkway Width Minimum: 4 feet; Maximum: 6 feet

J. Shoreline Length: Minimum 100 feet needed for dock, unless the property was subdivided before December 27, 2011

K. Special Provisions:

1. Only a single access walkway, stairway, and/or ramp between the upland and dock can be built, no decking over the upland is allowed.
2. One dock or pier per 1,000 linear feet of shoreline per property. Minimum fairway distance between structures shall be 1,030 feet.
3. Two adjoining properties can share a dock if they have at least 150 feet of combined shoreline. Dock shall be located on or close to adjoining property line. Dock size and allowances same as standard single-family dock.

4.19.2 Low Density Use- Low Density Multi-Use

A. Distance Into Water: 50 feet or ¼ of width of cove or water in front of property, whichever is less; however, no more than ½ of the width of a cove or water can be obstructed.

B. Setback from Other Docks: If more than one dock structure exists on a property, the minimum fairway distance between dock slips shall be 2 times the length of the adjacent slip. If the two structures contain slips of different lengths, the longest slip shall be used to determine fairway distance.

C. Setback from Property Line: 30 feet

D. Maximum Size: 1 slip: 500 sf; 2 slips: 500 sf; each additional slip: 325 sf per slip or 60 sf per personal watercraft slip

E. Enclosure Size: Not permitted

F. Reflectors: See SMP for specific requirements

G. Minimum Height: N/A

H. **Maximum Height:** 16 feet to the bottom of the trusses supporting the roof over the dock or the top of the deck of a sun deck over the dock. No covered second story allowed.
I. **Walkway Width:** Maximum: 6 feet
J. **Shoreline Length:** N/A
K. **Special Provisions:**
   1. Only a single access walkway, stairway, and/or ramp between the upland and dock can be built, no decking over the upland is allowed.
   2. Slips shall be clustered to the greatest extent possible.
   3. Structures shall be built perpendicular to the shoreline.
   4. No more than 2 slips allowed per 100 feet of shoreline.

4.19.3 Low Density Use- Low Density Commercial

A. **Distance Into Water:** 50 feet or ¼ of width of cove or water in front of property, whichever is less; however, no more than ½ of the width of a cove or water can be obstructed.
B. **Setback from Other Docks:** N/A
C. **Setback from Property Line:** 30 feet
D. **Maximum Size:** 1 slip: 500 sf; 2 slips: 500 sf; each additional slip: 325 sf per slip or 60 sf per personal watercraft slip
E. **Enclosure Size:** One allowed per service dock, maximum of 48 sf
F. **Reflectors:** See SMP for specific requirements
G. **Minimum Height:** N/A
H. **Maximum Height:** 16 feet to the bottom of the trusses supporting the roof over the dock or the top of the deck of a sun deck over the dock. No covered second story allowed.
I. **Walkway Width:** Maximum: 6 feet
J. **Shoreline Length:** N/A
K. **Special Provisions:**
   1. Only a single access walkway, stairway, and/or ramp between the upland and dock can be built, no decking over the upland is allowed.
   2. Slips shall be clustered to the greatest extent possible.
   3. Structures shall be built perpendicular to the shoreline.
   4. No more than 2 slips allowed per 100 feet of shoreline.

4.19.4 Low Density Use- Low Density Public Use: Multi-Slip Docks

A. **Distance Into Water:** 50 feet or ¼ of width of cove or water in front of property, whichever is less; however, no more than ½ of the width of a cove or water can be obstructed.
B. **Setback from Other Docks:** Minimum fairway distance between groups of dock slips or ramps shall be 2 times the length of the adjacent slips. If the two structures contain slips of different lengths, the longest slip shall be used to determine fairway distance.
C. **Setback from Property Line:** 30 feet
D. **Maximum Size:** 1 slip: 500 sf; 2 slips: 500 sf; each additional slip: 325 sf per slip or 60 sf per personal watercraft slip

E. **Enclosure Size:** One allowed per service dock, maximum of 48 sf
F. **Reflectors:** See SMP for specific requirements
G. **Minimum Height:** N/A
H. **Maximum Height:** No roof or second story allowed; however, enclosure can have a roof
I. **Walkway Width:** Maximum: 12 feet
J. **Shoreline Length:** N/A
K. **Special Provisions:**
    1. Only a single access walkway, stairway, and/or ramp between the upland and dock can be built, no decking over the upland is allowed.
    2. Slips shall be clustered to the greatest extent possible.
    3. Structures shall be built perpendicular to the shoreline.
    4. No more than 2 slips allowed per 100 feet of shoreline.
    5. Only floating docks and uncovered piers are allowed.
    6. Should be designed to accommodate universal access as specified in the Americans with Disabilities Act.

4.19.5 Low Density Use- Low Density Public Use: Courtesy Piers

A. **Distance Into Water:** 50 feet or ¼ of width of cove or water in front of property, whichever is less; however, no more than ½ of the width of a cove or water can be obstructed.
B. **Setback from Other Docks:** Minimum fairway distance between groups of dock slips or ramps shall be 2 times the length of the adjacent slips. If the two structures contain slips of different lengths, the longest slip shall be used to determine fairway distance.
C. **Setback from Property Line:** 30 feet
D. **Maximum Size:** N/A
E. **Enclosure Size:** Not permitted
F. **Reflectors:** See SMP for specific requirements
G. **Minimum Height:** N/A
H. **Maximum Height:** No roof or second story allowed
I. **Walkway Width:** Maximum: 12 feet
J. **Shoreline Length:** N/A
K. **Special Provisions:**
    1. Only a single access walkway, stairway, and/or ramp between the upland and dock can be built, no decking over the upland is allowed.
    2. Ramps are allowed for public service uses.
    3. Should be designed to accommodate universal access as specified in the Americans with Disabilities Act.

4.19.6 Steep Slope Protection

A. **Distance Into Water:** 50 feet or ¼ of width of cove or water in front of property, whichever is less; however, no more than ½ of the width of a cove or water can be obstructed.

B. **Setback from Other Docks:** 30 feet. 20 feet if reduced setback is allowed (need neighbor agreement to reduced setback in writing)
C. **Setback from Property Line:** 15 feet- unless a reduced setback is allowed. 30 feet for all structures serving multi-family, commercial, or public uses
D. **Maximum Size:**
   1. Single-family docks: 1 slip maximum, 500 sf maximum, excluding walkway connecting to shore
   2. Multi-Family, Commercial, or Public Use docks: Determined by shoreline length, no more than 1 slip per 100 feet or shoreline, 1 slip: 500 sf; each additional slip: 325 sf per slip or 60 sf per personal watercraft slip
E. **Enclosure Size:** One allowed per dock, maximum of 72 sf, located within 12 feet of the shore side of the dock
F. **Reflectors:** See SMP for specific requirements
G. **Minimum Height:** Fixed decking shall be at least 2 feet above base elevation
H. **Maximum Height:** 16 feet to the bottom of the trusses supporting the roof over the dock or the top of the deck of a sun deck over the dock. No covered second story allowed. An exception to this height can be considered on a case-by-case basis, if the applicant can demonstrate why 16 feet is inadequate to accommodate his/her boat, obtain written concurrence from adjacent neighbors whose viewsheds could be impeded (as determined by APCO), the second story cannot be roofed, and the overall height does not exceed 19 feet.
I. **Walkway Width:** Minimum: 4 feet; Maximum: 6 feet
J. **Shoreline Length:** N/A
K. **Special Provisions:**
   1. Only a single access walkway, stairway, and/or ramp between the upland and dock can be built, no decking over the upland is allowed.
   2. Walkways between berthing slips shall be at least 3 feet in width.
   3. Properties subdivided prior to December 27, 2011 can build individual, single-family docks, as long as the docks are built perpendicular to the shoreline and are clustered to the greatest extent possible.
   4. Properties subdivided after December 27, 2011 can only be served by multi-use structures.

4.19.7 Impact Minimization Zone

A. **Resource Mitigation Requirement:** Any proposed development requires coordination with APCO to determine the type of resource present and how to mitigate disturbance of that resource. See the SMP for specific process and review procedure.
B. **Distance Into Water:** 50 feet or ¼ of width of cove or water in front of property, whichever is less; however, no more than ½ of the width of a cove or water can be obstructed.
C. **Setback from Other Docks:** 30 feet. 20 feet if reduced setback is allowed (need neighbor agreement to reduced setback in writing)
D. **Setback from Property Line:** 15 feet- unless a reduced setback is allowed. 30 feet for all structures serving multi-family, commercial, or public uses
E. **Maximum Size:**

1. Single-family docks:
    a. 1,000 sf, excluding walkway connecting to shore.
    b. Maximum of 2 boat slips per dock, excluding personal watercraft lifts, ramps, or slips.
    c. An additional 300 sf of dock may be permitted for water dependent recreational uses, which are limited to a floating or stationary dock for swimming or for temporary access to boats, and for personal watercraft ramps. The additional 300 sf shall not be covered and cannot be configured to increase the number of boat slips. The entire structure, including the additional square footage, cannot exceed 1/3 of the total linear feet of the shoreline length.
2. Multi-Family, Commercial, or Public Use docks: Determined by shoreline length, no more than 1 slip per 100 feet or shoreline, 1 slip: 500 sf; each additional slip: 325 sf per slip or 60 sf per personal watercraft slip

F. Enclosure Size: One allowed per single-family dock, maximum of 72 sf, located within 12 feet of the shore side of the dock. Not allowed for multi-family, commercial, or public use structures

G. Reflectors: See SMP for specific requirements

H. Minimum Height: N/A

I. Maximum Height: 16 feet to the bottom of the trusses supporting the roof over the dock or the top of the deck of a sun deck over the dock. No covered second story allowed. An exception to this height can be considered on a case-by-case basis, if the applicant can demonstrate why 16 feet is inadequate to accommodate his/her boat, obtain written concurrence from adjacent neighbors whose viewsheds could be impeded (as determined by APCO), the second story cannot be roofed, and the overall height does not exceed 19 feet.

J. Walkway Width: Minimum: 4 feet; Maximum: 6 feet

K. Shoreline Length: N/A

L. Special Provisions:
1. Only a single access walkway, stairway, and/or ramp between the upland and dock can be built, no decking over the upland is allowed.
2. Walkways between berthing slips shall be at least 3 feet in width.

4.19.8 Conservation/ Environmental

A. Variance Requirement: Any proposed development requires a Variance to be issued by APCO and/or FERC. See the SMP for specific process and review procedure.

B. Distance Into Water: 50 feet or ¼ of width of cove or water in front of property, whichever is less; however, no more than ½ of the width of a cove or water can be obstructed.

C. Setback from Other Docks: 30 feet. 20 feet if reduced setback is allowed (need neighbor agreement to reduced setback in writing)

D. Setback from Property Line: 15 feet- unless a reduced setback is allowed. 30 feet for all structures serving multi-family, commercial, or public uses

E. Maximum Size:
1. Single-family docks:
    a. 1,000 sf, excluding walkway connecting to shore.

b. Maximum of 2 boat slips per dock, excluding personal watercraft lifts, ramps, or slips.
c. An additional 300 sf of dock may be permitted for water dependent recreational uses, which are limited to a floating or stationary dock for swimming or for temporary access to boats, and for personal watercraft ramps. The additional 300 sf shall not be covered and cannot be configured to increase the number of boat slips. The entire structure, including the additional square footage, cannot exceed 1/3 of the total linear feet of the shoreline length.

2. Multi-Family, Commercial, or Public Use docks: Determined by shoreline length, no more than 1 slip per 100 feet or shoreline, 1 slip: 500 sf; each additional slip: 325 sf per slip or 60 sf per personal watercraft slip

F. Enclosure Size: One allowed per single-family dock, maximum of 72 sf, located within 12 feet of the shore side of the dock. Not allowed for multi-family, commercial, or public use structures

G. Reflectors: See SMP for specific requirements

H. Minimum Height: N/A

I. Maximum Height: 16 feet to the bottom of the trusses supporting the roof over the dock or the top of the deck of a sun deck over the dock. No covered second story allowed. An exception to this height can be considered on a case-by-case basis, if the applicant can demonstrate why 16 feet is inadequate to accommodate his/her boat, obtain written concurrence from adjacent neighbors whose viewsheds could be impeded (as determined by APCO), the second story cannot be roofed, and the overall height does not exceed 19 feet.

J. Walkway Width: Minimum: 4 feet; Maximum: 6 feet

K. Shoreline Length: N/A

L. Special Provisions:

1. Only a single access walkway, stairway, and/or ramp between the upland and dock can be built, no decking over the upland is allowed.
2. Walkways between berthing slips shall be at least 3 feet in width.

4.19.9 Public Use- Multi-Slip Docks

A. Distance Into Water: 100 feet or ¼ of width of cove or water in front of property, whichever is less; however, no more than ½ of the width of a cove or water can be obstructed.

B. Setback from Other Docks: Fairway distance between groups of dock slips or ramps shall be 2 times the length of the adjacent slips. If the two structures contain slips of different lengths, the longest slip shall be used to determine fairway distance.

C. Setback from Property Line:

1. From Low Density Use Areas: 100 feet plus fairway distance between groups of dock slips or ramps shall be 2 times the length of the adjacent slips.
2. From all other Shoreline Classifications: 60 feet
3. If the two structures contain slips of different lengths, the longest slip shall be used to determine fairway distance.

D. Maximum Size: N/A

E. Enclosure Size: One allowed per service dock, maximum of 48 sf

F. **Reflectors:** See SMP for specific requirements
G. **Minimum Height:** N/A
H. **Maximum Height:** Roof allowed on dock; however, no covered second story is allowed
I. **Walkway Width:** Maximum 12 feet
J. **Shoreline Length:** N/A
K. **Special Provisions:**
   1. Only a single access walkway, stairway, and/or ramp between the upland and dock can be built, no decking over the upland is allowed.
   2. Structure shall be built perpendicular to the shoreline.
   3. Should be designed to accommodate universal access as specified in the Americans with Disabilities Act.

4.19.10 Public Use- Courtesy Pier or Ramp

A. **Distance Into Water:** 100 feet or ¼ of width of cove or water in front of property, whichever is less; however, no more than ½ of the width of a cove or water can be obstructed.
B. **Setback from Other Docks:** Fairway distance between groups of dock slips or ramps shall be 2 times the length of the adjacent slips. If the two structures contain slips of different lengths, the longest slip shall be used to determine fairway distance. If there are no slips in either structure, minimum distance between structures shall be 50 feet.
C. **Setback from Property Line:**
   1. From Low Density Use Areas: 100 feet plus fairway distance between groups of dock slips or ramps shall be 2 times the length of the adjacent slips.
   2. From all other Shoreline Classifications: 60 feet
   3. If the two structures contain slips of different lengths, the longest slip shall be used to determine fairway distance.
D. **Maximum Size:** N/A
E. **Enclosure Size:** Not permitted
F. **Reflectors:** See SMP for specific requirements
G. **Minimum Height:** N/A
H. **Maximum Height:** No roof or second story allowed
I. **Walkway Width:** Maximum 12 feet (access to pier)
J. **Shoreline Length:** N/A
K. **Special Provisions**
   1. Only a single access walkway, stairway, and/or ramp between the upland and dock can be built, no decking over the upland is allowed.
   2. Ramp Maximum Width: 16 feet for single-lane; 32 feet for double lane.
   3. Should be designed to accommodate universal access as specified in the Americans with Disabilities Act.

4.19.11 High Density Commercial

A. **Distance Into Water:** 100 feet or ¼ of width of cove or water in front of property, whichever is less; however, no more than ½ of the width of a cove or water can be obstructed.

B. **Setback from Other Docks:** 60 feet from other docks or moorings
C. **Setback from Property Line:** 100 feet
D. **Maximum Size:** Maximum of 200 boat slips/ dock locations may be considered for approval at any one time
E. **Enclosure Size:** One allowed per service dock, maximum of 48 sf
F. **Reflectors:** See SMP for specific requirements
G. **Minimum Height:** Fixed decking shall be at least 2 feet above base elevation
H. **Maximum Height:**
   1. Docks with slips on both side of walkway: 24 feet; Max roof pitch: 4/12
   2. Docks with slips on one side of walkway: 18 feet; Max roof pitch: 4/12
I. **Walkway Width:** Minimum 4 feet; Maximum: 6 feet. Fingers between slips- Minimum: 3 feet
J. **Shoreline Length:** N/A
K. **Special Provisions:**
   1. Only a single access walkway, stairway, and/or ramp between the upland and dock can be built, no decking over the upland is allowed, unless otherwise dictated by other local, state, or federal regulations.
   2. Should be designed to accommodate universal access as specified in the Americans with Disabilities Act.
   3. If a facility accommodates watercraft equipped with marine toilets, sinks, kitchens, holding tanks, or other types of devices that produce a wastewater discharge, sanitation facilities for pump-out and/or deposit of waste shall be provided.

4.19.12 High Density Multi-Use- Community Docks

A. **Distance Into Water:** 100 feet or ¼ of width of cove or water in front of property, whichever is less; however, no more than ½ of the width of a cove or water can be obstructed.
B. **Setback from Other Docks:**
   1. 60 feet from other docks or moorings
   2. Fairway distance between groups of dock slips or ramps shall be 2 times the length of the adjacent slips. If the two structures contain slips of different lengths, the longest slip shall be used to determine fairway distance.
C. **Setback from Property Line:** 100 feet
D. **Maximum Size:** 1 slip: 500 sf; 2 slips: 500 sf; each additional slip: 325 sf per slip or 60 sf per personal watercraft slip
E. **Enclosure Size:** Not permitted
F. **Reflectors:** See SMP for specific requirements
G. **Minimum Height:** Fixed decking shall be at least 2 feet above base elevation
H. **Maximum Height:**
   1. Docks with slips on both side of walkway: 24 feet; Max roof pitch: 4/12
   2. Docks with slips on one side of walkway: 18 feet; Max roof pitch: 4/12
I. **Walkway Width:** Maximum: 6 feet
J. **Shoreline Length:** N/A
K. **Special Provisions:**
   1. Only a single access walkway, stairway, and/or ramp between the upland and dock can be built, no decking over the upland is allowed.

2. Structures shall be built perpendicular to the shoreline.
3. No more than 3 slips per 100 linear feet of shoreline per property.
4. Slips shall be clustered to the greatest extent possible.

4.19.13 High Density Multi-Use- Boat Ramps and Courtesy Piers

A. Distance Into Water: 100 feet or ¼ of width of cove or water in front of property, whichever is less; however, no more than ½ of the width of a cove or water can be obstructed.

B. Setback from Other Docks: Fairway distance between groups of dock slips or ramps shall be 2 times the length of the adjacent slips. If the two structures contain slips of different lengths, the longest slip shall be used to determine fairway distance.

C. Setback from Property Line:
1. From Low Density Use Areas: 100 feet plus fairway distance between groups of dock slips or ramps shall be 2 times the length of the adjacent slips.
2. From all other Shoreline Classifications: 60 feet
3. If the two structures contain slips of different lengths, the longest slip shall be used to determine fairway distance.

D. Maximum Size: 800 sf (pier)

E. Enclosure Size: Not permitted

F. Reflectors: See SMP for specific requirements

G. Minimum Height: N/A

H. Maximum Height: No roof or second story allowed

I. Walkway Width: Maximum: 12 feet

J. Shoreline Length: N/A

K. Special Provisions:
1. Only a single access walkway, stairway, and/or ramp between the upland and dock can be built, no decking over the upland is allowed.
2. Ramp Maximum Width: 16 feet for single-lane; 32 feet for double lane
3. Ramps shall be a minimum of 6 inches reinforced concrete

4.19.14 Fishing and Observation Piers for Public Use

A. Distance Into Water: 100 feet or ¼ of width of cove or water in front of property, whichever is less; however, no more than ½ of the width of a cove or water can be obstructed.

B. Setback from Other Docks: If 2 or more fishing or observation piers are adjacent, the minimum fairway distance between them shall be 50 feet

C. Setback from Property Line: N/A

D. Maximum Size: 1,200 sf

E. Enclosure Size: Not permitted

F. Reflectors: N/A

G. Minimum Height: N/A

H. Maximum Height: 24 feet to the bottom of the trusses supporting the roof over the dock. No covered second story allowed.

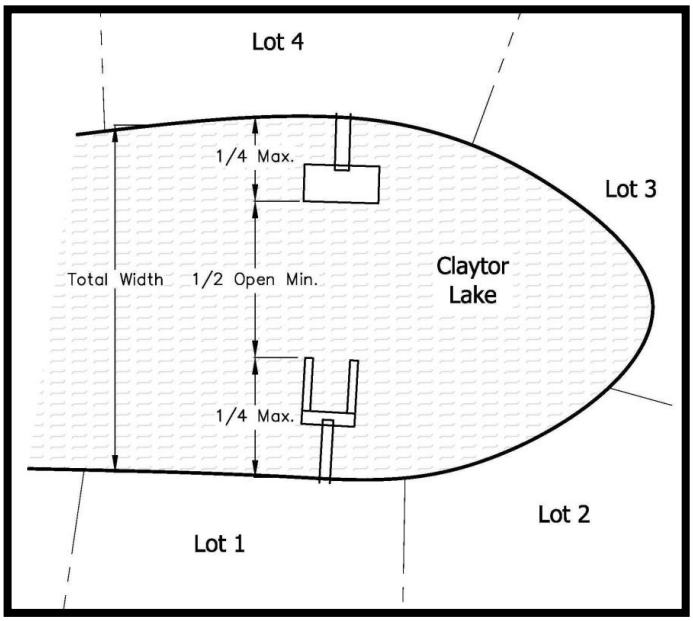
I. Walkway Width: N/A

J. Shoreline Length: N/A

K. Special Provisions

1. Can be allowed in any Shoreline Classification

Dock Distance into Water



4.20 Modifications to the Official Zoning Map and Zoning Districts: Additional zoning districts may be added from time to time upon recommendation of the Planning Commission to the Board of Supervisors, as identified in this Ordinance. Proposed changes to the Official Zoning Map, including the addition of new zoning districts, may be submitted by the Planning Commission or any other interested party.

4.21 Land Use Table: The table beginning on the following page is intended to match specific uses of property with the zoning districts in which the uses are permitted. There are several categories of uses, Permitted Use, Conditional Use, Special Use Permit, and Prohibited Uses, which are defined as follows:

A. **Permitted Use (P):** Uses that are permitted by-right within the respective zoning district. Permitted Uses are subject to all other applicable standards of this Ordinance.
B. **Conditional Use (C):** Uses that are permitted by-right within the respective zoning district, as long as certain additional standards are met. The additional standards are identified later in this Article. Conditional Uses are subject to all other applicable standards of this Ordinance.
C. **Special Use Permit (SUP):** Uses that are permitted within the respective zoning district only after review and approval of a Special Use Permit, in accordance with the provisions of this Ordinance.
D. **Prohibited Uses (blank):** Uses that are not permitted within the respective zoning district.

Table 4.1: Land Use Table

Uses	Districts															
	C	**A**	**RR**	**R**	**LR**	**MR**	**HR**	**RC**	**CM**	**LI**	**I**	**PID**	**PUD***	**AO**	**LO**	**CLO**
Residential																
Accessory Dwelling	C	C	C	C	C	C	C	C	C	C	C	C	C			
Accessory Use	P	P	P	P	P	P	P	P	P	P	P	P	P			
Commercial/ Industrial Housing									SUP	SUP	SUP	SUP				
Duplex					P	P	P						P			
Farm Worker Housing	C	C														
Group Home	P	P	P	P	P	P	P	P					P			
Manufactured Home	P	P	P		P											
Manufactured Home Park		SUP	SUP													
Multi-family							P		P	P			P			
Second Manufactured Home	SUP	SUP	SUP													
Second Single-family Detached	SUP	C	C	SUP	SUP	SUP	SUP									
Single-family Attached						C	C						C			
Single-family Detached	P	P	P	P	P	P	P	P					P			

Table 4.1: Land Use Table

Uses	Districts															
	C	**A**	**RR**	**R**	**LR**	**MR**	**HR**	**RC**	**CM**	**LI**	**I**	**PID**	**PUD***	**AO**	**LO**	**CLO**
Agricultural/ Conservation																
Agriculture	P	P								P	P	P	P			
Agritourism	C	C								C	C	C	C			
Animal Hospital/ Veterinary Clinic	SUP	P						P	P	P			P			
Biomass Conversion	C	C						C		C	C	C				
Forestry/ Timber Operations	P	P											P			
Horse Riding School/ Horse Training Facility/ Commercial Stables	P	P	P					P					P			
Kennel/ Animal Shelter	SUP	P						SUP	SUP	P	P					
Large-scale Agriculture	SUP	C									SUP	SUP				
Livestock Market		SUP						SUP	SUP	SUP	SUP					
Ponds- 2 Acres or More	P	P	SUP										P			
Residential Chicken Keeping			C	C	C								C			

Table 4.1: Land Use Table

Uses	Districts															
	C	**A**	**RR**	**R**	**LR**	**MR**	**HR**	**RC**	**CM**	**LI**	**I**	**PID**	**PUD***	**AO**	**LO**	**CLO**
Agricultural/ Conservation (cont.)																
Small-scale Agriculture			C					C					C			
Wildlife Rehabilitation Center	P	P							SUP	SUP	SUP					
Wildlife Sanctuary/ Game Reserve	P	P											P			
Winery	C	C	C					C								
Commercial Services																
Adult Oriented Business									SUP							
Agricultural Equipment Sales & Servicing	SUP	C						C	C	C						
Artisan Workshop	C	C	C	C	C	C	C	C	C	C			C			
Car Wash								P	P	P			P			
Commercial Assembly Hall		SUP						P	P	P			P			

Table 4.1: Land Use Table

Uses	Districts															
	C	**A**	**RR**	**R**	**LR**	**MR**	**HR**	**RC**	**CM**	**LI**	**I**	**PID**	**PUD***	**AO**	**LO**	**CLO**
Commercial Services (cont.)																
Gas Station/ Convenience Store								P	P	P			P			
Home Occupation	C	C	C	C	C	C	C	C	C	C			C			
Home Business	C	C	C					C	C	C			C			
Manufactured Home Sales								SUP	SUP	SUP	SUP					
Mixed-use								SUP	SUP	SUP			P			
Mobile Food Vending							C	C	C	C	C	C	C			
Motor Vehicle Sales & Service								SUP	C	C						
Motor Vehicle Service/ Repair								C	C	C						
Neighborhood Commercial								C	C	C			C			
Nursery/ Garden Center	P	P						P	P	P			P			
Outdoor Sales								C	C	C	C	C				

Table 4.1: Land Use Table

Uses	Districts															
	C	**A**	**RR**	**R**	**LR**	**MR**	**HR**	**RC**	**CM**	**LI**	**I**	**PID**	**PUD***	**AO**	**LO**	**CLO**
Commercial Services (cont.)																
Produce Stands	C	C	C					C	C	C			C			
Personal Services								P	P	P			P			
Professional Offices								P	P	P	P	P	P			
Restaurant								P	P	P	P	P	P			
Retail Businesses								P	P	P			P			
Tattoo/ Body Art Parlor									SUP	SUP						
Wholesale Operations									P	P	P	P				
Lodging																
Bed & Breakfast	C	C	C	C	C	C	C	C					C			
Hotel/ Motel								SUP	P	P			P			
Inn	C	C	C					C	C				C			

Table 4.1: Land Use Table

Uses	Districts															
	C	**A**	**RR**	**R**	**LR**	**MR**	**HR**	**RC**	**CM**	**LI**	**I**	**PID**	**PUD***	**AO**	**LO**	**CLO**
Health/ Human Care																
Assisted Living/ Nursing Home/ Long-term Care						SUP	SUP	SUP	C	C			C			
Day Care Center (child or elderly)						SUP	SUP	C	C	C	C	C	C			
Family Day Care Home (child or elderly)	C	C	C	C	C	C	C	C					C			
Hospitals									P	P	P	P	P			
Medical Offices & Clinics								P	P	P	P	P	P			
Treatment/ Rehabilitation Clinic								P	P	P	SUP	SUP	P			
Recreation/ Entertainment																
Campgrounds & Recreational Vehicle Parks	C	SUP	SUP					C					C			

Table 4.1: Land Use Table

Uses	Districts															
	C	**A**	**RR**	**R**	**LR**	**MR**	**HR**	**RC**	**CM**	**LI**	**I**	**PID**	**PUD***	**AO**	**LO**	**CLO**
Recreation/ Entertainment (cont.)																
Camping- Long Term	C	C	C	SUP	SUP			C					C			
Commercial Dock/ Marina/ Yacht Club								P	P	P			P			P
Commercial Indoor Recreation Facility									P	P			P			
Commercial Indoor Shooting Range								SUP	P	P	SUP		P			
Commercial Outdoor Recreation Facility	SUP	SUP						P	P	P			P			
Commercial Outdoor Shooting Range	SUP	SUP						SUP		SUP			P			
Country Club	SUP	SUP						P	P				P			
Day Camp/ Summer Camp	C	C	SUP					C	C				C			
Golf Course	SUP	SUP	SUP					P	P				P			

Table 4.1: Land Use Table

Uses	Districts															
	C	**A**	**RR**	**R**	**LR**	**MR**	**HR**	**RC**	**CM**	**LI**	**I**	**PID**	**PUD***	**AO**	**LO**	**CLO**
Recreation/ Entertainment (cont.)																
Hunting Club/ Outdoor Lodge	P	P	SUP					P					P			
Large-scale Commercial Outdoor Recreation Facility									SUP	SUP	SUP		C			
Residential Dock	P	P	P	P	P	P	P	P	P	P	P		P			P
Theaters & Auditoriums								SUP	P	P			P			
Civic/ Institutional																
Bus/ Railroad Station									SUP	SUP	SUP					
Business/ Trade School		SUP						P	P	P	SUP		P			
Cemetery	SUP	SUP	SUP					SUP	SUP	SUP			P			
Club, Lodge, Union Hall, or Social Center	SUP	SUP	SUP			SUP	SUP	P	P	P			P			
College/ University	SUP	SUP						SUP	SUP	SUP			P			

Table 4.1: Land Use Table

Uses	Districts															
	C	**A**	**RR**	**R**	**LR**	**MR**	**HR**	**RC**	**CM**	**LI**	**I**	**PID**	**PUD***	**AO**	**LO**	**CLO**
Civic/ Institutional (cont.)																
Conference or Exhibition Center								P	P	P	SUP	SUP	P			
Correctional Facility											SUP					
Funeral Home								P	P	P			P			
Government/ Public Safety	P	P	P	P	P	P	P	P	P	P	P	P	P			
Landfill															P	
Museum	SUP	SUP	SUP					P	P	P	P	P	P			
Park	P	P	P	P	P	P	P	P	P	P	P	P	P			
Private School	SUP	SUP	SUP					P	P	P	SUP		P			
Public School	SUP	SUP	P	P	P	P	P	P	P	P	SUP		P			
Religious Assembly	SUP	P	P	P	P	P	P	P	P	P	SUP		P			
Sewage Treatment Plant											SUP					
Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P			

Table 4.1: Land Use Table

Uses	Districts															
	C	**A**	**RR**	**R**	**LR**	**MR**	**HR**	**RC**	**CM**	**LI**	**I**	**PID**	**PUD***	**AO**	**LO**	**CLO**
Industrial																
Above Ground Storage Tanks	SUP	SUP						SUP	SUP	C	C	C				
Airport											SUP	SUP		P		
Boat Yard								SUP	SUP	P	P	P				
Concrete & Asphalt Plants										SUP	SUP	SUP				
Contractor's Office								C	C	C	C	C	C			
Fabrication										P	P	P	P			
Food Processing										SUP	P	P				
Junk/ Salvage/ Recycling Operation										SUP	SUP	SUP				
Light Assembly									P	P	P	P	P			
Manufacturing											P	P				
Meat Processing		SUP						SUP	SUP	C	C	C				

Table 4.1: Land Use Table

Uses	Districts															
	C	**A**	**RR**	**R**	**LR**	**MR**	**HR**	**RC**	**CM**	**LI**	**I**	**PID**	**PUD***	**AO**	**LO**	**CLO**
Industrial (cont.)																
Mini-warehouse or Self-service Storage									P	P	P	P				
Power Generation Plant											SUP	SUP			SUP	
Private Airstrip	SUP	SUP									SUP	SUP				
Research & Laboratory									P	P	P	P	P			
Slaughterhouse		SUP									SUP					
Small-scale Junk & Salvage Operation		SUP						SUP	SUP	C	C	C				
Small-scale Slaughterhouse	SUP	SUP						SUP		SUP	SUP					
Telecommunication Towers	SUP	SUP	SUP			SUP	SUP	SUP	SUP	SUP	SUP	SUP	C			
Warehouse or Distribution Operation									SUP	P	P	P				
Wind Turbines- Large	SUP	SUP								SUP	SUP	SUP	C			
Wind Turbines- Medium	SUP	C	SUP					SUP	SUP	SUP	C	C	C			

Table 4.1: Land Use Table

Uses	Districts															
	C	**A**	**RR**	**R**	**LR**	**MR**	**HR**	**RC**	**CM**	**LI**	**I**	**PID**	**PUD***	**AO**	**LO**	**CLO**
Wind Turbines- Small	SUP	C	C	SUP	C	SUP	SUP	C	C	C	C	C	C			
Natural Resources																
Quarry		SUP								SUP	SUP					
Coal/ Lumber Yards		SUP								SUP	SUP					
Mining & Mineral Extraction		SUP								SUP	SUP					
Natural Resource Extraction		SUP								SUP	SUP					
Sawmill		SUP								SUP	SUP					

* PUD- can combine any of the identified uses in their master plan; however, uses must be designated at the time of PUD zoning and cannot be changed without modification of the zoning

Table 4.1: Land Use Table

Uses	Districts															
	C	A	RR	R	LR	MR	HR	RC	CM	LI	I	PID	PUD*	AO	LO	CLO

4.22 Conditional Use Standards: The following uses and associated conditions shall be met in order to allow the uses as either a Permitted Use or a Special Use Permit:

1. **Accessory Dwelling Unit:**
    a. Maximum size of 2,000 heated square feet;
    b. Maximum height of two stories or height of the primary structure, whichever is less;
    c. Only one permitted per lot;
    d. Must be placed in the side or rear yard, no closer to the primary frontage road than the primary structure; and
    e. Setbacks identified for primary structures must be met for Accessory Dwelling Units.

2. **Commercial/ Industrial Housing:**
    a. The building shall be subordinate to the main property usage and be located on the same property;
    b. Only one building per business shall be built;
    c. Maximum building height of two (2) stories or twenty-five (25) feet;
    d. Maximum size of 5,000 square feet;
    e. The building can be used to provide housing for up to forty (40) workers and can be designed to provide either shared living amenities and spaces or independent amenities and spaces.

3. **Farm Worker Housing:**
    a. Maximum size shall not exceed 3,000 square feet;
    b. Housing shall only be permitted in a single-family home, duplex, or manufactured home; and
    c. Setbacks and other dimensional standards identified for primary structures shall be met for Farm Worker Housing.

4. **Second Manufactured Home:**
    a. The lot shall be at least two and a half (2.5) times the minimum lot size identified for the district;
    b. The lot shall meet all dimensional requirements to accommodate a future subdivision of the lot; and
    c. The Second Manufactured Home shall be located on the lot to accommodate a future subdivision.

5. **Second Single-family Detached:**
    a. Minimum lot size shall be 50% larger than the minimum required by zoning district, unless the Department of Health requires additional room for a shared or second septic or well on the property; and
    b. Minimum setback between dwellings shall be ten (10) feet.

6. **Manufactured Home Park:**
    a. Setbacks between manufactured homes shall be a minimum of fifteen (15) feet;
    b. Accessory structures shall be a minimum of ten (10) feet from any manufactured home;

c. A minimum of two (2) parking spaces shall be provided per manufactured home;
d. Drive aisles shall be a minimum of eighteen (18) feet wide, paved with asphalt or concrete, and passable by emergency vehicles during all weather conditions;
e. A buffer that is a minimum of twenty-five (25) feet that meets the standards identified in Article 5 shall be required along all exterior property lines;
f. Manufactured home parks shall either be on public sewer or have double the required space for the septic system reserve area;
g. Water may be provided from either a well or public water;
h. A minimum of twenty percent (20%) of the total manufactured home park shall be open space and designated as open space. The open space shall be available for use by all residents of the park. Active play spaces, such as playgrounds or ball fields are recommended;
i. All utilities service the manufactured home park shall be placed underground;
j. Each manufactured home shall have a minimum of two (2) large trees and eight (8) shrubs planted around the manufactured home;
k. All manufactured homes shall have screening to hide the underpinning;
l. The maximum density allowed shall not exceed ten (10) manufactured homes per acre;
m. The maximum number of manufactured homes in one park, or a combination of adjacent parks, if more than one park is immediately adjacent another, shall be one hundred (100);
n. Mitigation plans in place for existing manufactured home parks shall take precedence over the standards identified in this Section.

7. Single-family Attached:

a. A maximum of eight (8) dwelling units may be attached in one row;
b. A minimum of fifteen (15) feet shall be between the ends of rows; and
c. The front façade of the dwelling units shall be staggered a minimum of three (3) feet to provide visual interest along the front façade of the attached units.

8. Agritourism:

a. A "Notice of Warning" shall be posted with the following information: "WARNING: Under Virginia law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity." This notice is in accordance with the Code of Virginia, § 3.2-6402;
b. A buffer area that is a minimum of twenty (20) feet in width shall be provided along any property line that is adjacent to residential use that meets the standards in Article 5; and
c. Hours of operation shall not exceed the period from 6:00 a.m. to 10:00 p.m. when the agritourism activity is located within 500 feet of an off-premises residence.

9. Biomass Conversion

a. At least 50% of the feedstock used in the biomass operation is produced on site or by the owner of the conversion equipment on a different property;
b. Maximum building area used for the processing of the feedstock into energy, not including the space required for storage of feedstock, shall not exceed 4,000 square feet; and
c. Building setbacks shall meet those identified for principal structures in this Ordinance.

10. Large-scale Agriculture

a. Minimum Farm Size: fifty (50) acres;
b. Site plan and narrative showing how the property will be developed to accommodate the large-scale agricultural uses and what specifically will occur on the property;
c. Minimum setbacks for all structures built to facilitate the large-scale agriculture shall be a minimum of:
    i. One hundred fifty (150) feet from any property line;
    ii. One thousand (1,000) feet from any incorporated town, public water intakes, platted residential subdivision, or residential zoning district; and
    iii. Three hundred (300) feet from any residential structure in any zoning district, except for residential structures owned by members of the immediate family of the farm owner and/or operator.

11. Residential Chicken Keeping

a. For personal use only;
b. Male chickens (roosters) or any crowing hens are prohibited;
c. A minimum lot size of one-half (0.5) acre is required;
d. For less than 20 chickens, chicken coops and enclosures shall be located in the rear yard only, shall be setback at least 25 feet from the side and rear property lines, and cannot exceed eight (8) feet in height;
e. For 20 or more chickens, chicken coops and enclosures shall be located in the rear yard only, shall be setback at least 40 feet from the side and rear property lines, and cannot exceed eight (8) feet in height;
f. Up to 10 chickens can be kept on the property between one-half (0.5) acre and two (2.0) acres;
g. Up to 30 chickens can be kept on property larger than two (2.0) acres;
h. Feed storage shall be done in a manner that does not attract rodents;
i. Chicken feces shall be disposed of in a sanitary manner;
j. Outdoor slaughtering of chickens is prohibited;
k. The chickens shall not be kept in a manner that constitutes a nuisance, health hazard, or in violation of any other laws or ordinances; and
l. Chickens shall have adequate shelter.

12. Small-scale Agriculture

a. Accessory to the primary use of the property as a residence;
b. Pens and other structures needed for the keeping and management of animals shall be allowed, as long as the structures are setback at least ten (10) feet from any property zoned R, LR, MR, or HR;

c. Production of plants, hay, vegetables, and fruits is allowed; and
d. Maximum number of permitted animals is as follows. Animals from different categories can be mixed on a single property; however, all animals count towards the total allowed based on property size:
    i. One (1) animal per two (2) acres for horses and cows/cattle;
    ii. One (1) animal per acre for sheep, goats, llamas, alpacas, and mules;
    iii. Five (5) rabbits, minks, or other small fur animals per acre; or
    iv. Five (5) bee hives per acre.

13. Winery

a. Activities may include the production, harvesting, and processing fruit and other agricultural products, as well as the manufacturing of wine.
b. On-premise sale, tasting, and/or consumption of wine during regular business hours within the normal course of business shall be permitted.
c. Direct sale and shipment of wine by common carrier to consumers shall be permitted.
d. Storage, warehousing, and wholesaling or wine shall be permitted.
e. A restaurant that does not exceed 5,000 square feet, excluding the kitchen area may be permitted.

14. Adult Oriented Business

a. **Intent:** It is recognized that there are some uses which, because of their nature are recognized as having adverse secondary effects that have deleterious impacts upon both existing businesses and residential properties. It is also recognized that when several of these uses are concentrated in close proximity, they begin to dominate the character of an area and create a synergy that compounds the deleterious effect on other uses.

    Special regulations of these uses are therefore necessary to insure that these adverse effects will not contribute to the blighting, deteriorating, and/or down grading of the area and the adjacent areas. It is the purpose of this Section to regulate adult oriented business to promote and protect the health, safety, and general welfare of the citizens of the County and to establish reasonable and uniform regulations to prevent a concentration of adult oriented business within the County. These regulations are intended to control the negative secondary impacts such businesses have been documented to have on the surrounding area and the community. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials.

    Similarly, it is neither the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Likewise, it is not the intent of this Ordinance to legitimize activities which are prohibited by County ordinance or State or Federal law.
b. **Classification.** The following uses are considered an adult oriented business under this Ordinance:

i. Adult arcades; Adult book, novelty, retail or video stores;
ii. Adult cabarets;
iii. Adult massage parlors;
iv. Adult motion picture theaters;
v. Adult motels;
vi. Adult theaters;
vii. Adult personal service establishment;
viii. Adult physical culture establishment;
ix. Escort agencies;
x. Nude model studios;
xi. Sexual encounter centers; and
xii. Any other similar use or business as determined by the UDO Administrator.

c. **Location Requirements.** The establishment of an adult oriented business (whether the use is primary, secondary, or accessory) is prohibited if the use will be within a 750 foot radius of any of the following:
   i. Residentially zoned property;
   ii. Day care, child care facility, nursery or preschool;
   iii. Place of worship or religious institution;
   iv. Public or private elementary or secondary school or youth activity center; or
   v. Public park or public building.

   Measurement shall be made in a straight line from the nearest portion of the property site boundary of an adult uses to the nearest lot line of the premises of any use listed above.

d. **Separation Requirements.** The establishment of an adult oriented business is prohibited if the use will be within 2,500 feet of another adult oriented business. Measurement shall be made in a straight line between the closest exterior walls of each business.

e. **Conditions and Operating Requirements for Adult Oriented Business**
   i. The building and site shall be designed, constructed and maintained so products and material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be observed by pedestrians or motorists on a public right of-way or from an adjacent property. No exterior door or window on the premises shall be kept open at any time while the business is in operation. The merchandise or activities of the establishment shall not be visible from any point outside the establishment. The exterior portions of the establishment shall not have any signs, words, lettering, photographs, silhouettes, drawings or pictorial representations of any specified anatomical area or sexually explicit activity;
   ii. The building shall provide sufficient sound absorbing insulation so noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way;
   iii. The proposed use does not materially alter or negatively impact any historical or cultural landmark in the County or any property that is identified as contributing to a Historic District;

iv. The UDO Administrator may require a wall, fence, or other screening device in conjunction with landscaping to provide an appropriate screen in consideration of views from public streets, distance and surrounding land uses;
v. All off-street parking areas shall be illuminated from at least 90 minutes prior to sunset to at least 60 minutes after closing, regardless of the number of parking spaces needed for the business;
vi. The hours of operation shall be approved by the County. No adult oriented business shall be open for business prior to 9:00 a.m., nor after 10:00 p.m. However, employees or other agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes;
vii. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two inches in height and clearly legible that states: "Persons under the age of 18 years are not permitted to enter the premises;"
viii. Any adult oriented business that allows customers to remain on the premises while viewing live, filmed, or recorded entertainment or while using or consuming the products or services supplied on the premises, shall provide at least one security guard on duty. The security guard provided will patrol the premises, as well as the parking areas at all times while the business is in operation;
ix. It shall be unlawful for any person to perform in any commercial establishment serving alcohol, to knowingly permit or allow to be performed therein, any of the following acts or conduct the actual or simulated public displaying of specified anatomical areas or the public performance of acts or simulated acts of specified sexual activities or any sexual acts which are prohibited by law;
x. It shall be unlawful to allow any female to appear in a commercial establishment serving alcohol so costumed or dressed that one or both breasts are wholly or substantially exposed to public view; and
xi. Topless or bottomless or totally uncovered waiter/waitresses, bartenders or barmaids, entertainers including dancers, impersonators, lingerie shows, or any other form for the attraction or entertainment of customers, are strictly prohibited.

15. Agricultural Equipment Sales and Servicing

a. Exterior storage of used vehicle, tractor, or equipment parts is prohibited, unless it is stored within a fully enclosed and screened storage yard;
b. When adjoining a parcel used for residential purposes, the following shall apply:
    i. The entire property line between the sales and residential use must be screened by landscaping or an opaque fence at least eight (8) feet in height;
    ii. A buffer area of at least fifty (50) feet shall be provided along the property line where that residential use is located. This area shall be kept clear of any materials, vehicles or other equipment at all times;

iii. Any vehicle service, repairing, or alterations, shall be performed one hundred (100) feet from the lot line of the adjoining residential use; and
iv. Hours of operation shall be limited to 8:00 a.m. until 10:00 p.m., and vehicle servicing shall only take place during these hours.

c. Permanently stored salvage vehicles, tractors, equipment, parts or used tires are expressly prohibited. Temporarily disassembled or temporarily non-operational vehicles shall be stored in a designated area and that area shall be screened from all adjacent properties.
d. Storage of equipment or materials in excess of fifteen (15) feet in height shall be prohibited.
e. Vehicles, equipment, or materials for display must be set back at least twenty five (25) feet off the edge of the right-of-way, unless additional setback is needed for clear sight distance; and
f. The area devoted to vehicle, tractor, and equipment servicing and repair shall not exceed twenty percent (20%) of the area devoted to the operation, excluding any buffers or required setback areas.

16. Artisan Workshop

a. Building or area in which work is being done shall be at least fifty (50) feet from any dwelling on an adjacent property;
b. Any exterior storage of materials or goods shall be screened from any public or residential property by landscaping or an opaque fence, as approved by the UDO Administrator;
c. Work shall be limited to custom machining, art and crafts, woodworking, and other small-scale, light intensity type work;
d. The general public shall not be permitted to visit the premises or purchase items directly from the premises. Invited guests or purchasers to pick up items may visit the premises; however, no more than five (5) visitors may visit the premises each day; and
e. When adjoining a residence, whether single or multi-family, the hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m, unless the work is done within an entirely closed space.

17. Home Occupation

a. Accessory to the primary use of the property as a residence;
b. No more than one (1) person other than those residing on the property shall be employed and work from the property;
c. No signage shall be displayed advertising the business;
d. The business can be operated from the main residence or an accessory structure on the property;
e. Sale of goods from the property or any other activity in which the general public frequent the property shall not be permitted;
f. Display of merchandise shall not be permitted;
g. No commercial deliveries shall be made to or sent from the property;
h. Uses may include personal services, professional office, and other similar uses, including, but not limited to, internet sales, preparation of food products for sale, barber shops, beauty parlors, attorney office, engineering or architectural office,

home office for a business, and any similar use as determined by the UDO Administrator; and

i. Day cares and other uses that may be operated from a residence that are further defined by this Ordinance shall not be considered a Home Occupation.

18. Home Business

a. Accessory to the primary use of the property as a residence;
b. No more than five (5) people other than those residing on the property shall be employed and work from the property;
c. A wall sign that does not exceed five (5) square feet may be permitted on the building wall from which the business operates, as long as the sign is not illuminated and meets the other standards identified in Article 5 of this Ordinance;
d. The business can be operated from the main residence or an accessory structure on the property;
e. Sale of goods from the property or any other activity in which the general public frequent the property shall not be permitted;
f. Display of merchandise shall not be permitted;
g. No commercial deliveries shall be made to or sent from the property;
h. Uses may include personal services, professional office, and other similar uses, including, but not limited to, internet sales, preparation of food products for sale, barber shops, beauty parlors, attorney office, engineering or architectural office, home office for a business, and any similar use as determined by the UDO Administrator; and
i. Day cares and other uses that may be operated from a residence that are further defined by this Ordinance shall not be considered a Home Business.

19. Mobile Food Vending

a. Mobile food vending may be from a bus, truck, trailer, or cart;
b. The mobile food vending vehicle shall not be parked and open for business in one location for more than ten (10) consecutive hours;
c. Mobile food vending vehicles shall be able to operate on VDOT roadways and be mobile at all times; and
d. Sufficient parking shall be available for customers to prevent congestion in the roadway.

20. Motor Vehicle Sales and Service

a. Vehicles for display or otherwise must be set back at least twenty five (25) feet off the edge of the right-of-way, unless additional setback is needed for clear sight distance;
b. Exterior storage of new or used vehicle parts is prohibited;
c. When adjoining a parcel used for residential purposes, the following shall apply:
    i. The entire property line between the sales and residential use shall be screened by landscaping or an opaque fence at least eight (8) feet in height;
    ii. No vehicles, materials, or equipment can be stored in the buffer adjacent to a residential property;

iii. Any vehicle service, repairing, or alterations, shall be at least one hundred (100) feet from the lot line of any adjoining residential use;
iv. Hours of operation shall be limited to 8:00 a.m. until 8:00 p.m., and vehicle servicing shall only take place during those hours;

d. The area devoted to vehicle servicing and repairing shall not exceed twenty percent (20%) of the area devoted to the operation, excluding any buffers or required setback areas; and
e. Any vehicles awaiting body repair or painting, or missing mechanical or body parts, or that has been substantially damaged shall be placed in a storage yard. The storage yard shall be fully screened from public view by an opaque fence at least eight (8) feet in height and set back at least one hundred (100) feet from the lot line of an adjoining residential use.

21. Motor Vehicle Service/ Repair

a. Outdoor storage of inoperable vehicles waiting to be repaired shall be in an area that cannot be seen from adjacent or public property. An opaque fence may be required to enclose an area used to store inoperable vehicles waiting to be repaired;
b. Vehicles used for parts and/or salvage shall not be stored on the property; and
c. All vehicle service/ repair work shall be performed in an enclosed building.

22. Neighborhood Commercial

a. The maximum building area shall not exceed 7,500 square feet;
b. Outdoor sales shall be limited to 1,000 square feet;
c. No more than two pumps can be available for the sale of gasoline, kerosene, and/or heating oil; and
d. A wide range of retail sales and services can be mixed, as well as accessory uses, such as sit-down or take-out food sales.

23. Outdoor Sales

a. Products shall be a minimum of ten (10) feet from all property lines;
b. Sufficient parking shall be available for customers to prevent congestion in the roadway; and
c. Products shall not interfere with sight distances along roadways.

24. Produce Stands

a. The stand, vehicle, product display and any other component of the operation shall comply with setback requirements for the underlying zoning district;
b. Sufficient parking shall be available for customers to prevent congestion in the roadway;
c. The size limitation for stands shall be 1,500 square feet, which includes any vehicles where the product is sold; and
d. The hours of operation shall be between 7:00 a.m. and 9:00 p.m.

25. Tattoo/ Body Art Parlor

a. The closest portion of the building in which the tattoo/ body art parlor is located shall be a minimum of 500 feet from any school, day care, public park, or residential structure; and

b. A minimum separation between tattoo/ body art parlor shall be 1,000 feet, as measured from the closest portion of the building in which the use is located.

26. Bed and Breakfast

a. The owner or owner's family shall reside on the same parcel occupied by the bed and breakfast;
b. The structure or any supplemental additions, shall maintain the appearance of a single-family residence. No rooms shall have direct entrance or exit to the outside of the building, except emergency exits required by either the Building Code Official or Fire Marshall;
c. Meals shall be provided to overnight guests only and no cooking shall be permitted in guest rooms; and
d. Parking areas within fifteen (15) feet of a lot line where the adjoining lot is a single-family residence must be screened by landscaping or an opaque fence that is at least six (6) feet in height.

27. Inn

a. The owner or owner's family shall reside on the same parcel occupied by the inn;
b. The structure or any supplemental additions, shall maintain the appearance of a single-family residence. No rooms shall have direct entrance or exit to the outside of the building, except emergency exits required by either the Building Code Official or Fire Marshall;
c. Meals shall be provided to overnight guests only and no cooking shall be permitted in guest rooms; and
d. Parking areas within fifteen (15) feet of a lot line where the adjoining lot is a single-family residence must be screened by landscaping or an opaque fence that is at least six (6) feet in height.

28. Assisted Living/ Nursing Home/ Long-term Care

a. Location of an Assisted Living Facility within 50 ft. of another dwelling must be screened by landscaping or an opaque fence;
b. No cooking shall be permitted in resident rooms;
c. Delivery trucks shall be permitted between the hours of 7:00 a.m. and 10:00 p.m.; and
d. If a dumpster is used, it shall be placed in a location away from the road and adjacent residential property and be enclosed with a fence and landscaping.

29. Day Care Center

a. Operated from a facility that is not used for residential purposes;
b. When adjoining a residence, whether single or multi-family, all play areas, drop off areas, or other areas commonly used for the daycare operation within twenty (20) feet of a lot line must be screened by landscaping or an opaque fence at least eight (8) feet in height; and
c. When adjoining a residence, whether single or multi-family, the hours of operation shall be limited to between 6:30 a.m. and 10:00 p.m.

30. Family Day Care Home

a. Primary use of the property shall be residential;
b. Provider shall reside in the home;
c. Dumpsters are not permitted,
d. The structure and any accessory structures shall maintain the appearance of a single-family residence;
e. No more than twelve (12) children, not including the provider's children who reside in the home, shall be permitted as a Family Day Care Home; and
f. If the day care serves between six (6) and twelve (12) children, not including the provider's children who reside in the home, in addition to the other standards for Family Day Care Home, the following standards shall apply:
    i. When adjoining a residence, whether single or multi-family, all play areas, drop off areas, or other areas commonly used for the daycare operation within twenty (20) feet of a lot line must be screened by landscaping or an opaque fence at least eight (8) feet in height;
    ii. When adjoining a residence, whether single or multi-family, the hours of operation shall be limited to between 6:30 a.m. and 8:00 p.m;
    iii. All parking and drop-off areas shall be located on the property being used for the day care and shall not impede traffic in any roadway;
    iv. Prior to approval, the UDO Administrator shall notify adjacent property owners via registered or certified mail of the proposed use. Adjacent property owners shall have thirty (30) days to respond with any objections; and
    v. If a permit is denied by the UDO Administrator, the applicant can request a public hearing and review by the Board of Supervisors.

31. Campgrounds and Recreational Vehicle Parks

a. All camp sites used for camping (tent, camper, or RV) shall be depicted on a site plan in accordance with Article 3 of this Ordinance;
b. Electrical hookups shall be provided for camper and RV camp sites;
c. Restroom facilities shall be within 500 feet of all camp sites;
d. Drive aisles and parking spaces shall be passable for emergency vehicles at all times when the campground and RV Park is in use and in all weather conditions. Drive aisles and parking spaces may be dirt, mulch, gravel, or other non-paved surfaces; and
e. Camp site layout shall be configured to allow free and clear passage down all drive aisles. Each camp site shall have direct access to the drive aisle. Tandem camp sites shall not be permitted.

32. Camping- Long Term

a. Tent, camper, RV, or other shelter for overnight accommodations shall meet the principal building setback requirements for the zoning district;
b. An approved residential restroom or a portable facility (such as the holding tank in a camper or RV) shall be within 200 feet of the camp site and available for use;
c. The maximum allowed density shall be one (1) camping unit per acre; and

d. The maximum allowable time for the camping unit to be on a property without a principal dwelling shall be three (3) years, except in a campground/ RV park or on property zoned Conservation.

33. Day Camp/ Summer Camp

a. Property shall be a minimum of five (5) acres;
b. All structures used the camp shall meet the principal building setback requirements for the zoning district; and
c. A buffer that is a minimum of fifty (50) feet in width that meets the planting standards identified in Article 5 shall be required along any property line that adjoins a residentially zoned property.

34. Large-scale Commercial Outdoor Recreation Facility

a. In addition to the standards identified in Article 5, all lighting shall include full cut-off fixtures to prevent light from shining upward or on adjacent properties. A lighting plan shall be included with the site plan submittal;
b. A traffic impact analysis shall be included with the site plan submittal;
c. A buffer that is a minimum of one hundred (100) feet in width that meets the planting standards identified in Article 5 shall be required along all external property lines; and
d. Maximum height of all structures or rides shall meet the maximum height requirements for the district.

35. Above Ground Storage Tanks

a. Tanks storing materials that are classified as hazardous shall be double-walled;
b. The tank shall be protected from accidental vehicular collision by the placement of concrete bollards or barriers along any side of the tank abutting an area that may have vehicular traffic;
c. The tank shall be at least fifteen (15) feet from any dumpster or other refuse collection areas;
d. When a tank is placed on a lot adjoining a residentially-zoned lot and the tank is within one hundred-fifty (150) feet of the dwelling on that residentially-zoned lot, the tank shall be shielded from view of that lot by landscaping as approved by the UDO Administrator;
e. Tanks shall be screened with landscaping from any public roadway;
f. Tank farms, either above ground or below ground, that consist of more than fifteen (15) tanks and/or more than 100,000 gallons may only be permitted via Special Use Permit; and
g. Tanks used for storage of agricultural grain and/or feed shall be excluded from these requirements.

36. Contractor's Office

a. All materials stored on the premises overnight shall be placed within a storage yard. Storage yards, vehicles, and equipment shall be fully screened from surrounding views. Screening may be accomplished by installation of an eight (8) foot opaque solid wood fence or by an evergreen buffer, as approved by the UDO Administrator;

b. The setback of the storage yard shall be at least forty (40) feet from the property line;
c. Storage of equipment in excess of fifteen (15) feet in height shall be prohibited;
d. The combined area of the storage yard and related structures shall not exceed five (5) acres;
e. The maintenance and repair of all vehicles and equipment shall be conducted within an enclosed building. When an enclosed building is provided for maintenance and repair, approved sanitation facilities shall be required;
f. Appropriate measures shall be taken to control dust on the site; and
g. Hours of operation shall not exceed the period from 6:00 a.m. to 10:00 p.m. when the storage yard is located within 500 feet of an off-premises residence.

37. Junk/ Salvage/ Recycling Operation

a. Salvage yards shall be screened by a solid screening fence or wall that is a minimum eight (8) feet tall and setback at least ten (10) feet from the property line;
b. The fence or wall shall be of similar composition, construction and color throughout, and only contain openings for necessary entrances and exits;
c. Entrances and exits shall be equipped with solid eight (8) foot high gates which shall be closed at all times except when in use;
d. Material stored outside of a completely enclosed building shall be stacked or arranged so that no portion of such material is visible from any adjacent property;
e. All loading and unloading shall be conducted within the enclosed area;
f. Storage of materials shall not create an insect, rodent, or other pest breeding ground or haven; and
g. Maximum lot size for a junk and salvage yard use shall be twenty (20) acres.

38. Meat Processing

a. Minimum lot size of one (1) acre;
b. Animals shall not be killed on-site;
c. Animals shall be delivered by the animal owner or hunter- no more than five (5) animals shall be delivered at one time;
d. No rendering shall be permitted;
e. No commercial deliveries of animals shall be permitted; and
f. No more than thirty (30) deer or ten (10) cattle/ sheep/ other domesticated animal can be processed per day.

39. Slaughterhouse

a. Minimum lot size of ten (10) acres;
b. All buildings, animal unloading/ staging areas, and animal pens shall be a minimum of one hundred (100) feet from all property lines;
c. No rendering shall be permitted;
d. Meat packaging and processing may be included as part of the Slaughterhouse;
e. Live animals shall be kept on the property for no more than three (3) days; and
f. No more than fifty (50) cattle or similar sized animal, one hundred (100) sheep or similar sized animal, or one hundred (100) poultry can be processed per day.

40. Small-scale Junk and Salvage Operation

a. Salvage yards shall be screened by a solid screening fence or wall that is a minimum eight (8) feet tall and setback at least ten (10) feet from the property line;
b. The fence or wall shall be of similar composition, construction and color throughout, and only contain openings for necessary entrances and exits;
c. Entrances and exits shall be equipped with solid eight (8) foot high gates which shall be closed at all times except when in use;
d. Material stored outside of a completely enclosed building shall be stacked or arranged so that no portion of such material is visible from any adjacent property;
e. All loading and unloading shall be conducted within the enclosed area;
f. Storage of materials shall not create an insect, rodent, or other pest breeding ground or haven; and
g. Maximum lot size for a junk and salvage yard use shall be one (1) acre.

41. Small-scale Slaughterhouse

a. Minimum lot size of five (5) acres;
b. All buildings, animal unloading/ staging areas, and animal pens shall be a minimum of one hundred (100) feet from all property lines;
c. No rendering shall be permitted;
d. Meat packaging and processing may be included as part of the Small-scale Slaughterhouse;
e. Live animals shall be kept on the property for no more than one (1) day; and
f. No more than twenty (20) cattle or similar sized animal, fifty (50) sheep or similar sized animal, or fifty (50) poultry can be processed per day.

42. Telecommunication Towers

a. Maximum Height, including any appurtenances:
    i. 150 feet, unless the applicant can provide documentation that justifies the additional height request.
    ii. 50 feet from the roof peak, if mounted on any building.
b. Lighting:
    i. No general illumination shall be permitted.
    ii. All towers shall be lighted in accordance with Federal Aviation Administration (FAA) requirements.
c. Setbacks:
    i. The base of any new tower shall be set back no closer to a residential structure than a distance equal to one foot for each one foot in height of the proposed tower, plus an additional 100 feet, except for a residential structure located on the property on which the tower is to be built, as long as the structure is outside of the tower collapse zone.
    ii. Guy wire anchors, equipment buildings, and other facilities supporting communication towers shall satisfy the minimum setback requirements in the underlying zoning district.
d. Visual Impact Mitigation:

i. A 50 foot forested buffer shall be maintained on all sides of the telecommunications tower. If a forested buffer does not exist, the following minimum landscaping shall be installed and maintained:
    1. A continuous hedge of evergreen shrubs, at least 36 inches high at planting, shall be planted a maximum of five feet apart around the outside perimeter of the security fence around the tower site, except for access driveways. These shrubs shall have an expected height of at least 10 feet at maturity; and
    2. A double row of large shade trees, at a maximum spacing of 50 feet on center, beginning within a 50 foot radius of the tower, and contains a mixture of at least 50% evergreen tree species.

ii. Communication towers shall have either a galvanized steel or neutral color finish unless otherwise required by the Federal Aviation Administration.

e. Collocation:

i. All telecommunication towers shall provide for at least three sites for collocation.

ii. All applications for telecommunication towers shall provide a collocation study to demonstrate that there is not a suitable alternative collocation site by providing evidence of the following:
    1. Existing structures located within the geographic area in which the proposed antenna must be located are of insufficient height to meet the technical design requirements;
    2. Existing structures do not have sufficient structural strength to support the proposed antenna;
    3. The proposed antenna would cause electromagnetic interference with antennae on existing structures, or antennae on existing structures would cause interference with the proposed antenna; and/or
    4. The fees, costs, or other contractual provisions required by the owner of the existing structure for collocation or the engineering costs to adapt an existing structure for collocation are unreasonable given current market rates in the region.

iii. Owners of towers shall provide the County co-location opportunities as a community benefit to improve radio communication for County departments and emergency services.

iv. If existing telecommunication towers or tall structures are located within two miles of the proposed site, the Applicant will be expected to prove that there is no technologically and structurally suitable space available on the existing structure.

f. Additional Standards:

i. Only monopole or lattice-type structures will be allowed.

ii. A collapse zone shall be designed so that tower collapse will occur only within the property owned or controlled by an easement.

iii. A sign identifying the tower owner, address, and emergency notification number and other information required by state or federal regulations shall be placed in a conspicuous location. The sign shall be no more than four square feet in area and mounted no more than five feet above the

ground, as measured from the adjacent grade to the top of the sign. No commercial signs or advertising shall be placed on communication towers.

iv. When any tower is not operated for a continuous period of twelve (12) months, it shall be considered abandoned, removed by the landowner, and the site restored to the condition that existed prior to the development of the tower within six (6) months.

v. Speculation towers are prohibited.

vi. Communication towers shall be enclosed by security fencing not less than six (6) feet in height. Razor wire shall not be permitted on fences. Access to communication towers shall be through a lockable gate.

g. Additional Application Materials Required:

i. A map of the geographic area in which the Applicant's antenna must be located to reasonably serve the Applicant's coverage area, showing all existing and approved tower sites and all other structures equal to or greater than 75% of the height of the proposed tower within this area;

ii. A community impact statement and visual impact analysis;

iii. Written documentation that collocation on existing towers or structures in the vicinity of the proposed tower was attempted by the Applicant but found infeasible with reasons explained. This documentation must include verification by a professional engineer that no alternative to the construction of a new tower exists;

iv. Documentation from the FAA and FCC approving the tower;

v. Copies of all applicable submissions made by the Applicant to any state or federal regulatory agency relative to the proposed project, including any approvals received at the time of application to the County;

vi. Elevation drawings showing the height and design of the tower, materials to be used, color, and lighting;

vii. A sealed report from a professional engineer registered in Virginia that describes the tower height and design and that demonstrates the tower's compliance with applicable structural requirements and the collocation requirements of this Ordinance. The engineering report shall further certify that the tower will satisfy minimum wind load standards imposed by the American Society of Civil Engineers and shall certify the tower's fall zone;

viii. A notarized affidavit that states the Applicant's willingness to allow collocation on the proposed tower at a fair market rate and in a timely manner to any other service provider licensed by the Federal Communications Commission for the Pulaski County market area and that such collocation agreement is assigned to the successors, heirs, and future owners of the tower;

ix. A removal bond that will be retained by the County in the event the tower is abandoned. The removal bond shall be in an amount sufficient enough to pay for the removal of the tower.

43. Wind Turbines- Large, Medium, and Small

a. Turbines shall be non-obtrusive, neutral colors, such as white, off-white or gray and shall be non-reflective;

b. Turbines shall not create a shadow flicker on any public roadway or residential structure;
c. No artificial lighting shall be permitted, except for any lighting required by the Federal Aviation Administration or other applicable authority regulating air safety;
d. There shall be no advertising on the wind turbine, other than a turbine manufacturer, facility owner, and operator, which shall not be visible from adjacent properties. Information regarding the facility owner and operator shall be located on a sign at the compound entrance;
e. Turbines shall not be readily climbable for the first fifteen (15) feet of the outside of the turbine;
f. Turbine blades shall be installed to provide a clearance above the ground per industry standards or fifteen (15) feet; whichever is greater;
g. A clearly visible warning sign concerning voltage shall be placed at the base of all pad mounted transformers and substations;
h. Turbines shall be setback a minimum of 1.5x their maximum height , as measured from the ground to the tip of the blade at its uppermost height, from all property lines;
i. Turbines shall be equipped with a redundant braking system;
j. If multiple turbines are used on one property, the total energy generation from all turbines shall be used to determine which size category they fall under;
k. Temporary meteorological towers shall be allowed as a permitted by-right use in any district that allows wind turbines to be built, with the condition that the temporary meteorological tower be removed within four (4) years of installation;
l. **Application Materials:** When submitting an application for a wind turbine, regardless of size, the following materials shall be submitted:
    i. Project Narrative- describing wind turbines, energy production, use of produced energy, number of turbines, dimensions, noise production, and any other applicable information as determined by the UDO Administrator;
    ii. Decommission plan that outlines process and details for how the wind turbines will be decommissioned;
    iii. Visual impact analysis showing existing site photographs and proposed wind turbines from all four sides (north, south, east, west);
    iv. Noise generation analysis showing extent of noise being generated by the wind turbines to prove noise levels do not exceed 55 A-weighted decibels at the property line;
    v. Approvals from all applicable government agencies, including, but not limited to Federal Aviation Administration, Virginia Department of Environmental Quality, and Virginia State Corporation Commission;
    vi. Access plan describing how the turbine materials will be transported to the property for construction and any necessary mitigation for road widths, bridge weight limits, and other existing infrastructure limitations that may be impacted;
    vii. Safety plan showing collapse zone, fencing, and any other measures designed to keep citizens safe in the event of a catastrophic event;
    viii. Height feasibility study showing justification for the proposed wind turbine height;

m. Any wind turbine that is not in operation for a period exceeding twenty-four (24) months shall be determined to be abandoned. Such abandoned turbine(s) shall be removed within ninety (90) days of notice from the UDO Administrator; and
n. For Large and Medium Wind Turbines, the additional following information shall be provided:
    i. An annual report shall be due to the Pulaski County UDO Administrator on January 1st of each year. The report shall provide an overview of pervious year activity and current status of the wind turbines, as well as the name and contact information for the wind energy contact person(s) who is available 24 hours a day, 7 days a week for emergencies, inquiries, or complaints.
    ii. Liability insurance certificate showing a minimum of $5 million (large wind energy) or $1 million (medium wind energy) in general liability per occurrence and $5 million (large wind energy) or $500,000 (medium wind energy) in aggregate listing Pulaski County as an additional insured; and
    iii. A removal bond that would allow Pulaski County to pay for removal of the turbines, in the event that the wind turbines become abandoned.

Article 5: Development Standards

5.0 Intent and Applicability

This Article identifies the standards and requirements for development and redevelopment to ensure that development and redevelopment is consistent with the County's goals for building form, physical character, protecting citizens' health, safety, and welfare, and quality growth as identified in the Pulaski County Comprehensive Plan. No development shall occur without meeting the standards contained in this Article and without obtaining the appropriate permit(s) from Pulaski County.

5.1 Signage

A. **Intent:** The intent of this Section is to encourage the effective use of signs as a means of communication, minimize the possible adverse effect of signs on nearby public and private property, improve and maintain pedestrian and traffic safety, maintain and enhance the aesthetic environment of the County, and assist in the County's ability to attract sources of economic development and business growth.

B. **Exempt Signage:** The following signs are exempt from required obtaining permits and other sign standards contained in this Ordinance:
   1. Nameplates of four (4) square feet or less;
   2. Residence signs, street address numbers, names of farms and estates, and other similar residential usage, not exceeding four (4) square feet in size;
   3. Signs directing and guiding traffic and parking on private property which do not exceed six (6) square feet in area and bear no advertising matter;
   4. Projecting signs displaying the name of the business and having an area of two (2) square feet or less when located under a pedestrian canopy;
   5. Buses, taxicabs, and similar common carrier vehicles which are licensed or certified by a public body or agency;
   6. Signs affixed to vehicles that are used in the normal conduct of business. This shall not be interpreted to permit the parking for display purposes of a vehicle to which a sign is attached, or the use of such a vehicle that inoperable and not used in the normal conduct of business;
   7. Signs used for bona fide navigational aids;
   8. Historic Plaques;
   9. Traffic, directional, warning, or informational signs authorized by any public agency;
   10. Signage attached to gas pumps;
   11. Signage used in the interior of an outdoor recreation area, such as, but not limited to, advertisements hanging on a baseball outfield wall or around a race track;
   12. Agricultural product signage advertising agricultural products available on premises, not exceeding thirty-two (32) square feet;
   13. Historic painted signs and murals;
   14. Flags and insignia of the United States or the State of Virginia which are less than eighty (80) square feet, with a maximum flagpole height of thirty (30) feet when displayed in connection with a commercial use. Government buildings are exempt from the size and height limitations. Official flags limited to three per establishment;
   15. Official notices issued by any court, public agency, or public office, including signs erected on behalf of, or pursuant to, the authorization of a governmental body,

including legal notices, identification and informational signs, and traffic, directional, or regulatory signs; and

16. Temporary signs as specified herein:
    a. Construction signs not exceeding thirty-two (32) square feet located on property on which construction work is being done provided that the sign shall be removed within thirty (30) days of construction being completed;
    b. Real estate signs advertising the sale, rental, or lease of land and/or buildings up to thirty-two (32) square feet provided that the sign shall be removed within ten (10) days of the sale or lease being completed;
    c. Political campaign signs that do not exceed thirty-two (32) square feet, are located on private property, are not erected more than seventy-five (75) days prior to the election, and are removed within fifteen (15) days after the election;
    d. Yard sale and garage sale signs not exceeding six (6) square feet, provided that the sign shall not be displayed for more than five (5) consecutive days and shall be removed within two (2) days of the sale being completed;
    e. Campaign drive or an event of a civic, philanthropic, educational, or religious organization, provided that the sign is removed within five (5) days after the drive or event is over;
    f. Signs advertising grand openings, under new management, going out of business, or other similar temporary event that are displayed for no more than thirty (30) days;
    g. Promotion signs, advertising flags, or banners that are displayed for not more than thirty (30) days; and
    h. Inflatable or balloon signs capable of being expanded by air or other gas and used for not more than thirty (30) days to advertise a product or event.

C. **Prohibited Signage:** The following signs are prohibited:
1. A sign which contains any flashing or animated lights or gives the appearance of animation or movement, not to include the scrolling of electronic message centers;
2. Any sign that projects above the peak of a roof, or above the top of an awning or canopy on which it is erected;
3. Any sign which exhibits statements, words, or pictures of an obscene or pornographic nature;
4. Any sign which emits a sound, odor, or visible matter;
5. Any sign which obstructs free ingress/egress from a door, window, fire escape, or other exit way;
6. Any sign and or sign structure which obstructs the view of, may be confused with, or purports to be a governmental or traffic direction/safety sign;
7. Signs using the words "stop," "danger," or any other word, phrase, symbol, or character in a manner that might reasonably mislead, confuse, or distract a vehicle driver;
8. Except as otherwise provided, no sign whether temporary or permanent, except upon issuance of a permit from VDOT or applicable governmental body, is permitted within any public street right-of-way;
9. Signs painted on or attached to trees, rocks, or other natural features, telephone, or utility poles;
10. Abandoned, hazardous, or dilapidated signs;

11. Portable signs, except as provided for in this Section;
12. Vehicle signs; and
13. Any sign that may be hazardous to motorists or creates a nuisance.

D. **General Signage Standards:**
1. Signs shall advertise only for the business that is located on the lot or parcel, except for Off-Premise signs;
2. Signs shall be kept in safe and good structural condition and in proper state of preservation including, but not limited to, the replacement of defective or damaged parts, painting, cleaning, and other acts required for general maintenance of the sign;
3. Sign area shall be calculated by adding the total area of rectangles, triangles, or other geometric shapes which surround the text and graphics of the sign, excluding portions of the sign that do not contain text or graphics; and
4. Area of double-sided signs shall be the area of one face of the sign.

E. **Wall Signage:** The following standards are for signs mounted (or painted) directly to a building either flat or perpendicular to the exterior wall:
1. Maximum Number Per Wall: one (1) per business, except for grocery and large retailers, which may have up to five (5) signs per wall advertising different services or departments;
2. Maximum Sign Face Area (buildings less than or equal to 100,000 square feet in area): No more than 10% of the façade on which the sign is placed;
3. Maximum Sign Face Area (buildings more than 100,000 square feet in area): No more than 5% of the façade on which the sign is placed; and
4. Sign Placement: Cannot extend above the roof line of the main structure. Signs on cooling towers, cupolas, or other rooftop appurtenances are prohibited.

F. **Free Standing Signage:** The following standards are for freestanding signs, including pole signs and monument signs:
1. Maximum Number Per Property: One (1), unless the lot front two (2) streets, then one (1) at each street;
2. Maximum Sign Face Area: Based on Table 5.1: Sign Allowance Table;
3. Maximum Height: Twenty (20) feet;
4. Minimum Setback: Ten (10) feet or to allow adequate sight distance at the closest intersection, whichever is greater;
5. Maximum Number of Sign Faces: Two (2);
6. Maximum Angle Between Faces: Ninety (90) degrees; and
7. Multi-tenant Signs: Encouraged wherever a property will have more than one tenant. Multi-tenant sign size can be increased by 5% over the areas identified in Table 5.1: Sign Allowance Table for each tenant added to the sign.

Table 5.1: Sign Allowance Table- by Zoning District

Sign Type	C	A	RR	R/ LR	MR/HR	RC	CM	LI	I/PID	PUD
Off-Premise	-	-	-	-	-	-	100	100	100	100
Free-Standing	32	32	-	-	-	64	64	80	120	64
Electronic Message Center/ Changeable Copy	-	-	-	-	-	-	32	32	32	32
Portable	-	32	-	-	-	32	32	32	-	32
Identification	24	24	24	24	24	24	24	24	24	24

G. **Special Signage:** The following standards apply to specific types of signs:

1. Electronic Message Centers and Changeable Copy:
   a. The maximum sign size for electronic message centers and changeable copy signs shall apply to the entire parcel (all signs added up may not exceed the maximum sign allowance identified in the table above);
   b. Electronic messages/ images shall be displayed for a minimum of five (5) seconds before changing;
   c. Electronic messages shall not have images and/or message that blink, flash, flicker, pulse, flutter, or have any other rapid movements that may distract motorists;
   d. Electronic message may be allowed to scroll text, as long as the scrolling does not create a distraction to motorists;
   e. Electronic messages shall not create a glare onto adjacent properties or onto any right-of-way;
   f. Electronic message centers shall not be added to non-conforming signs;
   g. Electronic message centers shall not be allowed as Off-Premise signs; and
   h. Schools and Religious Assembly Uses shall be permitted to utilize an electronic message center or changeable copy that meet the standards in this Section and do not exceed thirty-two (32) square feet, regardless of zoning district, if any electronic message is only displayed between the hours of 7:00am and 10:00pm.
2. Gas Canopy Signs:
   a. Maximum Number Per Side: One (1)
   b. Maximum Sign Face Area: No more than 10% of the canopy façade on which the sign is placed

5.2 Landscaping/ Buffers

A. **Intent:** The intent of this Section is to provide minimum landscaping standards for townhomes, multi-family, institutional, mixed-use, commercial, industrial, or other non-single-family residential purposes in order to provide appropriate buffers, minimize negative impacts to adjacent properties, and enhance the built environment. To do so, this Section provides standards for landscaping and buffers that will:
   1. Minimize adverse impacts from adjacent incompatible uses;
   2. Enhance the aesthetic appearance of the County;
   3. Limit energy demand by reducing the heat island effect; and
   4. Preserve the natural beauty of Pulaski County.

B. **General Landscaping Standards:** Required landscaping shall meet the following standards:
    1. Landscaping shall be in good health and installed according to accepted horticultural practices;
    2. Landscaping shall be kept in good health and properly maintained to achieve its specific goal (i.e. shrubs used to act as a buffer cannot be kept trimmed low to the ground). If landscaping dies or does not fulfill the intent of this Section, it shall be replaced by the property owner during the next planting season;
    3. The UDO Administrator may approve the use of existing vegetation in lieu of installing new landscaping, as long as the existing vegetation is protected during construction;
    4. Invasive species or species that are known to have adverse impacts to either the environment or agricultural uses shall not be permitted;
    5. The UDO Administrator may allow deviations to the standards contained in this Section to prevent maintenance problems, safety issues, plant overcrowding, or other unanticipated negative impacts caused by the type, placement, and/or quantity of landscaping required by this Section; and
    6. Pulaski County encourages the use of Firewise planting and landscape maintenance strategies to help mitigate the potential for wildfires.

C. **Parking Lot Landscaping:** Parking areas that exceed twenty (20) parking spaces shall include the following landscaping around the perimeter of the parking lot:
    1. One (1) large tree or two (2) small trees for every 50 linear feet of parking lot;
    2. Planting areas shall be at least ten (10) feet in width and contain at least 200 square feet of unpaved area; and
    3. Trees shall not be placed in a manner that interferes with sight lines at intersections.

D. **Building and Site Landscaping:** Landscaping for buildings and sites used as townhomes, multi-family, institutional, mixed-use, commercial, industrial, or other non-single-family residential purposes shall be as follows:
    1. Foundation plantings shall be installed and maintained along the building façade that faces any public property or roadway. The foundation planting shall consist of the following:
        a. Minimum width of six (6) feet;
        b. Two (2) small trees for every fifty (50) linear feet;
        c. Ten (10) shrubs for every fifty (50) linear feet; and
        d. Sufficient ground cover plantings to fill in the landscaped area.
    2. Dumpsters shall be screened with a minimum six (6) foot tall board on board fence, solid wall, or similar permanent opaque screening; and
    3. Mechanical equipment, above-ground storage tanks, and other similar equipment located on the ground outside of a building shall be screened with evergreen landscaping or other appropriate measures, such as berms, walls, or fences, from all adjacent properties and public rights-of-way.

E. **Roadway Landscaping:** For any new road serving a residential development with more than ten (10) lots, industrial development, or commercial development with speed limits 35 miles per hour or less, street trees shall be provided, as follows:

1. One (1) large tree every fifty (50) linear feet; or
2. Two (2) small trees for every fifty (50) linear feet;
3. Trees shall be planted at least fifteen (15) feet from the edge of the roadway;
4. Trees shall not be placed in a manner that interferes with sight lines at intersections, curves, or other portions of the roadway. Sight lines shall be included on the landscaping plan; and
5. Limbs that extend into the roadway shall be pruned up to a height of fourteen and a half (14.5) feet to provide necessary vehicle clearance.

F. **Buffer:** For uses that require a buffer yard, as shown in the table below, the following landscaping shall be included in the buffer yard:
   1. One (1) large tree for every fifty (50) linear feet;
   2. Two (2) small trees for every fifty (50) linear feet;
   3. Twenty (20) evergreen shrubs that reach a mature height of at least four (4) feet for every fifty (50) linear feet; and
   4. Plants shall be staggered to provide maximum screening effect.

Table 5.2: Buffer Yard Size

Adjacent Use	Proposed Use				
	Conservation	**Agricultural**	**Residential**	**Commercial**	**Industrial**
Conservation	**0′**	**0′**	**0′**	**10′**	**25′**
Agricultural	**0′**	**0′**	**0′**	**10′**	**25′**
Residential	**0′**	**0′**	**0′**	**10′**	**50′**
Commercial	**0′**	**0′**	**0′**	**0′**	**25′**
Industrial	**0′**	**0′**	**0′**	**0′**	**0′**

5.3 Lighting

A. **Intent:** The intent of this Section is to regulate the use of outdoor artificial lighting by balancing the health, safety, and welfare of the public with the detrimental effects light can have to the nighttime environment. To do so, this Section provides standards for various forms of lighting that will:
   1. Minimize light pollution and glare;
   2. Maintain safe nighttime environment in areas that necessitate outdoor lighting;
   3. Conserve energy;
   4. Preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to "sky glow," which has a negative impact on the rural character of the County; and
   5. Reduce light trespass from light sources onto adjacent properties, including rights-of-way, especially those used for residential purposes.

B. **Exemptions from this Section:** The following are exempt from the lighting requirements set forth in this Section:
   1. Lighting which is required or regulated by state or federal law;
   2. Temporary lighting for construction activities, agricultural uses, emergency activities, fairs, civic activities, and other similar uses;
   3. Public airport lighting;
   4. Vehicular lighting; and
   5. Holiday lighting.

C. **Prohibited Lighting:** The following are prohibited:
   1. Flashing, revolving, intermittent, or high intensity beams used for exterior lighting;
   2. Laser source lights or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal;
   3. Searchlight for advertising purposes; and
   4. Any lighting that is determined by the UDO Administrator to create a safety or personal security hazard.

D. **General Lighting Standards:** The following standards shall be considered for attached single-family, multi-family, mixed-use, commercial, or industrial development:
   1. Adequate lighting shall be provided for surface parking lots used by the public at night that exceed twenty (20) parking spaces;
   2. In no case shall any lighting impair the vision of motorists;
   3. Any lighting fixture shall be of such design as to minimize the amount of ambient lighting perceptible from adjacent properties, including, but not limited to, the use of cut-off fixtures or shields;
   4. Fixtures shall be mounted in such a manner that the cone of light is not directed at any adjacent property line that causes light to trespass on the adjacent property;
   5. All exterior light fixtures shall include a cover or shield to prevent light from shining into the night sky;
   6. Lighting poles cannot exceed twenty-five (25) feet in height, as measured from the ground to the base of the fixture;
   7. Only white or off-white (light yellow tones) may be used;
   8. Only incandescent, fluorescent, metal halide, LED, mercury vapor, or color corrected high-pressure sodium light may be used; and
   9. Canopy lighting shall be recessed and flush mounted. That portion of the canopy façade not included in the sign area shall not be illuminated.

5.4 Parking

A. **Intent:** The intent of this Section is to provide for adequate parking to encourage business opportunities, ensure adequate site access to prevent congestion in public streets, and protect citizens from site circulation that may increase the risk of accidents.

B. **General Parking Requirements:** The following standards shall be considered for any parking lot:

1. Off-street parking for other than residential uses shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major thoroughfare. Parking shall be outside the right-of-way, except when on-street parking is permitted;
2. Off-street parking for residential uses shall be on the same lot as the dwelling to be served;
3. Any development or redevelopment that intends to utilize an existing parking lot shall include a parking study showing how the minimum parking requirements can be met;
4. Any development or redevelopment of existing parking lots shall include a parking study showing how the minimum parking requirements can still be met while reducing available parking;
5. Only spaces that are appropriately sized and marked as a parking space shall be counted towards the minimum number of parking spaces required in this Section;
6. Shared parking is allowed as long as a written agreement between business owners and/or property owners stating the conditions of the shared parking is executed and recorded with the Pulaski County Clerk of Court. If shared parking is utilized, the UDO Administrator shall approve the minimum number of parking spaces required;
7. Sidewalks and crosswalks that are a minimum of five (5) feet in width shall be installed in appropriate locations to provide safe passage for pedestrians to the front of the building and/or parking lot. Parking shall not block existing or planned pedestrian areas;
8. Accessible parking spaces shall be provided in accordance with the Americans with Disabilities Act; and
9. The UDO Administrator may authorize a modification in the number of required spaces based on a parking study provided by the Applicant specific to the proposed use of the property.

C. **General Parking Lot Standards:** The following standards shall be considered for any parking lot:
   1. Parking lots shall include either through traffic or adequate turnaround space to accommodate passenger vehicles, emergency vehicles, fire trucks, or other large vehicles;
   2. Parking lots shall be provided at the time of erection and/or enlargement of the structure;
   3. Parking lots with more than twenty (20) spaces shall be surfaced with either asphalt, concrete, pavers, or other hard surface (not dirt) and kept in a condition suitable for all-weather emergency access, except for Agricultural/ Conservation, Campgrounds and RV Parks, Day Camp/ Summer Camp, or Religious Assembly uses;
   4. Parking lots with less than twenty (20) spaces or used for Agricultural/ Conservation, Campgrounds and RV Parks, Day Camp/ Summer Camp, or Religious Assembly uses shall be surfaced with gravel, asphalt, concrete, pavers, or other hard surface (not dirt) and kept in a condition suitable for all-weather emergency access;

5. Parking lot entry and drive aisles shall be surfaced with the same material or a more durable material as the parking spaces;
6. Parking lots shall be adequately drained to prevent pooling of water;
7. Temporary overflow parking may occur in grassed areas, provided that the parking does not denude the area of vegetation and leave bare earth exposed;
8. Access to parking lots or spaces from public streets shall meet all VDOT requirements;
9. Wheel stops shall be provided around the edges of all parking lots without curbing, except gravel lots. Wheel stops are recommended for use in gravel lots without curbing. The vehicle side of the wheel stop shall be no more than 18 inches from the end of the parking space.

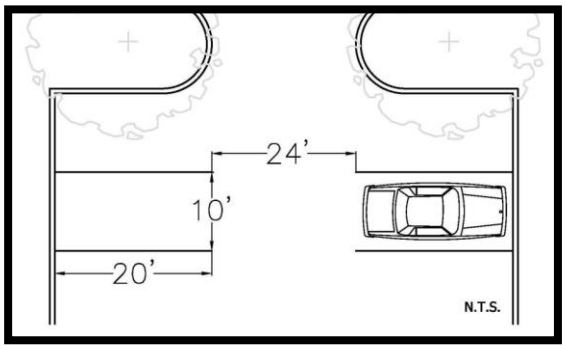
D. **Parking Layout and Dimensions**

1. The following minimum dimensional requirements for parking spaces shall be applicable to all parking areas and parking lots:

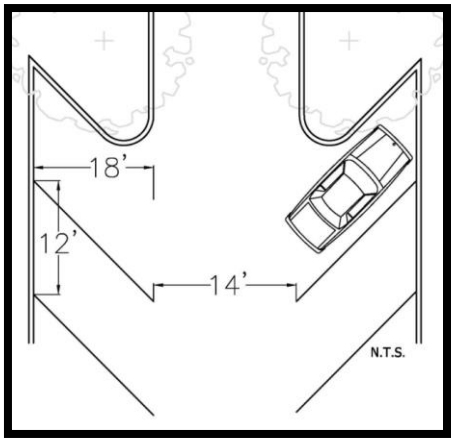
Table 5.3: Parking Dimension Table

Parking Angle	Space Width (at curb)	Space Depth	Aisle Width (one way)	Aisle Width (two way)
30	**18′**	**16′**	**12′**	**20′**
45	**12′**	**18′**	**14′**	**20′**
60	**10′**	**19′**	**18′**	**22′**
90	**10′**	**20′**	**20′**	**24′**
Parallel	**9′**	**24′**	**N/A**	**N/A**

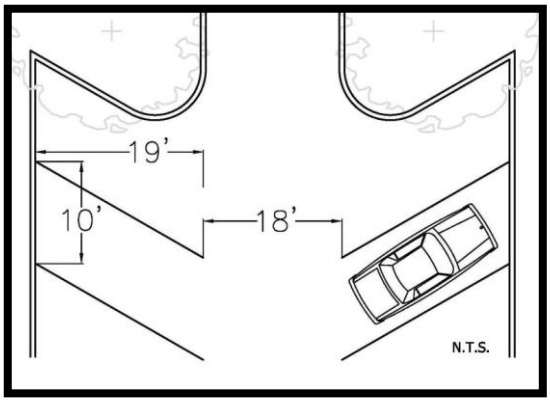
90 Degree Parking Example



45 Degree Parking Example



60 Degree Parking Example



E. **Parking Space Requirements:** The following table identifies the minimum number of parking spaces for specific uses:

Table 5.4: Minimum Parking Spaces Table

Use	Minimum Number of Required Spaces
Residential	2 spaces per dwelling
Lodging	1 space per bedroom, plus 1 space per 3 employees
Office	4 spaces per 1,000 sf
Retail	4 spaces per 1,000 sf
Restaurant	1 space per 4 seats provided, plus 1 for each 100 sf not containing seats
Health/Human Care	3.5 spaces per 1,000 sf
Commercial Services	4 spaces per 1,000 sf
Civic/ Institutional	2 spaces per 1,000 sf
Education	1 space per 3 students, plus 1 space per instructor
Agricultural/ Conservation	1 space per 500 sf of commercial use, plus 1 space per employee
Industrial	1 space per each employee at max shift, plus 1 space for each company vehicle
Recreation/ Entertainment	Number of spaces shown to be necessary and reasonable by data submitted by the Applicant and as approved by the UDO Administrator
Motor Vehicle Sales and Service	4 spaces per 1,000 sf of the showroom, plus 2 spaces per service bay
Any Use Not Identified in this Table	Number of spaces shown to be necessary and reasonable by data submitted by the Applicant and as approved by the UDO Administrator

F. **Off-Street Loading Requirements:** All off-street loading spaces shall be sized large enough to accommodate loading and unloading without impacting vehicular, bicycle, or pedestrian traffic flow. The following table identifies the minimum number of off-street loading spaces for commercial and industrial operations:

Table 5.5: Minimum Off-Street Loading Spaces Table

Square Feet of Gross Floor Area	Number of Loading Spaces
0 – 20,000	1
20,001 – 50,000	2
50,001 – 100,000	3
Each 100,000 over 100,000	1

5.5 Historic Preservation

A. **Intent:** The intent of this Section is to provide for the preservation of historically significant properties in Pulaski County by photo documentation.

B. **General Historic Preservation Requirements:** The following standards shall be considered for the demolition of any structure or any structure contributing to a historic district listed on the National Register of Historic Places.
   1. The UDO Administrator shall photo document the structure prior to demolition;
   2. The photo documentation should be done to accurately capture the historically significant elements and construction methods of the structure;
   3. Nothing in this section shall prohibit the demolition of any structure or the development of any property in the County, regardless of its historic significance.

Article 6: Subdivision Standards

6.0 Intent and Applicability

This Article provides information related to the subdivision of land for standards to encourage the orderly development of Pulaski County, promote the public health, safety, and welfare, and protect from the sale of unbuildable lots. To do so, this Section provides standards for subdivisions that will:

1. Provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use;
2. Make possible the provision of public services in a safe, adequate, and efficient manner;
3. Ensure proper legal descriptions are included for each lot;
4. Provide for orderly development of the County in accordance with the Pulaski County Comprehensive Plan, existing and planned public infrastructure, and other applicable County policies and goals;
5. Assist in guiding growth that is beneficial for the entire County and all County citizens; and
6. Encourage development of land to open up economic opportunities for County citizens and businesses.

6.1 General Standards

A. Monuments: concrete monuments or iron pins shall be set for all corners, angle points, radial points, and at intermediate points along streets or boundary lines where monuments cannot readily be seen from one another. The monuments shall be installed per Code of Virginia requirements. Any monument removed, moved, or destroyed during the development of any property shall be replaced by the person responsible for the removal or damage.

B. Public Utility Easements: all new lots shall contain a twenty (20) foot wide public utility easement along the front of the lot and any public right-of-way that includes a temporary thirty (30) foot wide construction easement;

C. Stormwater/ Drainage Easements: all new lots shall consider stormwater/ drainage easements and easements to access and provide maintenance to stormwater management facilities. If stormwater/ drainage easements are needed for the conveyance of stormwater, the easement shall be shown on the plat;

D. Public Water and Sewer Connections: If a new lot is within three hundred (300) feet of an existing water and/or sewer main, the lot shall connect to public water and/or sewer;

E. Professional Seal: Subdivision plats shall be prepared by a professional engineer or land surveyor registered in the Commonwealth and shall be signed and sealed with original ink indicating as such;

F. Coordinate System: All plats shall be surveyed on the NAD 1983 State Plane Virginia South Coordinate System;

G. Fire Protection: For all industrial, commercial, multi-family, or attached single-family subdivisions and single-family subdivisions with more than ten (10) lots, fire hydrants shall be installed every 1,000 feet, or as deemed necessary to provide adequate fire

protection. Water flows shall accommodate the necessary fire flows for the hydrants in addition to any requirements for the anticipated buildings in the development. This requirement shall only be required for developments on public water;

H. Acceptance: Approval of any subdivision plat does not constitute acceptance by the County of any street, alley, roadway, or public space shown on the plats for maintenance, repair, operation, or ownership. Street, alley, roadway, or public space acceptance shall only occur upon formal acceptance by the Board of Supervisors;
I. Plat Expiration: Once a final subdivision plat has been signed by the UDO Administrator, it shall be valid for recording for up to six (6) months;
J. Recording: No subdivision plat shall be recorded unless it has been approved by the UDO Administrator; and
K. No lot platted under the provisions of this Ordinance shall be divided by a municipal or county boundary line.

6.2 Preliminary Plat Review

A. A preliminary plat approval for subdivisions containing fifty (50) or fewer lots is not required; however, obtaining preliminary approval from the UDO Administrator for all subdivision plats is strongly recommended; and
B. A preliminary plat approval for subdivisions containing more than fifty (50) lots is required to be submitted and approved by the UDO Administrator.
C. Preliminary plats shall meet the same criteria as final plats only without an original inked seal or signatures.

6.3 Subdivision Types

Subdivisions shall meet the following standards based on the subdivision type. All other standards identified in this Section, unless specifically modified or exempted below, shall apply to all subdivision types.

A. <u>Family Subdivision:</u>
    1. Permitted for the transfer or sale of land to an immediate family member;
    2. Only one (1) such division shall be allowed per family member and shall not be made for the purpose of circumventing this Ordinance;
    3. The lot shall not be transferred, resold, or subdivided within two (2) years, unless approved by the UDO Administrator due to a financial hardship, foreclosure, tax sale, or other court-ordered transfer/ seizure of ownership;
    4. The subdivision cannot include the construction of a new public roadway or an extension of an existing public roadway;
    5. Each lot shall have at least the following minimum access:
        a. Public roadway; or
        b. Private twenty (20) foot right-of-way.
    6. The roadway/ access does not need to be built at the time of platting; however, construction of the roadway must be technically feasible.

B. Agricultural Subdivision:
   1. Property shall be zoned Conservation (C), Agriculture (A), or Rural Residential (RR) to be able to qualify for an Agricultural Subdivision;
   2. Minimum lot size shall be twenty-five (25) acres;
   3. Maximum number of lots included in the subdivision shall be five (5);
   4. Property shall be used for a single residential structure and agricultural purposes only;
   5. Public water and/or sewer extension shall not be required;
   6. Each lot shall have at least the following minimum access:
      a. Public roadway;
      b. Private forty (40) foot right-of-way; or
      c. Private twenty (20) foot access easement.
   7. The roadway/ access does not need to be built at the time of platting; however, construction of the roadway must be technically feasible.

C. Large Lot Subdivision:
   1. Minimum lot size shall be five (5) acres;
   2. Each lot shall have at least the following minimum access:
      a. Public roadway;
      b. Private forty (40) foot right-of-way; or
      c. Private forty (40) foot access easement.
   3. The roadway/ access shall be built according to the following:
      a. The roadway/ access shall be built at the time of platting and shall meet the standards described in this Article;
      b. If a private roadway is used for lot access, the following shall apply:
         i. No more than forty (40) lots shall use any one private roadway for access; and
         ii. All new property owners relying on the private roadway for access shall form a property owner's association for the maintenance and upkeep of the roadway. The property owner's association maintenance agreement shall be in a recordable form and shall be recorded with the subdivision plat.

D. Standard Subdivision:
   1. Minimum lot size shall meet the lot standards identified in this Ordinance based on zoning district;
   2. Each lot shall have at least the following minimum access:
      a. Public roadway;
      b. Private forty (40) foot right-of-way; or
      c. Private forty (40) foot access easement.
   3. The roadway/ access shall be built according to the following:
      a. The roadway/ access shall be built at the time of platting and shall meet the standards described in this Article;
      b. If a private roadway, either in a right-of-way or access easement, is used for lot access, the following shall apply:
         i. No more than ten (10) lots shall use any one private roadway for access; and

ii. All new property owners relying on the private roadway for access shall form a property owner's association for the maintenance and upkeep of the roadway. The property owner's association maintenance agreement shall be in a recordable form and shall be recorded with the subdivision plat.

E. Cemetery Lot Subdivision:
1. Permitted for the sole purpose of creating a cemetery;
2. No structure other than one used for the interment of human remains shall be permitted on any cemetery lot;
3. There shall be no minimum size for a cemetery lot unless it is to be operated commercially. If a cemetery is to be operated commercially, the minimum lot shall meet the lot standards identified in this Ordinance based on zoning district;
4. Each lot shall have at least the following minimum access:
   a. Public roadway;
   b. Private twenty (20) foot right-of-way; or
   c. Private twenty (20) foot access easement.
5. The roadway/ access does not need to be built at the time of platting; however, construction of the roadway must be technically feasible.

F. Utility Lot Subdivision:
1. Permitted for the sole purpose of housing utility infrastructure and/or required structures;
2. There shall be no minimum size for a utility lot;
3. Each lot shall have at least the following minimum access:
   a. Public roadway;
   b. Private twenty (20) foot right-of-way; or
   c. Private twenty (20) foot access easement.
4. The roadway/ access does not need to be built at the time of platting; however, construction of the roadway must be technically feasible.

6.4 Roadway and Access Standards: Roadways required to be built to access subdivisions of land shall meet the following standards:

A. Access onto Public Roadways: All access onto a public roadway shall require review and approval from Virginia Department of Transportation (VDOT) to ensure consistency with VDOT Access Management Regulations.
B. Public Roadways: New public roadways are permitted in all subdivisions. Public roadways shall be designed and constructed in accordance with the minimum VDOT standards based on the specific roadway type, except that the surface pavement layer shall be asphalt concrete or hydraulic cement concrete. All site related improvements required by VDOT or Pulaski County for vehicular ingress and egress shall also be designed and constructed in accordance with the minimum VDOT standards. VDOT shall approve all public roadways prior to being accepted into the VDOT maintenance system.
C. Private Roadways: Private roadways may be permitted in the following types of developments:
   1. Industrial and Commercial Developments: Approval shall be based on review of the site plan detailing road sections and width showing how the roadway is sufficient to accommodate the traffic and number of daily trips associated with

the development. Roadway design and construction shall meet the VDOT Pavement Design Manual. The roadway surface shall be asphalt concrete or hydraulic cement concrete.

2. Multi-family and Attached Single-family Housing Developments: Approval shall be based on review of the site plan detailing road sections and width showing how the roadway is sufficient to accommodate the traffic and number of daily trips associated with the development. Roadway design and construction shall meet the VDOT pavement design manual. The roadway surface shall be asphalt concrete or hydraulic cement concrete.
3. Single-family Housing Developments: Approval shall be based on review of the following criteria:
    a. The roadway surface shall be gravel, asphalt concrete, or hydraulic cement concrete;
    b. The minimum drive lane width shall be eleven (11) feet with a minimum of two (2) drive lanes;
    c. If the private roadway serves three (3) or more lots, it shall have a maximum grade of twelve percent (12%) slope;
    d. The maximum number of lots that may be served by a private roadway shall be fifty (50);
    e. If the private roadway serves three (3) or more lots, it shall be passable by emergency vehicles in all weather conditions; and
    f. If more than twenty (20) lots are being proposed, a traffic impact statement may be required to evaluate the impacts to the existing transportation system. In the event that VDOT needs to review the traffic impact statement, the subdivider shall pay for any costs associated with the review.
4. Private Roadway Standards Exemptions: For Agricultural, Family, Cemetery, and Utility Subdivisions, access may be in the form of a dirt, gravel, or paved roadway. There are no minimum roadway construction standards and these lot types are exempt from the Roadway and Access Standards in this Section.

D. General Roadway and Access Standards:

1. Turnaround: Any dead-end roadway that exceeds 150 feet shall have a turnaround sufficient for a fire truck, emergency vehicle, garbage truck, or other large vehicle, and in the event the roadway exceeds ½ mile in length, turnarounds shall be provided at intervals on or about ¼ mile;
2. Bridges: Any roadway serving three (3) or more lots that is only accessible by crossing a bridge, shall include an engineered design bridge to support a twenty (20) ton vehicle with the subdivision application. The bridge shall include a sign stating the load rating to inform emergency responders of load rating;
3. Reserve Strips: There shall be no reserve strips controlling access to streets;
4. Access: Each lot shall have direct access through one of the following:
    a. Existing public roadway;
    b. Roadway dedicated by the subdivision plat; or
    c. Existing private roadway.
5. Future Connectivity: The arrangement of roadways in new subdivisions shall make provision for the continuation of existing roadways on adjoining properties to encourage future opportunities for connections;

6. Lot Frontage: Lot frontage shall be topographically suitable for the construction of a driveway to the easement or right-of-way;
7. Half Streets: Half roadways along the boundary of land proposed for subdivision shall not be permitted;
8. Layout: Roadways should, whenever possible, intersect at right angles and not be offset from one another;
9. Topography: Roadways shall be related to the topography of the property on which they are located, to the greatest extent practical;
10. Shared Access: In order to limit the number of access points along existing roadways, the UDO Administrator may require shared access for multiple lots to connect to the existing roadway; and
11. Deeded Access: All access, either easement or right-of-way, shall be deeded and recorded with the Clerk of the Pulaski County Circuit Court. If access is not deeded, a subdivision relying on that access shall be denied by the UDO Administrator.

6.5 Lot Arrangement, Shape, and Suitability

A. Land shall be suitable for subdivision, platting, and the type of development being proposed. If it is determined that the land is not suitable, the UDO Administrator may deny the subdivision plat;
B. Lots that are unbuildable, whether by size, topography, or any other reason, shall not be permitted;
C. Flag lots shall be permitted; however, the minimum distance between flag lots shall be 500 feet;
D. Land that lies entirely within the 100 year flood zone may be deemed to be unsuitable for subdivision;
E. Land that lies within a dam break inundation zone may be deemed to be unsuitable for subdivision;
F. Lot shape and arrangement shall be reasonably related to topography, and shall not contain unusable elongations for the sole purpose of providing the required minimum square footage of area;
G. Lot features shall have some specific purpose other than being used to circumvent this Ordinance;
H. Subdivisions that result in lots being entirely surrounded by the parent parcel shall not be permitted, also referred to as "island lots;"
I. Lot frontage shall be topographically suitable to allow for the construction of an entrance onto the property; and
J. Lots shall be, to the extent possible, regular shapes (such as rectangular) to allow for orderly development and future subdivision;
K. Lots shall not be subdivided or modified that result in split zoning on any property. If the end result would be a split zoned property, the property owner shall request a Zoning Map Amendment pursuant to this Ordinance prior to the plat approval; and
L. Lots shall be arranged in right angles or a radial pattern to the roadway; wherever feasible.

6.6 Lot Improvements

A. All required on-site improvements and road signs shall be installed by the subdivider at his/her own cost. Nothing herein shall be construed to create an obligation upon Pulaski County to pay for improvements, construction, or maintenance; and
B. Any off-site improvements, such as sewerage, water, drainage, or roadway facilities or upgrades, that are needed for the subdivision shall be paid by the subdivider or developer at a pro rata share.

6.7 Public Land Dedication: Any land being dedicated as open space, parks, playgrounds, or other similar public use shall be suitable for the purpose of which it is dedicated. Any land to be donated to Pulaski County shall require approval by the Pulaski County Board of Supervisors prior to acceptance.

6.8 VDOT Review: Any lot line amendment or subdivision that may impact access, or subdivision that proposes to build a public roadway shall be reviewed by the Virginia Department of Transportation. VDOT approval shall be in written form, such as a letter or email, and not as a signature on the plat itself.

6.9 Virginia Department of Health Review: Any subdivision that contains a lot that is less than five (5) acres in area that is not on public water and sewer shall be reviewed for approval and signature by the Virginia Department of Health (VDH).

6.10 Plat Details: All plats, regardless of type, shall contain the following minimum information:

A. The text and graphics listed in this Ordinance, on the Subdivision Application form, and/or the Subdivision Application Checklist;
B. The name of subdivision, property owner, subdivider, surveyor or engineer, date of drawing, and number of sheets;
C. The Magisterial District and Zoning District in which the property is located;
D. The FEMA designated flood zone(s) in which the property is located and the associated Flood Insurance Rate Map;
E. A north arrow, legend, title block, scale (plats shall be to scale), and vicinity map (scale of not less than one inch equals one half mile (1”=1/2 mile));
F. Name of existing subdivision in which the lots are located, if applicable;
G. The benchmark from which all measurements are taken (point of beginning);
H. All existing platted and proposed streets with names, numbers, pavement width, and right-of-way or easement widths;
I. Location of any grave or structure marking the location of a human burial;
J. Adjacent property tax map numbers and owners;
K. All parcels dedicated for public use or as common space;
L. Curve and line data and dimensions by bearings and distances of boundaries of all proposed and existing lot lines and rights-of-way or easements;
M. Accuracy of not less than one (1) in ten thousand (10,000);
N. Watercourses, their names, and any applicable information;
O. Any existing or proposed easements located on the subject property;
P. Any existing utilities located on the subject property;
Q. Existing or proposed septic or well locations, if the lot is less than five (5) acres;

R. Existing or proposed shared septic or well locations and easements to the appropriate properties sharing the well or septic;
S. Any existing development located on the subject property;
T. Original seal from the surveyor or engineer certifying the plat; and
U. Any other information determined to be necessary by the UDO Administrator.

6.11 Appeal from Disapproval of Plat

A. In the event that a final plat is disapproved by the UDO Administrator and the subdivider contends that such disapproval was not properly based on this Ordinance or was arbitrary and capricious, the subdivider may appeal to the Planning Commission. The Planning Commission may then reverse the disapproval of the plat;
B. An appeal shall be filed in writing within sixty (60) days of the written disapproval by the UDO Administrator. If no appeal is filed within sixty (60) days, the decision is final and unappealable;
C. If the Planning Commission upholds the UDO Administrator determination, the subdivider can appeal the Planning Commission decision to the Board of Supervisors within sixty (60) days of the Planning Commission denial. If no appeal is filed within sixty (60) days, the decision is final and unappealable; and
D. If the Board of Supervisors upholds the Planning Commission decision, the subdivider can appeal to the Pulaski County Circuit Court within sixty (60) days of the Board of Supervisors denial. If no appeal is filed within sixty (60) days, the decision is final and unappealable.

6.12 Plat Notes and Statements

A. Surveyor's Statements: All plats shall include the following Certification and Source of Title statements to be signed by the surveyor with a signature and date line:

"I hereby certify that this survey, to the best of my knowledge and belief, is correct and complies with the requirements of the Board of Supervisors, Ordinances, and Regulations of Pulaski County, Virginia, regarding the platting of subdivisions within the County. Given under my hand this _____ day of _____."

"This is to certify that the property shown hereon is the property acquired by (property owner) by an instrument dated _____ from (surveyor/ engineer) recorded as (Deed Book and Page) and (LR number) and recorded in the Clerk's office of the Circuit Court of Pulaski County, Virginia. Said land records being the last instrument in the chain of title to said property."

B. Owner's Statement: All plats shall include the following owner's statement with a signature and date line, which shall be notarized;

"The subdivision of ____ as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners."

C. UDO Administrator Approval Statement: All plats shall contain the following statement with a signature and date line for the UDO Administrator's approval:

"This subdivision/ lot line revision plat meets all of the requirements of the Pulaski County Unified Development Ordinance as of the date this plat was approved and signed."

D. Family Subdivision Statement: Family subdivision plats shall contain the following statement:

"The subdivision of _____ as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees. I, (name of seller/subdivider), do hereby verify that (name of recipient/buyer) is my legal (immediate family relationship). New parcel/lot _____ is being conveyed to (name of recipient/buyer). This parcel/lot shall remain in the name of the immediate family member to whom the lot is transferred for a period of no less than two (2) years after conveyance. During this period, the lot shall not be sold or transferred to a non-family member without express written permission of the Pulaski County UDO Administrator. Such permission will be granted only in documented cases of financial hardship, foreclosure, tax sale, or other court-ordered transfer/seizure of ownership."

E. Private Roadway Statement: If a private roadway is used to access a lot, the plat shall contain the following statement:

"Access to the lot(s) shown on this plat is privately owned and maintained and does not meet the standards necessary for inclusion in the system of state highways and is not eligible for any funds appropriated by the County or Commonwealth. Under no circumstances shall Pulaski County or VDOT be required to make any improvements or be responsible for any maintenance of the roadway. The private owners shall be entirely responsible for all maintenance, repairs, and improvements. Prior to any future request for addition to the state highway system, the road shall be constructed in full compliance with VDOT requirements in effect at that time."

F. Private Water and/or Sewer: If a plat contains lots not on public water or sewer that have not been verified for private water and sewer installation, the plat shall contain the following statement:

"Lot ___ is not on public water and/or sewer and has not been evaluated to determine feasibility of access to private water or private sewer."

G. VDH Signature: If a plat requires VDH signature, it shall contain the following statement with a signature and date line:

"This subdivision was submitted to the Health Department for review pursuant to § 32.1-163.5 of the Code of Virginia which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development. The Health Department is not required to perform a field check of such evaluations. This subdivision was certified as being in compliance with the Board of Health's regulations by: (AOSE/PE name, certification or license #, phone #). This subdivision approval is issued in reliance upon that certification.

This approval is not an assurance that Sewage Disposal System Construction Permits will be issued for any lot in the subdivision unless that lot is specifically identified as having an approved site for an onsite sewage disposal system, and unless all conditions and circumstances are present at the time of application for a permit as are present at the time of this approval. This subdivision may contain lots that do not have approved sites for onsite sewage systems.

This subdivision approval is issued in reliance upon the certification that approved lots are suitable for "traditional systems", however actual system designs may be different at the time construction permits are issued."

6.13 Lot Line Revision: Permitted for the purpose of moving or altering an existing lot line in which no additional lots are created. This may also be used to combine lots.

6.14 Vacations/ Abandonments

A. Plat Vacation, prior to lots being sold:
   1. By Owner: If a plat has been recorded; however, no lots have been sold, the owners, proprietors, and trustees who signed the final plat may file a written instrument declaring said final plat to be vacated, with the consent of the Board of Supervisors. Such instrument shall be duly executed, acknowledged, or proved and shall be filed in the office of the Clerk of the Pulaski County Circuit Court.
   2. By Board of Supervisors: If a plat has been recorded; but, no lots have been sold and the Pulaski County Board of Supervisors determines it is in the best interest of Pulaski County to vacate the plat; an ordinance may be adopted vacating the plat. Such ordinance shall not be adopted until after notice has been given as required by Section 3.2 of this Ordinance. If no appeal from the adoption of the ordinance is filed within the time provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation shall be recorded in the office of the Clerk of the Pulaski County Circuit Court.
   3. An appeal from the adoption of the ordinance may be filed within thirty (30) days with the Pulaski County Circuit Court. Upon such appeal, the Court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged.

B. Plat Vacation, after lots have been sold:
   1. By Owner: A plat may be vacated by written instrument agreeing to said vacation signed by all of the owners of lots shown on said plat, and also signed on behalf of Pulaski County for the purpose of showing the approval of such vacation by the Board of Supervisors. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the office of the Clerk of the Pulaski County Circuit Court.
   2. By Board of Supervisors: A plat may be vacated by ordinance of the Board of Supervisors. Such ordinance shall not be adopted until after notice has been

given as required by Section 3.2 of this Ordinance. Any person may appear at the public meeting for the purpose of objecting to the adoption of the ordinance. If no appeal from the adoption of the ordinance is filed within the time provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation shall be recorded in the office of the Clerk of the Pulaski County Circuit Court.

3. An appeal from the adoption of the ordinance may be filed within thirty (30) days with the Pulaski County Circuit Court. Upon such appeal, the Court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged.

C. Right-of-Way Abandonment/ Vacation:
   1. If only one property owner is affected by the abandonment/ vacation, the request may be submitted for review and decision by the Board of Supervisors;
   2. If more than one property owner is affected by the abandonment/ vacation, the following steps, in order, shall be followed:
      a. A petition containing more than half of the affected property owners shall be submitted to the UDO Administrator;
      b. The UDO Administrator shall notify adjacent property owners of the request and the scheduled meetings via First Class Mail and post signage at both ends of the right-of-way;
      c. The UDO Administrator shall hold a community meeting to receive feedback regarding the abandonment/ vacation;
      d. The Planning Commission shall review and provide a recommendation to the Board of Supervisors; and
      e. The Board of Supervisors shall review and decide on the request.
   3. Any applicable public rights-of-way abandonment/ vacation shall also meet the VDOT process and/or regulations for such abandonment/ vacation.

6.15 Subdivision Variance: A subdivision variance may be authorized to deviate from the requirements of this Article in cases where the subdivider can demonstrate that all of the following conditions are accurate and applicable:

A. An unusual situation or where strict adherence to the general regulations would result in substantial injustice or hardship;
B. The authorization of the subdivision variance will not be of substantial detriment to adjacent or nearby property;
C. The authorization of the subdivision variance will not be detrimental to the public safety, health, or welfare;
D. The situation is not of so general or recurring in nature as to warrant amendments to this Ordinance;
E. The hardship is created by the physical character of the property or of the immediately adjacent property. Personal or self-inflicted hardships shall not be considered grounds for the authorization of a subdivision variance; and
F. The subdivision variance will not in any manner vary the provisions of the zoning provisions of this Ordinance, Pulaski County Comprehensive Plan, or Official Zoning Map.

Article 7: Erosion and Sediment Control, Stormwater, and Floodplain Regulations

7.0 Intent and Applicability

This Article provides information related to the erosion and sediment control, stormwater, and floodplain regulations that apply within Pulaski County. Specifically, this Article identifies where detailed information regarding these topics can be found, as these regulations have been adopted as separate ordinances.

7.1 Erosion and Sediment Control

Applicants for development approval shall obtain a land disturbance permit pursuant to the Pulaski County Erosion and Sediment Control Ordinance, before commencing any development that exceeds 10,000 square feet of land disturbance, as detailed in the Erosion and Sediment Control Ordinance.

7.2 Stormwater

Applicants for development approval shall obtain a stormwater permit pursuant to the Pulaski County Stormwater Ordinance, before commencing any development that is equal to or greater than one (1) acre of land disturbance or any land disturbing activity within a larger common plan of development, as detailed in the Stormwater Ordinance.

7.3 Floodplain

Applicants for development approval on property located within the 100 year floodplain, as designated by the Federal Emergency Management Agency (FEMA), shall obtain approval from the Pulaski County Floodplain Manager pursuant to the Pulaski County Floodplain Ordinance, before commencing any development, including, but not limited to, additions, alternations, new construction, filling, excavating, or other material alterations of the land or existing structures.

Article 8: Economic Development Incentives

8.0 Intent and Applicability
Pulaski County strives to provide a business-friendly environment, focus on creating primary jobs for citizens, increase the quality of life for current and future citizens, and provide efficient and affordable public services. This Article provides information related to development incentives that may be provided by Pulaski County for development that furthers these County goals. Nothing in this Article shall require or obligate Pulaski County to offer incentives for any development.

8.1 Incentivized Development: The following types of development may qualify for incentives:

A. Industrial development for primary jobs;
B. High-quality, master planned residential developments;
C. Retirement communities; and
D. Development in areas designated by Pulaski County as future growth areas.

8.2 Incentives: The following incentives may be offered to qualified developments:

A. Density bonus up to twenty-five percent (25%) more dwelling units per acre than identified in this Ordinance; and/or
B. Permit fee waivers.

8.3 Incentive Approval: Incentives described herein shall be determined and approved by the Pulaski County Board of Supervisors. Incentive approval shall include a time period for the incentives and any conditions associated with the approval.

8.4 Additional Incentives: In addition to the incentives described in this Section, businesses locating and/or expanding in Pulaski County may qualify for Virginia Enterprise Zone incentives, if the property is located within one of the County's Enterprise Zones. Also, various incentives may be provided by the Pulaski County Industrial Development Authority for specific types of development, such as industrial development.

Article 9: Non-Conformities

9.0 Intent and Applicability

This Article provides information related to the regulation of non-conformities that exist throughout Pulaski County. Specifically, this Article covers non-conforming uses, lots, structures, and specifies those circumstances and conditions under which legal non-conformities are permitted to continue or expand.

The Board of Supervisors recognizes that a substantial portion of the character and ambiance of the County, which should be preserved, is a result of development that occurred prior to the zoning and land development regulations established by Pulaski County. This Article shall apply to uses, structures, sites, and signs that became non-conforming by the initial adoption of zoning regulations and development standards, an amendment to those standards, and/or the adoption of this Ordinance.

This Article shall not be construed as to prevent strengthening or repair of a structure in compliance with the order of a public official whose duties include protecting the public safety. In addition, the repair and normal maintenance required to keep non-conforming structures and site improvements in a safe condition are permitted provided that said repair and maintenance do not conflict with the specific provisions of this Article, except for non-conforming signage, which is specifically addressed in this Article.

9.1 Non-Conformity Classification

A. Legal Non-Conformities

Legal non-conformities are those non-conformities that were properly permitted and legally established at the time of adoption of zoning regulations and development standards, but no longer comply with applicable zoning and land development regulations. Legal nonconformities are allowed to continue in perpetuity, subject to the regulations of this Article.

B. Illegal Non-Conformities

Illegal non-conformities are those non-conformities that were not properly permitted or legally established at the time of adoption and do not comply with applicable zoning and land development regulations. Illegal non-conformities are hereby declared to be illegal.

Illegal non-conformities are subject to removal and termination by the County upon a determination of such illegality by the UDO Administrator. Illegal nonconforming uses, structures, sites, and signs shall not be changed, enlarged, expanded, or extended, unless such action is in full conformance with the provisions of this Ordinance.

9.2 Miscellaneous

A. Burden of Proof

The burden of establishing a legal non-conformity shall, in all cases, be upon the owner of such non-conformity and not upon the County or any other person. Upon application to the UDO Administrator, any property owner may seek a determination by the UDO Administrator of the character of any non-conformity.

B. Changes to the Official Zoning Map
Whenever the Official Zoning Map is amended, any uses of land or buildings which become non-conforming as a result of such change shall become subject to the provisions of this Article.

9.3 Non-Conforming Uses

Any use at the time of the adoption of this Ordinance that is not permitted in the zoning district in which it is located shall become a non-conforming use. Uses of land and buildings that are deemed legal non-conforming uses may be continued, subject to the following:

A. A non-conforming use may not be expanded or enlarged more than fifty percent (50%) of the area occupied by such use at the time of passage of this Ordinance.

B. If a non-conforming use is discontinued for a period of time greater than two (2) years, the use shall be deemed abandoned and any subsequent use of the property shall conform to the requirements of this Ordinance.

C. Non-conforming uses shall be allowed to change to a more limited non-conforming use, with the condition that the previous non-conforming use shall no longer be available.

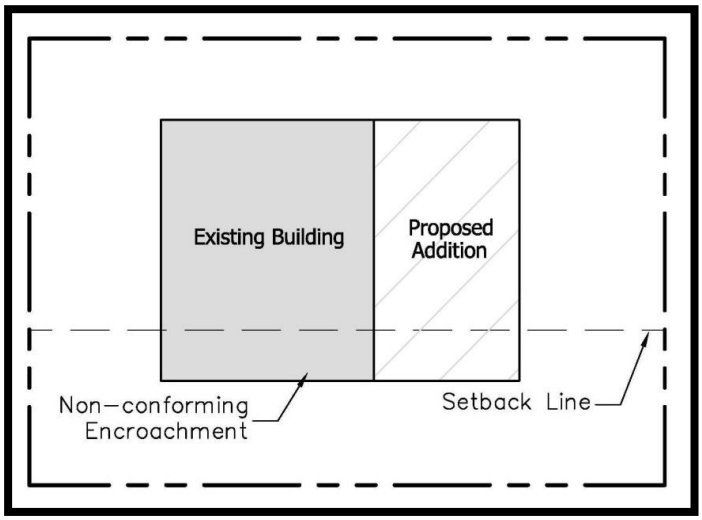
9.4 Non-Conforming Structures

Any structure at the time of the adoption of this Ordinance that does not meet the requirements for height, bulk, density, setback, or other dimensional aspect shall become a non-conforming structure, except docks and other structures built within the Claytor Lake Overlay District. Use of structures that are deemed legal non-conforming structures may be continued, subject to the following:

A. A non-conforming structure may be expanded or enlarged, provided that the expansion or enlargement does not further the non-conforming aspect of the structure.

B. If a non-conforming structure is discontinued for a period of time greater than two (2) years, the structure shall be deemed abandoned and any subsequent use of the property shall conform to the requirements of this Ordinance.

C. If a non-conforming structure is damaged or destroyed, the structure may be repaired or restored to its original condition, as long as the repair or restoration is started within twenty-four (24) months and completed within thirty-six (36) months from the date of damage or destruction.



9.5 Non-Conforming Lots

Any lot of record at the time of the adoption of this Ordinance that is less in area, road frontage, or width than the minimum requirements set forth in this Ordinance shall become a non-conforming lot. Use of lots that are deemed legal non-conforming lots may be continued, subject to the following:

- **A.** Non-conforming lots cannot be subdivided or modified in a way that will increase the non-conforming aspect.
- **B.** Non-conforming lots may be used in a manner set forth in the standards of this Ordinance, as long as they can meet the applicable regulations regarding setbacks, yard area, and other lot standards described herein.

9.6 Non-Conforming Signs

Any sign that does not meet the standards contained within this Ordinance shall become a non-conforming sign. Use of signs that are deemed legal non-conforming signs may be continued, subject to the following:

- **A.** Normal maintenance, including, but not limited to, the changing of copy, non-structural repairs, painting, changing of sign faces, and incidental alterations which do not extend or expand the non-conforming features of the sign shall be permitted.
- **B.** Structural alterations, enlargement, or extension of a non-conforming sign shall not be permitted, unless the alteration, enlargement, or extension will result in elimination or reduction of the non-conforming aspect of the sign.
- **C.** If a non-conforming sign is damaged by any means to an extent less than fifty percent (50%) of its replacement cost at the time of damage, it shall be permitted to be rebuilt to its original condition and may continue to be used.
- **D.** If a non-conforming sign is damaged by any means to an extent of fifty percent (50%) or more of its replacement cost at the time of damage, it shall not be reconstructed except in compliance will all applicable standards of this Ordinance.

9.7 Non-Conforming Structures in the Claytor Lake Overlay District

Any structure located in the Claytor Lake Overlay District built before December 27, 2011 that does not meet the requirements for height, bulk, setback, slip number, structure type, or other dimensional aspect shall become a non-conforming structure. Use of structures that are deemed legal non-conforming structures may be continued, subject to the following:

- **A.** A non-conforming structure may be expanded or enlarged, provided that the expansion or enlargement does not further the non-conforming aspect of the structure, and the modifications are in compliance with the standards contained in Section 4.19.
- **B.** If a non-conforming structure requires more than fifty percent (50%) of the physical structure (based on square footage) to be replaced or repaired then the structure must conform to the requirements set forth in this Ordinance.
- **C.** If a non-conforming structure is destroyed, the structure may be replaced in its entirety, as long as the repair is completed within twenty-four (24) months from the date of damage or destruction. This is contingent upon the property owner provided satisfactory documentation that the structure existed prior to December 27, 2011 and the structure not being classified as a "Dangerous Structure" by the Appalachian Power Company (refer to the Claytor Lake Shoreline Management Plan for definition and specific details).
- **D.** Maintenance of non-dangerous, non-conforming structures is encouraged.
- **E.** Maintenance and/or repair of "Dangerous Structures" may be allowed to improve the safety of the structure; however, any portion of the structure that is located within a

setback, extends further into the water than allowed, or exceeds the height limitation cannot be replaced even as corrective actions to render the structure non-dangerous.

Article 10: Violations, Penalties, and Enforcement

10.0 Intent and Applicability

This Article provides information related to what constitutes a violation, penalties that may be imposed for violations, and the enforcement of this Ordinance. Specifically, this Article addresses specific activities that constitute a violation, penalties allowed by the Code of Virginia for violations, and how enforcement of violations are addressed.

10.1 Violations

A violation of any provision of this Ordinance can result in a civil penalty and be subject to the penalties described in this Article. As applicable, any of the following shall be a violation of this Ordinance:

- **A.** It is unlawful to commence or continue any activity regulated by this Ordinance which is not in full conformance with the provisions of this Ordinance, or which is not in full conformance with the provisions of any permit or approval, including any conditions attached thereto, issued pursuant to this Ordinance.
- **B.** It is unlawful to construct, reconstruct, alter, demolish, change the use of, or occupy any land, building, or other structure without first obtaining the appropriate permit or approval. No permit may be issued or approved unless said permit is in compliance with the requirements of this Ordinance.
- **C.** It is unlawful for any officials to issue any permit for the use of any land, building, or structure, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure without the approval of the UDO Administrator.
- **D.** It is unlawful to record a subdivision plat unless and until it has been submitted to and approved by the UDO Administrator.
- **E.** It is unlawful for any person to sell or transfer any land of a subdivision, before a plat has been duly approved and recorded with the Office of the Pulaski County Clerk of Court, 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.
- **F.** It is unlawful to use any land or portion thereof other than as specifically designated on an approved land development plan or as otherwise required by this Ordinance.
- **G.** It is unlawful to remove, deface, obscure, or obstruct any notice required to be posted or otherwise given pursuant to this Ordinance and/or the Code of Virginia.
- **H.** It is unlawful to violate any lawful order issued or given by the UDO Administrator under this Ordinance.
- **I.** It is unlawful to continue any violation of this Ordinance after notice of such violation by the UDO Administrator.

10.2 Penalties

Violations to any portion of this Ordinance shall be subject to penalties as described in §§ 15.2-2286, 15.2-2209, and 15.2-2254, as well as any other applicable section of the Code of Virginia.

A. Zoning Violation Penalties

1. Each day during which the violation is found to have existed shall constitute a separate offense.
2. Fines shall be not more than two hundred dollars ($200) for the initial summons and five hundred dollars ($500) for each additional summons.
3. Violations arising from the same operative set of facts shall not be charged more frequently than once in any ten (10) day period.
4. A series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of $5,000.
5. The violation may be prosecuted as a criminal misdemeanor when civil penalties total $5,000 or more.
6. Violations shall be tried in the general district court, unless the violator elects to enter a waiver of trial and admit liability.
7. The burden to show the liability of the violator by a preponderance of the evidence shall be on Pulaski County when taking any violations to court.
8. Each day during which the violation continues after a court-ordered abatement period has ended shall constitute a separate offense, and is subject to the penalties identified in this Section.

B. Subdivision Violation Penalties

1. Fines shall be not more than five hundred dollars ($500) for each lot or parcel of land subdivided, transferred, or sold that are found to be in violation of this Ordinance.
2. Any person in violation of this Section shall be required to comply with all provisions of this Ordinance.
3. The description of the 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 the penalties or remedies herein provided.
4. Any clerk of any court filing a plat without the proper approval, as described in this Ordinance, shall be subject to the penalties provided by the Code of Virginia.

C. Imposition of Civil Penalties: Pursuant to § 15.2-2209 of the Code of Virginia, no provision of this Ordinance shall be construed to allow the imposition of civil penalties for the following activities:

1. Activities related to land development; or
2. Violation of any zoning provision of this Ordinance relating to the posting of signs on public property or public rights of way.

10.3 Enforcement

The enforcement of this Ordinance shall be the responsibility of the UDO Administrator. The UDO Administrator, in conjunction with the County Attorney, may petition a district court judge for a subpoena or a magistrate or court of competent jurisdiction for a warrant in order to fully investigate potential violations, pursuant to the Code of Virginia § 15.2-2286.

The UDO Administrator shall follow the Standard Operating Procedures when enforcing this Section of the Ordinance. No provision of this Article shall prevent the County from taking such lawful action as is necessary to prevent or remedy any violation of this Ordinance.

The UDO Administrator, on behalf of the County, may take any one or more of the following actions as a remedy for any violation of this Ordinance:

1. Withholding of any building permits or any approvals or permits required by this Ordinance;
2. Prosecution of the violation as a civil penalty and/or misdemeanor; and/or
3. Any other remedies allowed by law.

Article 11: Definitions and Interpretations

11.0 Intent and Applicability

This Article provides information related to the definition of terms used in this Ordinance and interpretations of standards, issues, and other items related to the provisions of this Ordinance.

11.1 Definitions

All words and phrases shall have their ordinary and customary meaning, unless the context of the word or phrase indicates otherwise. The following terms shall have the meaning given below, unless the context of the use of the term clearly indicates otherwise based on the purposes, intent, design objective, or other guidance associated with its use in a particular section. In the event of uncertainty or a conflict, the UDO Administrator shall determine the specific meaning of any term or phrase. The following rules for general construction of language shall apply to this ordinance:

A. The specific shall control the general.
B. The word "person" includes a "firm, association, organization, partnership, trust, company," as well as an "individual."
C. Any words pertaining to gender shall be interchangeable. The word "he" shall mean "she" and "she" shall mean "he."
D. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
E. The word "lot" includes the words "plot" or "parcel."
F. The present tense includes the future tense; the singular number includes the plural; the plural number includes the singular.
G. The word "shall" is mandatory; the word "may" or "should" is permissive.
H. All public officials, bodies, and agencies referred to in this ordinance are those of Pulaski County, Virginia, unless otherwise specifically indicated.

Above Ground Storage Tanks: Tanks or containers that are used to store materials, in solid, liquid, or gas form, either partially or wholly above grade. Tanks in excess of 10,000 gallons of liquid storage or 8,593 gallons of dry storage shall be considered above ground storage tanks. Multiple smaller tanks on a property that, when combined, meet the quantities contained in this definition shall be considered above ground storage tanks. Above ground storage tanks that are less than 10,000 gallons of liquid storage or 8,593 gallons of dry storage that do not meet this definition shall not require zoning approval. This excludes storage of agricultural products, such as grain and milk.

Access: The right and/or ability of pedestrians and vehicles to enter, exit, or cross property.

Accessory Building or Structure: A building or structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. Accessory buildings or structures shall not exceed the height of the primary structure. Where an accessory building or structure is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered

a part of the principal building. Storage containers/ semi-trailers/ and other similar storage containers are not considered accessory structures and are not permitted to be used for the long-term storage of items in any residential district (RR, R, LR, MR, and HR).

Accessory Dwelling: A second dwelling unit in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility.

Accessory Use: A use of land or a building or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building or structure and located on the same lot with such principal use.

Addition: An extension or increase in floor area or height of a building or structure.

Adult Oriented Business: A business that includes adult arcades, adult bookstores, adult cabarets, adult companionship establishments, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult massage parlors, adult steamroom/bathhouse/sauna facilities, adult companionship/ escort establishments, adult rap/conversation parlors, adult health/sport clubs, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses, or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, or description of "Specified Sexual Activities" or "Specified Anatomical Areas" which are capable of being seen by members of the public. If more than twenty-five (25%) of merchandise displayed or sold is of adult content in nature, the establishment shall be deemed an Adult Oriented Business.

Agriculture: The use of land and associated structures for the production of crops or produce plants, livestock management, and/or the raising fowl and other animals for food production or distribution. Accessory uses for the processing, storage, distribution and sale of these products may be allowed as Agriculture. The slaughtering of animals for commercial sale is excluded from this use.

Agricultural Equipment Sales and Servicing: An establishment that is open to the general public and/or commercial or industrial clients for the sales, rental and servicing of equipment commonly utilized in the construction and/or farming industries. Activities may include sales of new and/or used equipment, not to include sale of new and/or used vehicles, as defined in this Ordinance, rentals of such equipment and servicing of such equipment.

Agricultural Product Sign: Any sign displayed for the purpose of advertising agricultural products produced on the premises where the sign is displayed.

Agritourism: Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or national activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

Airport: A tract of land or water with facilities for the landing, takeoff, shelter, supply, and repair of aircraft licensed by the Federal Aviation Administration.

Airport Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Airport Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

Alley: An open way that affords a service (i.e. garbage collection, delivery, mail) means of access to an abutting property, which allows homeowner or property owner use/access, but is not maintained by any local, state or federal government.

Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, or any enlargement or reduction of a building or structure, whether horizontally or vertically, or the moving of a building or a structure from one location to another.

Animal Hospital: An establishment that is used for the practice of veterinary medicine.

Antenna: Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves. Antenna types include, but are not limited to, omni-directional "whip" antenna, directional panel antenna, parabolic antenna and other ancillary antenna designs. An antenna does not include the broadcasting tower or other support structure to which it is attached.

Applicant: A person who has submitted an application to the County for any approval identified in this Ordinance.

Artisan Workshop: Space used for painting, sculpting, drawing, quilting, glass blowing, or other artistic purpose in order to create artwork that will be sold to the public.

Assisted Living/ Nursing Home/ Long-term Care: Any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four (4) or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except:

a. a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed;
b. the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage;
c. a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214 of the Code of Virginia, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and
d. any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority.

Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

Awning: A shelter constructed of rigid or non-rigid materials on a supporting framework, either freestanding, or projecting from and supported by an exterior wall of a building.

Base Flood Elevation (BFE): The water surface elevation which occurs in a one hundred-year flood as designated by the Federal Emergency Management Agency, or in approximated floodplains, approved by the director of community development.

Bed and Breakfast: A dwelling, where the proprietor resides on site, may be involved in the rental of six (6) rooms or less to overnight guests and offering breakfast meals only to said guests, provided a parking place be provided for each room offered for rent.

Berm: A mound of earth designed to perform the function of a buffer, especially when used in conjunction with landscape plantings between adjacent parcels.

Bicycle Facilities: A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking and storage facilities, and shared roadways specifically designated for bicycle use.

Bicycle Lane or Bike Lane: A portion of a roadway, which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

Biomass: Agricultural-related materials including vineyard, grain or crop residues; straws; aquatic plants; and crops and trees planted for energy production.

Biomass, small-scale conversion: The conversion of any renewable biomass into heat, power, or biofuels.

Block: A combination of building lots, the perimeter of which abuts streets/thoroughfares.

Boat Yard: A property used for the construction, repair, and/or storage of boats. Ancillary storage/ repairs of boats in conjunction with a marina or commercial dock facility shall not be classified as a boat yard.

Buffers: A piece of land of specific width, permanently set aside by the owner and his/ her assignees, and planted in trees and/or shrubs of density sufficient to provide contiguous properties with a measure of privacy. Landscaping may be used in combination with structures (walls, fences, screens, etc.), which serve to minimize or eliminate conflicts between contiguous uses of land.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure or any person, process, equipment, or goods. Each portion of a building separated from other portions by a firewall shall be considered as a separate building.

Building Height: The vertical distance measured from the average adjoining grade on all sides of the building or structure to the finished ceiling height of the uppermost floor level. Weather vanes, church spires, bell towers, flagpoles, cupolas, chimneys, and other appurtenances shall not be included in the height measurement.

Building, Principal: The building in which the principal use of the zoned lot is conducted on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Buffer Yard: A yard improved with screening and landscaping materials required between abutting zoning districts of differing intensities or between adjoining land uses for the purpose of decreasing the adverse impact of differing uses and districts.

Bus/ Railroad Station: A terminal where buses, trains, or other mass transit arrive and depart. The terminal shall be large enough to accommodate the maximum number of buses, trains, or other mass transit vehicles that may use it at one time.

Business/ Trade School: An educational institution that specializes in providing students with technical skills needed to perform the tasks of a particular job or field. Training may be for clerical, data processing, construction, heavy equipment operations, and other fields.

Camping- Long Term: The use of a tent, camper, RV, or other temporary shelter for a period of time exceeding two (2) weeks for the purposes of living.

Campgrounds and Recreational Vehicle Parks: Grounds designed for multiple individual sites for temporary overnight lodging where lodgers bring their own facilities, including

tents and recreational vehicles. Campgrounds and Recreational Vehicle Parks may include accessory buildings for recreation or accommodations for guest, but generally include few buildings or permanent structures.

Campsite: A designated plot of ground within a campground intended or used for the exclusive occupancy by a tent, recreational vehicle, or a vacation cottage.

Car Wash: A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks, as well as boats and other motorized vehicles.

Carport: A space outside a single-family or two-family dwelling, and contiguous thereto, wholly or partially covered by a roof but without side enclosure(s), used for the shelter of motor vehicles.

Cemetery: Land dedicated for the burial and memorializing of deceased humans, including associated structures such as chapels and or mausoleums, art and statuary, and gardens. A cemetery may be a principle use or accessory to religious assembly uses.

Change of Use: Any use which substantially differs from a previous use of a building, structure or property.

Club, Lodge, Union Hall, or Social Center: A meeting, recreational, or social facility of a private or nonprofit organization primarily for use by members or guests, except Hunting Club/ Outdoor Lodge.

Coal/ Lumber Yards: An area used for the outdoor storage of coal and/or lumber for either wholesale or retail sales.

Commercial/ Industrial Housing: A building or portion thereof arranged or designed for the purpose of providing one or more dwelling units in conjunction with a commercial or industrial activity.

Commercial Assembly Hall: A hall or building that is open to the public and/or available for rent where more than ten (10) people can congregate for an event that may be used for multiple short-term uses or one continuous use.

Commercial Delivery: The delivery of goods, products, materials, or other similar items by any means other than that which would normally deliver to a residential neighborhood (i.e., U. S. Postal Service, UPS, Federal Express, etc.).

Commercial Dock: A dock that is used for commercial purposes, such as the sale of gasoline and other items for boating, and/or has slips or moorings available for lease or rent.

Commercial Indoor Recreation Facility: Any enclosed or semi-enclosed establishment operated as a commercial enterprise (open to the public for a fee) for the following activities: games and athletics, bowling, billiards or pool, darts, bingo, slot cars, hard

and soft courts, miniature golf, cultural activities, martial arts, archery, roller or ice skating, skateboarding, swimming, and activities incidental to the foregoing. Entertainment and recreation uses that occur indoors such as bowling alleys, soccer, hockey, tennis, swimming, or other similar uses and similar uses.

Commercial Indoor Shooting Range: A completely enclosed building or group of buildings which contains facilities that are open to members or the general public for a fee for the use of firearms and similar weaponry for training, testing, or recreational purposes in which noise, vibration, smoke, odor, and light flashes are contained within the building(s). Such facilities include the use of ammunition using kinetic propellants where a projectile is fired from a firearm. The presence of activities that include archery, paintball systems, video-based gaming, laser-based technology of low output and other technologies that do not cause emission of a destructive force, including compressed gas, air propulsion based firearms or spring-based propulsion systems, do not constitute an indoor firing range, although such activities may occur within an indoor firing range.

Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Commercial Outdoor Recreation Facility: Any outdoor establishment operated as a commercial enterprise (open to the public for a fee) for the following activities: games and athletics, batting and pitching cages, darts, hard and soft courts, miniature golf, radio-controlled vehicles and airplanes, pony rides, waterslides, cultural activities, martial arts, archery, camping, roller or ice skating rinks, skateboarding, picnicking, boating, fishing, swimming, golf driving ranges, and activities incidental to the foregoing, but not including amusement rides, amusement parks, or theme parks. Typical uses may include miniature golf, swimming pools, tennis courts, volleyball courts, soccer, baseball, go-cart tracks, batting cages, golf driving ranges (not associated with a golf course), amusement parks, and similar uses.

Commercial Outdoor Shooting Range: A specialized facility designed for firearms or archery practice or training that is located either entirely or partially outdoors and is open to members or the general public for a fee.

Commercial Stables: Housing for horses owned and used by someone other than the occupant or owner of the residence and including related shows, lessons, clinics and similar activities.

Concrete and Asphalt Plants: A commercial use involving the manufacturing and storage of concrete, cement, brick plaster, gypsum, lime, mortar, asphalt, tar, or other paving or plastering materials.

Concrete Monument: A permanent marker set by a land surveyor to mark or reference a point on a property or land line consisting of reinforced concrete at least four inches (4") square or in diameter and no less than two (2) feet in length.

Conditional Uses: Uses permitted within the underlying zoning district subject to the provided conditions as set forth in this Ordinance.

Conference or Exhibition Center: A building or complex of buildings that is used as a conference center and includes auditorium, meeting rooms, exhibition space, and/or banquet facilities.

Contractor's Office: An office used as a base of operations for construction activities that may also include outdoor storage of equipment and materials.

Contributing Structure: Any property, structure, or architectural resource which was designated as "contributing" by the National Register of Historic Places.

Correctional Facility: Any place designed for the overnight and long-term detention of incarceration of adult or juvenile offenders, also known as a jail or prison. Temporary holding cells at the Sheriff's Office are excluded from this definition.

County: Shall mean Pulaski County, Virginia.

Convenience Store: A small retail store that carries a variety of goods and merchandise that may be open for extended hours and is typically found in conjunction with a gas station.

Dam Break Inundation Zone: The area downstream of a dam that would be inundated or otherwise directly affected by the failure of a dam.

Day Camp/ Summer Camp: A tract of land used or designed to be used for seasonal accommodation of individuals in tents or similar rustic shelters or structures and for use by such individuals for sports, crafts, and other outdoor oriented activities and recreation.

Day Care Center (child or elderly): A facility which regularly receives 5 or more children for day care more than two days per week. A licensed establishment operated as a commercial enterprise or public facility which is operated only during a part of any twenty-four (24) hour day for the purpose of providing care, protection and supervision for compensation of six (6) or more children or more than four (4) aged, infirm, or disabled adults who reside elsewhere, at a time during any twenty-four-hour period. This term includes nursery schools, preschools, day care centers, after-school care, elder care centers, and other similar uses, but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four-hour period.

Dedication: The transfer of private property to public ownership upon written acceptance.

Department of Transportation Standards of Virginia: The "Subdivision Street Requirements," Virginia Department of Highways and Transportation (1996); "Road and Bridge Standards," Vols. I and II, Virginia Department of Highways and Transportation (1994); and comparable or later revisions of these works.

Developer: Any person or legal entity proposing to undertake the construction of buildings or other structures, or the development of land upon or within a subdivision or any portion thereof.

Development: Any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Density: A measurement of intensity defined as the number of dwelling units or rooms per net acre of land or the square feet of gross floor area for nonresidential purposes, as applicable.

District: The term applied to various geographical areas of the County for purposes of interpreting the provisions of this Ordinance. The Districts are designated with the use of symbols on the Official Zoning Map. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this Ordinance.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement: A deeded right expressed in recorded writing, given by the owner of land to another party of specific limited use of that land (i.e., access, drainage, water, sewer, public utility).

Existing Grade: The existing or natural slope of land expressed in terms of vertical drop per horizontal distance of land.

Fabrication: A business that builds a product from preexisting materials. The business may include assembly, bending, and other activities that modify parts to create a finished product. If more than 20,000 gallons of chemicals or gas (or dry equivalent) are stored in above-ground storage tanks or barrels, the use shall be deemed "Manufacturing" and not "Fabrication."

Fairway Distance: An area of open water extending outward from the open end of a boat slip intended to provide navigation room for a boat to exit or enter its moorings.

Family: One (1) or more persons related by blood, marriage, or adoption, or under approved foster care, or a group of not more than five (5) persons (including servants) living together as a single housekeeping unit.

Family Day Care Home (child or elderly): An occupied residence where child day care is regularly provided for no more than five children, including children living in the home and children received for day care who are related to the resident care giver. Provided, however, that an occupied residence in which child day care is regularly provided only for a child or children related to the resident care giver, or only for the child or children of one unrelated family, or only for a combination of such children is not a family day care home.

Farm Worker Housing: Housing for migrant, temporary, or permanent agricultural workers located on the same property as the farming operation. Housing shall only be permitted in permanent structures and shall not be permitted to occur in any vehicle, tent, manufactured home, or other mobile or temporary structure.

Fence: A structure constructed of posts, rails, wire, and, in some cases, barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard District: That area assigned by the Federal Flood Insurance Administration of Official Flood Hazard Area Maps, subject to a one percent or greater chance of flooding in any given year.

Floodplain: Any land area susceptible to flooding.

Floor Area, Gross: The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two (2) buildings, from the centerline of such common wall. Gross floor area shall exclude interior parking and loading spaces, and airspaces above atriums.

Floor Area, Net: Gross Area less the floor area taken up by hallways, stairs, elevator shafts, bathrooms, wall thicknesses, and mechanical areas.

Food Processing: A facility used for the further processing of foods or the combination of raw ingredients to produce marketable food products. Packaging, shipping, and other commonly associated accessory uses of Food Processing are considered part of the operation.

Forestry/ Timber Operations: The growing and harvesting of trees for the production of wood and/or wood products.

Foundation Planting: Landscaping around the base of a building to soften the building's appearance. May also be used to screen the building foundation from view.

Frontage: The side of a lot that abuts a street; the front lot line. See Lot, Front.

Frontage Street: The public or private right-of-way or easement that serves as primary access to a property.

Funeral Home: A facility used for the preparation of the deceased for burial or cremation, for the display of the deceased, and/or for ceremonies or services related thereto, including the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies. A crematorium with no more than one incinerator shall be considered an accessory use to a funeral home.

Game Reserve: A property used for the conservation of wild animals that may or may not be open to the public.

Garage, Private: A building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building for the storage of motor vehicles. No facilities for mechanical service or repair of a commercial nature shall be permitted in a private garage.

Garage, Public: A building or structure for the temporary parking of passenger vehicles, usually for a fee.

Gas Station: Retail facility selling gas/convenience items with no repair bays, no towing, no vehicle body or engine repair or exterior overnight storage permitted.

Glare: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Government/ Public Safety: Structure or use that is primarily for public, governmental organizations including offices, library, post office, drop sites/ recycling centers, fire station, police station, and other similar uses. This use does not include any other use specifically identified in this Ordinance.

Ground Cover: Low growing plants, which are generally horizontal in nature, used to cover the ground to prevent erosion and weeds.

Group Home: A residential facility in which no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, as residential occupancy by a single family. For the purposes of this definition, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in the Code of Virginia § 54.1-3401.

Health Official: The term "health official" shall mean the legally designated health authority of the state board of health for Pulaski County or his/her authorized representative. Such definition shall also apply to the term "health director," "director of public health," "health officer" or any other term of similar import.

Historic Structure: Any structure that is: (a) Listed individually in the National Register of Historic Places, which is maintained by the U.S. Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior (see note at end); or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior, or (ii) Directly by the Secretary of the Interior in states without approved programs.

Home Business/ Home Occupation: A use of a principal or accessory building that is clearly incidental and secondary to the property's residential purpose. The use does not change the character of the property or residential use.

Home, Attached Single-family: A single building designed as two or more dwelling units attached by a common wall or roof, but wherein each unit is located on a separate lot of record.

Home, Detached Single-family: A one family detached dwelling designed for or occupied by one (1) family.

Home, Duplex: A two family dwelling designed for or occupied by two (2) families.

Home, Manufactured: A structure, subject to federal regulations, that is transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and all systems, appliances, accessories, and furnishings sold with the home, including, among other things, the plumbing, heating, air conditioning and electrical systems, as defined in the Virginia Residential Code.

Home, Modular: A stick-built dwelling built off-site and transported to a property for permanent placement. Also known as an "Industrialized Building" in the Virginia Industrialized Building Safety Regulations.

Home, Multi-family: A building containing multiple dwelling units, including residential condominiums and apartments.

Horse Riding School: An enclosed or unenclosed building or portion of a building used exclusively for the equestrian riding activities by the building owner, guests, or employees.

Horse Training Facility: An enclosed or unenclosed building or portion of a building used exclusively for the equestrian training activities by the building owner, guests, or employees.

Hospitals: A licensed facility primarily providing in-patient medical, surgical, or psychiatric care for a period exceeding 24 hours. Hospital facilities may also include out-patient services and the following types of accessory activities: out-patient diagnostic and treatment centers, rehabilitation facilities, offices, laboratories, teaching facilities, meeting areas, cafeterias, maintenance, and parking facilities. This definition includes General Hospitals, Specialized Hospitals, Chronic Hospitals, Psychiatric and Substance Abuse Hospitals or Hospices.

Hotel/ Motel: A building or portion thereof, or a group of buildings, which provides sleeping accommodations, with or without meal service, for transients on a daily, weekly, monthly, or other temporary basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, extended stay, tourist cabin, tourist court, or tourist home.

Hunting Club/ Outdoor Lodge: A facility used by members or the general public for the primary purpose of hunting game or enjoying outdoor activities. Lodging for no more than twelve (12) overnight guests and an outdoor shooting range that has no more than three (3) ranges, which are adequately designed and built for safety purposes, may be considered as part of the Hunting Club/ Outdoor Lodge.

Immediate Family Member: Any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent of the property owner. This definition shall automatically include any mandatory family member as defined in the Code of Virginia and shall not automatically include any elective family members as allowed in the Code of Virginia.

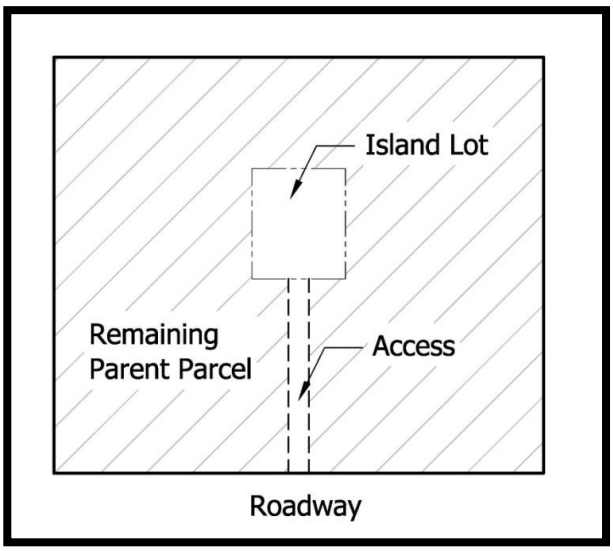
Impervious Surface: A surface, which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, patios, swimming pool decks, and other similar structures.

Improvement: The construction of buildings and the establishment of basic services and amenities associated with the development activity including, but not limited to, streets and sidewalks, parking areas, water and sewer systems, drainage system, property markers and monuments, and recreation facilities, (i.e., lakes, swimming pools, tennis courts, golf courses, riding stables, club houses, cabanas, marinas, docks and the like).

Inn: A structure where the rental of seven (7) to twelve (12) rooms may be offered for overnight occupation provided a parking place be provided on site for each room for rent.

Iron Pin: Pin or rod at least 3/8" in diameter set three (3) feet deep or as deep as practical in locations with shallow bedrock used to signify a property corner or change in property line direction.

Island Lots: Lots that are entirely surrounded by the original parent parcel- depicted as follows:



Jetty: A structure extended into the Lake to influence the current or to protect a harbor, beach, or structure.

Junk/ Salvage Operation: A commercial use that involves the collection, storage, sale, and/or stripping of vehicles, boats, and other items, which are typically stored outdoors.

Kennel/ Animal Shelter: A facility that provides boarding for five (5) or more dogs, cats, or other household pets, usually for a fee; is for breeding dogs, cats, or other household pets; and/or that may include grooming, training, or selling of animals.

Landfill: A property that is used for the disposal of refuse or other waste material by burying it with earth. Landfills shall be permitted by the Depart of Environmental Quality.

Landscaped Median: Planting areas which generally run the length of parking aisles in a parking area.

Large-scale Agriculture: Agricultural activities that include more than five (5) head of cattle, pigs, hogs, or other farm animal per acre; intensive plant/crop production using greenhouses; or aquaculture/ aquaponics/or other aquatic farming operations that use more than 1,000 gallons of water in aquariums/ ponds. Large-scale Agriculture may include packing and distribution of commodities produced on-site, as well as related offices necessary for the operation.

Large-scale Outdoor Recreation Facility: Property used for leisure activities that are mainly outside an enclosed building that may draw large groups of people, produce significant traffic, and/or noise, such as, but not limited to amusement parks, water parks, sports arenas, stadiums, and racetracks.

Light Assembly: An industrial use that includes processing, packaging, and assembly of parts not produced on site. If a Light Assembly operation contains buildings that exceed 100,000 square feet, it shall be classified as Manufacturing.

Livestock Market: A commercial establishment that is used for the sale of livestock and other agricultural animals. Animals shall not be housed on the premises for more than forty-eight (48) hours.

Loading Space, Off-street: Space for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Lot: An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or legally recorded deed as recorded with the Clerk of Circuit Court of Pulaski County. The term "Lot of Record," a used throughout this Ordinance is interchangeable.

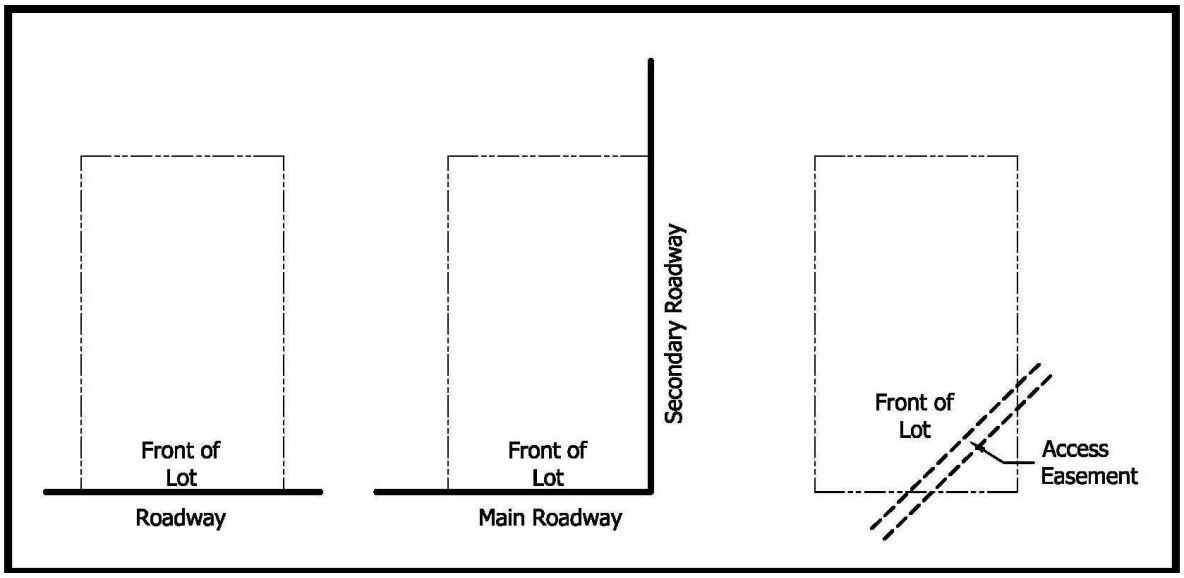
Lot, Conservation: A parcel or lot that has been dedicated to a land trust, homeowners, condominium, or similar association, government agency or other entity through an easement or other transfer of ownership, and set aside in perpetuity as open space in a cluster subdivision.

Lot Coverage: That portion of a lot, which when viewed from directly above, would be covered by any building or structure. For the purposes of this definition, lot shall include contiguous lots of the same ownership within a single zoning district which are to be used, developed, or built upon as a single unit.

Lot Depth: The average horizontal distance between front and rear lot lines. The average shall be computed based upon the horizontal distances of the side lot lines and the distance of a line connecting the midpoints of the front and rear lot lines.

Lot, Flag: A "flag" shaped lot with its widest point set back from the road at the rear of another lot and a thin strip of land connecting to the road to provide legal access and frontage.

Lot, Front: The front of the lot shall be determined by the UDO Administrator, which shall typically be the line adjacent to the roadway, line that contains access into the lot, or the short side of the lot if it fronts more than one roadway. The UDO Administrator may designate the front of a lot to be the portion adjacent to Claytor Lake or the New River. Examples of front lot lines are as follows:



Lot Width: The average horizontal distance between side lot lines. The average shall be computed based upon the straight line horizontal distances of the front and rear lot lines and the distance of a line connecting the midpoints of the side lot lines.

Lot of Record: A lot that existed and was described and defined as part of the public land record prior to the date of adoption of this Ordinance.

Low Impact Development: A design approach to managing stormwater runoff that emphasizes conservation and use of on-site natural features to protect water quality.

Manufactured Home Park: A property or contiguous properties designed to accommodate three (3) or more manufactured homes. The areas used to place a manufactured home may be leased or sold.

Manufactured Home Sales: A property used to sell manufactured homes and/or modular homes that are setup for display to the general public. Used manufactured homes for sale shall not be visible from an adjacent property or a public right-of-way.

Manufacturing: An industrial use engaged in the basic processing and making of a product from materials or products predominately from extracted or raw materials. Manufacturing also includes any process that uses or stores flammable or explosive materials or other materials that may be deemed hazardous. Large-scale assembly operations may also be categorized as Manufacturing.

Marina: A specially designed harbor with moorings for watercraft.

Meat Processing: A facility that butchers, sorts, cleans, and packages meat. Rendering, waste treatment, or killing of animals on the premises shall not be allowed. Waste shall be temporarily stored and removed off-site for disposal at another facility.

Medical Offices and Clinics: A health care facility in which a doctor, dentist, psychiatrist, psychologist, counselor, physician's assistant, nurse practitioner, or similar licensed medical provider treats or counsels patients. This use also includes birthing centers, outpatient surgical centers, outpatient mental health treatment centers, and other similar uses.

Mini-warehouse or Self-service Storage: A commercial use offering separate storage units for short- or long-term rental, where personal items of the general public may be stored and accessed independently.

Mining and Mineral Extraction: A property that is being used to mine or extract materials, other than sand or stone, from the earth. Materials may include, but not be limited to, coal, mineral, metal, or other ore.

Mixed-Use: The combination of commercial, residential, cultural, or institutional uses in one development, property, and/or building. This combination could occur as vertical or horizontal blending of uses. The uses should be compatible to one another and not cause direct conflict or have the potential for direct conflict.

Mobile Food Vending: A self-contained food service operation, located in a readily movable motorized wheeled or towed vehicle, used to store, prepare, display or serve food intended for individual portion service.

Motor Vehicle Sales and Service: A commercial business that includes the sale and service of automobiles, trucks, recreational vehicles, boats, campers, tractors, and other motorized vehicles including storage and incidental maintenance and repair.

Motor Vehicle Service/ Repair: Buildings and premises on any parcel or lot where gasoline, oils and greases, batteries, tires, and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation) where no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and permitting the sale of cold drinks and packaged goods as accessory only to the principle operation.

Natural Resource Extraction: The removal of naturally occurring resources such as natural gas and oil from the earth. Natural Resource Extraction shall not include hydraulic fracturing.

Neighborhood Commercial: Smaller scale retail business that is designed to serve either a neighborhood or a rural area of the County and is not designed to act as a regional retail center.

Nonconforming Building: Any building the size, dimensions, or location of which was lawful when erected or altered, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this Ordinance.

Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful at the time the lot was created, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this Ordinance.

Nonconforming Use: A use or activity which was lawful when originally established, but which fails to conform to the current standards and regulations due to the adoption, revision, or amendment of this Ordinance.

Nuisance: Any activity which is judged by the UDO Administrator, Board of Supervisors, or the appropriate agency thereto to emit noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation, or other injurious or obnoxious conditions beyond the premises of such activity, or which poses a documented threat to water or wetlands within the County.

Nursery/ Garden Center: A wholesale or retail operation growing and selling trees and other plants, as well as garden supplies, such as, but not limited to, seed, fertilizer, soil, tools, statuary, and mulch. Both indoor and outdoor sales of such items are included in this definition.

Open Space: Land typically within or related to a development that is not individually owned, which is intended for the common use or enjoyment of the residents of the development and/or the general public and may include such complementary structures as are necessary and appropriate. Open space may include, recreation centers, swimming pools, tennis and basketball courts, community gardens, and other similar facilities.

Outdoor Sales: The sale, display, and storage of goods and merchandise that is not located within an enclosed building.

Outdoor Storage: The keeping, in other than a building, of any goods, materials, or merchandise on the same parcel for more than twenty-four (24) consecutive hours.

Overlay District: A district established by this ordinance to prescribe special regulations to be applied to a site in combination with the underlying or base district.

Owner: An owner of a legal or equitable interest in real property including the heirs, devisees, successors, assigns, and personal representatives of the owner. "Landowner" may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as his agent or representative for purposes of an application submittal.

Parcel: A piece of land shown with a separate identification on the official property identification maps. Also, interchangeable with "lot," "tract," "plot," or other words defined as a piece of land.

Park: A tract of land designated, used by, and open to the public for passive or active recreation and equipped for the conduct of sports or leisure time activities.

Pathway: A bikeway, walkway, or trail physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Shared use pathways may include multiple users, such as pedestrians, skaters, bikers, wheelchair users, joggers, and other non-motorized users.

Permanent Structure: A structure designed and built on a foundation that is meant to be permanent and not temporary or easily movable. Examples of non-permanent structures include a tent, mobile unit, trailer, recreational vehicle, or other temporary building.

Person: Any individual, firm, corporation, partnership, joint venture, public or private corporation, association of persons, body politic, trust, estate, or other legal entity, or any agent of any of the foregoing.

Personal Services: Personal service uses include a barber/beauty shop, shoe repair, tailor, instructional arts studio, photography studio, laundry or cleaning pickup and receiving station, handcrafted art work studio, travel bureau, and custom printing or duplicating shop.

Pet, Household: Animals that are kept for personal use or enjoyment within the home. Household pet shall include, but not be limited to, dogs, cats, birds, reptiles, amphibians, and rodents. Household pets are exempt from the provisions of this Ordinance.

Planting Island: Planting areas located within parking areas. These islands may also be located along the perimeter of a parking area for the purpose of providing screening from a right-of-way or adjacent property.

Plat: A survey prepared and sealed by a professional engineer or land surveyor licensed by the state showing thereon a subdivision of land.

Plat, Final: The plat of a proposed subdivision of land that has been preliminarily approved and signed by the agent as a preliminary plat, subsequently recorded or to be recorded with the clerk's office.

Plat, Preliminary: A survey drawing of a proposed subdivision submitted for the purpose of obtaining provisional approval prior to the submittal of a final plat.

Private School: A private education facility that provides regular daily classroom, lab or other similar learning environments for students, including activities, facilities and grounds accessory to education, including pre-, primary, secondary, vocational, and higher education institutions. Housing and/or dormitories associated with the school may be permitted on the school grounds as part of the Private School.

Ponds- 2 Acres or More: The construction of surface ponds that exceeds two (2) acres in size, as measured on the surface.

Porch: A roofed area, attached at the ground floor level or first floor level, and to the front of a building, open except for railings and support columns.

Power Generation Plant: A facility used for the generation of electric power that may include, but not be limited to, coal fired, natural gas fired, hydroelectric, or solar powered. Wind powered turbines are not considered a Power Generation Plant (see "Wind Energy Facility"). Individual home or business use of solar panels shall not be considered a Power Generation Plant and are considered an Accessory Use.

Principal Building or Structure: A building or structure in which the primary use of the lot on which the building is located is conducted.

Principal Use: The main use of land or structures as distinguished from a secondary or accessory use.

Private Airstrip: An area of land or water that is used as a runway for airplanes or a helipad for helicopters that is not licensed by the Federal Aviation Administration and is designed to be used by an individual or group of individuals. Private Airstrips shall not be open to the public.

Produce Stands: A temporary establishment for the seasonal retail sales of agricultural and horticultural products, not including the sale of live animals, grown or produced within the County. This establishment may be a structure or vehicle and shall include products picked by the consumer.

Professional Offices: A building or structure used for office space for businesses, non-profits, and/or other professional service operations. Professional Offices may include regular visits and interactions with clients, customers, or patrons on-site. Examples include accountants or lawyers, architects and engineers, travel agent, data processing centers, insurance, real estate, or similar office environments.

Public: Unless otherwise specifically indicated, public shall mean anything owned, operated, provided and/or maintained by a local, state, or federal government.

Public Improvement: Any drainage structure, water and sewer system, storm water management area, or street for which the County or Commonwealth may ultimately assume the responsibility for maintenance and operation.

Public Water and Sewer Systems: A water or sewer system owned and operated by: (1) a municipality or county; or, (2) a private individual or a corporation approved and properly licensed by the State Corporation Commission prior to the adoption date of this ordinance; and meeting the requirements of the State Health Department and/or Virginia Department of Environmental Quality.

Public School: A public education facility that provides regular daily classroom, lab or other similar learning environments for students, including activities, facilities and grounds

accessory to education, including pre-, primary, secondary, vocational, and higher education institutions.

Quarry: A property that is being used to mine or extract sand or stone from the earth.

Real Property or Property: The earth, water, and air, above, below, or on the surface of, a portion of land that also includes improvements or structures that is subject to the land use and development ordinances or regulations of a local governing body.

Recreational Vehicle: A vehicle which can be towed, hauled or driven, designed and used as temporary living accommodations for recreational, camping or travel uses only. Recreational vehicles shall include travel trailers, pick-up campers, motor homes, tent trailers or similar devices used for temporary mobile housing, boats and personal watercraft.

Recycling Operation: A facility or property that collects and stores waste to ship to a facility for conversion into reusable materials or a facility or property that converts waste into reusable materials. Shipping, warehousing, and other accessory uses may be considered a Recycling Operation.

Religious Assembly: A church, synagogue, temple, or other facility that is used for prayer, contemplation by persons of similar beliefs or conducting formal religious services on a regular basis. Secondary uses clearly incidental to the primary Church use such as the Church operating day care, elder care, conducting group meetings, and the like shall be considered a permitted use.

Research and Laboratory: An office or facility that is used for research, testing, or other scientific purposes which does not have day-to-day interaction with the general public.

Retail Businesses: Business, structure or activity involving the sale of goods or merchandise, from a fixed location, in small or individual lots for direct consumption by the purchaser. Retail Businesses do not include adult oriented businesses.

Residential Chicken Keeping: The keeping of laying hens for personal use in a residentially zoned district.

Residential Dock: A dock specifically for use by a residence or a group of residences, and not for any commercial activity.

Restaurant: Establishment where food and beverage are prepared, served, and consumed primarily within the principal building.

Right-of-way: A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

Roadway/ Street: A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.

Roadway/ Street, Private: A right-of-way, which has not been dedicated or publicly accepted by the Commonwealth or County.

Roadway/ Street, Public: A dedicated public right-of-way, which affords means access to abutting property and which has been accepted for maintenance by the County or VDOT. For the purposes of these regulations, the term "street" or "streets" shall also mean avenues, boulevards, roads, lanes, and other public ways.

Sawmill: A facility or property that is used to saw logs into lumber. The logs may be harvested on-site or come from other properties. Does not include portable sawmills placed on a property for less than six (6) months.

Screening: A method of visually shielding or obscuring an abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation. Screening is intended to substantially, but not necessarily totally obscure visual impacts between adjoining uses.

Service Dock: A dock that is used to provide services such as gasoline dispensing, boat rentals, etc.

Setback: The minimum distance by which any building or structure must be separated from a street right-of-way or lot line, as measured to the vertical wall or gas pump canopy.

Sewage Treatment Plant: A facility that receives raw sewage and/or other wastewater for the purposes of reducing the organic and bacterial content and cleaning the sewage/ wastewater. The facility shall be licensed by the State Water Control Board and/or the Department of Health.

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

Shared Parking: A system of parking, typically applied to buildings of differing uses that each have peak parking demands at different times within a 24 hour period, thereby allowing some parking spaces to be shared.

Shoreline: The shoreline shall be the boundary line between a body of water and the land. This line shall consist of the sloping margin of, or the ground bordering, a stream and serving to confine the water to the natural channel during the normal course of flow. It is best marked where a distinct channel has been eroded to the valley floor or where there is a cessation of land vegetation.

Sign: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

Sign, Banner: A sign applied to cloth, paper, flexible plastic, or fabric of any kind and generally intended to be displayed on a temporary basis.

Sign, Business: A sign which directs attention to a profession or business conducted, or to a commodity, service activity or entertainment sold or offered, upon the premises where the sign is located, or in the building to which the sign is affixed.

Sign, Canopy: Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Sign, Changeable Copy: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

Sign, Construction: A temporary sign identifying an architect, developer, builder, general contractor, subcontractor, material supplier, and or financing entity participating in construction on the property on which the sign is located.

Sign, Directional: Any sign displayed for the direction and convenience of the public, including signs which identify rest rooms, location of public telephones, public entrances, freight entrances or the like.

Sign, Electronic Message Center: A sign that uses electronic characters, letters, or illustrations to display a message. A sign on which the only copy that changes is an indication of time or temperature shall be considered a "time and temperature" sign, allowed to be included as wall signage, and not a changeable copy sign for purposes of this Ordinance.

Sign, Freestanding/ Monument: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Sign Height: The vertical distance measured from grade at the base of sign to the highest portion of the sign or sign structure.

Sign, Identification: A permanent sign displaying only the name of a subdivision, multifamily housing project, shopping center, industrial park, office park, church, school, public or quasi-public facility or similar use type.

Sign, Nonconforming: Any sign that does not conform to the requirements of this Ordinance.

Sign, Off-premises: Any sign which directs attention to a message, or business, commodity, activity, service, or product not conducted, sold, or offered upon the premises where the sign is located.

Sign, On-premises: Any sign which directs attention to a business, commodity, activity, service or product conducted, sold, or offered upon the premises where the sign is located.

Sign, Political Campaign: A sign relating to the election of a person to public office, or a political party, or a matter to be voted upon at an election called by a duly constituted public body.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designated to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; and umbrellas used for advertising.

Sign Setback: The minimum distance required between any property line and any portion of a sign or sign structure.

Sign, Temporary: Any sign that is used only temporarily and is not permanently mounted.

Sign, Vehicle: Any sign that is attached or affixed to a vehicle for the advertisement of business, such as a banner. This shall not apply to vehicles used in the daily operation of the business.

Sign, Wall: Any sign attached parallel or perpendicular to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays one or two sign surfaces.

Site: A space or piece of ground occupied or planned for occupation by structures or a set of structures and/or support improvements.

Slaughterhouse: A facility where animals are butchered for their meat, fur, or other body part. Slaughterhouse may include accessory uses directly related to live animal housing, butchering, processing, packaging, and distribution.

Small-scale Agriculture: Agriculture on a smaller scale that is more compatible with residential uses and able to be sustained on a smaller lot.

Small-scale Junk and Salvage Operation: Junk and Salvage Operation on a smaller scale that is more compatible with residential uses and able to be sustained on a smaller lot.

Special Use: A use with operating and/or physical characteristics different from those uses permitted by right in a given zoning district which may, nonetheless, be compatible with those by right uses under special conditions and with adequate public review. Special uses are allowed only at the discretion and approval of the Board of Supervisors, following review and recommendation by the Planning Commission in accordance with this Ordinance.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals and pubic regions, buttocks, or female breasts below a point immediately above the top of the areola and/or Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Means:

a. Actual or simulated sexual intercourse of any type with a human, animal, or inanimate object;
b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence;
c. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast;
d. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; and
e. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons.

Stoop: A small platform and / or entrance stairway at a house door that is commonly covered by a secondary roof or awning.

Structure: Anything that is constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, signs, manufactured homes, seawalls, and docks. Retaining wall (not seawalls) and fences shall not be deemed structures except as otherwise specifically provided in this ordinance.

Structural Alteration: Any change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof, exterior walls, or support beams/ piles.

Site Plan: A schematic drawing of a proposed development or a subdivision including all covenants, grants, or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such information as may be required by the county's land development procedures or this chapter. Also, "plan."

Subdivider: Any person, including an owner or developer, or his/her assignee or successor in interest, commencing, or required by law to commence, proceedings under this chapter to effect a subdivision of land hereunder for himself/herself or for another.

Subdivision: All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, building development, or other use, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further

division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record.

Subdivision Agent: The UDO Administrator who is duly authorized by the Board of Supervisors to serve as its agent to administer and enforce the subdivision regulations contained in this Ordinance. Also, "agent."

Subdivision, Major: The creation of more than five (5) lots.

Subdivision, Minor: The creation of five (5) or fewer lots.

Subdivision Variance: An exemption from or variation of the terms of the subdivision standards contained in this Ordinance.

Tattoo/ Body Art Parlor: Any room, space, location, area, structure, or business, or any part of any of these places where tattooing is practiced or where the business of tattooing is conducted and which is licensed by the Commonwealth as a tattoo facility.

Telecommunication Towers: A tower, pole, or similar structure designed to support telecommunications antennae which is operated for commercial purposes or by a commercial entity. Telecommunications antennae mounted on roofs or other existing structures that do not exceed twenty (20) feet in height, as measured from the roof, are not considered telecommunication towers for the purposes of this Ordinance and only require a Zoning Permit for approval. This does not include private, home-use television reception antennae, satellite dishes, or communication towers for amateur radio operation licensed by the Federal Communications Commission.

Temporary Family Health Care Structure: A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one (1) occupant who shall be the mentally or physically impaired person, (iii) has no more than three hundred (300) gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code. These structures shall be considered a permitted accessory dwelling; however, only one (1) shall be allowed per lot.

Temporary Use: A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time; and does not involve the construction or alteration of any permanent structure. Temporary uses may include but are not limited to Christmas tree sales, indoor and outdoor art, craft shows, plant shows, other similar exhibits and sales and other uses as approved by the UDO Administrator.

Theaters and Auditoriums: An establishment devoted to the showing of motion pictures or live performances either indoors or outdoors. This use does not include any uses that fall under the definition of Adult Oriented Uses.

Transient: A person who is staying or working in a place for only a short time.

Treatment/ Rehabilitation Clinic: A facility designed to provide on-site medical assistance, counseling, prescriptions, support, detoxification, and other assistance to clients facing addiction or mental disability. These facilities may include on-site overnight care for medical purposes, long-term rehabilitation, meeting rooms, therapy areas, and other common accessory uses to treat addiction, mental disabilities, and other related medical diseases or conditions.

Tree: Any self-supporting, woody perennial plant, which can grow to at least a diameter of eight inches or more, measured four and one-half (4.5) feet up from the base, which normally attains a height of at least ten (10) feet at maturity, and usually has one (1) main stem or trunk and many branches.

Tree, Deciduous: A tree which loses all of its leaves at some time during the year.

Tree, Evergreen: A tree which retains some or all of its leaves throughout the year.

Tree, Large: A tree that typically grows to reach a width and/or height greater than 25 feet at maturity.

Tree, Small: A tree that typically grows to reach a width and/or height of no more than 25 feet at maturity.

Undeveloped Land: Land in its natural state before development.

Use: The purpose or activity for which the land or building thereon is designed, arranged, or intended for which it is occupied and maintained.

Utilities: Centralized facilities and equipment necessary to manage and operate support infrastructure in surrounding areas. Examples include utility substations, pump stations, fire or police stations, water tower, or similar public infrastructure.

Vacation of Recorded Plat: The nullification of a previously recorded plat, or portion thereof, before or after the sale of any lot created therein.

Variance: A reasonable deviation from the provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure in accordance with section 15.2-2201 of the Code of Virginia, as amended.

VDOT: The Virginia Department of Transportation.

Veterinary Clinic: An establishment offering treatment or prevention of animal diseases for household pets or farm animals/ livestock. Overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

Warehouse or Distribution Operation: A commercial facility used for receipt, temporary storage, and redistribution of goods according to the customer orders as they are received.

Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature, natural or man-made, on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Watercraft: Any boat, ship, vessel, barge, or other floating craft.

Wholesale Operations: A business or facility that sells goods in large quantities to be retailed by others. Shipping, warehouses, and other related uses may be accessory to Wholesale Operations.

Wildlife Rehabilitation Center: A facility or property used to treat and care for injured, orphaned, or sick wild animals so that they can be released back into the wild.

Wildlife Sanctuary: A property used as a refuge for abused, injured, or abandoned captive wild animals may live with no intention of releasing them back into the wild.

Wind Energy: Power generated by converting the mechanical energy of wind into electrical energy through use of a wind generator.

Wind Energy Facility: An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Wind Energy Tower: The structure on which the wind turbine is mounted.

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

Wind Turbine: A wind energy conversion device that converts wind energy into electricity through use of a wind turbine generator; typically having one (1), two (2) or three (3) blades, nacelle, rotor, generator, controller and associated mechanical and electrical conversion components mounted on top of a tower.

Wind Turbines- Large: A wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 100 kW. These facilities typically have off site applications.

Wind Turbines- Medium: A wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a

total rated capacity of more than 20 kW but not greater than 100 kW. Heights for Medium Wind Turbines shall be no greater than 150 feet.

Wind Turbines- Small: A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A Small Wind Turbine consists of a single wind turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 20 kW or less. Small Wind Turbines may also be mounted on buildings or other manmade structures in lieu of a tower. Heights for Small Wind Energy Facilities shall be no greater than 60 feet.

Winery: A property on which wine is made. Growing of grapes, bottling of wine, shipping wine, providing tours and tastings, retail sales of wine produced on-site, and other commonly associated uses are allowed to be considered a Winery.

Yacht Club: A sports club specifically related to yachting and boating. Yacht clubs may have other accessory amenities or uses, such as, but not limited to, tennis, restaurant, pool, and other uses commonly associated with a yacht club.

11.2 Interpretations

A. **Flexibility:** Many Sections of this Ordinance allow the UDO Administrator some flexibility. This flexibility is solely intended to allow property owners in the County the opportunity to develop their property due to the wide variations in conditions throughout the County; however, all development shall meet the purpose and intent of this Ordinance. Nothing in this Ordinance shall require the UDO Administrator to deviate from the explicitly listed standards in this Ordinance.
B. **Uses Not Listed:** Uses and activities not provided for or addressed by the terms of this Ordinance shall be considered prohibited uses and activities, unless the UDO Administrator determines that the use or activity is compatible and consistent with the provisions of this Ordinance. The UDO Administrator shall have the ability and authority to make determinations of vague, unclear, or conflicting standards contained in this Ordinance.
C. **District Boundaries:** If uncertainty exists regarding the location of a District Boundary such boundary shall generally follow property lines, roads, streams, rivers, railroad tracks, or other physical dividers. If it is still unclear as to where the District Boundary is located, the Board of Zoning Appeals shall determine the boundary.

11.3 Resources, Guides, and Industry Standards

A. Resources, guides, and industry standards that are recognized as reputable authority in the planning, urban design, engineering, transportation, urban forestry, or other applicable profession, may be used as a supplement to interpreting this Ordinance. Any use of such resources, guides, and industry standards shall be subject to the approval of the UDO Administrator upon a determination that the content is consistent with the Comprehensive Plan and the purposes, intent, and design objectives of this Ordinance.

Best practices published by such professional organizations as the American Planning Association (APA), Congress for the New Urbanism (CNU), Institute of Transportation Engineers (ITE), and the Urban Land Institute (ULI) may also be used.

B. Design guidelines addressing any specific site or building design issues for public or private property may be prepared by the UDO Administrator, and may be used as a supplement to interpreting this Ordinance. Any use of design guidelines shall be subject to the approval of the UDO Administrator upon a determination that the content is consistent with the Comprehensive Plan and the purposes, intent, and design objectives of this Ordinance. The UDO Administrator may elect to require approval by the Planning Commission, Board of Supervisors, or other public review body prior to its use. Any design guidelines approved by the UDO Administrator shall be kept on file at the County Administration Building.

C. These materials shall only be used to aid in the interpretation and application of these regulations, and shall not be used to modify, contradict, or in any way change the standards and requirements of these regulations.