

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-02-14

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 13th day of January, 2014:

Present:	Vote:
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
C. Thomas Tiller	Aye
Thomas W. Evelyn	Aye

Motion was made by Mr. Davis, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE AMENDING, RESTATING
AND READOPTING CHAPTER 98, ZONING, ARTICLE
II GENERAL AREA, FRONTAGE, YARDS, HEIGHT,
SETBACK, PERFORMANCE REQUIREMENTS AND
STANDARDS AND ARTICLE XXII SITE PLANS,
PERFORMANCE STANDARDS OF
THE NEW KENT COUNTY CODE**

WHEREAS, staff proposed to the Board of Supervisors changes to the zoning ordinance based upon changes to the State Code and the needs of the County; and

WHEREAS, the Board of Supervisors on October 30, 2013, reviewed the staff proposed changes to the zoning ordinance asked the Planning Commission to review proposed changes to the zoning ordinance; and

WHEREAS, the Planning Commission reviewed the proposed changes and held a public hearing on December 16, 2013 and voted 9:0:1 to recommend the proposed changes to the Board of Supervisors; and

WHEREAS, the Code of Virginia Sections 15.2-2200, et. al., allow the County to adopt these changes; and

WHEREAS, the Board of Supervisors desires to protect the health, safety, welfare, and property of New Kent County residents and businesses and the quality of waters within the County;

NOW THEREFORE BE IT ORDAINED that the New Kent County Code be amended, restated, and readopted as follows:

ARTICLE II – General Area, Frontage, Yards, Height, Setback, Performance Requirements and Standards.

Sec. 98-61. Reserved. **Land Uses by Conditional Use Permit**

If a use is not permitted under Sec. 98-62, a Conditional Use Permit Application may be submitted in accordance with Article XIX of the New Kent County Code.

ARTICLE XXII – Site Plans, Performance Standards.

Sec. 98-871. Specific conditions applicable to business, commercial and service uses in business, and ~~manufacturing~~ economic opportunity, and industrial zoned classifications.

(a). Standards for all business, commercial and service uses.

(1) Other than in any village district all off-street parking and loading spaces for all commercial and retail uses shall be consistent with the transitional buffer requirements found in article XXVII of this chapter.

(2) All development shall comply with landscaping standards found in article XXVII of this chapter.

(3) Outdoor lighting shall be sufficient to protect public safety and shall comply with the standards of the Crime Prevention through Environmental Design Guidelines produced by the Virginia Crime Prevention Association and dated December 2004; however, no outdoor lighting fixture shall be installed, aimed, or directed to produce light or glare that spills over into neighboring properties or the public right-of-way that exceeds 0.5 foot candles within two feet of the property line of the light source.

All site lighting fixtures shall be mounted a maximum of 25 feet above ground, shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky. All site lighting fixtures and illumination levels shall be compatible with the architecture of the principal building on the site.

(4) Outdoor speaker or paging systems shall be directed away from property lines and shall not be audible on adjacent properties or rights-of-way.

(5) The minimum front setback from a right-of-way for structures such as fuel dispensing pumps, pump islands, canopies, customer service kiosks, and similar uses shall be 40 feet unless the district in which the use is located allows a lesser setback for the principal structure. All lighting mounted on or under canopies shall be full-cutoff of recessed fixtures that prevent upward light scatter and protect the dark night sky.

(6) Any fuel dispensing or car wash activities conducted as accessory uses in conjunction with a commercial or retail operation shall be subject to the performance standards set forth in the relevant subsections below.

(7) All utilities serving any business, commercial or service use shall be placed underground. Existing overhead utilities that require relocation or expansion for any reason shall be removed and placed underground.

(8) Irrigation of business and commercial properties shall require the use of low water volume and water-conserving systems. Any irrigation system, regardless of type shall be equipped with devices to measure natural rainfall and meter irrigation water usage and timing accordingly.

(9) Access to business, commercial or service activities and on-site traffic circulation shall be designed to promote the safe and harmonious flow of vehicular and pedestrian traffic within the development itself, to adjacent existing or future development and to limit the disruption of external traffic. Site access shall be designed in general accordance with the recommendations contained in the National Cooperative Highway Research Program (NCHRP) Report 348, Access Management Guidelines for Activity Centers and the relevant standards of the Virginia Department of Transportation.

(10) No outdoor storage of goods or materials shall be permitted in any front yard nor shall it encroach upon any required landscaping, public or private street right-of-way, parking facility, or loading space.

(11) All dumpster pads, loading areas and outdoor storage areas shall be screened from view of all public streets or residential properties by landscaping supplemented by masonry or wooden fencing. Illumination of dumpster pads and the area between dumpsters and the service doors of facilities that utilize the dumpsters for trash disposal shall be provided in accordance with the standards of the Crime Prevention through Environmental Design Guidelines for any facility having working hours between dusk and dawn.

(12) All spills of hazardous materials shall be contained on the site and cleaned up immediately using approved methods. The fire chief shall be notified of all such incidents that meets the reporting standards established by the New Kent County or state or federal agencies.

(13) In the event the business, commercial or service activity ceases operation, written notice shall be provided by the owner/operator to the zoning administrator within 30 days after such activity ceases. The following provisions apply:

a. The property shall be maintained in a clean and neat manner with no accumulation of debris, garbage or detritus; all landscape materials shall be tended, trimmed and kept in a healthy growing condition; all structures on the site shall be maintained in a clean and neat manner, painted or re-painted at appropriate intervals; and all signage referring to the closed business, commercial or service activity shall be removed or covered with a durable opaque material.

b. In the event the business, commercial or service activity remains inactive for a period in excess of two years, the owner/operator shall be responsible for performing the following:

1. All specialized equipment that may hinder future use or sale of the property shall be removed;

2. The real property where such specialized equipment has been located shall be restored to the same grade or condition as the remainder of the property and maintained either as landscaped green area or as paved parking area until a new site plan for same has been approved by the county. Except in the restored area that is established as

landscaped green area, the paved area shall be re-striped to match the remainder of the parking lot.

3. If the inactive business included fueling equipment or operations, all tanks, tank lines, fueling equipment (including the gas pumps and fueling islands) shall be removed; all applicable state and federal environmental protection and mitigation requirements shall be observed in the removal and site restoration process.

c. The requirement to remove the above-noted specialized equipment may be stayed for a maximum of six months in the event the property owner provides documentation to the zoning administrator of the existence of an executed and pending contract for sale or lease of the property for the same use. If such an extension is granted, the actual conveyance, and the re-establishment of the use, must occur within said six-month period. In the event such contract lapses, the removal requirement shall be immediately reinstated.

(b). Standards for all motor vehicle services and related uses.

(1) The site plan shall detail the physical methods to be employed on the premises to ensure that no hazardous or petroleum-based products are permitted to infiltrate into groundwater or surface water resources and that all federal, state and local requirements are fully satisfied.

(2) No vehicle parking, storage or display associated with such uses shall be permitted to occur on adjacent public rights-of-way.

(3) Car washes shall utilize a low-volume water recycling system which provides for an average of at least 80 percent recycled water per wash.

(4) For all business, commercial and service uses other than truck stops that provide commercial fueling of vehicles as a component of that business, the standards below apply. These standards are additive to any standards that already pertain to such uses. Where these standards conflict with the standards for another business, commercial or services use, the more restrictive of the two standards shall apply.

a. Pumps and pump islands shall be designed and spaced such that vehicle fuels can be delivered to only one side of a vehicle at a time.

b. No more than two pumps capable of fueling large over-the-road trucks shall be provided. Such pumps shall be separated from non over-the-road truck pumps.

c. All parking on the premises shall occur in designated and marked parking spaces in accordance with the following provisions:

1. Parking spaces shall not be provided for large over-the-road tractor-trailer type trucks.

2. Loading zones providing for temporary standing of trucks while loading or unloading shall not accommodate more than two trucks.

3. Signs and pavement and curb markings shall be installed to prevent parking other than where specifically permitted and designated on the site.

~~d. No over the road trucks shall remain on the premises for greater than four hours, unless that vehicle is actually under repair.~~

de. Fire extinguishers and fire lands in types, numbers and locations approved by the fire chief shall be provided and shown on the site plan.

(c) Standards for child care center, adult care center, day care center, preschool, nursery

(1) The minimum area required per child or adult for indoor space and outdoor recreational space shall be in conformance with the requirements for licensing by the state. All outdoor areas shall be adequately fenced or otherwise protected from hazards, traffic and driveways.

(2) All loading and unloading of patrons other than from school buses or public transportation shall take place on-site and not in the public right-of-way.

(3) All child and adult care facilities shall be located on the principal entrance floor and any other level which is not more than one-half above or below the grade at the location from which egress is provided to the street unless an elevator is available.

(4) The zoning administrator shall not grant a permit until the applicant demonstrates an ability to meet all state certification requirements and state and local health department requirements.

(d). Standards for commerce parks.

(1) Commerce parks shall be designed and implemented to provide a mixed use business environment where services to the business enterprises and the employees of those enterprises are commingled within the park.

(2) Uses permitted in commerce parks shall include the various types of establishments and uses listed as being permitted in the table of land uses for the

particular district in which located. In addition, the following uses shall also be permitted:

- a. Day care centers, nursery schools;
- b. Technical, vocational, business schools;
- c. Conference centers, including golf courses;
- d. Post office stations;
- e. Health, exercise, fitness centers, swimming pools;
- f. Florists;
- g. Office equipment and office supply retail sales;
- h. Banks, financial institutions, brokerages;
- i. Hotels, motels;
- j. Sit down and carry-out restaurants;
- k. Printing, photocopying, blueprinting, reprographic, telecommunication, mailing, facsimile reception/transmission services and other similar business services;
- l. Emergency care and first aid centers or clinics; and
- m. Computer hardware and software development and installation, including retail sales and service.

(3) Uses permitted as accessory uses within a commerce park, however not permitted as free standing uses, unless permitted by the underlying zoning district, include:

- a. Boutiques, wearing apparel shops;
- b. Book, magazine, and card shops;
- c. Barber and beauty shops, personal care and grooming shops;
- d. Apparel services; and
- e. Convenience stores.

(4) The minimum area required for the development of a commerce park under these provisions shall be five acres.

(5) Any commerce park developed under these provisions shall provide the following minimum design features:

a. Recorded restrictive covenants which serve to ensure the architectural and aesthetic unity of the proposed office or industrial park shall be established. Such covenants shall include design guidance for all building facades facing and visible to a public street or residential property. Additional covenants relating to the design and maintenance of landscaping, environmental protection, buffering, fencing, and screening shall also be provided. Copies of the covenants shall be submitted to the county with development plans. The developer's legal counsel shall certify that the standards contained herein have been met and shall clearly define the manner in which met. These covenants shall be in addition to any other covenants which may be necessary to comply with other provisions of this chapter.

b. All ground areas within the park not developed in buildings, roads, driveways, pedestrian walkways, parking areas, loading areas, lakes, utility and drainage structures, or storage facilities shall be maintained with grass or other suitable ground cover and further landscaped with trees, shrubs, and flowering plants so as to create and maintain a "park-like" environment.

c. All streets and roads within the development shall be designed and dedicated for public use.

d. Outdoor architectural lighting shall conform to CPTED Guidelines and shall be provided at least at all major roadway intersections in order adequately to illuminate vehicular and pedestrian circulation routes, particularly at potential points of conflict. Lighting fixtures and the intensity of illumination shall be compatible with both the natural and architectural characteristics of the development.

e. Parking facilities located in front of the principal building in commerce parks shall be landscaped to provide one deciduous shade tree and three shrubs per each five parking spaces.

f. The following general standards for access and internal traffic circulation shall apply to all developments utilizing these provisions:

1. Access to individual lots within the commerce park shall be exclusively from a public internal road system. The zoning administrator may modify this requirement in consideration of the topography and configuration of the site.

2. Buildings and uses or groups of buildings and uses within the development shall be oriented to each other and in relation to parking areas and pedestrian routes in order to minimize the need for excess internal traffic movements.

3. Pedestrian circulation systems may be installed within the required landscaped yards of properties in the park.

(6) The process and procedure for establishing a commerce park shall be initiated by the property owner by submission of preliminary plans and documents relating to the commerce park together with a written request to establish a commerce park.

a. The zoning administrator shall review and make a determination in writing regarding the applicability of these provisions within 30 days of receiving the written application.

b. In making a determination regarding the applicability of these provisions to any proposed development, the zoning administrator shall specifically review the following:

1. The adequacy of the proposed restrictive and protective covenants in promoting and ensuring an aesthetically pleasing “park-like” environment.

2. Compatibility of the proposed design with the policies established within the comprehensive plan.

3. The provision of safe and convenient circulation and access.

4. The adequacy of all proposed landscaping and screening or the ability to provide adequate landscaping and screening.

5. Those features which serve to clearly promote mixed use commercial, business and services development.

c. The restrictive and protective covenants required herein shall be recorded contemporaneously with the first plat.

d. The zoning administrator may deny requests for approval of commerce parks upon finding that such proposal does not meet the standards established herein, or when such proposal would not be in accord with adopted plans or policies, or would be incompatible with existing and planned land uses, or would create adverse traffic congestion and conditions beyond that which could occur as a matter of right, or would not be in furtherance of the public health, safety, or welfare.

e. Final plats recorded for a commerce park and all deeds for lots within such development shall bear a statement indicating that the land is within an approved commerce park and shall specifically reference the existence of the restrictive and protective covenants.

~~f. Adverse decisions by the zoning administrator shall be referred automatically to the planning commission for review.~~ Action by the zoning administrator may be appealed in accordance with Article XXVI entitled “Board of Zoning Appeals” of this chapter of the New Kent County Code.

(e) Standards for construction contractor offices.

(1) Construction contractor offices and storage yards shall be designed to minimize the noise impact of trucks, generators, and heavy equipment on adjacent properties and to prevent such noise from being audible on adjacent or nearby residential properties at any greater level than typical for residential areas.

(2) Outdoor storage shall not encroach on any required setbacks or landscape yards and shall be effectively screened from view from public streets and adjacent property by use of landscaping supplemented by fencing.

(3) Storage yards for construction materials and equipment shall be designed and located so as to minimize visual impacts on adjacent properties and public rights-of-way. Landscaping supplemented by fencing, if necessary, shall be required to enclose and screen such storage yards from direct views from adjacent public streets or from adjacent commercial or residential properties. The location of such outdoor storage areas shall be consistent with all applicable standards of the district in which located.

(4) All portions of storage yards shall be treated and maintained in such manner as to prevent dust or debris from blowing or spreading onto adjoining properties or onto any public right-of-way. Such yards shall be maintained in a clean and orderly manner. Junk construction residue and debris shall not be permitted to be stored.

(5) Construction contractor office operations in the A-1 district must be conducted as a home occupation under the conditions established for home occupations.

f. Standard for convenience stores.

(1) Convenience stores may have access only to streets classified as collectors or a higher order unless within and a part of a planned unit development or a designated village.

g. Standards for game rooms and amusement facilities.

(1) Other than in designated villages, game rooms, amusement arcades, pool and billiard halls and similar amusement facilities shall not be located closer than 1,000 feet to any school nor within 200 feet of any residentially zoned lot line.

(2) Applications for such uses shall include proposed rules of operation and management standards which address:

- a. Procedures to preclude gambling and loitering;
- b. Regulations regarding the use of the establishment by school age children;
- c. Procedures for enforcement of rules;
- d. Hours of operation;
- e. Size of the establishment and number of amusement machines;
- f. Number of adult attendants required to be on the premises at all times; and
- g. Provisions and designs that will afford law enforcement officers the ability to view interior activities from the parking lot.

~~(3) The zoning administrator may in his or her discretion refer applications to the planning commission for review and consideration of additional conditions to ensure compatibility with surrounding development and uses.~~

h. Standards for lumberyards and building materials establishments.

(1) Outdoor storage yards or areas for lumber or building materials and delivery vehicles shall be designed and located so as to minimize visual impacts on adjacent properties and public rights-of-way. Landscaping supplemented by fencing shall be utilized so as to enclose and screen such storage yards in a manner which disrupts direct views of the storage yard from adjacent rights-of-way and properties. The location of such outdoor storage areas shall be consistent with all applicable standards of the district in which located.

(2) Such uses shall be designed to minimize the noise impact on adjacent properties of trucks, forklifts, and other heavy equipment and to prevent such noise from being audible on adjacent or nearby residential properties at any greater level than typical for residential areas.

i. Standards for mini-storage facilities and mini-warehouses.

(1) All storage for mini-storage warehouses shall be within a completely enclosed building provided, however, that the outdoor accessory storage of recreational vehicles on the same site is acceptable if such storage is screened from view from adjacent streets and residential properties by landscaping supplemented by fencing.

(2) Loading docks shall not be permitted as part of any individual storage unit.

(3) Except for purposes of loading and unloading, there shall be no parking or storage of commercial trucks, trailers, and moving vans. This shall not apply to rental trucks and trailers available for hire by consumers.

(4) The minimum distance between warehouse buildings shall be 25 feet. Where vehicular circulation lanes and parking and loading spaces are to be provided between structures, the minimum separation distance shall be increased accordingly in order to ensure vehicular and pedestrian safety and adequate emergency access.

(5) No activities such as sales or servicing of goods or materials shall be conducted from such storage units. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is a part of such business.

(6) Storage of hazardous and flammable materials shall be not be permitted. The owner or operator shall establish rules and regulations for tenants that require that any liquid-fuel powered object or device stored in any storage unit shall have all liquid fuel drained and fuel tanks shall be left unsealed during storage.

(7) The maximum length of any single storage building shall be 200 feet.

(8) Mini storage warehouses located in any district other than the industrial district shall have all sides visible to a public right of way faced in brick, architectural block, residential siding, or some other material approved by the zoning administrator as being compatible with surrounding properties, development and the intent of the district in which located. Doors providing access to individual units shall face inward and direct views from public roads of such doors shall be obscured by landscaping supplemented if necessary by earth-forms.

j. Standards for motor vehicle service stations and motor vehicle repair garages

(1) Motor vehicle service and minor repairs shall be deemed to include engine tune-ups, oil changes and lubrication, and the repair or installation of mufflers, tailpipes, exhaust pipes, catalytic converters, brakes, shock absorbers, tires, batteries, and similar automotive components as determined by the zoning administrator. Repairs specifically shall not include body work and painting.

(2) All major repair or installation work shall be conducted indoors. Used or damaged equipment removed from vehicles during the repair process shall be stored indoors or shall be deposited in an approved covered outdoor collection receptacle for appropriate off-site disposal.

(3) Temporary overnight outdoor storage and parking of vehicles waiting for repair or pickup shall be permitted. Appropriate and adequate parking areas shall be provided and set aside on the site for such vehicles. No long-term (45 days or more) storage and parking of vehicles which require major repair work shall be permitted.

(4) Landscaping supplemented by fencing if necessary shall be utilized to fully screen vehicular storage areas. All fencing shall be maintained in good condition and kept free of litter and debris.

k. Standards for motor vehicle body work and painting.

(1) All major work shall be conducted indoors.

(2) Used or damaged equipment removed from vehicles during the process shall be stored indoors or shall be deposited in an approved covered outdoor collection receptacle for appropriate off-site disposal.

(3) Temporary overnight outdoor storage and parking of vehicles waiting for repair or pickup shall be permitted. Appropriate and adequate parking areas shall be provided and set aside on the site for such vehicles. No long-term storage (45 days or more) and parking of vehicles which require major repair work shall be permitted.

(4) Landscaping supplemented by fencing if necessary shall be utilized to fully screen vehicular storage areas. All fencing shall be maintained in good condition and kept free of litter and debris.

(5) Ventilation systems shall be utilized which prevent objectionable emissions, including, without limitation, odors, paint particles, and residues from migrating to adjacent properties. Compliance with this standard shall be certified by a professional engineer or architect.

l. Standard for plant nurseries, garden centers, and landscape contracting and storage establishments.

(1) Plant nurseries, garden centers, greenhouses, and landscape contracting and storage establishments shall be designed and used primarily for the growing of nursery stock for gardens, grounds, and yards and the wholesale or retail sale of such stock; and the off-site installation of such stock. Such uses may include the sale of ancillary items which are customarily associated with maintaining and preserving the life and the health of nursery stock, grounds, gardens and yards.

m. Standards for timeshare resorts (interval ownership)

(1) Timeshare resorts shall be comprised of two or more residential units for which the exclusive right to use, possession, or occupancy circulates among various owners or lessees thereof in accordance with a fixed time schedule on a periodically recurring basis.

(2) Residential occupancy for more than six months during any 12-month period of any units by any individual or family other than that of a resident manager or staff and family thereof shall not be permitted.

(3) All agreements and restrictions pertaining to ownership and maintenance of common areas on the site shall comply fully with section 55-560 et. seq., Code of Virginia, the Virginia Real Estate Time-Share Act. Certification by the developer's legal counsel that the referenced standards have been met shall be submitted with development plans.

(4) Timeshare resort development shall follow the site development and design standards contained in this chapter for the style(s) of residential units to which it is most similar.

n. Standards for shopping centers.

(1) The dimensional requirements for the development of a shopping center shall be based on the size of the center measured in gross square feet available for occupancy as follows notwithstanding the regulations of the district in which the center is located:

(2) The following performance standards shall apply to all shopping centers with greater than 15,000 square feet of gross space available for occupancy.

a. A minimum 20-foot landscape yard shall be provided around the perimeter of the shopping center site. Along all public street frontages, landscape yards shall be expanded to 25 feet. Landscape yards shall be landscaped with natural vegetation or with an appropriate combination of low-growing trees and shrubs to screen direct views of parking areas, but not the shopping center itself from adjacent public streets.

b. The minimum landscaped open space for shopping centers shall be 25 percent of the net developable area of the site. The area of the required perimeter landscape yards and parking lot landscaped islands may be included when calculating such percentage. No less than 50 percent of the required site landscaping shall be located in front of the principal building on the site.

c. Where no parking is provided or accommodated in front of the principal building on site, or where the shopping center site is larger than 20 acres the amount of landscaped open space required may be reduced to 20 percent provided that no less than

65 percent of the required open space is located in front of the principal building in the center and that direct views of parking from adjacent public roads are significantly disrupted by landscape methods.

d. Landscaping plans for shopping centers shall be prepared by a Virginia certified landscape architect.

(3) Access to shopping center out-parcels shall be designed such that the internal circulation system alone provides adequate access to each proposed out-parcel. Individual access to existing public roads for out-parcels shall not be permitted except as may be approved by the zoning administrator upon the demonstration within the traffic impact analysis that such an individual access will not violate the access management provisions of this chapter or the subdivision ordinance, will improve internal circulation and will not adversely affect traffic flows on the adjacent public roadway(s).

(4) Accommodations for pedestrian circulation must be provided throughout the center and shall be appropriately separated from vehicular circulation in order to minimize congestion and safety hazards.

(5) Buildings or groups of buildings within the center shall be oriented in relation to parking areas in a manner which minimizes the need for internal automotive movement once patrons have entered the site. Facilities and access routes for shopping center deliveries, servicing, and maintenance shall, so far as reasonably practicable, be separated from customer access routes and parking areas.

o. Standards for veterinary clinics, animal hospitals, commercial kennels, and animal boarding and grooming establishments.

(1) Veterinary clinics, which term shall also include animal hospitals and commercial kennels, located within 200 feet of a residential property line shall be within a completely enclosed building. Such building shall be adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties or uses in the area.

(2) All animals shall be kept in pens or other enclosures designed and maintained for secure confinement.

(3) A waste management plan which ensures sanitary handling of animal wastes and prevents contamination or pollution of adjacent lands or water bodies shall be submitted

to and approved by the zoning administrator and the Virginia Department of Health prior to establishment of such uses.

Sec. 98-874. Specific conditions applicable to transportation uses and facilities.

a. Standards for all transportation uses.

(1) All parking lots and areas where motor vehicles utilizing petroleum-based fuels are parked or stored or maintained shall be designed with oil-water separators or other devices that will prevent the infiltration of fuels that may leak or be spilled onto the lot. The devices used shall be designed by a registered professional engineer who shall certify that it is of sufficient capacity to manage all rainfall events up to and including the 50-year storm without allowing petroleum-based fuels to escape and being borne downstream or infiltrating into the ground.

(2) All development shall comply with landscaping standards found in article XXVII of this chapter.

(3) Outdoor lighting shall be energy efficient with an Energy Star or comparable rating. Outdoor lighting shall also be sufficient to protect public safety and shall comply with the standards of the Crime Prevention through Environmental Design Guidelines produced by the Virginia Crime Prevention Association and dated December 2004; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare or reflecting, nuisance or inconvenience of any kind on adjacent properties and streets. All site lighting fixtures shall be mounted a maximum of 25 feet above ground, shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky. All site lighting fixture styles and illumination levels shall be compatible with the architecture of the principal building on the site.

(4) Outdoor speaker or paging systems shall be directed away from property lines and shall not unreasonably interfere with use and occupancy of adjacent residential properties.

(5) All utilities serving any transportation uses and facilities shall be placed underground. Existing overhead utilities that require relocation or expansion for any reason shall be equipped with devices to measure natural rainfall and meter irrigation water usage and timing accordingly.

(6) Irrigation of transportation uses and facilities shall require the use of low water volume and water-conserving systems. Any irrigation system, regardless of type shall be equipped with devices to measure natural rainfall and meter irrigation water usage and timing accordingly.

(7) No outdoor storage of goods or materials shall be permitted in any front yard nor shall it encroach upon any required landscaping, public or private street right-of-way, parking facility, or loading space.

(8) All dumpster pads, loading areas and outdoor storage areas shall be screened from view of all public streets or residential properties by landscaping supplemented by masonry or wooden fencing. Illumination of dumpster pads and the area between dumpsters and the service doors of facilities that utilize the dumpsters for trash disposal shall be provided in accordance with the standards of the Crime Prevention through Environmental Design Guidelines for any facility having working hours between dusk and dawn.

(9) All transportation uses and facilities shall be operated and maintained in a neat and orderly manner, free from junk, inoperable equipment, trash and debris. Buildings shall be maintained in a sound condition, in good repair and appearance. Weeds shall be cut as frequently as necessary, but not less than four times a year.

b. Standards for airports and helipads. (Existing section 98-745(b)(1).)

(1) All airports and helipads shall be designed in accordance with Federal Aviation Administration rules and regulations.

(2) All approvals must be obtained from the Board of Supervisors.

(3) A crash, fire, rescue plan shall be submitted to the fire chief and sheriff for review and approval.

(4) A current Airport Layout Plan (ALP) shall be kept on file with the fire chief and sheriff.

c. Standards for marina, dock or boating facility.

(1) Commercial marinas, docks and boating facilities shall be designed in accordance with the "Criteria for the Siting of Marinas or Community Facilities for Boat Mooring" as prepared by the Virginia Marine Resources Commission, VR 450-01-0047.

(2) All federal, state and local requirements for marina facilities shall be met and the necessary permits obtained prior to the issuance of a zoning certificate for docks, piers or boat houses.

(3) When in the conservation district, all requirements of the conservation district shall be addressed as part of any plan approval.

(4) In addition to the general requirements applicable to outdoor lighting, all outdoor lighting associated with marinas shall be designed, installed and maintained to prevent unreasonable or objectionable glare onto adjacent waterways.

(5) The marina operator shall be responsible for ensuring that parking occurs only in designated off-street parking spaces and shall not allow marina patrons to park in access drives, service drives, fire lanes or landscaped areas. The marina operator shall be responsible for installing or erecting appropriate curbing, bollards, fencing or similar measures needed to limit parking to the approved parking spaces on the site.

(6) Other facilities and accessory structures located on the marina property shall conform to applicable standards for those types of facilities and structures located elsewhere in the article.

(7) The subject facility shall meet all Coast Guard standards for the containment of hazardous material.

d. Standards for truck stop.

(1) Truck stops shall only be located on roads with a functional classification of minor arterial or higher order street and shall have a minimum lot frontage of 400 feet along each such road from which access to the facility is provided.

(2) A minimum of 15 acres shall be required to establish a truck stop.

(3) A traffic impact analysis shall be prepared by the applicant and submitted to the zoning administrator. Said study shall upon submission be peer reviewed by the state department of transportation ~~and an independent professional with demonstrated expertise in transportation engineering selected by the county.~~ The recommendations of the study, together with those of the state department of transportation ~~and the independent professional~~ shall be implemented on the site upon approval.

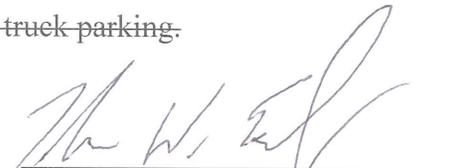
(4) A parking and on-site circulation analysis and plan shall be prepared by one or more professionals acting within the scope of their professional licensure or certification and submitted with any application for a truck stop. Said analysis and plan shall specifically

address methods to prevent queuing on public roads caused by on-site operations, preventing conflicts between movements on the site, providing adequate standing areas that do not interfere with site circulation and provide safe pedestrian movements to and between facilities on the site, pavement structures to provide for lasting and durable surfaces without deformity on public roads and site access points, and an appropriate number and arrangement of designated parking spaces. The analysis and plan shall also demonstrate that the points of site ingress and egress and public road(s) from which site ingress and egress is provided are designed and constructed to withstand the weights and turning radii of vehicle types anticipated to use the facility. If the facilities on the site are designed and marketed to the general motoring public or a segment thereof (e.g. recreational vehicles) as well as trucks, the analysis and plan as well as the safety and security plan required below shall address the differing needs of different vehicle types and provide appropriate space(s) for other user and vehicle types.

- (5) All parking on the site shall be in designated, defined and marked spaces.
- (6) Perimeter buffers or no less than 100 feet in width shall be provided along all side and rear yards. Within said buffers shall be established as Type C transitional buffer (see article XXVII).
- (7) The maximum impervious area of the parcel on which the use is located shall not exceed 70 percent of the total parcel area.
- (8) A safety and security plan for the site shall be developed and submitted to the sheriff's office for approval. Such plan shall fully address the physical and operational methods to be utilized to ensure the safety and security of the patrons of the site and the adjoining properties as well as the prevention of illegal and illicit activities from occurring on the site and adjoining properties. The site may not operate as a truck stop without an approved safety and security plan and said plan shall be updated and re-approved by the sheriff's office at least annually.
- ~~(9) Truck stops shall not permit trucks on their property to idle longer than 45 minutes. Truck stops shall provide truck electrification (TSE) stations for every parking space identified on the approved site plan for long term truck parking.~~



Rodney A. Hathaway
County Administrator



Thomas W. Evelyn
Chairman