

Planning Commission Work Session

Saturday, June 21, 2014

ABC Conference Room

Second Floor

8:00 AM - Noon

George L. Gordon, Jr., Government Center

AGENDA

- 1. Requiring Community Meetings Prior to Rezoning Application Submittals and enhanced notification requirements**
- 2. Subdivision and zoning ordinance update**
- 3. Comprehensive Plan – Targeted Growth Areas**
- 4. Impact statement standards**

NOTIFICATION OF SURROUNDING PROPERTY OWNERS

When notice must be given:

- Development Plans, ordinances, and or amendments to an ordinance or comprehensive plan are to be considered for adoption
- A written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to appeals

Requirements of notice

- Notice must contain descriptive summary of proposed action, a time and place for the meeting, a reference to where the proposed item may be viewed
- Published for 2 consecutive weeks prior to the hearing, in a newspaper that has general circulation in the community
- Notice must be sent to abutting property owners – share a common property line and across a street or alley way.
- At this time there is no requirement to notify property owners within a certain distance of the subject property.

Concerns about notice

- Not enough citizens notified
- Timing of notice by applicants for preliminary plans

Controversial subject that may affect more than just the abutting property owners

- Telecommunication towers
- Large Rezoning Cases – multiple uses and many acres
- Timing of notice for preliminary plans

Options

- Require notice to property owners within a designated distance from the project
 - Example: Provide a distance requirement for telecommunication towers – fall distance plus a designated distance – example for a 300 foot tower, notify all required property owners and others within the 300 feet plus 200 feet.
- Required notice by VA State Code will be sent by certified mail, all others will be sent by first class mail
- Provide notice to property owners adjacent to common property abutting subject property
- Provide notice to Citizen Advocacy Groups or Community Groups within area of project
- Applicant will provide list of required notification and fee, staff will review
- Provide this information in procedure manual and not zoning ordinance
 - Legal ramifications are kept to minimum
 - Staff responsible for additional notifications, base of policy will be if in doubt notify.

§ 15.2-107.2. Alternative method for local government to give notice by mail.

Notwithstanding any other provision of law, general or special, a locality may give notice by regular mail in any instance in which two or more notices are required for the same action, the first notice is required to be sent by certified or registered mail, and at least one notice has previously been sent by certified or registered mail. Such notice shall be sent to the last address available through government records.

(2011, c. [127](#).)

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§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. The local planning commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the governing body. The term "two successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ [15.2-2240](#) et seq.) where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local commission to give written notice to the owner, owners or their agent of any parcel involved.

The governing body may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 30 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § [15.2-2311](#) or [15.2-2314](#), is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

(Code 1950, § 15-961.4; 1962, c. 407, § 15.1-431; 1964, c. 632; 1968, cc. 354, 714; 1973, cc. 117, 334; 1974, cc. 100, 570; 1975, c. 641; 1976, c. 642; 1977, c. 65; 1982, c. 291; 1990, c. 61; 1992, cc. 353, 757; 1993, cc. 128, 734; 1994, c. [774](#); 1995, c. [178](#); 1996, cc. [613](#), [667](#); 1997, c. [587](#); 2001, c. [406](#); 2002, c. [634](#); 2004, cc. [539](#), [799](#); 2005, c. [514](#); 2007, cc. [761](#), [813](#); 2011, c. [457](#); 2012, c. [548](#); 2013, cc. [149](#), [213](#).)

Requiring Community Meetings prior to rezoning application submittals

February 2014

- Planning Commission requested information concerning community meetings being held by the applicant of a rezoning application.
- It was the understanding of the Commission that several neighboring localities require the applicants to conduct such meetings prior to submittal of the application.
- Staff was instructed to research the subject and provide their findings at the next meeting.

Staff reviewed the rezoning procedures of the following counties:

- Caroline
- Fairfax
- Fauquier
- Hanover
- Henrico
- Prince William
- Spotsylvania
- City of Fredericksburg

- **All of the Counties request and or require a meeting with staff prior to submitting the rezoning application.** Fredericksburg requires a pre-meeting with staff for all site development.

- **Hanover, Henrico, Prince William, and Spotsylvania were the only counties that mentioned the need for conducting community meetings when rezoning property is proposed.** Henrico and Hanover include the guidelines in their rezoning packages.

- Hanover, Henrico and Prince William, a community meeting is not required but Staff may recommend if the rezoning is considered complex.

Spotsylvania requires a community meeting when the property to be rezoned is adjacent to a residential property or in the opinion of staff the rezoning is a complex case warranting community input.

- A document stating the criteria of how a community meeting must be conducted. The meeting should occur after the pre-meeting with the staff and prior to the submittal of the rezoning application to the county.
- Guidelines include such items as when and where the meeting should be held, the criteria for notifying property owners and public officials, what should be included in the presentation, and that a question and answer period must follow the presentation.

Included are the rezoning packages and has highlighted the items pertaining to the community meetings.

Caroline County

INFORMATIONAL BROCHURE FOR REZONING, SPECIAL EXCEPTION, ZONING TEXT AMENDMENTS, & PROFFER AMENDMENTS



County of Caroline

Department of Planning &
Community Development

P.O. Box 424

233 West Broaddus Avenue

Bowling Green, VA 22427

Web Address: www.caroline.va.us

INTRODUCTION

If the use intended for your property is not permitted as a matter of right in the Zoning Ordinance, you will need to apply for a rezoning or a special exception permit. The County's ordinance has specific development standards required. In some circumstances you may request a waiver to these standards. In these cases you would request a waiver to the development standards as specified in the ordinance. If your property was previously rezoned or you have an existing special exception permit and you wish to amend or change the proffers or conditions placed on the property you will need to file for a proffer/condition modification.

Each of the processes is described in more detail below. County staff is willing to provide assistance to you in determining the best solution for the development request you are seeking. At any time during the process you may call staff to obtain more information and/or assistance.

WHAT IS A REZONING?

A rezoning is required if your proposed use is permitted neither by right nor as a special exception under your property's current zoning classification. If you wish to apply reasonable conditions in addition to the regulations of your desired zoning classification, you may submit these "proffers" in writing with your application. Typically, proffers relate to such things as use restrictions, timing/phasing of development, off-site improvements, additional aesthetic features, capital contributions and similar items not a part of the normal plan approval process.

WHAT IS A SPECIAL EXCEPTION PERMIT?

Some uses, because of their unique nature or their impact on adjacent land uses, are not permitted by right, but may, under certain conditions be deemed acceptable in certain locations. If such is the case with the use you have proposed for your property, a special exception permit is required.

WHAT IS A ZONING TEXT AMENDMENT?

Some uses are not listed nor can they be classified under an existing use in the zoning ordinance. In these cases staff will assist you in determining the appropriate zoning text amendments to permit your proposal as a use under the special exception permit process. In these unique situations you will be filing for a zoning text amendment as well as a special exception permit.

WHAT IS A WAIVER?

In some development proposals an applicant may request that a development standard(s) to be waived. Often this is associated with other proffers that the applicant is offering with a rezoning or special exception permit application. In these circumstances the applicant will most likely proffer something in place of the development standard that accomplishes the intended goal of the development standard.

WHAT IS A PROFFER AMENDMENT?

Often a property has been rezoned with proffers attached to the rezoning. During the course of the development of the property a situation occurs that generates the need to modify the proffered conditions. In these instances the applicant will request the County modify the proffers to address the particular situation(s). In order for this to occur the applicant will have to submit a proffer amendment application to the County, which provides the reasons for the modification(s) to the original proffered conditions.

Note:

- 1. In some cases both a rezoning and a special exception permit as well as proffer, text amendment(s) and a waiver may be necessary.*
- 2. For brevity and clarity the following procedural discussion references rezonings and special exceptions, but the procedures for zoning text amendment(s), waiver(s), and proffer amendment(s) are the same.*

PROCEDURE

STEP 1

For rezoning and special exception permit applications, schedule a pre-application meeting with a staff member of the Department of Planning & Community Development (DPCD). The office is located at 233 West Broaddus Avenue, in the Town of Bowling Green. **Phone: (804) 633-4303.**

Points you should cover during the meeting:

1. Check ZONING MAP to determine current zoning of subject property.
2. Check the appropriate sections of the County's Zoning Ordinance to determine if proposed use is permitted by right or by special exception permit.
3. Obtain: application(s), and Schedule of Planning Commission meetings (including deadlines for submissions).
4. Discuss best approach for obtaining approval of proposed activities. Keep in mind that, although many factors are considered in review of rezoning and special exception permit requests, the most important ones are:
 - Conformance with the Comprehensive Plan
 - Potential service, fiscal, transportation and environmental impacts
 - Relationship of use to its surroundings
 - Conditions which would mitigate potential negative impacts

A traffic analysis may also be required, and is *always* required for proposed activities which involve:

1. 1,000 vehicle trips in a 24-hour period
2. 100 vehicle trips in a peak hour
3. A subdivision where 50 or more lots are proposed

Note: County staff contact can assist you in estimating the potential traffic volumes anticipated for the project.

STEP 2 – Part A; Technical Review Committee

Complete application(s) and submit with fee as soon as possible before deadline. Attention to detail is important. Information on applications must be complete and correct and checks must be for correct amounts. Don't miss the deadline. If you have any questions call and ask. The staff will determine if the application is complete and, if so, will begin the review process by distributing it for review by

the Technical Review Committee (TRC). This committee is composed of a number of County and state agencies.

STEP 2 – Part B; Staff Report & Public Notice

When comments have been returned, the DPCD prepares a review letter and sends it to your engineer. Your engineer then needs to revise the plans, plats, and/or proffers accordingly. When the revisions have been completed and re-submitted and the revisions reflect staff's comments your application will be placed on the next available Planning Commission Agenda. Then Public Notice of the proposed action is prepared and sent to the local newspaper and to adjacent property owners, and signs are posted on the property.

During this time, DPCD prepares an analysis and recommendation for the Planning Commission in the form of a staff report. Your engineer will receive a copy of this staff report. The staff report is an official recommendation from staff regarding your proposal. It is important to get a favorable recommendation for your proposal in the staff report.

STEP 3

Attend Planning Commission Public Hearing. The staff will present the application and its recommendation. The applicant or applicant's agent can present additional information including a description of the proposed use, maps, plans and architectural renderings. Other area property owners and interested parties are allowed to speak. The Planning Commission will make a decision after discussion of the case. It may make one of the following recommendations (advisory only) to the Board of Supervisors:

- Approval as submitted
- Approval subject to certain conditions or revisions
- Denial, or
- Table the application to a future meeting

Since failure to act within ninety (90) days results in an automatic recommendation of approval, the Commission will likely recommend denial if there continues to be unresolved issues. The ninety (90) day deadline does not apply when the applicant requests or concurs in a delay.

STEP 4

Attend Board of Supervisors Public Hearing. The next step is a hearing before the Board of Supervisors where the prior notice and meeting procedures are basically the same as the Planning Commission. The Board will receive the recommendation(s) from the Planning Commission and DPCD staff and hear public comments. The Board will take final action after discussion of the

information presented during the public hearing and the recommendations of the Planning Commission and DPCD staff.

The Board will:

- Approve as submitted
- Approve with conditions or revisions (use permits or conditional zoning)
- Deny, or
- Table it to a later meeting

The Board must take action within one (1) year of the date a rezoning petition was filed.

WHAT'S NEXT?

If your proposal receives approval from the Board of Supervisors, the next step is to develop the site and construction plans that must be approved by the DPCD. See the Informational brochure on Site & Subdivision Plans for a detailed discussion about the approval process.

TOP TEN MISTAKES THAT NEGATIVELY IMPACT THE DEVELOPMENT REVIEW PROCESS

1. Failure to consult the County staff prior to the purchase of property intended for investment or development.
2. Unreasonable expectations concerning the yield or developability of property.
3. Hiring a consultant that is not familiar with County and State ordinances, statutes, design requirements and processes or the site in question.
4. Designing and engineering a project without the benefit of a pre-submission meeting or a pre-application review conference.
5. Assuming that an ordinance or design standard does not apply to your property and deciding not to consult with staff to confirm its applicability.
6. Designing a project with the intention that design review personnel will overlook the error or omission.
7. Submission of a project without paying the requisite review fee or having the appropriate number of plan sets or all necessary documentation that may apply to your project such as traffic studies, water quality impact

- studies, drainage calculations, landscape plans, archaeological studies, wetlands permits, photometric plans, etc.
8. Designing a project based on the assumption that staff can arbitrarily waive ordinance requirements or that a variance, appeal or exception will readily be obtained.
 9. Failing to address or inadequately addressing review comments made in a previous round of development review.
 10. Failing to keep in close contact with the County staff during the entire project and failing to actively manage important aspects of the project.

Rezoning

Application Information for Conventional Zoning Districts (Residential, Commercial and Industrial)



ZONING EVALUATION DIVISION
Fairfax County
Department of Planning and Zoning
12055 Government Center Parkway,
Suite 801
Fairfax, VA 22035
703-324-1290
www.fairfaxcounty.gov/dpz

July 23, 2013



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days Advance notice. For additional information on ADA call (703) 324-1334 or TTY 771 (Virginia Relay Center).

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REZONING APPLICATION INFORMATION
For Conventional Zoning Districts
(Residential, Commercial and Industrial)

This publication contains information on how to process a rezoning application for a conventional Residential (R), Commercial (C), or Industrial (I) zoning district in Fairfax County. It includes instructions, a detailed list of submission requirements, an application form, an affidavit form, and a fee schedule. Additional copies of this publication are available from the Zoning Evaluation Division, Department of Planning and Zoning or from the County's web site at www.fairfaxcounty.gov/dpz/zoning/applications. Rezoning applications for Planned Developments (Planned Development Housing (PDH), Planned Development Commercial (PDC) and Planned Residential Mixed Use (PRM) are addressed in a separate publication.

REZONING: The rezoning of land is one of the instruments by which a change in land use occurs. It is also one of the primary means by which the County implements its Comprehensive Plan. A rezoning is typically a change in the zoning classification of a property from an existing district to a different district, such as from R-1 residential (1 dwelling unit per acre) to R-2 residential (2 dwelling units per acre).

The rezoning process consists of a number of steps as outlined below. Any rezoning proposal is subject to a detailed review and analysis by staff and public hearings before the Fairfax County Planning Commission and the Fairfax County Board of Supervisors. The rezoning of land can only be approved by the Board of Supervisors.

In order to request consideration of a rezoning, an application must be filed with the County by the owners, lessee, or contract purchaser of the land, or their designated agent, and must meet specific submission requirements.

SUBMISSION REQUIREMENTS: A rezoning application must meet the submission requirements as specified in Section 18-202 of the Fairfax County Zoning Ordinance. A synopsis of the requirements is presented as page 6 of this package in a checklist format to provide a convenient way to ensure that all required items of the application package are submitted. In general, the submission requirements include an application form, a plan of the property showing existing and proposed uses, a zoning section sheet, a soil map for residential uses, an affidavit disclosing ownership and other interests in the property, a written statement describing the proposed use, owner concurrence in the application, any applicable overlay district information, and a fee. You may request a copy of the submission requirements from the Zoning Evaluation Division, Department of Planning and Zoning, at (703) 324-1290 or view the Zoning Ordinance from the County's web site at www.fairfaxcounty.gov/dpz/zoningordinance.

WHERE TO SUBMIT: Rezoning application packages are to be submitted by mail or in person to:

Fairfax County Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

ASSISTANCE: For assistance in filing a rezoning application, information on the application process, clarification of these instructions, scheduling a presubmission meeting to discuss a potential submission, or for help with a submission, please call the Zoning Evaluation Division at (703) 324-1290.

Preapplication meetings with County staff are available to anyone wanting to discuss a potential rezoning request. To request a preapplication meeting, please contact the Zoning Evaluation Division.

HELPFUL HINTS. The following “Helpful Hints” are provided to assist in the filing of a rezoning application:

- Each application is considered a “package” which must include all required elements when submitted. Applications will not be reviewed for acceptance until a complete package is submitted.
- Each applicant should designate a “single point of contact” who will be responsible for the application. This may be the applicant, agent, attorney, engineer, property owner, or other member of the application team.
- The application package should be reviewed for correctness and completeness prior to submission and to ensure that all parts are coordinated.
- Submitted rezoning plats and development plans should be folded so that they fit into an overall application package.
- All information, including any supplemental information which may be submitted, should be clearly marked to reference the specific application.

PROCESSING OF A REZONING APPLICATION

STEP 1 – SUBMISSION OF THE APPLICATION: A complete rezoning package, containing all of the required items, must be submitted by mail or in person to the Zoning Evaluation Division. The office is open Monday through Friday from 8:00 a.m. to 4:30 p.m.

STEP 2 - APPLICATION ACCEPTANCE: An application will be reviewed for acceptance only when a complete application package that contains all required submission items is submitted. The Applications Acceptance Section of the Zoning Evaluation Division will review all complete application packages in the order in which they are received. If deficiencies are found, a letter will be sent to the applicant or authorized agent regarding deficiencies that must be corrected. The rezoning application will be accepted when all Zoning Ordinance submission requirements are met, including payment of the applicable fee. Once the rezoning application has been accepted, a letter will be sent to the applicant/agent verifying such acceptance. The application is then assigned to a Staff Coordinator and distributed to various departments for their review. If you have any questions about your application prior to filing or acceptance, please call (703) 324-1290, TTY 711.

STEP 3 – REZONING/SPECIAL EXCEPTION BRANCH: After a rezoning application is accepted, it is forwarded to the Rezoning/Special Exception Branch of the Zoning Evaluation Division for processing. At that time, a public hearing before the Planning Commission will be scheduled. The application is assigned to a Staff Coordinator who will be responsible for managing the review process and will serve as the primary point of contact. The Staff Coordinator will contact the applicant/agent to provide public hearing and key milestone dates for the processing of the application. The public hearing date is generally 5 to 6 months from the date of acceptance, unless a deferral is requested by the applicant. If you have any questions about your application once it has been accepted, please call (703) 324-1290, TTY 711.

STEP 4 - STAFF REVIEW PROCESS: Each rezoning application will be reviewed by staff for compliance with the Comprehensive Plan and the Zoning Ordinance and for its impacts on land use, transportation, environmental resources, public facilities and other factors. Once an application has been reviewed by the various agencies, County staff meet in a working session known as “staffing.” At this session, staff discuss issues related to the application, potential resolutions of those issues, and formulate a recommendation. The Staff Coordinator will transmit to the applicant any requests for additional information needed to review the application, will provide staff comments on the rezoning, and will facilitate the resolution of any issues which may be identified. Staff meets with the applicant at various times throughout the rezoning process to negotiate a satisfactory resolution of the identified development issues. The applicant will typically submit specific commitments in writing known as “proffers” in order to resolve identified development related issues. Proffers are voluntary and may change during the review of the rezoning application. Proffers cannot be changed once the public hearing is called before the Board of Supervisors.

The Staff Coordinator evaluates the applicant’s response to issues raised and prepares a staff report describing the application, the issues and their resolution. A recommendation of approval or denial of the application is made. The staff report is generally published two weeks prior to the Planning Commission’s public hearing, at which time it is made available to the public. The staff report is also available on-line two weeks prior to the public hearing at <http://ldsnet.fairfaxcounty.gov/ldsnet/>.

STEP 5 – NOTIFICATION: Prior to the Planning Commission and Board of Supervisors public hearings, the applicant/agent must send written notice to the property owners in the vicinity as required by the Zoning Ordinance. A package which contains instructions on how to complete the notification

process will be sent by the County to the applicant/agent approximately 30 days prior to each public hearing. If you have any questions about notification, please call at (703) 324-1290, TTY 711. It is extremely important that these instructions are followed exactly. A public hearing cannot be conducted unless the notification process is completed correctly and within the mandated timeframe by the applicant or the applicant's authorized agent. Please see Section 18-110 of the Zoning Ordinance for additional information on required notification.

Between 21 and 14 days prior to the public hearing, County staff will advertise the public hearing in a local newspaper. A minimum of 15 days prior to the public hearing, County staff will also place one or more yellow sign boards on the application property notifying the public of the public hearing. The sign boards must not be removed from the property. After the public hearing, the sign boards will be removed by County staff.

STEP 6 - PUBLIC HEARINGS/PUBLIC PARTICIPATION: Public participation is a major aspect of all rezoning applications. Applicants are encouraged to meet with adjacent neighbors, community associations and land use committees, as well as with the Planning Commissioner and Board of Supervisors member, of the District in which the property is located. Public hearings before the Planning Commission and the Board of Supervisors are required for all rezoning applications. The Planning Commission public hearing is scheduled once the application is accepted. Applications will be scheduled in the order in which they are accepted. The Planning Commission holds a public hearing on each application and makes a recommendation to the Board of Supervisors. The Board of Supervisors public hearing is typically scheduled subsequent to the Planning Commission making its recommendation on the application. The Board of Supervisors holds its public hearing and makes the final decision on each application. Both the Planning Commission and the Board of Supervisors meetings are held in the Board Auditorium in the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA. Planning Commission meetings are held on Wednesday and Thursday nights commencing at 8:15 p.m. The Board of Supervisors meetings are held on Tuesdays commencing at 3:00 p.m. The Planning Commission agenda can be viewed on the County web site at <http://fairfaxcounty.gov/planning/meetingcalendar.htm> (703) 324-2865, TTY 711. The Board of Supervisors agenda can be viewed on the County web site at <http://www.fairfaxcounty.gov/government/board/meetings> or by calling (703) 324-1290, TTY 711.

To learn more about the public hearing process, applicants may want to view a meeting prior to their hearing date.

Televised Meetings: Fairfax County Cable Channel 16 broadcasts all Planning Commission and Board of Supervisors meetings live. For program listings, check the viewing guide at www.fairfaxcounty.gov/cable, or call (703) 324-5930, TTY 711.

Telephone Access: To listen by telephone while the public hearings are underway call (703) 324-7700, TTY 711.

Public Access: For special accommodations or alternative information formats, call (703) 324-3151, TTY 711.

Conduct of Public Hearings:

- The Chairman of the Planning Commission or the Board of Supervisors will call an application to be heard.

- The applicant/agent is required to be present at the public hearing and will be asked to come to the podium to state his/her name and to reaffirm the affidavit.
- Staff describes the location of the property and the request and presents other pertinent information.
- The applicant/agent presents the justification for the rezoning request, **including how the application meets the Comprehensive Plan and the Zoning Ordinance provisions.**
- The public hearing is then opened for testimony in support of, or in opposition to, the request. Anyone wishing to provide testimony may speak at the public hearing or may submit written testimony to the Clerk to the Planning Commission or the Clerk to the Board of Supervisors, as appropriate.

Although not mandatory, as a courtesy and to ensure the accuracy of the record, those who wish to speak on a particular case are requested to sign up on the speaker's list prior to the day of the meeting by contacting either the Planning Commission at (703) 324-2865, TTY 711 or <http://fairfaxcounty.gov/planning/speaker.htm>, or the Clerk to the Board of Supervisors, at (703) 324-2321, TTY 711 or http://www.fairfaxcounty.gov/bosclerk/speaker_bos.htm, as appropriate, and identifying the application number, and the speaker's name, address and telephone number.

- At any time during the public hearing, a member of the Planning Commission or the Board of Supervisors may ask questions of the applicant/agent, staff or a speaker.
- At the close of the Planning Commission public hearing, the Planning Commission will vote to recommend that the Board of Supervisors approve or deny the application, continue the hearing to another date if it needs additional information, or defer decision to a later date. At the close of the Board of Supervisors public hearing, the Board will approve or deny the application, continue the hearing to another date if it needs additional information, or defer decision to a later date.

STEP 7 – LETTER OF DECISION: The Clerk to the Board of Supervisors will mail a letter to the applicant or the applicant's authorized agent containing the final decision of the Board of Supervisors, which, if the rezoning is approved, includes the accepted proffers. A rezoning runs with the land and does not expire unless a subsequent rezoning is approved. If the Board of Supervisors denies a rezoning request, a new rezoning application cannot be filed on the same property for one year, unless a waiver of the one-year wait period is granted by the Board.

STEP 8 -IMPLEMENTATION: Subsequent to the approval of a rezoning, approval of additional plans and permits are typically required prior to any land development. These plans and permits are processed by the Department of Public Works and Environmental Services (DPWES) at 12055 Government Center Parkway, Fairfax, VA 22035. For information about site plans call 703-324-1730 and about building permits call 703-222-0801, TTY 711.

Note: The approval of a rezoning does not interfere with, abrogate or annul any easement covenants, or other agreements between parties, as they may apply to the property subject to this application.

**SYNOPSIS OF THE SUBMISSION REQUIREMENTS
FOR A REZONING APPLICATION**

A rezoning application must meet all of the submission requirements specified in the Zoning Ordinance in order to be accepted for processing. A synopsis of these requirements is presented below. A complete application package consisting of all of the 15 items must be submitted before an application will be reviewed for compliance with the submission requirements by the Applications Acceptance Section of the Zoning Evaluation Division, Department of Planning and Zoning. If the application does not meet the submission requirements, a checklist letter outlining the deficiencies will be sent to the applicant or designated agent. The application will not be accepted and scheduled for a public hearing until all deficiencies have been resolved. When an application meets all the submission requirements, it will be accepted and scheduled for a public hearing and the applicant/agent will be so notified.

To assist you in ensuring that you have submitted a complete application, please check the box provided for each item included in your submitted application.

REQUIREMENT	SUBMITTED
<p>1. Four (4) copies of an Application Form, as provided by Fairfax County, completed and signed by the applicant or authorized agent. The applicant or authorized agent must use the form found on page 9 of this Application Package or available from the County web site at www.fairfaxcounty.gov/dpz/zoning/applications. In order to find the tax map number, subdivision name, Magisterial District and zoning district, the Department of Tax Administration records at http://icare.fairfaxcounty.gov may be used to search by property address. The land area of the application property must match that shown on the rezoning plat.</p>	
<p>2. Four (4) copies of a certified plat. See the Submission Requirements for Rezoning Plats found on page 13 of this package and Section 18-202 of the Zoning Ordinance for details.</p>	
<p>3. Four (4) copies of a legal description of the property, including metes and bounds of each zoning district proposed.</p>	
<p>4. One (1) copy of the current Official Zoning Map Fairfax County, showing the subject property and the area within at least a 500 foot radius around the property. If more than one (1) Zoning Map sheet is required to cover the area, such sheets shall be attached so as to create a single readable map. The boundaries of the subject site must be outlined in red.</p> <p>Official Zoning Map Fairfax County Sheet(s) may be obtained from Maps and Publications at 12000 Government Center, Fairfax, VA., any Fairfax County local or regional library, or at http://www.fairfaxcounty.gov/gis/DMV/Default.aspx by selecting Zoning Map and the map grid (e.g., 045-2).</p>	

REQUIREMENT	SUBMITTED
<p>5. For all applications proposing residential development, five (5) copies of a map identifying classification of soil types at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the proposed use and showing the existing zoning classification for all land appearing on the map.</p>	
<p>6. A notarized affidavit that is completed and signed by the applicant or the applicant's authorized agent. If the applicant's authorized agent completes the application or affidavit on the applicant's behalf, a certified statement from the applicant must be submitted showing the agent's authorization to act on his/her/its behalf. The affidavit must be updated if there are any changes in the information up to the time of the public hearings. A copy of the affidavit form is presented on pages 15 through 24 and at www.fairfaxcounty.gov/dpz/affidavits. For questions concerning affidavits, please contact the Office of the County Attorney at (703) 324-2421, TTY 711. <i>Prior to each public hearing on the application, the applicant or authorized agent is required to reaffirm the affidavit verbally.</i></p>	
<p>7. An application filed by an agent, contract purchaser or lessee shall include a notarized written statement signed by the property owner indicating the owner's endorsement of the application.</p>	
<p>8. Four (4) copies of a written statement of justification, dated and signed.</p>	
<p>9. Twenty-three (23) of a Generalized Development Plan that is prepared and sealed by a professional land surveyor, engineer, architect or landscape architect licensed in the Commonwealth of Virginia. See the Submission Requirements for Generalized Development Plans found on pages 10-12 of this package and Section 18-202 of the Zoning Ordinance for details and number of copies. *</p>	
<p>10. A statement explaining the relationship of the development to, and compliance with, the development criteria of the adopted Comprehensive Plan of the County.</p>	

***Reminder:** One of the detailed submission requirements for a generalized development plan relates to stormwater management facilities. Any waivers for stormwater management to permit underground detention facilities in residential areas or for Resource Protection Area (RPA) exceptions should be submitted concurrently with rezoning applications. The Board of Supervisors must act on the waiver request concurrently with the rezoning application. Waiver requests or RPA exceptions are to be submitted to the Department of Public Works and Environmental Services (DPWES) at the Plan and Document Control counter, located on the 5th floor of the Herrity Building, 12055 Government Center Parkway. If you have any questions, please call (703) 324-1730.

<p>11. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Commonwealth of Virginia/Department of Waste Management Regulations VR 672-10-1 - Virginia Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.</p>	
<p>12. A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, modification, exception or variance is sought by the applicant, such shall be specifically noted and the justification for such provided.</p> <p>If the proposal includes a request for a waiver of the yard regulations for yards abutting certain principal arterial highways and railroad tracks pursuant to Section 2-414 of the Zoning Ordinance, a study showing projected noise impacts, proposed mitigation measures and the effectiveness of such measures shall be submitted.</p>	
<p>13. Any additional information that the applicant may desire to proffer in the consideration of the application.</p>	
<p>14. Where applicable, any other information as may be required by the provisions of Article 7, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required pursuant to Sect. 7-210 for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.. A copy of the Archaeological Survey Data Form is included in the package on page 26-27.</p>	
<p>15. A check written to County of Fairfax in the amount shown on the fee schedule set forth on page 25 of this package.</p> <p>Checks returned due to insufficient funds are subject to a \$50 fee (Fairfax County Code, §1-1-17; Va. Code § 15.2-106).</p>	

* **Reminder: Transportation Impact Analysis (TIA) checklist is required for Rezoning and Proffered Condition Amendments and must be submitted with the application package. A copy of the TIA checklist is included in this package on pages 28-30.**



COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: _____
 (Assigned by staff)

APPLICATION FOR A REZONING
 (PLEASE TYPE or PRINT IN BLACK INK)

PETITION

TO: THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

I (We), _____, the applicant (s) petition you to adopt an ordinance amending the Zoning Map of Fairfax County, Virginia, by reclassifying from the _____ District to the _____ District the property described below and outlined in red on the Zoning Section Sheet(s) accompanying and made part of this application.

LEGAL DESCRIPTION:

Lot(s)	Block(s)	Subdivision	Deed Book	Page No.

TAX MAP DESCRIPTION:

Map No.	Double Circle No.	Single Circle No.	Parcel(s)/Lot(s) No.	Total Acreage

POSTAL ADDRESS OF PROPERTY:

ADVERTISING DISCRIPTION: (Example - North side of Lee Highway approx. 1000 feet west of its intersection with Newgate Blvd.)

PRESENT USE:	PROPOSED USE:
MAGISTERIAL DISTRICT:	OVERLAY DISTRICT (S):

The name(s) and address(s) of owner(s) of record shall provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representative on official business to enter on the subject property as necessary to process the application.

Type or Print Name

Signature of Applicant or Agent

Address

(Work) _____ (Mobile) _____
Telephone Number

Please provide name and telephone number of contact if different from above:

DO NOT WRITE BELOW THIS SPACE

Date application accepted: _____

Fee Paid \$ _____

GENERALIZED DEVELOPMENT PLAN SUBMISSION REQUIREMENTS

Twenty-three (23) copies of a generalized development plan, certified by a professional engineer, architect, landscape architect or land surveyor authorized to practice as such by the State, including any resubmissions of the plan and supporting graphics, to be submitted in accordance with the provisions below and to include the information set forth below. One 8 ½" x 11" reduction of the plan, any resubmissions and supporting graphics shall also be submitted. However, the requirement for such development plan may be modified or waived by the Zoning Administrator when it has been determined that (a) such plan is not necessary for the adequate review of the rezoning application, and (b) such development as is proposed upon rezoning is of a nature as not to have a significant adverse impact upon the community or upon the public facilities available to the property.

A generalized development plan, at a scale of not less than one inch equals one hundred feet (1" = 100'), which scale may be modified by the Zoning Administrator based on the nature and/or size of the application, shall show the following:

- A. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plan.
- B. Except for single family detached dwellings, the approximate location and dimensions of all proposed structures and uses, to include the maximum height in feet of all structures and penthouses, and a graphic depiction of the angle of bulk plane, if applicable.
- C. The proposed traffic circulation plan including major streets and major pedestrian, bike and/or bridle paths, and the location of all trails required by the adopted comprehensive plan.
- D. All proposed major open space areas and the approximate location of all proposed community and public facilities.
- E. The proposed plan for all major sanitary sewer improvements.
- F.* Approximate location, estimated size of footprint in acres and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams, and approximate water surface elevation for design storms, if applicable. In addition, a preliminary stormwater management plan that includes information about the adequacy of downstream drainage, including the sufficiency of capacity of any storm drainage pipes and other conveyances into which stormwater runoff will be conveyed. When there is 2500 square feet or more of land disturbing activity on the entire application property, in addition to the above, the preliminary stormwater management plan shall include:
 - (1) A graphic depicting:
 - (a) The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.

* A Stormwater Management checklist form is included as page 14 for your convenience or available on the County web site at <http://www.fairfaxcounty.gov/dpwes/publications/lti/05-03.htm>.

- (b) The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.
 - (c) A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.
 - (d) The approximate location or alternative locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.
 - (e) Proposed landscaping and tree preservation areas in and near the stormwater management facility.
 - (f) The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including the provision of energy dissipation, storm drain outlet protection and/or stream bank stabilization measures.
- (2) A preliminary stormwater management narrative setting forth the following:
- (a) Description of how the detention and best management practice requirements will be met.
 - (b) The estimated area and volume of storage of the stormwater management facility to meet stormwater detention and best management practice requirements.
 - (c) For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area shall include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least 1 square mile, whichever comes first.
 - (d) Description of how the adequate outfall requirements of the Public Facilities Manual will be satisfied.
- G. The location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- H. A schedule showing the number of parking spaces provided and the number required by the provisions of Article 11 of the Zoning Ordinance.
- I. Existing topography with a maximum contour interval of two (2) feet and a statement indicating whether it is air survey or field run.
- J. A delineation of those general areas that have scenic assets or natural features deserving of protection and preservation, and a statement of how such will be accomplished.

- K. A statement or visual presentation of how adjacent and neighboring properties shall be protected from any adverse effects prompted by the proposed development, to include vehicular access plans and dimensions of all peripheral yards that will be provided.
- L. A delineation of all existing structures, and an indication of their date of construction if known, and whether they will be retained or demolished.
- M. A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential.
- N. A statement or presentation setting forth the maximum number of dwelling units proposed, and the density and the open space calculations based on the provisions of Sections 2-308 (Maximum Density) and 2-309 (Open Space) of the Zoning Ordinance.
- O. A statement of those special amenities that are proposed within the development.
- P. A statement of the public improvements, both on and off-site, that are proposed for dedication and/or construction, and an estimate of the timing of providing such improvements.
- Q. A statement setting forth the proposed approximate development schedule.
- R. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the approximate delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
- S. Any proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.
- T. A plan showing limits of clearing, proposed landscaping and screening in accordance with Article 13 of the Zoning Ordinance, a delineation of existing vegetation, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.
- U. Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.
- V. A statement which confirms the ownership of the subject property, and the nature of the applicant's interest in same.

A generalized development plan not filed with the initial submission of the application shall be submitted within sixty (60) days of the acceptance date of the application. Failure to meet this requirement shall change the acceptance date of the application, may be due cause to delay the processing of the application, and may be due cause to dismiss the application.

REZONING PLAT SUBMISSION REQUIREMENTS

1. Four (4) copies of a certified plat of the subject property containing the following information:
 - A. Boundaries of the entire property, with bearings and distances of the perimeter property lines, and of each existing and proposed zoning district.
 - B. Total area of property and of each existing and proposed zoning district presented in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat.
 - D. Location of all existing buildings and structures.
 - E. Names and route numbers of all boundary roads or streets, and the width of existing right(s)-of-way.
 - F. Seal and signature of person preparing the plat.

MINIMUM STORMWATER INFORMATION FOR REZONING, SPECIAL EXCEPTION, SPECIAL PERMIT AND DEVELOPMENT PLAN APPLICATIONS

The following information is required to be shown or provided in all zoning applications, or a waiver request of the submission requirement with justification shall be attached. Note: Waivers will be acted upon separately. Failure to adequately address the required submission information may result in a delay in processing this application.

This information is required under the following Zoning Ordinance paragraphs:

- | | |
|---|--|
| Special Permits (8-011 2J & 2L) | Special Exceptions (9-011 2J & 2L) |
| Cluster Subdivision (9-615 1G & 1N) | Commercial Revitalization Districts (9-622 2A (12)&(14)) |
| Development Plans PRC District (16-302 2 & 4L) | PRC Plan (16-303 1E & 10) |
| FDP - P Districts (except PRC) 916-502 1F & 1Q) | Amendments (18-202 10F & 10I) |

- 1. Plat is at a minimum scale of 1"=50' (unless it is depicted on one sheet with a minimum scale of 1"=100).
- 2. A graphic depicting the stormwater management facility(ies) and limits of clearing and grading to accommodate the stormwater management facility(ies), storm drainage pipe systems and outlet protection, pond spillways, access roads, site outfalls, energy dissipation devices, and stream stabilization measures as shown on Sheet _____
- 3. Provide:

Facility Name/ Type & No.	On-Site area served (acres)	Off-Site are served (acres)	Drainage area (acres)	Footprint area (sf.)	Storage Volume (cf.)	If pond, dam height (ft.)
(e.g., dry pond A, inflt. trench, underground vault, etc.)						
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
					Totals	_____
- 4. Onsite drainage channels, outfalls and pipe systems are shown on Sheet _____.
Pond inlet and outlet pipe systems are shown on Sheet _____.
- 5. Maintenance access (road) to stormwater management facility(ies) are shown on Sheet _____.
Type of maintenance access road surface noted on the plat is _____(asphalt, geoblock, gravel, etc.)
- 6. Landscaping and tree preservation shown in and near the stormwater management facility is shown on Sheet _____.
- 7. A 'stormwater management narrative' which contains a description of how detention and best management practices requirements will be met is provided on Sheet _____.
- 8. A description of the existing conditions of each numbered site outfall extended downstream from the site to a point which is at least 100 times the site area or which has a drainage area of at least one square mile (640 acres) is provided on Sheet _____.
- 9. A description of how the outfall requirements, including known changes to contributing drainage areas (i.e. drainage diversions), of the Public Facilities Manual will be satisfied is provided on Sheet _____.
- 10. Existing topography with maximum contour intervals of two (2) feet and a note as to whether it is an air survey or field run is provided on Sheets _____.
- 11. A submission waiver is requested for _____.
- 12. Stormwater management is not required because _____.

REZONING AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

I, _____, do hereby state that I am an
(enter name of applicant or authorized agent)

- (check one) applicant
- applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): _____
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

=====

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
--	---	--

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

REZONING AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES,** and **REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer,** etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued on a “Rezoning Attachment 1(b)” form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

REZONING AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) There is more partnership information and Par. 1(c) is continued on a “Rezoning Attachment to Par. 1(c)” form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

REZONING AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter “**NONE**” on the line below.)

(check if applicable) There are more interests to be listed and Par. 2 is continued on a “Rezoning Attachment to Par. 2” form.

REZONING AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter “NONE” on line below.)

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a “Rezoning Attachment to Par. 3” form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) [] Applicant [] Applicant’s Authorized Agent

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this _____ day of _____ 20____, in the State/Comm. of _____, County/City of _____.

Notary Public

My commission expires: _____

Rezoning Attachment to Par. 1(a)

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

(NOTE): All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
--	---	--

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued further on a “Rezoning Attachment to Par. 1(a)” form.

Rezoning Attachment to Par. 1(b)

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer,** etc.)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer,** etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(c)

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
“Rezoning Attachment to Par. 1(c)” form.

Rezoning Attachment to Par. 2

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

(check if applicable) There are more financial interests in the subject land to be listed and Par. 2 is continued further on a “Rezoning Attachment to Par. 2” form.

Rezoning Attachment to Par. 3

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

(check if applicable)

There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a “Rezoning Attachment to Par. 3” form.

EFFECTIVE APRIL 24, 2013
FEE SCHEDULE FOR REZONING APPLICATIONS
All Fees shall be made payable to the County of Fairfax

District Requested	Filing Fee
All R Districts	\$27280 plus \$570 per acre
All C, I and Overlay Districts	\$27280 plus \$910 per acre
PRC District	\$27280 plus \$910 per acre
<ul style="list-style-type: none"> • Application with concurrent filing of a PRC plan 	\$27280 plus \$1345 per acre
<ul style="list-style-type: none"> • PRC plan 	\$13640 plus \$435 per acre
<ul style="list-style-type: none"> • PRC plan concurrent with filing of a special permit and/or special exception 	\$16375 plus \$435 per acre
PDH, PDC, PRM and PTC Districts	
<ul style="list-style-type: none"> • Application with conceptual development plan 	\$27280 plus \$910 per acre
<ul style="list-style-type: none"> • Application with concurrent filing of conceptual and final development plans 	\$27280 plus \$1345 per acre
<ul style="list-style-type: none"> • Final development plan 	\$13640 plus \$435 per acre
<ul style="list-style-type: none"> • 	
<ul style="list-style-type: none"> • Final development plan 	\$13640 plus \$435 per acre
<ul style="list-style-type: none"> • Amendment to a pending application for an amendment to the Zoning Map in all Districts 	\$4545 plus applicable per acre fee for acreage affected by the amendment
<ul style="list-style-type: none"> • Amendment to a pending application for a final development plan or development plan amendment or PRC plan 	\$4130
<ul style="list-style-type: none"> • Amendments to a previously approved proffered condition and/or development plan, final development plan, conceptual development plan, PRC plan or concurrent conceptual/final development plan for: <ul style="list-style-type: none"> ○ Increase in fence and/or wall height on a single family lot; or 	\$435

- | | |
|--|--|
| ○ A reduction of certain yard requirements on a single family lot; or | \$910 |
| ○ Increase in fence and/or wall height on all other uses; or | \$2500 |
| ○ A reduction of certain yard requirements on all other uses; or | \$8180 |
| ○ The addition of or modification to an independent living facility for low income tenants. | \$1100 |
| ● Amendment to a previously approved proffered condition and/or development plan, final development plan, conceptual development, PRC plan and/or concurrent conceptual/final development plan for all other uses with new construction | 1/2 of prevailing fee plus applicable per acre fee for acreage affected by the amendment |
| ● Amendment to a previously approved proffered condition and/or development plan, final development plan, conceptual development, PRC plan and/or concurrent conceptual/final development plan for all other uses with no new construction | 1/2 of prevailing fee |

Note: For purpose of computing acreage fees, any portion of an acre shall be counted as an acre.

The fee for an amendment to a pending application is only applicable when the amendment request results in a substantial revision, as determined by the Zoning Administrator.

3. Comprehensive sign plan: \$8260

Amendment to a comprehensive sign plan: \$4130

4. Refund of fees for withdrawal of applications shall be in accordance with the provisions of Sections 112, 208 and 308. There shall be no refund of fees for applications that have been dismissed in accordance with the provisions of Sections 113 and 209.

Comments (attach additional sheets, if necessary): _____

Date of response to applicant: _____

Archaeological Survey Data Form – Part B

If the Cultural Resource Management and Protection Section of the Fairfax County Park Authority determines that a Survey is required and a report of the survey results must be submitted prior to submission of any rezoning, development plan, special exception, special permit or variance application that involves 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District, then a copy of the Executive Summary contained in the report must be printed in the space below (attach additional sheets if necessary). (See Par. 6L of Sect. 7-210 of the Zoning Ordinance.)

EXECUTIVE SUMMARY:

I certify that the above Executive Summary is a true copy of the Executive Summary contained in the Report dated _____ submitted to the Cultural Resource Section.

Type/Print Name of Applicant

Signature of Applicant/Agent and Date

FOR OFFICIAL COUNTY USE ONLY

Date of Report submitted to the Park Authority _____

Report submitted and meets submission requirements. Staff recommendation forthcoming: _____

**State Checklist for Rezoning Applications
(24 VAC 30-155-40)**

Project Name: _____

Applicant Name: _____

Tax Map Parcel Reference: _____

Please check which apply:

- My rezoning application does not meet the thresholds according to 24 VAC 30-155-40. Please sign at the bottom of this sheet.

- My rezoning application meets the thresholds according to 24 VAC 30-155-40. Please complete checklist below to indicate the required material is included in your application package and sign at the bottom of this sheet. Please also complete the TIA Review Form.

- A COVER SHEET** containing:
 - Contact Information** for the
 - Locality,
 - Developer (or owner), if applicable;
 - Site Information**
 - Rezoning location,
 - Highways adjacent to the site,
 - Parcel number or numbers;
 - Proposal Summary** with the
 - Development's name,
 - Size (acreage),
 - Proposed zoning, and
 - Proposed types of land uses, including maximum number of lots or maximum business square feet;
 - A Statement** regarding the proposal's compliance with the Comprehensive Plan.
- A TRAFFIC IMPACT ANALYSIS** in accordance with 24 VAC-30-155-60 **and a completed TIA Review Form (attached)**
- A CONCEPT PLAN** of the proposed development.
- ANY PROFFERED CONDITIONS** submitted by the applicant.
- FEES** (submitted directly to VDOT after acceptance of application)
 - For the initial or second review** of a rezoning proposal, a single fee for both reviews will be determined by the number of vehicle trips generated per peak hour of the generator, as follows:
 - 100 or less vehicles per peak hour - \$500
 - More than 100 vehicles per peak hour - \$1,000
 - For a third or subsequent submission** of a rezoning proposal that is requested by VDOT on the basis of the failure of the applicant to address deficiencies previously identified by VDOT, the fee is equal to the initial fee paid.

Applicant Signature: _____ Date: _____

Chapter 527 TIA Review Form

Use this form to capture data about TIA Review to be entered into LandTrack

Submission Details	Enter your values below
Project Name	
Submission #	
Locality Project ID	
District	
Jurisdiction	
Locality Contact	
TIA Preparer	
Scope Meeting Held?	
Location	
Route(s)	
Site Details	
<i>Submission Type(s):</i>	
Comprehensive Plan TIA Review:	
Zoning TIA Review?	
Site Plan TIA Review?	
Subdivision TIA Review?	
527 Review?	
Number of Units	
Square Feet of Units	
VPH (increase)	
VPD (increase)	
ITE Codes	
Acreage	
Parcel ID	
<i>Facility Type (pick one)</i>	
	<input type="checkbox"/> Commercial – Banks / Drug Store <input type="checkbox"/> Commercial – Cinema <input type="checkbox"/> Commercial – Fast Food Restaurant <input type="checkbox"/> Commercial – Grocery Store <input type="checkbox"/> Commercial – Health / Fitness Center <input type="checkbox"/> Commercial – Industrial <input type="checkbox"/> Commercial – Mixed Type <input type="checkbox"/> Commercial – Office <input type="checkbox"/> Commercial – Other <input type="checkbox"/> Commercial – Shopping Center <input type="checkbox"/> Commercial – Superstore <input type="checkbox"/> Commercial – Gas Station <input type="checkbox"/> Commercial – Sit Down Restaurant <input type="checkbox"/> Mixed Use – Commercial / Residential <input type="checkbox"/> Residential – Mixed Type <input type="checkbox"/> Residential – Multi Family <input type="checkbox"/> Residential – Single Family <input type="checkbox"/> Residential – Town House <input type="checkbox"/> Local Policy Change

Checks should be made payable to the "Treasurer of Virginia". A copy of this form, completed by the applicant and stamped by Fairfax County should accompany the check.

Chapter 527 TIA Review Form – Instructions

This spreadsheet can be used to capture details on the 527 reviews to facilitate data entry in LandTrack once that system goes live next month. Below you will find field-by-field instructions on how to complete this form.

Submission Details	Instructions for each field
Project Name	Enter the name of the project – usually on the TIA Cover.
Submission #	Is this the first submission for this project? 2 nd ? 3 rd ?
Locality Project ID	A tracking # created by the locality
District	Enter the VDOT District where the project is located.
Jurisdiction	Enter the Jurisdiction for the project.
Locality Contact	Who is the primary point of contact with the locality?
TIA Preparer	Who prepared the TIA? Can be the developer or engineering firm.
Scope Meeting Held?	Indicate whether or not a scope meeting has been held.
Location	
Route(s)	List the routes involved with this project.
Site Details	
<i>Submission Type(s):</i>	
Comprehensive Plan TIA Review?	Select yes or no if the review is this type.
Zoning TIA Review?	Select yes or no if the review is this type.
Site Plan TIA Review?	Select yes or no if the review is this type.
Subdivision TIA Review?	Select yes or no if the review is this type.
527 Review?	Does this TIA qualify as a 527 review?
Number of Units	How many units are involved in the development?
Square Feet of Units	What is the square footage of the development?
VPH (increase)	What increase is expected in VPH?
VDP (increase)	What increase is expected in VPD?
ITE Codes	Indicate the ITE Codes involved.
Acreage	What is the acreage of the development?
Parcel ID	What is the locality's parcel ID for the project?
Facility Type	Select the facility type for the TIA.



FAUQUIER COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
29 Ashby Street, Suite 310, Warrenton, VA 20186
Phone: 540-422-8200 Fax: 540-422-8201
www.fauquiercounty.gov

PRE-APPLICATION PROCESS

Pre-Application Process Guiding Principles:

The Pre-Application Process is intended to provide the necessary tools and guidance to the Applicant so as to ensure the future success and smooth management of the project through the review process.

This meeting is a requirement prior to the Applicant's first submittal. It affords the opportunity to discuss a project with County Staff and other referral agencies. Key information such as identifying land use policy and site plan issues are discussed. It is the County's goal to have the Applicant incorporate this information into the project prior to finalizing detailed plans and submitting them for review.

The purpose of the Pre-Application meeting is to:

- ascertain the scope of the project,
- provide initial guidance to the Applicant regarding County plans, policies and expectations,
- identify any major land use issues/conflicts,
- based on the information provided (such as wetland data, floodplain, etc.) begin to identify potential site constraints or issues that may affect the development of the site,
- outline the regulatory/approval process(es) applicable to the proposed development.

Pre-Application Process:

- The applicant shall have a Pre-Application discussion with Community Development Staff to determine the readiness of the Applicant for the Pre-Application submission.
- Pre-Application meetings are held on the 2nd and 4th Tuesdays of each month.
- Participants in the meeting include Community Development Staff (Engineering, Planning, Zoning and Soils), VDOT, Fauquier County Health Department and Fauquier County Water and Sewer Authority, where appropriate.
- Meeting requests must be received by 4:00 p.m. on the Monday, two weeks prior to the requested meeting date to allow staff the opportunity to research the property and discuss the potential issues internally prior to the meeting.
- Meeting requests shall include the Pre-Application Form and a Concept Plan showing the generalized layout of the proposed development, including lots and/or buildings, anticipated use, access points, open space areas, off-street parking, and include as much information as possible as listed on the Pre-Application Checklist.



Fauquier County Department of Community Development

29 Ashby Street, Suite 310
Warrenton, VA 20186
(540) 422-8200 FAX (540) 422-8210

www.fauquiercounty.gov



PRE-APPLICATION CHECKLIST

1. Discuss Proposal with the appropriate Community Development Staff member:
 - Comprehensive Plan Amendment – Susan Eddy – 540-422-8210
 - Site Plans – Rob Walton – 540-422-8220
 - Special Exceptions/Rezoning: Residential – Holly Meade – 540-422-8210
Non-Residential – Holly Meade – 540-422-8210
 - Subdivision/Infrastructure & Construction Plans – Chuck Floyd – 540-422-8220

The specific Property and request must have been discussed with the appropriate staff member within the month prior to scheduling the pre-application meeting.

2. Fill out the Pre-Application Form located on our website, www.fauquiercounty.gov in the Community Development Section of Government under “Forms and Information”.
3. Concept Plan Submission.

Required:

- Application Form, including a complete description of the proposed project.
- 15 copies of a Concept Plan showing the generalized layout of the proposed development, including lots and/or buildings, anticipated use, access points, open space areas, off-street parking, improvements to existing streets, stormwater areas and similar information. The Plan shall also include:
 - ✓ Date of plan and north arrow.
 - ✓ Current use of project parcel(s) and adjacent parcels.
 - ✓ Total project site acreage.
 - ✓ The Concept Plan should be no larger than 24” x 36” and use a standard engineering scale between 1” = 10’ and 1” = 200’.
- CD containing individual PDFs of all submission materials.

The amount of information needed will depend on the scope of the project. Engineered plans are not expected at this stage and the information should derive from existing data sources such as the County GIS system and existing surveys.

Recommended:

- Please include as much of the following information as possible. The more information that is provided, the better able Staff will be to identify issues and problem areas. If you have any questions or need help in obtaining information, please call Community Development Staff.
 - ✓ Topographic contours with intervals no greater than 5 feet.
 - ✓ Existing drainage facilities, including major culverts, ponds and streams.
 - ✓ The Health Department would like the location of all wells and location (or approximate) of the drainfield.
 - ✓ All existing restrictions on the use of the land, including easements and covenants.
 - ✓ Soil information from County maps.
4. Mail or deliver the above items to: Central Processing Desk, Community Development, 29 Ashby Street, Suite 310, Warrenton, VA 20186 by 4:00 p.m. on the Monday, two weeks prior to the requested meeting date.
 5. Community Development Staff will then email or call the Applicant to coordinate the Pre-Application Meeting with all of the appropriate staff members.



Fauquier County Department of Community Development
29 Ashby Street, Suite 310
Warrenton, VA. 20186
540-422-8200 FAX 540-422-8201
www.fauquiercounty.gov



PRE-APPLICATION FORM

Project Name: _____

Representative (to be principal contact): _____

Phone #: _____ Cell #: _____ *Email: _____

Property Owner(s): _____

_____ 501(c)(3) Organization

Phone #: _____ Cell #: _____ *Email _____

PIN #(s): _____ Acreage: _____

Parcel Address: _____ Existing Zoning: _____ Proposed Zoning: _____
(If Applicable)

Have you discussed this proposal with anyone on staff? ___ Yes ___ No If yes, who? _____

Type of Application: _____ Special Exception Category: _____
(If Applicable)

Public Water: ___ Yes ___ No If yes, provider: _____

Public Sewer: ___ Yes ___ No If yes, provider: _____

Is this an active project in the County or subject to prior approvals? ___ Yes ___ No If yes, list: _____

Projected Traffic Generation (vehicle trips per day): _____ Is there a Floodplain on this property? _____

Description of Project (Please be as complete as possible; type, use, number of units/lots, square footage, phasing, number of employees, other descriptive relevant information): _____

***Note: Email will be the primary method of contact unless otherwise specified.**



Fauquier County Department of Community Development

29 Ashby Street, Suite 310

Warrenton, VA. 20186

540-422-8200 FAX 540-422-8201

www.fauquiercounty.gov



Specific issues relative to the project: _____

Number attending: ____ Does anyone in your party have special needs? __Yes __No If yes, list: _____

Names of attendees (Property Owner/Developer and Project Engineer should attend): _____

Requested Date of Pre-Application Meeting: _____

Official Office use Only: _____

Received Stamp:

Scheduled Meeting Date: _____ Time: _____

Location: _____ Scheduled by: _____



Fauquier County Department of Community Development

29 Ashby Street, Suite 310

Warrenton, VA 20186

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PRE-APPLICATION MEETING RESOURCES

Best Resource:

The Fauquier County Department of Community Development Website is your best resource for almost all applications involved with Land Development. It is located at: www.fauquiercounty.gov/government/departments/commdev/. The following items are found on the site...Forms & Information, Documents, Division Information, Demographics, Fauquier County Design Standards Manual, Fauquier County Zoning Ordinance, ESI Information, and more.

General Information:

ESI: The Engineers and Surveyors Institute (ESI) conducts the application completeness review for both the County and FCWSA (see below). Where utility connection to FCWSA System is proposed, both parts of the plan must be submitted to ESI and reviewed together. An acceptable transmittal for both is required BEFORE Major Site Plans, Preliminary Plans, Construction Plans, and Infrastructure Plans can be accepted for review by the County or FCWSA. Complete instructions may be obtained at the Community Development intake counter, on the web @ www.esinova.org or by calling 703-263-2232.

Floodplain: Use NRCS methodology for all floodplain studies. If fill in a floodplain is proposed, then a Special Exception is required.

Wetlands: Jurisdictional Determination (JD) Permit is required with Preliminary Plans and Site Plans if soils are hydric or have hydric inclusions based on County Soils or Type I Soils Report. The COE/DEQ Wetlands Permit is required prior to approval of Final Construction Plans and Site Plans, if applicable.

Wet Soils: Watch for springs - Don't put houses on swales - Protect swales in their natural condition

BMP/SWM: Stormwater Management Guidelines:

- Separate lot for BMP/SWM facilities
- If high water table, cannot have "dry" pond design
- No infiltration trenches in residential subdivision
- 80% of site to have BMP treatment
- 40% phosphorous removal required
- Exemptions = <10,000 ft² of disturbed land
 - 6 ≤ lots
 - 5 acres ≥ for all lots
- Check VDOT standards for road setbacks for ponds at: www.virginiadot.org
- 100% credit wetlands and Flood Plain **only!**
- 25' setback for pond embankments from property lines
- Use Occoquan method for BMP calculations

FCWSA: FCWSA requires a "pre-engineering" meeting and ESI completeness review for all projects that will connect to FCWSA sewer or water. The FCWSA plan and completed checklists must be submitted at the County with the appropriate ESI application form and deposit check prior to the completeness review. Contact Wayne Stephens at 540-349-2092.

Handbooks and Guidelines:

- ❖ "Virginia Erosion and Sediment Control Handbook", prepared by the Virginia Department of Conservation and Recreation is located at: www.dcr.virginia.gov.
- ❖ **Stormwater Management Guidelines:** VSMH or "Virginia Stormwater Management Handbook", prepared by Virginia Department of Conservation and Recreation, Chapters 3-6 (Blue Books) is located at: www.dcr.virginia.gov.
- ❖ **VSMP Permit** – Virginia Stormwater Management Program Permits can be found at: www.dcr.virginia.gov/soil & water/
- ❖ **Utility Standards Manual** – Purchase from FCWSA in person or by mail (\$15.00) - 540-349-2092/ postmaster@fcwsa.org.

Community Meeting Guidelines

It is often recommended that applicants who file a zoning application for rezonings, Conditional Use Permits or Special Exception Permits arrange a community meeting with surrounding property owners. These meetings are particularly necessary for complex rezoning applications or cases with significant community interest.

What is the purpose of a community meeting?

A community meeting allows the applicant the opportunity to present their case to the community and also obtain feedback from citizens who may have questions, concerns, or comments about the proposal.

When should the meeting be scheduled?

The applicant is responsible for scheduling the meeting. It should be scheduled at least one month prior to the date the application is scheduled to be heard by the Planning Commission or Board. This timeframe should allow the applicant time to make any necessary changes to the application following the meeting and still meet the 21-day Planning Commission or Board deadline. The Planning Staff recommends that applicants schedule the meeting after all agencies have conducted their initial review of the application.

Who should be contacted to arrange for the meeting time?

The applicant should coordinate with their Planning Commissioner, Board of Supervisors representative and Planning Staff to arrange the meeting time and location.

Where and at what time of day should the meeting be held?

The applicant is responsible for finding a location to hold the meeting. Potential locations often include churches, fire stations, and libraries.

The meeting should be held in the evening, Monday through Thursday, beginning around 6:00 pm or 7:00 pm. Meetings typically last from one to two hours, depending on the complexity of the case. It is recommended that applicants prepare an agenda for the meeting, setting aside time for staff comments, a presentation by the applicant, and a question and answer period. A sample agenda is attached.

Who should be notified about the meeting?

The applicant should start by sending written notices to adjacent property owners. At times, it may be appropriate to notify all of the residents within the subdivision (if the property is within a subdivision). The applicant should also ask the assigned planner if he or she has been contacted by other interested parties who may want to attend the meeting. If so, those parties should be notified of the meeting. It is helpful to include a copy of the proposed sketch plan or conceptual plan with the notice. This will allow citizens who may not be able to attend the meeting the opportunity to educate themselves about the nature of the project. Property owner information may be obtained from the County's website. (Directions for using this website are attached). It may also be necessary to notify representatives of nearby communities, such as the president of a homeowners association.

**Sample
Community Meeting Agenda
Date/Location
Hanover County Rezoning Case Number C-xx-xx (c)
Applicant: XXXX
Project name: XXXX**

1. Introductory Comments: Supervisor and/or Planning Commissioners name
2. Review Process – Staff
3. Zoning Proposal - Applicant
 - a. Project Introduction
 - b. Project Description
 - c. Project Design Concepts
 - d. Project Impact Mitigation Measures
4. Question and Answer – Supervisor/Planning Commissioner/Applicant/Staff as appropriate
5. Closing Comments – Supervisor/Planning Commissioner/Applicant



DISCRETIONARY PROCESSES

REZONING

Each zoning district within the Hanover County Zoning Ordinance contains a list of permitted uses, conditional uses, and special exceptions. If a particular use is proposed that is not listed under the current zoning of the property, a rezoning may be required. Please consult the Planning Staff prior to submitting an application to determine whether the proposal is consistent with the County's Comprehensive Plan.

The Process

Prior to submitting an application for [rezoning](#), Hanover County strongly recommends that a pre-application meeting be held with County Staff as the first step.

DID YOU KNOW?

There are two Rezoning applications:

- 1) Residential applications where only [one additional lot](#) will be created and
- 2) All other [rezonings](#).

Accompanying each application is a plat of the subject property, metes and bounds description, and supplementary information to support the request (such as conceptual plans, building elevations, design manual for MX and BP requests etc.). If applicable, Section 527 traffic studies are due at this time. Incomplete applications will not be accepted and will be returned to the applicant. The required fee must be submitted within fourteen (14) days of the date of notification of acceptance. The Application Deadline is the first Monday of every month. If the first Monday falls on a holiday, the deadline will be moved to the next business day.

Complete Applications are routed to County and State review agencies within 5 days of the Application Deadline. The application is then reviewed and discussed at the Zoning Staff meeting held on the 3rd Wednesday of the month of submittal. Staff comments will be provided to the applicant in writing. The staff may contact the applicant to schedule a meeting to discuss comments provided by reviewing agencies, to request additional information or plan revisions, and to negotiate proffers. **At this time, it may also be recommended that the applicant schedule**

a community meeting. A [community meeting guide](#) is available on the website or upon request.

Hanover County accepts proffers from rezoning applicants, which are conditions of zoning. These "proffered" conditions are voluntarily offered by a developer or property owner that limit or qualify how the property subject to the conditions will be used or developed. These conditions are in addition to the general, uniform regulations otherwise applicable to land within the same zoning district. They are made to lessen the potential negative community impact of a requested rezoning. The deadline to submit draft proffers and revised conceptual plans is the close of business 21 days prior to the Planning Commission meeting.

Planning Commission

Proffers and conceptual plans may be revised in accordance with the Planning Staff's recommendations, and revisions incorporating the staff's recommendations must be submitted 14 days prior to the Planning Commission meeting. A staff report with a recommendation is mailed to the Planning Commission and applicant at least one week prior to the Commission meeting. The Planning Commission typically meets on the 3rd Thursday of every month. Following a public hearing on the rezoning case, the Planning Commission may recommend approval, approval with revisions to the proffers, denial, or may defer the application.

Board of Supervisors

Signed and notarized final proffers must be submitted by the close of business on the date 21 days prior to the Board of Supervisors meeting. A staff report containing the recommendation of the Planning Commission and Staff is sent to the Board of Supervisors and applicant at least one week prior to the meeting. The Board of Supervisors usually hears rezoning cases on the 4th Wednesday of every month. Typically, cases are heard by the Board the following month of the Planning Commission. Following a public hearing on the case, the Board of Supervisors may vote to approve, deny, defer the application to another meeting, or remand the application back to the Planning Commission for further consideration.

Next Step

Should the application be approved, a Board of Supervisors' letter of approval is sent to the applicant and includes all proffers approved with the rezoning. Typically, the next step is to submit an application for [site plan](#) or [subdivision approval](#). Please contact the Applicant Liaison to determine which application you will need.

If the application is not approved, a Board of Supervisors' letter of denial is sent to the applicant, which includes the reasons for denial. The applicant may not submit a substantially similar application until one year following the date of Board action.

To The Applicant:

A Pre-Application meeting provides you with the opportunity to meet with staff as you develop your site and prior to submitting your zoning application. This meeting allows you to address specific questions you may have as you undertake site and architectural design, develop a sketch or conceptual plan, and prepare proffers. However, this meeting does not replace the comprehensive review which will be undertaken by staff and affected agencies upon the acceptance of your zoning application. Therefore, keep in mind that during the review phase of your application, additional issues and comments will be raised that may require revisions to your proposal. The Pre-Application meeting is provided as a courtesy to facilitate understanding of County requirements and assist you in the preparation of your application materials.

To schedule a Pre-Application meeting, please complete the Pre-Application Request form and submit it to the County of Hanover, Department of Planning, 7516 County Complex Road, Hanover Virginia, 23069. There is no fee required for the Pre-Application meeting. Regular Pre-Application meetings occur on the 1st Wednesday and 3rd Tuesday of each month. Pre-Application request forms – including working site layouts, elevations, and any other working documents you would like to discuss -- must be submitted at least one week prior to the desired meeting day. Once the application has been received you will be contacted to schedule your meeting date and time.

In order to ensure a productive meeting, you are encouraged to compile as much of the information listed below as practical. Staff will review development options, policies and regulations relevant to your zoning request and may recommend community outreach or additional agency meetings that could be beneficial. Review material will vary depending on the nature of the zoning request but typically the following information is necessary in order for staff to provide you with an informed response to questions and issues:

- General Land Use Plan designation and existing zoning designation
- Existing Conditions
 - Location map, current uses, existing structures, driveways, parking, public rights-of-way, public & private easements, cemeteries
- Site Analysis
 - Topography
 - Streams, ponds, wetlands, floodplains
 - Drainage patterns
 - Trees, Vegetation / woodlands
- Concept / sketch plan of development
 - Location of proposed structures, parking areas, open and/or recreational spaces, vehicular and pedestrian circulation, street access, landscaping, bufferyards or tree preservation areas
- Traffic generation information
- Architectural elevations
- Preliminary utility locations
- Identified historic resources in close proximity

**Request for a Pre-Application Meeting for
Rezoning/Conditional Use Permits/Special Exceptions**

APPLICANT/CONTACT INFORMATION

Owner/Applicant: _____
 Contact Name: _____
 Address: _____

Telephone No. _____
 Fax No. _____
 Email Address _____

PROPERTY INFORMATION/ EXPLANATION

GPIN(s)(Tax Parcel #'s) _____

 Magisterial District _____
 Location Description (Street Address, if applicable) _____
 Briefly describe the proposed use of the property: _____

 Is your property in the Suburban Service Area? _____
 Do you have specific questions/concerns that you would like to discuss?: _____

INFORMATION ON PRE-APPLICATION MEETINGS

Zoning Pre-Application meetings are held on the 1st Wednesday and the 3rd Tuesday of every month. Please provide at least 1 week's notice in requesting a meeting.

For the meeting to be more beneficial for you, it is advised that you submit a **preliminary layout or sketch of your request**. Please provide four (4) copies of this sketch at least 1 week prior to the meeting to allow time for the staff to review.

Contact information on pre-application meetings:
 Gretchen Biernot, Applicant Liaison. (804) 365-6171, (804) 365-6540 (fax)

FOR STAFF USE ONLY

Meeting Date: _____ Meeting Time: _____ Scheduled By: _____
 Requested Departments: DPW DPU VDOT Building Inspections Other: _____



Rezoning/PUP Application Process

Revised September 7, 2007

What are the Steps?

Step 1. Contact the Comprehensive Planning Division Staff.

It is recommended that all prospective applicants meet with County staff to discuss development trends, appropriate zoning in accordance with proposed use and the County's Land Use Plan. Meetings can be scheduled with planning staff by contacting our Department:

Henrico County Department of Planning
4301 E. Parham Road,
Henrico, Virginia 23228
(804) 501-4602
or
Email at planning@co.henrico.va.us

Step 2. Preliminary Review Meeting (Mandatory).

A preliminary review meeting allows customers to discuss his/her proposal with County staff to ascertain any additional information required to file a complete application. The Preliminary Review Meeting will provide customers early input of whether a proposed development will require a submission packet to the Virginia Department of Transportation (VDOT) in accordance with Code of Virginia §15.2-2222.2 and 24 VAC 30-155 effective July 1, 2007.

The [Preliminary Review Meeting Form](#) must be received in the Comprehensive Planning Division no less than **2 weeks prior** to the requested meeting date. This form must also be submitted as part of the rezoning application package. Please contact the Planning Department at (804) 501-4602 to schedule a Preliminary Review Meeting.

(NEW) Step 3. Traffic Impact Analysis and Scope of Work Meeting.

Development projects located within 3,000 feet of a state-controlled non-limited access highway or to a connection to a state-controlled limited access highway may require the submission of a Traffic Impact Analysis to the Virginia Department of Transportation (VDOT) with your application. If the proposed rezoning generates the following number of vehicle trips, a Traffic Impact Analysis will be required:

Residential	More than 100 vehicle trips per peak hour
Commercial, Office, Industrial	More than 250 vehicle trips per peak hour or 2,500 vehicle trips per day
Mixed-Use	More than 100 vehicle trips per peak hour from only the residential portion OR more than 250 vehicle trips per peak hour or 2,500 vehicle trips per day from the entire proposal

Additionally, if the proposal would generate more than 1,000 vehicle trips per peak hour, VDOT will require a Scope of Work Meeting prior to submission of the Traffic Impact Analysis. The Traffic Impact Analysis, if required must be completed and submitted at the time of filing an application for rezoning or provisional use permit.

(NEW) Step 4. Complete and Submit Application to Henrico County and VDOT.

The [Rezoning/PUP Application Form](#) is required for rezoning, conditional rezoning, amendment to existing proffers, and provisional use permits. Please complete the Rezoning/PUP Application [Checklist](#) to ensure all the materials are submitted. In addition please submit:

- 0 Supplementary information and materials identified in the Rezoning/PUP Application Checklist and during the Preliminary Review Meeting. **Incomplete applications will not be accepted or placed on the Planning Commission agenda.**
- 0 Filing fee, which is required for all applications. (See [fee schedule](#) and [filing deadline schedule](#)).

For those projects requiring VDOT review, as detailed in Step 3, the VDOT Cover Sheet will be prepared during the Preliminary Review Meeting. Please bring the Cover Sheet and Preliminary Review Meeting Form to the Permit Center when filing an application with the County. County staff will complete the shaded bottom portion of the Cover Sheet to confirm to VDOT an application has been filed and to confirm the submittals to the County and VDOT are the same. After filing the application with the County, **it is the responsibility of the applicant to deliver copies of the application package (2 sets) and associated fees directly to VDOT. The County will not hold or accept fees for VDOT review.** The VDOT Residency Office is located at the following:

Virginia Department of Transportation
Sandston Residency Office
6000 Elko Tract Road
P. O. Box 219
Sandston, VA 23150-0219
(804) 328-3044

Step 5. Review of Proposal (Application) and Staff Report.

The Permit Center and the Planning Department will review all applications to ensure their completeness. **Complete** applications will be scheduled according to the filing deadline and corresponding Planning Commission Agenda. Complete applications are routed to County departments for comments. The County departments and divisions that comment on proposals include but are not limited to:

County Attorney's Office
Deputy County Manager of Community Development
Department of Planning
Department of Community Revitalization
Department of Finance
Department of Public Safety, Fire Division
Department of Public Safety, Special Services – Police Division
Department of Public Utilities, Design Division
Department of Public Works, County Engineer
Department of Public Works, Traffic Engineering Division
Department of Public Works, Design Division
Department of Recreation and Parks
School Board of Education, Administrative Services Division

A review committee consists of representatives from the aforementioned County Departments. This is not a public hearing. The review committee discusses the proposed projects (filed applications) and evaluates the project's compliance with the Land Use Plan and potential impacts on the area and County services. Information derived from this meeting is shared with the applicants to resolve potential issues and may be incorporated within the staff report.

Other sources for comments include but are not limited to the Capital Region Airport Commission, the National Park Service, and the Virginia Department of Transportation. For those applications requiring a VDOT submission, a review period may take between 45 and 120 days. During this period, the County or Applicant may wish to table (postpone) the rezoning request pending comments from VDOT.

Step 6. Community Meeting.

The County encourages applicants to contact property owners, residents, business owners and relevant community groups within the vicinity of the proposed development early in the application process. Meeting with relevant community groups increases the applicant's understanding of community issues and concerns and their ability to address such issues in the design of the proposed development. While community meetings are generally held prior to the release of the project staff report and the Planning Commission Public Hearing, the applicant should consider holding community meetings prior to submitting their application. If community meetings were held prior to filing, the dates, locations, and attendees should be submitted with your application. A list of neighborhood groups and representatives is available from the Department of Public Relations and Media Services. Please call (804) 501-4257 or visit <http://www.co.henrico.va.us/pr/> for more information regarding

community groups.

Step 7. Staff Reports.

The Department of Planning drafts a staff report and distributes to the Planning Commission. Staff reports are available to the public after receipt by the Planning Commissioners, approximately 6 weeks after the submission deadline and approximately 2 weeks prior to the Planning Commission meeting date. Staff reports may be sent, faxed, or held for pick up upon request. Staff reports are also published online at www.co.henrico.va.us/planning. To search for a staff report on the Planning Office web site, click on “downloadable staff reports” under the title block “Resources.” Scroll through the agenda organized by magisterial districts to the project of interest. Click on the filing case number to review the report and attachments.

Step 8. Revisions.

Changes to a proposal can be made prior to the scheduled Planning Commission hearing provided:

- ❑ The zoning classification is not more intensive in use. For example, an original request for R-2 (Single-family Residence) zoning can not be modified to R-5 (General Residence) without amending the application. In this case, the request would need to be re-advertised as part of the public hearing process.
- ❑ The revisions are submitted prior to **10:00 a.m.** on the **Monday before** the scheduled Planning Commission hearing. This will allow staff time to review the changes and incorporate pertinent information within the staff presentation at the public hearing. If revisions are requested after this time, the applicant must request a minimum one month deferral, unless otherwise waived by the Planning Commission.
- ❑ Revised proffers must be submitted on proffer forms and include the property owner’s or authorized agent’s signature, date of revisions, and case reference number. In addition, a separate set of *blacklined* proffers must accompany the revised proffers. Blacklines shows all changes to the proffer language from the previous set.

Example of revised blacklined proffer:

Original proffer:

Proffer 1: A minimum two acres of open space will be provided in a centralized location. A club house will be provided on the property.

Blackline for revised proffer:

Proffer 1: A minimum two acres of open space will be provided in a centralized location. A 1,200 square foot club house will be provided on the property within the designated open space.

Step 9. Planning Commission Public Hearing.

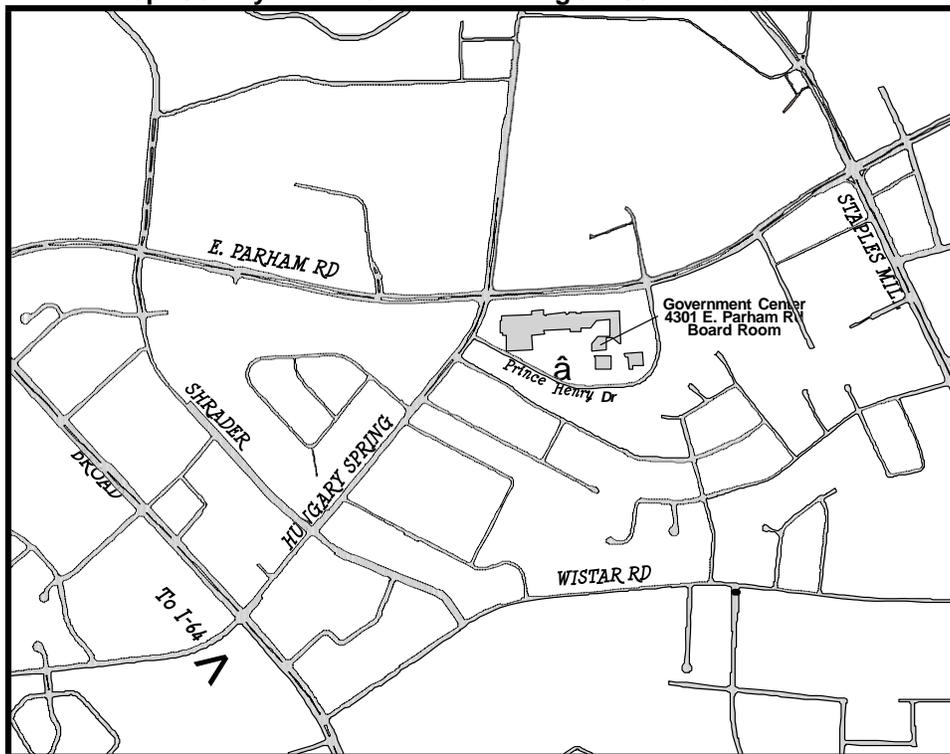
Planning Commission hearings for Rezoning, Conditional Rezoning, Amendments to Proffers, and Provisional Use Permits are *generally* held the second Thursday of each month at 7:00 p.m. Two notices of the scheduled hearing and agenda are published in the Richmond Times Dispatch both 3 weeks and 2 weeks prior to the Planning Commission hearing. Individual notices are also sent to the adjacent property owners of the subject property by the Planning Department. The Planning Commission schedule is included in this package and can also be found on the internet at www.co.henrico.va.us/planning. Public hearings are held in the Board Room of the County Administration Building, located at 4301 E. Parham Road.

At the Public Hearing, County staff provides a brief review of the development being proposed and makes a recommendation to the Commission. The applicant or authorized representative is required to attend and is usually expected to make a presentation. There is a ten-minute time limit for the applicant’s presentation. An aggregate time limit of ten minutes is allotted to those who wish to speak in opposition. The Planning Commission may waive the time limits based on the merits of the situation.

The Planning Commission will take one of the following actions for each agenda item:

- Vote to approve a request for deferral (deferrals may be requested by a Planning Commissioner or by the applicant);
- Vote to deny a request for deferral (in which case one of the two actions below will occur);
- Vote to recommend approval to the Board of Supervisors; or
- Vote to recommend denial to the Board of Supervisors.

Map: County Administration Building at 4301 E. Parham Rd.



Step 10. Board of Supervisors Public Hearing.

Once the Planning Commission makes a recommendation for approval or denial, the proposal is generally placed on the agenda for the Board of Supervisors for the following month. Advertising, notification, staff reports, and presentations follow the same procedures as for the Planning Commission. The vote of the Board of Supervisors is final.

If a request is denied by the Board of Supervisors or withdrawn by the applicant, the request or a substantially similar request cannot be heard for one year.



Rezoning/PUP Application Checklist

All of the following items are required for Rezoning, Conditional Rezoning, Amendment to Proffers, and Provisional Use Permits. Applications will **NOT** be accepted without the following attachments:

- D Completed **Preliminary Review Meeting Application & Preliminary Review Meeting- Application Checklist Forms**. These forms confirm that you held a preliminary meeting and include notations by staff for additional information required at time of filing.
- D **Application Form**. One signed original and two (2) copies of the complete application. All information must be typed or clearly printed on the application. Additional information may be submitted on 8½” x 11” paper, as needed.
- D **Legal Description and Survey**. Submit two copies of a survey plat and a written legal description in metes and bounds referenced by the centerline of the nearest public street(s). If more than one zoning district is proposed, separate legal descriptions must be submitted for each district.
- D **Proffers for Conditional Rezoning**: For Conditional Rezoning applications, submit a signed ORIGINAL set of proffers completed on the *Proffers for Conditional Rezoning Form*. The property owner or designated Power of Attorney must sign the proffer form.
- D **Special Power of Attorney**. If someone other than the owner of the subject property represents the proposal, a Power of Attorney Form must be completed and submitted with the application.
- D **Vicinity map**. The subject property must be outlined (highlighted) and shown in reference to the nearest public road intersection. Vicinity maps must be submitted on 8 1/2 “x 11” paper.
- D **Filing Fee**. Filing fees are based upon application type and the size (acreage) of the proposal. See fee schedule available at the Permit Center or online at



The following may be required as determined by the **Preliminary Review Meeting – Application Checklist**:

- D **Elevations (appearance of buildings)**: Two (2) paper copies reduced to 8 ½” x 11” of proposed buildings must be submitted in addition to an electronic copy in “.pdf” format.
- D **Conceptual Plan**: Conceptual plans are necessary to show general locations and design of the proposal, including but not limited to proposed buildings, lot layout, parking, landscaping, buffers, and road network in relation to the adjacent properties. Two (2) paper copies reduced to 8 ½” x 11” must be submitted in addition to an electronic copy in “.pdf” format.
- D **Documentation of Community Meeting**. Community meetings can be held after submitting an application. County staff and the Planning Commissioner representing the magisterial district in which the project is located should be notified a least a week in advance of the meeting date.
- D **Title Report**. Title Reports must be recent (a maximum of six (6) months prior to filing the application.)
- D **Traffic Impact Analysis (TIA)**: Based upon the proposed use, the Traffic Engineering Division (Department of Public Works) may require a traffic impact analysis.
- D **VDOT Traffic Impact Analysis (TIA)**: In accordance with Code of Virginia 15.2-222.2 and 24 VAC 30-155, a TIA may be required when filing your Rezoning Application packet. If required, the **applicant** must transmit two copies of the Rezoning Application packet, including the TIA directly to VDOT Sandston Residency along with the following:
 - D **TIA Review Fee (\$1,000.00). Made payable to: VDOT. (Fees must be submitted directly to VDOT)**
 - D **VDOT Cover Sheet for Rezoning Application (Henrico County)**



Preliminary Review Meeting Request Form

Rezoning/Provisional Use Permits

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228

Henrico Planning Web Site: www.co.henrico.va.us/planning

Mailing Address: Planning Department, P.O. Box 90775, Henrico, VA 23273-0775

Phone (804) 501-4602

Facsimile (804) 501-4379

1. Contact Person:

Name:		Address:	
Telephone:	Fax:	Email:	

Relation to subject property: Owner Contract Purchaser Other: _____

2. Subject Property Description:

Location: <i>(Describe in relation to nearest intersection)</i>		
Address: <i>(if applicable)</i>	Existing Zoning:	Acreage:
GPIN(s):		Property Owner(s):
Existing Use: <i>(If proposal is commercial/office redevelopment – please include square footage and specific use of existing buildings)</i>		

3. Provisional Use Permits (PUPs) and Amendment to Proffers

For Provisional Use Permit: <i>(List applicable County Code Sections):</i>
Proposed Proffer Amendment: <i>(List applicable proffers and rezoning case number):</i>

For Regular Rezoning, PUP or Amendment to Proffer requests, completion of Section 4.B. is not mandatory UNLESS the request increases existing square footage or adds additional uses (i.e. adding fuel pumps) or number of units. For Regular Rezoning applications, uses permitted within the proposed district with the highest traffic trip generation will be assumed.

4. Description of Proposed Development and Uses: *The requested information below MUST be submitted*

A. Proposed Zoning Districts <i>(Please list proposed zoning districts and acreage of each District below):</i>

B. Proposed Uses (check all that applies):

<input type="checkbox"/> Residential Total Single Family # of Units: _____ Total Multi-Family # of Units: _____ <input type="checkbox"/> Commercial Use _____ S.F. _____ Use _____ S.F. _____ Use _____ S.F. _____	<input type="checkbox"/> Mixed Use <i>(Residential and commercial uses within same building)</i> Total # of Units: _____ Commercial uses Use _____ S.F. _____ Use _____ S.F. _____ Use _____ S.F. _____
--	--

5. Requested Meeting Date & Time _____ Staff _____ Signature: _____



Planning Department Rezoning/PUP Application Form

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228

Henrico Planning Web Site: <http://www.co.henrico.va.us/planning>

Mailing Address: Planning Department, County of Henrico, Virginia, P.O. Box 90775 Phone (804) 501-4602

Facsimile (804) 501-4379

1. Application Request: (Please check one of the following.) Please fill out separate applications for multiple requests.

Conditional Rezoning Rezoning Amend Proffers Provisional Use Permit (PUP)

2. Property Description: If property is not in a recorded subdivision, a typed legal description of the property, including the bearings and distances, is required. In addition, two (2) copies of a surveyed plat showing the bearings and distances shall be submitted.

Location: (Describe in relation to nearest intersection)		
Address: (if applicable)		GPIN(s):
Magisterial District:	Acreage:	Existing Zoning:
Existing Use:		

3. Description of Request: (Please provide additional information on attached sheet if necessary)

Proposed Zoning (Include Acreage):	Companion Cases:
For Provisional Use Permit: (List applicable County Code Sections):	
Proposed Use:	

4. Applicant Information: (PLEASE PRINT - if additional owners, please attach additional sheets)

Owner of Record:		Address:	
Telephone:	Fax:	Email:	

Applicant Name:	Owner	Contract Purchaser	Address:
Telephone:	Fax:	Email:	

Representative Name and Company:		Address:	
Telephone:	Fax:	Email:	

The undersigned Owner Applicant authorizes the entry onto the property by the Planning Commission and County employees during normal discharge of their duties in regard to this request.

Signature

Please Print Signature:

Office Use Only

Date Received:	Received by:	Time:
PIV NO.:	Fee:	Case Number:



Proffers for Conditional Rezoning

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228

Henrico Planning Web Site: <http://www.co.henrico.va.us/planning>

Mailing Address: Planning Department, County of Henrico, Virginia, P.O. Box 90775 Phone (804) 501-4602

Facsimile (804) 501-4379

Original Amended Rezoning Case No. _____ Magisterial District _____

Pursuant to Section 24-121 (b) of the County Code, the owner or duly authorized agent* hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

Signature of Owner or Applicant / Print Name Date

**If applicant is other than Owner, the Special Limited Power of Attorney must be submitted with this application*



Proffers for Conditional Rezoning (Supplemental)

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228

Henrico Planning Web Site: <http://www.co.henrico.va.us/planning>

Mailing Address: Planning Department, County of Henrico, Virginia, P.O. Box 90775

Phone (804) 501-4602

Facsimile (804) 501-4379



VDOT Cover Sheet (Chapter 527) for Rezoning Applications

County of Henrico, Virginia
4301 E. Parham Road, Henrico, Virginia 23228
Henrico Planning Web Site: www.co.henrico.va.us/planning

Mailing Address: Planning Department, County of Henrico, Virginia, P.O. Box 90775 Phone (804) 501-4602 Facsimile (804) 501-4379

1. Contact Information

Developer/Applicant Name:		Address:	
Telephone:	Fax:	Email:	
Relation to Subject Property:		Contract Purchaser	Other (please explain):
County Staff Contact:	Telephone:	Email:	

2. Site Information

Location: <i>(Describe in relation to nearest intersection)</i>
Address: <i>(if applicable)</i>
GPIN(s):
Highway(s) Adjacent to the Site : <i>(if applicable)</i>

3. Proposal Summary

Development Name:	
Acreage:	Proposed Zoning District(s):
Proposed Land Use(s): <i>(including maximum number of lots or maximum business square feet)</i>	

4. Land Use Plan Recommendation

Land Use Plan Recommendation:
Proposal's Compliance with Recommendation:

5. Checklist (Items Required and Enclosed with Submission to VDOT.)

- Concept Plan - Two (2) copies
- Proffered Conditions (Include 2 copies of the Rezoning Application submitted to Henrico County)
- Traffic Impact Analysis (TIA) - Two (2) copies
- VDOT Fees (Payable to: VDOT. *Fee must be submitted directly to VDOT*)
A fee of \$500 (projects generating less than 100 vehicle trips per peak hour) or \$1,000 (projects generating more than 100 vehicle tips per peak hour) includes a first and second review. Fees for third or subsequent submissions for review are equal to the initial fee paid.

County Use Only		VDOT Use Only
Date & Time Received:	PIV Number:	Received by (VDOT):
Staff Signature:	PC Hearing Date:	Check # (VDOT fee):



Application for Deferral of Rezoning Request

County of Henrico, Virginia
4301 E. Parham Road, Henrico, Virginia 23228
Henrico Planning Web Site: <http://www.co.henrico.va.us/planning>

Mailing Address: Planning Department, County of Henrico, Virginia, P.O. Box 90775 Phone (804) 501-4602 Facsimile (804) 501-4379

Date: _____

Rezoning Case No.: _____

R. J. Emerson, Jr., AICP, Director
Department of Planning
P.O. Box 90775
Henrico, VA 23273-0775

Dear Mr. Emerson,

In connection with rezoning case _____, I hereby request a _____ month deferment in decision on this case in order

_____.

Please be advised that this is a voluntary request on my part, and hereby waive the 100-day period of Section 15.2-2285 of the Code of Virginia under which the Planning Commission must make a recommendation to the Board of Supervisors. I also waive, by this voluntary request, the one-year period of Section 15.2-2286(A)(7) of the Code of Virginia under which the Board of Supervisors must act on a zoning case. I desire to have these periods begin to run from the date to which the Planning Commission defers my case as requested herein.

I acknowledge that the Planning Commission/Board of Supervisors is not obligated to grant the deferment, which I have requested. I also understand that if my request is granted, a \$100.00 fee is due and shall be promptly paid to the Department of Planning.

Sincerely,

**If applicant is other than Owner, the Special Limited Power of Attorney Form must be submitted with this application.*



Special Limited Power of Attorney

County of Henrico, Virginia
4301 E. Parham Road, Henrico, Virginia 23228
Henrico Planning Web Site: <http://www.co.henrico.va.us/planning>

Mailing Address: Planning Department, County of Henrico, Virginia, P.O. Box 90775 Phone (804) 501-4602 Facsimile (804) 501-4379

Know all men by these presents: That I (We)

(Name): _____ (Telephone): _____

(Address): _____

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia, by

Instrument No. _____, on Page _____, and is described as

Parcel: _____ Lot: _____ Block: _____ Section: _____ Subdivision: _____

do hereby make, constitute and appoint:

(Name): _____ (Telephone): _____

(Address): _____

To act as my true and lawful attorney-in-fact and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- | | | |
|---|---|---|
| <input type="checkbox"/> Rezoning (including proffers) | <input type="checkbox"/> Lighting Plan | <input type="checkbox"/> Final Subdivision |
| <input type="checkbox"/> Provisional Use Permits | <input type="checkbox"/> Variance | <input type="checkbox"/> Subdivision Construction Plans |
| <input type="checkbox"/> Conditional Use by Special Exception | <input type="checkbox"/> Landscape Plan | <input type="checkbox"/> Building Permit(s) |
| <input type="checkbox"/> Plan of Development | <input type="checkbox"/> Alternative Fence Height | <input type="checkbox"/> Transfer of Approval |
| <input type="checkbox"/> Administrative Site Plan | <input type="checkbox"/> Conditional Subdivision | |

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

_____ This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified. In witness thereof, I (we) have hereto set my (our) hand and seal this _____ day of _____, 200__.

Signature(s) _____

State of Virginia, City/County of _____, To-wit:

I, _____, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument and who is (are) known to me, personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this ___ day of ___ 200__.

_____ My commission expires: _____
Notary Public



County of Henrico, Virginia

Planning Applications Fee Schedule

Effective September 13, 2011

Regular Rezoning (for each zoning district requested)

One-family residential (districts A-1, I-1, and R-0 through R-4A)	\$650 plus \$15/acre up to 30 acres, thereafter \$8/acre
Conservation (C-1)	\$125 (no charge when filed with other districts)
Multi-family residential and Office (districts R-5, R-5A, R-6, RTH, RMP, O-1, O-2, O-3, and O/S)	\$800 plus \$15/acre up to 30 acres, thereafter \$8/acre
Business and Industrial (districts B-1 through B-3, M-1 through M-3, PMD)	\$800 plus \$50/acre
Provisional use permit (except for recycling facilities to be operated by organizations exempt from taxation under 26 U.S.C. Section 501)	\$750
Transfer of provisional use permit	\$150

Conditional Rezoning (for each zoning district requested)

One-family residential (same districts shown above for regular rezonings)	\$1,050 plus \$15/acre up to 30 acres, thereafter \$8/acre
Conservation (C-1)	\$125 (no charge when filed with other districts)
Multi-family residential and Office (districts R-5, R-5A, R-6, RTH, RMP, O-1, O-2, O-3, and O/S)	\$1,400 plus \$15/acre up to 30 acres, thereafter \$8/acre
Business and Industrial (districts B-1 through B-3, M-1 through M-3, PMD)	\$1,400 plus \$50/acre
Amendment of proffered conditions	Base fee for applicable regular rezoning

Subdivision

Conditional subdivision (conventional residential)	\$200 plus \$5/lot
Conditional subdivision (all others: zero lot line, townhouses, street dedication)	\$200 plus \$10/lot
Final subdivision approval (conventional and recorded undeveloped lots)	\$200 plus \$15/lot
Final subdivision approval (all others: zero lot line, townhouses, street dedication)	\$95 plus \$5/lot
Extension of approval (subdivision)	\$50
Subdivision name change (after conditional approval but prior to final subdivision approval)	\$25
Technical check	\$50
Vacation of plat of part thereof	\$150

Please make checks payable to County of Henrico

Henrico County Planning Applications Fee Schedule

Plan of Development (POD)

POD - initial plan	\$440 plus \$30/acre
POD - revision of previously approved POD	\$300 plus \$20/acre
Preliminary POD or master plan review	No fee
Landscape plan	\$100 plus \$10/acre
Lighting plan (if submitted separately)	\$100 plus \$10/acre
Administrative review and approval	\$275
POD - extension of approval	\$50
POD - transfer of approval	\$150
POD - appeal to Board of Supervisors	\$350

Variance	\$300
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Conditional Use Permit

Sand and gravel	\$300 plus \$15/acre
Landfills	\$300 plus \$15/acre
Human care facilities	\$600
Height variations by special exception	\$600
Public utility uses	\$600
Recreational uses	\$600
Office trailers	\$600
Accessory structure in a front or side yard	\$300
Others (Turkey shoots, kennels, homing pigeon lofts, temporary uses)	\$450

Appeal to the Board of Zoning Appeals	\$300
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Other Fees

Street name change	\$150
Code conformance letter	\$25
Deferral at request of applicant ¹	\$100
Chesapeake Bay Resource Protection Area exception request	\$300
Temporary family health care structure	\$100

¹ Deferrals for rezonings, plans of development, landscaping and lighting plans, alternative fence height plans, or conditional subdivisions when requested by the applicant.

Fees shall not be charged to agencies of the Federal, State, or County government, or non-profit organizations for use of Federal, State, or County property. Fees for variance and conditional use permit applications may not apply to sites owned by non-profit organizations with real estate tax exempt status upon the filing and approval of a fee waiver request.

Application fees are not refundable except for rezoning and POD applications that are withdrawn prior to advertising and mailing of notices (in which case all but \$100 will be refunded). Refunds for other types of withdrawals will be determined on a case-by-case basis.

Please make checks payable to County of Henrico



COUNTY OF PRINCE WILLIAM

5 County Complex Court, Prince William, Virginia 22192-9201

(703) 792-7615 | FAX (703) 792-4401

www.pwcgov.org/Planning



Reference Manual

for

Rezoning, Special Use Permit, and
Proffer Amendment Applications

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INTRODUCTION

This manual describes the process for submitting rezoning, proffer amendment, and special use permit applications. The application review process generally takes six to 12 months to complete. Many factors influence the actual review time, including complexity of the case, Planning Commission or Board of County Supervisor caseload, the applicant's response to information requests, and staff availability and case load.

All forms, reports, and additional information are available in the Planning Office at 5 County Complex Court (703-792-7615), or via the Internet at: www.pwcgov.org/planning.

Generally, the applicant is expected to:

- ✓ **Attend a pre-application meeting** (mandatory for proposals for planned districts) to identify issues that should be addressed in the application. Pre-application meetings are held Thursday afternoons. Call (703) 792-7615 to schedule a pre-application meeting. A brief description of the proposal, including the address or geographic parcel identification number (GPIN) of the property being discussed, is necessary to schedule the meeting. At the meeting, any information relating to the proposal, including drawings, is helpful, and will enable staff to give better feedback on the proposal.
- ✓ **Complete pre-submission tasks** for inclusion with the application.
- ✓ **Submit all mandatory application items** (see page 4), and any additional items identified on the minimum submission requirements checklist, completed by the Planning Office at the pre-application meeting if required.
- ✓ **Attend a post-submission meeting**, which is scheduled approximately five to seven weeks after acceptance of the application, to review the comments and outstanding issues.
- ✓ **Communicate with neighbors** about the proposal. A meeting with and/or presentation to adjacent property owners affected by the proposal may be appropriate.
- ✓ **Contact relevant Civic Association**
- ✓ **Attend public hearings** before the Planning Commission and the Board of County Supervisors.
- ✓ **Actively participate** in the application process by having awareness of the status of the application, responding to requests for information in a timely manner, and providing feedback to the case planner about the application process.

The Planning Office will:

- ✓ Notify the applicant upon completion of quality review and list the case on the Development Application Processing Schedule (DAPS).
- ✓ Distribute the application for comment to various federal, state and local agencies whose services may be impacted by the proposal.
- ✓ Hold a post-submission meeting. Depending upon the extent of the issues, additional information may be requested, the Planning Commission hearing date may be scheduled and/or an additional post-submission meeting may be scheduled.

PRE-SUBMISSION REQUIREMENTS

All forms, reports, and additional information are available in the Planning Office at 5 County Complex Court (703-792-7615), or via the Internet at: www.pwcgov.org/planning.

1. Request for Adjacent Property Owners List (Optional)

The applicant is responsible for providing a list of names and addresses of owner or owners, their agent or the occupant, of each parcel involved, landowners within 200 feet of all portions of the subject property and all property immediately across the street or road from the subject property (including those parcels which lie in other localities of the Commonwealth), any homeowners and/or civic associations having jurisdiction over the property or within 200 feet of the subject property, the chief administrative officer of all jurisdictions located within one-half mile of all portions of the subject property, and Quantico Marine Corp Base or Manassas Regional Airport, if portions of the subject property are located within 3,000 feet of the boundary of these facilities. The Planning Office provides a service where an applicant may request that the Planning Office generate a list of adjacent property owners. There is a **\$20.00 fee** for this service. Checks should be made payable to Prince William County. The form to make this request is available at the pre-application meeting and should be completed and submitted to the Planning Office. The list must then be submitted together with an adjacent property owner affidavit at application. The Planning Office notifies adjacent property owners of development proposals. This form is combined with the form for request for project name and number.

2. Application for Deferral of Traffic Impact Analysis (Mandatory)

A form to determine whether or not a traffic impact analysis (TIA) is necessary to be submitted with an application is received either at the pre-application meeting (if required) or from the PWC Transportation Department (5 County Complex Court; 703-792-6820). The form must be completed with the assistance of transportation planning staff. A transportation planning staff member will be available at the pre-application meeting to assist in the completion of the form. Either the authorized form or a TIA must be submitted with an application.

3. Cultural Resource Assessment and Record Check (Mandatory)

A form to check for existing cultural resources on the proposed site is received either at the pre-application meeting (if required) or from the Planning Office. The Planning Office maintains reference materials to be used in determining if the site has special significance. Planning Office staff assists in the review of these materials and in completing the record check. Appointments to review these materials must be made in advance by calling 703-792-7615. The completed form, signed by staff and/or a Phase I archaeological survey must be submitted with an application. Archaeological scopes of work need to be approved by the County Archaeologist prior to initiation of work.

4. Perennial Flow Determination (Mandatory)

A form to determine if a Perennial Flow Determination (PFD) is required. Form to be completed with assistance from Watershed Management (703 792-7070). The form with either a PFD or a statement of no stream prevalence is required with the submission of the application.

SUBMISSION REQUIREMENTS

Please see Part 700 of the Prince William County Zoning Ordinance for additional information on submission requirements.

All forms, reports, and additional information are available in the Planning Office at 5 County Complex Court (703-792-7615), or via the Internet at: www.pwcgov.org/planning.

MANDATORY ITEMS – Must be submitted with the application. Unless otherwise indicated at the pre-application meeting, the number of copies shown in parentheses after each item is required to be submitted with the application.

1. **Application Package (One Copy)** – The appropriate application form and all necessary County forms must be fully completed, including the pre-submission items. **The application must be signed by the property owner or duly authorized agent with power of attorney.**
2. **Fees** – Fees in accordance with the fee schedule attached to the application must be enclosed with the submission. Checks should be made payable to “Prince William County”. Please note that if a VDOT 527 Review is required (determined at TIA scoping session) a separate fee must be submitted directly to VDOT. Do not submit the VDOT 527 review fee to Prince William County.
3. **Deed (Two Copies)** – For all properties included in the application is required.
4. **Plat and Boundary Description (Two Copies)** – A separate plat is preferred for submission. The boundary description should conform to the information shown on the plat. Plat information may be incorporated into the special use permit plan or rezoning general development plan (see Section B, Page 12).
5. **Written Narrative (One Copy)** – Each application is reviewed, in part, for its consistency with the relevant chapters of the Comprehensive Plan. The written narrative is a description of how the proposal relates to these chapters. Please see the guidelines portion of this manual (see Section A, pages 8 to 11) for typical information that should be addressed in the written narrative.
6. **Plans (25 Copies)** – Based on the type of application being submitted, one of the following types of plans must be submitted for review. Please see the guidelines portion of this manual (see Section B, pages 12 to 13) for typical information that should be shown on the required plans. All plans must be **FOLDED** to a size not greater than nine by twelve inches; unfolded plans will not be accepted.
 - a) **General Development Plan (Mandatory for Rezoning Applications)** – The general development plan (GDP) shall identify the existing features of the property such as existing structures, vegetation, and watercourses, and provide a schematic presentation of its intended use in a graphic, visual, and written format. The GDP shall include specific site plan features of the proposed development including layout of internal roads, lots, and open space.
 - OR -
 - b) **Special Use Permit Plan (Mandatory for Special Use Permit Applications)** – The special use permit plan must be consistent with the sketch plan requirements of Section 140 of the Design and Construction Standards Manual. Additional elements in the special use permit plan may be required as determined at the preapplication meeting (see Section 32-700.50 of the Zoning Ordinance).

7. **Environmental Constraints Analysis (ECA) (14 Copies)**

For the property that is the subject of certain rezoning and special use permit applications the ECA must show mapped information as follows:

- a) 15 % and greater slopes shaded
- b) highly erodible and highly permeable soils
- c) approximate delineation of all wetland areas and Chesapeake Bay resource protection areas, including Perennial Flow Determination (PFD)
- d) limits of disturbance
- e) areas that will remain in a natural or undisturbed state upon completion of a project (including woodland conservation areas)
- f) proposed pervious and impervious surfaces
- g) existing natural ground surface features and drainage patterns that will be preserved including non-tidal wetlands
- h) 100 year floodplain boundary
- i) endangered or threatened plant and animal species
- j) tabulation of Environmental Resource (ER) designated onsite in acres (residential applications only)

The analysis shall include a written description and generalized mapping of natural site conditions, with an emphasis on those significant environmental features that could be affected by the proposed development and those that will be retained upon completion of the project. The analysis shall also describe avoidance efforts and/or mitigation techniques to minimize the environmental impacts of the proposal.

8. **Master Zoning Plan (Mandatory for any Planned District) (25 Copies)** – An application for any Planned Development District, including a Planned Mixed Residential District, Planned Mixed District, Planned Business District, and Regional Business district, must include a master zoning plan (see Section 32-700.23 of the Zoning Ordinance). A master RPC zoning plan is required for Residential Planned Community applications (see Section 32-305.03 of the Zoning Ordinance). This plan consists of: a) a graphic plan showing the intended uses within designated land bays on the subject property, alignment of major roads, and other important physical characteristics; and b)

a narrative to describe development of the property. Please see the guidelines portion of this manual (see Section B, page 14) for information that must be addressed with the master zoning plan.

9. **Phase I Archaeological Survey (Three Copies)** – A Phase I archaeological survey must be submitted if required by the cultural resource assessment and record check (pre-submission requirement).

10. **Traffic Impact Analysis (TIA) (Four Copies/ Four Information Disks – unless a 527 review is required, in which case Five Copies/Five Information Disks must be submitted)** – A TIA must be submitted with an application if the Transportation Department has not deferred it (pre-submission requirement). The consultant preparing the analysis must meet with the PWC Department of Transportation and VDOT to discuss the scope and requirements of the analysis before beginning the analysis. Additionally, at the scoping session, VDOT will determine whether a 527 review is required, as well as the applicable fee. A TIA is a mandatory submission requirement for all Town Center special use permit applications (see #12, below).

11. **Proffered Condition Statement (Mandatory for Proffer Amendment Applications) (One Copy)** – A proffer statement with proposed amendments to existing proffered conditions shall

declare in the first paragraph that it supersedes any statement previously submitted for proffered conditions and shall denote the revisions by strike-through and/or underlining. An accurate proffer analysis (e.g., which proffered conditions have been satisfied), as well as a narrative description of the changes shall accompany the revised proffer statement. Please see the Guidelines portion of this Manual (see Section C, page 15) relating to proffer statements.

12. **Town Center Special Use Permit Requests** – In addition to the submission requirements for a special use permit, requests for a Town Center special use permit shall include the following (see Section 32-700.51 of the Zoning Ordinance for additional information):
 - a) **Transportation Information** – Detailed transportation information shall be submitted including: i) a town center street grid plan, which provides characteristics for each block that defines public and private streets, roadway alignments, right-of-way widths, and other detailed transportation engineering information; ii) a traffic impact analysis; and iii) an estimated parking tabulation for both on- and off-street parking for land uses, including an assessment for shared parking, which may supersede the requirements of the Zoning Ordinance and the Design and Construction Standards Manual.
 - b) **Schematic Land Use Plan** – This plan shall depict land bays and blocks prescribing minimum to maximum ranges, including uses, yard dimensions, building setbacks, density, floor area ratios, etc.
 - c) **Phasing Plan** – This plan shall identify the order in which development, public facilities, improvements, and amenities will be provided, constructed, dedicated, or reserved.
 - d) **Community Facilities and Infrastructure Plan** – This plan shall identify community facilities and infrastructure, such as police and fire protection facilities, schools, libraries, utilities, and other public use elements.
 - e) **Urban Design Guidelines** – These guidelines shall address in narrative and/or graphic form those characteristics relating to proposed buildings and structures, including heights, massing, setbacks, etc.
 - f) **Streetscape and Landscape Plan** – This plan shall demonstrate the planting concepts intended to be implemented in the proposed town center.
 - g) **Fire and Rescue Contingency Plan** – This plan shall address responsibilities for clean up from fire fighting and shall be acceptable to the Department of Fire and Rescue.
13. **Other Items** – Any other items identified by staff at the pre-application meeting must be submitted.

NOTE: Plans containing waivers or modifications involving engineering for street standards or stormwater management facilities must be filed, including filing fee, with the Development Services Division and approved concurrent with the submission of a rezoning, special use permit, or proffer amendment application.

OPTIONAL ITEMS – Additional information that is helpful to County staff in reviewing applications.

1. **Draft Proffered Conditions (for Rezoning Applications)** – Offered by the applicant to resolve development issues. Submission of proposed proffered conditions facilitates the rezoning application review process; review time of the case may likely be extended if proffered conditions are not submitted with the application. Please see the guidelines portion of this manual (see Section C, page 15) relating to proffer statements. Recommended for all rezoning applications; **required** for proffer amendment applications.
2. **Draft Proposed Conditions of Approval (for Special Use Permits)** – The applicant may choose to offer conditions of approval to serve as a guide in establishing the final conditions of approval.
3. **Architectural Information** – Recommended for all special use permits and for all non-residential rezoning applications.
4. **Site Lighting Information** – Recommended for all special use permits and for all non-residential rezoning applications.
5. **Sign Programs** – Recommended for all special use permits and for all non-residential rezoning applications.
6. **Zoning Proffer Determination** – Recommended for proffer amendments only.
7. **Proffer Analysis** – Recommended for proffer amendments only.

GUIDELINES

SECTION A – Written Narrative

The written narrative is a description of how the proposal relates to the relevant chapters of the Comprehensive Plan and should address the following elements at a minimum, as applicable:

Land Use – Whether the proposed zoning and/or land uses are consistent with the long-range land use designation, as well as:

- Proposed uses and impacts on public facilities.
- Proposed maximum number of dwelling units, and floor area ratio (FAR) for non-residential uses.
- Maximum height of all proposed structures.
- Mitigation of impacts on neighboring properties, including vehicular access plan, landscaping and screening, peripheral setback and yard requirements, and transitioning of density/intensity of land use.
- Proposed special amenities including a commitment to landscaping with indigenous, drought tolerant species listed in the Design and Construction Standards Manual.
- Proposed phases of development and their relationship to supportive utilities, facilities, transportation, and service components to accommodate the impacts of the development.
- Description of proposed permitted waivers and modifications to the Zoning Ordinance.
- A phasing plan ensuring that the primary use of the site, in accordance with the Comprehensive Plan, is predominant throughout site development for town centers and mixed-use development in areas planned Regional Employment Center (REC), Regional Commercial Center (RCC) or Community Employment Center (CEC).
- Whether or not the property is located within an approved or planned sector plan area or other special district (e.g., Prince William Parkway Taxing District), and how the proposal addresses the goals, objectives, action strategies, and requirements of the sector plan or special district.

Community Design – How the proposal will address the principles and standards of community design, including the illustrative design guidelines for office development and gateway corridors, such as, but not limited to:

- Providing pedestrian links between residential and commercial properties and community facilities.
- Providing wide sidewalks in commercial areas.
- Incorporating crime prevention principles into site and building designs.
- Providing parking at the rear of commercial buildings.
- Locating new structures close to the street edge (non-residential).
- Eliminating or limiting large parking lots between public streets and building entrances (non-residential).
- Preserving natural and scenic resources in rural areas.
- Designing permitted non-residential structures in the Rural Area as building groupings, with no large, single-use structures.
- Protecting historic properties through appropriate design of adjacent properties and preservation of views to and from historic properties.
- Designing of natural storm water management designs as wet ponds and as architectural features of new developments.
- Protecting and restoring the natural terrain, drainage, and vegetation.
- Aligning new roads to the natural contours of the land.

- Building architecture, signs, landscaping, lighting, and retention of natural vegetation along roadways and property boundaries.
- Preserving and/or providing open space.

Cultural Resources – Address the following (if deemed applicable by the cultural resources assessment record check, a pre-submission requirement):

- Identify general areas that have historic or scenic assets deserving protection and preservation, and propose measures for protection, preservation, and maintenance of same.
- Identify existing cemeteries and measures to protect or relocate them in accordance with state law.
- Provide a Phase I, II, and/or III level archaeological study.

Economic Development – For non-residential proposals:

- Identify whether or not the proposed use is an existing county-based business or targeted industry, as identified in the Prince William County’s marketing plan.
- Verify consistency of the proposal with Prince William County’s strategic plan.

Environment – Address the following:

- Identify how the proposal will preserve, protect, enhance environmental resources in the County, and what mitigation measures are proposed to minimize the environmental impacts of the proposal.
- See environmental constraints analysis (Section B, page 12). The analysis should identify how those constraints identified will be addressed by the proposal.
- Existing or proposed stormwater management (SWM/BMP) facility.

Fire and Rescue – Discuss how fire safety will be addressed:

- Impacts of the proposal on established level of service (LOS) standards.
- Additional mitigation measures such as sprinklers and fire-rated construction if outside travel time.
- Proposed improvements, including possible transportation improvements to achieve a satisfactory LOS.
- Additional fire protection for residential projects with reduced setbacks and zero lot lines.

Housing – For residential proposals:

- Describe proposed actions to meet the goals of the housing chapter of the comprehensive plan.
- Provision of housing to diversify the supply of housing countywide.

Libraries – For residential proposals, review and determine library needs:

- Impacts of the proposal on established level of service (LOS) standards.
- Improvements proposed.

Parks, Open Space and Trails – Describe how parks, open space and trail needs will be addressed:

- Impacts of the proposal on established level of service (LOS) standards.
- Identify environmental, heritage, recreational or blueway corridors within the vicinity of the project area.
- Improvements proposed.

Police - Describe how police safety will be addressed:

- Impacts of the proposal on established level of service (LOS) standards.
- Identify name(s) and location(s) of police district stations and field offices serving the project area
- Provide information regarding the use and implementation of CPTED in the design of all buildings and sites.
- Identify methods to mitigate adverse impact on police emergency communications systems.

Potable Water – Describe how water will be provided to the site:

- Relationship of the proposed development to supportive public utilities.
- Improvements proposed, especially if the proposal relies on groundwater or recharge areas.

Sanitary Sewer – Describe how sewer service will be provided to the site:

- Relationship of the proposed development to supportive public utilities, where consistent with the Comprehensive Plan.
- Improvements proposed.

Schools – For residential proposals, identify methods to reduce impacts on the public school system:

- Impacts of the proposal on established level of service (LOS) standards.
- Improvements proposed.

Telecommunications – For telecommunications infrastructure proposals, describe how the impacts of telecommunications structures to adjacent properties will be addressed:

- Address submission requirements as found in Section 32-240.20 of the Zoning Ordinance.

Transportation – Describe measures to achieve level of service ‘D’ or better:

- Impacts of the proposal on established level of service (LOS) standards.
- Improvements proposed, both motorized and non-motorized.
- Traffic impact analysis (TIA) as determined by PWC Transportation (pre-submission requirement).
- Address connectivity of trails and sidewalks within a community and to adjacent properties.
- If applicable, narrative should generally address requirements discussed in VDOT 527 regulations (determined at TIA scoping session).

SECTION B – Plans

Scale of Plans – All graphic plans shall be prepared with a scale of 1" = 100' or less and on a sheet size not to exceed 24" X 36". If prepared on more than one sheet, matchlines shall be clearly indicated where the sheets join.

Folded Plans – All sheets shall be folded to a size not greater than 9" X 12". Unfolded plans will NOT be accepted. An 8-1/2" X 11" reduced copy of all graphic plans shall also be submitted.

Plat – The plat must be prepared by a certified land surveyor or licensed civil engineer (see Section 700.20 of the Zoning Ordinance) and contain the following: A separate plat is preferred for submission. The boundary description should conform with the information shown on the plat. Plat information may be incorporated into the special use permit plan or rezoning general development plan:

- Bearings and distances with a scale of 1" = 100' or less, for all property lines and existing and proposed zoning district lines.
- Area of land proposed for consideration, in square feet or acres.
- Scale and north point.
- Names of boundary roads or streets and width of existing rights-of-way.
- Geographic Parcel Identification Number (GPIN)
- The following notes are to be included on the rezoning plat as applicable:
 - o **Deed Description** (Notes to be used when rezoning plat is not based on field run boundary survey):
 - The area(s) for rezoning, as shown hereon, are/is based upon deed/plats of record and does not purport to represent a field run boundary survey by _____ (name of engineering firm providing survey) at this time.
 - The proposed rezoning is by the entirety of the subject parcel(s), and not by metes and bounds or areas, all of which are subject to minor revisions based upon a current field run boundary survey
 - o **Boundary Survey** (Note to be used when rezoning plat is based on field run survey):
 - The area(s) for rezoning as shown hereon, are/is based upon a current filed run boundary survey by _____ (name of engineering firm providing survey) and conforms with the standards established by the Commonwealth of Virginia, and the configuration may differ from that shown on the Prince William County Mapper.

General Development Plan (GDP) – Refer to Sections 700.20 and 700.21 of the Zoning Ordinance. GDPs are generally prepared by a certified land surveyor or licensed civil engineer and contain the following:

- Vicinity map at 1" = 2,000'.
- Owner and project name.
- Parcel identification numbers, name, present zoning, and zoning and use of all abutting or contiguous parcels.
- Property lines with bearings and distances, and existing and proposed zoning district lines.
- Area of land proposed for consideration, in square feet or acres.
- Scale and north point.
- Names of boundary roads or streets and width of existing rights-of-way.
- Any easements and encumbrances.
- Topography, indicated by contour lines with an interval of not more than 5 feet.
- Proposed roads, with right-of-way width, including those identified in the Comprehensive Plan that will connect with or pass through the subject property.

- General locations of proposed major access points to existing streets and to future rights-of-way identified in the Comprehensive Plan.
- Both sides of existing rights-of-way, with all existing and planned curb cuts shown.
- List of the proposed density for each dwelling unit type, and/or intensity of each nonresidential use.
- Location of any open space and buffer areas, storm water management facilities, and community and public facilities.
- Location of existing and proposed utilities.
- Vehicular and pedestrian circulation plan, including traffic counts and typical street sections, right-of-way improvements, access points, travel ways, parking, loading, stacking, sidewalks, and trails.
- Layout and orientation of buildings and/or improvements, building use, height, setbacks, and restriction lines.
- Location and design of screening and landscaping.

Special Use Permit (SUP) Plan – The special use permit plan must be consistent with the sketch plan requirements of the Design and Construction Standards Manual.

Special use permit plans are generally prepared by a certified land surveyor or licensed civil engineer (see Section 700.50 of the Zoning Ordinance) and contain the following (additional elements may be required as determined at the preapplication meeting):

- Phasing Plan, if applicable.
- Special signage proposals, if desired, in accordance with Section 32-250.23.
- General site grading plan.

Environmental Constraints Analysis (ECA)

The ECA shall provide a description and generalized mapping of natural site conditions, with an emphasis on those significant environmental features that could be affected by the proposed development, and those that will be retained upon completion. A quantification of the acreage and percentage of the environmental features should also be included. The following information shall be addressed by a graphic plan and accompanying text:

- Approximate delineation of all wetlands and Chesapeake Bay resource protection areas, if applicable (or written indication of “no mapped RPA”), including Perennial Flow Determination.
- Areas having slopes of 15% and greater, clearly indicated by separate shading devices (or written indication of “no areas having slopes of 15% and greater”).
- Estimate the amount and extent of impervious and proposed pervious surfaces (show in tabular form). Identify general locations of impervious surfaces and estimate maximum impervious surface amounts upon completion of a development.
- Limits of Disturbance
- For applications with a residential component, tabulate the amount of the site designated Environmental Resource (ER) in acres.
- Delineation of the areas of the property that will remain in a natural or undisturbed state upon completion of the project (including woodland conservation areas).

- ❑ An inventory of federal and state endangered or threatened plant and animal species and species of special concern as identified on the Natural Heritage Resource Map and at the Department of Game and Inland Fisheries. The NHR map is produced annually and is labeled General Location Areas of Natural Heritage Resources prepared by the Department of Conservation and Recreation, Division of Natural Heritage. If information is not clear upon reviewing the map supplemented by ground truthing or a wetlands analysis, where applicable, or if property is shown as affected, contact the Project Review Coordinator to help with the inventory and any recommended protection measures www.dcr.state.va.us. Rene Hypes with the Department of Conservation and Recreation, Division of Natural Heritage at (804) 371-2708 www.dcr.state.va.us. To identify animal species contact Kathy Graham at the Dept. of Game and Inland Fisheries at (804) 367-9717.
- ❑ Watercourses, to include the approximate location of the 100-year floodplain, if applicable, based on FEMA maps (or written indication of “no floodplain”), and proposed buffers along the watercourses.
- ❑ Areas of highly erodible, highly permeable, and marine clay soils (Category 2 and 3) and measures to avoid or mitigate development on sensitive soils must be described or illustrated.
- ❑ Describe how water bodies, including non-tidal wetlands and shoreline will be protected during construction (as characterized on USGS maps, Corps of Engineers Jurisdictional Determinations, 100-year floodplain and RPA)
- ❑ All specimen trees shall be located and identified on the plan. Information that must be collected includes species and diameter, measured four and one-half feet above the ground, or a tree with a diameter of 75 percent or more of the diameter of the current state champion of that species; includes county and state champion trees.
- ❑ Vegetative cover types – Describe or show existing woodlands and discuss or show plans to remove or retain, whether in or out of the limits of clearing and grading. Provide information on the age of stand or diameter of dominant trees. To provide information, consult Forest Cover Types in the U.S. and Canada produced by the Society of American Foresters. To obtain a copy contact the Society of American Foresters Sales Office at: 5400 Grosvenor Lane, Bethesda, Maryland 20814; Phone: (301) 897-8720 Ext. 106; Fax: (301) 897-3690.

Descriptions of Forest Cover should be identified by the names listed below. The use of other, more generic descriptions (such as “mixed hardwoods” or “old field succession”) are not valid; they are not from this classification system. The use of such names probably indicates that the applicant has not assessed the site’s existing forest cover types using the prescribed system. The following is a list of valid names of forest cover types in Prince William County as taken from “Forest Cover Types of the United States and Canada”.

- White Oak
- White Oak – Black Oak – Northern Red Oak
- Red Maple
- Northern Red Oak
- Chestnut Oak
- Yellow Poplar
- Yellow Poplar – White Oak – Northern Red Oak
- Yellow Poplar – Eastern Hemlock
- Sweetgum – Yellow Poplar
- River Birch – Sycamore
- Black Locust
- Virginia Pine
- Eastern Red Cedar
- Eastern Hemlock
- You may run into some cases where there are tree plantations. In these cases you might expect to see descriptions such as “White Pine Plantation” or “White Pines” or “Loblolly Pine Plantation” or “Loblolly Pines”.

- The labeling of the forest cover types should be shown graphically on the ECA in much the same way that soil types are shown with lines that delineate changes in types. To make soil and vegetable cover types distinct, some form of unique delineation should be used. Also, the usual practice of identifying where the tree line ends and open areas begin should be continued.
- In addition to the name of the cover type, a description of the age of the stand or diameter class should be included. This is based on the size of the trees that are “dominant”. This means trees that make up the uppermost portion of the canopy. Although not specifically mentioned, it is preferred that diameter classes reflect those of DCSM 800 (Table 8-5) or as follows:

Dominant trees are:

5’ in height to 4” dbh. = Seedling/Sapling

>4” up to 8” dbh = Young Stand

>8” up to 12” dbh = Medium-aged stand

>12” up to 20” dbh = Mature stand

> 20” dbh = Very Mature Stand

- ❑ When adjacent to a perennial stream, describe or show how to mitigate impacts of development on the following areas which are listed in order of priority and by this hierarchy:
 - Wooded slopes of 25 percent and greater with highly erodible soils, permeable soils or marine clay soils.
 - Wooded slopes of 25 percent and greater having a continuous area of 10,000 square feet.
 - Wooded slopes of 15 percent and greater with highly erodible soils, permeable soils, or marine clay soils.
 - Wooded and non-wooded 100-year floodplain
 - Non-wooded slopes of 25 percent and greater with highly erodible soils, permeable soils, or marine clay soils.
 - Non-wooded slopes of 25 percent and greater having a continuous area of 10,000 square feet.
 - Non-wooded slopes of 15 percent and greater with highly erodible soils, permeable soils, or marine clay soils.

Master Zoning Plan – Graphic – The graphic portion of the master zoning plan shall be prepared in accordance with the plan scale and sheet size as identified in this manual and shall include the information required for the rezoning general development plan and the following:

- ❑ General boundaries and area of each proposed land bay or section, areas to remain undisturbed by site development, proposed land uses, the relative density/intensity of development within each land bay, principal street systems, and recreation areas or public use areas to be located within the project.
- ❑ A table that shows, for each land bay, the range of uses, number of dwelling units for residential areas or square feet of floor space for commercial, office or industrial areas and their respective acreage, and floor area ratio or density of development.

Master Zoning Plan – Narrative – A narrative in the form of a development analysis is required for Planned Districts. Section 32-700.24 of the Zoning Ordinance describes the format and content of this analysis.

- ❑ Development greater than 25 acres shall require the submission of a phasing schedule. That schedule describes the stage during the development when the required public or community facilities, such as schools, libraries, recreation and open space areas, major streets, and commuter parking lots shall be dedicated or constructed. The sequence in which all proffered conditions will be satisfied should be addressed in the phasing schedule.

SECTION C – Proffered Conditions

The following guidelines describe recommendations for proffer statements:

Paper Size – 8½” x 11”

Introductory Sentence – States that the use and the development of the property shall be in substantial accordance with the proffered conditions.

Page Headings – The first page should include a heading consisting of the following:

- PROFFER STATEMENT (centered at the top).
- Applicant's name and project name.
- Date of original proffered conditions, and date(s) of all revisions.
- Rezoning file number. A proffer statement superseding a previous statement accepted under a different rezoning shall include the old case number in the heading after the new application number, clearly identifying the new proffer statement as replacing the old.
- Geographic Parcel Identification Number(s) (GPIN[s]).

Each successive page should include a heading consisting of the following:

- PROFFER STATEMENT (centered at the top).
- Applicant's name and project name.
- Date of original proffered conditions, and dates of all revisions.
- Rezoning file number.

Margins – 2½” bottom and 1” top; 1” sides.

Page Numbers – Each page should be numbered and related to the total number of pages, e.g., page 1 of 2.

Lines – Should be single-or double-spaced; all first lines of paragraphs should be indented.

Headings – Proffered conditions should be numbered and grouped under headings corresponding to the chapter elements of the Comprehensive Plan. Proffered conditions, which do not specifically address a policy or action strategy of the Comprehensive Plan, may be grouped under the heading MATERIALLY RELEVANT.

Proffered conditions offering mitigation of the impact of the proposed development on adjacent and nearby uses relate to the Land Use element of the Comprehensive Plan and should be grouped in subheadings under the Land Use heading. Examples are limitations on land use, screening and buffering, or design performance standards for architecture, signage, lighting, and landscaping.

Revisions – Revised proffer statements shall declare, in the first paragraph, that they supersede any statement previously submitted and shall denote the revision by strike-through and/or underlining. A narrative description of the changes shall accompany the revised proffer statement.

A "clean copy" of the proffer statement shall be submitted along with the copy showing the revisions.

Signature – All proffer statements must be signed by the owner of the subject property or an agent authorized by power of attorney. Signatures must appear on all copies submitted.

Language in General – The responsibility for fulfillment of a proffered condition normally lies with the applicant and/or property owner. A proffer statement that applies to land that has several owners or various zoning categories may stipulate specific responsibilities and define specific locations for the fulfillment of the proffered conditions. The County's policy is to treat multiple applicants and/or owners as having joint responsibility for proffered conditions.

- A proffer must clearly and concisely describe its objective. The clarity of the meaning of a proffered condition is critical to avoid difficulty in future interpretation.
- A proffer specifying monetary contributions and/or land dedications shall state the purpose of the contribution and that the contribution is to the Board of County Supervisors.
- A proffer must state the circumstance of its performance, especially the time frame in which it will be performed. The timing must relate to easily understood, discrete events (e.g., issuance of building permits, approval of site plans, etc.).
- A proffer that attempts to restate or reduce existing state or county standards is not an acceptable proffer, and shall not be included in the statement.
- All proffered improvements not required by minimum standards should reference the existing standards as a method or intent of the proffer.
- Style of wording should be consistent.
- Staff is able to assist with some preferred standard language for proffered conditions. One such item is an Escalator Clause, the rationale for which is described below:

Escalator Clause – The time between the approval of the rezoning/special use permit by the Board of County Supervisors and the actual development of the site may be lengthy, diminishing the current dollar value of proffered monetary contributions. The proffer statement should, therefore, account for inflation by adjusting the contribution amount. Any monetary contributions set forth in the development conditions which are paid after eighteen (18) months following the approval of the project is normally adjusted in accordance with the Urban Consumer Price Index (“CPI-U”) computed by the United States Department of Labor. A cap of the percentage increase of a monetary contribution is included in this escalator clause.

Spotsylvania County Community Meetings

Applicability

Circumstances may require that an informal community meeting be held when it has been determined that such a meeting could contribute to the community's understanding and knowledge of a proposed re-zoning or special use application. Community meetings are required at a minimum when a rezoning or special use is adjacent to residential areas. The community meeting should occur prior to application to the County. Upon approval by the Planning Director, an informational mailing may substitute for a community meeting.

Purposes

The purposes of community meetings are two-fold:

- (1) Provide an opportunity where an applicant and the community can meet and discuss the merits of a rezoning and/or special use application in an informal and non-threatening environment;
- (2) Educate and inform residents of how new development can co-exist with existing development in the community.

Scheduling and Notification

Any meeting held as a result of this section shall be conducted at or in close proximity to the proposed project location. It is the responsibility of the applicant to notify, in writing, all affected parties, including the Homeowner's Association, if one exists, all tenants of property, the Planning Director, appropriate county staff person, and all members of the Planning Commission and Board of Supervisors, regardless of the project's location. The time of the meeting shall be convenient to the surrounding property owners to maximize attendance. No neighborhood meeting shall be on the night of Planning Commission or Board of Supervisor meetings. A record of the meeting and those in attendance shall be provided to the County Planning Department as part of the rezoning or special use application package. The County staff person attending the meeting shall only act as an observer of the proceedings.

The following sequence of notification activities is suggested:

Notification: No less than two (2) weeks prior to the meeting date, the applicant shall mail notices of the meeting date, time, and place to all property owners in accordance with the notification standards in *Appendix A* inside a radius of 2000 feet from the boundary of the proposed development. The mailings shall include the following information:

- (1) A description of the proposed development, including number of units or maximum square footage, types of uses, and proposed zoning.

- (2) That the informational meeting is sponsored by the applicant and should include contact information and website address, if applicable.
- (3) A map showing the property in relation to the surrounding area, including the street address(s) and/or tax parcel number(s) of the subject property and the voting district.
- (4) A description of the purpose of the community meeting and an overview of the public hearing process.

Documentation of the mailed notice in the form of a certification of mailing through the post office shall be provided to staff for verification. Certified letters are not encouraged.

When a proposed use of land is sufficient in size that it involves countywide impacts, a notice in a newspaper of general circulation may also be warranted.

Community Meeting Presentation

The applicant should explain the proposed use of the subject property and make a copy of the General Development Plan (GDP) available for review by attendees. The applicant should also discuss the project's development objectives, fit, and design philosophy.

Question and Answer Period

Upon completion of the presentation, time should be reserved for questions and answers. The applicant should be prepared to discuss how potential conflicts could be mitigated. Guidance on compatibility is provided in *Appendix B*. Any representations made by the applicant to the attendees, in order to gain support for the proposal, shall be considered as a voluntary proffered condition.

Follow Up Community Meetings

If a project changes substantially, as determined by the Planning Director, or if more than one (1) year has passed between the project submission and the first Planning Commission public hearing, the applicant should hold a follow-up community meeting following the procedures noted above. Examples of substantial changes include, but are not limited to:

- Increases in density/intensity requested;
- Reductions in setbacks;
- The inclusion of uses not contemplated during the initial community meeting;
- Major design changes, including changes to the transportation network; and
- Other changes of a similar nature.

Appendix A Notification Recommendations

In consultation with the Planning Director, the applicant shall determine the appropriate notification parameters using the following matrix as a guide. The radius shall be measured from the property line of the proposed development.

Proposed Use	Notification Standard
Developments with less than 100 peak hour trips when adjacent residential use is on non-residential zoned property or there are limited nearby residential uses	Informational Letter radius TBD
Minor amendment to an approved rezoning or special use	Informational Letter radius TBD
Special uses that involve a use in an existing structure	500' radius
Special uses with less than 100 peak hour trips, or limited to immediate neighborhood impact	1000' radius
Special uses with 100 peak hour trips or greater, or greater than immediate neighborhood impact	2000' radius
Special use for a Wireless Telecommunications Tower	2000' radius
Rezoning with less than 100 peak hour trips, or limited to immediate neighborhood impact	1000' radius
Rezoning with 100 peak hour trips or greater, or greater than immediate neighborhood impact	2000' radius

Appendix B Compatibility Guidance

Determination of Compatibility: In preparation of a community meeting, compatibility of proposed projects shall be assessed by the applicant based on the ability of a re-zoning and/or special use to fit in the area by resolving differences and averting negative impacts created upon surrounding properties. This determination shall include assessing impacts upon community character and the local roadway network, while identifying potential land use conflicts.

- (a) Resolution of Differences: Conflicts frequently arise between existing community residents and new development due to a lack of information about the relationship of the proposed development to the existing community. Community meetings between the applicant, impacted neighbors, and other interested parties can facilitate effective communication between the parties.
- (b) Community Character: The GDP shall demonstrate sensitivity to the surrounding environment and adjacent communities relative to design, scale, bulk, height, and orientation.
- (c) Traffic Impacts: The GDP shall be designed so additional traffic generated does not cause adverse impacts on the road system and surrounding community.
- (d) Land Use Conflicts: Typical land use conflicts between existing and proposed uses frequently involve odors, noise, storm water runoff and placement of facilities handling said storm water, access, safety, privacy, and nondescript building design. The site and building (s) as shown on the GDP shall be appropriately designed so that such conflicts are avoided or effectively mitigated.

Compatibility Assessment: To assist the re-zoning and/or special use applicant, residents, and other interested parties in understanding the potential issues that may result from new development locating beside existing development, Tables 1, 2 and 3 are provided as a step-by-step guide to assessing compatibility.

Table 1 provides guidance in identifying and quantifying the scale of conflict between different types of uses. The Tables should be used as a first tier assessment of conflicts and nothing herein should be construed to prevent use adjacencies provided identified impacts are mitigated.

**Table 1
Compatibility Matrix**

Use	SF	MF	Institutional	Office	Commercial	Industrial
Single Family	H	M	L	M	L-M	H
Multi-Family	M – L	H	M	M-H	M-H	M-L
Institutional	L	M	H	H	M-H	M-L
Office	M	M-H	H	H	M-H	M-L
Commercial	M	M-H	H	H	M-H	M
Industrial	H	M-L	M-L	M-L	M-H	H

Compatibility Scale – High (H); Medium (M); Low (L)

By asking the following questions, initial conflicts between uses can be easily identified by using Table 2 as a further screening tool:

- 1) Are traffic/pedestrian access and/or safety problems created?
- 2) Are unsightly views created for surrounding properties?
- 3) Is noise created that is not common to adjacent areas?
- 4) Does the use create glare or light spillover onto adjacent properties?
- 5) Are odors created from dumpsters or other proposed features?
- 6) Is there a potential for loss of privacy for adjoining properties?
- 7) Is the architecture of the building non-descript?
- 8) Are created shadows blocking natural light intermittent or constant?

**Table 2
Potential Conflicts Matrix**

Conflicts	SF	MF	Institutional	Office	Commercial	Industrial
Noise	U	U	U	U	L	L
Odors	U	U	U	U	L	L
Glare	U	U	L	L	L	L
Shadows	U	L	L	L	L	L
Unsightly Views	U	L	L	U	L	L
Privacy	U	L	L	L	L	L
Traffic access	U	U	L	U	L	U
Traffic safety	U	U	U	U	L	U
Nondescript design	L	L	L	L	L	L
Pedestrian access	U	U	L	L	L	L

L = Likely to create potential conflict

U = Unlikely to create potential conflict

Table 3 identifies mitigation techniques that could resolve an identified land use conflict and bring about compatibility.

**Table 3
Conflict Mitigation Matrix**

Created Conflict	Mitigation
Traffic access or safety problems	*improve road *control access to road *upgrade intersection * propose new road link
Unsightly views	*screen view using vegetation *increase distance *Relocate or redesign offending design element
Noise	*attenuate sound through barriers *increase distance through buffer
Glare	*screen *use specialized light fixtures
Odors	*enclose *increase distance through buffer
A loss of privacy	*screen *relocate or re-orient building *raise windows and permit light only
Building design is non-descript	*implement design standards
Natural light block	*Reorient building *Reduce building bulk
Pedestrian access	*Separate pedestrian access from road, parking lots, etc. *Parking perpendicular to buildings

REZONING APPLICATION



Spotsylvania County Planning Department

**Merchants Square Office Building
9019 Old Battlefield Boulevard, Suite 320
Spotsylvania, Virginia 22553**

**Phone (540) 507-7434
Fax (540) 507-7445
www.spotsylvania.va.us**

UPDATED: 10/10/13

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OVERVIEW OF THE REZONING PROCESS

The Rezoning Process involves analysis of the layout of the site and adjoining sites to assess the compatibility of the intended use with the adjacent and nearby land uses and whether the Rezoning is consistent with the Comprehensive Plan. The process includes review of the Rezoning Application by planning staff along with appropriate County departments, State and Federal agencies. Planning staff will report their findings and make recommendations to the Planning Commission and the Board of Supervisors at public hearings. In accordance with Section 23-4.2.1 of the Zoning Ordinance, planning staff arranges for public hearing notices to appear in the local newspaper twice prior to each public hearing and sends notices to each adjacent landowner. The Board of Supervisors votes on the rezoning request. The Rezoning Process typically takes between three (3) and twelve (12) months, depending on the type of request and issues involved.

THE REZONING PROCESS

STEP 1: PREAPPLICATION CONFERENCE

A Preapplication Conference is required prior to the submission of a Rezoning Application. Contact the Planning Department to schedule a Preapplication Conference. The purpose of the conference is to help identify early in the process those issues that should be addressed by the Application. Staff will determine the level of detail required for review of the Application in accordance with the minimum submission standards included in this packet. Please provide the following information with the request:

- ... parcel identification number or address of the property;
- ... size of the parcel(s);
- ... existing zoning; and
- ... proposed zoning.

During the conference, you will be asked to provide a brief overview of the proposal; then staff will assist you in identifying those components of the Comprehensive Plan that are relevant to the Application. As part of the review of the impacts of a proposed development, staff must consider the potential effects on present and future public facilities. Staff will also determine which submission requirements are necessary to evaluate your request and staff may also suggest additional items.

The Preapplication Conference is an opportunity for the Applicant/Engineer to seek assistance from planning staff and other review agencies on matters related to the Application. Review the contents of the Application packet prior to the conference, and if necessary, prepare a list of questions for staff. Contact the Planning Department (540) 507-7434 to schedule a Preapplication Conference prior to submitting a Rezoning Application.

Please bring informational items to the conference, but this is not required. Such information may include a Generalized Development Plan (GDP), topographic maps, architectural renderings, or any of the items described in the minimum submission requirement section of this packet.

STEP 1A: COMMUNITY MEETING

If the proposal is adjacent to residential uses, you will need to host a community meeting prior to submission. See "County of Spotsylvania Community Meeting Policy" on the County's/Planning webpage: www.spotsylvania.va.us.

STEP 2: INITIAL APPLICATION SUBMISSION

Complete all required items listed in the Basic Submission Requirements. Submit these items along with the appropriate fees to the Community Development Permit Intake Counter at: **9019 Old Battlefield Boulevard, Spotsylvania, VA 22553.**

Basic Submission Requirements

The term “Basic Submission” is used to describe the minimum graphic and Narrative information necessary to review an Application for Rezoning. Additional submission information is preliminarily identified at the Preapplication Conference and confirmed after the submittal. However, the Planning Department or other review agencies may seek additional information after the submittal. The omission of any of the Basic Submission materials or any of the additional information may result in the case being determined incomplete.

The following items must be submitted as part of the Application:

- **Standard Application Form** (signed, 1 copy)
- **Special Power of Attorney Affidavit** (if needed, 1 copy)
- **If Applicant is not the Owner, attach documentation of notarized Owner’s consent**
- **Adjacent Property List** (1 copy)
At the Preapplication meeting, a planner will assist you in compiling a list of all property adjoining, abutting or across the street from the property.
- **Fees** (See pg. 21 or the current Unified Fee Schedule)
- **General Warranty Deed** (1 copy)
- **Accurate Plat** (may be combined with the GDP, 1 copy)
- **Generalized Development Plan-Narrative** (1 copy & digital format)
- **Generalized Development Plan-Graphic** (minimum 15 folded copies & digital format)
- **Fiscal Impact Analysis** (1 copy & digital format)
- **Draft Proffer Statement** or statement of intent to submit (1 copy & digital format)
- **Illustrative / Concept Plan and/or Architectural Renderings**
- **Traffic Impact Study** (5 copies & digital format & appropriate fee)
- **Conceptual Stormwater Management Plan**

Planned Development Submission

Planned Developments have more detailed Application requirements and must be accompanied by the following:

- **Master Zoning Plan - Graphic** (15 copies & digital format)
- **Master Zoning Plan - Narrative** (1 copy & digital format)

STEP 3: QUALITY CONTROL

A case planner will be assigned to the case. The case planner will be the contact with the County throughout the Rezoning Process and the case planner will review the submission package for completeness within ten (10) working days of submission of an Application. Omissions in the submission package, including items identified in the Preapplication Conference, may result in the Application being determined incomplete. A letter identifying all incomplete items and revisions will be sent to the Applicant. Further processing of the Application will cease pending submission of the requested items. Once the case planner has determined the Application complete, the Application will be sent for staff review.

STEP 4: STAFF REVIEW AND COMMENT

After the Application is determined complete, staff will transmit the Application to the relevant review agencies. During this time, the review agencies will perform a substantive analysis of the Application and will provide comments on issues identified during their review. The Applicant/Engineer will have a chance to address issues raised during the review process in a technical review meeting.

STEP 5: SCHEDULING, PROFFERS, AND POSTING

A public hearing will be scheduled when the Application addresses issues noted during the review process. Submit fifteen (15) copies of the GDP (folded) and any color renderings for the Planning Commission public hearing. Once the case is scheduled, any new information must be submitted to the case planner, consistent with the agreed upon processing schedule for the case. Proffers need to be submitted to the Planning Department not less than twenty-one (21) calendar days prior to the Planning Commission public hearing. If staff recommends specific additional proffers or modifications to the submitted proffers, the revised proffers must be resubmitted not less than fourteen (14) days prior to the Planning Commission public hearing. The Planning Commission may also accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal. Necessary information not submitted by the due date may result in the case being withdrawn from the agenda. New information submitted after the due date will not be analyzed and a recommendation for deferral or denial may result. Planning staff will schedule the case for the next available Planning Commission public hearing, arrange for public notices in the local newspaper, and will send notification of the hearing to the adjacent property owners. Fifteen (15) days prior to the public hearing date, the Applicant must post notices on the property indicating an upcoming public hearing and identifying the appropriate case number for the pending Application. The Planning Department will provide the public notice signs. General posting instructions are included in this packet (See Posting of Public Notice Signs). Parcel specific instructions for posting the property will be handled by the case planner. Once the signs are posted, a notarized Sign Posting Affidavit must be submitted to the Planning Department.

STEP 6: PLANNING DEPARTMENT REPORT AND RECOMMENDATION

The case planner will prepare the staff report and recommendation. A copy of the staff report and recommendations will be forwarded to the Applicant when the Planning Commission packets are delivered to the members of the Commission.

STEP 7: PLANNING COMMISSION PUBLIC HEARING

At the public hearing, the case planner will provide an overview of the Application and present the staff report and recommendation. The Applicant will then be given ten (10) minutes to speak on behalf of the Application and to answer questions from the Planning Commission. The Applicant may display graphic materials during the presentation or use them in response to questions. Oversized materials should be reduced prior to the hearing in order to be included in the case file. Following the Applicant's presentation, the public hearing will be opened and citizens desiring to comment on the proposal are invited to speak. The Planning Commission may make their recommendation to the Board of Supervisors at the initial public hearing meeting or defer action on the proposal in accordance with Zoning Ordinance Section 23-4.6.7.

STEP 8: SUBMISSION OF THE GDP FOR THE BOARD OF SUPERVISORS HEARING

After the Planning Commission has acted on the Application, the Applicant must submit fifteen (15) folded copies of the GDP and color renderings. Upon receipt of the copies, the case will be scheduled for the next available Board of Supervisors public hearing and an e-mail/letter will be sent to the Applicant with this date. After the public hearing before the planning commission, the Applicant may submit any additional proffers or modifications to the submitted proffers that have been specifically recommended by motion of the Planning Commission or by the Planning Director; provided, however, that any amendments to the proffers recommended by the Planning Director must relate to issues identified in the staff report considered by the Planning Commission at the public hearing or discussed at the public hearing before the Planning Commission. All proffers shall be approved as to form by the County Attorney. All modified or revised proffers shall be accompanied by comparative drafts highlighting the changes made in such modification or revision. All final proffers shall be submitted in final form no later than fourteen (14) days prior to the public hearing before the Board of Supervisors.

STEP 9: BOARD OF SUPERVISORS PUBLIC HEARING

The Applicant will be responsible for ensuring that the signs are posted at the property at least fifteen (15) days prior to the public hearing and that a notarized Sign Posting Affidavit is submitted to the Planning Department. The Board hearing presentations are conducted in the same manner as the Planning Commission. Board actions may occur in accordance with Section 23.4.6.8 of the Zoning Ordinance.

GENERALIZED DEVELOPMENT PLAN (GDP) NARRATIVE

The Zoning Ordinance requires both graphic and written information which addresses part of the basic submission Narrative to include a written description of the relationship of the proposal to the relevant components of the Comprehensive Plan or other materially relevant issues to be reviewed for its consistency in each Application. Assistance with the identification of these relevant components will be provided at the Preapplication Conference or during the initial agency review and should also be included in the Narrative. The information shall be presented in the following format:

Land Use

- Uses proposed for the property, including a detailed description of the operation and any special process, conditions, hazards, safety concerns, or impacts on public facilities or the public health, safety and welfare associated with the proposal.
- Maximum number of dwelling units proposed, maximum lot coverage, and/or maximum floor area ratio (FAR).
- Method by which adjacent and neighboring properties shall be protected from the adverse impact of the proposed development, including vehicular access plan, proposed measures and types of landscaping and screening, and peripheral setback and yard requirements.
- Maximum height of all proposed structures.
- Special amenities to be provided.
- Proposed phases of development and the relationship of the development phase(s) on supportive utilities, facilities, transportation and service components to accommodate the impacts of the development.

Cultural Resources

- Identification of general areas that have historic or scenic assets deserving protection and preservation, and proposed measures for protections and maintenance of same.
- Identification of existing cemeteries and measures to protect or relocate them in accordance with State law.
- Reference to consultation of the Comprehensive Plan; the Virginia Department of Historic Resources; and the United States Department of the Interior, National Park Service; to determine if the site has special significance.

Fire and Rescue

- On/Off-site improvements proposed.
- Relationship of the proposed development to supportive public facilities.

Schools

- Attendance zone.
- Potential number of students.

Parks and Open Space

- On/Off-site improvements proposed.
- Relationship of the proposed development to supportive public facilities.

Water / Sewer

- On/Off-site improvements proposed.
- Relationship of the proposed development to supportive public utilities.

Environment

- Identification of natural features deserving protection and preservation, and measures for protection and maintenance of same.
- Generalized description of the natural site conditions with an emphasis on significant environmental features that would be affected by the proposed development or retained upon completion of the project. The descriptions shall address the following kinds of conditions:
 - Chesapeake Bay Resource Protection Areas;
 - Areas that will remain in a natural or undisturbed state upon completion of the project;
 - General percentage of impervious and pervious surfaces;
 - Use of natural ground surface features and drainage patterns for the purpose of managing stormwater management;
 - Areas with steep slopes (Sec. 23-2.1.4 "Open space")

Housing

- Proposal for mitigating the impact of the development on surrounding and nearby residential development.
- Compliance with affordable housing policies of the Comprehensive Plan

Transportation

- Estimated daily vehicular trips generated by the proposed development on each road segment shown on the plan.
- Right-of-way dedications.
- On/Off-site improvements proposed.

GENERALIZED DEVELOPMENT PLAN (GDP)

The processing of an Application for a rezoning permit involves analysis of the layout of the site and adjoining sites to assess the compatibility of the intended use with the adjacent and nearby land uses. The staff must review the design of the site and the existing and proposed site features. The Rezoning Generalized Development Plan (GDP) is a schematic plan developed in accordance with the Spotsylvania County Zoning Ordinance and the associated Design Standards Manual.

If the proposed rezoning has an existing structure and the proposed activity will be conducted within the structure, a GDP may not be required. Planning staff will outline the specific requirements at the Preapplication Conference.

GRAPHIC SUBMISSIONS:

Parcel Information

An accurate plan of the property prepared by a certified Land Surveyor or licensed Civil Engineer and containing the following:

- Vicinity map at one (1) inch equals two thousand (2000) feet.
- Owner and project name.
- Property lines with bearings and distances and existing and proposed zoning district lines.
- Area of land proposed for consideration, in square feet or acres.
- Scale, scale graphic and north arrow.
- Names of boundary roads or streets and width of existing rights of way.
- Easements and encumbrances, if applicable.

Generalized Development Plan Graphic

The graphic portion of the rezoning GDP submission shall be prepared with a scale of not less than one (1) inch equals fifty (50) feet and a sheet size not to exceed twenty-four (24) inches by thirty-six (36) inches. Reasonable exceptions to the scale and sheet size will be made on a case by case basis. If prepared on more than one (1) sheet, match lines shall be clearly indicated where the sheets join. All sheets shall be folded to a size not greater than nine (9) inches by twelve (12) inches.

The GDP shall depict existing conditions and proposed features. A checklist is provided on page 11 that outlines the basic GDP requirements. This checklist is the same as the one used by planning staff in determining whether the Application is complete. These required items are also listed in Section 23-4.6.2 of the Zoning Ordinance. In addition to the Basic Submission Requirements for the GDP, additional information may be required.

Illustrative/Concept Plans

Information which is illustrative of the Applicant's development concept, including graphics, narratives, photographs, and studies may be submitted at the Applicant's discretion, but are intended only to provide examples of how the property might be developed. Whether this information is graphic or narrative, it must be clearly labeled as illustrative only. Any elements of the plan, which are to be conditions of the rezoning, must appear on the General Development

Plan - Graphic. Illustrative Plans are optional and are in addition to the Basic Submission Requirements. In the case where site improvements or conservation areas are being conditioned, the Illustrative Plan would be in addition to a Generalized Development Plan - Graphic.

The graphic portion of the Illustrative/Concept Plan submission shall be prepared with a scale of not less than one (1) inch equals fifty (50) feet and a sheet size not to exceed twenty-four (24) inches by thirty-six (36) inches. Reasonable exceptions to the scale and sheet size will be made on a case by case basis. If prepared on more than one (1) sheet, match lines shall be clearly indicated where the sheets join. All sheets shall be folded to a size of nine (9) inches by twelve (12) inches.

At the Board of Supervisor's hearing, the use of conceptual plans, renderings, and similar graphic exhibits shall be prohibited in the course of hearings on Applications for Special Use Permits, unless the Applicant shall first have provided the Board with instruments executed in such form as to assure development and construction in conformity with any such conceptual plan rendering or similar graphic exhibit.

**Spotsylvania County
Rezoning Application
Generalized Development Plan
Graphic Review Checklist**

Case Number: _____ Project Name: _____

NOTE: THIS CHECKLIST IS USED BY STAFF TO DETERMINE COMPLIANCE WITH COUNTY CODE, SEC. 23-4.6.3. IT IS PROVIDED TO PROFESSIONAL PLAN PREPARERS FOR INFORMATIONAL PURPOSES.

At a minimum, the generalized development plan (GDP) shall include the following information unless the submission requirements have been waived or modified by the Planning Director due to the scope and nature of the proposed project:

- ___ 1. A title block denoting the type of application, name of project, tax map reference and street address;
- ___ 2. The name, address and phone number of the Applicant;
- ___ 3. The name, address, phone number, signature and registration number of the plan preparer, and the preparation date of the plan;
- ___ 4. Vicinity map, 1" = 2000', north arrow, scale and scale graphic;
- ___ 5. The identification of and distance to all major intersections within one-half mile of the proposed development;
- ___ 6. The boundary of the entire parcel with courses and distances, with existing or proposed parcel lines, easements, or rights-of-way within the subject property;
- ___ 7. The present zoning, principal use, and boundaries as described in article 6 of this chapter of any overlay zoning districts of the subject parcel and all contiguous properties;
- ___ 8. A table (with computations) estimating the lot coverage ratio and impervious surface ratio, the types of proposed uses, the number of residential dwelling units and densities, and the gross and net floor areas of nonresidential structures;
- ___ 9. The general locations, approximate dimensions, height, number of floors and setbacks of all existing and proposed buildings, structures, accessory structures (including outdoor lighting, fences, walls or hedges, trash receptacles), signs, landscaping and buffers, stormwater management facilities and other improvements;
- ___ 10. The boundaries of any water bodies, USGS perennial streams, floodplain, resource protection areas, watershed, wetlands (if any). (Floodplain, watershed and wetland boundary maps are available from the Planning Department);

- ___ 11. A generalized landscape plan showing existing vegetation, proposed clearing limits and indicating the location and types of vegetation to be installed under the landscaping and bufferyard requirements of article 5, division 5 of the Zoning Ordinance;
- ___ 12. The general location and material descriptions of all other existing and proposed screens, bufferyards or landscaping;
- ___ 13. The location and dimensions of existing and proposed parking and loading areas and any other impervious surfaces such as driveways, streets (and names), cement sidewalks, and playing surfaces and location and description of all points of access including all proposed interparcel connections;
- ___ 14. The estimated daily vehicular trips generated by the proposed development on each road segment shown on the plan;
- ___ 15. The location and dimensions of on-site pedestrian walkways or bicycle paths and any connection to adjacent property;
- ___ 16. Points of connection to public water and sewer and/or location of wells and septic systems and reserve drainfields; (existing water and sewer mains serving the site of the proposed development);
- ___ 17. Topographic contour lines at ten-foot (10') intervals using United States Geologic Survey 7.5 minute quadrangles interpolated to two-foot (2') contours as necessary, for the existing site;
- ___ 18. The size, location and boundaries of any common open spaces, recreation areas and recreation facilities, including a statement of whether such open areas are to be dedicated to the public;
- ___ 19. For large scale, phased developments, identification of the location and timing of each phase of the development;
- ___ 20. Any known historic building or features or any known places of burial;
- ___ 21. Signature and seal of professional person certifying the plan;
- ___ 22. A description of the methods proposed to control erosion, sedimentation and stormwater runoff; and
- ___ 23. A description of the persons to be responsible for future maintenance of all roads, easements, parks, playgrounds, stormwater and drainage facilities and other common areas.

PROFFERED CONDITIONS/PLANS

All proffered conditions, offered by the Applicant to mitigate development issues, should be submitted with the initial Rezoning Application. Proffered conditions are not a requirement of the Basic Submission Requirements, but an Applicant's submission of any proposed proffered conditions will facilitate the Rezoning Application review process. If a draft proffer statement is submitted, revisions to the draft proffer statement should occur in response to staff analysis. If a draft proffer statement does not accompany the Application and proffer conditions are intended, then a statement to that effect must accompany the Application.

The County Attorney will review proffer statements as to form and advise the Planning Department of proffered conditions which are inappropriately worded or unacceptable.

All modified or revised proffers shall be accompanied by comparative drafts highlighting the changes. All proffers shall be submitted in final form no later than fourteen (14) days prior to the public hearings. While changes may be made to the proffer statement based on issues discussed at the Planning Commission public hearing, the Board may refer a Rezoning Application back to the Planning Commission if substantial changes to the proffers are made after the Planning Commission public hearing of the Application.

The proffer statement shall include an introductory sentence stating that the use and the development of the property shall be in conformance with the proffered conditions. For the purpose of maintaining permanent records the statement shall be submitted on eight and one-half (8-1/2) inch by eleven (11) inch paper (see next page).

**Please refer to Sec. 23-4.6.3 and the *Zoning Evaluation and Proffer Policy Guide* for additional information on proffer statements.
Also, available on the county web
at: [www.spotsylvania.va.us\government\services\planning](http://www.spotsylvania.va.us/government/services/planning)**

VOLUNTARY PROFFER STATEMENT FORMAT

The proffer statement should be formatted as follows on 8 ½” by 11” paper:

<p style="text-align: center;">VOLUNTARY PROFFER STATEMENT <i>Rezoning case file number</i></p> <p><i>Applicant's name</i> <i>Applicant's address</i></p> <p><i>Project name</i> <i>Tax parcel number(s)</i> <i>Address, if available</i></p> <p><i>Date, with date of all revisions</i></p> <p>I. General Information <i>Include an introductory statement that includes the rezoning request, current zoning classification, acreage, uses, and other relevant general detail. State that the development of the property shall be in conformance with the proffered conditions. If a Generalized Development Plan or other graphics are proffered, they should also be referenced in this paragraph.</i></p> <p>II. Next Heading A. Detail proffer. B. Detail proffer. 1) Further detail. 2) Further detail.</p> <p>III. Next Heading A. Detail proffer. B. Detail proffer.</p> <p><i>Applicant makes these proffers voluntarily, in support of their Rezoning Application.</i></p> <p><u>Original signature</u> <u>Date</u> <i>Type full name and title</i></p> <p><u>Notary statement, signature, and Date</u></p>

Format guidelines:

- Proffers that supersede a previous proffer statement accepted under a different rezoning should include the previous case number in the heading after the current case number, clearly identifying that the current proffer statement supersedes the previous one.
- The headings should correspond with relevant headings in the Comprehensive Plan (e.g. land use, transportation, etc.). Proffers that do not address a specific policy in the Comprehensive Plan may be grouped under the heading “Materially Relevant”.
- Each number or letter under a heading should apply to no more than one condition or detail of a condition.

In accordance with Sec. 23-4.6.3(b)(3), all modified or revised proffers shall be accompanied by comparative drafts highlighting the changes made in such modification or revision.

MASTER ZONING PLAN

An Application for any Planned District [Planned Development - Housing (PDH) or Planned Develop - Commercial (PDC)] must include a Master Zoning Plan. The Master Zoning Plan is legally binding with respect to the location, type and intensity of the intended uses of the property. **This is not to be confused with the Generalized Development Plan** which is intended to show the location and provide a discussion of site improvements that are legally binding when proffered by the Applicant. A Master Zoning Plan is similar to a zoning map in that it controls the general location and intensity of proposed uses.

Master Zoning Plan - Graphic

The graphic portion of the Master Zoning Plan shall be prepared at a scale of not more than one (1) inch equals fifty (50) feet and a sheet size not to exceed twenty-four (24) inches by thirty-six (36) inches. If prepared on more than one sheet, match lines shall be clearly indicated where the sheets join. All sheets shall be folded to a size of nine (9) inches by twelve (12) inches. The graphic should include the information required for the Basic Submission Requirements and the following:

- General boundaries and area(s) of each proposed land bay or section, area(s) to remain undisturbed by site development, proposed land uses, the relative density/intensity of development within each land bay, principal street systems, recreation areas or public use areas to be located within the project.
- A land bay table showing the range of uses, number of dwelling units for residential areas or square feet of floor space for commercial, office, and industrial areas and their respective acreage and floor area ratio or density of development.

Master Zoning Plan - Narrative

A narrative in the form of a Development Analysis is required for Planned Development Districts. The scope of the analysis beyond the Basic Submission Requirements will be determined at the Preapplication Conference.

Development to be constructed in sections, shall require the submission of a phasing schedule, which describes the stage during the development that the required public or community facilities; such as: schools, libraries, recreation and open space areas, major streets, and commuter parking lots; shall be dedicated or constructed. The sequence in which all proffers will be satisfied should be addressed in the phasing schedule.



REZONING APPLICATION
(Please type or print)

Date: _____	Case: _____	
110-0000-316-16-08 (395)	Mailing	\$ _____
110-0000-316-16-08 (395)	Planning	\$ _____
110-0000-316-16-10 (334)	GIS	\$ 830.00
260-0000-313-03-45	Zoning	\$ 625.00
Permit		\$ 55.00
	Process.Fee	
Total Filing Fee:		_____

Applicant's Name _____

Agent's Name (Point of Contact for Application) _____

Applicant's Address _____

Agent's Address _____

City, State, Zip Code _____

City, State, Zip Code _____

Applicant's E-mail Address _____

Agent's E-mail Address _____

Applicant's Telephone No. _____

Agent's Telephone No. _____

Applicant's Fax No. _____

Agent's Fax No. _____

Property Owner Information:

If Applicant is not the owner, attach documentation of owner's consent

Name _____

Address _____ City, State, Zip Code _____ Telephone No. _____

Parcel Location: _____

Tax Map Parcel Number: _____ Acreage: _____

Current Zoning: _____ Acreage in Request _____

Proposed Zoning: _____ Overlay District: _____

Proposed Use: _____

To: The Board of Supervisors of Spotsylvania County, Virginia. The above named Applicant(s) hereby petition(s) for the approval indicated above for the described property and as shown on the attached plan made a part of this Application and certifies that the information provided is correct.

Signature of Owner (or Agent with POA*) _____ Date _____ Print Name _____

Signature of Owner (or Agent with POA*) _____ Date _____ Print Name _____

**I have read this Application, understand its intent and freely consent to its filing. Furthermore, I have the power to authorize and hereby grant permission for Spotsylvania County Officials and other authorized government agents on official business to enter the property to process this Application.*

Voting District: _____ Census Tract: _____ Traffic Analysis Zone: _____
(To be completed by the Planning Department after submission)

SPECIAL POWER OF ATTORNEY AFFIDAVIT

**COMMONWEALTH OF VIRGINIA
COUNTY OF SPOTSYLVANIA**

This _____ day of _____, 20____, I,
_____, the owner of
_____(describe land by tax map number) make,
constitute, and appoint _____,
my true and lawful attorney-in-fact, and in my name, place and stead giving unto
said

_____ full power and authority to do and perform
all acts and make all representation necessary, without any limitation whatsoever, to make
Application for said Rezoning Application. This includes the authority to execute and amend
proffers and to sign the Notice of Conditional Zoning.

The right, powers, and authority of said attorney-in-fact herein granted shall commence and be
in full force and effect on _____, 20____, and shall remain in full force
and effect thereafter until actual notice, by certified mail, return receipt requested is received by
the Planning Department of Spotsylvania County stating that the terms of this power have been
revoked or modified.

Given under our hands this _____ day of _____ 20____.

Owner/Contract Purchaser/Authorized Agent (Circle One)

COMMONWEALTH OF _____
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me by _____,
said property, this _____ day of _____, 20____, the Owner of

My commission expires:

_____ Notary Public

_____ Registration Number

OFFICE USE ONLY

File/Case Number : _____ Date Accepted: _____, 20____

POSTING OF PUBLIC NOTICE SIGNS

Public notice signs must be posted at least fifteen (15) days prior to the public hearing.

Sign(s) required for posting must be obtained from the Planning Department. At least one (1) sign is required for all properties. Additional signs are required for property that abuts more than one (1) public street and property with more than two hundred (200) feet of road frontage. Properties without public street frontage are required to post at least one (1) sign on the property and at least one (1) sign along a nearby street.

Signs shall be posted to ensure greatest public visibility in accordance with the following:

- Signs shall be posted adjacent to the street right-of-way abutting the site, no more than ten (10) feet from the edge of the right-of-way.
- Properties for which only one (1) sign is required should be posted near the middle of the site's frontage, unless due to topography, woods, buildings or other obstructions, or a location to one (1) side, if the frontage would facilitate better visibility.
- Properties with more than one (1) street frontage shall be posted with at least one (1) sign along each street.
- Properties with more than (200) feet of street frontage shall be posted with one (1) sign for each (200) feet of frontage, spaced at least (200) feet apart.
- If a property has no road frontage, the Planning Department will determine the number and location of signs to be posted. At least one (1) sign will be required to be posted on the actual property, and at least one (1) sign will be required to be posted along a nearby street, with a note giving distance and direction to the property.

After posting the property, the Applicant must return the notarized Sign Posting Affidavit to the Planning Department within three (3) days of the date of posting. Failure to notify the Planning Department within three (3) days shall result in the case being removed from public hearing.

Until the public hearing, the Applicant must maintain all signs posted in good condition. If a sign is damaged or destroyed, a replacement sign must be secured from the Planning Department and posted as soon as practical.

If a property is not posted at least fifteen (15) days prior to the hearing, if it is improperly posted, if damaged or destroyed signs are not replaced, if a notarized Sign Posting Affidavit is not filed with the Planning Department within three (3) days of posting, or if other inconsistencies with Section 23-4.2.1 of the Zoning Ordinance occur; the public hearing may be deferred for reasons of improper public notice. If deferred, the property will have to be reposted in accordance with these instructions. The Applicant should also note that improper public notice may be grounds for invalidating an approved Application after approval has been granted.

Signs must be removed within ten (10) days after Board of Supervisors action.

SIGN POSTING AFFIDAVIT

I, _____, hereby certify that on the _____ day of _____, 20____, a sign(s) stating that zoning action was pending on the property described below was/were posted on the property and that the sign(s) was/were easily visible from all public streets and public ways abutting the property.

Property Description:

Given under my hand this _____ day of _____, 20_____.

Applicant / Agent

COMMONWEALTH OF _____
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me by _____,
the Owner of said property, this _____ day of _____, 20_____.

My commission expires:

_____ Notary Public
_____ Registration Number

Return From To:
Spotsylvania County Planning Department
9019 Old Battlefield Blvd., Suite 320
Spotsylvania, VA 22553

FAX: 540-507-7445* (If faxed, the original signed/notarized document is still required; it may be mailed or hand delivered)

Attn: _____ Case# _____

OFFICE USE ONLY

File/Case Number _____ Date Accepted _____, 20_____



REZONING FEE CALCULATION SHEET

Application No.: _____

Date Received: _____

STEP 1- CALCULATE THE PLANNING FEE:

Rezoning

Base Fee	\$	11,600.00
# of acres > 5 _____ X \$45.00	\$	
	\$	

Rezoning Proffer Amendment

Base Fee	\$	7,180.00
# of acres > 5 _____ X \$45.00	\$	
	\$	

STEP 2- COMPLETE APPLICATION WORKSHEET:

260-0000-318-99-14	Permit Processing Fee	\$	55.00
110-0000-316-16-08 (395)	Mailing Fee**:	\$	
110-0000-316-16-08 (395)	Planning Fee:	\$	
110-0000-316-16-10 (334)	GIS Fee:	\$	*830.00
260-0000-313-03-45	Zoning Fee:	\$	625.00

APPLICATION TOTAL: \$

*GIS fee not applied to Applications that do not require a Generalized Development Plan (GDP)

Equation: [(1st class postage cost + Certificate of Mailing cost) x # of adjacent parcels] x (2) meetings = \$(Mailing Fee)

****Refunds (Planning) – All refunds must be requested in writing to the Planning Director. Refunds will be issued in the following circumstances: 95% of Planning fees if application is withdrawn within two (2) business days of submission; 80% of Planning fees if application is withdrawn during the initial review period (time varies depending on application type); 40% of Planning fees if application is withdrawn within ten (10) business days after initial review comments are issued. ****

72-26 SITE PLANS

72-26.1 Commercial Development Plans

A. Purpose and Applicability

1. The purpose of a site plan is to ensure, prior to the issuance of any building permits, that the use and development of land will be in compliance with the zoning regulations set forth within this Ordinance.
2. Prior to the issuance of any building permit authorizing the use, a change of use, occupancy, construction, improvement or maintenance of any land, building or structure, a site plan shall be submitted to and approved by the City, in order to assure compliance with the zoning regulations set forth within this Ordinance. This requirement shall be subject to the exemptions set forth following below.
3. No site plan shall be required for the following uses, provided the Development Administrator determines that the use will not require the improvements set forth in this section:
 - a. Single family detached dwellings and their related uses and structures.
 - b. Educational facilities located in existing religious institutions.
 - c. Renovations of buildings when existing site improvements comply with the standards in this Ordinance.

B. Site Plans Distinguished

1. Site plans shall take one of the following two formats: Minor Site Plan, or Major Site Plan. Minor site plans are required for use changes where the land disturbance will be less than 2,500 square feet. All other site plans shall follow the Major Site Plan requirements.
2. The Development Administrator shall be the approving authority for Major and Minor Site Plans.

C. Review Process

1. Prior to the initial submission of an application seeking approval of a Site Plan, the owner or proprietor of land who wishes to apply for Site Plan approval shall contact the office of the Development Administrator to schedule a pre-application conference. The staff shall place the matter on the agenda of the next meeting of the Technical Review Committee, and shall notify the applicant of the conference meeting date.
2. The applicant shall make an initial submission of the proposed site plan for review. The Technical Review Committee shall thoroughly review the site plan and make a good faith effort to identify all deficiencies, if any, with the initial submission, and communicate same to the applicant. The applicant may submit a revised proposed site plan for final Technical Review Committee review, prior to making the official submission of the site plan.

3. The applicant shall make an official submission of a site plan revised to address the Technical Review Committee's comments. The site plan is officially submitted when it is delivered to the office of the Development Administrator accompanied by the application fee and all pertinent information. The Development Administrator shall act on any proposed site plan within 60 days after it has been officially submitted for approval by either approving or disapproving the site plan in writing, and giving with the latter specific reasons therefore. This deadline may be extended with the written consent of the applicant.
4. Public Notice
 - a. Published and Written Notice

Prior to rendering a decision, notice shall be given in accordance with Code of Virginia Section 15.2-2204. Written notice shall be provided to adjacent property owners by certified return receipt mail by the applicant. Evidence of such notice shall be provided to the Development Administrator prior to decision. In the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.
 - b. Posted Notice

The applicant shall post a sign provided by the Development Administrator on each parcel of land involved in a Major Site Plan at least five (5) days prior to rendering a decision.
 - c. City Website Notice

Notice of the request shall be posted on the City of Fredericksburg website at least five (5) days prior to any action.
5. Approval of an Exception to any general zoning regulations, a Special Use Permit, Special Exception, an Administrative Modification, or a Variance shall be obtained prior to the official submission of an application for a proposed Site Plan.
6. The provisions of this section and Article 72-5 of this Ordinance set forth the requirements for submission and approval of site plans.
7. Submittal requirements are contained in the UDO Procedures Manual.

D. Review Criteria

1. The Development Administrator shall act on a proposed site plan after it has been officially submitted for approval, as directed within the section 72-26.1.C, above. The City's action shall be based on the findings of whether the proposed site plan meets the requirements below referenced in the following section 2, and whether the proposed site plan demonstrates that the use and development of land depicted therein will comply with applicable City zoning regulations.
2. Every site plan shall be prepared in such form, and shall include such content, as necessary to demonstrate compliance with applicable zoning regulations, and shall be prepared and submitted in accordance with the requirements set forth within the Procedures Manual.

72-26.2 Residential Lot Grading Plan

A. Purpose and Applicability

1. The provisions of this section set forth the requirements for submission and approval of a residential lot grading plan.
2. A residential lot grading plan shall be required prior to issuance of a building permit for any of the following:
 - a. Construction of a single family detached dwelling and its related uses and structures on a vacant lot.
 - b. Construction of an addition to a single family detached dwelling and/or any accessory structure where 2,500 square feet of land or more will be disturbed thereby.

B. Review Process

1. Any owner or proprietor of land who wishes to apply for residential lot grading plan approval shall submit an application form, with the proposed residential lot grading plan, any required application fee, and such information and materials as specified within the Procedures Manual.
2. The Development Administrator shall take action upon an application for approval of a residential lot grading plan, in accordance with the procedures and time periods specified in the Procedures Manual.

C. Review Criteria

Every residential lot grading plan shall be prepared in such form, and shall include such content as necessary to demonstrate compliance with applicable zoning regulations, and shall be prepared and submitted in accordance with the requirements set forth within the Procedures Manual.

72-27 PERFORMANCE GUARANTEES

A. Performance Guarantees Required

As a condition to the approval of a final subdivision plat, site plan, grading permit or building permit, the owner or developer shall be required to guarantee completion of the public and other site-related improvements associated with the development.

B. Facilities Required to be Guaranteed

1. The owner or developer shall guarantee construction of the following facilities:
 - a. Any right-of-way located within any subdivision or section thereof;
 - b. Any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the City, the Commonwealth, or other public agency;
 - c. Other site-related improvements required by local ordinance for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for storm water management facilities;
 - d. Erosion and sediment control measures required as a condition to grading, building, or other permits;

Amendments to the Zoning and Subdivision Ordinances; Definitions

- February 18, 2014
 - Board's Community and Economic Development Committee (CEDC),
 - draft document presented that consisted of a review of the definition sections within the Zoning and Subdivision Ordinances and recommendations as provided by the consulting firm, Clarion and Associates (Clarion).
 - Clarion instructed to review the definition section within both the Subdivision and Zoning Ordinances for consistency between the two documents and with the Virginia Code.
 - the CEDC recommended the review process be initiated and referred the item to the Board.
- April 15, 2014 BOS meeting
 - The Board approved Resolution R14-92 (Attachment 1) at their meeting giving the Planning Commission the task of reviewing and recommending changes deemed necessary to the definitions within the Zoning and Subdivision Ordinances.
- May 14, 2014 PC meeting
 - This review is the first phase of the re-write of the Zoning and Subdivision Ordinances and will provide a base for the proposed document.
 - The draft documents, provided by Clarion and Associates, shown in the underline/overstrike format. The comments for each definition range from altering the wording slightly to removing it all together.
 - Staff also recommends that the Commission create a committee devoted to analyzing the information and, when finished, will present its findings to the full Commission for their review and recommendation.

R14-92

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 15th day of April, 2014:

<u>MEMBERS:</u>	<u>VOTE:</u>
Jack R. Cavalier, Chairman	Yes
Gary F. Snellings, Vice Chairman	Yes
Meg Bohmke	Yes
Paul V. Milde III	Yes
Laura A. Sellers	Yes
Cord A. Sterling	Yes
Robert "Bob" Thomas, Jr.	Yes

On motion of Ms. Bohmke, seconded by Mr. Snellings, which carried by a vote of 7 to 0, the following was adopted:

A RESOLUTION REFERRING TO THE PLANNING COMMISSION
A REVIEW OF THE ZONING AND SUBDIVISION ORDINANCES

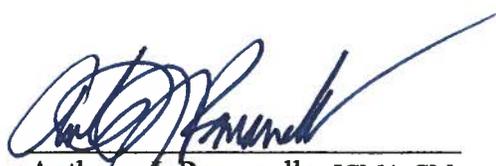
WHEREAS, at its February 18, 2014 meeting, the Community and Economic Development Committee (CEDC), staff presented a review of the definition sections within the Zoning and Subdivision Ordinances, done by the consulting firm of Clarion and Associations; and

WHEREAS, the CEDC recommended that initiation of the review process be referred by the Board to the Planning Commission for its consideration; and

WHEREAS, the Board desires the Zoning and Subdivision Ordinances be reviewed to ensure consistency with Virginia Code and the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors on this the 15th day of April, 2014, that it be and it hereby does refer to the Planning Commission a review of the Zoning and Subdivision Ordinances for the Commission's consideration.

A Copy, teste:



Anthony J. Romanello, ICMA-CM
County Administrator

- CODE OF THE COUNTY

Chapter 22 SUBDIVISIONS

Chapter 22 SUBDIVISIONS [\[1\]](#)[ARTICLE I. - IN GENERAL](#)[ARTICLE II. - ADMINISTRATION](#)[ARTICLE III. - PLAN AND PLAT](#)[ARTICLE IV. - VACATION](#)[ARTICLE V. - UTILITIES](#)[ARTICLE VI. - IMPROVEMENTS GENERALLY](#)[ARTICLE VII. - STREETS AND SIDEWALKS](#)[ARTICLE VIII. - PERMITS, WAIVERS AND APPEALS](#)[ARTICLE IX. - CLUSTER SUBDIVISIONS](#)

FOOTNOTE(S):

--- (1) ---

Cross reference— Planning commission, § 2-16 et seq.; dogs running at large in subdivisions, § 5-25; buildings and building regulations, ch. 6; erosion and sediment control, ch. 11; enforcement of traffic regulations on private roads and streets in certain subdivisions, § 15-3; water, sewers and sewage disposal, ch. 25; zoning, ch. 28. [\(Back\)](#)

State Law reference— Land subdivision and development and powers and duties of county with respect thereto, Code of Virginia, § 15.1-465 et seq. [\(Back\)](#)

ARTICLE I. IN GENERAL

ARTICLE I. IN GENERAL

[Sec. 22-1. Purpose.](#)

[Sec. 22-2. Title.](#)

[Sec. 22-3. Authority.](#)

[Sec. 22-4. Definitions.](#)

[Sec. 22-5. Family and minor subdivisions.](#)

[Sec. 22-6. Vesting of rights.](#)

[Sec. 22-7. Compliance with chapter; prohibited acts; penalties.](#)

[Sec. 22-8. Civil remedy or relief to enforce chapter.](#)

[Sec. 22-9. Reserved.](#)

[Sec. 22-10. Saving provisions, previously existing obligations not affected.](#)

[Secs. 22-11—22-20. Reserved.](#)

Sec. 22-1. Purpose.

The purpose of this chapter is to establish subdivision standards and procedures for Stafford County, Virginia.

This chapter is to guide and facilitate the orderly, beneficial growth of the community by assuring the orderly subdivision of land and its development, and to promote the public health, safety, convenience, comfort, prosperity, and general welfare.

(Ord. No. 084-26, § 22-1, 11-8-84)

Sec. 22-2. Title.

The chapter is known and may be cited as the subdivision ordinance of Stafford County, Virginia.

(Ord. No. 084-26, § 22-2, 11-8-84)

Sec. 22-3. Authority.

Authority for Stafford County to prepare and adopt this ordinance is contained in title 15.1, [chapter 11](#), article 7 of the Code of Virginia (1950, as amended).

(Ord. No. 084-26, § 22-3, 11-8-84)

ARTICLE I. IN GENERAL

Sec. 22-4. Definitions.¹

For the purpose of this chapter, terms used herein shall be interpreted and defined as follows: Words used in the present tense shall include the future; words in the singular number include the plural, and the plural the singular unless the natural construction of the word indicates otherwise; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapprove." All gender oriented references shall include male and female genders. Any reference to this chapter includes all ordinances amending or supplementing the same and dates of their additions or deletions. All distances and areas refer to measurement in a horizontal plane.

Agent: The county administrator or ~~his~~a designee.

~~*Aggrieved party:* A party with a direct, substantial, immediate, and pecuniary interest in the subject matter of the proceeding, in the nature of a denial of some personal or property right, legal or equitable, or imposition of a burden or obligation upon the party different from that suffered by the public generally.~~²

Applicant: See ~~"developer_ or subdivider."~~

Architect: A person ~~who, by reason of his knowledge of the mathematical and physical sciences, and the principles of architecture and architectural design, acquired by professional education, practical experience, or both, is qualified to engage in the practice of architecture and whose competence has been attested by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects licensed by of the Commonwealth of Virginia_ to practice architecture through licensure as an architect.~~³

~~*Best management practices (BMP):* A practice, or combination of practices, that is determined by a state or designated areawide planning agency to be the most effective and practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.~~⁴

Block: A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

~~*Boundary line adjustment:* A process where landowners may relocate or remove lot lines or ownership boundaries between lots of different adjoining landowners, or multiple lots under single ownership. Boundary line adjustments are typically not considered to be as minor subdivisions.~~⁵

~~*Building restriction line:* A line on a lot, parallel or symmetric to a lot line, located a sufficient distance from the lot line to provide the minimum yard(s) required by this chapter (also known as a "setback" or "building setback line")The minimum distance from all lot lines as specified in the zoning ordinance [chapter 28] within which the principal structure must be erected or placed.~~⁶

Bulb of the cul-de-sac: The paved turnaround at the end of a cul-de-sac street.

¹ NOTE TO STAFF: These redlines have been prepared by Clarion and further reviewed/revised by Greehan, Taves, Pandak, and Stoner. In cases where commentary is included (under the heading "AG" or "S") the comments are provided as background or as additional information, but further modification to a definition is not required.

~~While there are fairly significant changes to the definitions in this section, there are almost no changes to the other provisions in Chapter 22, except for the addition of shared driveway standards that are relocated from the zoning ordinance in Chapter 28 of the County Code.~~

² This is a new definition.

³ Definition changed for consistency with the Code of Virginia.

⁴ Definition from the zoning ordinance.

⁵ This is a new definition.

⁶ Definition replaced with term from the zoning ordinance.

ARTICLE I. IN GENERAL

Certificate of approval: A certificate or form signed by the agent indicating approval of a final plat in advance of recordation.⁷

Chesapeake Bay protection area (preservation area): All appropriate land in Stafford County pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9VAC25-830-70 et seq.VR 173-02-04, and Code of Virginia Section 62.1-44.15:7410.1-2107. A Chesapeake Bay Preservation Area consists of a critical resource protection area and a land/resource management area.⁸

Circumvention: Activity that results in a minor or family subdivision that is inconsistent with the standards of this chapter.⁹

Commission: The Planning Commission of Stafford County.

Condominium: A building or group of buildings, subject to a recorded condominium instrument, in which units are owned individually, and the structures, common areas, and facilities are owned by all of the owners of the units on a proportional, undivided basis, pursuant to the Condominium Act, Code of Virginia, Title 55, ch. Chapter 4.2, 1950 (as amended). Real property, and any incidents thereto or interest therein, having condominium instruments recorded pursuant to the provisions of the Code of Virginia (1950, as amended). A condominium shall have the undivided interest in the common elements vested in the unit owners.¹⁰

Conservation easement. A non-possessory interest of a holder in real property, whether easement appurtenant or in gross, acquired through gift, purchase, devise, or bequest imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural or open-space values of real property, assuring its availability for agricultural, forestry, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of real property. An area to remain undisturbed and/or remain in its natural state as may be required as a condition of plan approval.¹¹

Cul-de-sac: A street segment beginning at the nearest intersection with another street and having only one outlet, and ending with an appropriate turn-around area for safe and convenient reverse traffic movement. A street with one outlet and having a turnaround area.¹²

Developer or subdivider: An individual, corporation, trustee, joint venture, partnership, or other entity, having legal or equitable title to any tract or parcel of land to be developed, who submits a plan pursuant to this chapter.

Development: The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, any mining, excavation, landfill or land disturbance; and any use, change of use, or extension of the use of land or structure where there is an increase in parking or provision of stormwater management.¹³

Double frontage: A lot with frontage of a lot upon two (2) parallel streets or upon two (2) streets which do not intersect at the boundaries of the lot.

⁷ This is a new definition.

⁸ NOTE TO STAFF: Definition from the zoning ordinance. Can we be more precise?

⁹ This is a new definition.

¹⁰ Definition replaced with term from the zoning ordinance.

¹¹ Definition modified for consistency with the Code of Virginia.

¹² Definition replaced with term from the zoning ordinance.

¹³ Term from the zoning ordinance.

ARTICLE I. IN GENERAL

Drain field: An arrangement of trenches containing perforated pipes and gravel covered by a layer of soil associated with an on-site septic or wastewater disposal system. Drain fields can be associated with a single use or can serve multiple uses as a community drain field.¹⁴

Driveway: An ~~area accessway~~ within a ~~property development~~ designated to serve the ~~property development~~ and providing access to a street, private street, ~~or private access easement,~~ or with an adequate width to serve one ~~property lot~~. The ~~area accessway~~ shall not be a private street or private access easement and is not intended to ~~be shared with, serve any other properties and unless it is a shared driveway.~~¹⁵

Driveway, shared: An ~~area accessway within two (2) abutting properties and easement~~ providing access for ~~up to both two properties lots~~ that is connected to a ~~street public~~ or private street. ~~The shared driveway shall be an easement to be utilized by both properties. The width of the easement and the pavement type and width shall be the same as required for two (2) contiguous pipe stem lots. A shared driveway shall not serve more than two (2) properties and shall not be a private access easement. In the event use of the shared driveway is increased to provide access to a third property, either by a subsequent division of property or use by an adjacent lot owner, the shared driveway will be considered a street and must be dedicated to public use and improved by the owners of the lots served to satisfy the prevailing design and construction standards published in the Virginia Department of Transportation's Subdivision Street Requirements or other applicable VDOT standards.~~¹⁶

Director: The director of the department of planning and zoning or a designee.¹⁷

Dry fire hydrant: Nonpressurized standpipe and fittings permanently installed in lakes, ponds, or streams that provides a ready means of suction-supply water to tank trucks.

Easement: An interest in land that is in the possession of another, that ~~permits~~ sting a limited use of ~~enjoyment of the land in which the interest exists.~~¹⁸

Easement, ingress/egress: An easement through private property to allow access to a specific lot or parcel.

Engineer: A person ~~who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects licensed by~~ of the Commonwealth of Virginia ~~through licensure as a professional engineer as a professional engineer.~~¹⁹

Family, immediate member: Any person who is a natural or legally defined offspring, stepchild, spouse, family member's spouse, sibling, grandchild, grandparent or parent of the owner of a ~~parcel~~ lot.

~~*Family subdivision:* Single division of lots or parcels permitted for the purpose of sale or gift to a member of the immediate family of the property owner.~~

Floodplain, ~~designated district,~~ designated: Those floodplain districts specifically designated in the zoning ordinance of Stafford County, Virginia, as being inundated primarily by the one-hundred (100) - year flood, a flood that on the average, is likely to occur once every one hundred (100) years. The floodway district (FW), the floodfringe district (FF), and the general floodplain district (FA) are included as designated floodplain districts.

¹⁴ This is a new definition.

¹⁵ Definition revised for greater clarity.

¹⁶ The standards in this definition are relocated to Section 22-217, Shared driveways.

¹⁷ Term from the zoning ordinance.

¹⁸ Term modified for consistency with the zoning ordinance.

¹⁹ Definition changed for consistency with the Code of Virginia.

ARTICLE I. IN GENERAL

Floodway: The channel of a river or ~~other~~ watercourse and the adjacent land areas, which must be reserved in order to discharge ~~a~~the base flood without cumulatively increasing water surface elevation more than one foot at any point, as specified in the flood insurance study for Stafford County, Virginia. ~~Such a flood, on the average, is likely to occur every one hundred (100) years.~~

~~Governing body: The board of supervisors of Stafford County, Virginia.~~

~~Half street: An existing or proposed street lacking the minimum right-of-way width required by the applicable standards of the Virginia Department of Transportation.~~²⁰

Health official: The director of the regional branch of the state health department responsible for Stafford County ~~or a designee.~~

Highway engineer: The residency administrator of the area of Stafford County employed by the Virginia Department of Transportation or ~~his~~a representative.

~~Improvements, public: All public utilities and facilities, including but not limited to streets, storm and sanitary sewers, water lines, and curb and gutter, required pursuant to the terms of the ordinances of Stafford County. See "Public facilities."~~

Integrated management practices (IMP): Low-impact development microscale and distributed-management techniques to maintain predevelopment site hydrology. Integrated management practices shall include bioretention facilities, dry wells, filter/buffer strips, grassed swales, rain barrels, cisterns, infiltration trenches and amended soils as specified in low-impact development design manuals.²¹

~~Cross reference—Chapter 21.5, Stormwater Management Code.~~

~~Landscape architect: A person who, by reason of his special knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and whose competence has been attested by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects certified by of the Commonwealth of Virginia to practice landscape architecture through licensure as a landscape architect.~~²²

~~Lot: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit. A tract, plot, portion of a subdivision, or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for development.~~²³

~~Lot or [of] record: A lot which has been duly recorded in the office of the clerk of the circuit court of Stafford County.~~

~~Lot, corner: A lot or parcel of land abutting two (2) or more streets at their intersection, or upon the same street forming an interior angle of less than one hundred and ten (110) degrees.~~²⁴

~~Lot, double frontage: See "Double frontage."~~

~~Lot frontage: The dimension of a lot measured along the front lot line. If the front lot line is curvilinear, the lot frontage is to be measured on the chord of the arc.~~²⁵

²⁰ This is a new definition.

²¹ NOTE TO STAFF: Does the County have an adopted low-impact manual?

²² Definition changed for consistency with the Code of Virginia.

²³ Definition revised for consistency with the zoning ordinance.

²⁴ Term from the zoning ordinance.

ARTICLE I. IN GENERAL

Lot line: For ~~the~~ purpose of this chapter, any boundary line of a lot as defined herein.

Lot line, front: ~~A street line which forms the boundary of a lot; or, in the case where a lot does not abut a street other than by an ingress/egress easement or private access easement (PAE), or has double frontage, that lot line which faces the principal entrance of the main building. On a corner lot, the shorter street line shall be deemed to be the front lot line regardless of the location of the principal entrance or approach to the main building. A street line which forms the boundary of a lot; or, in the case where a lot does not abut a street other than by its driveway, or has double frontage, that lot line which faces the principal entrance of the main building. On a corner lot, the shorter street line shall be deemed to be the front lot line, regardless of the location of the principal entrance or approach to the main building.~~²⁶

Lot line, rear: The singular lot line that is most distant from, and is most nearly parallel with, the front lot line. If a rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten (10) foot line parallel to the front lot line, lying wholly within the lot for the purpose of establishing the required minimum rear yard.

Lot line, side: Any lot line which is neither a front lot line nor a rear lot line.

Lot, pipe stem: ~~A lot which does not abut a public street other than by its driveway which affords access to the lot.~~

Lot of record: ~~A lot which has been duly recorded in the Office of the Clerk of the Circuit Court of Stafford County.~~

Lot, reverse frontage: ~~A lot in a residential subdivision which is adjacent to a public street that has been classified by the governing body or the Virginia Department of Transportation as a collector or arterial road and has its building front and its access to an internal local street.~~²⁷

~~*Lot, pipe stem*: A lot which does not abut a public street other than by its driveway which affords access to the lot.~~

Lot width: ~~The horizontal distance between the side lot lines, measured at the front building line. If the front building line is curvilinear, the lot width is to be measured on the chord of the arc parallel to the front lot line.~~²⁸

Main building: ~~The principal building or structure on a lot.~~²⁹

Maintenance agreement: ~~A recorded instrument between two or more landowners that documents the shared responsibilities for maintenance between all landowners who use or benefit from the shared easement or other site feature.~~³⁰

Monument: Any object, whether natural or manmade, that ~~has been or is to be~~ designated by deed, will, plat, or any official document for the purpose of defining a land boundary, either at a point of direction change, or at any intermediate point along a line, either straight or circular, between points of direction change.

Monument, control: Durable monuments placed throughout a subdivision or along its boundary for the purpose of locating or relocating any other monument.

²⁵ Definition from the zoning ordinance.

²⁶ Definition revised for consistency with the zoning ordinance.

²⁷ Definition revised for consistency with the zoning ordinance.

²⁸ Definition from the zoning ordinance.

²⁹ This is a new definition.

³⁰ This is a new definition.

ARTICLE I. IN GENERAL

Monument, general property: A metal pipe or rod or other monument used in general surveying practice, which can be located with a metal detector, or is readily visible, which is placed at specific points along property and subdivision boundaries for the purpose of delineating these boundaries.

Official submission. The status of a plan or plat which has been determined by the agent to have been filed in accordance with all subdivision requirements of this chapter. The date on which the plan or plat is officially submitted shall establish the filing date for the plan or plat.

Open space land. Any land which is provided or preserved for park or recreational purposes;³¹ conservation of land or other natural resources; historic or scenic purposes; assisting in the shaping of the character, direction, and timing of community development; wetlands (as defined in Section 28.2-1300 of the Code of Virginia; or agricultural production, and or forestry production.³¹

Parcel: See "Lot."

Pedestrian way: A walkway or other pedestrian facility provided in a subdivision where lots are less than one acre in area and sidewalks are not provided.³²

Performance guarantee: A bond, surety, escrow account, cashier's check, or cash deposit approved by the board of supervisors, in an amount specified by the county, and intended to provide for completion of required improvements within a specified period of time.³³

Plan, comprehensive: The plan for the development of Stafford County with accompanying maps, plats, charts, and descriptive matter adopted by the governing body board of supervisors in accordance with the Code of Virginia Section 15.2-2223, et seq. (1950, as amended).

Plan, concept (sketch): An initial sketch or plan of a subdivision showing general lot layout, street placement, and open space areas for consideration by the county prior to submittal of a preliminary subdivision plan or final plat.³⁴

Plan, construction: An engineered plan showing proposed public improvements such as potable water, sanitary sewer, streets, drainage, erosion control, and stormwater management, as shown on an approved preliminary subdivision plan.³⁵

Plan, preliminary subdivision: The proposed schematic representation of development or subdivision that establishes how the provisions of Section 15.2-2241, Section 15.2-2242, other applicable statutes in the Code of Virginia, and this chapter will be achieved. A delineation or draft of a scheme for subdivision of land.³⁶

Plan of development: A plan or subdivision plat reviewed under this chapter to ensure compliance with Code of Virginia, Section 62.1-44.15:7410.1-2109 and this chapter, prior to any clearing or grading of a site or the issuance of a building permit.³⁷

Plat: A diagram or map, drawn to scale, showing tracts, parcels, lots, subdivisions, and land boundaries.³⁸

Plat, final: The schematic representation of land divided or to be divided and information in accordance with the Sections 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, 15.2-2264, other applicable

³¹ NOTE TO STAFF: Additional discussion is necessary regarding the open space definitions included in the cluster subdivision standards in Section 22-267.

³² This is a new definition.

³³ Term added from the zoning ordinance.

³⁴ This is a new definition.

³⁵ This is a new definition.

³⁶ Term modified for consistency with the Code of Virginia.

³⁷ Term added from the zoning ordinance.

³⁸ Term added from the zoning ordinance.

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~~statutes in the Code of Virginia, and this chapter. A schematic representation of a tract of land which is to be or has been subdivided in compliance with this chapter.~~ ³⁹

Private access easement (PAE): An ingress/egress easement specifically authorized by the agent or designee to allow access to one ~~newly created or more~~ lots ~~of~~ in a minor subdivision which does not have frontage on a public street.

Proffer: ~~A voluntary offer, in writing, by a landowner, of reasonable conditions to be applied to land, in addition to the regulations provided for the zoning district or zone by the ordinance, as a part of an amendment to a zoning map.~~ ⁴⁰

Property: ~~A tract, lot, or parcel of land, or several tracts, lots, or parcels of land, collected together for the purpose of subdividing, preparing a site development plan, or establishing development.~~ ⁴¹

Public facilities: ~~Public infrastructure typically supplied by a governmental organization for general public use including, but not limited to, streets, highways, airports, parks, schools owned and/or operated by Stafford County or the Commonwealth, public parking lots, police facilities, corrections, and fire protective facilities.~~ ⁴²

Public utilities: ~~Buildings, structures, and facilities including generating facilities, substations, switching stations, poles, lines (including distribution and transmission lines), pipes, pumping stations, water treatment facilities, wastewater treatment facilities (not including on-site sewage disposal systems), repeaters, antennas, transmitters and receivers, valves and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, broadband communications, water, sewer, and public transit to the public.~~ ⁴³

Record plat: ~~See "Plat, final."~~

Remnant or outlot: ~~A piece or~~ parcel of land within a subdivision that does not meet the minimum requirements for a buildable lot. ⁴⁴

Reserve sewage disposal (drain field) site: ~~An open area, typically located adjacent to an existing drain field or on-site septic system, intended to remain unencumbered by any structure or development (except for access or drainage improvements) and made available for use as a drain field or other component of an on-site waste water system if the current system malfunctions or reaches its capacity.~~ ⁴⁵

Resubdivision: ~~The redivision or alteration, including consolidation, of any lot within an existing subdivision.~~

~~*Reverse frontage lot:* Any lot in a residential subdivision which is adjacent to a public road that has been classified by the governing body or the Virginia Department of Transportation as a collector or arterial road and has its building front and its access to an internal local road.~~

~~*Right-of-way:* A strip of land acquired by grant, reservation, dedication, prescription, or condemnation and occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar use. Land acquired by reservation, dedication, prescription, or~~

³⁹ ~~Term modified for consistency with the Code of Virginia.~~

⁴⁰ ~~This is a new definition.~~

⁴¹ ~~Term added from the zoning ordinance.~~

⁴² ~~Term added from the zoning ordinance.~~

⁴³ ~~Term added from the zoning ordinance.~~

⁴⁴ ~~NOTE TO STAFF: Additional discussion needed on the term "outlot" and whether it complies with the minimum lot area for the zoning district.~~

⁴⁵ ~~This is a new definition.~~

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~~condemnation and occupied, or intended to be occupied, by a road, walk, railroad, public utility, or other similar uses.~~⁴⁶

~~*Security:* A developer's agreement secured by a letter of credit, cashier's check, certified check, cash, or cash escrow approved by the agent in accordance with the security policy of Stafford County. See "performance guarantee."~~

~~*Sign, -subdivision.* A sign sixty (60) square feet or less in aggregate area identifying a subdivision by the name found on the recorded plat for such subdivision and located on the subdivision site at one or more of the entrances to such the subdivision. Said sign shall be no greater in height than six (6) feet above ground level and shall be set back from any right-of-way to allow for an unobstructed motorist view.~~⁴⁷

~~*State secondary road system:* Roadways within Stafford County that are owned and maintained by the Virginia Department of Transportation.~~⁴⁸

~~*Street:* Any means of property access that serves three (3) or more distinct properties, other than an alley intended to provide access to the rear of lots, designed in accordance with traffic-carrying capacities, specified by the standards of the county or the Virginia Department of Transportation's Maintenance Log of Functional Classification, whichever is applicable. Any means of property access that serves three (3) or more distinct properties, other than an alley intended to provide access to the rear of lots.~~⁴⁹

~~*Street, -major collector.* A street that carries or is anticipated to carry a volume of traffic between one thousand one (1,001) and five thousand five hundred (5,500) vehicles per day with a right-of-way width of ninety (90) feet or more. These streets provide service to large communities or other major traffic generators not served by the arterial system, links to higher classified routes, and serve as important intra-county travel corridors.~~⁵⁰

~~*Street, -minor arterial.* A street that interconnects and supplements the principal arterial system with a greater emphasis on land access and a lower level of traffic mobility. Right-of-way widths may vary from ninety (90) feet to one hundred forty (140) feet. These streets provide intra-community service as well as connecting rural collectors to the urban highway system.~~⁵¹

~~*Street, -minor collector.* A street that carries or is anticipated to carry a volume of traffic between four hundred one (401) and one thousand (1,000) vehicles per day with a right-of-way width of fifty-six (56) feet to sixty-four (64) feet. These streets collect local traffic and distribute it to the arterial system, and provide land access service and traffic circulation within residential, commercial, and industrial areas.~~⁵²

~~*Street, primary.* A street or highway anticipated to carry a volume of traffic exceeding three thousand (3,000) vehicles per day, designed and maintained as a part of the Virginia Primary System of State Highways.~~⁵³

~~*Street, -principal arterial.* The most significant streets that serve long distance travel demands such as statewide and interstate travel. They provide service to major centers of activities, constitute the~~

⁴⁶ Definition revised for consistency with the zoning ordinance.

⁴⁷ Definition revised for consistency with the zoning ordinance.

⁴⁸ This is a new definition.

⁴⁹ Definition revised for consistency with the zoning ordinance.

⁵⁰ Term added from the zoning ordinance.

⁵¹ Term added from the zoning ordinance.

⁵² Term added from the zoning ordinance.

⁵³ Term added from the zoning ordinance.

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highest traffic volume corridors, carry the major portion of the area's through traffic, and provide continuity between other arterials.⁵⁴

Street, private: Any means of access to ~~property land~~ which the public may not use without the permission of one or more owners of the ~~property land~~ served.

Street, public: A publicly owned street.⁵⁵

Subdivide: The process of dividing land.

Subdivider: ~~See developer. An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or any other entity having legal title to a tract or parcel of land to be developed, whether or not they have given their power of attorney to another individual or entity to act on their behalf in planning, negotiation, or in representing or executing the requirements of the ordinances of the county.~~⁵⁶

Subdivision: Any change or rearrangement in the boundaries or division lines of any lot, parcel, piece or tract of land, or the division of such lot, parcel, piece or tract of land into two (2) or more parts, pieces, tracts, parcels or lots excluding pre-existing cemeteries and parcels created for a public use conveyed to the Board of Supervisors for Stafford County by a deed of gift or similar instrument.

Subdivision, cluster: ~~A subdivision development design technique that concentrates detached single-family dwellings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features and rural character as described in Sections 10.1-1700 and 15.2-2286 of the Code of Virginia. A design technique that groups lots for detached single-family dwellings on a site to allow the remaining land of the site to be used for open space as defined by this chapter.~~⁵⁷

Subdivision, family: Single division of lots or parcels permitted for the purpose of sale or gift to a member of the immediate family of the landowner.⁵⁸

Subdivision, low impact development: A subdivision that incorporates low impact development principles as an alternative to conventional subdivision stormwater management design for the purpose of protecting sensitive environmental areas in the vicinity of the subdivision.⁵⁹

Subdivision, major: A subdivision other than a minor or family subdivision.

Subdivision, minor: A subdivision that does not involve any of the following:

- (1) The creation of more than five (5) lots;
- (2) The creation of any new public streets;
- (3) The extension of any public water or sewer system;
- (4) The installation of drainage improvements through one or more lots to serve one or more other lots.

Subdivision, townhouse: A subdivision of land for the purpose of accommodating townhouse development.⁶⁰

Governing body Supervisors: The board of supervisors of Stafford County, Virginia.

⁵⁴ Term added from the zoning ordinance.

⁵⁵ Term added from the zoning ordinance.

⁵⁶ Term revised for consistency with the zoning ordinance

⁵⁷ Term revised for consistency with the zoning ordinance.

⁵⁸ This is a new definition.

⁵⁹ This is a new definition.

⁶⁰ This is a new definition.

ARTICLE I. IN GENERAL

Surveyor: A person who, by reason of his knowledge of the several sciences and of the principles of land surveying, and of the planning and design of land developments acquired by practical experience and formal education, is qualified to engage in the practice of land surveying, and whose competence has been attested by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects licensed by the Commonwealth of Virginia to survey land through licensure as a land surveyor.⁶¹

Technical change: Changes to an approved preliminary subdivision or construction plan during the development process that comply with the requirements of this chapter, do not alter the basic design of the subdivision, do not change the functional interrelationships between elements in the subdivision, and that do not increase anticipated traffic volumes.⁶²

Technical review committee (TRC): The committee consisting of governmental agency representatives as designated by the agent and a member of the planning commission. The TRC is empowered with the responsibility for the technical review of site plans under the standards in the County Code. ~~The committee of governmental agency representatives with the responsibility for the technical review of subdivision plans and plats and site plans.~~⁶³

Traffic impact study (analysis): A study or analysis on the effects of traffic generated by a proposed development on the capacity, operations, and safety of the surrounding public street network prepared in accordance with the transportation impact statement guidelines in the Stafford County Transportation Plan and 24 VAC 30-155.⁶⁴

Urban services areas (USA): Areas designated by the comprehensive plan that may be served by public water and sewer facilities and services.⁶⁵

Vacation: Relocation or removal of platted lot lines, but not including relocation of streets, alleys, easements, or creation of additional building lots.⁶⁶

Virginia Uniform Statewide Building Code: The building code applicable for all development in Stafford County, Virginia.⁶⁷

(Ord. No. 084-26, § 22-4, 11-8-84; Ord. No. 085-31(R), § A, 10-15-85; Ord. No. 085-76, § 1, 1-7-86; Ord. No. 086-12, 3-4-86; Ord. No. 087-05, § 1, 5-5-87; Ord. No. 089-93, 9-5-89; Ord. No. 090-12, 5-1-90; Ord. No. 091-60, 10-15-91; Ord. No. 000-31, 5-16-00; Ord. No. 000-65, 9-12-00; Ord. No. 002-29, 9-3-02; Ord. No. 003-57, 9-16-03; Ord. No. 005-60, 12-13-05; Ord. No. 006-36, 6-20-06; Ord. No. 006-63, 9-19-06; Ord. No. 008-38, 6-17-08; Ord. No. 010-15, 3-16-10; Ord. No. 010-17, 8-17-10; Ord. No. 010-38, 9-21-10; Ord. No. 010-46, 11-30-10; Ord. No. 012-17, 6-19-12)

Sec. 22-5. Family and minor subdivisions.

(a) *Family subdivisions.* A single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner, subject only to the express requirements contained in the Code of Virginia (1950), as amended, and the following provisions:

(1) The grantee is an immediate family member of the owner or owner(s), who is an immediate family member as defined in this chapter.

⁶¹ Term modified for consistency with the Code of Virginia.

⁶² This is a new definition.

⁶³ Term revised for consistency with the zoning ordinance.

⁶⁴ This is a new definition.

⁶⁵ Term added from the zoning ordinance.

⁶⁶ This is a new definition.

⁶⁷ This is a new definition.

- CODE OF THE COUNTY

Chapter 28 ZONING ORDINANCE

Chapter 28 ZONING ORDINANCE ⁽¹⁾

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FOOTNOTE(S):

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Chapter 28 ZONING ORDINANCE

Editor's note— Ordinance No. 094-29, adopted Aug. 9, 1994, repealed and replaced ch. 28 in its entirety, as set out herein. Formerly, ch. 28 consisted of §§ 28-1—28-331, which pertained to zoning. See the Code Comparative Table for derivative history. Sections have been renumbered in order to conform to the numbering style of this Code. See history note following each section for specific derivation thereof. ([Back](#))

Cross reference— Planning commission, § 2-16 et seq.; buildings and building regulations, ch. 6; location of perpetual care cemeteries with respect to residences, § 8-17; erosion and sediment control, ch. 11; fire prevention and protection, ch. 12; solid waste, ch. 21; subdivisions, ch. 22; vegetation, ch. 24; water, sewers and sewage disposal, ch. 25; wetlands zoning ordinance, § 27-16 et seq. ([Back](#))

State Law reference— Zoning, Code of Virginia, § 15.1-486 et seq.; codification of zoning ordinances, § 15.1-37.3. ([Back](#))

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ARTICLE I. PURPOSE AND AUTHORITY

ARTICLE I. PURPOSE AND AUTHORITY

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Sec. 28-1. Short title.

This chapter of the Code of the County of Stafford, Virginia, may also be known as the "Stafford County Zoning Ordinance," or simply the "zoning ordinance."

(Ord. No. 094-29, § 28-101, 8-9-94)

Sec. 28-2. Purpose.

The purpose of this chapter is to promote the health, safety, and general welfare of the residents of Stafford County, Virginia, and to accomplish the objectives and purposes of Code of Virginia § 15.1-427 and the provisions of article 8, [chapter 11](#), title 15.1 of the Code of Virginia.

(Ord. No. 094-29, § 28-102, 8-9-94)

Sec. 28-3. Authority.

The provisions of this chapter are adopted pursuant to the authority of the Code of Virginia (1950), as amended.

(Ord. No. 094-29, § 28-103, 8-9-94)

Sec. 28-4. Applicability.

- (a) No building, structure, or land within the jurisdictional territory of Stafford County, Virginia, shall hereafter be used, changed in use, developed or occupied, and no building or structure, or any part thereof, shall hereafter be erected, constructed, re-constructed, moved, or structurally altered, except in conformance with the regulations specified in this chapter.
- (b) No yard or lot existing at the time of the adoption of this chapter shall be reduced in dimension or area below the minimum requirements set forth in this chapter. Yards or lots created after the effective date of this chapter shall meet the minimum requirements established by this chapter, subject to the provisions of Code of Virginia § 15.1-492.

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(Ord. No. 094-29, § 28-104, 8-9-94)

Sec. 28-5. Repeal.

[Chapter 28](#) as in effect prior to [August 9, 1994,] the date of adoption of this chapter is hereby repealed, and replaced by this chapter.

(Ord. No. 094-29, § 28-105, 8-9-94)

Sec. 28-6. Conflict of provisions.

If any portion of this chapter is in conflict with a Virginia Statute, the Virginia Statute shall prevail. If any portion of this chapter is in conflict with another portion of this chapter, or with another section of the Stafford County Code, the more restrictive provision shall prevail.

(Ord. No. 094-29, § 28-106, 8-9-94)

Sec. 28-7. Severability.

If any part of this chapter, or the application thereof to any person, property, or circumstance is held invalid by a court of competent jurisdiction, the remainder of this chapter and its application to other persons, property, or circumstances shall not be affected.

(Ord. No. 094-29, § 28-107, 8-9-94)

Sec. 28-8. Effective date.

This chapter of the Stafford County, Virginia, Code shall become effective on January 1, 1995.

(Ord. No. 094-29, § 28-108, 8-9-94)

Secs. 28-9—28-20. Reserved.

ARTICLE II. DEFINITIONS AND CONSTRUCTION

ARTICLE II. DEFINITIONS AND CONSTRUCTION

[Sec. 28-21. Purpose and intent.](#)

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Sec. 28-21. Purpose and intent.

The purposes of this article are to establish the methods of construction and interpretation of this chapter and zoning boundaries within Stafford County, and to define certain words as they are used in the context of this chapter.

(Ord. No. 094-29, § 28-201, 8-9-94)

Sec. 28-22. Rules of construction.

- (a) *Generally.* All provisions, terms, phrases and expressions contained in this chapter shall be liberally construed in order to carry out the purposes set forth herein. Terms used in this chapter, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of the Commonwealth of Virginia for the same terms.
- (b) *Abbreviations.* When the following abbreviations are used in or in reference to this chapter they shall have the following meanings:
 - acacre
 - dendensity
 - dudwelling unit
 - FARfloor area ratio
 - ftfeet
 - GDgross density
 - OSRopen space ratio
 - SFsingle family
 - sq. ft.square feet
- (c) *Delegation of authority.* Whenever a provision appears requiring the head of a department or some other county officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize

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professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

- (d) *Gender.* Words reflecting one gender shall be construed to include the other gender as the context may suggest.
- (e) *Number.* Words reflecting the singular shall include the plural and the plural shall include the singular, as the context may suggest.
- (f) *Nontechnical and technical words.* Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- (g) *Shall, may.* The word "shall" is mandatory; the word "may" is permissive.
- (h) *Tense.* Words used in the past or present tense include the future as well as the past or present.
- (i) *Written or in writing.* The term "written" or "in writing" shall be construed to include any graphic representation of words, letters or figures, whether by printing or otherwise.
- (j) *Computations of time.* Computations of time required under the zoning ordinance [this chapter] shall be made in accordance with these principles:
 - (1) The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or a legal holiday, that day shall be excluded.
 - (2) The word "month" shall be construed to mean thirty (30) days.
 - (3) The word "week" shall be construed to mean seven (7) days.
 - (4) The word "year" shall mean a calendar year, unless a fiscal year is indicated.

(Ord. No. 094-29, § 28-202, 8-9-94)

Sec. 28-23. Boundary interpretations.

Interpretations regarding boundaries of land use districts on the land use district map shall be made in accordance with the following:

- (1) Boundaries shown as following or approximately following any right-of-way shall be construed as following the centerline of the right-of-way;
- (2) Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such lines;
- (3) Boundaries shown as following or approximately following the shorelines of any water body shall be construed as following the mean low water line of such water body;
- (4) Boundaries shown as approximately following the boundaries of the county shall be construed as following such boundaries;
- (5) Boundaries shown as following railroad lines shall be construed as following the midpoint between the main tracks;
- (6) Boundaries shown as separated from and parallel or approximately parallel to any of the features listed in the paragraphs above shall be construed to be parallel to such features and at such distances therefrom as shown on the map; and

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- (7) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map of Stafford County, or in such circumstances not covered by the subparagraphs above, the board of zoning appeals shall interpret the district boundaries.

(Ord. No. 094-29, § 28-203, 8-9-94)

Sec. 28-24. Measurements.

Measurements required under this chapter shall be made following these principles:

- (1) *Building setbacks.* The distance from the outermost point of the structure, except for uncovered stairs, to the nearest point of the respective property boundary.
- (2) *Height of structure.* The vertical dimension of a structure as measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the structure. The height limitations contained in Table 3.1 shall not apply to spires, belfries, cupolas, antennas, communication towers, silos, barns, water towers, ventilators, chimneys, monuments, flag poles or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- (3) *Lot, depth of.* The mean horizontal distance between the front and rear lot lines.
- (4) *Lot, frontage of.* The dimension of a lot measured along the front lot line thereof. If the front lot line is curvilinear, the lot frontage is to be measured on the chord of the arc. Lot frontage shall be a minimum of eighty (80) percent of the designated lot width. Lots on any cul-de-sac shall have a minimum frontage of fifty (50) feet. Pipestem, commercial and industrial lots shall be exempt from the frontage requirement.
- (5) *Lot, width of.* The horizontal distance between the side lot lines, measured at the front building line. If the front building line is curvilinear, the lot width is to be measured on the chord of the arc parallel to the front lot line.
- (6) *Sign, area of.* The area of a sign shall be determined from its outside measurements, including any wall work incidental to its decoration, but excluding supports, unless such supports are used to attract attention. In the case of a sign where lettering appears back-to-back, that is on the opposite side of the sign, the area shall be considered to be that of only one face. In the case of an open sign made up of individual letters, figures or designs, the area shall be determined as if such display were made on a sign with straight lines or circular sides.
- (7) *Sign, height of.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
- (8) *Permitted encroachments.*
 - a. In measuring yards, the following additional principles shall be applied: Porches, balconies, chimneys, eaves, outside basement entrances, and like architectural features may project not more than six (6) feet into any required yard; provided that no such features shall be located closer than six (6) feet to any lot line.
 - b. Attached sheds on townhouses may project no more than six (6) feet into the required rear yard, provided that such sheds are used for storage only, have no interior access to the main dwelling, are no more than one story in height, and no more than eighty (80) square feet of such shed may project into the required rear yard.
 - c. The following shall apply to any deck attached to a single-family detached dwelling:

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Any deck with no part of its floor higher than four (4) feet above finished grade level may extend into minimum required yards as follows:

1. *Front yard:* Six (6) feet, but not closer than fourteen (14) feet to a front lot line and not closer than six (6) feet to any side lot line.
2. *Side yard:* Six (6) feet, but not closer than six (6) feet to any side lot line.
3. *Rear yard:* Fifteen (15) feet, but not closer than six (6) feet to any side or rear lot line.

Any deck with any part of its floor higher than four (4) feet above finished grade level may extend not more than twelve (12) feet into any required rear yard; provided that no such deck shall be located closer than six (6) feet to any rear lot line and not closer than a distance equal to the minimum required side yard to the side lot line.

- d. The following shall apply to any deck attached to a single-family attached dwelling:

Front yard: No extension.

Side yard: No extension.

Rear yard: Twelve (12) feet, but not closer than six (6) feet to the rear lot line and not closer to any side lot line than a distance equal to the minimum required side yard.

- e. Attached vestibules in the B-1, B-2, B-3, M-1, and M-2 zoning districts, no greater than sixty-five (65) square feet, may project into any required setback provided that the vestibule is no closer than twenty-five (25) feet from a road right-of-way.
- f. No building or structure shall be permitted within any public easement or right-of-way without written consent by the holder of the easement or right-of-way.

(Ord. No. 094-29, § 28-204, 8-9-94; Ord. No. 095-10, 3-7-95; Ord. No. 096-45, 10-1-96; Ord. No. 001-57, 11-20-01; Ord. No. 005-23, 6-21-05; Ord. No. 008-38, 6-17-08)

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Sec. 28-25. Definitions of specific terms.¹

When used in this chapter, the following terms shall have the meanings herein ascribed to them:

Abut. To physically touch or border upon, or to share a common property line; or to be located immediately across a street or right-of-way.

Access, vehicular. A means of vehicular approach or entry to or exit from a ~~property lot~~, street, or highway.²

Access, secondary. A means of vehicular or non-vehicular approach or entry to or exit from a ~~property lot~~, from a source other than a public street or highway (such as an alley).

Accessory use or structure. A use or structure that is subordinate in area, extent and purpose to ~~and serves~~ a principal use or structure; ~~contributes to the comfort, convenience or necessity of the occupants of the principal use or structure served; and is located on the same lot under the same ownership and in the same land use district as the principal use or structure. In no event shall an accessory use be construed to authorize a use not otherwise permitted in the district in which the principal use is located, and in no event shall an accessory use be established prior to the principal use to which it is accessory.~~³

Administrative officer. ~~Director of planning and zoning and assistant director of planning and zoning.~~ See "Director[s1]."

¹ NOTE TO STAFF: This section includes changes to the current definitions. Text that is stricken is shown in blue strikethrough, and text that is added is shown in red underline. In many instances, there are standards embedded in the definitions that are relocated to other portions of the zoning ordinance. In these instances, the new location of the standards is identified in the footnotes. The standards for "shared driveways" are relocated to the appropriate section of the subdivision regulations. In some cases, definitions are removed in favor of cross references to definitions in other parts of the County Code. Additional discussion is necessary regarding this approach with respect to the definitions in Chapter 11: Erosion and Sediment Control, Chapter 13.5: Impact Fees, Chapter 21.5: Stormwater Management, Chapter 22A: Purchase of Development Rights, Chapter 27: Wetlands, and Chapter 27A: Coastal Primary Sand Dunes.

In addition to the removal of definitions, there are several instances where definitions are changed for consistency with the subdivision ordinance. These changes are noted in the footnotes. There are also numerous instances where new definitions are added for use types, procedures, and other regulatory concepts.

We note that there is overlap between the definitions in the zoning ordinance and the Design and Construction Standards (DCSL) document. The county may wish to relocate and reconcile the definitions from the DCSL to avoid inconsistencies between the two documents.

There are several footnotes marked "NOTE TO STAFF". These footnotes involve questions or areas of additional discussion needed prior to resolving the particular definition or standard.

These redlines have been prepared by Clarion and further reviewed/revised by Greehan, Taves, Pandak, and Stoner. In cases where commentary is included (under the heading "AG" or "S") these comments are provided as background or as additional information, but further modification to a definition is not required.

² Term added for consistency with definition for Access, secondary.

³ This definition includes standards that are relocated to Section 28-38(C). The second clause is removed since it has little to do with the definition.

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~~*Adult business.* Any adult bookstore, adult video store, adult model studio, adult motel, adult movie theater, adult nightclub, adult store, business providing adult entertainment, or any other establishment that regularly exploits an interest in matter relating to specified sexual activities per section 4-100 of the County Code or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons See section 4-86 of the County Code.~~⁴

~~*Adult day care center.* [AG2] A building or suite within a building, other than a residence, designed to provide care, protection and guidance to semi-independent adults, where overnight care is not provided. A facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere.~~⁵

~~*Adult entertainment.* Dancing modeling or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities per See section 4-100-86 of the County Code or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons; or the showing of films, motion pictures, videotapes, slides, photographs, CD-ROMs, DVD-ROMs, streaming video, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.~~⁶

~~*Adult merchandise.* See section 4-86 of the County Code Magazines, books, other periodicals, videotapes, films, motion pictures, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices, or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specific sexual activities per section 4-100 of the County Code or specified anatomic areas; instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs; or, lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.~~⁷

~~*Adult model studio.* A commercial establishment, including a lingerie store or novelty store, in which a person performs or stimulates specified sexual activities per section 4-100 of the County Code, exposes specified anatomical areas, or engages in other performances intended for the sexual stimulation or titillation of patrons See section 4-86 of the County Code.~~⁸

~~*Adult motel.* A motel, hotel, or similar commercial establishment that:~~

~~(1) Provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities per section 4-100 of the County Code or specified anatomical areas and advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, internet web pages; or~~

~~(2) Offers a sleeping room for rent for a time period less than ten (10) hours; or~~

~~(3) Allows a tenant or occupant to sub rent the sleeping room for a time period of less than ten (10) hours. See section 4-86 of the County Code.~~⁹

~~*Adult movie theater.* An enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities per section 4-100 of the County Code or specified anatomical areas for observation by patrons, excluding~~

⁴ Definition removed here in favor of definition in Section 4-86 of the County Code.

⁵ Term modified for consistency with the Code of Virginia.

⁶ Definition removed here in favor of definition in Section 4-86 of the County Code.

⁷ Definition removed here in favor of definition in Section 4-86 of the County Code.

⁸ Definition removed here in favor of definition in Section 4-86 of the County Code.

⁹ Definition removed here in favor of definition in Section 4-86 of the County Code.

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~~movies that have been rated "G", "PG", "PG-13", "R", or "NC-17" by the Motion Picture Association of America. See section 4-86 of the County Code.~~¹⁰

~~Adult nightclub. A restaurant, bar, club, or similar establishment that regularly features adult entertainment. See section 4-86 of the County Code.~~¹¹

~~Adult store. An establishment dealing in adult merchandise as a principle portion of its business. See section 4-86 of the County Code.~~¹²

Agent. The county administrator or ~~his~~^a designee.

Agricultural lands. Any parcel of land used for the purpose of agriculture, as defined herein.

~~*Agricultural operation.* An operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. Nursery operations are considered agricultural operations. Agricultural operations do not include establishments engaged in the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.~~¹³

Agricultural service establishment. The use of land, buildings or structures for the purposes of buying or selling commodities and services that support agricultural uses. These shall include such sales and services as welding and machinery repairs, farm drainage and excavation, contracting and trades related to farm buildings and structures, and custom spray, tillage, planting and harvesting services.^[s3]

~~*Agriculture.* See "Agricultural operation." Agricultural uses to include farms (and farm residences), the tilling of soil, the growing of crops^[s4], horticulture, forestry, orchards and truck farming; the raising of livestock, dairy cattle, horses, or poultry. Nursery operations are considered agricultural uses.~~¹⁴

~~*Aggrieved party.* A party with a direct, substantial, immediate, and pecuniary interest in the subject matter^[s5] of the proceeding, in the nature of a denial of some personal or property right, legal or equitable, or imposition of a burden or obligation upon the party different from that suffered by the public generally.~~¹⁵

Air navigation hazard. ^[AG6] An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe utilization of navigable airspace in the Commonwealth of Virginia.

~~*Airport.* ^[AG7] Any area of land or water which is used, or intended for public use, for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, easements and together with all airport buildings and facilities located thereon. An area of land designated for the take-off, landing, storage, and maintenance of aircraft, together with all related airport facilities, runways, rights-of-way, approach zones, and other necessary structures.~~¹⁶

Airport elevation. ^[AG8] The highest point of any useable landing surface expressed in feet above mean sea level.

Alley. A service way providing a secondary means of access to abutting ~~property~~^{land} and not intended for general traffic circulation.

¹⁰ Definition removed here in favor of definition in Section 4-86 of the County Code.

¹¹ Definition removed here in favor of definition in Section 4-86 of the County Code.

¹² Definition removed here in favor of definition in Section 4-86 of the County Code.

¹³ This is a new definition proposed for greater consistency with the Code of Virginia.

¹⁴ Definition modified for consistency with the Code of Virginia.

¹⁵ This is a new definition.

¹⁶ This is a new definition.

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Allocated density. The number of dwelling units ~~or rooms~~ allocated per gross acre by this chapter. ¹⁷

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

Amateur radio service. A radio communication service for the purpose of self-training, intercommunication, and technical investigation carried out by amateurs licensed by the federal government, that is, duly authorized persons interested in radio technique solely with a personal aim and without financial interest.

Amphitheater. An outdoor theater having a central open space or stage, surrounded by gradually rising tiers of seats or rising slopes or hills that can be utilized for seating.

Ancillary use. A use or structure permitted only in conjunction with a principal use permitted in the same zoning district. ~~Ancillary uses cumulatively cannot exceed ten (10) percent of the gross floor area of a building or area of a structure, of the related principal use and shall be located on the same lot as the principal use.~~¹⁸

Antenna, communication^[AG9]. A structure designed to receive and or transmit communication signals which may be affixed and is incidental to a building or primary structure and is screened from view or installed to be compatible with the architectural integrity of the building or primary structure in accordance with subsection ~~28-88(b)(2)~~ of this chapter. ¹⁹

Apartment^[AG10] See "dwelling, multifamily."

Apartment, commercial. A dwelling unit that is designed and constructed in conjunction with a commercial use and is structurally integrated into and a part of the primary structure. ²⁰

~~The floor area for commercial apartments shall not be included in the floor area ratio calculations of nonresidential developments. Commercial apartments shall be subject to the following standards:~~

- ~~(1) The total area occupied by a commercial apartment(s), including access ways, balconies or patios, shall not exceed the area occupied by the nonresidential use(s) and any associated arcades, covered walks, or similar structures.~~
- ~~(2) Commercial apartments shall be provided balconies, patios or yards of no less than one hundred fifty (150) square feet in area; these amenities shall not be located on street-facing sides of the structure.~~
- ~~(3) Two (2) on-site parking spaces shall be provided to each commercial apartment.~~

Approach surface, airport^[AG11] A surface that is 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 subsection ~~28-64(c)(3)b~~. The perimeter of the approach surface coincides with the perimeter of the airport approach zone.

Aquaculture^[AG12] ~~The propagation, rearing, enhancement, and harvest of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water. The hatching, raising, or breeding of fish or aquatic plants or animals for pecuniary gain.~~

¹⁷ NOTE TO STAFF: Unclear if the zoning ordinance assigns density by the number of rooms.

¹⁸ This definition includes standards relocated to new Section 28-39(I), Ancillary uses.

¹⁹ Updated cross reference.

²⁰ This definition includes standards relocated to new Section 28-40(b), Commercial apartments.

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Arcade. Establishments in which the primary use is the operation of mechanical, electronic, ~~and/~~ or coin operated games ~~and/~~ or devices for the general amusement of the public, including pool halls and billiard parlors.

Archive. A collection or repository that ~~properly~~ stores a collection of written and graphic records or documents that have been selected for permanent or long-term preservation due to their enduring ~~and/~~ or historic value. An archive is administered by a qualified archivist or curator according to the principles of provenance, original order, and collective control to protect the materials' authenticity and ~~integrity~~[S13].

Assisted living facility. [AG14] ~~A public or private assisted living facility, as defined in Section 63.2-100 of the Code of Virginia, that is required to be licensed as an assisted living facility by the Department of Social Services under the provisions of Subtitle IV (Section 63.2-1700 et seq.) of Title 63.2 of the Code of Virginia. A facility providing shelter and services which may include meals, housekeeping, temporary nursing care and personal care assistance where the residents can maintain a semi-independent lifestyle and do not require more intensive care as provided in a nursing home.~~²¹

Attic. That part of a building which is immediately below and wholly or partly within the roof framing.

Automotive avocation. An accessory use, pursued as a hobby and not for pecuniary gain, which may include the collection, storage, and restoration of vintage, antique, or collectible vehicles, or the building or rebuilding of vehicles for the purpose of racing at bonafide racing facilities. ~~Automobile avocations shall be subject to the following standards:~~²²

~~(1) Outdoor storage of inoperable vehicles or vehicle parts shall be kept covered and entirely screened from view from adjacent properties and roadways by a solid board fence and appropriate landscaping as approved by the zoning administrator.~~

~~(2) No more than three (3) inoperable vehicles may be kept on the premises for the purpose of scavenging parts, unless kept inside a totally enclosed building.~~

~~(3) Persons conducting automobile avocation activities on their property shall not produce vibration, noise or glare which adversely affects neighboring properties.~~

Automobile graveyard. [AG15] ~~Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative, are placed, located, or found. Any lot or place which is exposed to the weather, upon which more than three (3) motor vehicles of any kind, incapable of being operated are placed. This shall not be construed to include automotive avocations.~~²³

Automobile repair. The maintenance, servicing, repair, restoration, or painting of vehicles. Uses permissible at an automobile repair establishment include those allowed at automobile service establishments, major mechanical work, engine overhaul, body work, straightening of body parts, painting, welding, storage of vehicles not in operating condition, or other work involving noise, glare, fumes, smoke, or other nuisance characteristics to an extent greater than normally found at an automobile service establishment.

Automobile salvage yard. Any area, lot, land, parcel, building, or structure used for the purchase, collection, storage, processing, sale, or resale of wrecked, inoperable, or abandoned motor vehicles or parts thereof.

Automobile service. A building or premises where gasoline, oil, grease, batteries, tires, brakes, mufflers and/or vehicle accessories may be installed, supplied, or dispensed at retail.

²¹ Definition modified for consistency with the Code of Virginia.

²² This definition includes standards relocated to new Section 28-40(c), Automobile avocation.

²³ NOTE TO STAFF: Definition modified for consistency with Section 33.1-348 of the Code of Virginia. Additional discussion is needed to address similar use with five or fewer inoperable automobiles.

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Awning. A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, ~~or window,~~ or portion of the sidewalk from the elements.

Bakery (bake shop). An establishment primarily engaged in the retail sale of baked goods for consumption on or off-site. The baked products may be prepared either on- or off-site.²⁴

Balcony. A platform projecting from the wall of a building with a railing along its outer edge, often with access from a door or window.²⁵

Bank (lending institution)^[AG16]. An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Banks include those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers, pay-day lending, or title loan establishments. Banks may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. Banks may include drive-through facilities.²⁶

Base flood/one-hundred-year flood/regulatory flood. ~~A flood that, on the average, is likely to occur once every one hundred (100) years, i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year. See "One hundred (100)-year flood."~~

Base flood elevation (BFE). The one-hundred-year flood elevation, expressed in feet above mean sea level, as established by the Federal Emergency Management Agency and shown on the flood insurance rate maps for Stafford County.

Basement. A space within a building and located partially underground, having one-half or more of its floor-to-ceiling height above the average adjoining grade ~~of the building of which it is a part and with a floor-to-ceiling height of seventy-eight (78) inches or more.~~²⁷

Basement, below grade. Any area of the building having its floor subgrade below ground level on all sides.

Bed and breakfast inn.^[AG17] A commercial enterprise, housed in a building primarily designed as a single-family residence, where rooms are available for rent, typically on a short term basis and at least one meal a day is offered to overnight guests. no more than ten (10) short term lodging rooms and meals served family style are provided. The operator of the inn shall live on the premises.²⁸

Berm. A man-made mound of earth of at least two (2) feet in height above the adjacent grade intended to divert water runoff or shield adjacent uses from one another.²⁹

Best management practices (BMPs)^[AG18]. A practice, or combination of practices, that is determined by a state or designated areawide planning agency to be the most effective and practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Bike stations. A centrally-located, secure bicycle parking garage that also offers bike rentals and repairs, with easy links to transit stations, lockers, and a variety of other services.

Blue-line stream. A perennial stream depicted on a U.S.G.S. Topographic Quadrangle Map.³⁰

²⁴ This is a new definition.

²⁵ Term relocated from the UD district in Article III.

²⁶ This is a new definition.

²⁷ Unclear about the source of this definition. Suggest removing the minimum floor height standard since a floor-to-ceiling height is typically associated with a building story.

²⁸ This definition includes standards relocated to new Section 28-40(d), Bed and breakfast inns.

²⁹ This is a new definition.

³⁰ This is a new definition.

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~~*Block.* A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.³¹~~

~~*Boat sales facility.* A building structure or land used for for a commercial establishment engaged in the sales, lease, or rental of boats or watercraft, boat motors, or boat trailers.~~

~~*Bond.* See "Performance guarantee."~~

~~*Broadcasting station.* A commercial or noncommercial operation engaged in the preparation and delivery of radio and television signals to surrounding areas. Broadcasting stations include accessory offices, studios, and towers, and transmitting equipment.³²~~

Buffer area^[AG19]. An area of natural or established vegetation managed to protect wetlands, other components of a critical resource protection area, including cultural resources, ~~and or~~ state waters from significant degradation due to land disturbances.

~~*Buffer yard.* A yard improved with landscaping and screening materials required between different intensities or between adjoining land uses for the purpose of decreasing the potential impact of different uses. The buffer yard is intended to recreate or preserve native woodlands. The buffer yard is also intended to remain free of buildings, or parking areas. The minimum buffer width is generally a uniform width across the entire length of the common property line between lots on which uses are located that require a buffer yard.³³~~

Buildable area, net (BNA). The gross area of a parcel, excluding wetlands, slopes in excess of thirty-five (35) percent, dedicated rights-of-way, floodplains, and required open space.

~~*Buildable lot.* A duly recorded lot which was lawfully buildable or which complied with each and every requirement of the county's zoning and subdivision codes immediately prior to the effective date of this chapter; or, a duly recorded lot which complied with each and every requirement of the county's current subdivision regulations and this chapter.~~

~~*Building.* A structure having a roof and enclosed within exterior walls or fire walls, built, erected, and framed of component structural parts, designed, maintained, or intended to be used for the shelter or enclosure of persons, animals, or of property of any kind. When a building is divided into separate parts by fire walls from the ground to the roof, each part so divided shall be deemed a separate building.~~

~~*Building, accessory.* A building detached from and subordinate to a main building on the same lot, and used for purposes customarily incidental to those of the main building.~~

~~*Building, interpretive.* An existing historic building or reconstructed cultural resource that depicts the form, features, and detailing of a non-surviving building, site, or landscape using appropriate traditional building materials which accurately interprets the history of a place. A reconstruction will be based on the duplication of historic features and elements substantiated by documentary or physical evidence, including archaeological survey and/or archival research using primary sources, rather than on conjectural design. An interpretive building shall not be utilized as a dwelling. Reconstruction of a building or landscape, and the subsequent interpretive use, shall be regulated only to the extent necessary to protect public health and safety.³⁴~~

~~*Building, mixed use.* A building type intended primarily for ground floor commercial uses with upper-story residential or offices uses.~~

³¹ Term from the subdivision regulations.

³² This is a new definition.

³³ This definition includes standards relocated to Section 28-82, Required buffers.

³⁴ This definition includes standards relocated to new Section 28-40(e), Interpretive building or use.

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Building line. A line on a lot, parallel or symmetric to a lot line, located a sufficient distance ~~there~~ from ~~the lot line~~ to provide the minimum yards required by this chapter (also known as a "setback" or "building restriction line").

~~*Building, mixed-use.* A building type intended primarily for ground floor commercial uses with upper-story residential or offices uses.~~³⁵

~~*Building restriction line.* See "Building line."~~

~~*Campground.* [AG20] A plot of ground that includes, but is not limited to, a travel trailer camp, recreation camp, family campground, camping resort, camping community, or any other area, place, parcel, or tract of land, by whatever name called, on which two or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by covenants, restrictions, and easements. A campground does not include a facility for the parking or keeping of recreational vehicles, summer camp, migrant labor camp, or park for mobile homes as defined in Sections 32.1-203 and 36-71 of the Code of Virginia, or a construction camp, storage area for unoccupied camping units, or land upon which the landowner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions from providing his sanitary facilities within his property lines, upon which two (2) or more camp sites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes, and not intended for self-contained travel trailers or recreational vehicles.~~³⁶

Camping unit. Any tent, pop-up trailer, cabin, lean-to, or similar structure established or maintained and operated as temporary living quarters for recreation, education, or vacation purposes.

Campsite. Any plot of ground within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

Car cover. A cover designed for the purpose of protecting and screening a motor vehicle from view. This definition specifically excludes the use of plastic tarpaulins or similar materials, unless specifically modified to fit snugly on the vehicle.

Car wash. A building or structure containing facilities for washing automobiles by production line, conveyor system or similar mechanical devices including self-service washing devices.

~~*Cellar.* A space within a building and located partially below grade, but with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than seventy-eight (78) inches. See "Basement."~~

Cemetery. [AG21] Any land or structure used or intended to be used for the interment of human remains to include, but not exclusive of, burial grounds, single grave sites, and memorial cemeteries. The sprinkling of ashes, ~~burial of ashes in a biodegradable container, or placement in a columbarium~~ on church grounds shall not constitute the creation of a cemetery.³⁷

Chesapeake Bay Preservation Area (CBPA) [AG22]. All appropriate land in Stafford County pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, ~~9VAC25-830-70VR 173-02-01~~, and Code of Virginia, ~~§Section 62.1-44.15:7410.1-2107~~. A Chesapeake Bay Preservation Area consists of a critical resource protection area and a land/resource management area.

³⁵ Definition relocated to maintain alphabetical listing.

³⁶ Definition modified for consistency with the Code of Virginia.

³⁷ Revised for consistency with Section 54.1-2310 of the Code of Virginia. Additional standards embedded in Section 15.2-2288.1 of the Code of Virginia are included in Section 28-39(o), Cemeteries.

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~~Child day care center~~^[AG23]. A building, other than a residence where ten (10) or more children are provided care, protection and guidance on a regular scheduled basis, and is subject to state licensing. ³⁸

Civic buildings and uses. A building or area that may be a common place of destination or gathering for the purpose of providing educational, entertainment, fraternalism, worship, or community services to the public ~~such as including~~, but not limited to: ~~l~~ibraries, cultural centers, museums, center for the arts, multiplex cinemas, town square, post offices, places of worship, community centers, fire stations with community rooms, and schools (public or private). For traditional neighborhood development (TND), this term shall not include tot lots, playgrounds, non-regulation or dedicated use athletic fields, or hiker-biker trails.

Clear cutting. Silviculture activity in which eighty (80) percent of the top soil and stumps remain intact. This activity is intended for clearing of trees and shrubs without destruction of the top soil. ³⁹

Clear sight triangle. A visually unobstructed area at the intersection of a street and driveway or two (2) streets as required by this chapter.

Clinic, medical, dental or psychiatric. A ~~building-room~~ or group of rooms used for a medical, dental, or psychiatric practice offering medical services on an outpatient basis, ~~including and including the full-time equivalent of three (3) or more principal health care providers and three (3) or more other health care providers, exclusive of administrative or clerical staff, providing services on the premises. A medical, dental, or psychiatric clinic may also contain associated in-house ancillary services such as~~ in-house diagnostic testing facilities, medical counseling services, internal surgery, general anesthetics, and similar services, ~~but not including. There shall be no~~ overnight stay or treatment. ⁴⁰

Club/lodge/fraternal organization. ^[AG24]Any use of property or structure for social, service, recreational, or other gathering by an organization such as Elks, Moose, 4-H, American Legion, Lions, VFW, Masons, or similar groups and special interest organizations such as gun clubs, motorcycle clubs, etc.

Cluster development. See “Cluster subdivision.”

Cluster subdivision. A subdivision development design technique that concentrates detached single-family dwellings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features and rural character as described in ~~Code of Virginia, §§Sections~~ 10.1-1700 and 15.2-2286.1, ~~of the Code of Virginia.~~

Commencement of construction. For purposes of administering the flood hazard overlay district, for new construction, the first placement of permanent evidence of a structure on a site pursuant to a duly authorized building permit, such as the pouring of slabs or footings, or any work beyond the stage of excavation, including the relocation of the structure. Permanent construction does not include the installation of streets 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 attached to a part of the principle structure. For a substantial improvement, "commencement of construction" means the first alteration of any wall, ceiling, floor or other structural member, whether or not the alteration affects the external dimensions of the structure.

Commercial fishing. The ~~catching~~^[s25], landing, processing, or packaging of fish and seafood for commercial purposes, including the mooring and docking of boats and/or the storage of traps or other fishing equipment.

³⁸ Revised for consistency with Section 63.2-100 of the Code of Virginia.

³⁹ NOTE TO STAFF: is clear cutting limited to silviculture? Could I clear cut without being a silviculture use? What is it called when I leave only 50% of the top soil or stumps?

⁴⁰ Definition clarified. Unclear why the definition includes a minimum number of health care providers.

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Commercial logging. An activity which primarily involves the operation of timber tracts for the purpose of gathering forest products^[s26].

Commercial retail. A use that sells goods or services at retail, which ~~are~~ is further subdivided into the following three (3) classifications:

- (1) *Low-intensity* means commercial retail uses that generate less than fifty (50) average daily trips per one thousand (1,000) square feet of gross floor area as indicated by the current edition of *Trip Generation* published by the Institute of Transportation Engineers;
- (2) *Medium-intensity* means commercial retail uses that generate between fifty (50) and one hundred (100) average daily trips per one thousand (1,000) square feet of gross floor area as indicated by the current edition of *Trip Generation* published by the Institute of Transportation Engineers;
- (3) *High-intensity* means commercial retail uses that generate more than one hundred (100) average daily trips per one thousand (1,000) square feet of gross floor area as indicated by the current edition of *Trip Generation* published by the Institute of Transportation Engineers.

Commercial use. Any activity carried out for pecuniary gain.

Commission. The Planning Commission of Stafford County. ⁴¹

Common area. ^[AG27] See "Open space land."

Communication facility. Facilities providing point-to-point communication services whether by wire or radio, either aurally or visually, including radio, telephone and television broadcasting and the exchange or recording of messages.

Communication tower. See "Tower, communication."

Community use. Country clubs, golf courses and similar recreational uses conducted by property landowners, homeowners, or similar membership organizations. Community uses also, include community clubs or centers, amphitheatres, civic or cultural centers not in public ownership, including and community swimming pools.

Conditional zoning^[AG28] means, as part of classifying land within the county into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such propertyland, such conditions being in addition to, ~~or modification of~~ the regulations provided for a particular zoning district ~~or zone~~ by this chapter~~the overall zoning ordinance~~. ⁴²

Condominium^[AG29] A building or group of buildings, subject to a recorded condominium instrument, in which units are owned individually, and the structures, common areas, and facilities are owned by all of the owners of the units on a proportional, undivided basis, pursuant to the Condominium Act, Code of Virginia, Title 55, ~~ch.~~Chapter 4.2, 1950 (as amended).

Condominium, commercial/industrial. A building or group of buildings used for businesses, office, manufacturing, professional services, and-or other commercial or industrial enterprises organized, owned, and maintained as a condominium where building space is owned individually and the structure(s), common area(s) and facilities are owned by all of the owners on a proportional, undivided basis.

Condominium, dwelling. See "Dwelling, condominium."

⁴¹ Term added from subdivision standards.

⁴² Conditional zoning allows the imposition of additional requirements, but not modifications that are less restrictive than the current provisions. We suggest removing the term "modification" to avoid confusion.

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Conference facility. A use which is an accessory to a hotel that includes meeting rooms for business or professional conferences and seminars, and which may include provision for meals, recreational activities and other ancillary uses. ⁴³

Conical surface, airport. ~~An imaginary line surface establishing the maximum height of manmade objects or natural tree growth around an airport runway,~~ extending upward and outward from the periphery of ~~an airport's~~ the horizontal surface at a slope of twenty (20) to one for a horizontal distance of four thousand (4,000) feet. ⁴⁴

Conservation easement. ^[AG30] ~~A non-possessory interest of a holder in real property, whether easement appurtenant or in gross, acquired through gift, purchase, devise, or bequest imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural or open-space values of real property, assuring its availability for agricultural, forestry, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of real property.~~ ⁴⁵

Construction footprint. The area of all ~~impervious surface including~~ constructed site features, ~~including,~~ but not limited to, buildings, roads and drives, parking areas, ~~and~~ sidewalks, ~~as well as required stormwater and erosion control devices,~~ and the area necessary for construction of such improvements. ⁴⁶

Convalescent home. See "Nursing home."

Convenience center. ^[AG31] ~~A retail complex containing more than one commercial establishment, typified by more than one unit, but less than ten (10) units, designed for commercial use and with a total gross floor area of less than twenty thousand (20,000) square feet.~~ ⁴⁷

Convenience store. A high-intensity ^[s32] commercial retail operation which offers for sale prepackaged foods, household items, and other goods commonly associated with the same and may sell gasoline as a secondary activity, ~~and having a gross floor area of five thousand (5,000) square feet to ten thousand (10,000) square feet.~~ ⁴⁸

Convention facility. A building or group of buildings designed to accommodate ~~three hundred (300) or more~~ people in assembly.

County administrator. See "Agent."

County attorney. The county attorney or ~~his/her~~ designee.

Country inn. See "Bed and breakfast inn."

Critical resource protection area (CRPA). ^[AG33] ~~That component of the Chesapeake Bay Preservation Area comprised of lands adjacent to waterbodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters. See "Resource Protection Area."~~

Cul-de-sac. A street segment beginning at the nearest intersection with another street and having only one outlet, and ending with an ~~appropriate~~ turn-around area for ~~safe and convenient~~ reverse traffic movement ^[s34].

⁴³ NOTE TO STAFF: Could this be a principal use as well?

⁴⁴ Definition modified for clarity.

⁴⁵ Term from the subdivision regulations, revised for consistency with the Code of Virginia.

⁴⁶ Definition changed to recognize constructed features that are pervious such as stormwater facilities.

⁴⁷ This definition includes standards relocated to Section 28-40(f), Convenience center.

⁴⁸ This definition includes standards relocated to Section 28-40(g), Convenience store.

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Cultural landscape. A geographic area that includes cultural and natural resources associated with a historic event, activity, person, or group of people. Cultural landscapes are manmade expressions of visual and spatial relationships, including, but not limited to, historic plantations, farms, gardens and parks, cemeteries, scenic highways, industrial sites, Civil War encampments, and entire villages.

Cut-off lighting. Outdoor lighting from which the peak candle power is directed so ~~that the upper extent of the light beam is not visible above thirty (30) degrees from a line perpendicular to the ground and so~~ as not to illuminate directly any portion of a lot other than the lot on which the light is situated.⁴⁹

Dance/exercise studio. A school devoted to providing instruction in any of varied forms of dance, gymnastics, or martial arts.

Data and computer service centers. A use where the majority of the space is occupied by computers and/or related equipment, and where electronic information is processed, transferred and/or stored. Data and computer services centers may contain data technology centers, internet service providers, network operations centers, web hosting facilities, and other similar establishments primarily engaged in providing direct access through telecommunications networks to computer-held information.

DCSL. Design and Construction Standards for Landscaping, Buffering, and Screening for Stafford County, Virginia.

Deck. A structure extending from the outside wall of a building above ground level, whether or not its supports rest on the ground, and not sheltered by a roof or enclosed by other than a protective railing.

Design and Construction Standards, Stafford County. ~~Specifications and standards as adopted by or applicable in the county relating to the construction of all physical improvements, as they may be amended or supplemented from time to time. See "Water and Sewer Design and Construction Standards" [S35].~~

Determination of development rights document. A document issued by the director that determines the number of residential development rights a sending property has available for transfer to a receiving property or transferee. ~~For purposes of this chapter, the right to build one residential dwelling unit equates to one development right.~~⁵⁰

Development.^[AG36] The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, any mining, excavation, landfill or land disturbance; and any use, change of use, or extension of the use of land or structure where there is an increase in parking or provision of stormwater management ~~is required.~~⁵¹

Development, major. Any nonresidential development involving construction and/or land disturbance greater than or equal to two thousand five hundred (2,500) square feet, or any residential development not subject to [chapter 22](#) of the subdivision ordinance.⁵²

Development, minor. Any nonresidential development involving construction or land disturbance totaling a minimum of one thousand (1,000) square feet and less than two thousand five hundred (2,500) square feet, any change of use where additional parking is required, or any enlargement to an existing building or structure where there is no change in the construction footprint.

⁴⁹ This definition includes standards relocated to Section 28-87, Outdoor lighting standards. It is not clear that the zoning ordinance includes any requirements for cut-off lighting.

⁵⁰ This definition includes standards relocated to Section 28-356, Right to transfer development rights; general standards.

⁵¹ NOTE TO STAFF: Additional discussion needed. If I were to tear down a building and re-build it, but with no increase in parking requirements that would not be development?

⁵² NOTE TO STAFF: What if residential development is subject to Chapter 22? Is it a minor development?

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Development right or rights. The permitted uses and density of development that are allowed on the sending property ~~under chapter 28 of the County Code in accordance with this chapter~~ on the date of severance of such rights. Development right or rights includes transferable development rights.

Diameter at breast height (DBH). The diameter of a tree measured outside the bark at a point four and one-half (4.5) feet above ground.

Director. The director of the department of planning and zoning or ~~his/her~~ designee.

Display, motor vehicle. The keeping of operable motor vehicles associated with a motor vehicle sales business.

Display, outdoor. The keeping, in an unroofed area, of representative retail merchandise to be sold on-site. ~~The area for display shall not exceed five (5) percent of the gross floor area of the building that it serves. Outdoor display areas shall not extend more than twenty-five (25) feet beyond the front of the building.~~⁵³

Dripline. A vertical projection to the ground surface from the farthest lateral extent of a tree's leaf canopy.

Drive-through. A facility designed to enable a person to transact business or order and pick up food while remaining in a motor vehicle.⁵⁴

Driveway. An accessway within a development designated to serve the development and provide access to a street, private street, or private access easement, or with an adequate width to serve one lot. The accessway shall not be a private street or private access easement and is not intended to be shared with other land unless it is a shared driveway.⁵⁵

Driveway, shared. An accessway and easement providing access for up to two lots that is connected to a public or private street.⁵⁶

Driving range. A commercial establishment equipped with distance markers, golfing greens, and golfing tees for the practice of golf. Driving ranges may also include accessory sales of golf-related items or concessions.⁵⁷

Drug store (pharmacy)^[AG37]. An establishment or institution from which drugs, medicines, or medicinal chemicals are dispensed or offered for sale or on which a sign is displayed bearing the words "apothecary," "druggist," "drugs," "drug store," "drug sundries," "medicine store," "pharmacist," "pharmacy," or "prescriptions filled" or any similar words intended to indicate that the practice of pharmacy is being conducted pursuant to a license issued under Section 54.1-3300 et seq. of the Code of Virginia.⁵⁸

Dry cleaner/laundry. A retail establishment engaged in the on-site or off-site cleaning, dry cleaning, and pressing of garments and households linens for a fee.⁵⁹

Duplex. A two-family residential structure, where the residential units may be arranged one above the other, side-by-side, or semi-detached ~~by common footing~~.

⁵³ This definition includes standards relocated to Section 28-38(g), Requirements for outdoor display and storage areas.

⁵⁴ This is a new definition.

⁵⁵ NOTE TO STAFF: This term is added from the subdivision definitions, and could potentially replace other current terms such as "travel lanes." We note that the county's current standards indicate that any accessway serving three or more lots/uses is to be treated more like a street than a driveway.

⁵⁶ This term is added from the subdivision definitions.

⁵⁷ This is a new definition.

⁵⁸ This is a new definition.

⁵⁹ This is a new definition.

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Dustless surface. A surface adequately covered in accordance with good construction practice, with a minimum of either two (2) applications of bituminous surface treatment, concrete, or bituminous concrete.

Dwelling, [AG38] accessory. An ancillary dwelling unit limited to such uses as a family member apartment, guest house (for occasional visits by family or friends), or maid's quarters. A carriage house shall not be considered an accessory dwelling and shall conform to the following:

~~(1) An accessory dwelling shall not exceed twenty-five (25) percent of the total gross floor area of the principal dwelling unit.~~

~~(2) There shall be no more than one accessory dwelling per lot.~~

~~(3) When an accessory building is located in the principal dwelling, the entry to the unit and its design shall be such that the appearance of the building shall remain a one-family residence.~~

~~(4) An accessory dwelling shall have the same address as the principal dwelling.~~

~~(5) This term shall not include a carriage house.⁶⁰~~

Dwelling, atrium house. An attached, one-story unit with private individual access for a single family. ~~Each dwelling unit shall have a private yard(s) or atrium(s). A wall shall enclose the entire lot area of the atrium and house. The wall shall be at least three (3) feet in height in the rear or sides of the lot. All living spaces such as living rooms, dens, or bedrooms, shall face an atrium. Atrium houses must be located on a cul-de-sac or on an internal parking lot.⁶¹~~

Dwelling, attached. A structure used as a place of residence for two (2) or more families, occupying separate dwelling units on the same lot.⁶²

Dwelling, carriage house. A dwelling unit ~~with no more than two (2) bedrooms~~ located above a detached garage on the same lot as a principal dwelling with and accessed by an alley. ~~The carriage house shall have a different address from the principal dwelling. For the purposes of the UD district, a carriage house may be located at grade to the rear of the principal dwelling, and may be accessed via a driveway from the front street.⁶³~~

Dwelling, condominium. A building or group of buildings comprised of dwelling units in which the units are owned individually and the structure(s), common area(s) and facilities are owned by all of the owners on a proportional, undivided basis, or by a unit owner's association.

Dwelling, cottage court. A group of small detached or attached houses centered around a common open space or courtyard.

Dwelling, duplex. See "Duplex."

Dwelling, employee. A dwelling unit intended solely for the an employee of a business and their immediate ~~members of their family of a business within a community or development which has restrictions as to who would be eligible to reside, if at all, in the community or development.~~ This term shall not include accessory dwelling and dwellings for watchman or caretakers on-premises.⁶⁴

Dwelling, independent living unit. A condominium unit ~~with multiple rooms~~ within a life care/retirement community providing independent living arrangements for the occupant(s) and may include permanent provisions for cooking. ~~The life care/retirement community may provide medical or~~

⁶⁰ This definition includes standards relocated to Section 28-40(h), Accessory dwelling.

⁶¹ This definition includes standards relocated to Section 28-40(i), Atrium house dwelling.

⁶² NOTE TO STAFF: This use does not show up as an allowable use in any district. We suggest deleting the definition.

⁶³ This definition includes standards relocated to Section 28-40(j), Carriage house dwelling.

⁶⁴ Definition revised for greater clarity.

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~~social supervision for the occupant(s).~~ The unit may be within a multifamily building or have the appearance of a single-family detached dwelling, duplex, townhouse, or weak-link townhouse. This term shall not include a unit within an assisted living facility or nursing home.

Dwelling, lot line. A detached, single-family residential unit located on an individual lot having a limited side yard on one side of the dwelling ~~provided the wall of the dwelling on the side with the limited setback contains no windows, doors or other openings. A minimum five (5) feet shall be provided. The minimum side yard width between structures shall be wider than the combined minimum allowed.~~⁶⁵

Dwelling, modular. [AG39] See "Modular home."

Dwelling, multifamily[AG40]. A building containing more than two (2) dwelling units on the same lot in which the units, building(s), common area(s) and facilities are owned by an individual person or entity.

Dwelling, patio house. A detached or semi-detached, single-family unit with one dwelling unit from ground to roof. ~~Each dwelling unit's lot shall be fully enclosed by a wall located at the lot line, thus creating a private yard between the house and the wall. Walls shall be a minimum of three (3) feet in height. That portion of the yard or patio area comprising "minimum patio area" is this housing type's minimum yard area. All living spaces, such as living rooms, dens, and bedrooms, shall face into the yard or patio.~~⁶⁶

Dwelling, quadruple-attached. One of four (4) attached ~~"buildings" which are used as "~~single-family dwellings units, each in an individual building"; located side-by-side or two (2) side-by-side with two (2) directly behind them, on adjoining individual "lots"; separated from each other by a solid wall extending from the lowest floor to the roof; and entirely separated from any other ~~"building" by space on all other sides~~development.⁶⁷

Dwelling, secondary. See "Dwelling, accessory."

Dwelling, semi-detached. One of two (2) attached ~~"buildings" which are used as "~~single-family dwellings ; located side-by-side on adjoining individual "lots"; separated from each other by a solid wall extending from the lowest floor to the roof; and entirely separated from any other ~~"building" by space on all other sides~~development.⁶⁸

Dwelling, single-family. [AG41] A detached residential unit that is developed with open yards on all sides of the structure, but not including manufactured homes or recreational vehicles.

Dwelling, three-family. A ~~"building"~~ containing three (3) ~~"dwelling units,"~~ on the same lot with two (2) of the ~~"dwelling units"~~ arranged side-by-side and situated either above or below the third ~~"dwelling unit."~~⁶⁹

Dwelling, townhouse. A single-family residential unit forming one of a group or series of ~~three two~~(3) or more attached units in which each unit has its own front and rear access to the outside, each unit is located on a separate lot, owned individually, no unit is located over another unit, and each unit is separated from one another by one or more fire-resistant party walls without windows, doors or other means of access or visibility through such walls from basement to roof.⁷⁰[S42]

⁶⁵ This definition includes standards relocated to Section 28-35 under the R-2, R-3, and PD-1 district dimensional standards tables, as appropriate.

⁶⁶ This definition includes standards relocated to Section 28-40(k), Patio house dwelling.

⁶⁷ Definition revised for greater clarity.

⁶⁸ NOTE TO STAFF: It appears the only distinction between an attached and a semi-detached dwelling is that semi-detached dwelling units are on individual lots, while attached units are not. If this is correct, the semi-detached definition could be simplified.

⁶⁹ Definition revised for greater clarity.

⁷⁰ This definition modified to allow for a condition where two dwelling units could be attached but be on different lots (the attached dwelling definition places the units on the same lot).

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Dwelling, townhouse, weak-link. An attached, single-family unit with private, outside access for a dwelling unit from ground to roof ~~with. Each unit shall have both a one- and two-story sections. The one-story section shall be at least ten (10) feet wide or thirty (30) percent of the lot width, whichever is greater. A group of attached, weak-link townhouses shall average no more than eight (8) dwelling units per group.~~⁷¹

Dwelling, triple-attached. One of three (3) attached ~~"buildings" which are used as "single-family dwellings,"~~ located side-by-side on ~~adjoining "individual lots";~~ separated from each other by a solid wall extending from the lowest floor to the roof; and entirely separated from any other ~~"building" by space on all other sides~~ development.⁷²

Dwelling unit. One or more rooms, designed, occupied, or intended for occupancy as separate living quarters for a single housekeeping unit and having independent cooking, sleeping, and sanitary facilities provided within the dwelling unit.

Dwelling, village house. A detached, single-family residential unit ~~distinguished by with very~~ small front and side yards. ~~All dwellings have a front porch, and es and building fronts are orientated~~ towards the street it fronts.⁷³

Easement. An interest in land that is in the possession of another, ~~that permit~~ sting a limited use of ~~enjoyment of the land in which the interest exists.~~⁷⁴

Easement, ingress/egress. An easement through private property to allow access to a specific lot or parcel.

Engineer.^[AG43] A person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects of the Commonwealth of Virginia as a professional engineer.⁷⁵

Entrance, restricted access. An entrance to a public street from a private travel lane or private access easement, in accordance with section 28-108 of this chapter.

Equestrian use. A use, whether for profit or otherwise, pertaining to the use, housing, and care of horses or ponies. Equestrian uses include facilities for the keeping, feeding, and care of horses as well as related facilities for riding, exercise, and training. Typical accessory uses include equipment storage, mechanical equipment for maintaining use areas, food storage, and parking areas. Occasional delivery of on-site veterinary services is also a common feature.⁷⁶

Executive style housing. Single-family residences with an above grade habitable space finished floor area greater than three thousand five hundred (3,500) square feet.

Exhibition center. See "Conference facility."

Extinguishment of development rights. The process by which development rights from a sending property are severed and extinguished from a sending property and transferred to a receiving property or transferee, pursuant to the transfer of development rights program under ~~chapter 28 of the County Code~~ this chapter.

⁷¹ This definition includes standards relocated to Section 28-40(I), Townhouse dwelling (weak link).

⁷² Definition revised for greater clarity.

⁷³ Definition revised for greater clarity.

⁷⁴ Definition revised for greater clarity.

⁷⁵ Term added from subdivision definitions.

⁷⁶ This is a new definition.

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Family. Family shall mean a group of people living together as a single housekeeping unit and consisting of:

- (1) One person; or
- (2) Two (2) or more persons related by blood, adoption, or marriage, together with any number of offspring, foster, step or adopted children; or
- (3) A group of no more than four (4) unrelated persons living and cooking together as a single housekeeping unit though not related by blood, marriage, adoption or guardianship, provided that the limitation on the number of unrelated persons shall not apply to residents in a housekeeping unit by persons having handicaps within the meaning of section 3602(f) of the Fair Housing Act (42 USC 3601 et seq., as amended); or
- (4) Those groups identified in ~~Code of Virginia, § Section~~ 15.2-2291 of the Code of Virginia, or like groups licensed by the Virginia Department of Social Services which otherwise meet the criteria of Code of Virginia, § 15.2-2291; or
- (5) Two (2) unrelated persons, together with any number of offspring, foster, step or adopted children.

Family day care home, group. A residence where child care is provided for more than five (5), but fewer than ~~thirteen-twelve~~ (13²) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home as residential occupancy by a single family[s44], and which is subject to state licensing on a paid basis.⁷⁷

Family day care home, small. An activity carried on by an occupant of a residence as an accessory use, in which child care is provided for five (5) or fewer children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home as residential occupancy by a single family[s45], on a paid basis.⁷⁸

Family, immediate member. Any person who is a natural or legally defined offspring, stepchild, spouse, family member's spouse, sibling, parent, grandchild, or grandparent, or parent of the owner of a parcellot.

~~State law reference — Similar provisions, Code of Virginia. §§ 15.2-2244 and 15.2-2244.1.~~

[AG46]

~~*Farm winery*[AG47]. An establishment engaged in the growing of grapes, honey, or other fruits for the production and resale of wine or other fermented beverages in accordance with Section 4.1-207 of the Code of Virginia. Farm wineries may also include limited retail sale of related products, and on-site special events, as an accessory use.~~⁷⁹

Farmers market. A building, structure, or place used by two (2) or more vendors for the seasonal sale of agricultural, horticultural, or aquacultural produce and accessory/incidental merchandise. Accessory/incidental merchandise includes garden accessories, baked goods, floral supplies, or other similar type items directly related to the culture, care, use of, or processing of the principal use.

Feedlot. A lot, yard, structure, corral or other area in which livestock are confined, primarily for the purpose of feeding, growing, raising, holding, and birthing prior to slaughter or sale. ~~Any enclosure, pen or building wherein more than three hundred (300) veal animals, slaughter or feeder cattle, two hundred (200) mature dairy cattle, seven hundred fifty (750) swine, one hundred fifty (150) horses, five hundred~~

⁷⁷ Revised for compliance with Section 63.2-100 of the Code of Virginia.

⁷⁸ Revised for compliance with Section 63.2-100 of the Code of Virginia.

⁷⁹ This is a new definition.

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~~(500) sheep, lambs, goats or similar animals, five thousand (5,000) fowl constitute a feedlot.~~ This does not apply to areas upon which livestock are allowed to graze. ⁸⁰[S48]

Fill. For purposes of administering the flood hazard overlay district, any sand, gravel, earth or other materials whatsoever placed or deposited in floodplains to raise the elevation of the land surface.

Flea market. An individual or congregate commercial retail activity conducted from ~~or at~~ one or more booths, stands, tables, or tents that may be conducted indoors or outdoors, where groups or individual sellers offer goods for direct sale to the public. This definition shall not include bazaars or charity fundraisers ~~conducted by and for the benefit of a for~~ nonprofit organizations conducted four times a year or less, provided such bazaars or fundraisers are conducted not more than four (4) times per calendar year at any location nor shall it include or periodic festivals ~~provided such festivals are conducted not more than two (2) times per calendar year at any location.~~ Flea markets shall be subject to the following standards: twice a year or less.

~~The operator of a flea market shall maintain a listing of all vendors utilizing the flea market with the name, permanent address, Social Security Number and home phone number of the vendors on the listing. The listing shall be kept current and made available to the sheriff's office upon request.~~ ⁸¹

Fleet parking. Off-site Parking and storage of more than five (5) operable vehicles, other than automobiles, which are used in the daily operations of a business ~~not located on-site;~~ or, the parking and storage of more than one vehicle with a gross vehicle weight in excess of ten thousand (10,000) pounds. This ~~is not to be construed to~~ does not include parking and storage of farm vehicles ~~or equipment, or construction equipment, such as bulldozers, front loaders, backhoes and~~ or similar devices ~~which are not licensed to operate on state roads.~~ ⁸²

Floodplain[AG49]. Any land area susceptible to being inundated by water from any source.

Floodplain district, designated. Those floodplain districts specifically designated in this chapter as being inundated primarily by the one hundred (100)-year flood, a flood that on the average, is likely to occur once every one hundred (100) years. ~~Included would be areas identified as~~ The floodway district (FW), the floodfringe district (FF), and the general floodplain district (FA) are included as designated floodplain districts.

Floodway. The channel of a river or ~~other~~ watercourse, and the adjacent land areas, which must be reserved in order to discharge the base flood without cumulatively increasing water surface elevation more than one foot at any point, as specified by flood insurance studies for Stafford County, Virginia.

Floor area or gross floor area (GFA). The sum of the gross horizontal areas of each story of all buildings on a lot or site, measured from the exterior walls or from the centerline of party walls.

Floor area ratio (FAR). The total floor area of a building or buildings on a lot divided by the gross area of the lot or site.

~~*Forecourt.* An open area at, or within thirty (30) inches of, grade level that serves as an open space, plaza, or outdoor dining area.~~ ⁸³

Forestry. Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest ~~services~~[S50].

Freeboard. A factor of safety, usually expressed in feet, above a flood level for purposes of floodplain management.

⁸⁰ Standards used in this definition relocated to the table of uses for the A-1 district.

⁸¹ This definition includes standards relocated to Section 28-40(m), Flea markets.

⁸² NOTE TO STAFF: Fleet parking does not include automobiles?

⁸³ Definition relocated from the UD district in Article III.

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Frontage. That dimension of a lot measured along the front street line thereof, or if the front street is curved, along the chord of an arc.

Frontage, building. The width of a front building facade applicable to an individual building or ~~suite~~ unit within a building that is clearly visible from a public street or private travel lane, which provides primary access to the building.

Funeral home. An establishment that provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home. ⁸⁴

Gallery. A covered passage extending along the outside wall of a building supported by arches or columns that is open on one side. ⁸⁵

Garage, private. An accessory building or part of a principal building used for the storage of motor vehicles and other domestic goods and equipment.

Garage, public. A building or portion thereof, other than a private garage, designed and used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.

Garden center. An outdoor area for the display, sale, and storage of seasonal products accessory to a commercial retail establishment.

Generalized development plan. See "Plan of development."

Geometric design. Standards and specifications for street layout and construction.

Golf course. A tract of land for playing golf, consisting of at least nine (9) holes and may include a club house, driving range(s), and putting green(s).

Greenhouse. An enclosed structure, permanent or portable, which is used for the growth of plants.

Gross area. The total acreage of a specific site.

Groundcovers. A low-growing form of vegetation consisting of shrubs or perennials, in which the plants in some combination shall form a continuous vegetative cover on the ground. (Not turf grass). ⁸⁶

Groundcover management. The cutting or trimming of groundcover in order to create an orderly appearance to the property so long as such activities do not disturb the integrity and intent for which it was installed.

Health official. The director of the regional branch of the state health department for the Stafford eCounty or ~~her or his~~ designee.

Hedge. A row of closely planted shrubs, bushes, or other vegetation that forms a boundary, screen, or fence. ⁸⁷

Height, airport zone. [AG51]The maximum height of structures or vegetation within any airport zone as set forth in subsection 28-64(c). The datum shall be determined by mean sea level (MSL), the perimeter of which coincides with the horizontal zone.

Height, building or structure. See this section, "measurements," regarding "height of structure."

Height, sign. See section 28-205, "Measurements," regarding "sign, height."

⁸⁴ This is a new definition.

⁸⁵ Definition relocated from the UD district in Article III.

⁸⁶ NOTE TO STAFF: Suggest removal of the term "shrubs" to avoid confusion.

⁸⁷ This is a new definition.

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Helistop. An area, either at ground level or elevated on a structure, for the landing and takeoff of helicopters without auxiliary facilities such as parking, waiting rooms, fueling, ~~and or~~ maintenance equipment^[552].

Heritage interpretation. Any communication, including, but not limited to, signs, brochures, exhibits, films, and websites, designed to reveal meanings and relationships of cultural and natural heritage to the public, through first-hand involvement with a site, building, reconstructed building, artifact, landscape, or monument.

Heritage tourism. Presenting, marketing, and interpreting historic places, artifacts, and attractions that authentically represent the stories and people of the past and present for the purpose of educating the public and generating revenue for the county. Heritage tourism cannot take precedence over the protection and preservation of a cultural resource or landscape.

Heritage site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the significance of any existing ~~structure~~^[553].

Highly erodible soils^[AG54]. Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight (8). The erodibility index for any soil is defined as the product of the formula $RKLS/T$, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

Highly permeable soils^[AG55]. Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability of greater than six (6) inches of water movement per hour in any part of the soil profile to a depth of seventy-two (72) inches (permeability groups "rapid" and "very rapid") as found in the National Soil Survey Handbook of November 1996 in the Field Office Technical Guide of the U.S. Department of Agriculture Natural Resource Conservation Service.

Highway engineer. The residency administrator of the area of Stafford County employed by the Virginia Department of Transportation or ~~his a~~ representative.

Historic integrity. The authenticity of a property's identity, evinced by the survival of physical characteristics that existed during the property's historic or prehistoric period. The seven qualities of integrity, as defined by the National Register program, are location, setting, feeling, association, design, workmanship, and materials.

Home business. An occupation, profession, business or trade, with the exception of retail sales, carried on by the occupant of a dwelling unit as a secondary use, ~~which does not generate an increase in vehicular trips beyond that normally associated with residential use and complies with the following performance standards for such uses:~~

~~(1) Not more than one employee other than the occupant's family member residing in the principal dwelling.~~

~~(2) Customer visits by appointment only.~~

~~(3) The business must provide off-street parking for an employee and customers in addition to the minimum requirements for the district. Fleet parking shall not be permitted.~~

~~(4) The area dedicated to the home business shall not exceed twenty-five (25) percent of the gross floor area, excluding unfinished basements and garages. There shall be no outdoor storage of merchandise or materials.~~

~~(5) Home businesses shall be permitted in single-family detached dwellings only.~~⁸⁸

⁸⁸ This definition includes standards relocated to Section 28-40(n), Home business or occupation.

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Home business, rural. A nonagricultural business on a lot in the A-1 Agricultural district intended for general office, professional office, personal service, contracting and construction, which may include outside storage or storage in an accessory building or buildings, of materials necessary ~~to-for~~ the conduct of the business. ~~Rural home businesses shall be subject to the following standards:~~

~~(1) Outdoor storage, which may include fleet parking and equipment, shall not be located within front yard setbacks and shall be set back at least thirty (30) feet from all other property lines. Outdoor storage areas shall not comprise more than twenty-five (25) percent of the total area of the property on which the rural home business is located. Outdoor storage shall be screened from view of adjacent properties and roadways by a solid board fence and/or landscaping as approved by the zoning administrator.~~

~~(2) The businesses shall be allowed one unlighted facade or monument style sign, not to exceed eight (8) feet in area nor, five (5) feet in height. Such sign shall be set back at least fifteen (15) feet from any property lines.~~

~~(3) The business shall be allowed on parcels at least three (3) acres in size. No more than three (3) employees other than family members residing in the principal residence shall be employed in the business.~~

~~(4) The area within the dwelling devoted to the business shall not exceed twenty-five (25) percent of the dwelling's gross floor area.~~

~~(5) The total gross floor area of the nonresidential buildings devoted to the rural home business shall not exceed four thousand (4,000) square feet. Such buildings shall be set back a minimum of twenty (20) feet from all property lines.~~

~~(6) Prior to obtaining a certificate of occupancy for a rural home business, the applicant shall submit a development in accordance with article XIII of this chapter.~~⁸⁹

Home occupation. An occupation, profession, business or trade, with the exception of retail sales, carried on by the occupant of a dwelling unit as an secondary accessory use,⁹⁰ ~~which does not generate an increase in vehicular trips beyond that normally associated with single family residential use, or employ persons not residents of the principal dwelling, or require customer visits to the home. Home occupations shall be subject to the following standards:~~

~~(1) They shall not occupy an area greater than twenty five (25) percent of the total floor area of the principal structure.~~

~~(2) There shall be no outdoor storage of goods or merchandise associated with the home occupation.~~

~~(3) There shall be no employees other than family members who reside on the premises in the principal residence.~~

~~(4) There shall be no substantial increase in vehicular trip generation by the home occupation, beyond that normally associated with a residential use.~~

Hospital^{AG56}. A facility licensed in accordance with the Code of Virginia in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as children's hospitals, sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.⁹¹

⁸⁹ This definition includes standards relocated to Section 28-40(n), Home business or occupation.

⁹⁰ This definition includes standards relocated to Section 28-40(n), Home business or occupation.

⁹¹ This is a new definition derived from Section 32.1-123 of the Code of Virginia.

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Hotel/motel.^[AG57] A facility offering transient lodging accommodations to the general public or on a time-share basis and which may provide additional services such as restaurants, meeting rooms, and recreational facilities.

Impervious surface.^[AG58] ~~A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt or compacted gravel surface. A surface composed of any material(s) which reduces or prevents absorption or percolation of water into the soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surfaces.~~⁹²

Improvements. ~~Any~~ All utilities, facilities, signs, lights, buildings and structures, including but not limited to, streets, storm and sanitary sewers, water lines, curb and gutter, ~~and~~ landscaping, ~~and other site features~~ required pursuant to the terms of the ordinances of the county.⁹³

Industrial, heavy. Activities related to business and industrial uses such as heavy manufacturing, light industrial uses, mining, and resource extraction.

Industrial, light. Activities related to business and industrial uses such as construction, light manufacturing, transportation, communication, utilities, and wholesale trade.

Industrial park. A tract of land which has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to parking, circulation, utility needs, aesthetics and compatibility.

Inoperative motor vehicle. ^[AG59] Any motor vehicle which is not in operating condition, or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle, or on which there are not displayed valid license plates or a valid Virginia inspection decal and a current county automobile license decal, as required to operate a motor vehicle on public ~~roads~~ streets.

Integrated management practices (IMP). Low-impact development microscale and distributed-management techniques to maintain predevelopment site hydrology. Integrated management practices shall include bioretention facilities, dry wells, filter/buffer strips, grassed swales, rain barrels, cisterns, infiltration trenches and amended soils as specified in low-impact development design manuals.⁹⁴

Intensely developed areas (IDAs). A portion of a critical resource protection area for a land/resource management area designated by the county where development is concentrated and little of the natural environment remains.

Interment. All forms of final disposition of human remains including, but not limited to, earth burial, mausoleum entombment, and niche or columbarium inurnment. The sprinkling of ashes on church grounds shall not constitute ~~interment~~^[s60].

Junkyard. ^[AG61] The use of ~~any area of land lying~~ within one hundred (100) feet of any state road or ~~the use of more than two hundred (200) square feet of land area~~ in any location for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials. The term "junkyard" shall include the term "automobile graveyard."

Kennel, commercial.^[AG62] Any place ~~in or at which~~ where six-five (56) or more animals more than six (6) months of age are kept, boarded, groomed, bred, or trained for pecuniary gain on a regular basis.⁹⁵

⁹² Definition revised for consistency with the Code of Virginia.

⁹³ NOTE TO STAFF: The subdivision definitions include a definition for public improvements. Should this definition be revised, or should the subdivision term be expanded?

⁹⁴ Term from the subdivision regulations.

⁹⁵ Term modified for consistency with the Code of Virginia.

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Kennel, non-commercial. A place ~~in which~~ where six-five (65) or more ~~dogs or cats~~ animals more than six (6) months of age are kept and maintained by a householder, within or adjoining a private residence. Occasional sale of ~~such~~ animals shall not ~~be construed as making such place constitute~~ a commercial kennel. ⁹⁶

Kiosk. A small structure typically included as an accessory use with one or more sides open, used as a newsstand, refreshment stand, bandstand, or source of information. ⁹⁷

Laboratory. A building or group of buildings containing facilities for scientific research, investigation, testing, or experimentation, but not facilities for manufacturing or production. ⁹⁸

Land disturbing activity. [AG63] Defined in See section 11-2 of the Stafford County Code.

Land/resource management area (LRMA). [AG64] A component of the Chesapeake Bay Preservation Area outside the CRPA-Resource Protection Area (RPA) that includes land where specific environmental resources are located. This land, if improperly used or developed, has the potential for causing significant water quality degradation or for diminishing the functional value of the CRPA.

Landscape architect. [AG65] A person who, by reason of his special knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and whose competence has been attested by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects of the Commonwealth of Virginia through licensure as a landscape architect. ⁹⁹

Landscape design. The planned treatment of land, structures, and flora complimenting building construction of land developments.

Landscaping. The introduction or selective retention of flourishing trees and shrubs carefully selected and arranged to perform a design purpose or environmental function, such as controlling visual direction, providing definition to architecture, modifying climate, filtering air pollution, and controlling runoff and erosion. Trees and shrubs shall be the primary plant materials to apply to the development of the required landscaping and street planting. Street planting may include berms and low walls in conjunctions with trees and shrubs.

Land use pods. Identified areas on ~~the a~~ preliminary concept plan which specify uses to be developed. Land use pod development categories shall include one or more of the following: office, commercial, residential, commercial, industrial/research.

Life care/retirement community. An age-restricted development providing a continuum of accommodations, supporting services, and care, ranging from independent living, to assisted living, to nursing care in exchange for the payment of monthly fees and an entrance fee. In addition to care facilities, the development may also include common dining and laundry facilities, meeting rooms, recreational facilities, and ancillary services or uses serving residents of the development. ~~The life care/retirement community may provide medical or social supervision for the occupant(s).~~ ¹⁰⁰

Live-aboard vessel. Any vessel used as a residence or represented as a place of business, a professional or other commercial enterprise, or a legal residence. A commercial fishing boat is expressly excluded from the term "live-aboard vessel."

⁹⁶ This definition revised for consistency with commercial kennel.

⁹⁷ This is a new definition.

⁹⁸ This is a new definition.

⁹⁹ Term from the subdivision definitions.

¹⁰⁰ The current zoning ordinance does not define this term.

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Live/work unit. A building containing commercial unit(s) and dwelling unit(s). The dwelling unit(s) shall be located on floors above the commercial unit(s). The access to the dwelling unit(s) shall be within the building containing the commercial unit(s). The occupant of the ~~single-family dwelling~~ unit does not have to be the occupant of the commercial unit. The floor area for each type of unit, commercial or ~~single-family dwelling~~, excludes any stairs or hallways used to access the unit(s). ~~This term does not include commercial apartments or three-family dwellings.~~¹⁰¹

Live entertainment. Live entertainment associated with an adult use is defined in section 4-86 of the County Code.¹⁰²

Lot. A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot, corner. A lot or parcel of land abutting ~~upon~~ two (2) or more streets at their intersection, or upon the same street forming an interior angle of less than one hundred and ten (110) degrees.¹⁰³

Lot coverage. The ~~impervious area portion~~ of any lot or parcel ~~including, but not limited to buildings, drives, parking areas, sidewalks, patios, decks, etc~~ covered by impervious surface.¹⁰⁴

Lot dimensions (depth, width). See this section, "measurements."

Lot, double frontage. A lot with frontage on two (2) parallel streets or upon two (2) streets which do not intersect at the boundaries of the lot. ~~A lot having frontage on two (2) streets, not at their intersection.~~¹⁰⁵

Lot frontage. See this section, "measurements."

Lot, interior. ~~A lot with only one street frontage.~~¹⁰⁶

Lot line. For the purpose of this chapter, any boundary line of a lot as defined herein.

Lot line, front. A street line which forms the boundary of a lot; or, in the case where a lot does not abut a street other than by an ingress/egress easement or private access easement (PAE), or has double frontage, that lot line which faces the principal entrance of the main building. On a corner lot, the shorter street line shall be deemed to be the front lot line regardless of the location of the principal entrance or approach to the main building.¹⁰⁷

Lot line, rear. The singular lot line that is most distant from, and is most nearly parallel with, the front lot line. If a rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten (10) foot line parallel to the front lot line, lying wholly within the lot for the purpose of establishing the required minimum rear yard.

Lot line, side. Any lot line which is neither a front lot line nor a rear lot line.

¹⁰¹ Neither of these terms are used in the zoning ordinance.

¹⁰² Cross reference added for consistency with other adult use definitions.

¹⁰³ NOTE TO STAFF: How can a lot be considered a corner lot if not located at the intersection of two or more streets?

¹⁰⁴ Definition revised to avoid repetition.

¹⁰⁵ Definition replaced with term from the subdivision regulations.

¹⁰⁶ Suggest deleting this definition since it is not used in the zoning ordinance and is inconsistent with the front lot line definition.

¹⁰⁷ NOTE TO STAFF: Suggest modifying this definition to identify the front of a corner lot based on the lot's street address.

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Lot, pipe stem. A lot which does not abut a public street other than by its driveway which affords access to the lot ~~from the public road (also known as a flag lot).~~¹⁰⁸

Lot of record. A lot which has been duly recorded in the Office of the Clerk of the Circuit Court of Stafford County.

Lot, reverse frontage. A lot in a residential subdivision which is adjacent to a public street that has been classified by the governing body or the Virginia Department of Transportation as a collector or arterial road and has its building front and its access to an internal local street.¹⁰⁹

Lot width. See this section "measurements."

Lowest floor. The lowest floor of the lowest enclosed area of a building including the basement.

Low-growing vegetation. Any form of vegetation that does not grow to a mature height greater than twenty-four (24) inches and is on the approved list of plantings as depicted in Table 6.4.¹¹⁰

Machinery sale and service. An establishment for the sale, rental, and/or service of equipment normally or routinely used by homeowners, on farms and in gardens, or on a temporary basis by nonresidential uses, and related parts, tools and accessories. Sale and repair of motor vehicles designed for transport are not considered machinery sale and service.¹¹¹

Manufactured home^[AG66]. A structure subject to federal regulation, which is: Transportable in one or more sections; and, is eight (8) body feet or more in width and forty (40) body feet or more in length, or is three hundred twenty (320) or more square feet when erected on-site; used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and, includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

Manufactured home park.^[AG67]A site with required improvements and utilities for the parking of manufactured homes on a leasehold basis, which may include services and amenities for the residents.

Manufactured home subdivision. A site with required improvements and utilities for the parking of manufactured homes on a fee simple basis, which may include services and amenities for residents.

Manufacturing, heavy. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembly of component parts, the manufacture of products and the blending of materials such as lubricating oils, plastics, resins, or liquors, pharmaceuticals, soaps and toiletries, concrete, brick, tile, recycling, asphalt, slaughter operations, and similar uses.

Manufacturing, light. Establishments engaged in the mechanical transformation of materials into new products including the assembling of component parts or the manufacture of products for the wholesale market rather than direct sales. Examples of this use include the production of cabinets and furniture, textiles, food products, ceramics and pottery, tools and hardware, machinery, appliances, ~~and~~ photographic processing, and bottling and canning plants and similar uses.

Marina. A facility for the storage (wet and dry), launching and mooring of boats, together with accessory retail and service uses, including restaurants and live-a-boards, except where prohibited by County Code, but not including docks accessory to a land-based dwelling unit limited to the use of owners or occupants of ~~those the~~ dwelling units.

Market value^[AG68]. As used in this Chapter, ~~t~~The building value, not including the land value or the value of any accessory structures on a lot. Market value may be established by an independent certified

¹⁰⁸ Definition revised for consistency with the subdivision standards.

¹⁰⁹ Definition relocated from : "Reverse frontage lot".

¹¹⁰ NOTE TO STAFF: This cross reference is confusing. Table 6.4 of what?

¹¹¹ This is a new definition.

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appraisal, replacement cost depreciated for building age or quality of construction, or adjusted tax assessed value.¹¹²

Maximum net density. The maximum density permitted to be developed per unit of land on the net buildable area of a site, as measured in dwelling units or rooms per acre.

Minimum floor elevation. The lowest floor elevation permissible for the construction, erection, or other placement of any floor, including basement and cellar floors.

Mobile home. See "manufactured home."

Mobile home park. See "manufactured home park."

Modular home. A dwelling made of two (2) or more modular units transported to the home site, placed on a permanent foundation and joined to make a single dwelling unit on a permanently improved parcel of ground.

Modular unit[AG69]. A factory-fabricated transportable unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees and other subelements incorporated into a structure at the site. A modular unit is regulated as an industrialized building unit under Title 36, Chapter 4 (Section 36-70 et seq.) of the Code of Virginia.

Motel. See "hotel/motel."

Motor vehicle[AG70]. A self-propelled vehicle or any trailer licensed by the Department of Motor Vehicles.

Motor vehicle rental facility. A building, structure, or land used for the display and/rental of motor vehicles other than boats.

Motor vehicle sales facility. A building, structure, or land used for display, sales, or lease of motor vehicles, other than boats.

Multi-way Boulevard. A major thoroughfare with associated on-street parking on adjacent frontage roads located in the UD district and intended to carry high volumes of traffic.¹¹³

Museum[AG71]. A permanent building or landscape in the service of society, which acquires, stores, conserves, researches, communicates, and exhibits material evidence of people and their environment for purposes of study, education, and enjoyment by the public.

Neighborhood center. A concentrated area of ~~no more than ten (10) acres containing up to one hundred thousand (100,000) square feet of~~ low-intensity commercial retail and institutional uses that provide personal and community services to the immediate residential community within the planned development-two zoning district. Site design is typified by orientation to pedestrians with sidewalks within the commercial area and connection to residences by a network of sidewalks, walking trails and paths; bicycle trails may be incorporated as appropriate; on-site parking is located to the rear of buildings, on-street parking may be provided, and interparcel access is provided; signs are unobtrusive.¹¹⁴

Net area. The gross area of a site minus all wetlands, floodplains, and slopes greater than thirty-five (35) percent.

¹¹² This is a new definition.

¹¹³ NOTE TO STAFF: This definition uses the term "major thoroughfare" which is not used or defined in the County Code.

¹¹⁴ The standards in this definition are relocated to Section 28-55(g), Neighborhood center, in the Planned Development-Two district regulations.

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Nightclub. An establishment, excluding theaters and recreational enterprises, which provides entertainment (including but not limited to live bands, floor shows, comedians, solo artists, and/or a dance floor for patrons), more than two (2) times per month, stays open after 11:00 p.m., and has a capacity exceeding one hundred (100) patrons. ¹¹⁵

~~*Nonconformity.* An instance of a lawful structure, lot, use, or sign which exists on the effective date of adoption or amendment of this chapter that could not be built under the current regulations in the district in which it is located.~~ ¹¹⁶

Nonpoint source pollution. [AG72] Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and ~~urban~~ land development ~~and use~~.

Nonprofit organization. An entity that exists solely for religious, charitable, educational, political, or civic purposes and is not in business to make a profit.

Nontidal wetlands [AG73]. Those wetlands other than tidal wetlands "that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the federal Clean Water Act, in 33 C.F.R. 328.3b.

Nursing home. [AG74] An extended or intermediate care facility licensed or approved by the appropriate state and local agencies to provide fulltime convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

Obstruction, airport. Any structure, vegetation, or other object, including a mobile object, which exceeds a limiting height or penetrates any airport surface or zone floor elevation.

Office, flex. A room or group of rooms that provides combined office, low intensity commercial retail, light manufacturing, ~~and or~~ warehouse facilities made up of one or more small establishments.

Office, general. A room or group of rooms used for conducting the affairs of a business, service, industry, or government.

Office, medical/dental. A room or group of rooms used for a medical, dental, or psychiatric practice offering medical services on an outpatient basis, ~~and including a total of not more than the full-time equivalent of two (2) principal health care providers and two (2) other health care providers, exclusive of administrative or clerical staff, providing services on the premises. A medical, dental or psychiatric office may also contain associated in-house ancillary services such as~~ in-house diagnostic testing facilities, medical counseling services, and similar services, ~~but not including. There shall be no~~ overnight stay ~~or treatment.~~ ~~Normal activities shall not include~~ internal surgery, ~~nor use of or~~ general anesthetics. ¹¹⁷

Office park. A tract of land that contains two (2) or more buildings designed and constructed for occupancy ~~of, or occupied by,~~ general, medical/dental, ~~and/or~~ professional businesses ~~and/or~~ personnel.

Office, professional. A room or group of rooms used for conducting the affairs of a profession, such as the practice of law, engineering, architecture, surveying, consulting, and similar recognized professions.

Off-site. Any area which does not fall within the boundaries of a subject property to be developed or planned.

¹¹⁵ NOTE TO STAFF: What would this use be called if it had a capacity of only 99 people?

¹¹⁶ This is a revised definition taken from Section 28-272, Definition.

¹¹⁷ Definition has been modified for clarity and consistency with clinic, medical/dental.

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¹¹⁸ *Off-street parking.* Space provided for vehicular parking outside ~~the dedicated~~ street right-of-way.

On-site. Located on the lot in question, except in the context of facilities intended for a development, in which case the term shall mean within the boundaries of the development as a whole.

On-street parking. Motor vehicle parking spaces located along public or private streets.

One hundred (100)-year flood. A flood that, on average, is likely to occur once every one hundred (100) years; i.e., one that has a one percent chance of occurring each year, although the flood may occur in any year.

Open space. Undeveloped land or water left in undisturbed, open condition or developed as a landscaped area ~~unoccupied by habitable~~ buildings, streets or parking lots, used primarily for resource protection or recreational purposes. This includes lands used for normal agricultural activities and left in cultivation. ¹¹⁹

Open space land.^[AG75] Any land which is provided or preserved for park or recreational purposes, conservation of land, or other natural resources; historic or scenic purposes; assisting in the shaping of the character, direction, ~~and or~~ timing of community development; wetlands; ~~or agricultural~~ production, or ~~forestry~~ production.

Open space ratio (OSR). The percentage of the total gross area of a parcel that is open space and not impervious surface.

Other health care provider. A health care professional who may provide patient care, patient support, or ancillary medical services under the supervision of a principal health care provider. For the purpose of this chapter, this shall include nurse practitioners, registered or licensed practical nurses, physician's assistants, dental hygienists, sonographers, phlebotomists, or similar commonwealth licensed or certified medical professionals.

Overnight parking. The parking of any operable vehicle during the hours of 11:00 p.m. to 6:00 a.m. excluding temporary parking for loading activities.

Pad, development. See "Construction footprint."

Pad site. Any part of the land originally developed as a shopping center, industrial park, or office park ~~containing, or~~ intended to contain, through sale or lease, at least one freestanding building designed, planned, constructed, ~~and/or~~ managed on an integrated and coordinated basis ~~with the shopping center, industrial park or office park~~.

Parapet. A low wall at the edge of a building's roof designed to screen roof-mounted mechanical equipment from view.¹²⁰

Parcel. See "Lot."

Park.^[AG76] An area of public land with walks, playfields, playgrounds, etc., designed for recreational purposes.

Parking garage/deck. An above grade and/or below grade structure used ~~or intended to be used~~ for the off-street parking of operable vehicles on a temporary basis, under public or private ownership.

¹¹⁸ NOTE TO STAFF: Additional discussion is needed about how off-street parking is treated in developments with private streets.

¹¹⁹ Definition modified to recognize recreational buildings such as community centers or swimming pools as open space resources.

¹²⁰ This is a new definition.

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Parking lot, public. An open area of land, other than a street, or area within a parking garage/deck available to the public, or as an accommodation to employees, clients, or customers, with or without a fee being charged, but ~~shall not include~~ ing any area wherein vehicles for sale, repair, or temporary impoundment are kept or stored.

Pedestrian passage. A pedestrian accessway connecting two public streets located mid-block in the UD district and intended to break up long blocks.¹²¹

Pedestrian shed. A pedestrian shed is an area within a community located in the P-TND district that has a destination point in which most residents within the community would travel to, either walking or riding a bicycle.¹²²

Pet store. A retail establishment engaged in the retail sale of domestic animals such as dogs, cats, fish, birds, and rodents, along with equipment and food necessary for the keeping of pets. Limited on-site grooming is an accessory use, but a pet store does not include boarding or veterinary services.¹²³

Performance guarantee. A bond, surety, escrow account, cashier's check, or cash deposit approved by the board of supervisors, in an amount specified by the county, equal to one hundred fifty (150) percent of the full cost of improvements required by these regulations and intended to providing for completion of ~~said required~~ improvements within a specified period of time.¹²⁴

Place of worship. A structure or place in which worship, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. Places of worship include churches, mosques, synagogues, and temples. Accessory uses may include school facilities[s77], parking, caretaker's housing, pastor's housing, and group living facilities such as convents.¹²⁵

Plan, comprehensive. The plan for the development of Stafford County with accompanying maps, plats, charts, and descriptive materials adopted by the board of supervisors pursuant in accordance with the Code of Virginia, ~~(1950, as amended)~~ Section§15.2-2223, et seq.

Plan, concept. (sketch). An initial sketch or plan of a subdivision showing general lot layout, street placement, and open space areas for consideration by the county prior to submittal of a preliminary subdivision plan or final plat.¹²⁶

Plan of development[AG78]. A plan or subdivision plat reviewed under this chapter to ensure compliance with ~~Code of Virginia, § Section 62.1-44.15:74 of the Code of Virginia 40.1-2109~~ and this chapter, prior to any clearing or grading of a site or the issuance of a building permit.

Plant nursery. An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items ~~(but not power equipment such as gas or electric lawn mowers and farm implements)~~ directly related to their care and maintenance[s79]. ~~The a~~Accessory items normally

¹²¹ This is a new definition.

¹²² NOTE TO STAFF: This definition is a copy of a standard in the P-TND district. Additional discussion is needed about how the County wants to handle these kinds of issues. Many of the current standards have definitions embedded within the standard. Putting the definition in the definitions section means repetition, which is not good for long term consistency. Avoiding repetition means removing the definition from the district.

¹²³ This is a new definition.

¹²⁴ NOTE TO STAFF: the current zoning ordinance and subdivision regulations contain almost no provisions on performance guarantees. The amount is removed from the definitions to provide greater flexibility to the county to address unique situations. Modern development regulations include a set of provisions addressing the form, content, amount, default, and release of performance guarantees. The current provisions lack these standards.

¹²⁵ This is a new term.

¹²⁶ Term added from subdivision regulations.

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~~includes~~ ~~are~~ clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels, but do not include power equipment such as gas or electric lawn mowers and farm implements.

Plat.^[AG80] A diagram or map, drawn to scale, showing tracts, parcels, lots, subdivisions, and land boundaries.

Playground. A location for outdoor recreation.

Porch. A structure extending from the outside wall of a building above ground level with a roof but not enclosed by other than a protective railing ~~and with or without~~ ~~or~~ screening. ~~Enclosure~~ ~~At such time a porch is enclosed~~ with materials other than screening results in the creation of a building no longer considered a porch, it shall then comply with all the applicable requirements for a "building".

Preliminary concept plan. A basic sketch or plan that depicts zones or pods of individual land use types, general street location, open space areas, pedestrian access, and generalized stormwater management approaches for proposed development, together with a traffic impact study, submitted to the county and approved by the planning commission prior to the issuance of a building permit within the RBC zoning district. Engineering or construction drawings may be submitted, but are not required as part of a preliminary concept plan.¹²⁷

Primary surface, airport. ^[AG81] A surface longitudinally centered on an airport runway. The primary surface for the Stafford Regional Airport runway extends two hundred (200) feet beyond each end of the runway and is one thousand (1,000) feet wide. The elevation of the primary surface is the same as the elevation of the nearest point on the runway centerline.

Primary travel lane. A travel lane or drive that is not a public or private street and typically located within a development, whose total paved travel surface exceeds thirty-six (36) feet in width.¹²⁸

Principal health care provider. A health care professional licensed to operate in the commonwealth who provides care to patients and may refer patients or receive referrals for specific medical, dental, or psychiatric services, particularly in an outpatient setting. For the purpose of this chapter, principal health care provider shall include licensed physicians, dentists, psychiatrists, and physicians specialists such as dermatologist, dental surgeon, ophthalmologist, and similar physicians.

Principal street. The street fronting a building in the P-TND district. Typically, the principal street is the one from which a building derives its street address.¹²⁹

Private access easement (PAE). An ingress/egress easement specifically authorized by the agent or designee to allow access to ~~one newly created~~ one or more lots ~~of~~ in a minor subdivision which does not have frontage on a public street.¹³⁰

Private street. Any means of access to property which the public may not use without the permission of one or more owners of the property served.¹³¹

Private travel lane. A travel lane or accessway serving a single-family residential lot or group of residential lots, but not considered a private street.¹³²

¹²⁷ This is a new definition.

¹²⁸ NOTE TO STAFF: The current definition seems to indicate a primary travel lane serves individual development. However, Section 28-256(c)(3)&(5) use terms "private vehicular travel lanes" "interior travel lanes" which appear to be the same as a "primary travel lane." The zoning ordinance also appears to use the term "private travel lane" with respect to access to residential development. Or drop this term in favor of the term "driveway". The standards in this definition are relocated to Section 28-256(c)(6), Primary travel lanes.

¹²⁹ This is a new definition.

¹³⁰ Definition revised for consistency with Section 22-176.

¹³¹ Term added from the subdivision regulations.

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Profile. A drawing of a side or sectional elevation.

Propane and heating fuel distribution facility. A ~~commercial establishment that public facilities/utilities~~ ~~which stores and distributes~~ manufactured and natural gas ~~in large containers for [or] distributes the product directly~~ to the customer. The facility may fill or refill enclosed portable containers of natural or manufactured gas. This term shall not include the sale of enclosed portable containers of natural or manufactured gas at retail establishments. ¹³³

Property. Any tract, ~~or lot,~~ or parcel ~~of land,~~ or several ~~of the same~~ ~~tracts, lots, or parcels of land,~~ collected together for the purpose of subdividing, preparing a site development plan, ~~and/or developing~~ ~~establishing development.~~

Public facilities. ~~Any p~~Public ~~works infrastructure typically~~ ~~supplied generally~~ by a governmental organization ~~for general public use including,~~ ~~Such public works shall include,~~ but not ~~be~~ limited to, ~~streets, highways,~~ airports, parks, schools owned and/or operated by Stafford County or the commonwealth, ~~public parking lots, water and sewer facilities, and~~ police ~~facilities, corrections,~~ and fire protective facilities. ~~Community-serving facilities, such as farmers markets, may be established on properties containing public facilities when deemed appropriate by the board of supervisors.~~ ¹³⁴

Public facilities/utilities. [AG82]Buildings, structures, and facilities including generating facilities, substations, switching stations, poles, lines (including distribution and transmission lines), pipes, pumping stations, water treatment facilities, wastewater treatment facilities (not including on-site sewage disposal systems), repeaters, antennas, transmitters and receivers, valves and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, broadband communications, water, sewer, and public transit to the public.

Public roadstreet [AG83]. A publicly owned ~~and maintained road street~~ ~~designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to the erosion and sediment control laws of Virginia and the Virginia Stormwater Management Act. This definition includes those roads streets where the Virginia Department of Transportation exercises direct supervision over the design and/or construction activities.~~ ¹³⁵

Public works. ~~Buildings, structures and infrastructures constructed by Stafford County or the Commonwealth of Virginia or a department of Stafford County or the Commonwealth of Virginia, in connection with another government agency or department of another county or municipality, at public expense for general public use, such as roads, highways, transit facilities, public parking lots, parks, public building, police, correction and fire protection facilities, and public schools owned and/or operated by Stafford County or the Commonwealth of Virginia. See "Public utilities."~~

Push cart. A cart or stand used by a street vender to sell food, goods, or services at retail on sidewalks, parks, or other public gathering areas. ¹³⁶

¹³² NOTE TO STAFF: This is a new definition for a term used in the zoning ordinance. Additional discussion is needed as to what distinguishes this from a private street or a driveway.

¹³³ Definition revised for additional clarity.

¹³⁴ The second sentence had nothing to do with the definition, and the term "community-serving facility" is only used in reference to community recreation or gathering features in developments in the RBC District. Water and sewer facilities relocated to the "public utilities" definition. Definition consolidated with "public works" definition.

¹³⁵ NOTE TO STAFF: The zoning ordinance and subdivision regulations use the terms "street" and "road" interchangeably. We suggest the term street be used, but regardless of the term selected, these documents should be revised to use common terminology.

¹³⁶ This is a new definition.

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Receiving area. [AG84] One or more areas identified in article XX of this chapter and designated by the comprehensive plan as an area authorized to receive development rights transferred from a sending area.

Receiving property. A separate parcel of land within a receiving area and within which development rights are increased pursuant to a transfer of development rights to the property.

Recreation, active. Recreational uses, areas, and activities oriented toward potential competition and involving special equipment. Playgrounds, sports fields, ~~and~~ courts, swimming pools, skating rinks ~~and areas~~, and golf courses are examples of active recreational uses.

Recreation, passive. Recreational uses, areas, or activities oriented to noncompetitive activities which require no special equipment. ~~Examples of passive recreational uses are n~~Natural ~~and/or~~ scenic areas for hiking, sitting, walking, bicycling, equestrian activities, bird watching, and picnics are examples of passive recreational uses.

Recreational enterprise. ~~Enterprises—Commercial establishment where the principal use is the operation of such businesses as providing recreational services including~~ but not limited to, bowling alleys, skating rinks, swimming pools, tennis and racquetball courts, miniature golf, ~~and~~ health spas, martial arts instruction, and fitness centers. ¹³⁷

Recreational facility. [AG85] An enclosed, indoor area used by the general public for recreational purposes. Recreational facilities may include but are not limited to stadiums, arenas, skating rinks, video game facilities, or senior citizen recreational facilities. ~~A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.~~ ¹³⁸

Recreational vehicle (RV). A ~~vehicular~~, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation, licensed by the department of motor vehicles.

Recycling facilities. A structure, or confined site, or place where recycling activities such as the extraction and processing or reprocessing of useful materials from pre-sorted recyclable materials takes place. This definition is does not ~~intended to~~ apply to wrecked, inoperable, or abandoned motor vehicles or parts thereof.

Redevelopment. [AG86] The removal and replacement, rehabilitation, or adaptive reuse of an existing structure(s), ~~or~~ building(s), or ~~of~~ land from which previous improvements have been removed. Replacement may include construction of residential, commercial, industrial, public, or other uses as well as provisions for streets, parks and other public works (facilities).

Regulating plan. The proposed land-use plan identifying the transect zones, primary ~~roads~~streets, civic buildings and uses, pedestrian sheds, primary commercial frontage, and vista terminations for a traditional neighborhood development (TND).

Resident. A person who resides in one a dwelling for more than ninety (90) days in a calendar year.

Residential facility, health department-licensed means a facility in which no more than eight (8) individuals with mental illness, mental retardation, or developmental disabilities reside, with one or more resident counselors or other staff persons, considered as residential occupancy by a single family and allowed in any residential zoning district by-right. 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 Code of Virginia, §Section 54.1-3401 of the Code of Virginia. ~~No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility.~~ For purposes of this definition, residential facility means any group home or

¹³⁷ NOTE TO STAFF: It is typical to see health spas and fitness centers characterized as personal service uses, not recreational establishments.

¹³⁸ Definition modified for consistency with the Code of Virginia.

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other residential facility for which the department of behavioral health and developmental services is the licensing authority pursuant to the Code of Virginia. ¹³⁹[S87]

Residential facility, social services-licensed means a facility in which no more than eight (8) aged, infirm, or disabled persons reside, with one or more resident counselors or other staff persons, considered as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this definition, residential facility means any assisted living facility or residential facility in which aged, infirm, or disabled persons reside with one or more resident counselors or other staff persons and for which the department of social services is the licensing authority pursuant to the Virginia Code. ¹⁴⁰

Resource Protection Area (RPA). That component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters. ¹⁴¹

Restaurant (café).[AG88] Any establishment, other than a licensed farm winery or bed and breakfast establishment as defined in Code of Virginia, § Section 4.1-100 of the Code of Virginia, or a cider press and store selling cider pursuant to a farm winery license, which provides as a principal use, the sale of food, frozen deserts, and/or beverages in a state ready for consumption within the establishment.

Restaurant, delivery. Any restaurant which conducts off-premises deliveries.

Restaurant, fast-food. Any restaurant where the principal activity is the sale of pre-prepared or rapidly prepared food from a window or walk-up counter directly to the customer in a ready to consume state for consumption within the restaurant or off-premises.

Restaurant, sit-down. Any restaurant where the prepared food is delivered to a table by waitstaff for consumption on-premises by the customer without the option of off-premises delivery ~~or off-premises services~~.

Restricted access entrance. An entrance to a residential development from a public street to a private street or accessway equipped with a gate, gatehouse, or security cameras. ¹⁴²

Retail food store. A medium to high intensity commercial retail use, ~~with greater than twenty thousand (20,000) square feet of gross floor area, where the primary use is engaged in~~ the retail sale of a complete assortment of food, food preparation, and wrapping materials ~~and household cleaning and servicing items.~~ ¹⁴³

Retire. The process by which development rights are extinguished.

Retirement housing. A building or group of buildings comprised of more than one dwelling unit that is designed to accommodate the physical and social needs of senior citizens in a community setting for retirement and pre-retirement households where adult day care, congregate housing, duplex dwellings, multifamily dwellings, townhouse dwellings, patio house dwellings, village house dwellings, weak-link

¹³⁹ NOTE TO STAFF: We cannot find this term used anywhere in the zoning ordinance other than the definitions. Where is it allowed?

¹⁴⁰ NOTE TO STAFF: We cannot find this term used anywhere in the zoning ordinance other than the definitions. Where is it allowed?

¹⁴¹ Definition relocated from prior term "Critical Resource Protection Area." Prior term inconsistent with official definition in the Virginia Administrative Code.

¹⁴² This is a new definition.

¹⁴³ Definition revised to remove the size threshold since the districts that allow the use (PD-1 & PD-2) establish the size threshold at 10,000 square feet.

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townhouse dwellings, single-family detached dwellings, and ancillary commercial activities may be permitted.

~~Reverse frontage lot. Any lot in a residential subdivision which is adjacent to a public road that has been classified by the governing body or the Virginia Department of Transportation as a collector or arterial road and has its building front and its access to an internal local road.~~

Right-of-way. A strip of land acquired by grant, reservation, dedication, prescription, or condemnation and ~~intended to be occupied or is~~ occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, ~~and or~~ other similar uses.

Right-of-way width. The total width of a right-of-way as measured perpendicular ~~to from the its~~ sidelines ~~thereof~~.

RV park. A plot of ground upon which two (2) or more sites are located, established, or maintained for occupancy by recreational vehicles.

Safety area, airport.^[AG89] A rectangular area, symmetrical about the runway centerline, which includes the runway, runway shoulders, and stopways, if present. The portion abutting the edge of the runway shoulders, runway ends and stopways is cleared, drained, graded, and usually turfed. Under normal conditions, the runway safety area is capable of supporting snow removal, firefighting, and rescue equipment and of accommodating occasional passage of aircraft without causing major damage to the aircraft. Includes both the airport primary surface and the runway clear zones at each end of the runway on the Stafford Regional Airport Imaginary Surface Map.¹⁴⁴

Sawmill. A facility where logs are sawed into boards, paneling, and other construction materials.

School. Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge excluding industrial or vocational schools or any schools owned and/or operated by Stafford County or the commonwealth.

School, industrial. An establishment which primarily teaches usable skills that prepare students for jobs in a trade or business that include, but not limited to:

- (1) The mechanical or chemical transformation of materials and goods into finished products.
- (2) The assembly or disassembly of machinery or equipment.
- (3) The use of chemicals or solvents for finished products.
- (4) The discharging of firearms.
- (5) Defense [defensive] driving techniques.
- (6) Driving trucks or heavy equipment.

School, vocational. An establishment offering courses of training in a skill or trade including instruction for certification by the state to operate an automobile or motorcycle. This term shall not include any training or instruction that requires the discharging of firearms, techniques for defense driving or operating a truck or heavy equipment. Except for automobile driving schools, all instructions and training shall be conducted indoors. ^[S90]

Screening. The method by which a view from one site to an adjacent site is shielded, concealed, or hidden. Screening techniques may include, but are not limited to: ~~F~~fences, walls, hedges, berms, or other features.

Security agreement. See "Performance guarantee."

¹⁴⁴ Definition modified for consistency with the Virginia Administrative Code.

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Sending area. [AG91] One or more areas identified in article XX of this chapter and designated by the ~~ordinance codified herein and the~~ comprehensive plan as an area from which development rights are authorized to be severed and transferred to a receiving area or transferee without relation to any particular property.

Sending property. [AG92] A separate parcel of land or contiguous parcels as set forth in subsection ~~28-357~~(b) of this chapter within a sending area that are the subject of a transfer of development rights, where the ~~landowner of the parcel(s)~~ is conveying development rights of the parcel(s), and on which those rights ~~so conveyed~~ are severed and may no longer be used ~~on said property as a consequence of the transfer of development rights~~. If contiguous parcels comprise a particular sending property, ~~those contiguous parcels~~ they are hereby deemed to be one sending property.

Setback. See "Building line."

Shopping center. [AG93] A group of ~~more than six (6) commercial~~ retail establishments ~~with a gross floor area greater than or equal to twenty thousand (20,000) square feet~~ planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements. ¹⁴⁵

Shrub. A type of plant with a relatively low height, consisting of several stems rather than a main trunk ~~and used to comply with the landscaping requirements in this chapter. A plant that, at the time of planting, is at least three (3) feet tall as measured from the highest root, and is one of the species listed in section 100 of the DCSL for shrubs.~~ ¹⁴⁶

Sign. Any device, fixture, placard, or structure ~~of two square feet in size or larger~~ that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. ~~Any such device, fixture, placard or structure less than two (2) square feet in size is excluded from this definition.~~

Sign area. See this section, "measurements."

Sign, business. A sign, either freestanding or projecting on a wall, which directs attention to a product, commodity, or service available on the premises.

Sign, cemetery identification. A sign no smaller than one foot by one foot constructed of bronze or of another material similar in appearance that depicts the historic name associated with a particular cemetery, as recorded in the Stafford County Cultural Resource Database or as deemed appropriate by the county agent. ¹⁴⁷

Sign copy. The letters, numbers, symbols, characters, pictures, lights, ~~or~~ other information, or devices included on a sign to inform or attract the attention of persons.

Sign, critical resource protection area (CRPA). A sign identifying the landward limits of the critical resource protection area (CRPA).

Sign dimensions (height, area). See this section, "Measurements."

Sign, directional. An on-premises sign designed to direct customers to an entrance, drive-through facility, or parking area, ~~except for a development in the P-TND district. The directional sign shall not exceed two and one-half (2½) feet in height.~~ ¹⁴⁸

¹⁴⁵ Standards in this definition are relocated to new Section 28-40(o), Shopping centers.

¹⁴⁶ Standards in this definition are relocated to Section 28-86, Landscaping standards.

¹⁴⁷ NOTE TO STAFF: If a sign has a minimum area of two square feet, how can a cemetery identification sign have a smaller area?

¹⁴⁸ The standards in this definition are relocated to the appropriate sign provisions by zoning district (except P-TND) in article VIII.

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Sign, electronic message center (EMC). A sign that displays images, scrolling ~~images~~ or moving images, ~~including or~~ video, through the use of a series of grid lights, such as: ~~C~~cathode ray,¹⁴⁹ light emitting diode display,¹⁵⁰ plasma screen,¹⁵¹ liquid crystal display,¹⁵² fiber optics,¹⁵³ or other similar electronic technology. This definition includes each of the following:

- (1) Signs which present images and/or messages that are similar to those which are ordinarily displayed on color television screens or computer monitors, where the image ~~and/or~~ message is in motion or appears as if it is motion;
- (2) Signs for which the images ~~and/or~~ messages are capable of being changed through any remote means; and
- (3) Signs presenting two (2) or more separate displays of images ~~and/or~~ messages by means of any scrolling cylinder or other scrolling device.

Sign face. The area of a single side of a sign, excluding supports for ~~such the~~ sign so long as ~~said the~~ supports are not used for placement of any sign copy.

Sign, freestanding. Any sign located upon a lot or parcel of ground 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, general advertising. A sign that identifies or communicates an image ~~and/or~~ message for any activity, product, service, or commodity not available for sale or lease on the premises at which the sign is located.

Sign, ground-mounted. See "Freestanding sign."

Sign, historic ~~site~~ entrance. Any freestanding, non-illuminated sign located at the entrance of an historic site that contains the site name ~~and does not exceed four (4) feet in height.~~¹⁴⁹

Sign, home occupation. An ~~unlighted, wall-mounted~~ sign ~~not exceeding four (4) square feet in area~~ directing attention to a product, commodity,¹⁵⁰ or service available on the premises, but which product, commodity,¹⁵¹ or service is clearly a secondary use of the dwelling.¹⁵⁰

Sign, illuminated. A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting.

Sign, model homes. A sign that identifies a dwelling unit as a model home.

Sign, monument. A freestanding on-premises sign designed with a solid base and with a sign face attached such that there are no gaps for air or light between the sign face and the base.

Sign, off-premises directional. An off-premises sign ~~not over three (3) square feet in area,~~ indicating the location of places of worship, schools, hospitals, parks, scenic,¹⁵¹ or historic places, or other places of general public interest. ~~The signs and mountings shall not exceed five (5) feet in total height and not more than one sign pertaining to a single place shall be displayed along any one street.~~¹⁵¹

Sign, place of worship. An on-site, freestanding,¹⁵² monument style sign ~~advertising a place of worship that does not exceed fifty (50) square feet in area, nor six (6) feet in height.~~¹⁵²

Sign, political. A temporary sign announcing or supporting political candidates or issues.

Sign, projecting. Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

¹⁴⁹ The standards in this definition are relocated to Section 28-130, Types permitted in HI districts.

¹⁵⁰ The standards in this definition are relocated to the appropriate sign provisions by zoning district in article VIII.

¹⁵¹ The standards in this definition are relocated to the appropriate sign provisions by zoning district in article VIII.

¹⁵² The standards in this definition are relocated to the appropriate sign provisions by zoning district in article VIII.

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Sign, public. A sign owned by and erected at the instance of a federal, state, or local government agency.

Sign, roof. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.

Sign, subdivision. A sign ~~sixty (60) square feet or less in aggregate area~~ identifying a subdivision by the name found on the recorded plat ~~for such subdivision~~ and located ~~on the subdivision site~~ at one or more of the entrances to ~~such the~~ subdivision. ~~Said sign shall be no greater in height than six (6) feet above ground level and shall be set back from any right-of-way to allow for an unobstructed motorist view.~~¹⁵³

Sign, temporary event. A sign describing a seasonal, brief or particular event or activity to be ~~or being~~ conducted upon the lot or premises upon which it is located. ~~Such sign may be erected not more than one month before the event or activity described, shall be removed within one week of its conclusion, and in no event shall such sign be displayed for a period longer than six (6) months in any one calendar year. Signs advertising construction activity may remain in place until such construction is completed. The maximum height of such sign shall be ten (10) feet. Balloons used as such signs shall be exempt from the maximum height requirement.~~¹⁵⁴

Sign, temporary sale. An on-premises sign used to advertise merchandise or the sale of goods or merchandise, on a temporary basis ~~not to exceed a period of seven (7) continuous days. No freestanding temporary sale sign shall exceed four (4) square feet in sign area. No wall-mounted temporary sale sign shall exceed twenty (20) square feet in sign area.~~¹⁵⁵

Sign, tenant. A wall sign to identify more than one tenant or business located within a building in which the tenant or business does not have a direct/independent entrance to a street and its primary entrance is through the principal entrance to the building. ~~The sign shall be located near the principal entrance to the building.~~ This term shall not include a business sign.

Sign, wall. Any sign erected within the limits of an outside building wall or painted on a building, that does not project more than six (6) inches from the building wall, and that visible from the exterior, no part of which is more than six (6) inches from the surface of the building on which it is erected and which is confined within the limits of an outside wall. Such sign may be illuminated.¹⁵⁶

Sign, window. A sign affixed to the interior of a window used to advertise the sale of goods and merchandise, services, or a business located on premises. ~~Window signs shall be affixed to the interior side of a window.~~¹⁵⁷

Silvicultural activities^[AG94]. Forest-management activities including, but not limited to, the harvesting of timber, the construction of roads and trails for forest-management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices and enforced by the state forester pursuant to Code of Virginia, §Section 10.1-1105 of the Code of Virginia and are located on property land defined as real estate devoted to forest use under Code of Virginia, § Section 58.1-3230 of the Code of Virginia.

Site plan or site development plan. Detailed drawings indicating all building construction, land improvements, and related information, prepared in accordance with articles XIII or XIV of this chapter.

Specified anatomical areas. See section 4-86 of the County Code.¹⁵⁸

¹⁵³ The standards in this definition are relocated to the appropriate sign provisions by zoning district in article VIII.

¹⁵⁴ The standards in this definition are relocated to the appropriate sign provisions by zoning district in article VIII.

¹⁵⁵ The standards in this definition are relocated to the appropriate sign provisions by zoning district in article VIII.

¹⁵⁶ Definition revised for clarity.

¹⁵⁷ Definition revised for clarity.

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Specified sexual activities. See section 4-86 of the County Code. ¹⁵⁹

Stoop. A small raised platform that serves as an entrance to a building. ¹⁶⁰

Storage, outdoor. The keeping in an area that is not enclosed by a building of any goods or material other than outdoor display.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, the space between the floor and the ceiling above it.

Street.^[AG95] Any means of property access that serves three (3) or more distinct properties, other than an alley intended to provide access to the rear of lots, designed in accordance with traffic-carrying capacities, specified by the standards of the county or the Virginia Department of Transportation's Maintenance Log of Functional Classification, whichever is applicable. ¹⁶¹

Street, avenue. A collector or major thoroughfare street in the UD district used to connect neighborhoods. ¹⁶²

Street line. The dividing line between a street or right-of-way and the contiguous property.

Street, local. A street that carries or is anticipated to carry a volume of traffic less than four hundred (400) vehicles per day; with a right-of-way width of fifty (50) feet to one hundred twenty (120) feet; ~~†~~These streets provide direct access to adjacent land and provide access to higher systems but are not intended to provide ~~-~~ ~~S~~service to through traffic ~~is discouraged~~.

Street, neighborhood local. See "Street, local."

Street, main-parallel. A street with parallel parking serving as a connector street serving mixed-use areas in the UD district. ¹⁶³

Street, major collector. A street that carries or is anticipated to carry a volume of traffic between one thousand one (1,001) and five thousand five hundred (5,500) vehicles per day; with a right-of-way width of ninety (90) feet or more; ~~†~~These streets provide service to large communities or other major traffic generators not served by the arterial system. ~~They provide~~ links to higher classified routes, and serve as important intra-county travel corridors.

Street, minor arterial. ~~A~~ ~~S~~streets ~~which that~~ interconnects and supplements the principal arterial system with a greater emphasis on land access and a lower level of traffic mobility. Right-of-way widths may vary from ninety (90) feet to one hundred forty (140) feet. ~~They~~ These streets provide intra-community service as well as connecting rural collectors to the urban highway system.

Street, minor collector. A street that carries or is anticipated to carry a volume of traffic between four hundred one (401) and one thousand (1,000) vehicles per day; with a right-of-way width of fifty-six (56) feet to sixty-four (64) feet; ~~†~~These streets collect local traffic and distribute it to the arterial system, and provide land access service and traffic circulation within residential, commercial, and industrial areas. ~~They collect local traffic and distribute it to the arterial system.~~

Street, multi-way boulevard. See "Multi-way boulevard."

Street, neighborhood yield. A street type limited to residential areas in the UD district that serves 250 vehicles a day or less. ¹⁶⁴

¹⁵⁸ Cross reference added for consistency with other adult use definitions.

¹⁵⁹ Cross reference added for consistency with other adult use definitions.

¹⁶⁰ Term relocated from the UD district provisions in Article III.

¹⁶¹ NOTE TO STAFF: See footnote about use of the term "road" listed with the definition for "public street".

¹⁶² NOTE TO STAFF: This term uses the phrase "thoroughfare" which is not used or defined in the County Code.

¹⁶³ NOTE TO STAFF: This term uses the phrase "connector street" which is not used or defined in the County Code.

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Street, primary. A street or highway anticipated to carry a volume of traffic exceeding three thousand (3,000) vehicles per day, designed and maintained as a part of the Virginia Primary System of State Highways.

Street, principal arterial. The most significant streets ~~in the area which~~that serve long distance travel demands such as statewide and interstate travel. They provide service to major centers of activities, constitute the highest traffic volume corridors, carry the major portion of the area's through traffic, and provide continuity between other arterials.

Street, private. Any means of access to ~~property land~~ which the public may not use without the permission of one or more owners of the ~~property land~~ served.

Street, private access easement. ~~An easement through private property specifically authorized by the planning commission to allow access to a specified lot or parcel. See "Private access easement (PAE)."~~

Street, service drive. A public right-of-way generally parallel with, and contiguous to, a major highway, primarily designed to promote safety by ~~eliminating pernicious ingress and egress to the major safe and~~providing consolidated and orderly points of access to the major highway. ¹⁶⁵

Streetscape. A design term within a TND referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including, but not limited to: ~~building frontage;~~ street paving; ~~street furniture;~~ landscaping; ~~(including trees and other plantings);~~ awnings; ~~and marquees;~~ signs; and exterior lighting.

Structure. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land, and which extends more than twelve (12) inches above the ground at any point.

Subdivider. An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or any other entity having legal title to ~~any~~ tract or parcel of land to be developed, whether or not they have given their power of attorney to ~~one of their group or~~ another individual or entity to act on their behalf in planning, negotiation, or in representing or executing the requirements of the ordinances of the county.

Subdivision. ^[AG96] ~~Any change or rearrangement in the boundaries or division lines of any lot, parcel, piece or tract of land, or the division of such lot, parcel, piece or tract of land into two (2) or more parts, pieces, tracts, parcels or lots excluding pre-existing cemeteries and parcels created for a public use conveyed to the Board of Supervisors for Stafford County by a deed of gift or similar instrument.~~ ¹⁶⁶

Substantial alteration. ^[AG97] The expansion or modification of a building or development that would result in a disturbance of land exceeding an area of two thousand five hundred (2,500) square feet in the ~~land~~-resource management area only.

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 fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "commencement of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

¹⁶⁴ This is a new definition.

¹⁶⁵ Definition revised for greater clarity.

¹⁶⁶ Term from the subdivision regulations.

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- (1) Any project for improvement of a structure to correct existing violations of state or local health, safety, or sanitary 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."

Substation. An un-manned facility serving the larger electrical distribution network that transforms electrical voltage from one level to another as electricity travels through the network. Electrical generation facilities are not considered substations.

Supervisors. The Stafford County Board of Supervisors.

Surety. See "Performance guarantee."

Tailor. A retail establishment engaged in the retail sale of clothing and whole cloth for the purpose of making clothes. In addition to cloth sales, the use involves the on-site or off-site alteration and fitting of clothes. Dry cleaning or garment washing is not included.¹⁶⁷

Technical review committee (TRC). The committee consisting of governmental agency representatives as designated by the agent and a member of the planning commission with the responsibility for the technical review of site plans.

Test lane facility. A road track facility for the testing of current and developing technologies that are utilized in the automated processes at land border ports. Technologies may include, but are not limited to: license plate readers, radio frequency identification, radiation portal monitors (passive), microchip readers, and similar equipment.

Theater. [AG98] A building or part of a building devoted to showing motion pictures, or for dramatic dance, musical, or other live performances.

Tidal shore (shore). [AG99] Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Tidal wetlands[AG100]. Vegetated and non-vegetated wetlands as defined in ~~Code of Virginia,~~ §Section 28.2-1300 of the Code of Virginia.

Tower, communication. A type of communication facility consisting of a freestanding framework or structure used for the elevation of a communication antenna(s) and related equipment.

Traditional neighborhood development (TND). ~~An approach to land use planning and urban design~~ A type of development that promotes ~~the development of~~ pedestrian-friendly neighborhoods with a mix of uses, housing types and prices, lot sizes, ~~and densities,~~ architectural variety, ~~a central civic buildings~~ and uses, a network of streets and alleys that may include on-street parallel parking, and defined development edges.

Traffic impact study (analysis). A study or analysis on the effects of traffic generated by a proposed development on the capacity, operations, and safety of the surrounding public street network prepared in accordance with the transportation impact statement guidelines in the Stafford County Transportation Plan and 24 VAC 30-155.¹⁶⁸

Trailer. See "Manufactured home."

Trailer park. See "Manufactured home park."

Transect zone. A specific area shown on the regulating plan for a traditional neighborhood development (TND) that includes specific provisions for. ~~There is more than one transect zone and each~~

¹⁶⁷ This is a new definition.

¹⁶⁸ This is a new definition.

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~~transect zone has its own development requirements per subsection~~ density, lot size, open space, types of uses, ~~and~~ parking requirements, ~~and other provisions~~.

Transfer of development rights (TDRs). [AG101] The process prescribed under article XX of this chapter where ~~by the landowner of a parcel or lot~~ land in a sending area may convey development rights to ~~the a landowner of a lot or parcel~~ land in a receiving area or to another person or legal entity. Upon transfer, the, whereby the development rights ~~so conveyed~~ are severed and extinguished from the sending property and may be exercised on the receiving property in addition to ~~the existing~~ development rights ~~already existing regarding that parcel on the receiveing land. In addition, development rights~~ ~~or~~ may be held by the transferee without relation to any particular ~~property~~ land by the transferee.

Transfer of development rights (TDR) certificate. A document issued by the director agreeing, at the request of a transferor, to sever a specified number of residential development rights from a sending property in exchange for a restrictive covenant to which the county is a party, that restricts further development on the sending property.

Transferable development rights. [AG102] Development rights that are transferred or transferable from a sending property.

Transferee. The person(s) or legal entity(s) who owns a receiving property to which development rights have been transferred from a sending property or who receives and holds development rights transferred from a sending property without relation to any particular ~~property~~ land.

Transferor. The owner(s) of a sending property and a person or legal entity who conveys development rights that are held without relation to any particular ~~property~~ land.

Transitional surface, airport. [AG103] Any surface which extends outward at right angles (ninety-degree angles) to the airport runway centerline and extend at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they interest the horizontal and conical surfaces.

Travel lane. Space specifically designated and reserved on the site for the movement of vehicular traffic.

Travel trailer. [AG104] A vehicle designed to provide temporary living quarters of such size or weight as not to require special highway movement permits when towed by a motor vehicle and having a gross trailer area less than 320 square feet. See "Recreational vehicle."¹⁶⁹

Tree bed or planting bed. A planting area that encompasses the use of low-growing shrubs or groundcover as depicted in graphic 6.1, Buffer (L-1) Option B and graphic 6.1 Buffer (JDCSL).

Tree, canopy. [AG105]. A type of tree that, under normal growth conditions, will compose the top layer or canopy of vegetation and generally reach a mature height at or above forty (40) feet. ~~A tree that, at the time of planting, is at least twelve (12) feet tall above the highest root, has a minimum caliper of three (3) inches diameter at breast height (DBH), and is one of the species listed in section 100 of the DCSL for canopy trees.~~¹⁷⁰

Tree, understory. A type of tree that, under normal growth conditions, will grow to maturity beneath canopy trees and generally reach a mature height between ten (10) and forty (40) feet. ~~A tree that, at the time of planting, is at least five (5) feet tall above the highest root and is one of the species listed in section 100 of the DCSL for understory trees.~~¹⁷¹

Truck/freight terminals. An area and building(s) where cargo is stored and where trucks load and unload cargo on a regular basis.

¹⁶⁹ Definition modified for consistency with the Code of Virginia.

¹⁷⁰ The standards in this definition are relocated to Section 28-86, Landscaping standards.

¹⁷¹ The standards in this definition are relocated to Section 28-86, Landscaping standards.

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Truck stop. Any building, premises, or land ~~in which or upon which~~ where a business, service or industry involving the maintenance, servicing, storage, or repair of commercial transport vehicles is conducted, ~~or rendered~~ including the dispensing of motor fuel or petroleum products directly into motor vehicles. A truck stop may also include overnight accommodation and restaurant facilities solely for the use of truck crews.

Truck wash. A building or structure containing facilities for washing motor vehicles, trucks, and truck trailers by production line, conveyor system, or similar mechanical devices including self-service washing devices.

Turkey shoot. A shooting match or similar activity conducted by a nonprofit organization involving the discharge of firearms at a target or targets with the object of such activity being to determine a winner of a prize such as a turkey, ham, or other prize.

Urban development areas (UDAs).^[AG106] An area designated by a locality that is appropriate for higher density development due to its proximity to transportation facilities, the availability of a public or community water and sewer system, or a developed area and to the extent feasible, to be used for redevelopment or infill development. ¹⁷²~~The areas designated by the comprehensive plan that are appropriate for higher density development and, to the extent feasible, appropriate to be used for redevelopment or infill development.~~

Urban services areas (USA). Areas designated by the comprehensive plan that may be served by public water and sewer facilities and services.

Use, nonresidential. Any use other than a residential use, community use, or place of worship.

Use, residential. Any use associated with the occupancy of a dwelling.

Vehicle. A self-propelled device used for transportation of people or goods.

Vehicle, commercial. Any truck-tractor, trailer, semi-trailer, garbage truck, dump truck, cement truck, or similar vehicles ~~or equipment with~~of any gross weight; or any vehicle with a gross weight of more than ten thousand five hundred (10,500) pounds which is not owned, leased, or operated by the occupant of the ~~property land~~ at which it is parked.

Vehicle, farm. A vehicle or trailer used for the transportation of goods or materials associated with the operation of a farm or active agricultural use.

Vehicle fuel sales. Buildings and premises where gasoline, alternative fuels, oils and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities). Uses permissible at a vehicle fuel sales establishment do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally occurring. ¹⁷³

Vehicle sales lot. A surface parking lot or paved area for the display or storage of vehicles for sale or lease. ¹⁷⁴

Vestibule. A small entrance hall or covered area projecting from and attached to a primary structure.

Veterinary clinic. A facility staffed with medical personnel licensed in the State of Virginia for the purpose of attending to the medical needs of various animals.

Virginia Uniform Statewide Building Code: The building code applicable for all development in Stafford County, Virginia. ¹⁷⁵

¹⁷² Definition modified for consistency with the Code of Virginia.

¹⁷³ This is a new definition.

¹⁷⁴ This is a new definition.

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Visitor center. A building, attraction, or place of interest that provides public information, including in-depth cultural or natural educational media displays, such as interpretive signage, and printed media describing area attractions relevant to tourism. A visitor's center shall not include artifact collections or an archive.

Vista. The visual or panoramic view of a streetscape or natural scenery. ~~An illustration or photograph may be presented to show the vista. There shall be with~~ a "focal point" for the vista such as, but not limited to, a building, square, fountain, ~~or monument, or other civic feature.~~

Vista termination. A location at the axial conclusion of a ~~thoroughfare street, park, or vista. A building located at a terminal vista designated on the regulating plan shall be required to be designed in response to the view along this axis through its articulation, elevation and/or location.~~¹⁷⁶

Warehouse, mini-storage. A building or group of buildings with limited or controlled access consisting of individual, small, self-contained units or vaults are rented or leased for the storage of business ~~and/or~~ household goods. Each unit is physically separated from other units and access is often provided through an overhead door.

Warehouse, storage. Storage and shipping operations characterized by volumes of traffic that exceed one hundred (100) vehicle trips per day, and which may include outdoor storage as well as indoor storage of goods.

Water-dependent facility.^[AG107] A development of land that cannot exist outside of the critical resource protection area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to:

- (1) Ports;
- (2) The intake and outfall structures of power plants, water treatment plants, wastewater treatment plants, and storm sewers;
- (3) Marinas and other boat docking structures;
- (4) Beaches and other public water-oriented recreation areas; and
- (5) Fisheries or other marine resource facilities.

Wayside stand/wayside market/roadside stand. Any structure or land used for the sale of agricultural or horticultural produce, or seafood harvested or produced by the proprietor.

Water and Sewer Design and Construction Standards. Manual of specifications and standards as adopted by or applicable in the county relating to the construction of all public water- and public sewer-related improvements, as they may be amended or supplemented.¹⁷⁷

Wetland mitigation bank. A wetland mitigation bank is a wetland or stream area that has been restored, established, enhanced, or preserved, ~~which is and~~ then set aside to compensate for future conversions of wetlands for development activities, ~~and is~~ subject to the approval of state and federal regulatory agencies.

Wetlands.^[AG108] ~~These~~ Tidal and nontidal wetlands defined by the Chesapeake Bay Preservation Area Designation and Management Regulations, 9VAC25-830-40VR173-02-04, or any succeeding provisions.

¹⁷⁵ This is a new definition.

¹⁷⁶ The standards in this definition are relocated to administration section of the UD district.

¹⁷⁷ NOTE TO STAFF: Unclear if this is the appropriate configuration for the current term "Design and Construction Standards".

- CODE OF THE COUNTY
Chapter 28 - ZONING ORDINANCE

ARTICLE II. DEFINITIONS AND CONSTRUCTION

~~Wholesale. A commercial enterprise engaged in the sales og goods or products in large amounts to other businesses for the purposes of re-sale rather than to individual customers.~~¹⁷⁸

~~Wholesale businesses. Businesses primarily engaged in selling merchandise at wholesale to retailers; to industrial, commercial, institutional, or professional business users; or acting as agents or brokers in the purchase or sale of and buying merchandise for or selling merchandise to, such individuals or companies. Comment: Lumber, plywood and millwork yards such as building materials establishments are generally classified as wholesale unless the primary operation is directly to the general public as opposed to builders. In such case, they are classified as retail operations.~~

Written order, requirement, decision, or determination. A letter written by the zoning administrator or administrative officer to an individual, sole proprietorship, partnership, corporation, or any other legal entity regarding the permissibility of a specific use or density. A zoning verification is not a written order, requirement, decision, or determination.

Yard. An open space between a building or group of buildings and the nearest line of a private access easement or ~~property lot~~ line of the ~~property lot of on~~ which it is located.

Yard, front. An open space extending from the front ~~property lot~~ line or interior most line of a private access easement to the front building line or the nearest point to the front of a building.

Yard, rear. An open space extending from the rear ~~property lot~~ line to the rear building setback line or nearest point of the rear of a building.

Yard, side. An open space extending from the side ~~property lot~~ line to the side building setback line or nearest point of the side of a building.

Yard, street-facing side. An open space adjacent to a street and extending from the ~~property lot~~ line to the required yard of twenty-five (25) feet or the minimum front yard requirement for the zoning district, whichever is less.

Zoning administrator. The official charged with the enforcement of the provisions of this chapter.

(Ord. No. 094-29, § 28-205, 8-9-94; Ord. No. 095-09, 2-7-95; Ord. No. 095-10, 3-7-95; Ord. No. 095-49, 6-20-95; Ord. No. 096-05, 1-2-96; Ord. No. 096-09, 2-6-96; Ord. No. 096-50, 10-15-96; Ord. No. 097-43, 6-17-97; Ord. No. 097-62, 11-18-97; Ord. No. 098-21, 3-17-98; Ord. No. 098-42, 6-2-98; Ord. No. 098-46, 6-16-98; Ord. No. 099-01, 1-5-99; Ord. No. 099-26, 7-13-99; Ord. No. 099-40, 7-13-99; Ord. No. 099-42, 7-13-99; Ord. No. 000-25, 5-16-00; Ord. No. 000-34, 6-6-00; Ord. No. 000-35, 6-6-00; Ord. No. 000-41, 8-8-00; Ord. No. 000-06, 10-17-00; Ord. No. 000-26, 10-17-00; Ord. No. 000-29, 10-17-00; Ord. No. 001-04, 1-2-01; Ord. No. 001-16, 4-10-01; Ord. No. 001-27, 5-1-01; Ord. No. 001-58, 10-16-01; Ord. No. 001-79, 11-20-01; Ord. No. 002-08, 3-19-02; Ord. No. 002-18, 4-2-02; Ord. No. 002-17, 6-18-02; Ord. No. 002-39, 12-17-02; Ord. No. 002-41, 12-17-02; Ord. No. 003-28, 6-17-03; Ord. No. 003-29, 6-17-03; Ord. No. 003-45, 7-1-03; Ord. No. 003-03, 7-1-03; Ord. No. 003-42, 9-16-03; Ord. No. 003-07, 12-2-03; Ord. No. O05-23, 6-21-05; Ord. No. O05-33, 12-13-05; Ord. No. O05-60, 12-13-05; Ord. No. O06-01, 6-20-06; Ord. No. O06-59, 8-1-06; Ord. No. O06-83, 10-17-06; Ord. No. O06-73, 12-19-06; Ord. No. O07-20, 3-20-07; Ord. No. O07-39, 7-17-07; Ord. No. O07-68, 10-2-07; Ord. No. O07-77, 12-18-07; Ord. No. O07-78, 12-18-07; Ord. No. O08-02, 5-6-08; Ord. No. O08-42, 6-17-08; Ord. No. O08-38, 6-17-08; Ord. No. O08-56, 9-16-08; Ord. No. O08-27, 10-7-08; Ord. No. O08-80, 12-2-08; Ord. No. O09-12, 3-3-09; Ord. No. O09-13, 6-16-09; Ord. No. O09-18, 10-6-09; Ord. No. O09-32, 10-20-09; Ord. No. O10-12, 3-2-10; Ord. No. O10-15, 3-16-10; Ord. No. O10-35, 8-17-10; Ord. No. O10-38, 9-21-10; Ord. No. O10-29, 11-30-10; Ord. No. O10-46, 11-30-10; Ord. No. O11-16, 3-15-11; Ord. No. O11-14, 6-21-11; Ord. No. O11-18, 6-21-11; Ord. No. O12-01, 2-21-12; Ord. No. O12-04, 3-20-12; Ord. No. O12-05, 3-20-12; Ord. No. O12-07, 6-19-12; Ord. No. O12-17, 6-19-12; Ord. No. O12-16, 12-4-12; Ord. No. O12-33, 12-4-12; Ord. No. O13-21, 2-19-13; Ord. No. O13-07, 6-4-13)

¹⁷⁸ This is a new definition.

Comprehensive Plan UDA Amendments – BOS Comments from June 3, 2014 Meeting

Included are the comments from the Board. In red are comments provided by staff for the Commission's consideration in modifying its recommendations. The separate attachment includes the Commission's original recommendations, with the sections the Board commented on highlighted in yellow. At the retreat, staff will provide a summary of the history of this effort.

Issue 1: Rename the UDA Concept as Targeted Growth Areas

Okay

Issue will be addressed as part of the detailed Comp plan amendments.

Issue 2: Establish density restrictions to allow for more flexibility

Opposed to increasing the density up to 20 du/acre and the higher ratio of multi-family dwelling types up to 50% (Courthouse & Southern Gateway)

- If State no longer mandates the UDAs accommodate specific amount of future growth, we should not be concerned with accommodating as much growth as possible in the TGA's.
- Do not support reallocation of the units into areas that would require higher density & more MF units.

PC Considerations:

Densities –

Current densities recommended in the UDAs support up to 14 du/ac.

Options:

Maintain the density ranges as currently recommended in the Comp Plan with no changes.

Require a CUP for any project that is proposing to exceed 14 du/ac

Dwelling Unit Type Ratios –

PC Recommended ratios in Courthouse and Southern Gateway – 40-50% MF / 30-40% TH / 20-30% SF

Courthouse Area

Current recommended dwelling unit ratio – 47% (656 MF) / 11% (150 TH) / 42% (580 SF)

Townhouses would need to be increased and single family homes decreased to match the PC recommended ratios.

Southern Gateway

Current dwelling unit ratio (with removal of Rappahannock Landing area) – 50% (938 MF) / 50% (938 TH) / 0% (0 SF)

Multi-family and townhouses would need to be decreased and single family units increased to match the PC recommended ratios.

Staff suggestion:

Slightly modify the dwelling unit mix ratio: 35-45% MF / 30-40% TH / 20-30% SF – the midpoint of the ranges equal 100%.

Equivalent dwelling units in Courthouse: 485 - 623 MF / 415 – 554 TH / 277 – 415 SF

Equivalent dwelling units in Southern Gateway: 656 - 844 MF / 562 – 750 TH / 375 – 562 SF

Reallocation of Dwelling Units:

Consider if units removed from the UDAs should be reallocated to other locations – Suburban or Agricultural / Rural areas, or, be removed from future growth projections.

Issue 3: Correlation of UDA with RDA

Concern about the RDA being reduced in the Courthouse Area. No issue with the UDA expansion.

- Want to talk about the Courthouse RDA adjustment in the CEDC Subcommittee.

Seemed okay with the Southern Gateway UDA adjustments.

Issue will be discussed by Board's Community and Economic Development Committee at a future date.

Issue 4: Land Use compatibility around the airport

Recommendations should be supported by scientific or technical data.

- Should identify noise zones and the other factors that go into the recommendations so it is based in fact and not subjective.

Issue being considered by the Joint PC SRAA Committee.

Issue 5 – Consider which UDAs to retain

Brooke Station - Could a middle of the road type of land use be considered, given the VRE Station?
(between Suburban and UDA)

PC Considerations:

General Alternatives:

Establish new land use district specific to the Brooke Area.

Establish a new land use district that could apply to other areas in the County beyond the USA.

Maintain current recommendation.

Retain current Brooke Station UDA as a TGA.

New Land Use Considerations:

Potentially a village use may be appropriate, allowing for low intensity convenience commercial uses and potentially allowing for cluster subdivisions with single family residential dwellings within close proximity to a focal point – VRE station, crossroads, or commercial market.

Consider the extent of the area. Are the same geographic boundaries appropriate?

Consider a special utility (water and sewer) service area designation.

Land Use Terminology Considerations:

Brooke Area – location specific land use designation and recommendations

Rural Village District or Village District – includes general land use recommendations that could be applied to other areas in the County.

GW Village – feels the suggestion to retain the recommendation that directs the business parks away from the interchange is opposite of what should be done.

- Should rely more on interchange being focal point for commercial development.
- If this recommendation remains, bring back examples of residential development sited closer to interstate access than the commercial development to show if this type of layout is viable.

Alternatives:

Establish new location standards for the different land uses.

Allow for flexibility in the location of the recommended commercial and residential uses within the district.

Retain recommendation – explore real examples of this recommended land use pattern.

If residential to be recommended in the southern portion of the area, closer to airport, consider impacts and mitigation – noise attenuation, density, etc.

Process

PC to report back with modified recommendations in response to these comments.

COMPREHENSIVE PLAN AMENDMENTS – URBAN DEVELOPMENT AREAS

Response to Board of Supervisors Resolution R14-35

Directive 1: Maintaining the Concept of Targeted Growth Areas

The Commission concurs with the Board of Supervisors and recommends maintaining the concept of Targeted Growth Areas as represented within the Urban Development Areas by replacing the terminology of the areas currently known as “Urban Development Area (UDA)” with “Targeted Growth Area (TGA)”. The exception to this amendment is where certain UDAs are recommended for removal, as described under directive #5. Also, the Commission suggests some small adjustments to boundaries, as described under directive #3. Amendments to the text will remove the mandatory nature of the UDA language while retaining some of the development concepts that encourage focused growth.

Directive 2: Evaluate the established density restrictions within the UDAs to allow for more flexibility.

Staff has developed a list of general and location specific parameters to allow for more flexibility in the form of development in UDA/TGAs.

General Parameters for all TGAs:

- Include a recommended dwelling unit number target range or a specific number with an understanding that the actual number may be more or less.
- Remove the specific numbers of each type of dwelling unit, to allow for flexibility.
- Establish a recommended residential density range in each TGA that would encompass all the dwelling unit types, as detailed in the Specific Parameters.
- Establish a targeted mix or ratio of dwelling unit types in each TGA, as detailed in the Specific Parameters.
- Ensure language regarding the form of development is suggestive rather than mandatory and may permit variations.
- Encourage a mix of dwelling unit types so there is not all or too much of one type of dwelling unit.
- Encourage development of small area plans for each area to provide clarification of what might be desired in an area given the characteristics of a given location.

Area Specific Parameters:

- Establish Courthouse and Southern Gateway as supporting more urban forms of development with the following parameters:
 - Residential density ranging from 3 to 20 dwelling units per acre
 - Establish the following ratio of dwelling unit types as a target: 40-50% multi-family / 30-40% townhouse / 20-30% single family
 - No single project should include all of the allocated dwelling units by dwelling types
 - Smaller individual projects are not required to provide the mix of dwelling unit types prescribed above

- Establish standards for George Washington Village and Centerport that support a more suburban residential density while still allowing multi-family and townhouse development.
 - Residential density ranging from 3 to 10 dwelling units per acre
 - Establish the following ratio of dwelling unit types as a target: 10-20% multi-family / 10-20% townhouse / 65-75% single family
 - No single project should include all of the allocated dwelling units by dwelling types
 - Smaller individual projects are not required to provide the mix of dwelling unit types prescribed above

Directive 3: Correlation of UDAs (TGAs) with RDAs

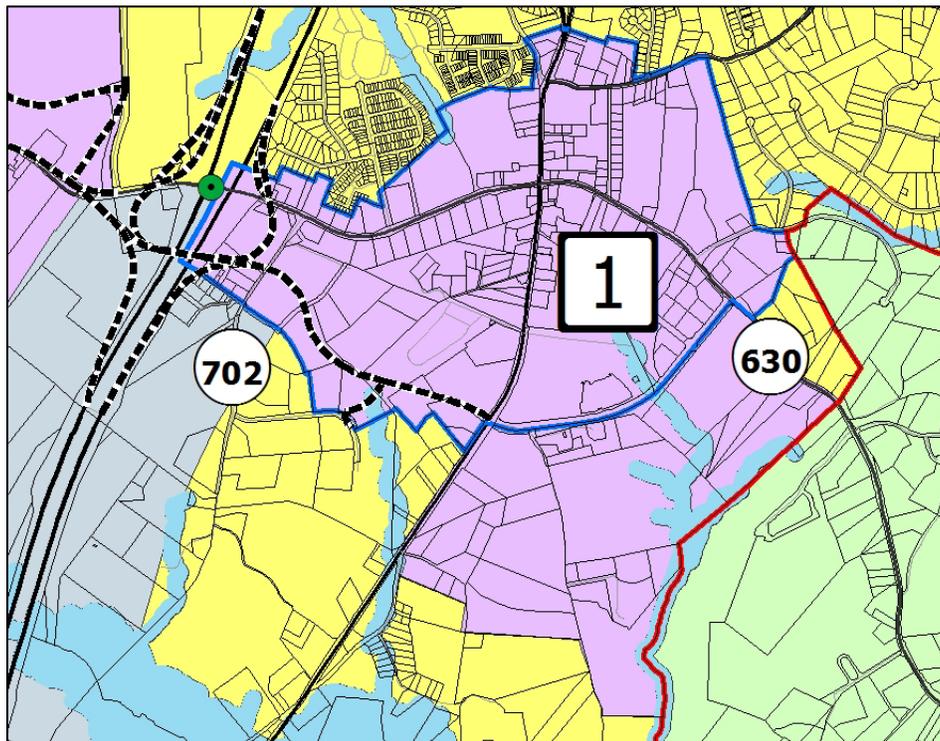
The Commission is considering modifications to the Future Land Use map to more closely correlate the UDAs/TGAs with the RDAs, specifically in the Courthouse and Southern Gateway areas where they overlap.

COURTHOUSE AREA AMENDMENTS

Key – RDA: Blue line

UDA/TGA: Light purple shading

Proposed Courthouse Interchange: Black and white dashed line



Draft Future Land Use Map

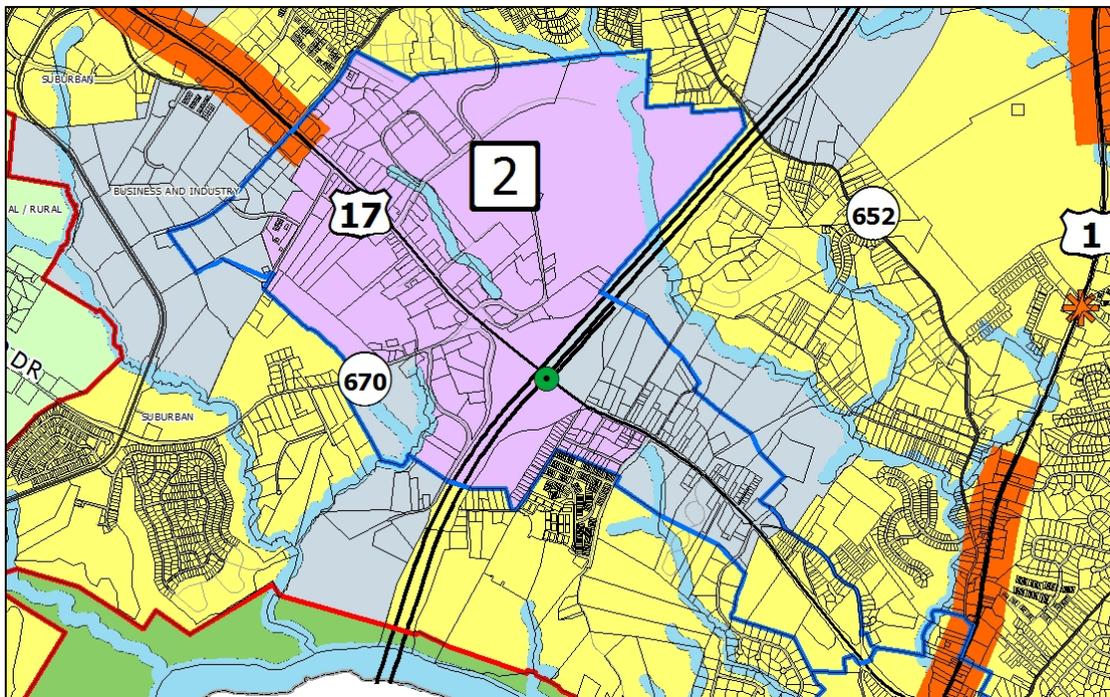
Summary and explanation of changes:

The overall RDA boundary has been reduced to focus on the core of the Courthouse area. The RDA Plan was established to be a 10 year plan with a focus of redevelopment efforts in the central core of the Courthouse Area from the Courthouse to the Hospital. The draft RDA boundary does not extend south of Hospital Center

Boulevard. The RDA boundary would not extend west of Interstate 95. The UDA (TGA) would be extended to correspond with the RDA along the current and proposed Courthouse Road alignments, including properties that would be directly impacted by the Courthouse Interchange realignment. The exception is to the south and east of Hospital Center Boulevard, where the UDA/TGA extends outside the RDA. Development to the south would be considered new development in the UDA/TGA. Staff developed this map with input from the Redevelopment Administrator and consideration of the RDA Plan and Courthouse UDA Small Area Plan.

SOUTHERN GATEWAY AREA AMENDMENTS

Key – RDA: Blue line
UDA/TGA: Light purple shading



Draft Future Land Use Map

Summary and explanation of changes:

The proposed RDA boundary would be reduced with Plantation Drive and Commerce Parkway serving as the western extent. Beyond this point to the west is characteristic of active or more recent development. The UDA/TGA is proposed to be expanded west to Plantation Drive to match the new RDA boundary. The southern portion of the RDA along both sides of Interstate 95 was removed, including undeveloped land and existing neighborhoods. The portion of the UDA/TGA was removed and aligned with the RDA, areas that include the existing Old Forge community and the approved and developing Rappahannock Landing residential development. These areas are proposed to be Suburban. The RDA was expanded along Warrenton Road to the east of Interstate 95 to connect to the Falmouth RDA. This advances the idea of connecting the two RDAs and pursuing improvements to this corridor. Business and Industry future land use is retained in this location. The RDA is maintained to the north and west of Interstate 95 to support a recommendation in the RDA Plan to extend Falls Run Drive to Truslow Road. The UDA/TGA is extended to correlate with the RDA in this location. Staff developed this map with input from the Redevelopment Administrator and consideration of the RDA Plan.

Directive 4: Analysis of any compatibility issues related to residential land uses within the area surrounding the Stafford Regional Airport.

Efforts to address this issue are ongoing. The Planning Commission met with the Stafford Regional Airport Authority on April 2, 2014 to discuss land use compatibility issues around the airport and hear their concerns. At the meeting, a joint subcommittee was formed for representatives of both groups to develop compatibility standards. The Airport Authority is in the process of drafting compatibility guidelines to serve as a starting point for the Planning Commission to review. At that point the joint subcommittee intends to meet to review the guidelines for possible incorporation into the Comprehensive Plan. The Commission notes that this effort will likely take several months to complete and suggests the Board allow for the other amendments to proceed through the process as this issue follows a more deliberative track. The Commission will not meet the Boards requested June 3rd timeline for recommendation on this one item; likely closer to September 1st to provide the Board with Planning Commission recommendations on directive #4.

Directive 5: Desirability to retain specific UDAs

Following review of the original recommendations regarding the individual UDAs, the Commission recommends the following adjustments to the UDAs, including removal, retention, and modification to development densities, areas, and types of land uses. The UDAs to be retained would be recommended Targeted Growth Areas (TGAs).

Recommendation Summary

- 2 UDAs Removed – Eskimo Hill and Brooke Station
- 2 UDAs Retained as a TGA with modified boundaries (as described in directive #3) – Courthouse and Southern Gateway
- 2 UDAs Retained as a TGA with Modified Recommendations – Leeland Station and Centerport
- 1 UDA Retained as a TGA with no changes – George Washington Village
- Changes impact 3,967 dwelling units, that should be reallocated to remaining TGAs

Eskimo Hill UDA – Recommended to be Removed

New Land Use: Business and Industry

Residential density reduction: 879 dwelling units

Brooke Station UDA – Recommended to be Removed

New Land Use: Agricultural / Rural

Residential density reduction: 870 dwelling units

Courthouse UDA – Retain as a TGA with Boundary Modifications

As noted under Directive #3, modifications to the boundary limits are recommended to more closely align with the RDA limits. No modifications to the amount of residential development are proposed.

Southern Gateway UDA – Retain as a TGA with Boundary Modifications

As noted under Directive #3, modifications to the boundary limits are recommended to more closely align with the RDA limits. Adjustments to the boundary would require removal of the 700 multi-family units recommended as part of Rappahannock Landing. These units would be absorbed in the Suburban Land Use category, where the property would now be located.

George Washington Village UDA – Retain as a TGA

No changes proposed. The Commission wishes to encourage retention of the current land use recommendations that support a business campus to the south of Accokeek Creek and residential to the north.

Leeland Station UDA – Retain as a TGA with Modified Recommendations

Proposed modifications: Reduce projected amount of growth to be consistent with approved Leeland Station development project. Limits of the TGA remain the same.

Residential density reduction: 710 dwelling units.

Reflects reduction from 1,000 dwelling units to 290 dwelling units (units remaining to be constructed in Leeland Station).

Centerport UDA – Retain as a TGA with Modified Recommendations

Proposed modifications: Recommend emphasis toward commercial development as the area appears to have potential for targeting commercial growth due to its location in proximity to the Airport, as well as supporting the right balance of residential development. Although commercial development may be more appropriate north of the Centerport interstate interchange, residential development sited and designed so as not to conflict with the airport and other commercial and industrial uses may be supported. Limits of the TGA remain the same.

Current residential density: 3,770 dwelling units.

Proposed residential density: 2,262 dwelling units.

Residential density reduction: 1,508 dwelling units.

Amount is consistent with reducing the density by 40%, which reflects the portion of the area north of the Centerport Interchange.

Residential Density Summary:

4,667 – total residential density reduction

700 – dwelling units from Southern Gateway allocated to Suburban land use (Rappahannock Landing)

3,967 – net residential density reduction from changes to: Eskimo Hill, Brooke Station, Leeland Station and Centerport

Recommendation:

The 3,967 units should be reallocated among the Courthouse and Southern Gateway TGAs where the boundaries are proposed to expand with the remaining units added to the Suburban land use.

RECLASSIFICATION IMPACT STATEMENT REQUIREMENTS

June 21, 2014

STAFFORD COUNTY:

Sec. 28-203. Submission.

- (c) Requests for rezoning meeting the following criteria shall be accompanied with an analysis of impact:
 - (1) Any reclassification to any land use district where maximized development under the regulations of that district would generate five hundred (500) or more average daily trips for the development. Traffic impact analysis as outlined in 24 VAC 30-155 shall be submitted when any land use reclassification where the maximum development permitted under the district regulations would generate one thousand (1,000) or more vehicle trips per day or would meet the VDOT requirements for TIAs under 24 VAC 30-155. Proffers which limit the vehicle trips per day may be taken into consideration when calculating the maximum development. An addendum or supplementary TIA shall be submitted when required by VDOT regulations.
 - (2) Any rezoning with a potential gross density of seven (7) dwelling units per acre;
 - (3) Any residential reclassification with the potential for fifty (50) dwelling units or more on the site;
 - (4) Any rezoning of more than fifty (50) acres;
 - (5) Any rezoning to a commercial classification of land adjoining land included in a residential classification.
- (d) The required analysis shall describe the differences which would result from development under the current zoning classification and from development under the proposed classification. The required analysis shall consider and shall be based on:
 - (1)

- (2) The current capacity of and the anticipated demands on highways, utilities, storm drainage, schools, and recreational facilities;
 - (3) The potential tax revenues and anticipated public expenditures;
 - (4) The location of and impact on environmental features such as; endangered species, wetlands, steep slopes and highly permeable soils;
 - (5) The impact on adjacent property and property values;
- Location of and proximity to designated and identified historic sites.

These studies shall describe the differences which would result from maximum, ultimate development of the land under the proposed zoning classification as compared to maximum development under the existing zoning classification. Such studies shall be prepared in accordance with guidelines set forth by the office of planning and shall be a part of the official application.

SPOTSYLVANIA COUNTY:

Sec. 23-4.6.2. Application requirements for amendments; determination of completeness

- n. The estimated daily vehicular trips generated by the proposed development on each road segment shown on the plan

PRINCE WILLIAM COUNTY:

Sec. 32-700.24. Format for the development analysis.

- 1. A development analysis shall be prepared by the applicant to describe and analyze the probable effects of the proposed development upon the county, and the applicant's plans for preservation of the sensitive environmental features identified in the environmental constraints analysis pursuant to section 32-700.21.6. The matters the applicant shall be required to address in the development analysis shall be determined by the planning director, following a preapplication conference pursuant section 32-700.05, based upon the size, intensity, scope and impacts of the proposed development.
- 2. The planning director shall require the development analysis to address the following as applicable:

(a)

Land use proposal: The applicant shall submit a land use proposal which shall address, but not be limited to, the following:

(1)

Proposed mix of uses;

(2)

Methods of integrating and unifying architectural and site design within land bays;

(3)

Proposed landscaping features;

(4)

Proposed public amenities;

(5)

Proposed recreational facilities and other common open space; and

(6)

Relationships of proposed uses and site design within the district to the land use classifications of the comprehensive plan and existing zoning in areas adjacent to the proposed planned development.

(b)

Historic sites and landmarks analysis: The applicant shall identify and address the potential effects on significant cultural resources (architectural, historical and archaeological), and cemeteries or grave sites, in accordance with the requirements of subsections 32-700.21.8 and 32-700.21.9 and state how these effects will be mitigated. The applicant may be requested to conduct more detailed studies in historically or archaeologically sensitive areas should review of the application demonstrate the probable existence of such areas, and the need for their evaluation and protection.

(c)

Water and sanitary sewer: The applicant shall provide a plan to serve the proposed development adequately.

(d)

General open space plan: The applicant shall prepare a general open space plan. The plan shall identify proposed tree save areas, conservation areas, and buffer areas between potentially incompatible uses and along the boundaries of the proposed planned development. The proposed method of buffering shall be clearly articulated and shown on the master zoning plan. The general boundaries of the proposed open space areas shall also be shown on the master zoning plan.

3.

The planning director may require the development analysis to address any or all of the following:

(a)

Transportation system analysis and plan: The applicant shall prepare a transportation study and plan, which shall include at a minimum the information required by subsections 32-700.20.10, and 32-700.21.4 of this chapter and the design and construction standards manual.

(b)

Development phasing plan: The applicant shall prepare a development phasing plan which identifies in what order and how proposed public utilities, public facilities and other improvements and amenities necessary to support the project will be constructed, dedicated or reserved.

(c)

Architectural plan: The applicant shall submit an architectural plan that addresses building materials, building heights, site design amenities, parking, landscaping, etc. The plan shall also address any means by which the applicant will ensure that such architectural plan would continue to govern development through its completion.

(d)

Special or unique landscape treatments: The applicant shall submit plans and/or elevations of entry features and streetscapes proposed within the development.

4.

Additional conditions: The applicant shall also address other topics that may be deemed appropriate by the applicant or planning director. These may include but not be limited to proposals for affordable housing, pedestrian and bikeway systems, road improvements beyond those necessary to serve the project, park facilities and other improvements.

5.

The development analysis shall be considered by the planning commission in its decision whether to recommend and the board of county supervisors whether to grant or deny an application for rezoning to a planned development district. To the extent that the master zoning plan makes specific reference to one or more features of the development analysis, such features shall be deemed incorporated into the master zoning plan unless such reference clearly notes it is made only for illustrative purposes or exception to such incorporation is otherwise clearly and specifically taken.

Hanover County:

No code requirements. Rezoning application requires submission of VDOT traffic analysis where required by state code and relation to historic sites based on County information.

Chesterfield County:

No code requirements. Rezoning application states that staff prepares an analysis based on Comp Plan, other policies and ordinance requirements.

Fauquier County:

B. Initiation of Amendments

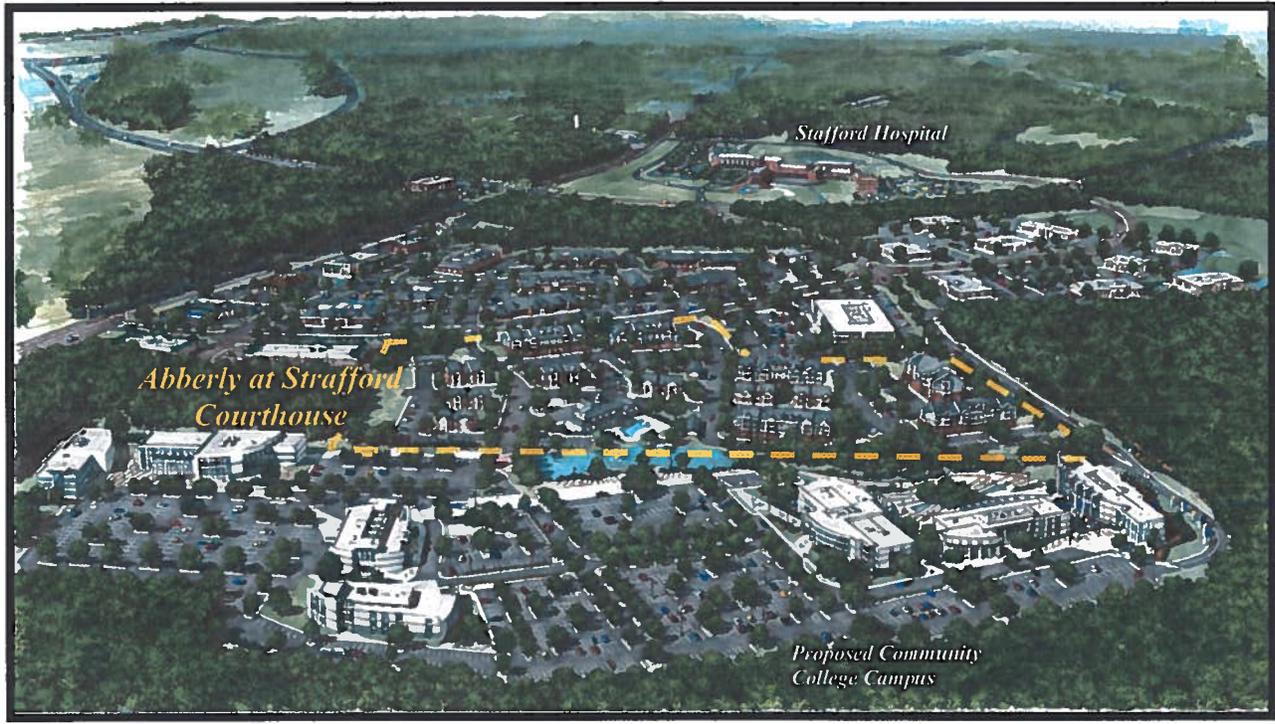
2. Zoning Map Amendments

C. Submission Requirements

f. Fifteen (15) copies of a written statement of justification, dated and signed by the applicant or his agent. This statement will address the compatibility of the request with the adopted Comprehensive Plan, its goals and objectives.

g. A Traffic Impact Analysis (TIA) or a traffic assessment as per Section 301B of the Design Standards Manual.

Abberly at Stafford Courthouse



Stafford County, Virginia
Zoning Reclassification Request: 22.02 acres
From B-3, Urban Commercial and B-2, Office
to UD, Urban Development

TAX MAP 39, PARCEL 16L and Portions of PARCELS 16 and 16H
(currently zoned B-3) and 16B and 16J (currently zoned B-2)

APPLICANT: HHHunt
January 12, 2012
Revised May 30, 2013

INTRODUCTION

Background:

This document is an update to an impact statement that was submitted prior to the adoption of the present Urban Development zoning standards, and prior to the repeal of the county cluster ordinances. The Stafford County staff review of first submission suggested that the applicant consider applying for P-TND or UD zoning classifications. These zoning classifications allow more compact, urban-like land use planning techniques that are consistent with the Economic Development Department recommendations for Redevelopment in the Courthouse Area, and in the Courthouse Urban Development Area component of the Comprehensive Plan. The property does not have sufficient acreage to be considered for *P-TND*. Therefore, the revision now being submitted proposes rezoning to the UD zoning classification. However, substantively, the infrastructure, and public service impacts are consistent with the proposal originally submitted to the County. The substantive changes to this application are essentially internal to the development, and involve the orientation of buildings and roads to create a more traditional urban design consistent with the first review comments from staff. This application proposes classification of Abberly at Stafford Courthouse as the residential portion of UD-4, Mixed Use Village Center

Site and Area Characteristics:

The subject property is located 0.2 mile (approximately 1,000 feet) east of Jefferson Davis Highway and 0.4 mile (approximately 2,000 feet) south of Stafford Hospital. The property consists of 22.02 acres and is an area identified in the Stafford County Comprehensive Plan as the *Stafford Courthouse Urban Development Area (UDA)*. The draft Stafford Courthouse UDA generalized land use plan shows a design that will allow the future use of the site to be *Residential*. The proposed site is made up of Tax Map Parcel 16L and portions of Parcels 16, 16H, 16B and 16J.

The proposed zoning reclassification would allow 288 dwelling units on 22.02 acres with a density of approximately 13 dwellings per net acre. The proposed community, to be known as Abberly at Stafford Courthouse, fronts on Old Potomac Church Road along its easternmost boundary. The northern boundary of Abberly will be formed by the right-of-way for the proposed South Campus Boulevard. South Campus Boulevard is an east/west connector road linking the properties within the portion of the Stafford Courthouse UDA south of the Stafford Hospital campus. The Abberly property is within an area identified in the proposed UDA as South Courthouse Commons. Approximately 107 acres of the proposed South Courthouse Commons was identified in a 2009 zoning reclassification as the *South Campus* development. The proffered conditions for a 52.8 acre parcel in *South Campus* made substantial commitments to develop the South Campus properties based on a unifying street network, including South Campus Blvd. as the major new arterial route that would provide alternative access to Courthouse Road and provide a new front door to properties having significant economic development potential located south of Stafford Hospital alter defined by the county as South Courthouse Commons. The majority of the properties surrounding Abberly at Stafford

Courthouse are currently zoned B-3 and B-2 and are not subject to proffered conditions. The southern boundary abuts property that is currently zoned A-1, Agricultural, but is planned *Suburban* in the land use plan.

The overall area is mostly wooded and has varied topography. The properties that make up the Abberly at Stafford Courthouse proposal are currently zoned B-2 and B-3 zoning classifications and can be developed *by-right* for all uses permitted in those zoning districts. An existing private access easement known as Peake Lane extends from Route 1 to the property, but is only partially complete. Existing vehicular access to the property is by Old Potomac Church Road from the east. Old Potomac Church Road is a paved ditch section street. Several private access easements cross the property, but have not been improved to make them passable to vehicular traffic. The new street network proposed in the Abberly at Stafford Courthouse will replace the existing Peake Lane and the unimproved access easements.

Proposal:

The applicant proposes a zoning reclassification for 22.02 acres from B-2 and B-3 to the *UD, Urban Development* zoning classification. The purpose of the *UD, Urban Development* zoning classification is described as:

"...provide areas of the county that are suitable for an urban approach to land-use planning and urban design that promotes the development or re-development of pedestrian-friendly, walkable neighborhoods with a mix of uses and housing types served by an interconnected network of streets."

The proposed zoning reclassification would allow 288 dwelling units on 22.02 acres, which is a density of approximately 13 dwellings per acre. The proposed development will provide approximately 10 acres of open space (45.7%) within a development designed with grid network of streets.

The requested *UD, Urban Development* zoning is consistent with the Comprehensive Plan designation and the Urban Development Area (UDA) goals established for this area of the county. The proposed development will provide a residential element in the South Courthouse Commons portions of the UDA, which is presently zoned for a variety of office, retail and retail service uses. The introduction of residential at this location in the UDA will be the beginning of a vibrant mixed use area south of the Stafford Hospital campus. The proposed residential and nonresidential uses are carefully placed within walkable distances of a variety of nonresidential areas in South Courthouse Commons 1/4 mile to 1/3 mile or less from the proposed residential development.

In 2006, Stafford County began a planning process to identify goals for a Courthouse Redevelopment Area (RDA) as part of the County's Economic Development Strategic Plan. The County subsequently began preparing a Courthouse Urban Development Area (UDA) plan to implement concepts identified in the RDA. The Courthouse UDA identifies the area surrounding the *Abberly at Stafford Courthouse* zoning reclassification as being the urban center. Grid-like alignments of roads are proposed in the UDA graphics, but do not take into account the proffered alignment of South Campus Boulevard, which was designed taking into consideration the

topography and current parcel boundaries. Because the development land bays shown in the UDA do not perfectly match the size and shape of the existing zonings and parcel ownerships, there are differences between the UDA plan and the natural configuration of the land bays that result from the previously approved proffered rezoning, ownerships and the practical constraints of construction.

The Abberly proposal requests a zoning reclassification of property currently zoned B-2 and B-3 without proffered conditions to UD-4 with proffered conditions that include a commitment to provide a site for a Stafford Campus for Germanna Community College on a 25 acre property located south of the Abberly parcel. In addition, the development of Abberly at Stafford Courthouse will bring infrastructure including roads, utilities, and environmental measures that will not only support a new campus for Germanna Community College but also facilitate employment uses within the area south of the Stafford Hospital by providing work force housing and continuing education opportunities within walking distance. The zoning reclassification would allow multifamily development of the area presently planned in the UDA for multifamily residential, townhouse and single family uses. As a matter of practicality, it would not be reasonable to attempt to build a mixture of multifamily residential, townhouse and single family uses on 22 acres as is currently proposed in the Plan. The design for Abberly at Stafford Courthouse does propose two types of multifamily residential buildings to provide the variety of housing stock within the UDA. Although the housing unit types are different from the townhouses and single-family (detached) shown in the Comprehensive Plan, the goal for residential in this area is consistent with the proposal. Also, one of the purposes of planning townhouses and single-family detached development at this location in the UDA was to transition to the single-family dwellings anticipated south of the subject of the UDA, but the present proposal is to locate a community college campus south of Abberly and eliminates the need for the type transitioning shown in the Comprehensive Plan.

The Courthouse UDA Land Use plan was prepared as a follow-up to the RDA and the intent of both plans is to promote this area of the county as a focal point for a mixed use community to facilitate economic development. The mixed use development goals and strategies build upon existing and evolving employment uses proximate to, and including the County Administrative Complex, Courthouse, School Board Complex, and Stafford Hospital. The UDA Land Use Plan was not engineered to determine the feasibility, or environmental impact of the use and road locations that are shown in the Plan. It is apparent that the proposed Land Use designation boundaries were established, for the most part, based on a hypothetical grid pattern of roads. The UDA land use designations also ignored existing zoning, proffered roads and uses and property lines. The this reason, it is natural to expect that the specific land use placements and configuration is intended to be flexible and evolve with individual applications that are prepared based on these factors.

A. CURRENT CAPACITY AND ANTICIPATED DEMAND.

A portion of the the subject property currently fronts on Old Potomac Church Road, which is a paved 2-lane street. The majority of the property is zoned B-3, and there are no proffered conditions requiring road improvements from development of the subject parcels for uses allowable by-right under B-3 zoning (i.e., office, restaurant, school, bank and low intensity retail uses). The maximum permissible Floor Area Ratio (FAR) in the B-3 district is 0.45; therefore, a building area yield of over 500,000 square feet would be permissible by-right under the existing zoning. Instead, Abberly at Stafford Courthouse proposes 288 dwelling units and will provide substantial infrastructure improvements that will facilitate non-residential and residential development proposed in the Courthouse UDA which the County is promoting as a location for the concentration of residential, retail and employment uses at higher than average densities, to reduce demand in suburban and rural areas of the county.

Highways:

The Courthouse UDA report includes an analysis of the three existing primary intersections in the UDA. These analyses of existing conditions prepared for 2011 and projected for 2020 scenarios are based on build-out of the capacity (i.e., maximum potential) of the UDA. The UDA transportation assumptions and suggestions encourage more compact, diverse development with grid patterned streets including improvements like trails, sidewalks and transit that will attract more pedestrian activity. The goal of encouraging such designs is to reduce the reliance on automobiles and encourage other modes of transportation, such as biking, walking and the use of public transit. The stated benefit would be a higher than average non-vehicular modal split and less need for motor vehicle infrastructure overall. Abberly at Stafford Courthouse has been designed with these concepts in mind, and to the maximum extent possible, combines the convenience of the close proximity to future office employment and retail service amenities, and utilizes pedestrian/bicycle access opportunities. Sidewalks and trails will be provided to encourage pedestrian and bicycle traffic within the site and act as links to the network of sidewalks and trails on surrounding properties and rights-of-way.

A separate, detailed Traffic Impact Analysis (TIA) for motor vehicle traffic has been prepared by Kimley-Horn and Associates, Inc. The TIA contains an evaluation of the existing and proposed transportation network, as well as the impacts of the proposed zoning reclassification. The following five intersections are analyzed in the TIA:

1. South Campus Blvd. and US Route 1
2. South Campus Blvd. and Old Potomac Church Road
3. South Campus Blvd. and Abberly Entrance 1
4. Old Potomac Church Road and Abberly Entrance 2
5. Old Potomac Church Road and Hospital Center Blvd.

The proposed residential development is located on the south side of the proposed South Campus Blvd. South Campus Blvd. was proffered with a 2009 zoning reclassification as a landscaped boulevard having a right-of-way width of up to 110 feet and consisting of 4 to 6 lanes with a

raised median. The proffers require the developer to provide an additional 50 feet of right-of-way if the Virginia Department of Transportation aligns South Campus Blvd. with the I-95 connector. South Campus Blvd. is envisioned to function as a major connection between Jefferson Davis Highway and Hospital Center Blvd. and/or Courthouse Road. In addition to providing a major east/west connector drawing people to the core of the proposed South Courthouse Commons portion of the UDA, the proffered design of South Campus Blvd. provides a southern loop dispersing traffic around Stafford Hospital and the Courthouse, relieving traffic volumes on the routes to the north and providing an alternative route in the event of an incident on Courthouse Road and/or Hospital Center Blvd.

The Master Redevelopment Plan, Volume IX, Stafford County Traffic Data provides an analysis of specific existing roadways and defines the road types and design capacities of roads within the redevelopment areas. Minor Arterials are defined as roads that are designed to carry high volumes of traffic at moderate speeds. The design speed for Minor Arterials is 40 to 60 miles per hour (MPH). Such roads would carry 10,000 to 15,000 vehicles per day (VPD). The anticipated right-of-way widths are 90 feet for urban areas and 140 feet for rural areas.

Major Collectors are defined as being designed to carry traffic volumes in excess of 10,000 VPD and have an anticipated right-of-way width of 64 to 90 feet. Major Collectors in urban areas would not have a median, and the design speed is 30 to 50 MPH. The proffered design of South Campus Blvd. best fits the Minor Arterial description. However, the proposed Courthouse UDA substitutes a road identified as Spartan Lane Extended to provide the east/west function provided by the proffered South Campus Blvd. and describes Spartan Lane through the core area as a 5-lane avenue. South Campus Blvd. is proffered as a 4 lane road with potential for 6 lanes at intersections (i.e., dedicated right and left turn lanes). A five lane road allows for a dedicated left turn lane, but not dedicated right turn lanes at intersections. Consistent with staff comments, the proposed proffered conditions propose a 95-foot wide right-of-way for South Campus Blvd.

Abberly at Stafford Courthouse and the commercial/office portions of South Campus provide monetary and "in-kind" solutions to construct the transportation infrastructure needed to support the land uses currently proposed in the Courthouse UDA. Many of the challenges identified in the TIAs prepared for the RDA, UDA and Parcel 71A zoning reclassification reflect existing conditions and/or off-site needs that are generated by the overall Courthouse area and beyond. South Campus Boulevard and the road network within Abberly provide a substantial improvement over the present transportation network.

Abberly at Stafford Courthouse will mitigate its impacts and phase its development to maintain level of service "D" in proximity to its development. In addition, the applicant will actively participate in efforts to identify approaches to address collaborative solutions to unfunded County transportation needs such as, but not limited to, alternative funding strategies for infrastructure as well as supporting implementation of traffic congestion management and/or traffic demand management to support the goals for the UDA. For the purposes of the traffic impact analysis, the proposed development was assumed to consist of 290 residential units on approximately 21 acres. The proposed development is anticipated to be completed (build-out) in 2014. The proposed 290 residential units are projected to generate approximately 1,825 vehicles

per day (VPD), taking into account a 3% vehicle trip reduction for bicycle, pedestrian and transit trips. Should the existing site build out under by-right, existing zoning conditions (assuming 411,600 SF of general office building), the site is projected to generate approximately 4,000 VPD. The proposed land use is consistent with the County's Courthouse Urban Development Area (UDA) Plan, which designates this area as residential use, and with the County's Comprehensive Plan, which calls for 1,386 new dwelling units within the Courthouse area. The traffic impacts of the proposed development have been analyzed for 2014 and 2020 conditions. Analyses were conducted for both the AM and PM peak hours.

The analyses contained in the TIA account for the anticipated influence of the following approved, but unbuilt developments: South Campus Development and the unbuilt/unoccupied portions of the Stafford Hospital Center. The TIA also accounts for the following future area roadway improvements as identified during the scoping process: Venture Drive Extension / South Campus Boulevard.

Site access will be provided to the proposed development via two full-movement entrance points along the proposed South Campus Blvd. One full movement entrance will be located on the south side of Future South Campus Boulevard, approximately 800 feet east of Jefferson Davis Hwy. The second full movement entrance will be located approximately 1,300 feet east of Jefferson Davis Hwy. A third entrance to Abberly is proposed on the west side of Old Potomac Church Road, approximately 900 feet south of the proposed South Campus Boulevard, or 250 feet south of the intersection of Old Potomac Church Rd. and Shad Landing Drive.

The existing access easements identified in the Master Plan will be relocated and replaced by the new grid streets proposed. The proposed east/west public street connection through the site has been located to provide optimum spacing and access to the properties east and west of Abberly. Alignment of an intersection with Shad Landing Drive, which is actually a pipestem driveway and a part of Parcel 56A, was suggested by staff, but would potentially negatively impact the three private residences currently gaining access from that private pipestem.

Key Findings and Conclusions

An updated TIA has been provided with the second submission and addresses questions raised during the first review. The analyses were performed at the study area intersections under 2014 and 2020 Build conditions in accordance with requirements in the VDOT Road Design Manual. Under 2014 Build – Scenario 1 conditions, an eastbound right-turn lane is warranted at the intersection of Hospital Center Boulevard / Old Potomac Church Road. Under 2014 Build – Scenario 2 conditions, a southbound left-turn lane and northbound right-turn taper are warranted at the intersection of US Route 1 / Peake Lane (Future South Campus Boulevard). Under 2020 Build conditions the following turn lanes are warranted:

- Eastbound right-turn lane on Hospital Center Boulevard at Old Potomac Church Road
- Northbound right-turn lane and southbound left-turn lane on US Route 1 at Peake Lane (Future South Campus Blvd)

- Eastbound right-turn lane on Future South Campus Blvd at Proposed Entrance #1

A traffic signal warrant analysis was performed based on the methodology for “New Intersections” as defined in the ITE Manual of Traffic Signal Design, Second Edition, for the proposed US Route 1 / South Campus Boulevard intersection. The results of the traffic signal warrant analyses are outlined below:

- US Route 1 and South Campus Boulevard
 - 2014 – MET (2 of 3 warrants satisfied)
 - 2020 – MET (3 of 3 warrants satisfied)

Under 2014 conditions, the aforementioned intersection just meets the minimum threshold for a traffic signal on South Campus Boulevard (minor street approach); therefore, this intersection was analyzed as a stop-controlled intersection for the purposes of this study. It is recommended that a traffic signal warrant analysis be conducted post-build out of the proposed development, in accordance with Manual on Uniform Traffic Control Devices (MUTCD) traffic signal warrants, to determine if a traffic signal is warranted in 2014. The subject intersection was analyzed as a signal-controlled intersection under 2020 conditions.

Under 2014 Build – Scenario 2 conditions, the following improvements are recommended to accommodate the proposed development traffic volumes:

- Half section (two lanes) of Future South Campus Boulevard from US Route 1 to Old Potomac Church Road
- Southbound left-turn lane (200 feet of storage / 200 feet of taper) at the US Route 1 / Peake Lane (Future South Campus Boulevard) intersection
- Northbound right-turn taper (200 feet of taper) at the US Route 1 / Peake Lane (Future South Campus Boulevard) intersection

All roadway improvements identified under Scenario 2 are currently proffered with Parcel 71-A (South Campus). At the time of this report, it was anticipated that the Abberly at Stafford Courthouse development would be built out prior to the South Campus (Parcel 71-A) development; therefore, it is recommended that the previously identified 2014 Build – Scenario 2 roadway improvements be constructed at the build-out of Abberly at Stafford Courthouse.

Under 2020 Build conditions, an additional eastbound right-turn lane is recommended at the Future South Campus Boulevard / Proposed Entrance #1 intersection, in addition to the proffered roadway improvements associated with the proposed South Campus development.

The construction of South Campus Boulevard will vastly improve the prospects for the successful development of the South Courthouse Commons portion of the Courthouse UDA.

Utilities:

Public Water is accessible to the site from existing waterlines located to the north and the west. A 12-inch water line is located in the right-of-way of Hospital Center Blvd. and Jefferson Davis Highway. A planned capital improvement project that will add a 1 million gallon elevated tank to the system in the vicinity of South Campus will ameliorate the effects of the increased demand in the Courthouse UDA. The design of the public water distribution system to serve the site will be determined at the time of site plan review in accordance with utility requirements. The extension of public water service to Abberly will require a 1,550 ft. extension of waterlines to the site and will provide frontage access to public waterlines to approximately 55 acres in the UDA which will include approximately 32 acres zoned and planned for nonresidential use. In addition, the availability of South Campus Boulevard as an alternative access route will be a significant improvement for the properties currently relying solely on Old Potomac Church Road.

Public Sewer is available in the Hospital Center Blvd. right-of-way, and an existing line is also located in the Jefferson Davis Highway right-of-way near the intersection with Peake Lane. The analysis provided with the Courthouse UDA indicates that a combination of gravity sewerage and force mains will be required because of the varied topography of the site. A pump station is proposed at a location that will service Abberly, Germanna Community College and additional properties in the sewer shed. The location proposed is based on an assessment of the most efficient location for the facility while incorporating as much land area within the sewer shed as possible. The design of the sewer lines and supporting infrastructure to the site will be determined at the time of site plan review in accordance with utility requirements. The pump station will be modified and constructed in accordance with County standards so that the facility can be operated and maintained as a regional facility. This facility is planned to provide a near-term solution to the long range plan for pump station A-207. It is our understanding through discussions with the County that pump station A-207 is not funded nor is funding expected. Operating agreements and bonds will be provided as necessary.

Based on a mixed use of retail, office, bank, grocery store and restaurant uses that would be permitted by the existing B-2 and B-3 zoning, the estimated flow rate would be 70,500 gallons per day (gpd). With the proposed rezoning of UD to allow residential uses (a combination of one, two, and three bedroom apartments), the estimated flow rate is 58,600 gpd. Therefore the proposed rezoning decreases the estimated flow by 11,900 gpd or approximately 17%.

In addition to reducing service demand, the proposed rezoning will accelerate the provision of water sewer infrastructure to an area where the County is encouraging development.

Electric utility lines can be extended to the site from their current locations in Jefferson Davis Highway and Hospital Center Boulevard. The extension of electric lines to Abberly will require approximately 1,550 ft. extension of electric lines to the site and will provide frontage access to electric service to approximately 55 acres in the UDA which will include approximately 32 acres zoned and planned for nonresidential use.

Storm Drainage:

Stormwater management will be provided in accordance with minimum State and County standards. The proposed development drains toward the south to a tributary of Jumping Branch Run. Jumping Branch Run drains to Accokeek Creek. There are no Resource Protection Areas (RPA) or known wetlands located on the property. A stormwater management facility serving several parcels in South Campus is proposed and will provide a scenic lake as a focal point amenity within the UDA core areas. The watershed for the proposed wet pond is approximately 56 acres and serves approximately 33 acres zoned and planned for nonresidential use.

The impervious cover under the existing zoning would likely be 70%, which is typical of commercial development. The maximum impervious area permitted by the Zoning Ordinance for a particular zoning district is established through the minimum open space ratio requirements. The term "open space ratio" is defined as *"the percentage of the total gross area of a parcel that is open space and not impervious surface."* Common areas and recreational areas count toward the district open space requirement. Open spaces, including but not limited to common areas, will be located throughout Abberly and also include amenities such as pedestrian and bicycle trails, picnic tables, benches and/or other similar features that are not likely to be elements of a by-right commercial development. The locations of these features will be determined during final site plan review. The proposed Abberly will have significantly more pervious area in that the open space ratio will be in excess of 45%. Therefore, the impervious area would be approximately 55% versus the 70% typical of commercial development.

Schools:

Stafford Elementary School is located approximately 1 mile north of the subject property (using existing roads). Stafford Middle School and Breakpoint High School are located 0.6 mile and 0.7 mile, respectively, from the proposed development. Using existing roads, the travel distance to Stafford Middle School is 1.4 miles, and the travel distance to Breakpoint High School is 1.75 miles.

The proposed zoning reclassification requests 288 multifamily/apartment dwelling units. The student generation factor for multifamily/apartments used by the County is 0.18 elementary, 0.06 middle, and 0.08 high school students. Presumably these generation factors are based on a survey of multifamily/apartments existing in Stafford County when the factors were developed. No information has been provided regarding the data used, sample size, age of developments, or the mixture of 1, 2 and 3-bedroom units within the projects surveyed. Based on the Stafford County student generation factor, 288 apartment units would generate 50 elementary, 18 middle, and 24 high school students, for a total of 92 students. However, HHHunt owns and manages multifamily/apartment communities throughout Virginia and the surrounding states. These multifamily/apartment communities in aggregate include approximately 7,000 dwelling units. Based on their extensive and on-going experience at their communities, HHHunt finds that 1 bedroom dwelling units generate no school age children. In the rare occasion that a 1 bedroom

unit generates a school age child, it is a very temporary situation. Separate bedrooms are needed for minor school age children; therefore, parents with school age children need a 2 bedroom unit or a 3 bedroom unit.

Abberly at Stafford Courthouse is proposing 140 1-bedroom units which, based on their experience, will not generate any students. They are also proposing 142 2-bedroom units which, in their experience, may generate about 1 student for every 5 apartments. In addition, they will have 6 3-bedroom units, which tend to generate public school age children at about the same rate as 2-bedroom units.

The following table compares the Stafford County generation factors to national averages:

Number of Bedrooms per dwelling unit	1 Bedroom	2 Bedroom	3 Bedroom	Projected Students
Number apartment units by number of bedrooms	140	142	6	
Student generation based on Stafford County factor (0.32)	44.8	45.44	1.92	92.16
Student generation based on National averages (0.21)	29.4	29.82	1.26	60.48
HHHunt typical student generation rate	0.0	28.0	28.4	56.4

The existing unproffered B-2 and B-3, Office zoning will not generate public school students. Based on their 7,000 multifamily dwelling units located in communities in Virginia and neighboring states, HHHunt estimates that Abberly at Stafford Courthouse will generate approximately 40 to 50 public school age students. However, with regard to educational needs within the community, HHHunt became aware of a proposal to locate a community college in the vicinity of Abberly and contracted to purchase approximately 25 acres for a future Stafford Courthouse campus of Germanna Community College. The prospective community college campus is located on the parcel immediately to the south of Abberly. HHHunt proposes donating this 25 acres for a Stafford Courthouse campus of Germanna Community College as a contribution toward improving educational opportunities in Stafford County.

Parks and Recreation:

Recreational facilities associated with the public schools and school system properties are located in the vicinity. A Civil War Park with a network of trails is to be developed to the south with a probable connection to the South Courthouse Commons area along a former alignment of Old Potomac Church Road. Open space along Black Branch and the associated tributaries and RPA that was previously proffered for donation to the County, provide an opportunity for preserved open spaces and passive recreation such as trails that could be complementary to the Urban development proposed on this site and for the surrounding properties. A property to the east of Abberly is owned by the Stafford Recreational Soccer League (TM39-71). The Soccer

League property is proposed to be developed as a complex of soccer fields in the future and abuts the portion of the South Campus property proposed for preservation as open space.

Abberly at Stafford Courthouse will provide recreational amenities to its residents in the form of a pool, fitness equipment and on-site open spaces.

B. FISCAL IMPACT.

The proposed Abberly at Stafford Courthouse will provide a portion of the residential mix of uses desired in the proposed Courthouse UDA. The location of Abberly is ideal, not only because it is situated in the core of South Courthouse Commons, but also because of its proximity to the new Stafford Hospital and the various County Offices located on Courthouse Road and Jefferson Davis Hwy. Abberly will provide much needed work-force housing for the Hospital, governmental agencies and nearby base sites for public safety "first responders".

Also, South Campus Blvd., which will be constructed with Abberly, is critical to the realization of the County's UDA and economic development goals for this area. South Campus Blvd. will provide needed access to the South Courthouse Common portion of the UDA. This area is currently accessed only by Old Potomac Church Road and is effectively landlocked by the limited capacity of that road. South Campus Blvd. is a road that will be constructed by a developer and is key to the development of this portion of the UDA. Without private financing of this road, the County does not have resources to secure the right-of-way and provide transportation infrastructure to this portion of the UDA.

Monetary Proffer Guidelines. Policies in the Comprehensive Plan recommend that the County collect funds from land development proposals to pay the presumed costs of growth and development (Objective 2.7), and specifically collect proffers on rezoning applications to the extent possible to meet capital improvement needs (Policy 2.7.3). The County's proffer guidelines recommend \$23,823 per multi-family dwelling, or \$6,861,024 total for 288 dwelling units. Notwithstanding their position that Abberly will have less impact on public schools, recreation and libraries than is indicated in the County estimates, HHHunt proposes donating 25 acres that it has under contract for a proposed Stafford Courthouse campus of Germanna Community College and is offering the following monetary contributions.

<i>Parks and Recreation</i>	<i>Libraries</i>	<i>Fire and Rescue</i>	<i>Transportation</i>	<i>General Government</i>
\$7,419	\$613	\$790	\$6,499	\$532

However, HHHunt finds that the mixture of unit types proposed in the Abberly community is likely to result in substantially fewer public school age children than is indicated in the County formula, and that the recreational amenities that are offered in their communities will result in less impact on public parks than is assumed in the county formula. Monetary contributions or *in-kind improvements* equaling or exceeding \$15,853 per multifamily residence (a total of \$4,565,664.00) will be proffered, as are routinely requested by the County for multifamily communities. In-kind improvements would include certain off-site construction, such as over-

sizing of infrastructure to serve the development of surrounding properties and the dedication of off-site property for public use and/or public right-of-way.

C. ENVIRONMENTAL IMPACT.

The locations of site improvements, topographic conditions, vegetation, soils and development impacts are indicated on the Abberly at Stafford Courthouse Master Plan and the environmental study prepared by Hydro-Environmental Consultants that accompany this submittal. The locations of buildings and parking areas were determined based on the most efficient placement of such improvements taking into account the site topography, road and travelway design standards, and minimum County requirements for setbacks and open space. There are no known Rare, Threatened and Endangered Species on the property. Hydro-Environmental Consultants, LLC conducted a wetland survey for the property, and no wetland areas were identified. A Phase I Environmental Site Assessment for the area did not identify any sources of contamination or potential releases of contaminants impacting the subject property. Well removed from the area of the proposed Abberly at Stafford Courthouse, the most significant environmental area involved with the South Campus development is associated with Black Branch and tributary perennial streams located east of Parcel 71A. The proffered conditions of South Campus Parcel 71A committed that this area associated with Black Branch is to be preserved in its natural state, with the possible exception of utility lines that may be necessary, and is proffered for possible dedication as public open space that could provide the beginning of a north/south green stream valley corridor that can be created along the eastern boundary of South Courthouse Commons area without diminishing the area available for economic development. This green corridor could also connect with civil war trails to the south providing a greenway to Courthouse Road.

Open space has been identified on the Master Plan. The SWM/BMP facility is planned to be shared by Abberly at Stafford Courthouse and the future campus of Germanna Community College, and possibly with others if there is an opportunity for such shared use at the time of final design. The SWM/BMP facility is allowed to be included as Open Space by the Zoning Ordinance, and many SWM/BMP facilities are attractive focal points and become valuable habitat areas for wildlife, particularly water fowl. The design goal for the Abberly community is that the SWM/BMP facility will also be attractive and will serve as an amenity. Additional engineering information will become available with the final site planning for the community.

D. IMPACT ON ADJACENT PROPERTY.

The surrounding properties are largely undeveloped, but six dwellings and an adult care facility, "Marian Manor", which provides care for Alzheimer's patients, exist along Old Potomac Church Road east of Abberly, and two dwellings and a roller skating facility are located west of Abberly and have access driveways to Jefferson Davis Highway. The Comprehensive Plan proposes Urban intensity land uses on the surrounding properties, and many of these properties are already zoned for Urban Commercial or for Office use. Redevelopment of the surrounding properties in a manner consistent with the Courthouse UDA plan and/or the existing urban intensity commercial zonings is anticipated. The urban design goals of the UDA encourage mixed uses

and walkable development patterns and, therefore, the design goal is to integrate residential and non-residential uses. Transportation and other infrastructure improvements that will be provided concurrent with the proposed development will greatly improve access and public services to the surrounding properties and existing uses currently accessed solely by Old Potomac Church Road. The proposed development is consistent with the Comprehensive Plan land uses intended for the area.

E. LOCATION AND PROXIMITY TO DESIGNATED AND IDENTIFIED HISTORIC SITES.

Detailed cultural resource studies for the property have been conducted. The results of the cultural resource studies are being provided with this submission. Phase II archaeological studies of the development areas will be completed, when recommended by the Phase I, prior to construction on the subject properties.

F. ARCHITECTURAL AND URBAN DESIGN

The architecture throughout Abberly will be consistent with a Master Plan and Design Manual prepared based on the criteria proposed for South Courthouse Commons proffered with this zoning reclassification proposal. Scale, details, materials and massing will all be addressed to the degree appropriate to achieve goals of the plan and Abberly at Stafford Courthouse. While the general theme and detailing unifies the overall area, buildings in each block within Abberly at Stafford Courthouse have specific requirements based on location, adjacent land uses, topography, existing conditions and proposed land use. The plan for Abberly at Stafford Courthouse is important, but rarely does anyone see the development in plan view. Instead, the perception of Abberly will be at street level and specifically with the design of the buildings.

The dwelling unit type shown in the Master Plan is interior-accessed apartments with parking in the first level of many of the structures. Apartment complexes are a relatively new development concept and are traditionally suburban in character and function, but in suburban settings, such units are commonly exterior-accessed and do not include any parking within structures. While the Abberly dwelling unit type meets the present, broadly worded definition of “*Multifamily*” in the Stafford County Zoning Ordinance, the actual design is quite different from any existing residential development in Stafford County and will be unique. Abberly is a collection of well designed buildings using traditional themes that will be home to numerous individuals and families, but it is hardly a garden style apartment complex often found in suburban settings. Unlike ‘garden style’ apartment buildings, the design guidelines submitted with this application are intended to create buildings at Abberly that are more reminiscent in style, character, scale and detailing of older apartment buildings built in historic Fredericksburg, Richmond and other cities in the region. The chief differences in this proposed community and communities in historic areas are the amount of green space that is preserved on-site and the availability of parking for motor vehicles. The amount of on-site green space is not only to meet County minimum requirements, but is also the result of the careful siting of buildings to meet the County’s goals for preserving natural topography and to meet the maximum slope requirements

for public and private streets. These types of regulatory standards were not a factor when historic areas were developed; therefore, new efforts to replicate the feel of historic downtowns necessarily require compromises between designs that were allowed in the past and new regulations that have been imposed since the 1950s. In addition to responding to competing regulatory policies, an investor in any development must be responsive to consumer expectations. While the goal for South Courthouse Commons is to build a neo-traditional environment providing opportunities for transit and pedestrian oriented development, Abberly will likely be one of the very first developments to occur in this area. Until the planned commercial areas grow around it, Abberly residents have the Hospital and eventually the Germanna Community College, as a possible employment destination within walking distance. However, within a very short driving distance, significant employment opportunities exist in the complex of State and County offices located along Courthouse Road and Jefferson Davis Highway. In the near term, residents of Abberly are more likely to use vehicles to reach these employment destinations because they are slightly beyond commonly assumed walking distances. Other employment and retail service destinations will evolve as the area grows, but within the early phases, residents will still need to rely upon their automobiles, and will therefore need sufficient parking, to access existing nearby developed areas. Nonetheless, Abberly at Stafford Courthouse will be a genesis for the type of development sought in the UDA, and it will provide infrastructure that will make the yet-to-be-developed nonresidential areas accessible. In its initial stages, Abberly is designed to provide services to its residents that will meet their needs until the other elements of a "walkable community" are available in the surrounding area.

Rather than treating Abberly as an island, the project has been designed with the understanding that it is an integral component to the larger South Courthouse Commons master plan. Connectivity by roadways and sidewalks/trails will help ensure that a unified overall master plan is achieved, rather than singular isolated and buffered pods. Architectural themes, in which Abberly will play a key role, will emerge that create a sense of place for all of South Courthouse Commons.

Abberly also plays a key role in the greater master plan of the area. Town centers work best when the primary focus has been placed in a key area and surrounding uses (such as Abberly) support the town center. With Abberly's density, connectivity and architectural pattern language, a successful 'center' in South Courthouse Commons will emerge, rather than the traditional spread of commercial uses. South Campus Boulevard, however, will carry significant volumes of traffic. This roadway will serve as an arterial that will funnel traffic into South Courthouse Commons as well as carry major traffic through the site. The intensity of use of these types of roads does not make them suitable for the "build to lines" described in the proposed UDA plan. Modifications to some of the development standards of the current UD zoning ordinance requirements adopt the standards to the competing requirements for infrastructure design, environmental standard and practical limitations of construction requirements. These are described in more detail in Attachment "A". The creation of a distinctive and attractive community with a strong sense of place, preserving open space for the enjoyment of the residents of Abberly and the general public, and the integration of Abberly at Stafford Courthouse into the South Courthouse Commons portion of the UDA are addressed in greater detail in the Design Manual.

ATTACHMENT "A"

Justification for Deviations and Modifications: Zoning Ordinance 28-34.UD

A. Urban Development Area Land Use Designations.

Background

Abberly is a proposed multifamily dwelling development located in the area included in the Courthouse Urban Development Area (UDA) of the Comprehensive Plan as well as the Redevelopment Area (RDA) identified by the Department of Economic Development in their study prepared Adopted on May 17, 2011. A zoning reclassification is proposed to rezone the property from B-3 Office to UD-4, which would allow development of a residential component. Including a residential component is consistent with the mixed use, walkable community goals for the area as determined in the RDA, and complement the surrounding employment uses by providing residential opportunities close to employment opportunities.

The UDA Land Use plan proposes Townhouses and Single Family (detached) dwellings on portions of a property that is currently zoned B-3, Office and is not subject to proffered conditions. The Abberly proposal would result in the reclassification of this unproffered B-3 with UD-4, Urban residential zoning which would be subject to proffered conditions. Although the housing unit is different from the townhouses and single-family (detached), the goal for residential in this area is consistent. Placing townhouses and single-family detached development at this location was to transition to the single-family dwellings anticipated south of the subject parcel, and the present proposal is to locate a community college campus south of Abberly.

The Courthouse UDA Land Use plan was prepared as a follow-up to the RDA and the intent of both plans is to promote this area of the county as a focal point for a mixed use community. The mixed use development goals and strategies build upon existing and evolving employment uses proximate to, and including the County Administrative Complex, Courthouse, School Board Complex, and Stafford Hospital. However, it is our understanding that the UDA Land Use Plan was not engineered to determine the feasibility, or environmental impact of the use and road locations that are shown in the Plan. It is apparent that the proposed Land Use designation boundaries were established, for the most part, based on these proposed road locations. The UDA land use designations also ignored existing zoning and property lines.

It is our understanding at the time that the UDA Plan was being developed that the Plan was intended only as an example of compact, grid pattern design being encouraged by the County to support a mixture of uses, and promote a more pedestrian and transit oriented style of development. It also is our understanding that the Townhouse and Single-family area included in the UDA Land Use plan was to address concerns that the densities being proposed should transition down to lower intensity uses anticipated south of the Courthouse UDA.

A. (continued)

Deviation from UDA Land Use Plan Needed and Justification

Deviation from literal interpretation of UDA Land Use Plan

The Abberly proposal requests a zoning reclassification of property currently zoned B-3 without proffered conditions to UD-4 with proffered conditions that will commit to provide a site for a Stafford Campus for Germanna Community College, and infrastructure including roads, utilities, and environmental measures that will not only support Germanna Community College but also facilitate employment uses within the area south of the Stafford Hospital. The zoning reclassification would allow multifamily development of the area presently planned in the UDA for High density residential, townhouse and single family uses.

The proposed design of Abberly strikes a balance between:

1. Highly conceptualized Land Use Plan for the area,
2. Engineering realities of the topography of the property,
3. Locations and capacity of existing roads and existing road proffers,
4. Existing zoning and property ownerships, and
5. New opportunity of a Germanna Community College to the immediate south of Abberly, and
6. Topography of the property

Justification

The topography of the property, particularly the elevations of the existing surrounding street network, is a central factor in determining the street locations. The feasibility of the land use plan is, in turn, dependent on the feasibility of the street design. These factors were not taken into consideration when the UDA Land Use Plan and the road locations shown in the Land Use Plan.

Street design standards impose minimum distances between intersections based on the functional requirements of the existing and proposed streets. Streets must also comply with maximum slope requirements and sight distance requirements. The existing and proposed street layout and design for an area form a three dimensional "frame" that determines the grade elevations necessary to access the adjoining properties.

The earlier rezoning of South Campus proffered the location and construction of a major new east/west connector between Rte. 1 and Old Potomac Church Rd. that is needed to access the properties in the area identified in the Land Use Plan as South Courthouse

Commons. This road is identified as South Campus Blvd. The location of South Campus Blvd. was determined at the time of the analysis of the South Campus zoning reclassification based on preliminary engineering which took into account topography, road design standards, and environmental elements of the property. This proffered road design meets capacity, maximum slope, and intersection spacing requirements. The Traffic Impact Analysis (TIA) which accompanied the South Campus Blvd. design, demonstrated that the capacity and function of the road. The TIA called for a 4-lane divided cross-section plus turning lanes at intersections. The Virginia Department of Transportation requested a commitment that would allow expansion of the right-of-way to accommodate up to 6-lanes in the event it became necessary due to the design of other roads in the vicinity.

The UDA plan includes road connections between Rte. 1 and Old Potomac Church Rd., but places the roads in different locations, and the design proposed would have lower capacity than the proffered South Campus Blvd. The road in the UDA Land Use Plan from Rte. 1 to Old Potomac Church Road is identified as an extension of Spartan Lane and an unnamed road is located several hundred feet southeast of the South Campus Blvd. alignment. The unnamed road appears to intersect with Rte. 1 at a location that does not meet VDOT intersection spacing and separation requirements. South Campus Blvd. is proffered to connect with Rte. 1 at a location separating it from Hospital Center Blvd. so as to meet separation requirements.

In the UDA Land Use Plan, Spartan Lane and the unnamed connecting road to Rte. 1 are used as the dividing line between with multi-family land uses northwest of these two proposed roads, and the Townhouse and Single Family areas which are south, and southeast of these roads. The alignment of the proffered South Campus Blvd. was the subject of preliminary engineering and is found to meet minimum county requirements, and meets the practical need to honor the existing topography of the property and provide access to the resulting abutting properties. The High-Density Residential land uses proposed on the UDA Land Use Plan are located north and south of the South Campus Blvd.

Since Spartan Lane and the connecting road to Rte. 1 that are shown in the UDA Land Use Plan are likely to be replaced with the more realistic, engineered South Campus Blvd, these roads from the UDA plan are not a valid dividing lines separating High-Density Residential and Townhouse and Single family uses.

In addition, the area planned Townhouse and Single family was intended to transition to lower density presumed to be planned outside of the perimeter of the UDA. However, the proffered location of Germanna Community College site immediately abutting the southern boundary of the UDA eliminates the presumed need to provide a low density, transitional zone land use where Abberly is proposed in the subject application for zoning reclassification. The multi-family dwelling units proposed in Abberly will actually be a much more compatible land use adjacent Germanna Community College than Townhouse, or Single family uses. Multifamily land uses with an emphasis on

pedestrian needs will provide living opportunities for faculty, administrative staff and students within walking distance of the campus, as well as the Stafford Hospital located to the north.

The Abberly layout and design honors the intent to develop the area using a compact, grid pattern design that will integrate with a mixture of uses, and promote a more pedestrian and transit oriented style of development. Abberly at Stafford Courthouse will be located in the area planned for High-density Residential and Townhouse. Transitioning from nonresidential to high density residential townhouses and then to low density development over the relatively short distance suggested in the Land Use Plan would be impractical and difficult.

B. Building Height. Zoning Ordinance section 28-39 (u)(1) h.(3) A Apartment Building

Background

The UD-4 zoning allows multi-family structures and is most consistent with the Abberly proposal. However, the UD zoning classification describes the building as follows “*Principal building in the UD-4 zone - 3 stories/50 feet*”.

In order to achieve the number of dwelling units (density) proposed in Abberly, the proposal includes a mixture of 3 and 4 story buildings. Because of the sloping site topography and the zoning ordinance definition of building height which is based on a plain rectangular building design, it is difficult to achieve the 4 stories within the 50-foot height limit.

Deviation/Modifications

Principal building height: 65 feet instead of 50 feet based on the average of the grades within 20 feet of the building.

Justification(s) for Deviation/Modification

The definition of building height is “*the vertical dimensions of a structure as measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the structure*”. Two factors that are not anticipated by the UD-3 development standard constrain the Abberly at Stafford Courthouse design:

- The varied and sloping topography of the property require building into slopes, which results in a “walk-out” level on many of the units. One side of the building will have three (3) levels of building façade visible and the other side will have four (4) visible levels of façade. This is a direct result of the topographic constraints of the property. Each level will have a height of 9 feet; therefore, the inclusion of structural members supporting each story, plus the height of the walk-out level, will be close to the maximum allowable building height on one side of the building.
- The architectural design of the buildings may also include gable-type roofs common throughout Virginia (for example, Williamsburg). A common roof pitch for buildings of this design could add substantially to the overall height.

Attempting to calculate an average height based on the grades within 20 feet of the building would be complicated and might result in disagreement over the interpretation of the Ordinance and/or intent of the requirement. For this reason, the Applicant requests that the building height applied to the building be a straightforward 65 feet as measured from the ground floor to the roof line.

C. Ground Story First Floor Elevation - Zoning Ordinance section 28-39 (u)(1) h.(3)B

Background

The UD-4 requires a ground story first floor elevation (FFE) of 2 feet above exterior grade. Handicapped accessibility requirements require handicap ramps/access with a maximum grade of 5%. The 2-foot ground story FFE minimum would result in handicap ramps across the fronts of the buildings in order to meet the entry requirements to the buildings. We believe that this would substantially detract from the architectural appearance of the buildings. Given the topography and inherent need for flexibility in applications of ordinances like the UD Zone, the FFE can be addressed in an alternative fashion and achieve the goal intended.

Deviation/Modifications

Ground story finished floor elevation of 0 feet to 0.75 feet, instead of 2 feet.

Justification(s) for Deviation/Modification

The UD-4 story height requirement for the ground story finished floor elevation is a minimum of 2 feet (about outside grade elevation). The sloping topography of the property cited in the "Overall Building Height" creates a physical constraint, making the interpretation and application of this requirement an unreasonable restriction on the use of the property. This requirement not only raises design questions regarding how the 2-foot vertical distance is measured (is it measured from average grade within 20 feet of the building as in the case of building height?), but also creates a barrier to handicap accessibility. In the case of buildings with walk-outs on one side but having entry on both sides of the building, it is not clear where the measurement would be taken. In order to comply with ADA requirements, the Applicant requests that the ground story finished floor elevation for subject building be modified as requested.

D. Transparency - Zoning Ordinance section 28-39 (u)(1) h.(4) A.

Background

The UD-4 standards require a ground story transparency of 20% and upper story transparency of 15%. Transparency of 15% is larger than is typical in the design of multi-family buildings. A 20% transparency on the ground story would have implications for energy loss, privacy and security of the ground story residents. The intent of the transparency requirement is to address the appearance and character of the multi-family buildings, and this can be addressed through alternative architectural designs (i.e., façade articulation and building fenestration), rather than including an unusually large amount of glazed area suggested in the UD-4.

Deviation/Modifications

Transparency: Ground story minimum 15% instead of 20% and subject to architectural elevations provided in the Design Manual.

Justification(s) for Deviation/Modification

The purpose of the transparency requirement is to “activate” the façade and avoid expanses of “blank walls”. The architectural elevations of the buildings for Abberly at Stafford Courthouse have a variety of articulated features, and blank walls are not included in the building designs.

E. Build To Zones. Zoning Ordinance sections 28-39 (u)(1) h.(2) B and C

Background

The building placement requirements to establish a minimum setback of 15 feet from primary roads and a maximum setback of 25 feet, and no less than 70% of the building should be within 15 feet of the primary road. For side streets, the minimum setback is 5 feet, and the maximum is 15 feet with at least 35% of the building being within 5 feet of the side street. South Campus Blvd. is a collector road under the Stafford County design standards, but is of sufficient size and capacity and will have operating speeds that the primary street setback and the Build to Zone make it undesirable to have buildings so close to this road. While this “build to” standard is achievable in areas where the roads are straight and the topography is flat, it is difficult to apply this type of standard throughout a newly developing community that is being proposed on a single parcel and which includes varied topography and roads with curve-linear alignments. Curve-linear alignments are necessary to minimize the environmental impact of developing properties with significant topographic relief.

Deviation/Modification

The topography and the curve linear nature of the streets necessary to meet engineering requirements create competing priorities between placing buildings close to roads and the environmental considerations and quality of design standards. The Applicant requests that the building locations be evaluated in the context of the overall plan and receive approval as sited.

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GreenbergFarrow

Project Murphy Express Fredericksburg VA
Project # 20120265
Location Parcel 58 9E: Kings Highway and Washington Square Plaza, Fredericksburg, Stafford County, Virginia.

IMPACT STATEMENT

Project Description:

Murphy Oil USA Inc, intends to construct a 1200 (sf) fuel service station with 6 fueling islands and associated access drives and parking facilities. The proposed site is located along Kings Highway/Rt. 3, near the intersection of Washington Square Plaza & Kings Highway/Rt. 3 within the jurisdiction of Stafford County. The existing property is undeveloped and is an outparcel of the Walmart Shopping Center. The subject site is approximately 2.02 acres in size and requires subdivision of the overall 7.17 acre lot described as parcel 9E on County Tax Map 58. The property is zoned B-2, Urban Commercial District, and 'Vehicle Fuel Sales' are not a permitted use within the B-2 District therefore, will require a Conditional Use Permit.

Traffic:

The proposed Murphy Oil site is expected to generate approximately 1,953 vehicles during a typical day with approximately 122 vehicles per hour during the AM peak hour and approximately 161 vehicles per hour during the PM peak hour. It is proposed to provide access to the site via Virginia Route 3 with a right-in/right-out shared access and a secondary access location on the existing Walmart site drive, which provides signalized access on Virginia Route 3. Under existing conditions, Virginia Route 3 carries approximately 30,000 vehicles per day in the vicinity of the site. Per discussions with County staff a formal traffic impact study is not required as part of the CUP process for this site.

Public Utilities:

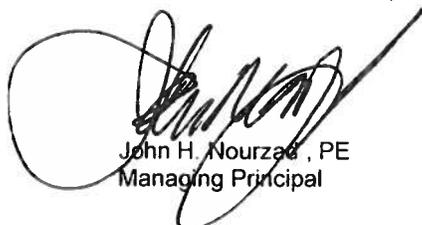
The proposed 1200 (sf) building has little to no impact to public utilities. The prototypical layout provides for (1) restroom and (1) three compartment sink resulting in a maximum daily water/sewer demand of less than 2500 GPD. A public 8" gravity sewer main and an 8" public water main located within an easement on-site have adequate capacity to provide fire water, domestic water, and sanitary sewer service. No adverse impact to public utilities is anticipated from the proposed development.

Noise:

The proposed development is in harmony with the surrounding land uses and no adverse impacts with regard to noise is anticipated.

Dust and Smoke Emissions:

The proposed development is in harmony with the surrounding land uses and no adverse impacts with regard to dust and smoke emissions is anticipated.



John H. Nourzad, PE
Managing Principal

STAFFORD COUNTY, VIRGINIA

ZONING RECLASSIFICATION AND CONDITIONAL USE PERMIT APPLICATION

IMPACT STATEMENT

<u>Applicant:</u>	L&F Courthouse, LLC
<u>Property Owner:</u>	Gary R. Sitnik, Peter S. Sitnik, Jr., and Marsha E. Sitnik
<u>Property:</u>	Tax Map 28, Parcel 128A
<u>Rezoning Request:</u>	From A-1 to R-1
<u>Project Name:</u>	Shelton Knolls
<u>CUP Request:</u>	Cluster subdivision in the R-1 District
<u>Date:</u>	Revised October 15, 2013
<u>File No.</u>	RC 1300364 CUP 1300365

Application Request

The property owners, Gary R. Sitnik and Peter S. Sitnik, Jr. (collectively, the “Owner”), through the contract purchaser, L&F Courthouse LLC, or its assigns or successors (the “Applicant”) hereby request a rezoning of the following property from Agricultural (A-1) to Suburban Residential (R-1) in accordance with Stafford County, Virginia (the “County”) zoning ordinance, including without limitation Article III, Section 28-35, Article X, Section 28-161, et seq., and Article XII Section 28-201, et seq.:

Tax Map 28, Parcel 128A (the “Property”), consisting of approximately 47.63 acres, of record in Deed Book 824, page 288, and generally located approximately 3.5 miles west of the I-95 / Route 630 interchange area near the intersections of Courthouse and Shelton Shop Roads, within the Rock Hill Magisterial District, all as more particularly described on that attached “Shelton Knolls” dated August 16, 2013, as last revised, and prepared by Bowman Consulting, which plan is incorporated as a material part of this application by this reference (the “GDP”)¹.

¹The GDP is a general overview of the proposed development and improvements to the Property in accordance with Article XIII, Section 28-221, et seq., of the County zoning ordinance. The Applicant reserves the right to make modifications or amendments to the GDP in order to address final site engineering, architectural, and design issues, internal road placements and entry areas, RPA requirements, and to ensure compliance with applicable federal, state and county regulations, laws and ordinances.

The R-1 district permits cluster subdivisions by right, except for densities greater than 1.5 dwelling units per acre, which then require a conditional use permit (“CUP”). Concurrently with the proposed rezoning, the Applicant requests a CUP to develop the Property for a cluster subdivision all as shown on the GDP.

We have also included with this application several illustrative elevations and renderings depicting the proposed architectural design and building material features, which only include general type, character, and quality of architectural design, details, and materials, all as generally shown on sheet 9 of the GDP (collectively, the “Renderings”).

This application provides the following key development features:

- (1) no more than 94 single-family detached units;
- (2) average lot size is 0.2504 acres;
- (3) open space of 16.17 acres, exceeding the R-1 district’s minimum requirement;
- (4) clustering of lots to promote appropriately dense development;
- (5) proffered architectural and design features as generally provided on the Renderings;
- (6) dedication of a 60' wide right-of-way along Shelton Shop Road, all as shown on GDP;
- (7) a 100' transportation buffer between the development and Shelton Shop Road with pedestrian walking paths only in those areas generally shown on the GDP;
- (8) construction of a northbound right turn taper and a southbound left turn with 200 feet of storage at the Property’s entrance on Shelton Shop Road.
- (9) \$2,867,382 in monetary cash proffers for certain schools and park land within Rock Hill district, all as provided more particularly in the attached proffer statement;
- (10) project is located within the County’s Urban Service Area, and will connect to public water and sewer; and
- (11) project is consistent with County’s Comprehensive Plan, as described below.

Overview

As noted above, the Property is currently zoned A-1. The Applicant proposes changing the zoning of the Property from A-1 to R-1 and to allow a clustered subdivision. Section 28-34 of the County’s Zoning Ordinance states the following concerning the R-1 district:

The purpose of the R-1 district is to provide areas which are in close proximity to existing or future development of equivalent or higher densities, and which are intended for low density residential development where public water and sewerage facilities are available. Development in the R-1 district is intended to be characterized by single-family dwellings.

Pursuant to Article III, Section 28-35 of the zoning ordinance, a CUP is required in order to develop a cluster subdivision in the R-1 district if the applicant requests a density of dwelling

units greater than 1.5 per acre. The zoning ordinance defines “cluster” as “[a] subdivision development design technique that concentrates detached single-family dwellings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features and rural character . . .”

Cluster subdivisions in the R-1 district permit an average density of up to 2.25 dwelling units per acre, while conventional subdivisions permit an average density of up to 1.5 dwelling units per acre. The proposed development includes 1.97 dwelling units per acre, which requires a conditional use permit.

The Applicant’s proposed cluster subdivision includes 94 lots located on approximately 47.63 acres. The GDP reflects 16.69 acres of open space accounting for approximately 35% of the Property. This exceeds the 30 percent minimum required by the R-1 district for cluster subdivisions. The open space will be used for stormwater management facilities, recreational facilities, and natural areas

Shelton Shop Road is located immediately west of the Property. Adjacent properties consist of a combination of wooded properties and properties developed for low density residential uses. Based on recent rezoning applications, additional residential development is expected in this area (including Shelton Woods). The Applicant’s proposal will be compatible with existing and planned uses in the area (including Shelton Woods). Additionally, the Applicant’s proposal will further enhance the housing stock in this area while maintaining the rural character of the Shelton Shop Road corridor through appropriate buffering and open space along the public right of way.

As described below, the Applicant’s proposal conforms to the policies established by the County’s Comprehensive Plan (the “Comp Plan”). Adjacent properties will experience minimal impacts. Furthermore, the proposal will result in minimal impacts on public facilities and services, and impacts related to roads, schools, and parks will be offset through off-site improvements and cash proffers.

In regard to the foregoing, the Applicant retained S. Patz and Associates, Inc. (“Patz”), to review the proposed project and prepare a fiscal impact analysis. Patz’s analysis, entitled “Fiscal Impact Analysis Shelton Knolls Subdivision Stafford County Virginia,” and dated July 25, 2013, as last revised (“FIA”), concludes, in relevant part that the Applicant’s proposed project will generate county tax revenues of approximately \$675,150 annually in constant 2013 dollars, and applying three variations of school impact numbers, the annual net tax revenue generated by the project is anywhere from \$194,000 to \$6,000. In essence, the project will no matter what school impact number is applied pay for itself (with a surplus). Based on these factors, the proposal will result in a net benefit to the County and its citizens. Please also see additional details regarding the analysis in the attached FIA, which was been submitted as a material part of this application.

Comprehensive Plan

Future Land Use Map

The Comp Plan's Future Land Use Map classifies the Property as part of the "Suburban" designation. This designation encourages low density residential development, as well as limited commercial development. Development is expected to occur on quarter to half acre lots, with densities of up to three dwelling units per acre. Townhouses and multifamily development are generally discouraged. Additionally, the Suburban designation promotes preservation of sensitive environmental features and open space through use of innovative development techniques such as clustering and planned unit developments. The Plan encourages preservation of 25 to 50 percent of land for a combination of natural and usable open space.

The Suburban designation supports the Applicant's proposed development consisting of single family detached dwellings. The GDP provides for approximately 1.97 dwelling units per acre, which clearly satisfies the Comp Plan's density policy of 3.0 dwelling units per acre. The GDP also shows approximately 35% of the Property as open space in the form of stormwater management facilities, recreational facilities, and natural areas. This meets the Plan's policy of preserving 25 to 50 percent of land for both natural and usable open space. In general, the type and density of the residential development, as well as the preserved open space, meet the Suburban designation's policies.

Urban Service Area

The Comprehensive Plan includes the Property in the "Urban Service Area". This designation attempts to funnel new development in the County to the land around I-95 and other major transportation corridors in order to take advantage of existing public utilities in the area. The Urban Service Area supports any new development which is compatible with the Property's Future Land Use Map designation.

The Property's location in the Urban Service Area supports the project's utilization of existing public utilities. Based on nearby development patterns, water and sewer lines appear to be located adjacent to the Property in the Shelton Shop Road right of way.

Transportation

The Property is located adjacent to Shelton Shop Road and near the eastern corner of the Courthouse Road and Shelton Shop Road intersection. Shelton Shop Road is a two-lane road, but the Comp Plan states that 110 feet of right-of-way will be necessary to convert this road to a four-lane road in the future.

For purposes of the foregoing and as provided in the Applicant's proffer statement, the Applicant will proffer dedication of a sixty foot (60') wide right-of-way along Shelton Shop Road at a value of \$ 93,178 and one-hundred foot (100') transportation buffer with pedestrian walking paths, all located between the development and Shelton Shop Road at a value of \$135,397, all as generally shown on the GDP.

In addition, as detailed in the proffer statement, the Applicant agrees to construct the following improvements, subject to final review and approval by VDOT and the County:

- (i) Northbound right turn taper consisting of a 200' taper from Shelton Shop Road into the development, with estimated construction value equaling \$3,955;
- (ii) Southbound left turn with 200' of storage at the Property's entrance on Shelton Shop Road, with estimated construction value equaling \$9,630;
- (iii) Sidewalk network within the development in general conformance with the GDP, with estimated construction value equaling \$148,800; and
- (iii) Publicly maintained subdivision roads for the development, as generally shown on the GDP and in accordance with County and VDOT specifications and requirements with estimated construction value equaling \$804,450.

Impact Analysis

1. **Current capacity of and anticipated demands on highways, utilities, storm drainage, schools and recreational facilities.**
 - A. **Highways.** Based on the Traffic Impact Analysis, dated August 2013, prepared by Bowman Consulting (the "TIA"), the project will generate 992 new trips per 24 hour period. Of these trips, 76 new trips will occur during the AM peak hour and 99 new trips will occur during the PM peak hour. These traffic volumes do not exceed traffic thresholds outlined in §15.2-2222.1 of the Code of Virginia and the Virginia Traffic Impact Analysis Regulations (24 VAC 30-155), which are commonly referred to as "Chapter 527" requirements. Access to the Property is proposed via one full movement entrance along Shelton Shop Road. Secondary access will be provided via an inter-parcel connection through the Shelton Woods development to Courthouse Road. Internal roadways will be stubbed to potentially provide future access through properties to the north and east of the Property. In addition, the TIA shows that 2020 traffic conditions with the build out of the Property will be adequately accommodated at the study intersections with no need for offsite improvements. The only warranted roadway improvements will be a northbound right turn taper and a southbound left turn with 200 feet of storage at the Property's entrance on Shelton Shop Road.

Shelton Shop Road is a two-lane urban collector roadway that currently carries (in the vicinity of Courthouse Road) 11,000 vehicles per day in the vicinity and is projected to carry between 13,800 and 14,100 vehicles per day in 2020.

Courthouse Road is a two-lane urban collector roadway that currently carries (in the vicinity of Shelton Shop Road) 4,700 vehicles per day and is projected to carry 6,400 vehicles per day in 2020.

We are not aware of any specific traffic volume capacity based on the classification by either the County or VDOT. Classification is based on the function and character of the road than the volume of traffic it could (or should) carry. For instance, a six-lane divided urban roadway designed to serve numerous business while carrying 30,000 vehicles per day could have a lower functional classification than a two-lane rural road carrying 8,500 vehicles per day and designed to carry traffic between regional destinations.

Stafford County's Comprehensive Plan calls for development applications to meet a Level of Service C or better or to show non-degradation. The TIA shows that all studied intersections will operate at the same Level of Service in 2020 whether or not the Property is developed. The only exception is the Shelton Shop Road and Courthouse Road intersection, which will operate at a Level of Service D during the PM peak hour if the Property is developed, while the Level of Service will be C if the Property is not developed. However, this degradation is only present during the PM peak hour, and the TIA does not indicate degradation at other times. Such degradation does not warrant off-site improvements.

To offset any alleged impacts the Applicant will dedicate 60' of right-of-away along Shelton Shop Road at a value of \$93,178 and not develop within a 100' foot transportation buffer along Shelton Shop Road at a value of \$135,397. Further, the Applicant will proffer \$867,382 in cash toward improvements for Courthouse Road or Shelton Shop Road, as the County may deem best. Please review further details in the attached proffer statement.

By Right Impact: If the Property is developed as a cluster subdivision under the existing A-1 zoning, the maximum traffic intensity would occur with build out of approximately 15 single family residential dwelling units. Pursuant to a by-right clustered development, the aggregate new daily trips would be approximately 809 per a 24 hour period, 56 new trips during the AM peak hour, and 80 new trips during the PM peak hour.

- B. Utilities. As noted above, the proposed rezoning is located within the County's Urban Service Area and has access to public water and sewer. The proposed project will have minimal impact on utility demands. Existing water and sewer mains are available through the Shelton Woods Subdivision, which tie to an existing waterline in Courthouse Road and an existing sanitary manhole in the Augustine North Subdivision. Both utilities appear to have available capacity, or the reasonable ability to be upgraded by the developer to provide adequate capacity.

Public Water: This project is located in the Garrisonville Zone. There is an existing 8" water line in the Shelton Woods Subdivision/Courthouse Road (Rt 630). Onsite water lines will generally be constructed along the proposed roads within the development creating loops and networks throughout the site. The anticipated daily demand for water is as follows:
 $94 \text{ lots} \times 240 \text{ gpd/lot} = 22,560 \text{ gpd}$

Sewer: This project is located in the Accokeek sewer service area. An existing 8" sewer line is located in the Shelton Woods Subdivision right of way. Onsite water lines will generally be constructed along the proposed roads within the development creating loops and networks throughout the site. The anticipated daily demand for sewer is as follows: $94 \text{ lots} \times 300 \text{ gpd/lot} = 28,200 \text{ gpd}$

By-Right Impact: If the Property is developed as a cluster subdivision under the existing A-1 zoning, the maximum traffic intensity would occur with build out of approximately 15 single family residential dwelling units. Under this scenario, the anticipated daily demand for water and sewer follows:

Water - $15 \text{ lots} \times 240 \text{ gpd/lot} = 3600 \text{ gpd}$

Sewer - $15 \text{ lots} \times 300 \text{ gpd/lot} = 4500 \text{ gpd}$

- C. Storm Drainage. The proposed development will incorporate low impact development techniques as well as conventional stormwater management techniques in order to reduce the post-developed runoff from the site to pre-developed levels in accordance with County and State requirements. The proposed development will have minimal impacts downstream of the proposed site.

By Right Impact: Both the by-right and proposed developments would result in the same post-developed flow requirements and would have minimal impacts downstream.

- D. Schools. The proposed rezoning will have minimal impact on schools as the project with 94 detached single family homes is estimated to generate approximately 62 to 99 school aged children, as provided in the attached FIA. The Applicant's project will generate adequate net tax revenue to pay for annual county service operational impacts. The Applicant will also provide cash proffers in the amount of \$1 million to offset any school capital impacts in the relevant school zone area of the development. Please review additional details in the attached proffer statement.

By Right Impact:

A by-right development would generate approximately 16 dwelling units, which would generate approximately 10 to 20 (depending on formula

applied) students without the benefit of any proffers for school improvements as provided in the attached Proffer Statement.

- E. **Recreational Facilities.** The proposed rezoning should have minimal impact on park and recreational facilities. Additionally, the GDP provides for a sidewalk system and walking trails that can be connected to the surrounding residential neighborhoods. In addition, the Applicant has proffered \$1 million for new park facilities within the Rock Hill Magisterial district.

Impact for By-Right Uses: A by-right development would generate approximately 15 dwelling units without the benefit of any proffers for park improvements as provided in the attached Proffer Statement.

2. **Fiscal Impact.** The FIA concludes that for purposes of complete build-out, this project will generate (based on 2013 constant dollars) annually approximately \$675,150 in tax revenue for the county (please see page 18 of FIA for tax revenue breakdown), and applying three variations of school impact numbers, the annual net tax revenue surplus generated by the project is anywhere from \$194,000 to \$6,000. In essence, the project will more than pay for itself as applied to the costs of annual county services. The FIA's assumptions are based on several factors, including the County's current tax rate, budget and CPI projections, County estimates for the costs for public services, market business activity (including BRAC, courthouse and hospital industry expansion) and conditions, and County demographics, all as more particularly described in the FIA.
3. **Environmental Impact.** Environmental Impact. There will be minor impacts to environmentally sensitive features, such as wetlands and streams; however, these impacts will be within the thresholds of the Virginia Water Protection (VWP) General Permit WP4 and the State Program General Permit (12-SPGP-01). If permanent impacts exceed 300 linear feet of stream channel and/or 0.1 acre of wetlands, appropriate compensatory mitigation will be provided through the purchase of wetland and/or stream credits from approved mitigation bank(s), or as otherwise required by the U.S. Army Corps of Engineers and Virginia Department of Environmental Quality permits. No impacts are proposed to the onsite Critical Resource Protection Area (CRPA), nor are any adverse impacts to threatened and endangered species or critical habitat anticipated.

Perennial Flow Analysis: A Perennial Flow Evaluation and CRPA Determination study was completed for the property concurrent with the wetland delineation study, and will be submitted under separate cover to Stafford County for review and approval. Based on the results of the study, the stream channel to the southeast is perennial up to Flags C140A/C141A, which are located outside of the property boundaries. In accordance with the County's CBPA Policy and the Virginia Department of Conservation and Recreation's Nontidal Wetlands Guidance, the site-specific CRPA boundary is mapped 100 feet upslope and

landward from the surveyed limits of the stream channel up to this transition point, thereby resulting in a small portion of the CRPA being mapped onsite within the property boundary at its southeastern corner. All other stream channels located on the property were determined to be non-perennial, or intermittent.

By-Right Impact: As above.

4. **Impact on Adjacent Properties.** Nearby properties are either wooded or developed for low density residential uses similar to Applicant's proposal, including Shelton Woods located to the immediate south of the site. The proposed low density residential development is compatible with and similar to development on surrounding properties and is a positive in-fill residential development plans in accordance with the comprehensive plan for this area.
5. **Historical Sites.** This Property has no known archeological or architecturally significant sites. Accordingly, there is no impact to historical sites under the proposed development.

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Impact Statement – Whitson Woods
Rezoning (Tax Map Parcel 20-125)
Revised April 4, 2013

The Project proposes to rezone Tax Map Parcel 20-125 from R-1 to R-3 in order to permit the construction of 55 single family detached dwelling units (townhouses). This site has a valid preliminary plan for 22 single family detached units. Over 50% of the site contains RPA and the Whitson's Run stream. This portion will not be developed.

1. Capacity Impact

A.) Highway - The project is located on the south side of Highpointe Boulevard, approximately 1/3 mile west of its intersection with Mine Road. Highpointe Boulevard currently has a 60' foot wide right-of-way; a pavement width of approximately 60 feet and variable shoulder width, and VDOT's 2006 traffic count was 2,100 vehicle trips per day (VPD). The proposed 55 townhouse lots would generate 320 VPD, based on 8.85 VPD/Unit. Therefore, the proposed development will not adversely impact Highpointe Boulevard, which has a capacity of 7,000 VPD. The Generalized Development Plan (GDP) proposes two entrances from Highpointe Boulevard. As a percentage of capacity, Whitson Woods would contribute 5% of the capacity of Highpointe Boulevard. As a percentage of current traffic counts, Whitson Woods would increase the VPD's to 2,420 VPD, or 35% of the capacity of Highpointe Boulevard.

B.) Utility Impact - This project shall be served by public water and sewer. There is sufficient pressure and capacity to serve the proposed project. Fire protection will also be provided for the project along with the domestic demand.

Water: The anticipated water demand for the Property is as follows:

Residential (55 D.U. x 2.91 persons per household) @ 80 gpd/person = 12,804 gpd

Development under the current zoning classification allows twenty two single-family detached dwellings. The water demand for the total project would be as follows:

Residential (22 D.U. x 3.13 persons per household) @ 80 gpd/person = 5,508 gpd

Sewer: This project is located in the Aquia Sewer Shed. The sewage treatment facility for this site is the Aquia Treatment Facility. The treatment facility has adequate capacity for this project. The anticipated sewage demands for the project are as follows:

Residential 55D.U. X 2.91 persons per household) @80 gpd/person =12,804 gpd

Development of twenty two single-family detached dwellings under the current zoning classification would generate sewer demand for the total project as follows:

Residential (22 D.U. X 3.13 persons per household) @ 80 gpd/person) = 5,508 gpd

C.) Schools/Recreational Facilities –

Proposed: This Property would generate demand for 55 households’ worth of school and recreational services; i.e. 37 students and 3.2 acres of parkland.

Current: Development for the twenty two houses under the current zoning classification would generate twenty-nine households’ worth of demand for school and recreational services, i.e., 18 students and 1.37 acres of parkland.

D.) Storm Drainage – The Property will utilize BMPs.

2. Environmental Impacts – A blue line stream, wetlands and RPA are present on the site as shown on the GDP. In addition, a portion of the area is located within a flood hazard area. No portion of these areas is in an area proposed for disturbance.

3. Historic Sites - This site has no known cemeteries or historically significant sites. Accordingly, there is no impact to historically significant sites under either the proposed project or development under the current zoning classification.

4. Fiscal Impacts - Continuing Annual Revenues – Proposed Development under the current zoning classification with fifty five single family detached dwellings valued at \$275,000.00 each, with two cars per house valued at \$15,000 each, would generate the following continuing revenues.

Real Estate Tax	$\frac{\$275,000 \times 55 \times \$1.07}{\$100.00}$	= \$161,837.50
	$\frac{\$15,000 \times 4 \times \$6.89 \times .40}{\$100.00}$	= \$ 1,653.60
County Decal Fee \$23.00 x 4 cars		= \$ 92.00
Real Estate Tax	\$ 161,837.50	
Personal Property Tax	\$ 1,653.60	
Vehicle Decal Fee	<u>\$ 92.00</u>	
Total	\$ 163,583.10	

Development under the current zoning classification with twenty two single family dwellings valued at \$325,000.00 each, with two cars per house valued at \$15,000 each, would generate the following continuing revenues.

Real Estate Tax	$\frac{\$325,000 \times 22 \times \$1.07}{\$100.00}$	= \$64,735
	$\frac{\$15,000 \times 4 \times \$6.89 \times .40}{\$100.00}$	= \$1,653.60
County Decal Fee	\$23.00 x 4 cars	= \$ 92.00

Real Estate Tax	\$ 64,735.00
Personal Property Tax	\$ 1,653.60
Vehicle Decal Fee	\$ 92.00
Total	\$ 66,480.60

5. Community Infrastructure Improvements - The Applicant will be proffering to construct physical improvements within the developed area adjacent to the proposed development. These improvements are valued at approximately \$420,000, and will include repair the existing gap of the sidewalk along Highpointe Boulevard, repair and repaving of portions of the parking lot and travelways of the adjacent Liberty Place townhome community. Also, the Applicant has proffered to construct erosion control improvements within the Liberty Place Community, consisting of stabilization of the slope behind Ilona Place, as well as stabilization of the slope on the western side of the Liberty Place parking lot adjacent to the Whitson Run stream channel. The Applicant had also investigated installing a bike lane on Highpointe, but community commentary did not support. Many existing area residents utilize on-street parking along Highpoint Boulevard, and the parking area would be removed if a bike lane was installed.

6. Cash Proffers –

The following amounts per unit for the individual proffer categories:

Cash Proffer Categories	Suggested proffer amount per unit*	Liberty Place Improvements**	Reduced proffers Per unit
Parks and Recreation	\$ 2,492.00		\$ 1,246.00
Schools	\$ 15,533.00		\$ 7,766.00
Libraries	\$ 497.00		\$ 248.00
Fire and Rescue	\$ 1,583.00		\$ 791.50
Transportation	\$ 10,772.00		\$ 5,386.00
General Government	\$ 1,340.00		\$ 670.00
Total	\$ 32,217.00	\$420,000	\$ 16,107.00

*The suggested proffer amount is based on 50% of the 2012 proffer adjustment recommendations, except for the Transportation proffer amount. The transportation proffer amount is based on 50% of the approved 2011 transportation proffer effective in 2011.

**The cost of the Liberty Place improvements is calculated at \$420,000.

7. Adjacent Properties - This project is bordered on three sides by the Liberty Place and Hightower townhouse communities, and on the fourth side by the RPA and the stream valley of Whitson's Run. The undeveloped RPA area provides sufficient buffer between the Property and the single family detached development through the south. Through the retention of 68% open space it is anticipated that the impact of the proposed project will be no greater than the impact of development under the current zoning classification.

8. Noise, Dust and Smoke Impacts – This project will not provide any adverse impacts to users or adjacent property owners from noise, dust, and smoke.

9. Architectural Design – All dwellings in the community will be designed to be built in a manner that is compatible with the surrounding development of the area. All townhouses will be developed as front loaded garage units; the initial owners will have a choice between two basic designs (with and without gables or other varied architectural detailing on the front of their homes) – similar to the Norfolk Sussex Townhouse exhibit. The townhouses will be complimented with attractive, quality colors and materials, as illustrated in the DR Horton Color Schemes – Tradition Series Exhibit. Materials include brick, stone, and veneer facades.