



# Unified Development Ordinance

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Pulaski County, Virginia

**Original Adoption - October 26, 2015**

## **Amendments**

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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 which is incorporated herein by reference.

## **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 statutes. 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 forest 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 statutes. 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 Pulaski County Circuit Court.

## 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. Policies or procedures to facilitate implementation of planning and zoning elements; and
    - vi. 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 30 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, solar farms 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. **Special Exception**-A Special Exception shall pertain solely to certain uses which by their nature or design can have an undue impact upon, or be incompatible with, other uses of land. These uses, described as special exception uses this Unified Development Ordinance, may be allowed to locate within designated zoning districts under the controls, limitations and regulations of a special exception approved by the Board of Supervisors. Special Exception is authorized by in the Code of Virginia [15.2-2288 15.2 23-10](#).
  - a. Application shall be for utility uses for serving a residential development.
  - b. Application shall be meet all advertising requirements per the Code of Virginia [15.2-2204](#).
  - c. The use shall not pose a risk to the health, safety, or welfare of people in the area in which it will be located.
7. **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.
8. **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](#).
9. **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.
10. **Major Zoning Site Plan**: The site plan requirement is dependent on the site location, projected impact to the community, proposed change in traffic type/volume and the level of ground disturbance. Required for large projects, new development and when at the discretion of the UDO Administrator site design requires professional design. Development projects that may require a major site plan include;
  - a. new industrial, commercial, mixed-use, institutional, multi-family, small home communities, 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. new manufactured home park or modification to an existing manufactured home park; or
  - d. 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.
11. **Minor Zoning Site Plan**: A Minor Zoning Site Plan shall be required for any commercial, industrial or multi-family development, including the following types of development;

- a. minor modification to an existing commercial, industrial, 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, multi-family or townhouse;
  - c. a use that requires specific site elements that need to be evaluated for safety, health or welfare;
  - 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.
12. **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.
13. **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.
14. **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.
15. **Subdivision:** A Subdivision application and 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.
16. **Lot Line Revision:** A Lot Line Revision application and plat shall be required anytime there is a modification to an existing parcel or boundary line, as long as no new parcel is created.
17. **Plat Vacation\*:** A Plat Vacation shall be required to vacate an existing, recorded plat.
18. **Right-of-Way Vacation\*:** A Right-of-Way Vacation shall be required to vacate a public, platted right-of-way.
19. **Public Land Dedication\*:** A Public Land Dedication shall be required for Pulaski County to accept land or facilities for public use or maintenance.
20. **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, fences, personal playgrounds, tree houses, retaining walls, and other decorative garden/play structures used for residential purposes are 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, when required, shall be filed with Pulaski County to ensure that development will be completed.
  - 1. Development Sureties do not apply to an individual property owner who is building his/her own single-family home.
  - 2. Development Sureties may be required for the 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. To ensure that a development is properly completed, a surety may be required, at the discretion of the UDO Administrator;
    - 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**

<b>Board of Zoning Appeals Applications</b>	<b>Fees</b>
Administrative Appeal	\$450
Variance	\$450
<b>Site Development Applications</b>	<b>Fees</b>
Major Site Plan	\$350
Minor Site Plan	\$50
Small Wind Energy Facility	\$400
Medium Wind Energy Facility	\$600
Large Wind Energy Facility	\$3,500
Temporary Meteorological Tower	\$25
<b>Subdivision Applications</b>	<b>Fees</b>
Family Subdivisions	\$80
Creation of Family or Church-Adjunctive Cemetery Lot	\$50
Creation of Utility Lot	\$50
Creation of One Lot/Single Division of Property	\$100
Creation of more than One Lot/ Multiple Lot Subdivision	\$200
Lot Line Revision/ Boundary Adjustment	\$75
Plat Vacation	\$175
Right-of-Way Vacation	\$450
Subdivision Variance Request	\$450
<b>Zoning Applications</b>	<b>Fees</b>
Comprehensive Plan Amendment	\$450
Sign Permit	\$35
Special Use Permit	\$450
UDO Text Amendment	\$450
Zoning Map Amendment	\$450
Zoning Permit	\$40
Zoning Permit Change in Use	\$40
Zoning Verification Letter	\$25
No Wake Buoy	\$450
<b>*** If an Applicant request to delay their hearing, they must pay for both Ads, along with the postage for all adjacent letters to be resent. ***</b>	



## **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. All Zoning Districts require an additional 10’ setback from VDOT Limited Access Areas. 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 agricultural activities as primary uses, while limiting other uses that may have adverse impacts on agriculture. This district is designed to fulfill the following objectives:

1. Provide for a wide range of agricultural uses and to support activities associated with the production and harvesting of crops, livestock, animal products, or plant material;
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 prime farmland for production of food and fiber by preventing incompatible uses and by limiting the spread of urban growth into agricultural areas; and
5. Reduce the 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](#).

#### **C. Lot Standards:**

Minimum Lot Size	1 acre
Maximum Building Height (2)	40 feet
Maximum Lot Coverage	50%
Building Setbacks (3)(4)	Front: 35 feet Side: 20 Feet Rear: 35 Feet
Accessory Building Setbacks (more than 256 square feet)	Front: 35 Feet Side: 10 Feet Rear: 10 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 35 Feet Side: 3 Feet Rear: 3 Feet
Accessory Building Maximum Height (1)	35 feet
Structure Separation	Detached dwellings shall be a minimum of ten (10) feet apart and detached accessory structures shall be a minimum of 3 (three) feet from other structures.

(1)Agricultural structures can exceed the maximum building height, when 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 up to ten (10) feet if each setback is increased by one (1) foot for every foot increase in height.

(3)The setback for properties that front Claytor Lake, the New River, or the portion of Peak Creek that is located between I-81 and Claytor Lake may be reduced to twenty-five (25) feet from the property line that is immediately adjacent to the water.

(4)Corner lot setback is defined in Article 11.

#### 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. 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](#).

**C. Lot Standards:**

Minimum Lot Size	2 acre
Maximum Building Height (2)	40 feet
Maximum Lot Coverage	50%
Building Setbacks (3)(4)	Front: 35 feet Side: 20 Feet Rear: 35 Feet
Accessory Building Setbacks (more than 256 square feet)	Front: 35 Feet Side: 10 Feet Rear: 10 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 35 Feet Side: 3 Feet Rear: 3 Feet
Accessory Building Maximum Height (1)	35 feet
Structure Separation	Detached dwellings shall be a minimum of ten (10) feet apart and detached accessory structures shall be a minimum of 3 (three) feet from other structures.

(1)Agricultural structures can exceed the maximum building height, when 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 up to ten (10) feet if each setback is increased by one (1) foot for every foot increase in height.

(3)The setback for properties that front Claytor Lake, the New River, or the portion of Peak Creek that is located between I-81 and Claytor Lake may be reduced to twenty-five (25) feet from the property line that is immediately adjacent to the water.

(4)Corner lot setback is defined in Article 11.

#### 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. 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](#).

**C. Lot Standards:**

Minimum Lot Size	.75 Acre
Maximum Building Height (2)	40 feet
Maximum Lot Coverage	50%
Building Setbacks (3)(4)	Front: 25 feet Side: 15 Feet Rear: 35 Feet
Accessory Building Setbacks (more than 256 square feet)	Front: 25 Feet Side: 10 Feet Rear: 10 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 25 Feet Side: 3 Feet Rear: 3 Feet
Accessory Building Maximum Height (1)	35 feet
Structure Separation	Detached dwellings shall be a minimum of ten (10) feet apart and detached accessory structures shall be a minimum of 3 (three) feet from other structures.

(1)Agricultural structures can exceed the maximum building height, when 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 up to ten (10) feet if each setback is increased by one (1) foot for every foot increase in height.

(3)The setback for properties that front Claytor Lake, the New River, or the portion of Peak Creek that is located between I-81 and Claytor Lake may be reduced to twenty-five (25) feet from the property line that is immediately adjacent to the water.

(4)Corner lot setback is defined in Article 11.

#### 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 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 development of single-family homes;
2. Provide for a safe, clean, and enjoyable environment for living and for promoting neighborhood character;
3. Discourage 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](#).

**C. Lot Standards:**

Minimum Lot Size	.25 acre (public water & public sewer) .5 acre (public water or public sewer) .75 acre (private well & private septic)
Maximum Building Height (1)	40 feet
Maximum Lot Coverage	50%
Building Setbacks (2)	Front: 25 feet Side: 15 Feet Rear: 25 Feet
Accessory Building Setbacks (more than 256 square feet)	Front: 25 Feet Side: 10 Feet Rear: 10 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 25 Feet Side: 3 Feet Rear: 3 Feet
Accessory Building Maximum Height	35 feet
Structure Separation	Detached dwellings shall be a minimum of ten (10) feet apart and detached accessory structures shall be a minimum of 3 (three) feet from other structures.

(1) Maximum building height can be increased by up to ten (10) feet if each setback is increased by one (1) foot for every foot increase in height.

(2) Corner lot setback is defined in Article 11.

#### 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. 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](#).

**C. Lot Standards:**

Minimum Lot Size	.25 acre (public water & public sewer) .5 acre (public water or public sewer) .75 acre (private well & private septic)
Maximum Building Height (1)	40 feet
Maximum Lot Coverage	50%
Building Setbacks (2)	Front: 25 feet Side: 15 Feet Rear: 25 Feet
Accessory Building Setbacks (more than 256 square feet)	Front: 25 Feet Side: 10 Feet Rear: 10 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 25 Feet Side: 3 Feet Rear: 3 Feet
Accessory Building Maximum Height (1)	35 feet
Structure Separation	Detached dwellings shall be minimum of ten (10) feet apart and detached accessory structures shall be a minimum of 3 (three) feet from other structures.

(1) Maximum building height can be increased by up to ten (10) feet if each setback is increased by one (1) foot for every foot increase in height.

(2) Corner lot setback is defined in Article 11.

#### 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. It is intended that the character and use of this district be for medium density housing and for living purposes free from the encroachment of incompatible uses. 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 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](#).

**C. Lot Standards:**

Minimum Lot Size	.2 acre (public water & public sewer) .5 acre (public water or public sewer) .75 acre (private well & private septic)
Maximum Building Height (1)	40 feet
Maximum Lot Coverage	50%
Building Setbacks (2)	Front: 20 feet Side: 10 Feet Rear: 20 Feet
Accessory Building Setbacks (more than 256 square feet)	Front: 20 Feet Side: 10 Feet Rear: 10 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 20 Feet Side: 3 Feet Rear: 3 Feet
Accessory Building Maximum Height (1)	35 feet
Structure Separation	Detached dwellings shall be a minimum of ten (10) feet apart and detached accessory structures shall be a minimum of 3 (three) feet from other structures.

(1)Maximum building height can be increased by up to ten (10) feet if each setback is increased by one (1) foot for every foot increase in height.

(2)Corner lot setback is defined in Article 11.

#### 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. 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. 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 development that would be incompatible with residential uses;
5. Allow for community and recreational uses to serve local residents; and

**B. Allowed Uses:** Allowed uses for the district can be found in [Table 4.1](#).

**C. Lot Standards:**

Minimum Lot Size	.2 acre (public water & public sewer) .5 acre (public water or public sewer) .75 acre (private well & private septic)
Maximum Building Height (1)	50 feet
Maximum Lot Coverage	60%
Building Setbacks (2)	Front:15 feet Side: 10 Feet Rear: 20 Feet
Accessory Building Setbacks (more than 256 square feet)	Front: 15 Feet Side: 10 Feet Rear: 10 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 15 Feet Side: 3 Feet Rear: 3 Feet
Accessory Building Maximum Height (1)	35 feet
Structure Separation	Detached dwellings shall be a minimum of ten (10) feet apart and detached accessory structures shall be a minimum of 3 (three) feet apart from other structures.

(1)Maximum building height can be increased by up to ten (10) feet if each setback is increased by one (1) foot for every foot increase in height.

(2)Corner lot setback is defined in Article 11.



#### 4.10 Rural Commercial (RC)

- A. Statement of Intent:** The intent of this district is to provide for small-scale commercial development in either a neighborhood or rural setting. 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](#).
- C. Lot Standards:**

Minimum Lot Size	.25 acre (public water & public sewer) .50 acre (public water or public sewer) .75 acre (private well & private septic)
Maximum Building Height (1)	40 feet
Maximum Lot Coverage	60%
Building Setbacks (2)(3)	Front: 25 feet Side: 15 Feet Rear: 35 Feet
Gas Canopy Setback	Minimum 10 feet to all lines
Accessory Building Setbacks (more than 256 square feet)	Front: 25 Feet Side: 10 Feet Rear: 10 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 25 Feet Side: 3 Feet Rear: 3 Feet
Accessory Building Maximum Height (1)	35 feet
Structure Separation	Detached dwellings shall be a minimum of ten (10) feet apart and detached accessory structures shall be a minimum of 3 (three) feet from other structures.

(1) Maximum building height can be increased by up to ten (10) feet if each setback is increased by one (1) foot for every foot increase in height.

(2) Corner lot setback is defined in Article 11.

#### 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. 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	.25 acre
Maximum Building Height (1)	40 feet
Maximum Lot Coverage	75%
Building Setbacks (2)(3)	Front: 10 feet Side: 10 Feet Rear: 20 Feet
Gas Canopy Setback	Minimum 10 feet to all lines
Accessory Building Setbacks (more than 256 square feet)	Front: 10 Feet Side: 10 Feet Rear: 10 Feet
Accessory Building Setbacks (less than 256 square feet)	Front: 10 Feet Side: 10 Feet Rear: 10 Feet
Accessory Building Maximum Height (1)	35 feet
Structure Separation	Commercial use separation determined by the Building Code.

(1)Maximum building height can be increased by up to twenty (20) feet if each setback is increased by one (1) foot for every foot increase in height.

(2)Corner lot setback is defined in Article 11.

#### 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. 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 Acre
Maximum Building Height (1)	50 feet
Maximum Lot Coverage	75%
Building Setbacks (2)(3)	Front: 50 feet Side: 20 Feet Rear: 50 Feet
Gas Canopy Setback	Minimum 10 feet to all lines
Accessory Building Setbacks	Front: 50 Feet Side: 20 Feet Rear: 50 Feet
Accessory Building Maximum Height (1)	40 feet
Structure Separation	Industrial use separation determined by the Building Code.

(1)Maximum building height can be increased by up to twenty (20) feet if each setback is increased by one (1) foot for every foot increase in height.

(2)Corner lot setback is defined in Article 11.

#### 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. 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 acre
Maximum Building Height (1)	60 feet
Maximum Lot Coverage	80%
Building Setbacks (2)(3)	Front: 50 feet Side: 50 Feet Rear: 50 Feet
Gas Canopy Setback	Minimum 10 feet to all lines
Accessory Building Setbacks	Front: 50 Feet Side: 50 Feet Rear: 50 Feet
Accessory Building Maximum Height (1)	40 feet
Structure Separation	Industrial use separation determined by the Building Code.

(1)Maximum building height can be increased if each setback is increased by one (1) foot for every foot increase in height.

(2)Corner lot setback is defined in Article 11.

#### 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. 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 acre
Maximum Building Height (2)	60 feet
Maximum Lot Coverage	80%
Building Setbacks (1) (3)	10' to all internal lot lines in PID unless Building Code requires greater distance
Gas Canopy Setback	Minimum 10 feet to all lines
Accessory Building Setbacks (1) (3)	10' to all internal lot lines in PID unless Building Code requires greater distance
Accessory Building Maximum Height (2)	40 feet
Structure Separation	Industrial use separation determined by the building code.

(1)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).

(2)Maximum building height can be increased if each setback is increased by one (1) foot for every foot increase in height.

(3)Corner lot setback is defined in Article 11.

#### 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. 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 Overall 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	50%
Building Setbacks	Determined by Master Plan
Open Space/PUD Boundary	Perimeter: 50 feet
Maximum Density (average)	20 dwelling units per acre
Accessory Building Maximum Height	40 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 ensure the safety of citizens and users of the airport. This district is designed to fulfill the following objectives:
1. Protect the public and the airport by reducing incompatible uses in the vicinity of the airport;
  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.
  5. Achieve FAA compliance standards.
- B. Allowed Uses:** Allowed uses for the underlying zone districts of properties in the Airport Overlay can be found in [Table 4.1](#),
- C. Overlay District Boundaries:** The Airport Overlay District can be described as FAR Part 77 Surface Elevations. This designation consists of the conical, horizontal, and approach surfaces for the New River Valley Airport. The overlay is represented on the Airport Overlay Map, as part of the Zoning Map, housed on the Pulaski County GIS and in the Planning & Zoning Office. Parcels in the overlay area and the airspace lying equal to and above the Airport surfaces are in the boundary area.
- D. Basis for Overlay District and Airport Surfaces:** Multiple subzones are included in the Airport Overlay District. These subzones are based on the Airport Navigation Zone Map prepared for the New River Valley Airport by Delta Airport Consultants, Inc, entitled Airport Navigation Zone, March 2008, which map is hereby declared to be a part of this section by reference. The Airport Overlay Zoning Map is based on this Airport Navigation Zone map. Subzones are listed as;
1. Part 77.13 Zone with floor set by Part 77.13 Surface
  2. Precision Instrument Runway Approach Zone with floor set by Precision Instrument Runway Approach Surface
  3. Transition Approach Zones with floor set by Transitional Surface
- E. Town Boundaries:** The incorporated areas of Pulaski County include the Town of Pulaski and the Town of Dublin. These two towns are not regulated by this Ordinance and permits shall be obtained by each respective town.
- F. Height Restrictions:** In order to ensure public safety and aviation safety, the following height limitations shall apply to the Airport Overlay Zone.
1. Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow, in the Airport Navigation Zone established herein, so as to penetrate any referenced surface, known as the floor, of the Part 77.13 Zone, the Precision Instrument Runway Approach Zone, or the Transitional Zone at any point.
  2. The height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces and defined as the Part 77.13 Surface, Precision Instrument Runway Approach Surface, and the Transitional Surface.

3. For the purposes of this Ordinance, height shall be measured from the adjacent ground level of the subject structure, tower or vegetation, using North American Vertical Datum of 1988, mean sea level, unless otherwise specified.

**G. Exemption from Height Restrictions:** The following shall be exempt from height restrictions;

1. Natural vegetation that was not planted, nurtured or installed by a human being. With the understanding that if the FAA or the local airport commission determines that natural vegetation poses a threat to aviation, said vegetation shall be addressed in the interest of public safety.

2. Air navigation aids and other aircraft affiliated structures, signs and lights, installed or operated for the functional use of the airport and/or FAA required elements.

**H. Standards for Uses in the Airport Overlay District:** All uses in the Airport Overlay, which are allowed in accordance with the underlying zone district and Land Use Table in Article 4.1 are subject to the following conditions;

1. Uses shall not create electrical or other interference with navigational signals or radio communication between the airport or aircraft

2. Uses shall not diminish the ability of pilots to distinguish between airport lights and other lights common to the landscape and uses shall not interfere with the safe navigation of pilots who rely on the airport lighting

3. Uses shall not result in unsafe visual glare for pilots

4. Uses shall not impair visibility in the vicinity of the airport

5. Uses shall not create or increase the potential for bird strike hazards. Creation of man-made wetlands, ponds, or other types of high-volume bird habitat may increase the potential for bird strike hazards

6. Uses shall not reduce the efficiency and effectiveness of any aviation navigational aid or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft.

**I. FAA Review:** Construction or alterations in the Airport Overlay Zone may be subject to 14 CFR Part 77.9 to ensure aircraft safety. It is the landowner's responsibility to understand if an FAA review is required for any grading and/or construction activities and to submit a filing of form FAA Form 7460-1 to the FAA when required. Typical exemptions include objects shielded by existing structures of a permanent and substantial nature, or by natural terrain or topographic features of equal or greater height and/or will be located in the congested area of a city, town or settlement where the shielded structure will not adversely affect safety in air navigation. At such time that a zoning permit is submitted for construction activities, the UDO Administrator may require the applicant to submit a Form 7460-1 to FAA for review and approval, prior to the release of a zoning permit.

**J. Zoning Application Review Standards:** Zoning Permit Applications for development in the Airport Overlay shall be reviewed in light of the use conditions, height restrictions

and aviation safety standards. The applicant shall submit adequate information and detail necessary to ensure that the development will not affect general aviation as listed in this section. Ground elevations and as-built elevations may be required for adequate review. The UDO Administrator reserves the right to consult with the NRV Airport Manager, the Airport Commission and/or the FAA prior to approving a zoning permit application in the Airport Overlay District. The FAA Review by Form 7460-1 may also be required at the discretion of the UDO Administrator, when deemed necessary.

**K. Approach Surfaces and Airport Commission Review:** If the FAA determines a specific activity or development can occur; but that such use may require that 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 zoning application review.

**L. Obstruction Marking and Lighting:** In the enforcement of this Ordinance, the UDO Administrator, may receive a written request from the Airport Manager, Airport Commission, or FAA, to enforce the standards of this ordinance and to 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 or said object. Failure to comply may require removal at the owner's expense.

**M. Nonconforming Uses and Structures:** The review of zoning applications to replace, modify or expand on any non-conforming structures shall be based on Article 9 of this Ordinance, and based on the ability of the applicant to meet the safety objectives of the Airport Overlay.

#### **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. 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 November 15, 2022.
- 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:**

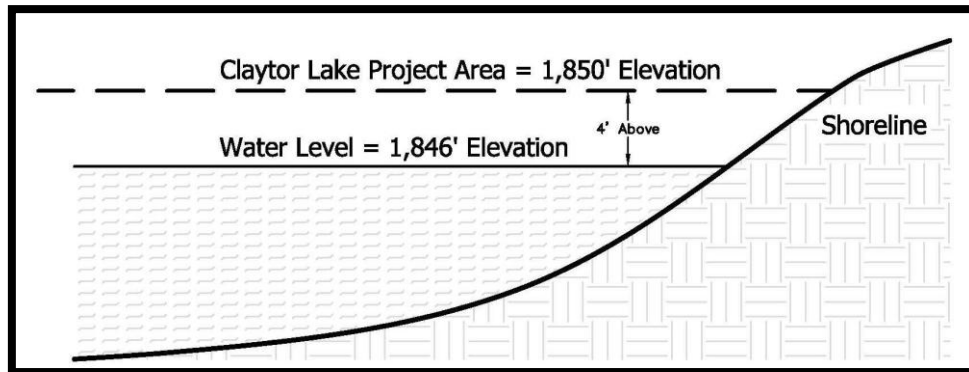
1. The property within the Claytor Lake Overlay District being considered for a permit must immediately adjoin property owned by the applicant of the permit (upland property owner).
2. Upland property owners shall sign an acknowledgement when obtaining a dock permit stating that water depths may not be adequate for accessing the lake during times of low inflow or drought or for any other reason the reservoir is drawn down.
3. Dock permits are required for any structural modification or expansion to existing docks, new docks, and the addition of floating docks/ jet ski ramps.
4. Floating docks/ jet ski ramps may be attached to bulkheads or sea walls and will be considered a dock.
5. 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.
6. 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.
7. 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  $\frac{1}{4}$  of width of cove or water in front of property, whichever is less; however, no more than  $\frac{1}{2}$  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  $\frac{1}{3}$  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  $\frac{1}{4}$  of width of cove or water in front of property, whichever is less; however, no more than  $\frac{1}{2}$  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  $\frac{1}{4}$  of width of cove or water in front of property, whichever is less; however, no more than  $\frac{1}{2}$  of the width of a cove or water can be obstructed.
- B. Setback from Other Docks:** N/A
- C. Setback from Property Line:** 15 feet
- D. Maximum Size:** 1 slip: 500 sf; 2 slips: 500sf; 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  $\frac{1}{4}$  of width of cove or water in front of property, whichever is less; however, no more than  $\frac{1}{2}$  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  $\frac{1}{4}$  of width of cove or water in front of property, whichever is less; however, no more than  $\frac{1}{2}$  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. Reflectors:** See SMP for specific requirements
- F. Minimum Height:** N/A
- G. Maximum Height:** No roof or second story allowed
- H. Walkway Width:** Maximum: 12 feet
- I. Shoreline Length:** N/A
- J. 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  $\frac{1}{4}$  of width of cove or water in front of property, whichever is less; however, no more than  $\frac{1}{2}$  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: 500 sf; 2 slips: 500 sf; each additional slip: 325 sf per slip or 60 sf per personal watercraft slip
  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  $\frac{1}{4}$  of width of cove or water in front of property, whichever is less; however, no more than  $\frac{1}{2}$  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  $\frac{1}{3}$  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  $\frac{1}{4}$  of width of cove or water in front of property, whichever is less; however, no more than  $\frac{1}{2}$  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  $\frac{1}{3}$  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  $\frac{1}{4}$  of width of cove or water in front of property, whichever is less; however, no more than  $\frac{1}{2}$  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  $\frac{1}{4}$  of width of cove or water in front of property, whichever is less; however, no more than  $\frac{1}{2}$  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  $\frac{1}{4}$  of width of cove or water in front of property, whichever is less; however, no more than  $\frac{1}{2}$  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  $\frac{1}{4}$  of width of cove or water in front of property, whichever is less; however, no more than  $\frac{1}{2}$  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.

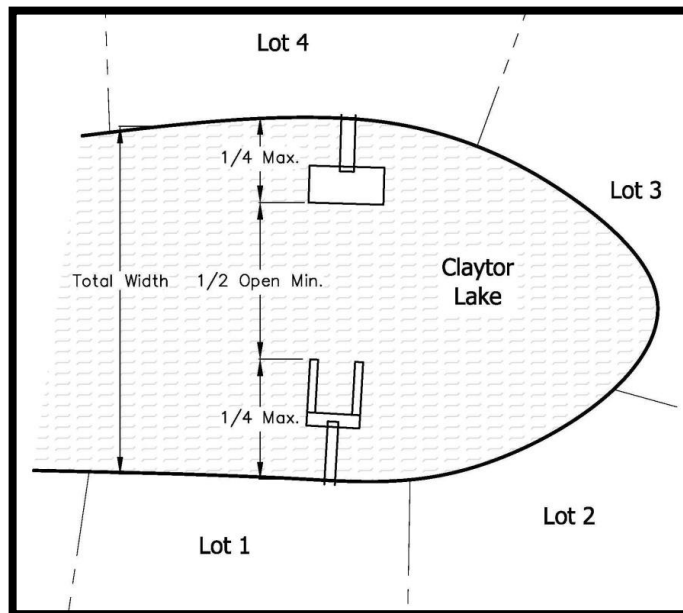
#### **4.19.13 High Density Multi-Use- Boat Ramps and Courtesy Piers**

- A. Distance Into Water:** 100 feet or  $\frac{1}{4}$  of width of cove or water in front of property, whichever is less; however, no more than  $\frac{1}{2}$  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  $\frac{1}{4}$  of width of cove or water in front of property, whichever is less; however, no more than  $\frac{1}{2}$  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 used to list specific uses of land and identify by zoning district whether a use is permitted. There are several categories of uses, Permitted Use, Conditional Use, Special Use Permit, and Prohibited Uses, in the land use table. The uses 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 and may require a permit.
- 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 listed in Article 4.22 by use type. 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. Special Exception (SE):** Uses that are permitted within a respective zoning district only after review and approval of a Special Exemption, in accordance with the provisions of this Ordinance.
- E. Prohibited Uses (blank):** Uses that are not permitted within the respective zoning district.

#### **How to use the Land Use Table.**

The abbreviations listed on the top of the table (x axis) represent zone districts: C = Conservation, A = Agriculture, RR = Rural Residential, R = Residential, LR = Low-Density Residential, MR = Medium-Density Residential, HR = High-Density Residential, RC = Rural Commercial, CM= Commercial, LI = Light Industrial, I = Industrial, PID = Planned Industrial, PUD = Planned Unit Development, AO = Airport Overlay, LO = Landfill Overlay, CLO = Claytor Lake Overlay.

Land uses are listed on the Y axis (down the first column). Uses are grouped together based on the land use categories. For example, residential uses are listed together and commercial uses are listed together.

The Zone District for a piece of property can be determined by using the online web GIS Zoning Map at [Pulaskicounty.org](http://Pulaskicounty.org), GIS Department. You can search by address or tax map number. Individuals can also call the Planning & Zoning Office at 540-980-7710 to determine a zone district. With the proper zone district determined, reference the zone district listed in the table to determine if the use is permitted, conditionally permitted, requires a special use permit or is not permitted.

The Land Use Table is the official determination as to whether or not a use is permitted by Zone District Type. Land uses are defined in Article 11. Definitions.

**Table 4.1: Land Use Table**

Use	Zone Districts															
	C	A	RR	R	LR	MR	HR	RC	CM	LI	I	PID	PUD*	AO*	LO	CLO
<b>Residential Use</b>																
Accessory Dwelling	C	C	C	C	C	C	C	C	C	C	C	C	C	P		
Accessory Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Condominium Building(s)						P	P						P	P		
Family Day Home (1-4 children or 1-4 elderly)	P	P	P	P	P	P	P	P						P		
Duplex					P	P	P						P	P		
Farm Worker Housing	C	C												P		
Garage (Private)	P	P	P	P	P	P	P	P	P				P	P		
Group Home	P	P	P	P	P	P	P	P					P	P		
Industrial Housing										P	P	P		P		
Manufactured Home	P	P	P		P									P		
Manufactured Home Park		SUP	SUP											P		
Small Home Community	SUP	SUP	SUP		SUP											
Multi-family (Apartments)							P		P	P			P	P		

**Table 4.1: Land Use Table**

Use	Zone Districts															
	C	A	RR	R	LR	MR	HR	RC	CM	LI	I	PID	PUD*	AO*	LO	CLO
Patio Homes			C	C	C	C	C	C	C				P	P		
Second Single Family (Two Single-family Detached Dwellings OR Two Manufactured Homes OR one of each type, both located on the same lot)	C	C	C	SUP	C	SUP	SUP							P		
Single-family Attached (Townhomes)						C	C						C	P		
Single-family Detached Dwelling	P	P	P	P	P	P	P	P					P	P		
<b>Agricultural/ Conservation Uses</b>																
Agriculture	P	P								P	P	P	P	P		
Agritourism	C	C								C	C	C	C	P		
Animal Hospital/ Veterinary Clinic	SUP	P						P	P	P	P		P	P		
Biomass Conversion	C	C						C		C	C	C		P		
Forestry/ Timber Operations	P	P											P	P		
Horse Riding School/ Horse Training Facility/ Commercial Stables	P	P	P					P					P	P		
Kennel/ Animal Shelter	SUP	P						SUP	SUP	P	P			P		

**Table 4.1: Land Use Table**

Use	Zone Districts															
	C	A	RR	R	LR	MR	HR	RC	CM	LI	I	PID	PUD*	AO*	LO	CLO
Livestock Market		SUP						SUP	SUP	SUP	SUP			P		
Ponds- 2 Acres or More	P	P	SUP										P	P		
Residential Chicken Keeping	P	P	C	C	C								C	P		
Small-scale Agriculture	P	P	C					C					C	P		
Wildlife Rehabilitation Center	P	P							SUP	SUP	SUP			P		
Wildlife Sanctuary/ Game Reserve	P	P											p	P		
Winery	C	C	C					C	C	C	C	C	C	P		
Wedding Venue	C	C							SUP							
<b>Commercial Services</b>																
Adult Oriented Business									SUP					P		
Agricultural Equipment Sales & Servicing	SUP	C						C	C	C	C			P		
Artisan Workshop	C	C	C	C	C	C	C	C	C	C			C	P		
Car Wash								P	P	P			P	P		
Commercial Assembly Hall		SUP						P	P	P			P	P		

**Table 4.1: Land Use Table**

Use	Zone Districts															
	C	A	RR	R	LR	MR	HR	RC	CM	LI	I	PID	PUD*	AO*	LO	CLO
Craft Beverage/Distillery/Brewery	C	C	C					C	C	C	C	C	C	P		
Gas Station/ Convenience Store								P	P	P			P	P		
Home Occupation	C	C	C	C	C	C	C	C	C	C			C	P		
Home Business	C	C	C					C	C	C			C	P		
Manufactured Home Sales								SUP	SUP	SUP	SUP			P		
Mobile Food Vending	C	C	C	C	C	C	C	C	C	C	C	C	C	P		
Motor Vehicle Sales & Service								SUP	C	C	C	C		P		
Motor Vehicle Service/ Repair or Public Garage								C	C	C	P	P	P	P		
Neighborhood Commercial								C	C	C			C	P		
Nursery/ Garden Center	P	P						P	P	P			P	P		
Outdoor Sales								C	C	C	C	C		P		
Produce Stands	C	C	C					C	C	C			C	P		
Personal Services								P	P	P			P	P		
Professional Offices								P	P	P	P	P	P	P		
Restaurant								P	P	P	P	P	P	P		

**Table 4.1: Land Use Table**

Use	Zone Districts															
	C	A	RR	R	LR	MR	HR	RC	CM	LI	I	PID	PUD*	AO*	LO	CLO
Retail Businesses								P	P	P			P	P		
Tattoo/ Body Art Parlor									SUP	SUP				P		
Temporary Office/Construction Trailer									C	C	C	C	C	P		
Temporary Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Towing/ Wrecker Service									C	C	C			P		
Travel Plaza/Truck Stop									C	C	C	C		P		
Truck Terminal									P	P	P	P		P		
Wholesale Operations									P	P	P	P		P		
<b>Lodging</b>																
Bed & Breakfast	C	C	C	C	C	C	C	C					C	P		
Hotel/ Motel								SUP	P	P	P		P	P		
Inn	C	C	C					C	C				C	P		
<b>Health/ Human Care</b>																
Assisted Living/ Nursing Home/ Long-term Care						SUP	SUP	SUP	C	C			C	P		
Day Care Center (child or elderly)						SUP	SUP	C	C	C	C	C	C	P		

**Table 4.1: Land Use Table**

Use	Zone Districts															
	C	A	RR	R	LR	MR	HR	RC	CM	LI	I	PID	PUD*	AO*	LO	CLO
Family Day Home (child 5-12 persons or elderly 5-12persons)	C	C	C	C	C	C	C	C					C	P		
Hospitals									P	P	P	P	P	P		
Medical Offices & Clinics								P	P	P	P	P	P	P		
Temporary Family Health Care Structure	C	C	C	C	C	C	C	C					C	P		
Treatment/ Rehabilitation Clinic								SUP	SUP	SUP	SUP	SUP	SUP			
<b>Recreation/ Entertainment</b>																
Campgrounds & Recreational Vehicle Parks	C	SUP	SUP					C					C	P		
Camping- Long Term	C	C	C					C					C	P		
Camping- Short Term	C	C	C		C			C	C		C					
Commercial Dock/ Marina/ Yacht Club								P	P	P	P		P	P		P
Commercial Indoor Recreation Facility									P	P	P		P	P		
Commercial Indoor Shooting Range								SUP	P	P	SUP		P	P		
Commercial Outdoor Recreation Facility	SUP	SUP						P	P	P	P		P	P		

**Table 4.1: Land Use Table**

Use	Zone Districts															
	C	A	RR	R	LR	MR	HR	RC	CM	LI	I	PID	PUD*	AO*	LO	CLO
Commercial Outdoor Shooting Range	SUP	SUP						SUP		SUP			P	P		
Country Club	SUP	SUP						P	P				P	P		
Day Camp/ Summer Camp	C	C	SUP					C	C				C	P		
Golf Course/Driving Range	SUP	SUP	SUP					P	P				P	P		
Hunting Club/ Outdoor Lodge	P	P	SUP					P					P	P		
Large-scale Commercial Outdoor Recreation Facility									P	P	P		C	P		
Residential Dock	P	P	P	P	P	P	P	P	P	P	P		P	P		P
Temporary Structures/Tents	C	C	C	C	C	C	C	C	C	C	C	C	C	P		
Theaters & Auditoriums								SUP	P	P			P	P		
Amphitheaters	SUP	SUP							P							
Retreat/ Corporate Retreat	SUP	SUP							P							
Yurt	P	P														
<b>Civic/ Institutional</b>																



**Table 4.1: Land Use Table**

Use	Zone Districts															
	C	A	RR	R	LR	MR	HR	RC	CM	LI	I	PID	PUD*	AO*	LO	CLO
Bus/ Railroad Station									SUP	SUP	SUP			P		
Business/ Trade School		SUP						P	P	P	SUP		P	P		
Children’s Facility	SUP	SUP							SUP	SUP	SUP			SUP		
Cemetery (Private)	C	C	C	C	C	C	C	C	C	C	C	C	C	P		
Cemetery (Public)	SUP	SUP	SUP					SUP	SUP	SUP			P	P		
Civic	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Club, Lodge, Union Hall, or Social Center	SUP	SUP	SUP			SUP	SUP	P	P	P	SUP		P	P		
College/ University	SUP	SUP						SUP	SUP	SUP	SUP		P	P		
Conference or Exhibition Center								P	P	P	SUP	SUP	P	P		
Correctional Facility											SUP			P		
Funeral Home								P	P	P			P	P		
Government/ Public Safety	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Landfill														P	P	
Museum	SUP	SUP	SUP					P	P	P	P	P	P	P		
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

**Table 4.1: Land Use Table**

Use	Zone Districts															
	C	A	RR	R	LR	MR	HR	RC	CM	LI	I	PID	PUD*	AO*	LO	CLO
Private School	SUP	SUP	SUP					P	P	P	SUP		P	P		
Public School	SUP	SUP	P	P	P	P	P	P	P	P	SUP		P	P		
Religious Assembly	SUP	P	P	P	P	P	P	P	P	P	SUP		P	P		
Sewage Treatment Plant											SUP			P		
Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
<b>Industrial</b>																
Above Ground Storage Tanks	SUP	SUP						SUP	SUP	C	C	C		P		
Airport										SUP	SUP	SUP		P		
Amateur Radio Antenna Operation	C	C	C	C	C	C	C	C	C	C	C	C	C	P		
Boat Yard								SUP	SUP	P	P	P		P		
Concrete & Asphalt Plants										SUP	SUP	SUP		P		
Contractor's Office								C	C	C	C	C	C	P		
Data Center										P	P	P		P		
Fabrication									SUP	P	P	P	P	P		
Food Processing	C	C	C					C	C	P	P	P		P		

**Table 4.1: Land Use Table**

Use	Zone Districts															
	C	A	RR	R	LR	MR	HR	RC	CM	LI	I	PID	PUD*	AO*	LO	CLO
Heliport	SUP	SUP	SUP					SUP	C	C	C	C	SUP	P		
Junk/ Salvage/ Recycling Operation										SUP	SUP	SUP		P		
Light Assembly									P	P	P	P	P	P		
Manufacturing										P	P	P		P		
Meat Processing		SUP						SUP	SUP	C	C	C		P		
Mini-warehouse or Self-service Storage									P	P	P	P		P		
Power Generation Plant											SUP	SUP		P	SUP	
Private Airstrip	SUP	SUP								SUP	SUP	SUP		P		
Research & Laboratory									P	P	P	P	P	P		
Slaughterhouse		SUP									SUP			P		
Small Cell Facility and Micro-wireless Site	C	C	C	C	C	C	C	C	C	C	C	C	C	P		
Small-scale Junk & Salvage Operation		SUP						SUP	SUP	C	C	C		P		
Small-scale Slaughterhouse	SUP	SUP						SUP		SUP	SUP			P		
Battery Storage	SUP	SUP								SUP	SUP	SUP				

**Table 4.1: Land Use Table**

Use	Zone Districts															
	C	A	RR	R	LR	MR	HR	RC	CM	LI	I	PID	PUD*	AO*	LO	CLO
Solar Farm	SUP	SUP								SUP	SUP	SUP	P	P		
Solar Onsite Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Telecommunication Tower – Over 50'	SUP	SUP	SUP	SE	SE	SUP	SUP	SUP	SUP	SUP	SUP	SUP	C	P		
Telecommunication Tower Under 50'	C	C	C	C	C	C	C	C	C	C	C	C	C	P		
Telecommunication Antennae on Existing Structure Under 20'	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Telecommunication Antenna Co-Location on Existing Tower Structure	P	P	P	P	P	P	P	P	P	P	P	P	p	P		
Warehouse or Distribution Operation									SUP	P	P	P		P		
Wind Energy Facility- Large	SUP	SUP								SUP	SUP	SUP	C	P		
Wind Energy Facility- Medium	SUP	C	SUP					SUP	SUP	SUP	C	C	C	P		
Wind Energy Facility- Small	SUP	C	C	SUP	C	SUP	SUP	C	C	C	C	C	C	P		
<b>Natural Resources</b>																
Quarry		SUP								SUP	SUP			P		
Coal/ Lumber Yards		SUP								SUP	SUP			P		

**Table 4.1: Land Use Table**

Use	Zone Districts															
	C	A	RR	R	LR	MR	HR	RC	CM	LI	I	PID	PUD*	AO*	LO	CLO
Mining & Mineral Extraction		SUP								SUP	SUP			P		
Natural Resource Extraction		SUP								SUP	SUP			P		
Sawmill		SUP								SUP	SUP			P		

\* 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

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**4.22 Conditional Use Standards:** The following uses and associated conditions are standards which shall be met in order to allow the use as a Permitted Use. Conditions shall also be met as part of a Special Use Permit Application. The intent of the conditional use standard is to provide additional measures for potentially incompatible uses and to mitigate potential impacts of these uses on nearby properties.

## **A. Residential**

### **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. 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. Patio Home:**

- a. Requires a planned subdivision development
- b. One side yard setback can be reduced up to 0' setback.
- c. Common plan of development shall incorporate buffer areas, neighborhood design, common open space and sidewalks.
- d. Homeowners Association shall be formed to manage the common areas.
- e. All lots must conform to the standards of that zone district unless otherwise specified in these conditions.

### **5. 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 the Second Manufactured Home shall be located on the lot to accommodate a future subdivision.

**6. 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.
- c. Placement on lot shall accommodate future division needs, including; structure separation distance, location of onsite water/septic and public utility, parking and access.

**7. 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).

**8. Single-family Attached/Townhomes:**

- 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. Minimum lot size is .03 acre (1306 sq. ft) per unit and shared spaces shall be controlled by formation of Homeowners Association with designated shared areas shown on recorded plat.
- d. Site Plan shall illustrate that parking and site access is adequate.

**9. Small Home Communities**

- a. Minimum of 5 Acre Parcel
- b. Maximum of 60% Lot Coverage
- c. Maximum of 1,200 square foot of living space. Home must be built upon a permanent foundation.
- d. Property Management Agreement Required
- e. No Manufactured Housing
- f. Require designated open space areas.

## **B. Agricultural/Conservation**

### **1. 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.

### **2. 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.

### **3. 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.
- m. Residential Chicken Keeping is allowed by right in any Agriculture or Conservation Zone District without conditions.

### **4. 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.
- e. Small Scale Agriculture is allowed by right in any Agriculture or Conservation Zone District without conditions.

## **5. Winery**

- a. Activities may include the production, harvesting, and processing of fruit and other agricultural products, as well as the manufacturing of wine as part of a tourism business, craft production or small business regulated by the Alcohol Beverage Control Board.
- b. On-premise sale, tasting, and/or consumption of wine during regular business hours within the normal course of business shall be permitted. Special activities and events affiliated with the winery shall be permitted.
- c. Direct sale and shipment of wine by common carrier to consumers shall be permitted.
- d. Storage, warehousing, and wholesaling of wine shall be permitted.
- e. A restaurant and/or indoor public event space that does not exceed 5,000 square feet, excluding the kitchen area may be permitted.

## **6. Wedding Venue**

- a. Minimum lot size of five (5) acres.
- b. Provide proof of adequate parking, ingress and egress from the Virginia Department of Transportation
- c. Must have restroom facilities available.

# **C. Commercial Services**

## **1. 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.

## **2. 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.

### **3. 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.

### **4. Craft Beverage/Distillery/Brewery**

- a. Maximum building size of 3,000 square feet, affiliated with agricultural production of base ingredients or small batch production affiliated with tourism, small business development and/or in conjunction with a restaurant or meeting space.
- b. Use may include restaurant, special event space, and other related activities that are related to and commonly associated with this use.
- c. Shall be licensed with the State Alcohol Beverage Control Board for activities relating to the sell, consumption and distribution of beverages from the facility.
- d. Shall provide adequate public facilities and site requirements for public use as listed in Article 5, including parking, outdoor lighting, adequate buffer to adjoining uses and vegetative screening.

### **5. Cemetery (Private)**

- a. In accordance with Code of Virginia, 57-26, private cemetery shall include those cemeteries affiliated with places of worship/churchyards, municipalities and/or for

interment of members of a family on private property. Any new proposed cemetery shall be located at least 250 yards from the nearest residence, unless written consent is provided from adjacent residential property owners.

- b. If a parcel is to be divided off for a private cemetery, the cemetery shall meet the Subdivision Requirements listed in Article Six (6).

#### **6. 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 more than five customer vehicles 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.

#### **7. 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 more than ten customer vehicles visit the site in any one day shall not be permitted;
- f. Display of merchandise outdoors shall not be permitted;
- g. No large truck 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.

#### **8. 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 designed to safely 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 and parking lot used.

#### **9. Motor Vehicle Sales and Service**

- a. Vehicles for display or otherwise must be set back at least ten (10) 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. 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 located between the business and any adjoining residential use.

#### **10. Motor Vehicle Service/ Repair**

- a. Outdoor storage of vehicles waiting to be repaired shall be at least ten (10) feet from property lines and VDOT right of way;
- b. Vehicles used for parts and/or salvage shall not be stored on the property;
- c. All vehicle service/ repair work shall be performed in an enclosed building;
- d. Exterior storage of new or used vehicle parts is prohibited;
- e. 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 an opaque fence at least eight (8) feet in height;
  - ii. No vehicles, materials, or equipment can be stored in the 10' buffer adjacent to a residential property;
  - iii. No more than 20 cars per acre at any given time shall be allowed that is waiting repair or pick up outside of the structure.
  - 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; and
- f. 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.

#### **11. 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.

#### **12. 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.

#### **13. 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.

#### **14. 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.

#### **15. Towing/ Wrecker Service**

- a. When adjoining a parcel used for residential purposes, the following shall apply:
  - i. The entire property line between the operation 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; and
  - iii. Hours of operation for any Service/ Repair work shall be limited to 8:00 a.m. until 8:00 p.m.;
- b. Vehicles that are declared totaled or deemed only to be used for salvage shall be removed from the property within ninety (90) days;
- c. Vehicle Service/ Repair may also be part of the business;
- d. All vehicle service/ repair work shall be performed in an enclosed building;
- e. Vehicle used for parts and/or salvage shall not be stored on the property;
- f. Any vehicles awaiting body repair or painting, or missing mechanical or body parts, or that have been substantially damaged shall be placed in a storage yard. The storage yard shall be located to the side and/or the rear of the building. 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 ten (10) feet from the lot line of an adjoining residential use, or with adjacent owner's written permission, fence can be placed on the lot line.

## **16. Travel Plaza/Truck Stop**

- a. Must be located within .5 mile of an interstate interchange.
- b. Site plan shall provide a minimum of a fifty (50) foot buffer between any structures/paved areas and adjacent property lines. Vegetated buffer shall be planted in a manner that provides a full vegetative screen and mitigates impact to surrounding property. Fence shall be provided to capture trash and debris at site locations that experience trash accumulation from the prevailing wind effect.
- c. All outdoor lighting shall be certified International Dark Sky lighting to limit light pollution.

## **D. Lodging**

### **1. Bed and Breakfast**

- a. The owner, owner's family, or a designated caretaker 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.

### **2. Inn**

- a. The owner, owner's family or a designated caretaker 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.

## **E. Health / Human Care**

### **1. 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.

### **2. 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.

### **3. Family Day Care Home ( 5 -12 Children or 5-12 Elderly)**

- 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) persons, not including the provider's family who reside in the home, are allowed; and
- f. If the day care serves between five (5) 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.

### **4. Temporary Family Health Care Structure**

- a. Accessory Use Residential Structure which is transportable and is no more than 300 square feet in accordance with the Virginia Uniform Statewide Building Code and Code of Virginia 15.2-2292.
- b. On same lot as caregiver and must meet primary structure setbacks for zone district. Can house up to one person and two person if married couple.
- c. Shall acquire all required permits. A physician shall provide documentation of the mental or physical impairment prior to placement and also provided on an annual basis. Shall be removed within sixty (60) days of date in which use for impaired person is no longer needed.

## **F. Recreation / Entertainment**

### **1. 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. All structures shall be separated by a minimum of five (5) feet, including roofs, decks, storage buildings, and other structures;
- e. All structures shall be located at a minimum linear distance of two and a half (2.5) feet from the nearest adjacent camp lot line or access road;
- f. Storage buildings shall be limited to a maximum size of one hundred and twenty (120) square feet per lot, and used for the sole purpose of storage;
- g. Recreational vehicles and camping units shall not be attached to structures and shall remain mobile;
- h. 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
- i. 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.

## **2. Camping- Long Term**

- a. Camper, RV, yurt, or other shelter for overnight accommodations shall meet the principal building setback requirements for the zoning district. Tents shall not be considered an acceptable shelter for this use;
- 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. You must be constructing a principle dwelling, and have all building and zoning permits in place to obtain a long-term camping permit.
- e. While constructing a principle dwelling the maximum allowable time for the camping unit to be on a property without the completion of the principal dwelling shall be three (3) years, except in a campground/ RV park or on property zoned Conservation.
- f. In a declared Natural Disaster, long term camping may be granted for a period of (2) years if an active building permit is issued in, Rural Residential and Low Density Residential. The Natural Disaster must be a declared emergency from Local, State or Federal levels. This condition will only be allowed for the declared areas affected.

## **3. Camping- Short Term**

- a. Camper, RV, yurt, or other shelter for overnight accommodations shall meet the principal building setback requirements for the zoning district. Tents shall also be considered an acceptable shelter for this use;
- b. The maximum allowable time for the camping unit to be on a property shall be no longer than 10 days; one extension of up to 7 days may be approved by the UDO Administrator.
- c. Camping on property owned by another party shall be prohibited unless explicit written consent is obtained from the property owner and a camping permit has been obtained from the Zoning Office.
- d. If camping is allowed by the property owner without written consent and without obtaining a permit, the property owner will be responsible for the removal of the eviction of the said campers or tenants.

- e. 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;
- f. The maximum allowed density shall be one (1) camping unit per acre

#### **4. 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.

#### **5. Large-scale Commercial Outdoor Recreation Facility**

- d. 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;
- e. A traffic impact analysis shall be included with the site plan submittal;
- f. 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
- g. Maximum height of all structures or rides shall meet the maximum height requirement for the district.

#### **6. Temporary Structures/ Event Tents**

- h. Use for three days (36 Hours) or less and designed for private or family-related events including but not limited to weddings and estate sales.
- i. Parking shall occur on the subject parcel and adequate sanitation facilities shall be provided.

### **G. Industrial**

#### **1. Above Ground Storage Tanks (over 12,000 gallons)**

- 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.

## **2. Amateur Radio Antenna**

- a. Per Code of Virginia 15.2-2293 Pulaski County shall allow by permit the placement of amateur radio antennas under 200 feet in height as measured from the ground.
- b. Antenna shall be used for personal use and cannot be used as a commercial enterprise. Antenna Operator shall be licensed with the FCC.
- c. Antenna shall be setback from any adjacent property line at least 1.5 X the distance in feet in which the structure is tall. It is the responsibility of the Antenna Operator to provide a vegetative screen between the subject property and any residential home within 100 feet. This requirement can be waived by written permission of adjacent landowners.
- d. The antenna shall follow all Federal Communications Commission guidelines and when placed within the Airport Overlay, shall receive permission from the Director of the New River Valley Airport prior to permit.

## **3. 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 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;
- c. Appropriate measures shall be taken to control dust on the site; and
- d. 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.

## **4. Food Processing**

- a. Small scale food processing is allowed in agriculture, conservation or commercial zone districts, when the food processing is part of a value-added agricultural activity, or a commercial site activity. Products are sold to the general public onsite or offsite.
- b. Small scale food processing is allowed in specified residential zone districts as part of an accessory or in-house residential use and when said products are not sold to the public direct from the site but available for sale at other retail locations, catering events or online.
- c. The use of over 5000 sq. ft. of building area for food processing activities is considered a "manufacturing" use.

## **5. Heliport**

- a. Requires a Special Use Permit in Agricultural and Residential Zone Districts and can only be used for personal use in these zone districts. Minimum lot size is one (1) acre. Shall be certified with the Federal Aviation Administration.
- b. In Commercial and Industrial Zone Districts allowed with the condition that the helicopter use must have a direct relationship to the primary use of the property and fully certified with the Federal Aviation Administration.

- c. Locations within any portion of the Airport Overlay will require written permission from the New River Valley Airport Director prior to permit.
- d. Heliport is allowed by right at the New River Valley Airport and any public safety facility and/or any medical facility licensed to treat and transport patients.

## **6. 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.

## **7. Meat Processing**

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

## **8. 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) animal units can be processed per day.

## **9. Small Cell Facility and Micro Wireless Site**

- a. In accordance with Code of Virginia 15.2-2316.3, .4, small cell and micro wireless facility is considered "Administrative review-eligible project".
- b. Small cell is defined as antenna inside enclosure or outside of enclosure, with volume not to exceed six (6) cubic feet and/or twenty-eight cubic feet or higher if delineated by the Federal Communications Commission.
- c. Micro-wireless facility is a small cell facility that is under four (4) cubic feet in volume, with exterior antenna under one foot.

- d. Permit application shall provide plan set showing proposed locations (up to 35 locations allowed on one application). Applicant shall show specifications of each unit and delineate if support structure is new or existing. Structures and equipment shall obtain a building permit if required by the Pulaski County Building Code.
- e. Small cell only applies to those devices installed by a wireless service provider or a wireless infrastructure provider. Devices shall be placed on existing or proposed structures with written permission from owner of property, structure and/or utility.
- f. Life Cycle, Maintenance and Decommission plan shall be submitted in conjunction with engineer's estimate of cost to decommission the units.
- g. Placement of micro-wireless facilities on lines between utility poles are exempt from permit per Code of Virginia 15.2-2316.
- i. In areas where existing restrictions require underground utilities, the locality may withhold permit.

#### **10. 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.

#### **11. 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) animal units can be processed per day.

#### **12. Telecommunication Tower Over 50':**

- 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.

### **13. Telecommunication Tower Under 50'**

- a. In accordance with Code of Virginia 15.2-2316.3,.4, a telecommunication tower under 50' tall as measured from the ground, is considered an "Administrative Review-Eligible Project"



- b. Towers shall be proposed at a location that allows adequate setback from all adjacent property lines at a linear distance which equals the height of the tower.
- c. Visual simulation of tower appearance shall be submitted as part of the permit application and developer shall submit a view shed mitigation plan. Engineered drawings shall be submitted at time of permit to ensure the structure is safe.
- d. In areas with existing restrictive covenants against such towers and/or in areas where underground utilities are required to be underground, a permit may be denied.

#### **14. Wind Turbines- Large, Medium, and Small**

- a. Wind Turbines shall be non-obtrusive, neutral colors, such as white, off-white or gray and shall be non-reflective;
- b. No artificial lighting shall be permitted, except for any lighting required by the Federal Aviation Administration or other applicable authority regulating air safety;
- c. There shall be no advertising on the Wind Turbine or other elements of the Wind Energy Facility, 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;
- d. Wind Turbines shall not be readily climbable for the first fifteen (15) feet of the outside of the turbine, excluding stairs to the tower access door, if applicable;
- e. Wind Turbine blades shall be installed to provide a clearance above the ground per industry standards or fifteen (15) feet, whichever is greater;
- f. A clearly visible warning sign concerning voltage shall be placed at the base of all pad mounted transformers, substations, and other equipment that may pose a shock hazard;
- g. Wind 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 adjacent non-participating property lines;
- h. Wind Energy Facility facilities, other than Wind Turbines, electric lines and electrical junction boxes, access roads, landscaping, and fencing, shall be setback a minimum of two hundred (200) feet from adjacent non-participating property lines;
- i. Wind Turbines shall be equipped with a redundant braking system;
- j. If multiple wind turbines are used as part of a Wind Energy Facility, the total energy generation from all Wind Turbines and/or Wind Turbine height shall be used to determine their size category;
- k. Temporary meteorological towers shall be allowed as a permitted by-right use in any district that allows a Wind Energy Facility, with the condition that the temporary meteorological tower be removed within four (4) years of installation, unless wind turbines are built as part of the same project and long-term wind monitoring is included as part of the project;
- l. **Application Materials:** When submitting an application for a Wind Energy Facility, regardless of size, the following materials shall be submitted:
  - i. Project Narrative- describing wind turbines, energy production, use of produced energy, construction timeline, facilities to be built as part of the project, number of turbines, dimensions, sound production, and any other applicable information as determined by the UDO Administrator;
  - ii. Decommission plan that outlines process and details for how the Wind Energy Facility will be decommissioned;
  - iii. Visual assessment report showing existing site photographs and photographic simulations showing the Wind Energy Facility. The photographic simulations shall include views of the Wind Energy Facility from

- various directions as seen from public roadways and from other specific locations as determined by the UDO Administrator;
- iv. Sound generation analysis showing the extent of sound being generated by the Wind Energy Facility to prove sound levels do not exceed 55 A-weighted decibels at the property line of any non-participating property;
  - v. A list of approvals needed from all applicable government agencies, including, but not limited to, Federal Aviation Administration, Army Corps of Engineers, Virginia Department of Environmental Quality, and Virginia State Corporation Commission. Once the approvals are issued, they shall be provided to Pulaski County for the permanent project file;
  - vi. Access plan describing how the Wind Energy Facility 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. Height feasibility study showing justification for the proposed Wind Turbine height;
  - viii. Plan showing that the collapse zone of the Wind Turbine shall not endanger an occupied building or collapse on adjacent non-participating property; and
  - ix. A shadow flicker model prepared by an independent engineer that certifies that all Wind Turbines either avoid shadow flicker or that reasonable efforts to minimize shadow flicker have been made for shadow flicker that occurs on any occupied building or public roadway on a non-participating property within a distance equal to 15 rotor diameters from the wind turbines. If any shadow flicker occurs on an occupied building in the model area, the property owner shall be notified via certified mail detailing the dates, times, and average hours per year that shadow flicker will likely occur. If any shadow flicker occurs on a public roadway in the model area, the Virginia Department of Transportation shall be notified via certified mail detailing the dates, times, and average hours per year that shadow flicker will likely occur. The UDO Administrator shall be copied on all letters sent to property owners and/or VDOT regarding shadow flicker, to ensure owners are invited to the public hearings for the Special Use Permit.
- m. Any Wind Energy Facility 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 twelve (12) months of notice from the UDO Administrator; and
  - n. For Large and Medium Wind Energy Facilities, the additional following information shall be provided:
    - x. Emergency Response Plan, which shall be developed and coordinated with the Pulaski County UDO Administrator and County Emergency Services Coordinator, that depicts the wind turbine collapse zones, fencing, and an outline of a safety response plan for first responders;
    - xi. An annual report shall be due to the Pulaski County UDO Administrator no later than March 1<sup>st</sup> of each year. The report shall provide an overview of pervious year activity and current status of the Wind Energy Facility, as well as the name and contact information for the Wind Energy Facility contact person(s) who is available 24 hours a day, 7 days a week for emergencies, inquiries, or complaints.
    - xii. Liability insurance certificate showing a minimum of \$5 million (Large Wind Energy Facilities) or \$1 million (Medium Wind Energy Facilities) in general liability per occurrence and \$5 million (Large Wind Energy Facilities) or \$2

million (Medium Wind Energy Facilities) in aggregate listing Pulaski County as an additional insured; and

- xiii. A Development Surety that would provide funds to Pulaski County, less salvage value, to pay for removal of the Wind Energy Facility, in the event that the Wind Energy Facility becomes 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. Historic painted signs and murals;
  - 13. 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;
  - 14. 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
  - 15. Temporary signs as specified herein:
    - a. Agricultural product signage advertising agricultural products available on premises, not exceeding thirty-two (32) square feet, as long as the signage is removed within five (5) days of sales being finished for the season;

- b. 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 five (5) days of construction being completed;
- c. 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 five (5) days of the sale or lease being completed;
- d. 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 five (5) days after the election;
- e. 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 five (5) days of the sale being completed;
- f. Signs that do not exceed thirty-two (32) square feet advertising a 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;
- g. Signs that do not exceed thirty-two (32) square feet 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;
- h. Promotion signs, advertising flags, or banners that do not exceed thirty-two (32) square feet that are displayed for not more than thirty (30) days; and
- i. 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 which exhibits statements, words, or pictures of an obscene or pornographic nature;
- 3. Any sign which emits a sound, odor, or visible matter;
- 4. Any sign which obstructs free ingress/egress from a door, window, fire escape, or other exit way;
- 5. 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;
- 6. 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;
- 7. 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;
- 8. Signs painted on or attached to trees, rocks, or other natural features, telephone, or utility poles;
- 9. Abandoned, hazardous, or dilapidated signs;
- 10. Portable signs, except as provided for in this Section;
- 11. Vehicle signs; and
- 12. 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
Poster Billboards	-	-	-	-	-	-	220	220	-	-

- 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 Government 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. Electronic message shall 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. Minimum plant sizes at time of planting shall be one and a half (1.5) inch caliper for trees, three (3) gallon container for shrubs, and two and a half (2.5) inch container for groundcovers;
  3. 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);
  4. 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;
  5. All required landscaping shall be maintained in good health, replaced if dead within six (6) months, and pruned to maintain adequate visual screening;

6. Invasive species or species that are known to have adverse impacts to either the environment or agricultural uses shall not be permitted;
  7. 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
  8. 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.
  4. All Site work, parking, landscaping must be maintained outside of VDOT Clear Zones, Limited Access, Right of ways and public access. These zones will not be incorporated into the established setback standard.
- 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.

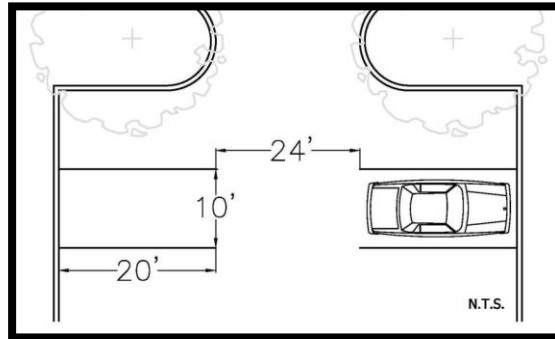
**D. Parking Layout and Dimensions**

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

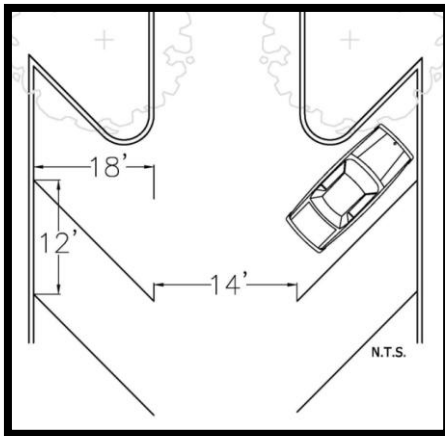
**Table 5.3: Parking Dimension Table**

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

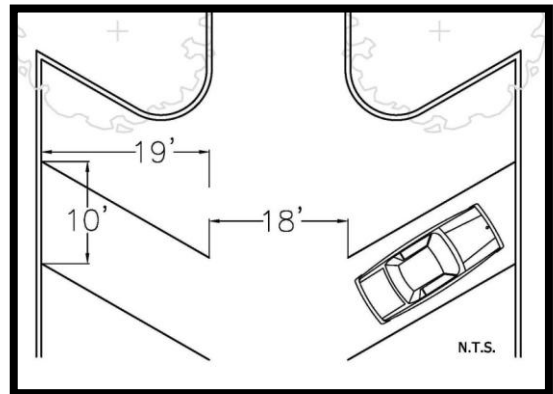
### 90 Degree Parking Example



### 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
<b>Use</b>	<b>Minimum Number of Required Spaces</b>
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**

<b>Square Feet of Gross Floor Area</b>	<b>Number of Loading Spaces</b>
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 Virginia Landmarks Register or 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.

## **5.6 Small Home Community Site Development**

A. **Intent:** The intent of this Section is to provide guidance for development of small home communities that is line with the Pulaski County regulations and ordinances.

B. **Site Development Requirements:** The following standards shall be considered for the development of Small Home Communities. Pulaski County Unified Development Standards that are not listed in this section can be enforced by the UDO administrator.

### **1. Setback Standards**

- a. Setback standards for a Small Home Community will be 25' Front, 15' Sides, and 25' Rear.
- b. The Distance between each home shall be at least 25'. That will be measured from the outer most part of the structure.

### **2. Open Space**

- a. A minimum of 10 % open space areas are required within the proposed development and must be maintained.

### **3. General Landscaping and Buffer**

- a. A 10' vegetative buffer is required around the entirety of the development.
- b. One (1) large tree for every fifty (50) linear feet; or two (2) small trees for every fifty (50) linear feet;
- c. Minimum plant sizes at time of planting shall be one and a half (1.5) inch caliper for trees, three (3) gallon container for shrubs, and two and a half (2.5) inch container for groundcovers;
- d. All required landscaping shall be maintained in good health, replaced if dead within six (6) months, and pruned to maintain adequate visual screening;

### **4. General Parking and Roadway Development**

- a. Sidewalks shall be installed throughout the entire development for easy walkable accessibility.
- b. Each home shall have a minimum of two parking spaces per dwelling.
- c. Drive isle shall be at least 22' (11' on each side) to be adequate accommodate passenger vehicles, emergency vehicles, fire trucks, or other large vehicles;
- d. Roadways 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. Designated Community Areas**

- a. Each Small Home Community shall have a designated community area that can incorporate but not limited to, park, garden, shelter etc.

## **C. Site Plan Approval Process**

### **1. Special Use Permit**

- a. This use is only allowable by a Special Use Permit granted by the Board of Supervisors

### **2. Major Site Plan**

- a. If the property is approved private water and sewer; an approval must be given by the Virginia Department of Health prior to any submittal.
- b. Site Plan Review will be required for Planning & Zoning, Engineering, Erosion and Sediment Control.
- c. Zoning and Building permits are required.

## **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. A subdivision plat shall be submitted and coincide with the Site Plan Approval Process. An approval of the Site Plan and Subdivision will be needed prior to any construction on the site.
- 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. Survey Extents: For any subdivision, lot line revision, vacation, or other modification to property lines, the entire property or effected properties shall be surveyed if the individual property is less than seven (7) acres, unless a plat of the property that includes metes and bounds is recorded in the Pulaski County Courthouse. If a previously recorded plat is used in lieu of a property survey, the deed book and page shall be referenced and a sketch of the property boundaries taken from the recorded plat shall be included on the plat.
- G. Coordinate System: All plats should be surveyed on the NAD 1983 State Plane Virginia South Coordinate System;

- H. 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;
- I. 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;
- J. 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; After (6) months, the plat must be resubmitted for review by the UDO Administrator or Subdivision Agent.
- K. Recording: No subdivision plat shall be recorded unless it has been approved by the UDO Administrator; and
- L. 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. Family Subdivision:**

- 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;
  - b. Private twenty (20) foot right-of-way; or
  - c. Private twenty (20) foot access easement.
- 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. 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. For private roadways existing prior to the adoption of Zoning in 1990, the maximum number of lots that may be served by the private roadway shall be fifty (50);
  - e. No more than ten (10) lots shall use any one private roadway for access for a new development;
  - f. If the private roadway serves three (3) or more lots, it shall be passable by emergency vehicles in all weather conditions; and
  - g. 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 \_\_\_\_ and recorded as (Deed Book and Page) and (Land Record 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, will not be maintained by the Virginia Department of Transportation or Pulaski County, and are not

eligible for rural addition funds, as defined in § 33.-335, or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board 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, with funds other than those appropriated by the Pulaski County Board of Supervisors, General Assembly, or Commonwealth Transportation Board."

- 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**

[2]

**Article 7. Title, purpose, and authority.**

**Article 7.2. Definitions.**

**Article 7.3. Local erosion and sediment control program.**

**Article 7.4. Submission and approval of plans; contents of plans.**

**Article 7.5. Permits; fees; security for performance.**

**Article 7.6. Monitoring, reports, and inspections.**

**Article 7.8. Penalties and other remedies.**

**Article 7.9. Appeals and judicial review.**

**Article 7.10. Sinkholes.**

**Article 7.11 Reserved.**

## **7.1 Title, purpose, and authority.**

- (a) This article shall be known as the "Erosion and Sediment Control Ordinance of the County of Pulaski." The purpose of this article is to prevent degradation of properties, stream channels, waters and other natural resources of the county by establishing requirements for the control of soil erosion, sediment deposition and nonagricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.
- (b) This article is authorized by Code of Virginia, § 62.1-44.15:52 et seq., known as the Virginia Erosion and Sediment Control Law.

## **7.2 Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agreement in lieu of a plan means a contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

Applicant means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

Board means the state soil and water conservation board.

Certified inspector means an employee or agent of a program authority who:

- (1) Holds a certificate of competence from the board in the area of project inspection; or
- (2) Is enrolled in the board's training program for project inspection and successfully completes such program within one year after enrollment.

Certified plan reviewer means an employee or agent of a program authority who:

- (1) Holds a certificate of competence from the board in the area of plan review;
- (2) Is enrolled in the board's training program for plan review and successfully completes such program within one year after enrollment; or
- (3) Is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to article 1 (section 54.1-400 et seq.) of chapter 4 of title 54.1 of the Code of Virginia.

Certified program administrator means an employee or agent of a program authority who:

- (1) Holds a certificate of competence from the board in the area of program administration; or
- (2) Is enrolled in the board's training program for program administration and successfully completes such program within one year after enrollment.

Clearing means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

County means the County of Pulaski.

Department means the state department of conservation and recreation.

Development means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

Director means the director of the state department of conservation and recreation.

District or Soil and Water Conservation District refers to the Skyline Soil and Water Conservation District.

Erosion and sediment control plan or plan means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan approving authority to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment

onto neighboring properties or into state waters. The term "erosion impact area" shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

Excavating means any digging, scooping or other methods of removing earth materials.

Filling means any depositing or stockpiling of earth materials.

Grading means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

Land-disturbing activity means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term "land-disturbing activity" shall not include:

- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;
- (3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- (5) Surface or deep mining;
- (6) Exploration or drilling for oil and gas including the wellsite, roads, feeder lines, and off-site disposal areas;
- (7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, article 2, (section 10.1-604 et seq.) of chapter 6 of the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of chapter 11 (section 10.1-1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Code of Virginia, § 10.1-1163(B);
- (8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- (9) Disturbed land areas of less than 10,000 square feet in size;

- (10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- (11) Shoreline erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of, and approved by, local wetlands boards, the marine resources commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article; and
- (12) Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

Land-disturbing permit means a permit issued by county for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth herein.

Local erosion and sediment control program or local control program means an outline of the various methods employed by the county to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.

Natural channel design concepts means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Peak flow rate means the maximum instantaneous flow from a given storm condition at a particular location.

Permittee means the person to whom the permit authorizing land-disturbing activities is issued who will be the owner of the property.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.

Plan-approving authority means the county engineer or his representative responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

Program authority means the county which has adopted a soil erosion and sediment control program that has been approved by the board.

Responsible land disturber means an individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who:

- (1) Holds a responsible land disturber certificate of competence;
- (2) Holds a current certificate of competence from the board in the areas of combined administration, program administration, inspection, or plan review;
- (3) Holds a current contractor certificate of competence for erosion and sediment control; or
- (4) Is licensed in the state as a professional engineer, architect, certified landscape architect or land surveyor pursuant to article 1 (section 54.1-400 et seq.) of chapter 4 of title 54.1 of the Code of Virginia.

Runoff volume means the volume of water that runs off the land development project from a prescribed storm event.

Single-family residence means a noncommercial dwelling that is occupied exclusively by one family.

Sinkhole means a closed topographic depression or basin, generally draining underground, including, but not restricted to, a doline, uvala, blind valley or sink.

State erosion and sediment control program or state program means the program administered by the state soil and water conservation board pursuant to the Code of Virginia including regulations designed to minimize erosion and sedimentation.

State waters means all waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdiction.

Town means the incorporated Towns of Pulaski and Dublin.

Transporting means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Water quality volume means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

### **7.3 Local erosion and sediment control program.**

- (a) The county hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the board for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in, but not limited to, the state erosion and sediment control regulations and the state erosion and sediment control handbook, as amended.
- (b) Public hearing.
  - (1) Before adopting or revising regulations, the county shall give due notice and conduct a public hearing on the proposed or revised regulations, except that a public hearing shall not be required when the county is amending its program to conform to revisions in the state program. However, a public hearing shall be held if the county proposes or revises regulations that are more stringent than the state program.
  - (2) In addition, stream restoration and relocation projects that incorporate natural channel design concepts are not manmade channels and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels.
  - (3) Any land-disturbing activity that provides for stormwater management intended to address any flow rate capacity and velocity requirements for natural or manmade channels shall satisfy the flow rate capacity and velocity requirements for natural or manmade channels if the practices are designed to:
    - a. Detain the water quality volume and to release it over 48 hours;
    - b. Detain and release over a 24-hour period the expected rainfall resulting from the one-year, 24-hour storm; and
    - c. Reduce the allowable peak flow rate resulting from the 1.5-, two-, and ten-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels.
- (c) An erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The county erosion control program shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.
- (d) The county hereby designates the county engineer or his representative as the plan-approving authority.
- (e) The program and regulations provided for in this article shall be made available for public inspection at the office of the county engineer.

### **7.4 Submission and approval of plans; contents of plans.**

- (a) Except as provided herein, no person may engage in any land-disturbing activity until he has submitted to the county engineer an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the plan-approving authority. The number of copies of the plan to be submitted shall be determined by the county engineer. Where land-

disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the board for review and approval rather than to each jurisdiction concerned. Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.

- (b) The standards contained within the state erosion and sediment control regulations, the state erosion and sediment control handbook, as amended, and any local handbook or publication are to be used by the applicant when making a submittal under the provisions of this article and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the state regulations shall take precedence.
- (c) Plan review.
  - (1) The plan-approving authority shall review conservation plans submitted to it and grant written approval within 45 days of the receipt of the plan if it determines that the plan meets the requirements of the board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the conservation measures included in the plan and will conform to the provisions of this article. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, to the program authority, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article.
  - (2) However, the plan-approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single-family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence. Failure to provide the name of an individual holding a certificate of competence shall be a violation of this article.
- (d) The plan shall be acted upon within 45 days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval. When the plan is determined to be inadequate, the plan-approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.
- (e) An approved plan may be changed by the plan-approving authority when:
  - (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
  - (2) The person responsible for carrying out the plan finds that, because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this article, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.



- (f) Variances. The plan-approving authority may waive or modify any of the standards that are deemed to be too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:
- (1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.
  - (2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within ten days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.
- (g) In order to prevent further erosion, the county may require approval of a plan for any land identified in the local program as an erosion impact area.
- (h) When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner. The owner shall not authorize any land-disturbing activity by the contractor until a land-disturbing permit is issued.
- (i) The owner shall obtain the land-disturbing permit.
- (j) Any person engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of mitigation banks, pursuant to a permit issued by the department of environmental quality, the marine resources commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation banks annually with the board for review and approval consistent with guidelines established by the board.
- (k) State agency projects are exempt from the provisions of this article except as provided for in the Code of Virginia.
- (l) The county engineer may seek technical advice from the district and/or such other engineering firms, local, state, or federal agencies that he deems necessary to ensure the adequacy of any submitted plan. When any person submits an erosion and sediment control plan to the county engineer, the county engineer may submit it to an independent professional engineering firm and/or engineering consulting firm with experience in preparing erosion and sediment control plans for recommendations. The applicant shall be responsible for any additional cost for review or assistance requested by this section.
- (m) An approved plan shall be valid for 12 months after approval. If a land disturbing permit has not been issued and/or land disturbing has not occurred within the 12-month period after approval, the approval will be determined to have expired and the erosion and sediment control plan must be resubmitted.

## **7.5 Permits; fees; security for performance.**

- (a) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may not issue any such permit unless the applicant

submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

- (b) No person may engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this article, and has paid the fees and posted the required bond.
- (c) An administrative fee of \$50.00 plus \$50.00 per acre or any part thereof of land to be disturbed shall be paid to the county at the time of submission of the erosion and sediment control plan.
- (d) No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.
- (e) Bond required.
  - (1) All applicants for permits shall provide to the county a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the county engineer, to ensure that measures could be taken by the county at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him by the approved plan as a result of his land-disturbing activity.
  - (2) The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed 25 percent of the cost of the conservation action should it be necessary for the county to take such conservation action, the county may collect from the applicant any costs in excess of the amount of the surety held.
  - (3) Within 60 days of adequate stabilization, as determined by county engineer in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof, shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

#### **7.6 Monitoring, reports, and inspections.**

- (a) The county may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.
- (b) Inspection.
  - (1) The county engineer shall periodically inspect the land-disturbing activity in accordance with section 4VAC50-30-60 of the state erosion and sediment control regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.
  - (2) If the county engineer determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan

certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

- (3) The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this article and shall be subject to the penalties provided by this article.

(c) Notice to comply.

- (1) Upon determination of a violation of this article, the county engineer may, in conjunction with or subsequent to a notice to comply as specified in this article, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.
- (2) If land-disturbing activities have commenced without an approved plan, the county engineer may, in conjunction with or subsequent to a notice to comply as specified in this article, issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.
- (3) Where the alleged noncompliance is causing, or is in imminent danger of causing, harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this article. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply.
- (4) The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the circuit court of the county.
- (5) If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the county engineer may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the county.
- (6) The owner may appeal the issuance of an order to the circuit court of the county.
- (7) Any person violating or failing, neglecting or refusing to obey an order issued by the county engineer may be compelled in a proceeding instituted in the circuit court of the county to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.
- (8) Nothing in this section shall prevent the county engineer from taking any other action authorized by this article.

## **7.7 Penalties and other remedies.**

- (a) Violators of this article shall be guilty of a Class 1 misdemeanor.

- (b) Any person who violates any provision of this article shall, upon a finding of the district court of the county, be assessed a civil penalty. The civil penalty for any one violation shall be \$100.00, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$1,000.00. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$3,000.00, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.00.
- (c) Application for injunctive relief.
  - (1) The county engineer, or the owner of property which has sustained damage or which is in imminent danger of being damaged, may apply to the circuit court of the county to enjoin a violation or a threatened violation of this article, without the necessity of showing that an adequate remedy at law does not exist.
  - (2) However, an owner of property shall not apply for injunctive relief unless:
    - a. He has notified, in writing, the person who has violated the local program and the program authority that a violation of the local program has caused, or creates a probability of causing, damage to his property; and
    - b. Neither the person who has violated the local program nor the program authority has taken corrective action within 15 days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.
- (d) In addition to any criminal penalties provided under this article, any person who violates any provision of this article may be liable to the county in a civil action for damages.
- (e) Civil penalties.
  - (1) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000.00 for each violation. A civil action for such violation or failure may be brought by the county.
  - (2) Any civil penalties assessed by a court shall be paid into the county treasury, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.
- (f) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this article, the county may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (e) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (e) of this section.
- (g) The commonwealth's attorney shall, upon request of the county or the permit issuing authority, take legal action to enforce the provisions of this article.
- (h) Compliance with the provisions of this article shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

## **7.8 Appeals and judicial review.**

- (a) Any applicant under the provision of this article who is aggrieved by any action of the county or its agent in disapproving plans submitted pursuant to this article shall have the right to apply for and receive a review of such action by the county planning commission, provided an appeal is filed within 30 days from the date of the action. Any applicant who seeks an appeal hearing before the county planning commission shall be heard at the next regularly scheduled county planning commission public hearing, provided that the county planning commission and other involved parties have at least 30 days' prior notice. In reviewing the agent's actions, the county planning commission shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the county planning commission may affirm, reverse or modify the action. The county planning commission's decision shall be subject to review by the county board of supervisors in accordance with the same schedule as the county planning commission. The county board of supervisors' decision shall be subject to review by the circuit court of the county.
- (b) Final decisions of the county under this article shall be subject to review by the county circuit court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in, or proposing to engage in, land-disturbing activities.

**State Law reference—** Judicial appeals, Code of Virginia, § 62.1-44.15:62.A.

## **7.9 Sinkholes.**

- (a) Sinkholes should receive the same volume of stormwater runoff after development that was present before development. The erosion and sediment control plan shall document the stormwater runoff to sinkholes up to and including the ten-year storm.
- (b) Where stormwater runoff to sinkholes increase as a result of improvements, a certified professional geologist registered in the state must provide a study which documents the sinkhole has the capacity to accommodate the post development volume and rate of runoff. This report must be included with the erosion and sediment control plan.
- (c) Where stormwater runoff to sinkholes increase as a result of improvements, a drainage easement must be provided that will accommodate the total volume of post-development runoff from a ten-year storm.
- (d) Sinkholes receiving stormwater from improved land must comply with all federal, state and local regulatory requirements.
- (e) Drainage outfalls from improved land must include a natural buffer zone between the outlet of the drainage structures and the sinkhole in order to provide for a natural filtering process. Where stormwater runoff naturally terminates in sinkhole areas, vegetated flow areas (minimum 80 feet in length to the floor of the sinkhole), runoff spreaders and vegetated swales shall be used between the outlet of the drainage structure and the bottom of the sinkhole in order to provide filtering of the flow.
- (f) All applicable provisions of the state erosion and sediment control regulations shall apply to sinkholes.

### **7.10 Amendments.**

(a.) This article may be amended in whole or in part by the county board of supervisors, provided that such amendments shall either originate with or be submitted to the board for recommendation; and further provided that no such amendment shall be adopted without a public hearing having been held. Notice of the public hearing shall be in accordance with Code of Virginia, § 15.1-431

### **7.11 Reserved 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.

## **Article 8: Floodplain**

### **Article 8.1-1 – Statutory Authorization and Purpose [44 CFR 59.22(a)(2)]**

Va. **Code** § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens. To these ends, flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.

In accordance with these directed provisions, this Article 8 is specifically adopted pursuant to the authority granted to localities by Va. **Code** § 15.2 - 2280.

The purpose of these provisions is to prevent: the loss of life, health, or property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage; and,
- D. Protecting individuals from <sup>buying</sup> land and structures which are unsuited for intended purposes because of flood hazards.

### **Article 8.1-2 – Applicability**

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of Pulaski County and identified as areas of special flood hazard *identified by the community or* shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to Pulaski County by FEMA.

### **Article 8.1-3 - Compliance and Liability**

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- C. This ordinance shall not create liability on the part of Pulaski County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

### **Article 8.1-4 – Records [44 CFR 59.22(a)(9)(iii)]**

Records of actions associated with administering this ordinance shall be kept on file and maintained by or under the direction of the Floodplain Administration perpetuity.

### **Article 8.1-5 - Abrogation and Greater Restrictions [44 CFR 60.1(b)]**

To the extent that the provisions are more restrictive, this Article 8 supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

### **Article 8.1-6 - Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this Article 8 shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.



#### **Article 8.1-7 - Penalty for Violations [44 CFR 60.2(e)]**

Any person who fails to comply with any of the requirements or provisions of this article or directions of the Floodplain Administrator or any authorized employee of Pulaski County shall be guilty of the appropriate violation and subject to the penalties thereof.

Violations of the UDO and penalties for those violations, including violations of this Article 8, are addressed in Article 10 of the UDO.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by Pulaski County to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article

## Article 8.2 - DEFINITIONS APPLICABLE TO THIS ARTICLE 8

- A. **Appurtenant or accessory structure** - A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures are not to exceed 600 square feet.
- B. **Base flood** - The flood having a one percent chance of being equaled or exceeded in any given year.
- C. **Base flood elevation** - The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.
- D. **Basement** - Any area of the building having its floor sub-grade (below ground level) on all sides.
- E. **Board of Zoning Appeals** - The board appointed to review appeals made by individuals with regard to decisions of the Floodplain Administrator in the interpretation of this Article 8.
- F. **Coastal A Zone** - Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.
- G. **Development** - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling, grading, paving, excavation, drilling or other land-disturbing activities or permanent or temporary storage of equipment or materials.
- H. **Elevated building** - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).
- I. **Encroachment** - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- J. **Existing construction** - For the purposes of the insurance program, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be

referred to as "existing structures" and "pre-FIRM."

K. **Flood or flooding** -

1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters; or,
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
  - c. Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.

L. **Flood Insurance Rate Map (FIRM)** - an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

M. **Flood Insurance Study (FIS)** - a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

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

O. **Floodproofing** - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

P. **Floodway** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.

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

- R. **Functionally dependent use** - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- S. **Highest adjacent grade** - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- T. **Historic structure** - Any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
  4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - a. By an approved state program as determined by the Secretary of the Interior; or,
    - b. Directly by the Secretary of the Interior in states without approved programs.
- U. **Hydrologic and Hydraulic Engineering Analysis** - Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.
- V. **Letters of Map Change (LOMC)** - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

**Letter of Map Amendment (LOMA)** - An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

**Letter of Map Revision (LOMR)** - A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation

and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

**Conditional Letter of Map Revision (CLOMR)** - A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

- W. **Lowest adjacent grade** - the lowest natural elevation of the ground surface next to the walls of a structure.
- X. **Lowest floor** - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- Y. **Manufactured home** - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- Z. **Manufactured home park or subdivision** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- AA. **Mean Sea Level** – for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.
- BB. **New construction** - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or September 29, 1978, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

- CC. **Post-FIRM structures** - A structure for which construction or substantial improvement occurred on or after September 29, 1978.
- DD. **Pre-FIRM structures** - A structure for which construction or substantial improvement occurred before September 29, 1978.
- EE. **Primary frontal dune** - a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms.
- FF. **Recreational vehicle** - A vehicle which is:
1. Built on a single chassis;
  2. 400 square feet or less when measured at the largest horizontal projection;
  3. Designed to be self-propelled or permanently towable by a light duty truck; and,
  4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- GG. **Repetitive Loss Structure** - A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.
- HH. **Severe repetitive loss structure** - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage - (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.
- II. **Shallow flooding area** - A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- JJ. **Special flood hazard area** - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 8.4-1 of this ordinance.
- KK. **Start of construction** - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit

was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- LL. **Structure** - for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- MM. **Substantial damage** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.
- NN. **Substantial improvement** - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term does not, however, include either:
1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
  2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
  3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
- OO. **Violation** - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

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

### **Article 8.3 - ADMINISTRATION**

#### **Article 8.3-1 - Designation of the Floodplain Administrator [44 CFR 59.22(b)]**

Pulaski County's UDO Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- A. Do the work themselves.
- B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees and designate such County employees to act in their behalf. All references in this Article 8 to the Floodplain Administrator shall be deemed to include such designees/delegees.
- C. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

#### **Article 8.3-2 - Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]**

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- B. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- C. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- D. Review applications to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- E. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and



- Floodplain Management), and other appropriate agencies (VADEQ, USACE), and have submitted copies of such notifications to FEMA.
- F. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
  - G. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
  - H. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
  - I. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
  - J. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for Pulaski County, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
  - K. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
    - 1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and
    - 2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
  - L. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
  - M. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
  - N. Administer the requirements related to proposed work on existing buildings:
    - 1. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
    - 2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
  - O. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
  - P. Notify the Federal Emergency Management Agency when the corporate boundaries of Pulaski County have been modified and:

1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
  2. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- Q. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- R. It is the duty of the Floodplain Administrator to consider flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

### **Article 8.3-3 - Use and Interpretation of FIRMs [44 CFR 60.3]**

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- A. Where field surveyed topography indicates that adjacent ground elevations:
1. Are below the base flood elevation in riverine SFHAs, or below the 1% storm surge elevation in coastal SFHAs, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
  2. Are above the base flood elevation and the area is labelled as a SFHA on the FIRM, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- B. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
- C. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- D. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- E. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
1. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided

- from FEMA for the purposes of administering these regulations.
2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Article 8.4-1(A)(3) and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
  3. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

#### **Article 8.3-4 - Jurisdictional Boundary Changes [44 CFR 59.22, 65.3]**

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, the governing body shall prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22(a)(9)(v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

#### **Article 8.3-5 - District Boundary Changes**

The delineation of any of the Floodplain Districts may be revised by Pulaski County where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual document the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. A completed LOMR is a record of this approval.

### **Article 8.3-6 - Interpretation of District Boundaries**

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Floodplain Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

### **Article 8.3-7 – Submitting Model Backed Technical Data [44 CFR 65.3]**

Pulaski County's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, Pulaski County shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. Pulaski County may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

### **Article 8.3-8 – Letters of Map Revision**

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

## **Article 8.4 - ESTABLISHMENT OF ZONING DISTRICTS**

### **Article 8.4-1 - Description of Special Flood Hazard Districts [44 CFR 59.1, 60.3]**

#### **A. Basis of Districts**

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for Pulaski County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated January 11, 2024, and any subsequent revisions or amendments thereto.

In addition to Special Flood Hazard Districts, the County may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated by the County on a "Local Flood Hazard Map", published by the County, using best available topographic data and locally derived information such as flood of record, historic high-water marks, or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this Article 8 and which shall be kept on file at the Pulaski County offices.

1. The **Floodway District** is in an **AE Zone** and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 2 of the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone [44 CFR 60.3(d)]:

- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with Pulaski County’s endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If Article 8.4-1(A)(1)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 8.5.

- b. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
2. The **AE, or AH Zones** on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has **not** been delineated. The following provisions shall apply within an AE or AH zone [44 CFR 60.3(c)] where FEMA has provided base flood elevations<sup>1</sup>:  
Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30, AE, or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined

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<sup>1</sup> These provisions only apply along rivers, streams, and other watercourses where FEMA has provided base flood elevations. These provisions do not apply along lakes.

with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within Pulaski County.

Development activities in Zones AI-30, AE, or AH on Pulaski County's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with Pulaski County's endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

3. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:  
The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from Federal, State, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level plus twelve (12) inches.

During the permitting process, the Floodplain Administrator shall obtain:

- a. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
- b. If the structure has been floodproofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been floodproofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

4. The **AO Zone** on the FIRM accompanying the FIS shall be those areas of shallow

flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 CFR 60.3(c)]:

- a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
- b. All new construction and substantial improvements of non-residential structures shall
  - (1) Have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,
  - (2) Together with attendant utility and sanitary facilities be completely floodproofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

#### **Article 8.4-2 - Overlay Concept**

The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map of Pulaski County, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

#### **Article 8.5 - DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]**

##### **Article 8.5-1 – Permit and Application Requirements**

###### **A. Permit Requirement**

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a permit. Such development shall be undertaken only in strict compliance with the provisions of this Article 8 and other provisions

of the UDO, as well as with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC). Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable State and Federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

**B. Site Plans and Permit Applications**

All applications for development within any floodplain district and all permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. For structures to be elevated, the elevation of the lowest floor (including basement) or, in V zones, the lowest horizontal structural member.
3. For structures to be floodproofed (non-residential only), the elevation to which the structure will be floodproofed.
4. Topographic information showing existing and proposed ground elevations.

**Article 8.5-2 - General Standards**

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be built according to this ordinance and the VA USBC, and anchored to prevent flotation, collapse, or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to



them or contamination from them during flooding.

In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:

- I. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.
- J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

### **Article 8.5-3 – Elevation and Construction Standards [44 CFR 60.3]**

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Article 8.4-1(A)(3) the following provisions shall apply:

#### **A. Residential Construction**

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH, and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level plus twelve (12) inches.

#### **B. Non-Residential Construction**

- 1. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level plus twelve (12) inches.
- 2. Non-residential buildings located in all A1-30, AE, and AH zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus two feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by UDO Administrator and Floodplain Manager

#### **C. Space Below the Lowest Floor**

In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall

- 1. Not be designed or used for human habitation, but shall be used solely for parking of

vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).

2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
  - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
  - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
  - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
  - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
  - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
  - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Accessory Structures

1. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of Article 8.5-3(B) or, if not elevated or dry floodproofed, shall:
  - a. Not be used for human habitation;
  - b. Be limited to no more than 600 square feet in total floor area;
  - c. Be useable only for parking of vehicles or limited storage;
  - d. Be constructed with flood damage-resistant materials below the base flood elevation;
  - e. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
  - f. Be anchored to prevent flotation;
  - g. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
  - h. Shall be provided with flood openings which shall meet the following criteria:
    - (1) There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.

- (2) The total net area of all flood openings shall be at least 1 square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.
- (3) The bottom of each flood opening shall be 1 foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
- (4) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

~~—~~A signed Declaration of Land Restriction (Non-Conversion Agreement) shall be recorded on the property deed.

~~a.—~~

#### **E Standards for Manufactured Homes and Recreational Vehicles**

1. In zones A, AE, AH, and AO, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article 8.5-2 and Article 8.5-3.
2. All recreational vehicles placed on sites must either:
  - a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
  - b. Meet all the requirements for manufactured homes in Article 8.5-4(E)(1).

#### **Article 8.5-4 - Standards for Subdivision Proposals**

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

#### **Article 8.6 – EXISTING STRUCTURES IN FLOODPLAIN AREAS**

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

- A. The Floodplain Administrator has determined that:
  - 1. Change is not a substantial repair or substantial improvement AND
  - 2. No new square footage is being built in the floodplain that is not complaint AND
  - 3. No new square footage is being built in the floodway AND
  - 4. The change complies with this ordinance and the VA USBC AND
  - 5. The change, when added to all the changes made during a rolling 5-year period does not constitute 50% of the structure's value.
- B. The changes are required to comply with a citation for a health or safety violation.
- C. The structure is a historic structure and the change required would impair the historic nature of the structure.

## **Article 8.7 - VARIANCES: FACTORS TO BE CONSIDERED**

Variances from the provisions of this Article 8 shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances. In addition to the requirements of this Article 8, the issuance of variances shall be subject to the provisions and requirements of any other applicable Articles of the UDO.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this Section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this Section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one percent (1%) chance flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to

- prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  - E. The importance of the services provided by the proposed facility to the community.
  - F. The requirements of the facility for a waterfront location.
  - G. The availability of alternative locations not subject to flooding for the proposed use.
  - H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
  - K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
  - L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  - M. Variances will not be issued for any accessory structure within the SFHA. (*Note: See Article 8.5-3(D)(1)*).
  - N. Such other factors which are relevant to the purposes of this Article 8.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one percent (1%) chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

# **Article 9: Solar**

## **9.1- Purpose and Intent**

Va. Code § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens.

This ordinance is being enacted by the County of Pulaski through the authority granted in Section 15.2-2288.7 of the Code of Virginia.

A. The Purpose of this ordinance is to provide for and regulate the siting, developmental, construction, installation, operation and decommissioning of solar energy facilities in the county in a manner that promotes economic development, and the safe, effective and efficient use of facilities while protecting the health, safety and welfare of the community and to avoid adverse impacts on county resources.

The intent of this Ordinance is to promote and regulate the adoption of solar energy, while ensuring that it aligns with local planning and zoning regulations, while fostering sustainability and renewable energy practices. Guidelines can include but are not limited to property setbacks and safety measures to facilitate the responsible integrations of solar technology into the community.

This ordinance does not supersede or nullify any provisions to local, state or federal law that applies to solar energy facilities. This ordinance shall apply to any and all facilities proposed after the (adoption date) of this ordinance.

## **9.2- Definitions**

**Applicant-** The owner, operator or entity who applies to the locality for a permit to site, develop, construct, install, and operate a solar energy facility under this ordinance.

**Disturbance Zone –** The area within the site directly impacted by construction and operation of the solar energy project.

**BTM Behind the Meter-** BTM refers to the energy systems located on the customer's side of the utility meter. These systems can include solar panels, battery storage, energy efficient appliances etc.

**Landowner-** The person who owns all or a portion of real property on which the solar energy project is constructed.

**Facility Owner-** The person or entity that owns all or a portion of the solar energy facility, whether or not it owns the site of which the facility is located.

**Large Scale Solar Energy Facility-** An energy project that generates electricity from sunlight, consisting of one or more PV systems and other structures and facilities within the boundaries of the site, or utilizes sunlight as an energy source by means of any combination of collecting, transferring, or converting solar generated energy

**Operator-** The person responsible for the overall operation and management of a solar energy system.

**Non-participating Landowner-** A person who owns real property that may be affected by a solar energy project and is not under lease or other property agreement with the owner or operator of the solar energy system.

**Integrated PV-** Photovoltaics incorporated into building materials such as shingles.

**Photovoltaic or PV-** Materials and devices that absorb sunlight and convert it directly into electricity by semiconductors.

**Rated Capacity-** The maximum capacity of a solar energy project based on the sum total of each photovoltaic system's nameplate capacity.

**Project Area-** The area within a site used for the construction and operation of the solar facility.

**Site-** The property containing the Solar energy facility.

**Small Scale Solar Energy Facility-** A solar energy facility that has a project area of less than 1 acre, or has a rated capacity of 200 KW or less, is mounted on or over a building or utilizes integrated PV only.

**Solar Energy Facility Permit-** A Solar Energy Facility Permit is required by Pulaski County to construct, install, develop or operate a solar energy facility producing power that is connected to the grid. This permit must be applied for and issued prior to any disturbance of land.

**Decommissioning-** The removal and proper disposal of solar energy equipment, facilities, or devices related to a solar facility.

### **9.3 Applicability**

This ordinance applies to all ground mounted solar energy systems, operating as principle land uses, proposed to be constructed after this effective date of this ordinance. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.

### **9.4 Exemptions from this ordinance**

A. This ordinance does not apply to residential solar installations. These installments may require permitting through the Building Office and must comply with all local building codes. They

must also comply with all local, state and federal laws codes and regulations and standards of this ordinance.

B. This ordinance does not apply to BTM (behind the meter) Commercial and Industrial industries that use solar panels, battery storage or other energy efficient appliances within their designated properties. They must comply with all local, state, and federal law codes. Development plans shall be submitted to the UDO Administrator for site plan approval.

### **9.5 Use of Consultant**

A. The County reserves the right to employ the services of consultants to review all applications and to enforce county and state requirements if the solar energy system is approved. All applicable costs will be the responsibility of the applicant. Consultants may include, but shall not be limited to, the following: economic and fiscal impact assessments, ground water monitoring assessments, erosion and sediment control and stormwater management. The recommendation of consultants will be considered by the Board of Supervisors in making their decision as to whether or not to issue a Special Use Permit for a solar energy system.

B. All Plan Review and Inspections for the Building Department and Erosion and Sediment Control shall be third party consulted and reviewed and inspected to the standards of local, state and federal guidelines.

### **9.6 Applications; Special Use Permit**

A. The requirements set forth in this ordinance shall govern the siting, development, construction, installation, operation, and decommissioning of Large Solar energy facilities within Pulaski County. A Special Use Permit is required for each large-scale solar energy facility proposed to be constructed, installed or operated in Pulaski County.

#### **9.6 A. Application and Procedures for approval and permitting of Large-Scale Solar Energy Facilities.**

- 1) A pre-application meeting should take place with the Planning and Zoning Department prior to any submittal of materials.
- 2) A Community Meeting- prior to any application submittal, after the required pre-application meeting with the Planning and Zoning Administrator, the applicant shall hold a community meeting to inform the community about the planned solar energy system installation. Said meeting shall be open to the public. Notice of the date, time, and location of the meeting, as well as a contact name and phone number of the project representative and summary of the request, shall be delivered by first class mail to all property owners and adjacent property owners as identified by the Pulaski County tax records. Such notice shall be delivered at least 5 and no more than 21 business days prior to the community meeting. Upon conclusion of the community meeting, a mailing list of property owners notified, a sign



in sheet, an agenda from the meeting and a written summary of the meeting shall be included within the application packet.

3) Applicant must submit a complete permit application packet for a new proposed Large-Scale Solar facility. This packet should be delivered to the Pulaski County Planning and Zoning Administrator for review prior to Planning Commission Review.

4) The Planning and Zoning Administrator shall have 45 days to review the application packet submittal. If there are deficiencies within the application packet, the Administrator will notify the applicant of the items that need to be corrected or addressed. Once the packet has been reviewed and deemed complete the Administrator shall notify the Planning Commission and schedule a meeting with the proposed solar project on the agenda for public hearing. The agenda item shall run consecutively in the local newspaper for two weeks prior to the scheduled meeting, as well as adjacent letters shall be sent in compliance with the Virginia State Code.

5) After the initial Planning Commission Meeting, the decision to recommend approval or denial will be forwarded to the Board of Supervisors for the final vote within 45 days of the Planning Commission Meeting. The Administrator shall notify the Board of Supervisors and schedule a meeting with the proposed solar project on the agenda for public hearing. The agenda item shall run consecutively in the local newspaper for two weeks prior to the scheduled meeting, as well as adjacent letters shall be sent in compliance with the Virginia State Code.

6) The Board of Supervisors shall vote to approve or deny the Special Use Permit application for a Large-Scale Solar Energy Facility.

### **9.7 Considerations for Permitting**

To preserve and protect county resources, to protect the health, safety and welfare of the community and to otherwise advance the purpose of the intent of this ordinance, the addition of following may be considered by the Planning Commission and Board of Supervisors when addressing whether to recommend or grant the special use permit.

- A) The topography of the site and the surrounding area
- B) The proximity of the site
- C) The size of the site
- D) The proximity of the site to airports
- E) The proximity of the site on recreational areas, such as parks, battlefields, trails, lakes, rivers and creeks.

F) The proposed use of unavailable technology, coatings, and other measures for mitigating adverse impacts of the facility.

G) The proximity of the site to, observability from, and impact on public right of ways, including but not necessarily limited to highways, secondary roads, streets and scenic byways.

H) The proximity of the site, and impacts of historical, cultural, and archaeological significance.

I) The proximity of the site to any planning area or community planning area identified by the comprehensive plan.

J) The stripping of Topsoil is prohibited. An Alternative Plan must be submitted for approval during the Special Use Permit Hearing Process.

The enumeration of these criteria shall not prohibit the Planning Commission or Board of Supervisors from considering other factors deemed relevant to a specific permit application based on the details of this application. Nothing herein shall limit in any manner by the nature and scope of reasonable conditions that may be recommended by the Planning Commission or Board of Supervisors.

K) Additional information may be required as determined by the Planning and Zoning Administrator, such as scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by Pulaski County authorizes to assess the visual impacts of the project, aerial image or map of the site. The Planning Commission or Board of Supervisors may require other relevant information deemed to be necessary to evaluate the application.

## **9.8 Site Plan**

The site plan shall be prepared by a Virginia licensed engineer and/or Virginia licensed surveyor, but shall contain the engineering of records seal and must include the following information:

**A) Property Line Setbacks.** The project area shall be setback a distance of at least 75 feet from all public right of ways and main buildings on adjoining parcels, and a distance of at least 50 from any adjacent property lines. Exceptions may be made for adjoining parcels that are owned by the applicant. Increased setbacks up to 100 feet and additional buffering may be included in the conditions for a certain permit. Solar energy facilities also must meet all setback requirements for primary structures within the current zone district standards in addition to the requirements set forth above.

**B) Building Structure Location.** Show all existing and proposed buildings and structures, including preliminary, and temporary locations as well as any proposed solar equipment.

**C) Entrance and Access Roads.** Show all existing and proposed access roads and entrances, temporary and permanent, construction entrances, turn out locations and parking.

**D) Proposed Locations.** Show all proposed locations of electrical cabling from the solar systems to the substations, panels, ancillary equipment, facilities and buildings including any applicable setback and interconnection to the power grid.

**E) Proof of Control of Land:** Shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.

**F) Fencing.** Fencing shall be shown in detailed illustration on the site plan. The project area shall be enclosed by security fencing no less than 8 feet in height and equipped with an appropriate anticlimbing device. Fencing must be installed on the interior of the required vegetative buffer as referenced in this ordinance.

**G) Vegetative Buffer.** A sufficient vegetative buffer shall be installed to mitigate the visual impacts of the solar energy facility. The buffer shall consist of at least a 50' wide strip of landscape buffer located within the setbacks that are required under this section of the Pulaski County Unified Development Ordinance. The buffer shall run around the entirety of the proposed area of development. The buffer may consist of existing vegetation and as needed, installed noninvasive species consisting of multiple rows of staggered trees and other vegetation. The vegetation should include at least 6' in height at the time of planting and be reasonably expected to grow to full maturity within three years.

Existing trees or vegetation may supplement or satisfy a portion of the landscaping requirements as applicable and approved by the Planning and Zoning Administrator. If existing trees and vegetation are disturbed, new plantings shall be provided for the buffer at least 6' feet tall at planting.

Non-invasive plant species and pollinator-friendly and wildlife friendly native plants, trees, shrubs, grasses, forbs and wild flowers must be used in the vegetative buffer following the Virginia Pollinator-Smart Programs best practices.

The Planning Commission or Board of Supervisors may require increased setbacks and additional or taller vegetative buffering in situations where the height of structures or topography affects the visual impacts of the facility.

The vegetative buffer shall be maintained for the entirety of the life of the facility.

**H) Lighting Plan.** The site plan must include dusk to dawn and dark sky lighting details. The lighting detail must be submitted and approved by the Planning and Zoning Administrator.

**I) Floodplain.** The site plan shall indicate any flood prone areas as identified in the most current FEMA FIRM maps available. If the property does not contain a flood prone area it should be noted on the site plan. It shall also be noted if it does and what area it lies within. Should it be identified

as a flood prone area, the applicant shall be in compliance with the Pulaski County Floodplain Ordinance and shall obtain a floodplain permit.

#### **9.9 Required Supporting Documentation.**

**A) Connection to the Grid-** The applicant must submit documentation that no additional easements or right of ways from other property owners will be needed in order to connect to the grid or gain access to the site. If other easements or right of ways are required, then the applicant must submit letters of agreement from the affected property owners granting permission for easements or right of ways to a state-maintained road or to the grid.

**B) Utility Authorization-** The applicant must submit a letter from a publicly regulated utility that once the solar facility is constructed they may connect to the grid.

**C) Right to Use Property-** The applicant must provide documentation of proof of control over the proposed site or possession of the right to use the proposed site in the manner requested. The applicant may redact sensitive financial information or confidential information.

**D) Identify existing facilities-** The identification and location of any existing large-scale solar operations within a five-mile radius of the proposed site indicated on an aerial map.

**E) Entrance Requirement-** Written conformation and compliance from the Virginia Department of Transportation that all entrances satisfy applicable VDOT requirements.

**F) Construction Schedule-** A Construction plan, including proposed construction schedule and hours of operation of the proposed project.

**G) Wildlife Potential Impact Reporting-** A Report on the potential impacts on wildlife and wildlife habitats at the proposed location of the site as well as a five-mile radius of the proposed project.

**H) Economic Impact Analysis and Reporting-**Economic reporting or analysis prepared by a third-party individual or company showing any expected changes in the value of the subjected property, expected employment or job creation, or any expected impact on the County of Pulaski's tax revenues. The estimated costs that could be incurred by the county associated with the facility.

**I) Adjacent Property Owner Impact-** Reporting of a potential impact to adjacent property owner values prepared by a qualified third-party licensed appraiser or equivalent.

**J) Glint and Glare Study-** A Glint and Glare study shall be provided that demonstrates that the panels will be sited, designed and installed to eliminate glint and glare effects on roadways users, adjacent residents, commercial areas, and other sensitive viewing locations. The study will assess and quantify potential glint and glare effects and address the potential health safety or welfare.

**K) Liability Insurance-** The applicant must propose a reasonable amount of liability insurance that the Planning and Zoning Administrator deems adequate to cover operations at a large scale facility. The applicant must provide proof and show adequate liability insurance prior to any issuance of construction permitting. Once obtained, the insurance must be maintained throughout the entirety of the life of the project.

**L) Height Requirements-** Ground mounted solar energy generation panels and facilities shall not exceed 30 feet in height. This shall be measured from the highest natural grade below each solar panel. This height limit shall not apply to overhead electric, utility poles and interconnection to the grid. If the height is expected to exceed 30 feet in height, more documentation and items may be required at the time of submittal.

**M) Location/ Airport-** If a large-scale energy project is located within one mile of an airport, the applicant must submit as part of the application, written confirmation from the Federal Aviation Administration that the location of the project proposes no hazard, and will not interfere with airport operations.

**N) Visual Impacts-** The applicant must demonstrate project siting, mitigation, impacts including from residential areas of scenic, historical, cultural and recreational significance. The applicant shall provide written confirmation from a qualified expert that the projects panels incorporate and utilize anti-glare technologies and anti-reflective coatings to reduce glint and glare to levels that meet industry standards.

**O) Traffic Impact Statement and/or Traffic Analysis-** The applicant shall submit a traffic impact statement. If required by the Virginia Department of Transportation or VDOT the applicant shall provide a Traffic Analysis showing compliance with state regulation.

**P) Ground Water Monitoring-** Ground water monitoring to assess the level of groundwater contamination shall take place prior to and upon completion of construction of the project throughout the area of operation of the solar energy system. Ground water monitoring shall take place every five years while the project is in operation and upon decommissioning of the proposed solar facility. These reports shall be delivered to the Virginia Department of Health, Pulaski County Planning and Zoning and the Pulaski County Public Service Authority.

**Q) Siting Agreements-** Siting Agreements may be requested on all Large-Scale Utility Projects, including but not limited to Solar Farms, Battery Storage Centers, Data Centers, etc.

**Any adverse impacts identified will be mitigated by the owner of the solar energy facility to the property owner's satisfaction.**

#### **9.10 Decommissioning**

A) Decommissioning Plan- The applicant shall submit a Decommissioning Plan at the time of applying for the large-scale solar project. The decommissioning plan shall include the following:

- 1.) The Anticipated life expectancy of the project
- 2.) The Estimated decommissioning cost in current dollars
- 3.) The methodology for determining such estimate
- 4.) The method of ensuring that funds will be available for decommissioning and restoration
- 5.) The detailed method that the decommissioning cost will be kept current and reviewed every two years and updated as needed to ensure it is kept current.
- 6.) The detailed manner in which the project will be decommissioned and the site restored to its original state/condition.
- 7.) The decommissioning plan, cost estimates, and all updates of those plans and estimates shall be sealed by a professional engineer.

**B) Discontinuation or Abandonment of Project**

1.) Thirty days prior to such time that a large solar energy facility is scheduled to be abandoned or discontinued, the owner or operator shall notify the Planning and Zoning Administrator by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. Any solar project that has been inoperable or unutilized for a period of 12 consecutive months shall be deemed abandoned and subjected to the requirements of this decommissioning section of the Pulaski Unified Development Ordinance.

2.) Within 365 days of the date of abandonment or discontinuation, the owner or operator shall complete the physical removal of the solar energy project and site restoration as shown the approved decommission plan that was submitted prior to approval of the special use permit. This period may be extended at the request of the owner and operator, upon approval of the Board of Supervisors.

3.) If the solar energy facility has been determined to be unsafe by the County of Pulaski Building Official, Planning and Zoning Administrator, County Engineer, Erosion and Sediment Control Administrator or any other official; the facility shall be required to be repaired by the facility owner, site owner, or operator to meet federal, state and local safety standards, or to be removed by the owners or operators in compliance with the submitted and approved decommissioning plan. The owners or operators must complete the repair or removal within the time period allowed for said activities.

4.) When the facility owner, site owner, operator or other responsible party decommissions a solar energy facility, they shall handle and dispose of the equipment and other facility components in conformance with the federal, state and local requirements. All equipment, both above and below ground, must be removed as part of the decommissioning

plan. Internal paths, roads, travel ways, and landscaping may be left at the discretion of the site owner.

5.) If the facility owner, or operator fails to timely remove or repair an unsafe or abandoned solar energy facility after written notice, Pulaski County may pursue legal action to have the facility removed at the expense of the facility owner, site owner, or operator, each of who shall be jointly and severally liable for the expense of removing or repairing the facility. Pulaski County may also call upon the decommissioning bonding and security to remove the facility.

**9.11 Change of ownership-** If there is a change in ownership of the facility owner, site owner, the County Administrator and Planning and Zoning Administrator shall be notified immediately in writing. Shall also include indication of the new owner with their contact information and mailing information.

**9.12 Bonding-**

Prior to the issuance of a construction permit for a solar energy facility, the applicant shall:

A) The Applicant must submit to the Zoning Administrator an itemized cost estimate of the work to be done to completely remove the entire solar energy facility plus twenty five percent (25%) of said estimated cost as a reasonable allowance for administrative costs, inflation, and potential damage to existing roads or utilities. The cost estimate shall not include a reduction as it relates to the salvage value of the solar energy facility.

B) The Applicant must submit a bond, irrevocable Letter of Credit, and other appropriate surety acceptable to the County of Pulaski in the amount of the estimate approved by the Zoning Administrator.

1.) It must secure the cost of removing the system and restoring the site to its original condition to the extent of reasonably possible

2.) It must include a mechanism for the Consumer Price Index (CPI) after 5, 10 and 15 years.

C) The Applicant shall ensure the bond, irrevocable Letter of Credit, or other surety shall remain in full force and in effect until the Planning and Zoning Administrator has inspected the site

and verified that the solar energy facility has been removed and the site has been returned to its original condition. At which time the Planning and Zoning Administrator shall promptly release the bond, irrevocable Letter of Credit, or other surety.

## **Article 10: 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 11: 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**

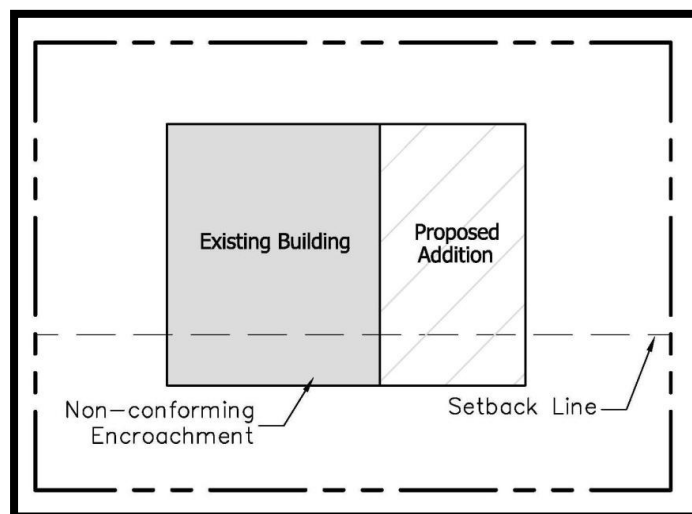
Any use at the time of the adoption of this Ordinance that is not permitted in the zoning district in which it is located shall become a non-conforming use. Uses of land and buildings that are deemed legal non-conforming uses may be continued, subject to the following:

- 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 with 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 12: Violations, Penalties, and Enforcement**

## **11.0 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.

## **11.1 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.

## **11.2 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. 30 days after the Notice of Violation the UDO Administrator may file a summons with the Courts.
4. Violations arising from the same operative set of facts shall not be charged more frequently than once in any ten (10) day period.

<b>Violation Fee Schedule</b>	<b>Amount</b>
<b>First Summons (30 days after Notice of Violation)</b>	<b>\$200</b>
<b>Second Summons (40 days after Notice of Violation)</b>	<b>\$500</b>
<b>Third Summons (50 Days after Notice of Violation)</b>	<b>\$500</b>
<b>Fourth Summons (60 days after Notice of Violation)</b>	<b>\$500</b>
<b>Fifth Summons (70 days after Notice of Violation)</b>	<b>\$500</b>
<b>Sixth Summons (80 days after Notice of Violation)</b>	<b>\$500</b>
<b>Seventh Summons (90 days after Notice of Violation)</b>	<b>\$500</b>
<b>Eighth Summons (100 days after Notice of Violation)</b>	<b>\$500</b>
<b>Ninth Summons (110 days after Notice of Violation)</b>	<b>\$500</b>
<b>Tenth Summons (120 days after Notice of Violation)</b>	<b>\$500</b>

5. 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.
6. The violation may be prosecuted as a criminal misdemeanor when civil penalties total \$5,000 or more.
7. Violations shall be tried in the general district court, unless the violator elects to enter a waiver of trial and admit liability.
8. 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.
9. 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. The UDO Administrator may also request injunctive relief for any illegally recorded subdivision plat.
3. Any person in violation of this Section shall be required to comply with all provisions of this Ordinance.

4. 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.
5. 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.

### **11.3 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 13: Definitions and Interpretations**

## **12.0 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.

## **12.1 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 12,000 gallons of liquid storage or 8,593 gallons of dry storage shall be considered above ground storage tanks. Multiple above ground 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 12,000 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 (over 30 days) storage of items in any residential district (RR, R, LR, MR, and HR). Manufactured homes are labeled for residential uses only and cannot be used for storage in any zone district.

**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.

**Amateur Radio Antenna Operation:** The use of a facility to operate amateur satellite services for qualified persons (FCC License) interested in radio technique solely with personal aim and without pecuniary interest.

**Amphitheater:** An outdoor, open circular or oval structure with a central space surrounded by tiers of seats for spectators.

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

**Animal Unit:** The following table shows how animal units are calculated for slaughter. If a specific animal is not listed in the table below, the UDO Administrator shall use the animal type and mature animal weight to determine an appropriate Animal Unit designation based on the information contained in the table.

Animal Unit	Animal Type (or similar sized animal)
1	Cattle/ Horse/ Bison
0.5	Hog/ Swine
0.2	Sheep/ Goat
0.2	Chicken/ Turkey/ Duck/ Other Poultry
0.2	Ostrich/ Emu

**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.

**Battery Storage Facility:** allows energy from renewable sources (such as solar and wind) to be stored and released when needed. It charges from the grid or a power plant and discharges the energy later to provide electricity or other grid services.

**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.

**Brewery:** A facility that produces and sells more than ten thousand (10,000) barrels of beer, malt liquor, or ale annually. The facility may also include restaurant, tasting areas, special event space, and other activities that are related to and commonly associated with this use.

**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 of 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 camper, RV, yurt, or other temporary shelter for a period of time exceeding two (2) weeks for the purposes of living.

**Camping- Short Term:** The use of a camper, RV, Yurt, or Tent for a period of time not exceeding 10 days with written consent from property owner and camping permit.

**Camping Unit:** Any tent, trailer, cabin, lean-to, recreational vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreational, educational or vacation purposes.

**Campgrounds and Recreational Vehicle Parks:** Grounds designed for multiple individual sites for temporary overnight lodging where lodgers bring their own facilities or use facilities provided on-site, including camping units, such as tents, cabins, recreational vehicles, and campers. Campgrounds and Recreational Vehicle Parks may include accessory buildings for storage, 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, cabin, recreational vehicle, or camper.

**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. Cemeteries shall meet all requirements set forth in Code of Virginia §57-26

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

**Children's Facility:** Facility that provide 24-hour care, guidance and protection to children placed through local family assessment and planning teams under the Comprehensive Services Act and/or private placement by parents or legal guardians or by and state or federal agency. A Single Family Dwelling shall not be considered a facility.

**Civic:** A public, semi-public, or private non-profit use designed to benefit and serve the general public, including, but not limited to, charitable, recreational, social education, and/or cultural activities.

**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.

**College/University:** Educational institution accredited for certification and instruction of specialized and/or advanced degrees. Shall include uses affiliated with instruction, such as classrooms, administration buildings, student housing, dining, meeting and recreation.

**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.

**Condominium:** Real property, and any incidents thereto or interests therein, lawfully submitted to the Condominium Act (Virginia Code § 55-79.39 et seq.) by the recordation of condominium instruments pursuant to the provisions of the Condominium Act, and in which the undivided interests in the common elements are vested in the unit owners. Condominium units are often owned by separate entities and for the purpose of this ordinance, developers shall show adequate organizational structure and property division design prior to permit.

**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.

**Contiguous Lots Under Same Ownership:** Lots or parcels under the same ownership, as listed in the tax records for the subject parcels, which are next to, abutting, touching, or having a common boundary and not separated by other parcels, private streets, public roads or waterbodies. For the purpose of this ordinance, contiguous lots are considered the same parcel when such lots are under the same ownership and development has occurred or is proposed across internal property lines.

**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.

**Corner Lot:** A lot or parcel of land abutting on two or more streets at their intersection or on two parts of the same street forming an interior angle of less than 135 degrees. Corner lot setbacks shall be determined by the UDO Administrator, with one setback designated as front, two as side and one as rear. Setback determination shall be based on the existing community character, safety considerations and adequate separation.

**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.

**Country Club:** A recreational facility designed for members and guests to recreate. May include clubhouse, golf course, tennis courts, swimming facilities, exercise facilities, dining, bars and meeting facilities. Can include meeting facilities for outside guests to attend a range of events such as conferences, weddings, dances and social gatherings.

**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.

**Craft Beverage Production:** A facility that produces and sells no more than ten thousand (10,000) barrels of beer, malt liquor, or ale; no more than 36,000 gallons of distilled spirits; and/or 36,000 gallons of wine or cider.

**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 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 aged, infirm, or disabled adults who reside elsewhere, or children who reside elsewhere. 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.

**Distillery:** A facility that produces more than 36,000 gallons of distilled spirits annually. The facility may also include restaurant, tasting areas, special event space, and other activities that are related to and commonly associated with this use.

**Distilled Spirits:** Any type of alcoholic beverage other than beer, malt liquor, ale, or wine.

**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.

**Duplex:** A two-family dwelling or a series of two attached single-family dwellings containing two (2) dwelling units. Common design includes a separation wall from floor to roof.

**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.

**Existing Telecommunication Structure:** Existing structure that is installed or approved to support wireless services or telecommunication antenna. Includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings and poles that have been legally permitted to structurally support the proposed equipment.

**Fabrication:** Manufacturing process in which an item is made (fabricated) from raw or semi-finished materials instead of being entirely assembled from ready-made components or parts. Describes small scale operations and/or cottage industries, described as under 5,000 sq. ft. of building space area used for the fabrication process. 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". If over 5,000 sq. ft of building area is used for the fabrication process the use shall be deemed "Manufacturing".

**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 or more persons related by blood, marriage, or adoption, including foster children, or not more than five (5) unrelated persons occupying a single dwelling unit, except as otherwise provided in this Ordinance. The term "family" shall not be construed to include a fraternity, sorority, club, or a group of persons occupying a hotel, motel, or other similar building.

**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 Home (child or elderly):** An occupied residence where child day care or elderly day care is regularly provided, including persons living in the home and those related to the resident care giver. The UDO classifies Family Day Care 0-4 Children or 0-4 Elderly as a permitted use in residential zone districts in accordance with the Code of Virginia 15.2-2292. An occupied residence in which child or elderly day care is regularly provided only for persons related to the resident care giver, or only one unrelated family member, is not a family day care home, this care is an allowed use by right and not subject to regulation. Family Day Care 5-12 persons are subject to conditions as listed in the land use table.



**Farm Animal:** Includes all domestic or domesticated bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, enclosed leporidae raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals as defined in the Code of Virginia.

**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, or products regulated for human consumption or for topical use. Packaging, shipping, and other commonly associated accessory uses of food processing are considered part of the operation. A facility with over 5000 sq. ft of building space devoted to the food processing is considered "manufacturing".

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

**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.

**Golf Course/Golf Driving Range:** Parcel of land on which the game of golf is played/practiced, including accessory uses and buildings customary thereto. Designed for public use and may include related dining, recreational and meeting space open to the public.

**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 and in accordance with § 15.2-2291.

**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.

**Heliport or Helicopter Landing Pad:** The use of land to store, refuel, and regularly use a helicopter. Repeated and/or regular take-off and landing of a licensed and legally operating helicopter in accordance with FAA guidelines. A temporary, situational or one time landing or emergency use that does not occur on a regular basis is allowed by right in all zone districts and is not considered a Heliport.

**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. A Home Business allows up to five persons other than those residing on the property to work at the home. A Home Occupation allows up to one person other than those residing on the property to work at the home.

**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.

**Industrial Housing:** A building or portion thereof arranged or designed for the purpose of providing one or more dwelling units in conjunction with an industrial activity or use.

**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.

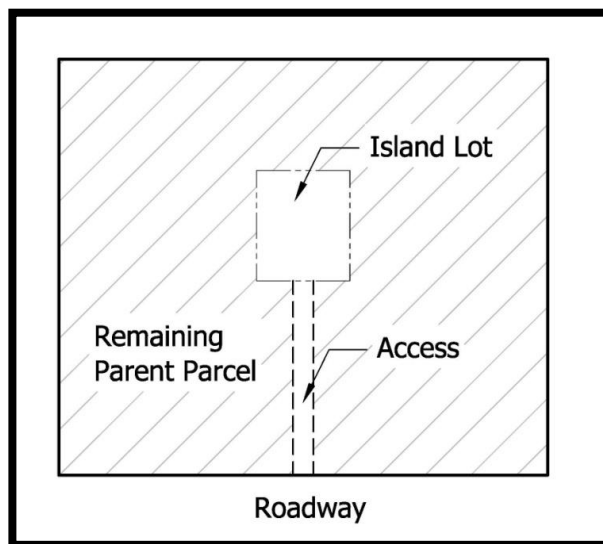
**Impervious Surface:** A surface, which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, 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 dogs, cats, or other household pets, **for a fee**; for breeding dogs, cats, or other household pets for a fee; 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 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.

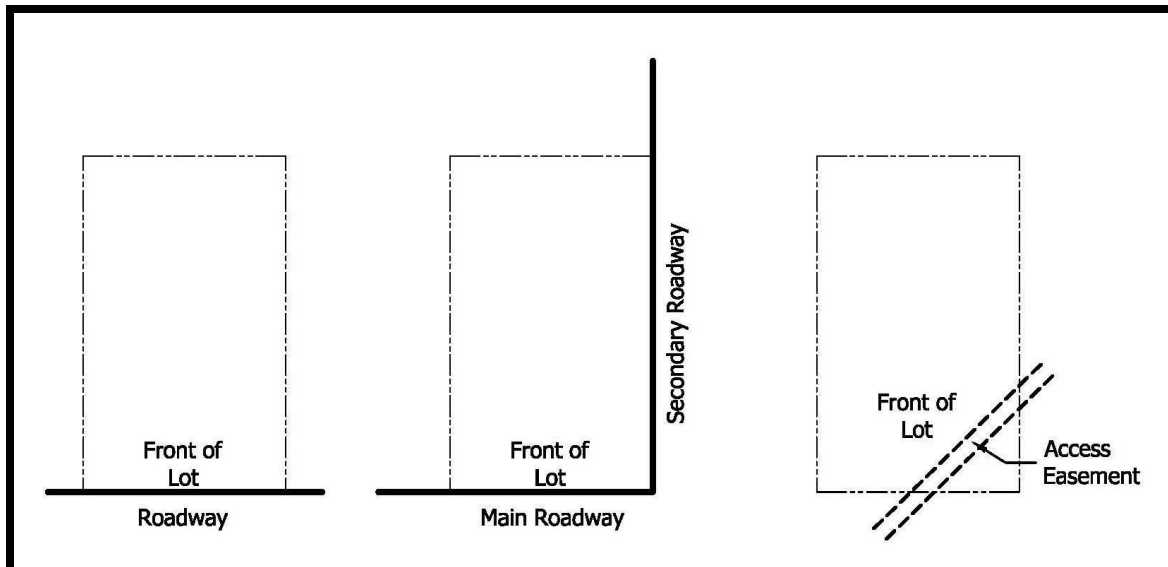
**Lot, Conservation:** A parcel or lot that has been dedicated to a land trust, homeowners, condominium, or similar association, government agency or other entity through an easement or other transfer of ownership, and set aside in perpetuity as open space in a cluster subdivision.

**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.

**Major Zoning Site Plan:** Site plan prepared and stamped by a licensed professional, that illustrates existing and proposed site conditions related to either a new project or a proposed modification to a commercial, industrial or multifamily project site.

**Manufactured Home:** A structure built to the Manufactured Home Construction and Safety Standards (HUD Code) and has a HUD certification label. Used for single family residential purposes and built on a permanent chassis. The home is moved to a site where it is set up for residential use in accordance with the Pulaski County Building Code.

**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.

**Minor Zoning Site Plan:** Conceptual sketch, plat or plan that illustrates how the proposed development can meet the development standards and zone district standards of the UDO, while also describing necessary site elements essential for public health, safety and welfare. Shall include transportation access, parking, building ingress and egress, signage, outdoor lighting, landscaping, buffers and any other element for health, safety or welfare as required by the UDO Administrator.

**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.

**Mobile Home:** A structure built to the Mobile Home Code requirements which were in place prior to June 15<sup>th</sup>, 1976. After this date, mobile homes were labeled to the HUD Standard and are called manufactured homes. For the purpose of this Ordinance, mobile homes shall be treated the same as a manufactured home.

**Modular Home:** A factory built dwelling for residential use. For the purposes of this ordinance is considered the same use as a site-built home. Built to the same statewide building code as a site-built structure and mounted on a permanent structure.

**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:** A commercial business that includes the service and/or repair of automobiles, trucks, recreational vehicles, boats, campers, tractors, and other motorized vehicles including storage and sales of accessories, oil, batteries, tires, and other similar items. No part of the premises is used for the storage of dismantled or wrecked vehicle parts.

**Multifamily Dwelling:** A structure arranged or designed to be occupied by more than two (2) families, the structure having more than two (2) dwelling units. Units can be located back to back, adjacent, and/or one on top of another. Units can be accessed by individual access or by common hallways or entrances. Typical property ownership is one entity who owns the

entire structure and common areas. An example of this type of dwelling is an apartment complex.

**Museum:** A public establishment devoted to the procurement, care, study and display of objects of lasting value or interest.

**Natural or Declared Disaster:** a natural or designated event such as a flood, earthquake, or hurricane that causes great damage or loss of life: A Natural event or designated disaster that has been declared on the local, state or federal level.

**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.



**Outermost Portion of a Structure:** The outermost vertical member of a manmade structure, that is used as either a post, wall or rail affiliated with a deck, building, structure or other improvement for which a zoning permit is required. Does not include stairs or steps. Does not include roof overhangs or building eaves.

**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.

**Park Home:** A recreational vehicle labeled by the Recreational Vehicle Industry Association (RVIA), or ANSI 119 Standard.

**Patio Home:** A detached, single family unit, allowed with a reduced setback on one side, and as part of a common plan of development that incorporates open space and neighborhood design.

**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.

**Poster Billboard:** Billboard measuring no more than 10 feet in height by 22 feet wide, offering 220 square feet of advertising space. Must conform to all sign requirements and restrictions, VDOT compliance must also be provided.

**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.

**Retreat:** A venue event format used by companies and other organizations or entities where the entire team comes together in a usually secluded location to withdraw from everyday operations and work creatively or strategically.

**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.

**Same Ownership:** Parcel(s) of land in which the same person(s)/ or entity owns the adjacent parcel(s) of land and can include situations in which the same business, corporation or other legal entity of the same name owns the adjacent parcel(s). Adjacent means touching and not separated by a body of water, public street or private street.

**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 that are used for personal/farm use or portable sawmills that are brought to properties for a temporary time period to assist a landowner with a timber harvest.

**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.

**Second Single-family Dwelling:** A lot that contains two single-family detached dwellings or a single family detached dwelling and one manufactured home or two manufactured homes. Total number of residential units on a lot shall be two.

**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.

**Single-family Attached:** More than one single-family dwelling unit, under single or multiple ownership, separated from one another by continuous vertical walls without openings from basement floor to roof of structure and each unit has an outside access location. Examples include: townhouses.

**Single-family Detached Dwelling:** A building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yard. A single family detached dwelling is commonly referred to as a single family home and does not include manufactured or mobile homes. A garage apartment or other type of accessory dwelling can be attached to the principal dwelling with approved building permit, if the apartment is for the same family unit.

**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 Cell Telecommunications Site:** Wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than twenty-eight (28) cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

**Small Home:** A single family dwelling 1,200 square feet or less on a permanent foundation; no frame.

**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.

**Solar Farm:** A single installation or a combination of solar installations from multiple parcels, in which photovoltaic solar panels are installed, as a combined project, in order to generate electricity with the primary purpose of utility scale generation and distribution of electricity. Includes the equipment customary and incidental to utility generation, including electrical storage, transmission and power conditioning equipment, along with associated site elements required for access, site protection and power distribution on a utility scale.

**Solar Onsite:** Solar panels and related equipment designed for the primary purpose of power/heat generation for the site that the equipment is located on or sites adjacent to, with utility interconnection for net-metering and/or for stand-alone consumption. Ground mounted arrays shall be considered an accessory use. Solar onsite describes systems with the primary purpose of powering onsite structures and selling/net metering excess power to the grid.

**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.

**Special Exception:** A Special Exemption shall pertain solely certain utility uses which by their nature or design can have an undue impact upon, or be incompatible with, other uses of land, such as a utility that is being provided to a residential development, that would only be allowed by a special exception. Special Exceptions 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 affect 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 Antenna Co- Location on Existing Tower Structure:** In accordance with the Code of Virginia 15.2-2316.3, .4, "Administrative review-eligible project", an application to co-locate an antenna on an existing telecommunication tower/structure, with the permission of the owner of the tower/structure and when the total project height is no greater than the original tower height.

**Telecommunication Tower & Facilities:** A tower, pole, or similar structure designed to support telecommunications antennae which is operated for commercial purposes or by a commercial entity. This includes the associated equipment functionally needed at the site of the tower base. 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.

**Telecommunication Tower under 50':** A telecommunication tower and associated equipment that is over 50' in height as measured from the adjacent ground level grade.

**Telecommunication Antennae on Existing Structure Under 20':** Telecommunications antennae mounted on roofs or other existing structures that do not exceed twenty (20) feet in height, as measured from the structure roof to the top of the telecommunication antennae.

**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 Office/Construction Trailer:** A portable structure placed on a property for the purpose of a temporary facility to provide administrative support, storage or protection from the elements during a fixed and temporary period of time under which an affiliated project or structure is under construction or for which the use is needed to provide temporary support.

**Temporary Structure/Tent:** A structure or tent to be used for a period of three (3) days or less.

**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, garage sales, 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.

**Tiny Home:** A small portable dwelling that is on a frame and registered with the Department of motor vehicles.

**Towing/ Wrecker Service:** A commercial business that includes the towing and storage of disabled or wrecked automobiles, trucks, recreational vehicles, boats, campers, tractors, and other motorized vehicles.

**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.

**Travel Plaza/Truck Stop:** A facility designed to accommodate the traveling public and commercial drivers. May include service, storage, wash, refueling, repair of vehicles and sales of accessories and equipment for commercial and passenger vehicles. Provides a point of rest and recreation for travelers. Overnight, long term and short term parking. May include an affiliated hotel or lodging, restaurant, lounge or retail as part of the same structure or adjacent to the facility.

**Truck Terminal:** Any structure or land devoted principally to the servicing, fueling, repair, storage, sales and/or leasing/renting of two (2) or more large trucks or similar heavy equipment such

as tractor trailer, tandem, tri-axle dump trucks or large scale grading equipment. May also include activities with routine large truck or passenger bus traffic, such as bus depot, freight shipping business and distribution location.

**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.

**Wedding Venue:** Any venue, other than a church, that hosts a marriage ceremony and/or its accompanying festivities.

**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, site development, and buildings such as operations and maintenance facilities, including substations, meteorological towers (temporary and permanent), electrical infrastructure, collection and transmission lines, and other appurtenant structures and facilities, including access roads.

**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 Energy Facility- 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 Energy Facility- 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 Energy Turbines shall be no greater than 150 feet.

**Wind Energy Facility- 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 Energy Facility Turbines consist 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 Energy Facility Turbines may also be mounted on buildings or other manmade structures in lieu of a tower. Heights for Small Wind Energy Facility Turbines 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.

**Yurt:** A circular domed tent of skins or felt stretched over a collapsible lattice framework

## **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.