

ARTICLE 2 Base District Regulations

2-1. Agricultural Conservation (AC)

2-1.1 Purpose and Intent

This district is intended to preserve and protect areas of Westmoreland County that are predominantly in agricultural or forestal use, and to maintain the land base and support facilities necessary to support agricultural activity. This district is designed to protect the agricultural industry and related uses from encroachment by rural residential development that fragments agricultural land. The district permits rural uses compatible with and supportive of agriculture, including agriculturally related and small rural businesses appropriate to a rural, farm and forest setting and clustered residential uses that preserve significant amounts of open land. Residential development that occurs in these areas is intended to locate in woodland areas and on the least productive agricultural land, where conflicts between residential uses and agricultural activities can be minimized. Land in this district is not intended to be served with public water or wastewater systems or located in proximity to other public services.

2-1.2 Permitted Uses (by-right)

1. Accessory Uses, subject to Article 4
2. Accessory Structures, subject to Article 4
3. Agriculture, General
4. Agriculture, Intensive, subject to Article 4
5. Bed and Breakfast Homestays
6. Boathouses (Covered Boat Slip), subject to Article 4
7. Boat Wharves, Private, for unloading but not boat storage
8. Cemeteries
9. Churches not more than 50,000 square feet
10. Conservation Areas
11. Dwellings, Accessory
12. Dwelling, Caretaker's
13. Dwellings, Single Family detached
14. Dwellings, Manufactured housing, subject to Article 4
15. Family Day Care Homes
16. Farm Brewery
17. Farm Enterprise
18. Farm Winery
19. Feed Mills
20. Florists– April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.
21. Home Occupation, Minor, subject to Article 4
22. Kennels, private, subject to Article 4
23. Nurseries, production
24. Parks, unlighted
25. Pier plus boat slip, covered boat slip (boat house), electricity, and well on the lot, without concurrent authorization for other accessory uses as regulated in Article 4.
26. Playgrounds, unlighted

27. Residential Cluster Option
28. Sawmills, temporary or portable
29. Seafood Facilities, Non-Processing
30. Signs, subject to Article 7
31. Water-Related Structures (jetties, seawalls, piers, etc.), subject to Article 4
32. Wayside Stands
33. Wineries

2-1.3 Permissible Uses (by Special Exception)

By Special Exception Approval by the Board of Supervisors:

1. Airports, private
2. Alternative Sewage Treatment Systems
3. Bed and Breakfast Inns
4. Biosolids Composting
5. Boat Building and repair
6. Boat Sales and Service
7. Boat Wharves, Public
8. Camps, day or boarding
9. Churches, 50,000 square feet or more
10. Civic Clubs
11. Community Water Systems for Cluster Development
12. Country Clubs
13. Country Inns
14. Country Store or Specialty Shop, not to exceed 3,000 square feet
15. Day Care Centers
15. Dwelling, Dormitory, associated with school, camp only
16. Farm Machinery Repair, subject to Article 4
17. Farm Machinery Sales, Rental, Service, subject to Article 4
18. Fire, police or rescue stations
19. Flea Markets
20. Funeral Homes
21. Golf Courses
22. Golf Driving Ranges
23. Grain and Fertilizer Storage, Commercial
24. Group Housing for Farm Labor, Seasonal or Year Round
25. Home Occupation, Major
26. Hospitals, subject to Article 4
27. Houses, Boarding or Rooming
28. Kennels, Commercial, subject to Article 4
29. Nurseries, retail (Florists – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.
30. Nurseries, wholesale
31. Produce Processing Plants, Agricultural
32. Public Landings
33. Public utility trunk lines and system components (electrical and gas)
34. Restaurants, not to exceed 3,000 square feet, subject to Article 4
35. Rural Small Business, subject to Article 4
36. Sand and Gravel Pits
37. Sawmills, Permanent
38. Schools, elementary, middle or high

- 39. Seafood Facilities, Processing
- 40. Service Stations, subject to Article 4
- 41. Swimming Pools, Public
- 42. Telecommunications towers, attached
- 43. Telecommunications towers, free-standing, subject to Article 4
- 44. Tourist Homes
- 45. Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.
- 46. Veterinary Clinic, Kennels and Hospital

2-1.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use/Lot	Minimum		Maximum Lot Coverage			Setbacks		
	Lot Size	Lot Frontage (at front setback)				Minimum Front (ft.)	Side (ft.)	Rear (ft.)
			in accord with Article 3 Chesapeake Bay Overlay District					
Single-Family Dwelling	10 acres not in 100-year floodplain	200 ft.				100 ft.	40 ft.	40 ft.
Single-Family Dwelling (Cluster Lot)	25,000 sq. ft.	80 ft.				30 ft.	15 ft. on one side; 35 ft. total	30 ft.
Single-Family Dwelling (Conservancy Lot)	30 acres	100 ft.				50 ft.	40 ft.	40 ft.
Accessory Structures	n/a	n/a				100 ft. (30 ft. for Cluster)	15 ft.	40 ft. (30 ft. for Cluster)
Other Permitted Uses	10 acres	200 ft.				100 ft.	50 ft.	50 ft.

2-1.5 Building Regulations

2-1.5.1 Maximum Building Height

Thirty-five (35) feet, except for agricultural structures and height exceptions provided in Article 1.

2-1.5.2 Utility Requirements

A. Water and wastewater must be provided by on-site individual well and septic fields or an alternative on-site sewage treatment system, in accord with County and State regulations, and as set forth in Article 4.

- B. Residential uses located on lots developed under the residential cluster option in accordance with Section 2-1.6 may be served by a community water system, subject to special exception approval.

2-1.5.3 Access Requirements

Lots in subdivisions of more than two (2) lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system. A forty foot (40) right of way is sufficient if approved by VDOT.

2-1.6 Residential Cluster Development Option

2-1.6.1 General Provisions

Cluster development in the Agricultural Conservation (AC) District is permitted in order to promote innovative and creative design of residential development; to preserve agricultural lands and natural features, to preserve the rural atmosphere and visual character of the County; and, to encourage a more efficient use of land and services in order to reduce construction costs, reflect changes in the technology of land development and minimize maintenance costs of service delivery and utility systems.

2-1.6.2 General Standards

- A. The proposed Residential Cluster development must contain a minimum of thirty-one (31) contiguous acres located within the AC District.
- B. The maximum gross density of the Residential Cluster tract may not exceed one (1) principle dwelling per five (5) acres (100 year floodplain may not be included in the calculation of gross density).
- C. A minimum of 75% of the site, must be Cluster Conservation Lots of a minimum of 30 acres each, which shall be restricted from further development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the County, pursuant to 2-1.6.3. Up to 25% of the site may be Cluster Development Lots, for residential use pursuant to 2-1.6.4. (100 year floodplain may not be included in the calculation of gross density).
- D. All cluster lots must be accessed either by an internal road network that is connected to an existing public road, or by an existing public road. The majority of cluster lots must be accessed by an internal road. Internal roads must be designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system. A forty (40) foot right of way is sufficient if approved by VDOT.
- E. The average of the minimum widths of waterfront lots created must be at least 150 feet at the 100 foot RPA line.

- F. Residential Cluster Developments may be served by a community water system, subject to special exception approval and subject to the utility regulations set forth in Article 4
- G. An individual well or septic field may be located on a lot separate from the lot which is served by that well or septic field, provided that an easement is provided to ensure access for maintenance purposes.

2-1.6.3 Cluster Conservation Lot Regulations

A. Ownership

Each required Conservation Lot is permitted to have a maximum of one principle dwelling unit and each such lot must be permanently restricted from future subdivision and development by a permanent conservation easement held by a public or private entity acceptable to the County. A Conservation Lot may be privately or publicly owned.

B. Use Regulations

Uses permitted on a Cluster Conservation Lot shall be as follows:

- (1) The following uses may be permitted on Conservation Lots owned by a private entity:
 - (a) Single Family Dwelling and associated accessory uses and structures
 - (b) Accessory Dwelling
 - (c) Agriculture, General (includes forestry)
 - (d) Conservation Area as defined in this Ordinance
 - (e) Other passive open space uses as may be identified in the easement agreement.
 - (f) Bed and Breakfast Homestay
 - (g) Home Occupations, Minor (by-right) and Major (subject to Special Exception Approval)
 - (h) Family Day Care Home
- (2) The following uses may be permitted on Conservation Lots held as Common Open Space by a Homeowners or Property Owners Association:
 - (a) Agriculture, General (includes forestry)
 - (b) Conservation Area as defined in this Ordinance
 - (c) Playgrounds and other passive and active recreational facilities, for use by residents of the cluster development.

2-1.6.4 Cluster Development Lot Use Regulations

Uses within the Cluster Development Lots shall be limited as follows:

- A. Bed and Breakfast Homestay
- B. Home Occupations, Minor (by-right) and Major (subject to Special Exception Approval)
- C. Family Day Care Home
- D. Single Family Dwelling and associated accessory dwelling, uses and structures

2-1.6.5 Cluster Development on Parent Tracts of less than 31 acres.

A tract of less than 31 acres may be developed under the cluster development option provided that the following requirements are met:

- A. The parent tract has not been previously divided or subdivided since the date of adoption of the Amended Zoning Ordinance.
- B. Cluster lots meet the requirements set forth in 2-1.4.
- C. At least 50% of the original area of the parent tract is retained as a single conservation lot.
- D. All other requirements of 2-1.6 are met.

2-2. Rural Conservation (RC)

2-2.1 Purpose and Intent

This district is intended to maintain Westmoreland County's predominately rural character and open space, and to preserve productive farm and timberland while accommodating limited low-density, large lot and clustered residential development. This district is designed to allow a variety of less intense agricultural and rural uses that are compatible with rural residential development. The district also permits a variety of rural uses that support rural residents and smaller scale agricultural operations. Land in this district is generally not intended to be served with public water or wastewater or located in proximity to other public services, except for public or community water systems associated with cluster developments.

2-2.2 Permitted Uses (by-right)

1. Accessory Uses
2. Accessory Structures
3. Agriculture, General
4. Bed and Breakfast Homestay
5. Boathouse (Covered Boat Slip), subject to Article 4
6. Boat Wharves, Private, for unloading but not boat storage
7. Cemeteries
8. Conservation Areas
9. Dwellings, Accessory
10. Dwellings, Caretaker's
11. Dwellings, Single Family detached
12. Family Day Care Homes
13. Farm Brewery
14. Farm Enterprise
15. Florists – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.
16. Home Occupations, Minor
17. Kennels, private, subject to Article 4.
18. Nurseries, production
19. Parks, unlighted
20. Pier plus boat slip, covered boat slip (boat house), electricity, and well on the lot, without concurrent authorization for other accessory uses as regulated in Article 4.
21. Playgrounds, unlighted
22. Residential Cluster Option
23. Sawmills, temporary or portable
24. Signs, subject to Article 7
25. Water-related Structures (jetties, seawalls, piers etc.), subject to Article 4.
26. Wayside Stands
27. Wineries

2-2.3 Permissible Uses (by Special Exception)

By Special Exception Approval by the Board of Supervisors:

1. Airport, Private
2. Alternative Sewage Treatment Systems

3. Bed and Breakfast Inn
4. Biosolids Composting
5. Boat Building and repair
6. Boat Sales and Service
7. Boat Wharves, Public
8. Camps, day or boarding
9. Churches
10. Civic Clubs
11. Community Water System for Residential Cluster Option
12. Country Clubs
13. Country Inns
14. Country Store or Specialty Shop, not to exceed 3,000 square feet
15. Day Care Centers
15. Dwellings, Dormitory associated with school, camp only
16. Farm Machinery Repair
17. Farm Machinery Sale, Rental, Service
18. Feed Mills
19. Fire, Police or rescue stations
20. Flea Market
21. Funeral Homes
22. Golf Courses
23. Golf Driving Ranges
24. Home Occupation, Major
25. Hospitals, subject to Article 4
26. Houses, Boarding or Rooming
27. Kennels, Commercial
28. Museums
29. Nurseries, retail (Florists – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
30. Nursing Homes
31. Playgrounds, lighted
32. Parks, lighted
33. Post Office
34. Public Landings
35. Restaurants, not to exceed 3,000 square feet
36. Rural Small Business
37. Sawmills, Permanent
38. Seafood Facility, Non-Processing
39. Schools, elementary, middle, high, post-secondary
40. Service Stations, subject to Article 4
41. Swimming Pools, Public
42. Telecommunications towers, attached
43. Telecommunications towers, free-standing, subject to Article 4
44. Tourist Homes
45. Travel Trailer Parks
46. Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.
47. Veterinary Clinics, Kennels and Hospital
48. Public utility trunk lines and system components (electrical and gas)

2-2.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use/Lot	Minimum		Maximum Lot Coverage			Setbacks		
	Lot Size	Lot Frontage (at front setback)				Minimum Front (ft.)	Side (ft.)	Rear (ft.)
			in accord with Article 3 Chesapeake Bay Overlay District					
Single-Family Dwelling	5 acre	150 ft.				50 ft.	40 ft.	40 ft.
Single-Family Dwelling (Cluster Lot)	25,000 s.f.	80 ft.				30 ft.	25 ft.	30 ft.
Single-Family Dwelling (Conservancy Lot)	20 acres	100 ft.				50 ft.	25 ft.	30 ft.
Accessory Structures	n/a	n/a				125 ft. (100 ft. for cluster option)	15 ft.	40 ft.
Other Permitted Uses	5 acre	150 ft.				50 ft.	40 ft.	40 ft.

2-2.5 Building Regulations

2-2.5 (A) Maximum Building Height

Thirty-five (35) feet, except for agricultural structures. Also see height exceptions in Article 1.

2-2.5 (B) Utility Requirements

1. Water and wastewater must be provided by on-site individual well and septic fields or an alternative on-site sewage treatment system, in accord with County and State regulations, and as set forth in Article 4.
2. Residential uses located on lots developed under the residential cluster option in accordance with Section 2-2.6 may be served by a community water system, subject to special exception approval.

2-2.5 (C) Access Requirements

Lots in subdivisions of more than two (2) lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT)

system or from a road to be designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system. A forty (40) foot right of way is sufficient if approved by VDOT.

2-2.6 Residential Cluster Development Option

2-2.6.1 General Description

Cluster development in the Rural Conservation (RC) District is encouraged to promote innovative and creative design of residential development; to preserve open space that enhances the rural atmosphere and visual character of the county; and, to encourage a more efficient use of land and services in order to reduce construction costs, reflect changes in the technology of land development and minimize maintenance costs of service delivery and utility systems.

2-2.6.2 General Standards

- A. The proposed Residential Cluster development must contain a minimum of twenty-one (21) contiguous acres located within the RC District.
- B. The maximum gross density of the Residential Cluster tract must not exceed one (1) unit per two and one-half (2.5) gross acres, not including floodplain in the calculation of gross density.
- C. A minimum of 60% of the site, must be Cluster Conservation Lots, of a minimum of twenty (20) acres each, which must be restricted from further development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the County, pursuant to 2-1.6 (C). Up to 40% of the site may be the Cluster Development Lots, for residential use, pursuant to 2-2.6 (D).
- D. All cluster lots must be accessed either by an internal road network that is connected to an existing public road, or by an existing public road. The majority of cluster lots must be accessed by an internal road. Internal roads must be designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system. A forty (40) foot right of way is sufficient if approved by VDOT.
- E. The average of the minimum widths of waterfront lots created must be at least 150 feet at the 100 foot RPA line.
- F. Residential Cluster Developments may be served by a community water system, subject to special exception approval and subject to the utility regulations set forth in Article 4.
- G. An individual well or septic field may be located on a lot separate from the lot which is served by that well or septic field, provided that an easement is provided to ensure access for maintenance purposes.

2-2.6.3 Cluster Conservation Lot Regulations

A. Ownership

Each required Conservation Lot is permitted to have a maximum of one principle dwelling unit and each such lot must be permanently restricted from future subdivision and development by a permanent conservation easement held by a public or private entity acceptable to the County. A Conservation Lot may be privately or publicly owned.

B. Use Regulations

Uses within the Cluster Conservation Lot shall be as follows:

- (1) The following uses may be permitted on Conservation Lots held under easement by a public or private entity:
 - (a) Single Family Dwelling and associated accessory dwelling, uses and structures
 - (b) Conservation Area as defined in this Ordinance
 - (c) Agriculture, general
 - (d) Other mutually acceptable passive open space uses identified in the easement agreement.
 - (e) Bed and Breakfast Homestay
 - (f) Home Occupations, Minor (by-right) and Major (subject to Special Exception Approval)
 - (g) Family Day Care Home
- (2) The following uses may be permitted on Conservation Lots held as Common Open Space by an HOA or POA:
 - (a) Conservation Area as defined in this Ordinance
 - (b) Playgrounds and other passive and active recreational facilities, for use by residents of the cluster.

2-2.6.4 Cluster Development Lot Use Regulations

Uses within the Cluster Development Area shall be limited as follows:

- A. Bed and Breakfast, Homestay
- B. Home Occupations, Minor and Major (subject to Special Exception Approval)
- C. Family Day Care Home
- D. Single Family Dwelling and associated accessory dwelling, uses and structures

2-2.6.5 Cluster Development on Parent Tracts of less than 21 acres.

A tract of less than 21 acres may be subdivided and developed under the cluster development option provided that the following requirements are met:

- A. The parent tract has not been previously divided or subdivided since the date of adoption of the Amended Zoning Ordinance.
- B. Cluster lots meet the requirements set forth in 2-2.4.
- C. At least 50% of the original area of the parent tract is retained as a single conservation lot.
- D. All other requirements of 2-2.6 are met.

2-3. Rural Residential (RR)

2-3.1 Purpose and Intent

The Rural Residential District (RR) is intended to provide an area for low-density residential uses and a limited range of other uses compatible with a rural residential environment. This district is not to be served by large scale public water or by wastewater treatment systems. It is intended to complement the more rural, lower density Agricultural and Conservation Districts by providing a location for residential development of a rural nature. The RR District is generally intended to provide a transition of land uses between the Agricultural and Conservation Districts and other, more intensive districts.

2-3.2 Permitted Uses (by-right)

1. Accessory uses
2. Accessory structures
3. Agriculture, Limited
4. Bed and breakfast, homestays
5. Boathouses (Covered Boat Slip), subject to Article 4
6. Boat wharves, private for unloading but not for boat storage
7. Dwellings, single family detached
8. Home occupations, minor, subject to standards of Article 4
9. Marinas, private
10. Parks, unlighted
11. Pier plus boat slip, covered boat slip (boat house), electricity, and well on the lot, without concurrent authorization for other accessory uses as regulated in Article 4.
12. Playgrounds, unlighted
13. Signs, subject to Article 7
14. Water-related Structures (jetties, seawalls, piers, etc.), subject to Article 4

2-3.3 Permissible Uses (by Special Exception)

1. Additional accessory structures in excess of number permitted in Article 4
2. Alternative Sewage Treatment Systems
3. Bed and Breakfast Inns
4. Cemeteries
5. Churches
6. Civic Clubs
7. Community water systems
8. Country Clubs
9. Dwellings, accessory, subject to Article 4
10. Family day care homes
11. Fire, police or rescue stations
12. Golf courses
13. Golf Driving Ranges
14. Group Homes
15. Home occupations, major, subject to standards of Article 4.
16. Parks, lighted
17. Playgrounds, lighted
18. Public utility trunk lines and system components, other (gas, electric, etc.)

- 19. Recycling collection points
- 20. Schools, elementary
- 21. Solid waste collection points
- 22. Telecommunications towers, attached
- 23. Telecommunications towers, freestanding, subject to Article 4.

2-3.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Maximum Lot Coverage		Setbacks			
	Lot Size (sq. ft.)	Lot Frontage (at front setback)			Minimum Front (ft.)	Maximum Front (ft.)	Side (ft.)	Rear (ft.)
			in accord with Article 3 Chesapeake Bay Overlay District					
Single-Family Dwelling	40,000	100 ft.			40 ft.	n/a	20 ft.	40 ft.
Accessory Structures	n/a	n/a			55 ft.	n/a	15 ft.	40 ft.
Other Permitted Uses	60,000	150 ft.			40 ft.	n/a	20 ft.	40 ft.

2-3.5 Building Regulations

2-3.5.1 Maximum Building Height

Thirty-five (35) feet. Also see height exceptions in Article 1.

2-3.5.2 Utility Requirements

Water and wastewater treatment service must be provided by individual private wells or community water systems, and by individual septic systems, in accord with County and State regulations, and as set forth in Article 4.

2-3.5.3 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-4. Residential Neighborhood (RN)

2-4.1 Purpose and Intent

The Residential Neighborhood District (RN) is intended to provide an area for moderate density residential uses and a limited range of other uses compatible with a residential environment. It is intended to encourage the construction of, and continued use of the land for single-family dwellings and to prohibit commercial, industrial or uses that would substantially interfere with development or continuation of single-family dwellings in the district. The Residential Neighborhood District (RN) must be served by a public or community water system and by a public, central wastewater treatment system.

2-4.2 Permitted Uses (by-right)

1. Accessory uses
2. Accessory structures
3. Boathouse (Covered Boat Slip), subject to Article 4.
4. Boat wharves, private, for unloading but not for boat storage
5. Dwellings, single family detached
6. Home occupation, minor, subject to standards of Article 4.
7. Marinas, private
8. Parks, unlighted
9. Pier plus boat slip, covered boat slip (boat house), electricity, and well on the lot, without concurrent authorization for other accessory uses as regulated in Article 4.
10. Playgrounds, unlighted
11. Signs, subject to Article 7
12. Water-related Structures (jetties, seawalls, etc.), subject to Article 4.

2-4.3 Permissible Uses (by Special Exception)

1. Additional accessory structures in excess of number permitted in Article 4.
2. Bed and Breakfast homestays
3. Cemeteries
4. Churches
5. Civic Clubs
6. Community Water Systems
7. Country Clubs
8. Dwellings, accessory, subject to Article 4.
9. Fire, police or rescue stations
10. Florists – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.
11. Golf courses
12. Golf Driving Ranges
13. Group Homes
14. Home occupation, major, subject to standards of Article 4.
15. Parks, lighted
16. Playgrounds, lighted
17. Public utility trunk lines, other, and system components (gas, electric)
18. Public utility trunk lines, water or wastewater

- 19. Public Wastewater Treatment Plant,
- 20. Public Water Treatment Plant,
- 21. Recycling collection points
- 22. Schools, elementary, middle, high
- 23. Solid waste collection points
- 24. Telecommunications towers, attached
- 25. Telecommunications towers, freestanding, subject to Article 4.

2-4.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Maximum Lot Coverage		Setbacks			
	Lot Size (sq. ft.)	Lot Frontage (at front setback)			Minimum Front (ft.)	Maximum Front (ft.)	Side (ft.)	Rear (ft.)
			in accord with Article 3 Chesapeake Bay Overlay District					
Single-Family Dwelling	12,000	70 ft.			20 ft.	n/a	15 ft.	20 ft.
Accessory Structures	n/a	n/a			35 ft.	n/a	10 ft.	20 ft.
Other Permitted Uses*	12,000	70 ft.			20 ft.	n/a	25 ft.	20 ft.

* some permitted uses will be located on portions of lots with other permitted uses

2-4.5 Building Regulations

2-4.5.1 Maximum Building Height

Thirty-five (35) feet. Also see height exceptions in Article 1.

2-4.5.2 Utility Requirements

Water and wastewater treatment service must be provided by public or community water and wastewater treatment systems which meet the guidelines and standards of the County’s Comprehensive Plan and all design standards set by the County and State.

2-4.5.3 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-5. Planned Residential Development (PRD)

2-5.1 Purpose and Intent

The Planned Residential Development (PRD) is intended to provide residential opportunities at a higher density than the Rural Residential (RR) and Residential Neighborhood (RN) Districts, but yet in a quiet residential character with a mix of different residential types. The PRD district is generally intended to apply to land designated in the Comprehensive Plan as being planned for higher density residential uses. Land in this district is intended to be served with public water and wastewater services.

2-5.2 Permitted Uses (by-right)

1. Accessory uses
2. Accessory structures
3. Boathouse (Covered Boat Slip), subject to Article 4.
4. Boat wharves, private, for unloading but not for boat storage
5. Dwellings, accessory, subject to standards of Article 4.
6. Dwellings, multi-family
7. Dwellings, single family attached
8. Dwellings, single family detached
9. Dwellings, two-family
10. Home occupations, minor, subject to standards of Article 4.
11. Pier plus boat slip, covered boat slip (boat house), electricity, and well on the lot, without concurrent authorization for other accessory uses as regulated in Article 4.
12. Signs, subject to Article 7
13. Water-related Structures (jetties, seawalls, etc.), subject to Article 4.

2-5.3 Permissible Uses (by Special Exception)

1. Additional accessory structures in excess of number permitted in Article 4.
2. Assisted Living Facility
3. Bed and Breakfast homestays
4. Cemeteries
5. Churches
6. Civic Clubs
7. Country Clubs
8. Day Care Facilities
9. Fire, police or rescue stations
10. Golf courses
11. Golf Driving Ranges
12. Group Homes
13. Home occupations, major, subject to standards of Article 4.
14. Libraries
15. Marinas, private
16. Parks, lighted or unlighted
17. Playgrounds, lighted or unlighted
18. Public utility trunk lines, other, and system components (gas, electric)
19. Public utility trunk lines, water or wastewater

- 20. Public Wastewater Treatment Plant,
- 21. Public Water Treatment Plant,
- 22. Recycling collection points
- 23. Retail, Office and Personal Service Businesses not exceeding 10,000 square feet (Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
- 24. Schools, elementary, middle, high, post-secondary
- 25. Solid waste collection points
- 26. Telecommunications towers, attached
- 27. Telecommunications towers, freestanding, subject to Article 4.

2-5.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Maximum Lot Coverage		Setbacks			
	Lot Size (sq. ft.)	Lot Frontage (at front setback)			Minimum Front	Min. Side	Min. Total of both Sides	Min. Rear
			in accord with Article 3 Chesapeake Bay Overlay District					
Single-Family Dwelling	8,000	60 ft.			20 ft.	5 ft.	15 ft.	25 ft.
Two-family Dwelling**	14,000	100 ft.			20 ft.	8 ft.	15 ft.	25 ft.
Attached Dwelling***	2,000	18 ft.			5 ft.	n/a; 15 ft. for end units		25 ft.
Multi-family Structure	40,000	120 ft.			5 ft.	5 ft.	15 ft.	25 ft.
Accessory Structures for single and two-family	n/a	n/a			35 ft.	5 ft.	15 ft.	25 ft.
Accessory Structures for attached & multi-family	n/a	n/a			40 ft.	0 ft.	0 ft.	15 ft.
Other Permitted Uses*	60,000	150 ft.			40 ft.	5 ft.	15 ft.	25 ft.

* permitted uses may be located on portions of lots with other permitted uses

** two-family dwellings must be on separate lots but may share a common wall at the lot line

*** a maximum of eight (8) units are permitted in a single attached group of units.

2-5.5 Building Regulations

2-5.5.1 Maximum Building Height

Thirty-five (35) feet, except forty-five (45) feet for multi-family structures. Also see height exceptions in Article 1.

2-5.5.2 Utility Requirements

Water and wastewater treatment service must be provided by public or community water system and public wastewater treatment systems which meet the guidelines and standards of the County's Comprehensive Plan and all design standards set by the County and State.

2-5.5.3 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system. Access for emergency and maintenance must be provided at the rear of multi-family dwellings and may be required for attached units if needed due to surrounding road access configurations.

2-5.5.4 Density Requirements

A Planned Residential Development (PRD) may have a density of up to a maximum of five units per gross acre, if the proposed development is in accord with the County's Comprehensive Plan. Maximum internal, net densities for each allowable dwelling type are as follows:

- (A) For multifamily dwelling structures: Twelve (12) units per net acre of land devoted to multi-family uses.
- (B) For attached dwellings: Eight (8) units per net acre of land devoted to attached units.
- (C) Multi-family dwelling units and attached dwelling units may not exceed seventy-five (75) percent individually or collectively of the total number of dwelling units in the Planned Residential Development (PRD). The remaining units must be single family detached.

2-5.5.5 Open Space Requirements.

- (A) A minimum of at least twenty (20) percent of the gross area of the Planned Residential Development (PRD) tract must be maintained in open space as defined in this Ordinance, in conjunction with approval of the rezoning.
- (B) Not more than twenty-five (25) percent of the minimum open space required in 2-5.5.5. A may consist of any of the following: 100 year flood plain, wetlands, above ground utility uses including stormwater management facilities, or slopes in excess of sustained thirty-five (35) percent.

- (C) A minimum of ten (10) percent of the total minimum amount of required open space must be in the form of public greens, fronted on at least two sides by residential streets and structures.

2-5.5.6 Ownership and Management of Common Open Space and Common Facilities

- (A) All common open space and facilities must be preserved for the intended purpose as expressed in the Concept Development Plan. The developer shall choose prior to approval of the first record plat or final site plan, one (1) or a combination of the following methods of administering common open space.

- (1) Public dedication to the County of the common open space, subject to acceptance by the Board of Supervisors.
- (2) Establishment of a non-profit association, corporation, trust, or foundation of all owners of residential property within the planned development. Such organization must conform to the following requirements:
 - (a) The organization must be established prior to approval of the first record plat or site development plan in the proposed development, whichever is first. The documents establishing such organization are subject to review and approval by the County.
 - (b) Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community and said organization shall not discriminate in its members or shareholders.
 - (c) The organization shall manage, maintain, administer and operate all open space and improvements and other land not publicly or privately owned, including the adoption and administration of design guidelines and procedures for review and approval of structures, shall secure adequate liability insurance on the land and such improvements and must provide for adequate, on-going funding to maintain all common areas and facilities.

- (3) Retention of ownership, control, and maintenance of common open space and improvements by the developer.

- (B) All common open space not dedicated to the County must be subject to restrictive covenants running with the land restricting its use to that specified in the approved Development Plan. Such restrictions must be for the benefit of, and enforceable by, all present or future residential property owners and the Board of Supervisors.

(C) All common open space, as well as public recreational facilities, must be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

2-5.6 Standards for Planned Residential Development (PRD)

- 2-5.6.1 A Planned Residential Development (PRD) must include at least ten (10) gross contiguous acres with frontage upon a paved collector or arterial highway. The entire tract for a PRD application must consist of contiguous parcels.
- 2-5.6.2 The applicant must prepare and submit a PRD Concept Development Plan in accord with Article 10 (Administration and Procedures) of this Ordinance.. The Concept Development Plan shall include maps and narrative text that describe the location of and relationships between all land uses, public facilities, roadways, open space and recreation areas, and other proposed major facilities.
- 2-5.6.3 The Concept Development Plan must be submitted as part of the application for rezoning, including submission and procedural requirements for the rezoning process shall be as set forth in Article 10 (Administration and Procedures) of this Ordinance.
- 2-5.6.4 The Concept Development Plan must provide for at least two different dwelling types.
- 2-5.6.5 The Concept Development Plan must be in general conformity with the County's adopted Comprehensive Plan, and shall not create an adverse effect on adjacent land uses.
- 2-5.6.6 Recreational and open space uses must be incorporated into each phase or stage of development in the manner prescribed by the Concept Development Plan. Applicable recreational facilities shall be completed prior to construction of the next phase.
- 2-5.6.7 The applicant must designate geographic sections and identify the number and type of dwellings of each section and of the entire tract proposed to be developed as a Planned Residential Development.
- 2-5.6.8 The unique nature of a proposal for Planned Residential Development may require that the specifications for the width and surfacing of streets, alleys, ways for public utilities, and curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall be subject to modification from the specifications established by the County. The Board of Supervisors may therefore waive or modify the specifications otherwise applicable for a particular public facility where the Board finds that such specifications are not required in the interest of the residents of the Planned Residential Development and that the requested modifications of such specifications would better meet the

purpose and intent of the PRD District and of the County's Comprehensive Plan. If any such modifications are approved by the Board such modifications shall be shown on the approved Concept Development Plan and shall govern the development of the project.

2-6. Planned Village Development (PVD)

2-6.1 Purpose and Intent

The purpose of the Planned Village Development (PVD) is to provide opportunities for the creation of new neighborhoods that have the desirable qualities of older neighborhoods that were a common form of development in the United States from early settlements until the 1940's. These neighborhoods feature a mix of land uses and building types, closely linked by an interconnected street network framed by buildings and thus convenient for pedestrians.

The purpose of this district is to provide a flexible set of land use and design regulations that will allow traditional neighborhoods to be built subject to County rezoning review and approval.

Upon approval, a Planned Village Development (PVD) Plan and design guidelines become the basis for all continuing land use controls and supercede all other provisions of this Ordinance.

The PVD option is intended for areas planned for medium or high density residential uses adjacent to urbanizing areas and served with public utilities.

Objectives of these Planned Village Development provisions are to:

- Allow residents to carry out many of life's activities within their neighborhood, including working, shopping, education and recreation.
- Provide a range and mix of land uses and dwelling types.
- Provide a transportation system that provides safe and convenient movement for all forms of traffic, including motor vehicles, pedestrians and bicycles.
- Provide a system of civic spaces including parks, squares and public structures to create a sense of community.

2-6.2 Permitted Uses (by-right)

1. Accessory uses
2. Accessory structures
3. Boathouse (Covered Boat Slip), subject to Article 4.
4. Boat wharves, private, for unloading but not boat storage
5. Dwellings, accessory, subject to standards of Article 4.
6. Dwellings, single family attached
7. Dwellings, single family detached
8. Dwellings, multi-family
9. Dwellings, two-family
10. Home occupation, minor, subject to standards of Article 4.
11. Pier plus boat slip, covered boat slip (boat house), electricity, and well on the lot, without concurrent authorization for other accessory uses as regulated in Article 4.
12. Signs, subject to Article 7
13. Water-related Structures (jetties, seawalls, etc.), subject to Article 4.

2-6.3 Permissible Uses (by Special Exception)

1. Additional accessory structures in excess of number permitted in Article 4.
2. Assisted Living Facilities
3. Bed and Breakfast homestays
4. Cemeteries
5. Churches
6. Civic Clubs
7. Country Clubs
8. Day Care Facilities
9. Fire, police or rescue stations
10. Golf courses
11. Golf Driving Ranges
12. Group Homes
13. Home occupations, major, subject to standards of Article 4.
14. Libraries
15. Marinas, private
16. Nursing Homes
17. Offices, subject to Section 2-6.4
18. Parks, lighted or unlighted
19. Playgrounds, lighted or unlighted
20. Post office
21. Public utility trunk lines, other, and system components (gas, electric)
22. Public utility trunk lines, water or wastewater
23. Public Wastewater Treatment Plant,
24. Public Water Treatment Plant,
25. Recycling collection points
26. Retail, offices, services not more than 10,000 square feet
(Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
27. Schools, elementary, middle, high, or post-secondary
28. Solid waste collection points
29. Telecommunications towers, attached
30. Telecommunications towers, freestanding, subject to Article 4.

2-6.4 Land Use Mix, Density, Lot and Yard Regulations

	Minimum	Maximum
Neighborhood Size	Ten (10) acres for a new PVD; Two (2) acres for expanding an existing PVD	none
Overall Gross Density	n/a	
% of Net Development Area		
Land Use Mix:	Minimum	Maximum
Residential uses	50%	80%
Retail or office uses	2%	15%
Civic uses***	2%	n/a
Parks, greens, open space	10%	n/a
	Minimum	Maximum
Net Density:		
Total Residential	n/a	5.0 du/ac
Single Family Detached	n/a	4.0 du/ac
Two-family dwelling	n/a	5.0 du/ac
Townhouse	n/a	7.0 du/ac
Multi-Family	n/a	12.0 du/ac
Building Floorplate:****		
Retail or office	n/a	20,000 s.f.**
	Minimum	Maximum
Lot Coverage: *****		in accord with Article 3 Chesapeake Bay Overlay District

*no maximum front setback for lots of 20,000 square feet or greater

**maximum area of building floorplate; 50,000 square feet by special use permit

***Public utility uses shall not be included in this required percentage.

**** Floorplate is the same as "footprint" of the building

Note: fifty (50) feet minimum buffer area required between PVD district and existing residential neighborhoods

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Lot Area Requirements	Minimum	Maximum
Single Family Detached		
Lot Size	8,500 s.f.	n/a
Lot Width	60 ft	n/a
Front Setback	10 ft	25 ft*
Side Yard	10 ft.	n/a
Rear Yard	25 ft	n/a
Two-Family		
Lot Size	14,000 s.f.	n/a
Lot Width	90 ft.	n/a
Front Setback	10 ft	25 ft*
Side Yard	10 ft.	n/a
Rear Yard	25 ft	n/a
Attached		
Lot Size	1,600 s.f.	n/a
Lot Width	18 ft.	n/a
Front Setback-edge	10 ft.	n/a
Side Yard	10 ft.	n/a
Rear Yard	25 ft	n/a
Multi-Family		
Lot Size	8,500 s.f.	n/a
Lot Width / Frontage	90 ft.	n/a
Front Setback	0 ft.	25 ft
Side Yard	10 ft.	n/a
Rear Yard	25 ft	n/a
Retail or Office		
Lot Size	8,500 sf	n/a
Lot Width	70 ft	n/a
Front Setback	0 ft	15 ft
Side Yard	5 ft	n/a
Rear Yard	35 ft	n/a
Civic Uses		
Front Setback	10 ft.	25 ft.
Side Yard	5 ft.	n/a
Rear Yard	25 ft	n/a
Accessory Structures		
Front Setback	n/a	n/a
Side Yard	5 ft.	n/a
Rear Yard	20 ft	n/a
Impervious Surfaces		
		in accord with Article 3 Chesapeake Bay Overlay District

*no maximum front setback for lots of 20,000 square feet or greater

**maximum area of building floorplate; 50,000 square feet by special use permit

Note: fifty (50) feet minimum buffer area required between PVD district and existing residential neighborhoods

2-6.5 Building Regulations

2-6.5.1 Maximum Building Height

Thirty-five (35) feet.

Also see height exceptions in Article 1.

2-6.5.2 Utility Requirements

Water and wastewater treatment service must be provided by a public or community water system and a public wastewater treatment system which meet the guidelines and standards of the County's Comprehensive Plan and all design standards set by the County and State.

2-6.5.3 Access and Street Requirements

(A) Grid Network Required. The transportation system in the PVD District shall generally be in the form of a grid of interconnected streets, alleys and paths, modified as necessary to accommodate topography and parcel shape.

(B) Cul-de-sacs shall not exceed ten (10) percent of the total length of streets in the PVD. Alleys are exempt from this calculation.

(C) Block Size. The blocks created by the grid of streets shall have a maximum block perimeter of 1,800 lineal feet, measured along the interior edge of the street right-of-way, except in locations where a street must cross areas of steep slopes in excess of ten (10) percent natural grade. In such cases, the block length may be extended as necessary to circumvent the steep area.

(D) Street Design. Street sections in the PVD shall be designed to serve multiple purposes, including movement of motor vehicle traffic, safe and convenient pedestrian and bicycle movement, areas for public gathering and interaction, and areas for placement of street trees, street furniture and landscaping. Streets shall be designed to balance the needs of all users and promote efficient and safe movement of all modes of transportation.

The following street designations and sections shall be used as guidelines in designing streets that fit the land uses and densities of the proposed network.

Type of Street	Typical ADT*	Design Speed	Right of Way	Paving	Parking
Neighborhood Boulevard	> 3,000	30 mph	72 feet	Two lanes @ 18'; 8' median	Two sides
Neighborhood Main Street	> 2,000	20 mph	64 feet	36 feet	Two sides
Neighborhood Avenue	1,000 to 2,000	20 mph	60 feet	34 feet	Two sides
Mixed Residential Street	< 1,000	20 mph	48 feet	28 feet	One side
Mixed Residential Lane	< 500	20 mph	46 feet	26 feet	One side
Mixed Residential Side Street	< 500	20 mph	28 feet	20 feet	None

*Average Daily Traffic volume projected to occur at the time of completion of development of PVD

- (E) Sidewalks. Sidewalks shall be provided on at least one side of the street. Paved area of sidewalk shall be not less than six (6) feet wide, with total sidewalk area width not less than twelve (12) feet.
- (F) Pedestrian and/or Bicycle Routes. Pedestrian and bicycle routes shall be provided to connect all uses, so that pedestrians and bicyclists can move comfortably and safely from any site within the PVD to any other site within the PVD. Pedestrian traffic shall be accommodated through the provision of sidewalks and paths. Bicycle traffic shall be accommodated through the provision of designated, well-marked bicycle lanes and/or paths suitable for bicycle traffic.
- (G) Parking. Parking and loading spaces shall be provided as required in Article 5. On-street as well as off-street parking spaces shall be counted toward satisfying the requirements. On-street parking spaces assigned to a building or use shall be those spaces that abut the lot containing that building or use. All required handicapped parking spaces shall be provided off-street. Shared parking shall be permitted upon approval by the Zoning Administrator of a shared parking plan prepared and submitted by the applicant. Off-street parking and loading spaces shall be located behind or to the side of principal structures and may be served directly or indirectly by alleys.
- (H) Private Streets. Private streets and alleys, built to standards approved by the Board of Supervisors, are permitted in the PVD. Such private streets and alleys may serve multiple lots and uses, allowing lots to share entrances on to the public street. A property owners association approved by the Board in accord with Section 2-6.5.5 shall maintain private streets and alleys.

2-6.5.4 Open Space Requirements

(A) Total Land Areas for Parks, Greens and Other Open Space Uses. A minimum of ten (10) percent of the net development area must be designated for Parks, Greens or Other Open Space uses as defined herein. Natural (undisturbed) open space shall count toward no greater than twenty (20) percent of the total required area for parks, greens or other open space uses.

(B) Minimum Lot Area for Parks, Greens and Other Open Space Uses. A park, square or open space area shall be at least 10,000 square feet. No residential dwelling unit of the neighborhood shall be located more than 1,400 feet from the boundary of a park, green or open space property.

2-6.5.5 Property Owners Association

A Property Owners Association shall be established in accord with the provisions of Section 2.5.5.6.

2-6.5.6 Use Limitations

(A) Public Water and Sewer Service. All development within a PVD is required to be served by public water and sewer facilities.

2-6.6 Standards and Procedures for Planned Village Development (PVD)

2-6.6.1 A Planned Village Development (PVD) must include at least ten (10) gross contiguous acres with frontage upon an existing paved collector or arterial highway.

2-6.6.2 The applicant must prepare and submit a PVD Concept Development Plan. The Concept Development Plan shall include maps and narrative text that describe the location of and relationships between all land uses, public facilities, roadways, open space and recreation areas, and other proposed major facilities.

2-6.6.3 The Concept Development Plan shall be submitted as part of the application for rezoning. Submission and procedural requirements for the rezoning process shall be as set forth in Article 10 of this Ordinance.

2-6.6.4 The Concept Development Plan shall provide for at least two different dwelling types.

2-6.6.5 The Concept Development Plan shall be in general conformity with the County's adopted Comprehensive Plan, and shall not create an adverse effect on adjacent land uses.

2-6.6.6 Recreational and open space uses shall be incorporated into each phase or stage of development in the manner prescribed by the Concept Development Plan. Applicable recreational facilities shall be completed prior to construction of the next phase.

- 2-6.6.7 The applicant shall designate geographic sections and identify the number and type of dwellings of each section and of the entire tract proposed to be developed as a Planned Village Development.

- 2-6.6.8 The unique nature of a proposal for Planned Village Development may require that the specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall be subject to modification from the specifications established by the County. The Board of Supervisors may therefore waive or modify the specifications otherwise applicable for a particular public facility where the Board finds that such specifications are not required in the interest of the residents of the Planned Residential Development and that the modifications of such specifications are not inconsistent with the interests of the County. Any such modifications that may be approved by the Board shall be shown on the approved Concept Development Plan and shall govern the development of the project.

2-7. Business Neighborhood (BN)

2-7.1 Purpose and Intent

This district is intended to provide for convenience commercial uses to serve rural residents and supplement neighborhood and community areas. Uses include facilities such as a country store providing essential goods and services in the rural area at crossroads and historic rural centers rather than spread out along the highway or isolated as home occupations. The convenience center is the first stage of commercial services and is intended for consolidated development in a limited area of service.

2-7.2 Permitted Uses (by-right)

1. Accessory Uses
2. Accessory Structures
3. Antique shops
4. Banks, not including drive-in
5. Bed and breakfast Inn
6. Boat Building and repair
7. Boathouses (Covered Boat Slip)
8. Churches not greater than 50,000 square feet
9. Convenience center or general store (maximum 8,000 s.f., individual or collectively)
10. Farm Machinery Repair
11. Farm Machinery Sale, Rental, Service
12. Funeral Homes
11. Golf Cart Sales
12. Nurseries, production
13. Offices
14. Playgrounds, unlighted
15. Retail sales and personal services not greater than 10,000 s.f.
(Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
16. Restaurants, not including drive-in
17. Schools, commercial, technical
18. Signs, subject to Article 7
19. Water-related structures

2-7.3 Permissible Uses (by Special Exception)

1. Alternative Sewage Treatment System
2. Boat Sales and Service
3. Camps, day or boarding
4. Civic Clubs
5. Churches 50,000 square feet or greater
6. Community Water System
7. Country Inns
8. Day Care Centers
9. Drive-in facility as part of retail, restaurant, bank or office use
10. Dwellings, Caretaker's
11. Feed Mills
12. Fire, Police or rescue stations

13. Nurseries, retail
(Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
14. Nursing homes
15. Parks, lighted or unlighted
16. Playgrounds, lighted
17. Post Office
18. Public utility trunk lines, other, and system components (gas, electric)
19. Public utility trunk lines, water or wastewater
20. Public Wastewater Treatment Plant
21. Public Water Treatment Plant
22. Recycling collection point
23. Service Station, subject to Article 4.
24. Swimming Pools, Public
25. Telecommunications towers, attached
26. Telecommunications towers, free-standing, subject to Article 4.
27. Tourist Home
28. Veterinary Clinics, Kennels and Veterinary Hospitals

2-7.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Maximum Lot Coverage	Setbacks			
	Lot Size	Lot Frontage (at front setback)		Minimum Front (ft.)	Maximum Front (ft.)	Side (ft.)	Rear (ft.)
			in accord with Article 3 Chesapeake Bay Overlay District				
Commercial uses	25,000 sq. ft.	none		25 ft.	n/a	15 ft.	25 ft.
Accessory Structures	n/a	n/a		125 ft.	n/a	15 ft.	40 ft.
Other Permitted Uses	25,000 square feet	100 ft.		100 ft.	n/a	20 ft.	40 ft.

2-7.5 Building Regulations

2-7.5.1 Maximum Building Height

Thirty-five (35) feet. Also see height exceptions in Article 1.

2-7.5.2 Utility Requirements

A. Water and wastewater must be provided by on-site individual well and septic fields or an alternative on-site sewage treatment system, or public water systems and public wastewater systems in accord with County and State regulations, and as set forth in Article 4

B. Residential uses located on lots developed in this District may be served by a community water system, subject to special exception approval.

2-7.5.3 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-8. Business General (BG)

2-8.1 Purpose and Intent

The Business General District (BG) provides for general commercial uses which serve community-wide needs for goods, services and shopping in the county. Such facilities should be consolidated to provide for the appropriate infrastructure and offer competitive services within the market. A full range of commercial services are encouraged with central access and services. The result may be intense uses that require buffering, land coordination and community or public water and wastewater system support.

2-8.2 Permitted Uses (by-right)

1. Accessory uses
2. Accessory structures
3. Antique shops
4. Auto, trailer sales and service
5. Boathouses (Covered Boat Slip)
6. Boat building and repair
7. Boat sales and service
8. Building materials (indoor storage only)
9. Car wash, self service
10. Convenience center
11. Retail stores of not more than 100,000 gross square feet
(Errata Sheet April 12, 2006 – this included within item #21 below)
12. Small Engine Repair and Sales
12. Fire, police or rescue stations
13. Funeral Homes
14. Contractor office and storage (screened equipment storage)
15. Motel and hotel
16. Nursery Horticultural Production
17. Nursery Retail
18. Nursery Wholesale
19. Offices
20. Printing Plants
21. Retail, office and services not greater than 100,000 square feet
(Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
22. Restaurants, not including drive-in services
23. Schools, commercial, technical
24. Signs, subject to Article 7
25. Water-related Structures (jetties, seawalls, etc.), subject to Article 4
26. Wholesale stores not greater than 100,000 gross square feet

2-8.3 Permissible Uses (by Special Exception)

1. Auction house
2. Bed and Breakfast Inns
3. Cemeteries
4. Churches
5. Civic and membership clubs
6. Commercial Recreation

7. Community water systems
8. Drive-in facility as part of retail, restaurant, bank or office use
9. Flea Markets
10. Golf driving ranges
11. Hospital
12. Manufactured home sales
13. Nursing homes
14. Public utility trunk lines, other, and system components (gas, electric)
15. Public utility trunk lines, water or wastewater
16. Public Wastewater Treatment Plant, public
17. Public Water Treatment Plant, public
18. Recycling collection point
19. Service station, may include auto repair
20. Solid waste collection point, transfer station
21. Storage yards, outdoor
22. Telecommunications towers, attached
23. Telecommunications towers, freestanding, subject to Article 4

2-8.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Maximum Lot Coverage		Setbacks			
	Lot Size (sq. ft.)	Lot Frontage (at front setback)			Minimum Front (ft.)	Maximum Front (ft.)	Side (ft.)	Rear (ft.)
			in accord with Article 3 Chesapeake Bay Overlay District					
Commercial Uses	10,000	100 ft.			25 ft.	n/a	10 ft.	25 ft.
Accessory Structures	n/a	n/a			25 ft.	n/a	5 ft.	10 ft.
Other Permitted Uses	20,000	150 ft.			30 ft.	n/a	15 ft.	30 ft.

2-8.5 Building Regulations

2-8.5.1 Maximum Building Height

Thirty-five (35) feet. Also see height exceptions in Article 1..

2-8.5.2 Utility Requirements

Water and wastewater treatment service must be provided by community or public water systems and public wastewater systems, in accord with County and State regulations, and as set forth in Article 4.

2-8.5.3 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

Interparcel access must be provided and coordinated between adjacent sites so as to limit the number of entrances onto the public road to the minimum number necessary to provide safe ingress and egress.

2-9. Industrial General (IG)

2-9.1 Purpose and Intent

The Industrial General (IG) is intended to provide an area for heavy commercial and industrial uses which may create some nuisance and which may not be compatible with residential, institutional and neighborhood activities. This District is intended to encourage the construction of and continued use of land for industrial uses and prohibit residential and neighborhood commercial uses which could substantially interfere with the development, continuation or expansion of heavy commercial and industrial uses in the District. The Industrial General District (IG) must be served by public or community water and wastewater treatment systems.

2-9.2 Permitted Uses (by-right)

1. Accessory uses
2. Accessory structures
3. Assembly plants
4. Automotive repair garage
5. Boat building and repair
6. Boat dock and commercial marine
7. Boathouse (Covered Boat Slip)
8. Boat sales and service
9. Cabinet and furniture shops
10. Canneries
11. Concrete plants and distribution
12. Contractor's storage yards (screened)
13. Dairies
14. Feed mills
15. Grain and fertilizer storage, commercial
16. Laboratory, pharmacy and medicine
17. Laboratory, research and development
18. Lumber and building supplies
19. Machine shops
20. Manufacture, assembly or processing from previously prepared materials, or of edible products, drugs, perfumes, cosmetics and toiletries
21. Manufacture of pottery, ceramics, rubber or metal stamps, novelties, toys and musical instruments
22. Manufacture of wood products
23. Marine services and repair
24. Nursery, Wholesale
25. Nursery, Horticultural Production
26. Office buildings
27. Printing Plants
28. Produce processing plants
29. Research and development
30. Restaurant not greater than 3,000 square feet
31. Sawmills, permanent
32. Signs, subject to Article 7
33. Veterinary clinic, kennel and hospital
34. Warehouses
35. Welding shops

36. Wholesale and processing facility
37. Water-related structures

2-9.3 Permissible Uses (by Special Exception)

1. Airport, private or public
2. Auto, trailer sales and service
3. Building materials (indoor storage only)
4. Bulk storage and tank facility
5. Cemeteries
6. Churches
7. Civic Clubs
8. Community water systems
9. Fire, police or rescue stations
10. Landfill, sanitary
11. Public Wastewater Treatment Plant
12. Public Water Treatment Plant
13. Public utility trunk lines, other, and system components (gas, electric)
14. Public utility trunk lines, water or wastewater
15. Recycling collection points
16. Restaurants, with or without drive-in facility
17. Schools, Technical
18. Self-storage facilities, including mini storage units
19. Service station, may include auto repair
20. Solid waste collection points and transfer stations
21. Storage yards, outdoor
22. Telecommunications towers, attached
23. Telecommunications towers, freestanding, subject to Article 4
24. Trucking terminals
25. Yards, coal and lumber

2-9.4 Prohibited Uses

All residential structures and uses shall be prohibited in the IG District, except for night watchman, caretaker or resident security restricted to five (5) percent of the structure in which it is housed.

2-9.5 Performance Standards

All industrial uses shall comply with the following performance standards as part of the development and operation in the District:

2-9.5.1 *Performance Standards.*

No building, structure or land in the IG District shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare or heat; liquid or solid refuse or wastes; condition conducive to the breeding of rodents or insects; or other substance, condition or

elements in a manner or amount as to adversely affect the surrounding area..

2-9.5.2 *Noise.*

All noise shall be muffled so as not to be objectionable due to intermittence, frequency or shrillness. In no case shall the sound-pressure level of noise radiated from any establishment, measures at the lot line, exceed maximum permissible level as adopted by the Westmoreland Board of Supervisors.

2-9.5.3 *Vibration.*

No vibration that can be detected at the lot line without the aid of instruments shall be permitted. Vibration caused by any use on any lot shall not result in acceleration exceeding 0.1g not shall it produce a combination of amplitudes and frequencies beyond the "safe range" as specified in Bulletin #442, United States Bureau of Mines.

2-9.5.4 *Smoke.*

There shall not be discharged into the atmosphere from any operation on any lot visible smoke of a shade darker than No. 2 on the Ringelmann Smoke Chart, as published by the United States Bureau of Mines.

2-9.5.5 *Other Air Pollutants.*

There shall not be discharged into the atmosphere from any operation on any lot fly ash, dust, dirt, fumes, vapors or gases to any extent that could result in damage to the public health or to animals or vegetation or to other forms of property.

2-9.5.6 *Odor.*

There shall not be discharged or permitted to escape into the atmosphere from any operation on any lot odorous or noxious has or any other material in such quantity as to be offensive beyond the premises from which the odor emanates.

2-9.5.7 *Radioactivity.*

There shall be no radioactive emission that would be dangerous to the health and safety of persons on or beyond the premises where such radioactive material is used. Neither shall there be allowed the discharge of any radioactive material into the soil, surface or ground water, drainage channels, sewer systems or the disposal of any such material in a manner other than prescribed by the regulations of the United States Atomic Energy Commission.

2-9.5.8 *Electrical Interference.*

There shall be no electrical disturbance emanating from any lot that would adversely affect the operation of any equipment on any other lot or premises, or adversely affect the navigation or control of aircraft in accordance with the regulation of the Federal Aviation Administration.

2-9.5.9 *Liquid or Solid Wastes.*

There shall be no discharge of any liquid or solid wastes from any establishment into any stream, except as authorized by the Virginia State Water Control Board and/or the Board of Supervisors, nor shall any wastes, debris or other discarded material be permitted to accumulate in any yard or open space on the premises.

2-9.5.10 *Glare and Heat.*

No direct or sky-reflected glare, whether from floodlights or from high-temperature processes, such as combustion, welding or otherwise, shall be permitted to be visible beyond the lot line, except for signs, parking lot lighting and other lighting permitted by this ordinance or required by other applicable regulations. All lighting shall be diffused, down-cast or hooded so as not to spread to adjacent properties. There shall be no discharge of heat or heated air from any establishment so as to be detected beyond the lot line.

2-9.6 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Maximum Lot Coverage	Setbacks			
	Lot Size (sq. ft.)	Lot Frontage (at front setback)		Minimum Front (ft.)	Maximum Front (ft.)	Side (ft.)	Rear (ft.)
			in accord with Article 3 Chesapeake Bay Overlay District				
Commercial and Industrial Uses	15,000	70 ft.		50 ft.	n/a	15 ft. *	25 ft. *
Accessory Structures	n/a	n/a		35 ft.	n/a	10 ft.	20 ft.
Other Permitted Uses	12,000	70 ft.		20 ft.	n/a	20 ft. *	30 ft. *

* An additional 25 feet of setback is required when adjacent to an Agricultural, Rural, Conservation or Residential District

2-9.7 Building Regulations

2-9.7.1 Maximum Building Height

Forty-five (45) feet. Also see height exceptions in Article 1.

2-9.7.2 Utility Requirements

Water and wastewater treatment service must be provided by public or community water systems and public wastewater treatment systems which meet the guidelines and standards of the County's Comprehensive Plan and all design standards set by the County and State.

2-9.7.3 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-10. Planned Industrial Park (PIP)

2-10.1 Purpose and Intent

The Planned Industrial Park (PIP) is intended to provide limited commercial, research and development, light industrial and related opportunities in a planned park setting at appropriate locations within the county. The PIP District is generally intended to incorporate the uses within the current BN, BG and IG Districts to provide for multiple uses and an integrated layout with specifically controlled use, circulation and phasing of development. The District is designed as a planned unit development to permit greater flexibility in the use and design of structures and land development in accordance with the intent and land designated in the Comprehensive Plan. Land in this district is intended to be served with public water and wastewater services. General guidelines for development in this District shall include, among others:

1. Create projects with both individual sites and common property and open space for allowable uses which are planned as a unit with buildings related to each other.
2. Provide for the protection of industries, workers and adjacent uses from the harmful effects of industrial operations and encourage the creation of a high-quality environment throughout the District.
3. Separate and buffer commercial and light industrial uses from the heavy industrial operations in an integrated environment free from the nuisance of noise, odor, pollution and other harmful effects.
4. Prevent encroachment on surrounding uses and avoid adverse influence from surrounding uses that would interfere with the development of uses within the District.

2-10.2 Permitted Uses (by-right)

1. Accessory uses
2. Accessory structures
3. Assembly plants
4. Boat building and repair
5. Boat dock and commercial marine
6. Boathouse (Covered Boat Slip)
7. Boat Sales and Service
8. Cabinet and furniture shops
9. Contractor (screened equipment storage)
10. Convenience center or general store (maximum 3,000 square feet, individual or collectively)
11. Dairies
12. Dwellings, accessory for night watchman or caretaker, subject to standards of Article 4
13. Laboratory, pharmacy and medicine
14. Laboratory, research and development
15. Machine shops
16. Manufacture, assembly or processing from previously prepared materials, or of edible products, drugs, perfumes, cosmetics and toiletries

17. Manufacture of pottery, ceramics, rubber or metal stamps, novelties, toys and musical instruments
18. Marine services and repair
19. Nursery, Horticultural Production
20. Nursery, Wholesale
21. Offices
22. Playgrounds, unlighted
23. Printing Plants
24. Produce processing plants
25. Research and development
26. Restaurants
27. Retail sales and personal services not greater than 5,000 s.f.
(Florists – Upholsters – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
28. Schools, Commercial, Technical
29. Signs, subject to Article 7
30. Veterinary clinic, kennel and hospital
31. Warehouse
32. Water-related Structures (jetties, seawalls, etc.), subject to Article 4
33. Welding shop
34. Wholesale and processing facility

2-10.3 Permissible Uses (by Special Exception)

1. Additional accessory structures in excess of number permitted in Article 4
2. Auction house
3. Auto, trailer sales and service
4. Automotive repair garage
5. Building materials (indoor storage only)
6. Camp, day or boarding
7. Cemeteries
8. Churches
9. Civic clubs
10. Commercial Recreation
11. Community water systems
12. Concrete plants and distribution
13. Day Care Centers
14. Drive-in Facility as part of retail, restaurant, bank or office use
15. Fire, Police or rescue stations
16. Flea Market
17. Golf driving ranges
18. Hospitals
19. Lumber and building supplies
20. Parks, lighted or unlighted
21. Post Office
22. Public utility trunk lines, other, and system components (gas, electric)
23. Public utility trunk lines, water or wastewater
24. Public Wastewater Treatment Plant
25. Public Water Treatment Plant
26. Service station
27. Solid waste collection points, transfer station
28. Storage yards, outdoor

- 29. Swimming Pools, Public
- 30. Telecommunications towers, attached
- 31. Telecommunications towers, freestanding, subject to Article 4

2-10.4 Lot and Yard Regulations

The minimum area for development in the PIP District is five (5) acres, except where the development is being added to an existing project and can be integrated into the existing planned development. In such cases, the minimum land for addition to an existing planned development is 20,000 square feet.

Setbacks are generally as prescribed in the district within the use is first allowed. The Planning Commission can exercise flexibility in resolving conflicting setbacks between designated districts to provide consistency of development and continuity of the design of the overall planned site.

2-10.5 Building Regulations

2-10.5.1 Maximum Building Height

Forty-five (45) feet or three (3) stories. Also see height exceptions in Article 1.

2-10.5.2 Utility Requirements

Water and wastewater treatment service must be provided by community or public water systems and public wastewater treatment systems which meet the guidelines and standards of the County's Comprehensive Plan and all design standards set by the County and State.

2-10.5.3 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-10.5.4 Density Requirements

A Planned Industrial Park (PIP) development may have a maximum floor area ratio 0.30 for the entire development. Any individual site is limited to a maximum floor area ratio of 0.45, if the proposed development is in accord with the County's Comprehensive Plan.

2-10.5.5 Open Space Requirements.

(A) A minimum of at least thirty (30) percent of the gross area of the proposed development in the PIP District tract must be maintained

in open space as defined in this Ordinance, in conjunction with approval of the rezoning.

- (B) Not more than fifty (50) percent of the minimum open space required in 2-11.5 (E) may consist of any of the following: 100 year flood plain, wetlands, above ground utility uses including stormwater management facilities, or sustained slopes in excess of twenty-five (25) percent.

2-10.6 Standards and Procedures for Planned Industrial Park (PIP)

- 2-10.6.1 A Planned Industrial Park (PIP) must include at least five (5) gross contiguous acres with frontage upon an existing paved collector or arterial highway.
- 2-10.6.2 The applicant must prepare and submit a PIP Concept Development Plan. The Concept Development Plan shall include maps and narrative text that describe the location of and relationships between all land uses, public facilities, roadways, open space and recreation areas, and other proposed major facilities.
- 2-10.6.3 The Park Concept Development Plan shall be submitted as part of the application for rezoning. Submission and procedural requirements for the rezoning process shall be as set forth in Article 10 (Administration and Procedures) of this Ordinance.
- 2-10.6.4 The Park Concept Development Plan shall be in general conformity with the County's adopted Comprehensive Plan, and shall not create an adverse effect on adjacent land uses.
- 2-10.6.5 The applicant shall designate geographic sections and identify the number and type of structures of each section and of the entire tract proposed to be developed as a Planned Industrial Park.
- 2-10.6.6 The unique nature of a proposal for Planned Industrial Park development may require that the specifications for the width and surfacing of streets, alleys, ways for public utilities, and curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall be subject to modification from the specifications established by the County. The Board of Supervisors may therefore waive or modify the specifications otherwise applicable for a particular public facility where the Board finds that such specifications are not required in the interest of the public for a Planned Industrial Park and that the requested modifications of such specifications would better meet the purpose and intent of the PIP District and of the County's Comprehensive Plan. If any such modifications that are approved by the Board such modifications shall be shown on the approved Park Concept Development Plan and shall govern the development of the project.

2-11. Water-Related Commercial (WC)

2-11.1 Purpose and Intent

Uses in the WC District provide for the integration of specialized activities relating to the unique opportunities along the waterfront and for certain uses that are dependent upon water resources even though they may be located some distance from the water. Recreation and commercial marine uses and structures are accommodated in this District and are regulated consistent with the access to water resources, protection of the shoreline and economic utilization of the waterfront. Development of the shoreline and waterfront must be consistent with the sensitivity of the water resource and protection of the environmental features of the waterfront as regulated by the Chesapeake Bay Act. Land in this district is generally intended to be served with public or community water systems or public wastewater systems or located in proximity to other public services to reduce the potential for environmental impact to every extent possible.

2-11.2 Permitted Uses (by-right)

1. Accessory Uses, subject to Article 4
2. Accessory Structures, subject to Article 4
3. Boathouses (Covered Boat Slip), subject to Article 4
4. Boat Building and repair
5. Boat Sales and Service
6. Boat Wharves, Private, for unloading but not for boat storage
7. Boat Wharves, Public or Commercial
8. Commercial recreation facilities
9. Conservation Areas [*includes Preserves*]
10. Country Inns
11. Country Stores or Specialty Shops, not to exceed 3,000 square feet
12. Dwellings, Accessory
13. Marinas, public or private including dock, launch ramp and support services and structures
14. Marine services and repair
15. Parks, playgrounds and waterfront related recreation facilities, unlighted
16. Office, branch or professional small business relating to the waterfront, maximum 2,500 square feet
17. Restaurants, excluding drive-in service
18. Seafood Facilities, Non-Processing
19. Signs, subject to Article 7
20. Water-related structures (jetties, seawalls, etc.), subject to Article 4
21. Wineries

2-11.3 Permissible Uses (by Special Exception)

1. Bed and Breakfast Inns
2. Camps, day or boarding
3. Civic Clubs
4. Community water systems
5. Country Clubs
6. Day Care Centers
7. Dwellings, Single Family Attached

8. Dwellings, Single Family Detached
9. Dwellings, Manufactured housing, subject to Article 4
10. Fire, Police or rescue stations
11. Gasoline sales associated with an existing or proposed marina
12. Home Occupations, Major
13. Hotels, motels or boarding houses
14. Parks, playgrounds and waterfront related recreation facilities, lighted
15. Public Landings
16. Public utility trunk lines, other, and system components (gas, electric)
17. Public utility trunk lines, water or wastewater
18. Public Wastewater Treatment Plant,
19. Public Water Treatment Plant,
20. Seafood Processing Facilities
21. Service Stations subject to Article 4
22. Self-Storage facilities – structures or outdoor, marine or other
23. Swimming Pools, Public
24. Wastewater treatment plant, private
25. Wastewater system trunk lines, private

2-11.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use**	Minimum		Maximum Lot Coverage	Setbacks			
	Lot Size	Lot Frontage		Minimum Front (ft.)	Maximum Front (ft.)	Side (ft.)	Rear (ft.) *
			in accord with Article 3 Chesapeake Bay Overlay District				
Commercial uses	10,000 sq. ft.	100 ft. along waterfront; 50 ft. on road		40 ft.	n/a	15ft.	100 ft.
Single-Family Detached Dwelling and Manufactured Housing	6,000 sq. ft.	50 ft.		50 ft.	n/a	25 ft.	50 ft.
Single-Family Attached Dwelling	2,000 sq. ft.	20 ft.		10 ft.	n/a	n/a	20 ft.
Accessory Structures	n/a	n/a		75 ft.	n/a	15 ft.	20 ft.
Other Permitted Uses	20,000 sq. ft.	100 ft.		50 ft.	n/a	30 ft.	100 ft.

* Setback from shoreline (high water line)

**Public wastewater service required for all new principal uses

2-11.5 Building Regulations

2-11.5.1 Maximum Building Height

Thirty-five (35) feet, except for agricultural structures.
Also see height exceptions in Article 1

2-11.5.2 Utility Requirements

Water and wastewater must be provided from community or public water systems and public sewer systems for all newly constructed residential and non-residential uses.

2-11.5.3 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-12. Residential Urban (RU)

2-12.1 Purpose and Intent

The Residential Urban (RU) is intended to provide an area for moderate to higher density residential uses and a limited range of other uses compatible with a residential environment. It is intended to provide for infill development, redevelopment, and single use, higher density developments on smaller size tracts than would be appropriate for the PRD and PVD districts. The Residential Urban (RU) must be served by a public or community water system and by a public wastewater treatment system.

2-12.2 Permitted Uses (by-right)

1. Accessory uses
2. Accessory structures
3. Boathouse (Covered Boat Slip), subject to Article 4.
4. Boat wharves, private, for unloading but not for boat storage
5. Dwellings, single family detached
6. Dwellings, single family attached
7. Dwellings, two-family
8. Dwellings, multi-family
9. Home occupation, minor, subject to standards of Article 4.
10. Marinas, private
11. Parks, unlighted
12. Pier plus boat slip, covered boat slip (boat house), electricity, and well on the lot, without concurrent authorization for other accessory uses as regulated in Article 4.
13. Playgrounds, unlighted
14. Signs, subject to Article 7
15. Water-related Structures (jetties, seawalls, etc.), subject to Article 4.

2-12.3 Permissible Uses (by Special Exception)

1. Additional accessory structures in excess of number permitted in Article 4.
2. Bed and Breakfast homestays
3. Cemeteries
4. Churches
5. Civic Clubs
6. Community Water Systems
7. Country Clubs
8. Day Care Facilities
9. Fire, police or rescue stations
10. Group Homes
11. Home occupation, major, subject to standards of Article 4.
12. Parks, lighted
13. Playgrounds, lighted
14. Public utility trunk lines, other, and system components (gas, electric)
15. Public utility trunk lines, water or wastewater
16. Public Wastewater Treatment Plant
17. Public Water Treatment Plant
18. Recycling collection points
19. Schools, elementary, middle, high

- 20. Solid waste collection points
- 21. Telecommunications towers, attached
- 22. Telecommunications towers, freestanding, subject to Article 4.

2-12.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use*	Minimum		Maximum Lot Coverage		Setbacks			
	Lot Size (sq. ft.)	Lot Frontage (at front setback)			Minimum Front (ft.)	Min Side (ft.)	Total Side (ft.)	Rear (ft.)
			in accord with Article 3 Chesapeake Bay Overlay District					
Single-Family Dwelling, Detached	8,000	60 ft.			20 ft.	5 ft.	15 ft.	25 ft.
Two Family Dwelling**	14,000	100 ft			20 ft.	8 ft	15 ft	25 ft
Single-Family Dwelling, Attached***	2,000	18 ft			5 ft	n/a	n/a; 15 ft. for end units	25 ft
Multi-family dwelling	20,000	100 ft.			20 ft.	10 ft.	20 ft.	25 ft.
Accessory Structures	n/a	n/a			30 ft.	5 ft	5 ft.	20 ft.

- * permitted uses may be located on portions of lots with other permitted uses
- ** two-family dwellings must be on separate lots but may share a common wall at the lot line
- *** a maximum of eight (8) units are permitted in a single attached group of units.

2-12.5 Building Regulations

2-12.5.1 Maximum Building Height

Thirty-five (35) feet; forty-five (45) feet for multi-family structures. Also see height exceptions in Article 1.

2-12.5.2 Utility Requirements

Water and wastewater treatment service must be provided by public or community water and public wastewater treatment systems which meet the guidelines and standards of the County’s Comprehensive Plan and all design standards set by the County and State.

2-12.5.3 Access Requirements

Any RU tract must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-12.5.4 Open Space Requirements.

- (A) A minimum of at least fifteen (15) percent of the gross area of the tract must be maintained in open space as defined in this Ordinance, in conjunction with approval of the rezoning.
- (B) Not more than twenty-five (25) percent of the minimum open space required in 2-12.5.4 (A) may consist of any of the following: 100 year flood plain, wetlands, above ground utility uses including stormwater management facilities, or slopes in excess of sustained thirty-five (35) percent.
- (C) A minimum of fifty (50) percent of the total minimum amount of required open space must be in the form of public greens, fronted on at least two sides by residential streets and structures.
- (D) Ownership and Management of Common Open Space and Common Facilities shall be in accord with the provisions of section 2-5.5.6 of this Ordinance.

2-12.5.5 Standards for Residential Urban (RU)

- 2-12.5.5 A A Residential Urban Development (RU) tract must have frontage upon a paved collector or arterial highway. The entire tract for a RU application must consist of contiguous parcels.
- 2-12.5.5 B The applicant must prepare and submit a Concept Development Plan in accord with Article 10 (Administration and Procedures) of this Ordinance, which must be submitted as part of the application for rezoning, including submission and procedural requirements for the rezoning process shall be as set forth in Article 10 (Administration and Procedures) of this Ordinance.
- 2-12.5.5 C The Concept Development Plan must be in general conformity with the County's adopted Comprehensive Plan, and shall not create an adverse effect on adjacent land uses.
- 2-12.5.5 D The applicant must designate geographic sections and identify the number and type of dwellings of each section and of the entire tract proposed to be developed as a Residential Urban Development.
- 2-12.5.5 E The unique nature of a proposal for Residential Urban Development may require that the specifications for the width and surfacing of streets, alleys, ways for public utilities, and curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, storm water drainage, water

supply and distribution, sanitary sewers and sewage collection and treatment shall be subject to modification from the specifications established by the County. The Board of Supervisors may therefore waive or modify the specifications otherwise applicable for a particular public facility where the Board finds that such specifications are not required in the interest of the residents of the Residential Urban Development and that the requested modifications of such specifications would better meet the purpose and intent of the District and of the County's Comprehensive Plan. If any such modifications that are approved by the Board such modifications shall be shown on the approved Concept Development Plan and shall govern the development of the project.

- 2-12.5.5 F A Residential Urban (RU) District may have a density of up to a maximum of eight (8) units per gross acre if there are no multi-family dwellings and a maximum of up to ten (10) units per gross acre if the development includes multi-family dwellings.

2-13. Agriculture (A-1)

2-13.1 Purpose and Intent

These areas are used primarily for farming. This district is established to protect existing and future agricultural activities.

2-13.2 Permitted Uses

1. Accessory Uses
2. Agriculture
3. Animal or Poultry Husbandry
4. Bed and Breakfast
5. Boat Wharves, Private
6. Bulkheads
7. Churches
8. Church Bulletin Boards
9. Conservation Areas
10. Conventional Sewage Treatment Works
11. Dwelling, Accessory
12. Dwelling, Single
13. Farm Brewery
14. Farm Enterprise
15. Farm Winery
16. Florists
17. Forestry
18. Golf Courses
19. Historical Areas
20. Home Occupation, Minor
21. Jetties
22. Laboratory, Research and Development
23. Libraries
24. Mobile Homes
25. Museums
26. Nursery, Horticultural
27. Off-Street Parking
28. Parking Areas
29. Parks
30. Pier plus boat slip, covered boat slip (boat house), electricity, and well on the lot, without concurrent authorization for other accessory uses as regulated in Article 4.
31. Playgrounds
32. Preserves
33. Private Well
34. Public Utilities Serving Individual User
35. Recreational Area, Private
36. Retaining Walls
37. Schools
38. Seafood Facility - Non-Processing
39. Seawalls
40. Septic Disposal System, Conventional

41. Sign, Advertising
42. Sign, Business
43. Sign, Directional
44. Sign, Home Occupation
45. Sign, Temporary Structure
46. Swimming Pool, Private
47. Warehouse
48. Wayside Stands
49. Well, Private

2-13.3 Permissible Uses (by Special Exception)

1. Administrative Offices
2. Airport, Private
3. Airport, Public
4. Alternative Sewage Treatment Works
5. Antique Shop
6. Automotive Repair Garage
7. Biosolids Composting
8. Blacksmith Shop
9. Boat Building
10. Boat Sales and Service
11. Boat Wharves, Public
12. ~~Beathouse~~ (allowed use, included with pier)
13. Cabinet and Furniture Shops
14. Carwash
15. Canneries
16. Cemeteries
17. Central Wastewater Treatment Works
18. Central Water System
19. Child Care Centers
20. Clubs
21. Communication Facilities and/or Tower
22. Community Waterworks
23. Concrete Works
24. Contractors Office
25. Dairies
26. Dwelling, Dormitory
27. Dwelling, Multi-Family
28. Dwelling, Two-Family
29. Engine Repair and Sales, Small
30. Family Day - Care Home
31. Firehouses
32. Flea Market
33. Funeral Homes
34. ~~Golf Courses~~ (Errata Sheet – April 12, 2006 this is a by-right use)
35. Golf, Driving Range
36. Grain and Fertilizer Storage Commercial
37. ~~Historical Areas~~ (Errata Sheet – April 12, 2006 this is a by-right use)
38. Home Doctors Office
39. Home Occupation, Major

40. Home Professional Office
41. Hospitals
42. Houses, Boarding or Rooming
43. Kennel
44. Machine Shops
45. Motels and Hotels
46. Non community Waterworks
47. Nursing Homes
48. Post Offices
49. Produce Processing Plant
50. Professional Offices
51. Public Landings
52. Public Utility Facilities
53. Rescue Squad
54. Restaurant
55. Sawmill, Portable
56. Seafood Facility -- Processing
57. Service Station
58. Shops, Retail Sales and Personal Services
(Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
59. Stores, Retail Sales and Services
(Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
60. Swimming Pool, Public
61. Subdivision Sales Offices
62. Tourist Homes
63. Upholsterers
64. Veterinary Clinic, Kennels and Hospital
65. Water and Sewer Facilities, Public
66. Water Well Drilling
67. Welding Shops
68. Wholesale and Processing Facility
69. Wood Products, Manufacturing

2-13.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Setbacks ¹ (permanent structures)			
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Min. Front (ft.) (from c/l)	Max. Front (ft.)	Min. Side (ft.)	Min. Rear (ft.)
Single-Family Dwelling	25,000	100 ft.	75 ft ²	n/a	15 ft. ³ 35 ft. ⁴	20 ft.
Accessory Structures	n/a	n/a	>75 ft	n/a	>5 ft. ³ >35 ft. ⁴ and 5 ft. back from side lot line	5 ft. back from rear lot line
Other Permitted Uses	25,000	100 ft.	75 ft*	n/a	15 ft. ³ 35 ft. ⁴	20 ft.

¹ For principal structures on properties adjacent to public waters, the yard requirements along the waterfront lot line shall be the same as set forth herein for a rear yard; for accessory structures on properties adjacent to public waters, the minimum distance from the waterfront lot line shall be the same as set forth herein from rear lot lines. ² Except public utility structures providing services to individual customers may be erected up to property line. ³ Interior Lot ⁴ Street side of a corner lot.

2-13.5 Building Regulations

2-13.5.1 Building Height

No new building, nor the enlargement of any building, shall hereafter be erected to exceed forty-five (45) feet or to exceed three (3) stories in height.

Height exceptions are provided in Article 1.

2-13.5.2 Utility Requirements

Water and wastewater treatment service shall be provided, in accord with County and State regulations, and as set forth in Section 4-6.3 and 4-6.4

2-13.5.3 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-14. Conservation (C-1)

2-14.1 Purpose and Intent

These areas are occupied by various open uses as forests, parks, lakes and marshes; This district is established to conserve water and natural resources, reduce soil erosion, preserve historical and wildlife areas, protect watersheds and reduce hazards from flood and fire.

2-14.2 Permitted Uses (by-right)

1. Accessory Uses
2. Agriculture
3. Animal or Poultry Husbandry
4. Boat Wharves, Private
5. Bulkheads
6. Churches
7. Church Bulletin Boards
8. Conservation Areas
9. Conventional Sewage Treatment Works
10. Dwelling, Accessory
11. Dwelling, Single
12. Forestry
13. Historical Areas
14. Home Occupation, Minor
15. Jetties
16. Libraries
17. Mobile Homes
18. Nursery, Horticultural
19. Off-Street Parking
20. Parking Areas
21. Parks
22. Pier plus boat slip, covered boat slip (boat house), electricity, and well on the lot, without concurrent authorization for other accessory uses as regulated in Article 4.
23. Playgrounds
24. Preserves
25. Private Well
26. Public Utilities Serving Individual User
27. Recreational Area, Private
28. Retaining Walls
29. Schools
30. Seawalls
31. Septic Disposal System, Conventional
32. Sign, Home Occupation
33. Sign, Temporary Structure
34. Swimming Pool, Private
35. Wayside Stands
36. Well, Private

2-14.3 Permissible Uses (by Special Exception)

1. Biosolids Composting

2. Boat Building
3. Boat Wharves, Public
4. ~~Boathouse (See pier as an allowed use and Section 4-9)~~ (allowed use, included with pier)
5. Cemeteries
6. Central Wastewater Treatment Works
7. Central Water System
8. Clubs
9. Community Waterworks
10. Family Day - Care Home
11. Farm Brewery
12. Farm Enterprise
13. Farm Winery
14. Firehouses
15. Florists
16. Golf Courses
17. Home Doctors Office
18. Home Occupation, Major
19. Home Professional Office
20. Noncommunity Waterworks
21. Public Landings
22. Public Utility Facilities
23. Sawmill, Portable
24. Sign, Advertising
25. Sign, Business
26. Sign, Directional
27. Swimming Pool, Public
28. Water and Sewer Facilities, Public

2-14.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Setbacks ¹ (permanent structures)		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Min. setback from c/l	Min. Side (ft.)	Min. Rear (ft.)
Single-Family Dwelling	43,560 (1 acre)	150 ft.	100ft ²	25 ft. ³ 35 ft. ⁴	20 ft.
Accessory Structures	n/a	n/a	>75 ft	>5 ft. ³ >35 ft. ⁴ and 5 ft. back from side lot line	5 ft. back from side lot line
Other Permitted Uses	n/a	150 ft.	75 ft ²	25 ft. ³ 35 ft. ⁴	20 ft.

¹ For principal structures on properties adjacent to public waters, the yard requirements along the waterfront lot line shall be the same as set forth herein for a rear yard; for accessory structures on properties adjacent to public waters, the minimum distance from the waterfront lot line shall be

the same as set forth herein from rear lot lines. ² Except public utility structures providing services to individual customers may be erected up to property line. ³ Interior Lot ⁴ Street side of a corner lot

2-14.5 Building Regulations

2-14.5.1 Building Height

No new building, nor the enlargement of any building, shall hereafter be erected to exceed forty-five (45) feet or to exceed three (3) stories in height.

Height exceptions are provided in Article 1.

2-14.5.2 Utility Requirements

Water and wastewater treatment service shall be provided, in accord with County and State regulations, and as set forth in Section 4-6.3 and 4-6.4.

2-14.5.3 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-15. Campgrounds, Mobile Home Parks and Travel Trailer Parks District (C-2):

2-15.1 Purpose and Intent

This district is reserved for the following activities: campgrounds, travel trailer parks and mobile home parks. The intent of this district is to describe standards and conditions on the location of the above stated activities.

2-15.2 Permitted Uses (by-right)

1. Conventional Sewage Treatment Works
2. Home Occupation, Minor
3. Parks
4. Pier plus boat slip, covered boat slip (boat house), electricity, and well on the lot, without concurrent authorization for other accessory uses as regulated in Article 4.
5. Private Well
6. Septic Disposal System, Conventional
7. Well, Private

2-15.3 Permissible Uses (by Special Exception)

1. ~~Boathouse (See pier as an allowed use and Section 4-9)~~ (allowed use, included with pier)
2. Campground
3. Central Wastewater Treatment Works
4. Central Water System
5. Community Waterworks
6. Home Occupation, Major
7. Mobile/Manufactured Home Parks
8. Non community Waterworks
9. Travel Trailer Parks
10. Water and Sewer Facilities, Public

2-15.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Minimum		Setbacks ¹		
	Lot Size (in acres)	Lot Frontage (at front setback)	Individual Space/Lot Size	Lot Width	Min. setback from ROW of State and Co. roads and perimeter prop. lines	Min. Setback from all interior roads	Min. setback from individual lot lines
Mobile/Manufactured Home Park	5 acres for entire development	100 ft. for entire development	5,000 sf for each manuf/mobile home lot	50 ft. for each manuf/mobile home lot	75 ft	20 ft	10 ft
Campground/Travel Trailer Park	5 acres for entire development	100 ft. for entire development	2,000 sf for each camper, tent, trailer	25 ft. for camper or travel trailer site	75 ft	20 ft	5 ft
Accessory Uses³	n/a	n/a	n/a	n/a	50 ft. ²	20 ft. ²	5 ft. ²

¹ For structures on properties adjacent to public waters, the yard requirements along the waterfront lot line shall be the same as set forth herein for a rear yard. ² Unless otherwise specified in the special exception.

³not listed as a permitted or special exception use but there are standards for setbacks for accessory structures

2-15.5 Building Regulations

2-15.5.1 Building Height

No new building, nor the enlargement of any building, shall hereafter be erected to exceed forty-five (45) feet or to exceed three (3) stories in height.

Height exceptions are provided in Article 1.

2-15.5.2 Utility Requirements

(A) *Sanitary Facilities.* Pit privies shall not be permitted in a C-2 zoned district. Where municipal or public sanitary facilities are not available, Health Department approved individual sewage disposal systems shall provide each space, site, or facility with adequate sewage disposal capacity based on Health Department regulations.

(B) *Water System.* All manufactured home sites, travel trailer sites and campground sites shall have available water from a public water system designed in accordance with regulations of appropriate state and county agencies. The owner or developer shall furnish construction and maintenance bonds for the construction of the public water supply and water works. The bond shall be in the form of cash, certified check or checks made payable to the Treasurer of

Westmoreland County, surety bonds or letters of credit from approved companies in an aggregated amount equal to the total construction cost, with provisions made for bonding subsequent maintenance and operation. The amount of the construction and maintenance bond will be determined by the governing body.

2-15.5.1 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-15.5.2 Maximum Density Regulations

- (A) Mobile/Manufactured Home Park: Eight (8) manufactured home spaces per acre.
- (B) Campground/Travel Trailer Park: Twenty (20) home spaces/sites per acre.

2-15.6.1 Additional Regulations For C-2

- (A) *Recreation Area.* At least ten percent of the gross park area, other than the 50 foot perimeter area, shall be designated and reserved for suitable recreational area. At least fifty percent of such areas shall be provided outside of any established floodplain.
- (B) *Refuse Disposal.* The storage and collection of refuse shall be managed so as not to create a health or fire hazard. Refuse collection and disposal shall be the responsibility of the park management in accordance with the provisions of the Manufactured Home Lot Rental Act, Title 55, Chapter 13.3 of the Code of Virginia.
- (C) *Fire Protection.* Each park or campground shall provide fire protection equipment as may be required by the County or State Fire Marshall. All parks and Campgrounds shall be kept free of litter, rubbish, and other flammable materials. Portable fire extinguisher rated for Class A, B and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than required by applicable codes. Fires shall be made only in stoves, incinerators, and other equipment intended for such purposes.

2-16 Residential, General Uses District (R-1):

2-16.1 Purpose and Intent

These are primarily low-density residential areas, plus certain open areas where similar development is planned. This district is established to stabilize its residential characteristic by permitting low-concentration single family dwellings; mobile homes and trailers; two family and multi-family dwellings under special exceptions, plus related uses such as schools, churches, parks and public facilities to serve residents of the district.

2-16.2 Permitted Uses (by-right)

1. Accessory Uses
2. Agriculture, Limited
3. Boat Wharves, Private
4. Bulkheads
5. Churches
6. Church Bulletin Boards
7. Conventional Sewage Treatment Works
8. Dwelling, Accessory
9. Dwelling, Single
10. Golf Courses
11. Historical Areas
12. Home Occupation, Minor
13. Jetties
14. Libraries
15. Mobile Homes
16. Museums
17. Off-Street Parking
18. Parking Areas
19. Parks
20. Pier plus boat slip, covered boat slip (boat house), electricity, and well on the lot, without concurrent authorization for other accessory uses as regulated in Article 4.
21. Playgrounds
22. Private Well
23. Public Utilities Serving Individual User
24. Retaining Walls
25. Schools
26. Seawalls
27. Septic Disposal System, Conventional
28. Sign, Temporary Structure
29. Swimming Pool, Private
30. Well, Private

2-16.3 Permissible Uses (by Special Exception)

1. Administrative Offices
2. Bed and Breakfast
3. Boat Building
4. Boat Wharves, Public
5. ~~Boathouse (See pier as an allowed use and Section 4-9)~~ (allowed use, included with pier)

6. Central Wastewater Treatment Works
7. Central Water System
8. Child Care Centers
9. Clubs
10. Community Waterworks
11. Dwelling, Multi-Family
12. Dwelling, Two-Family
13. Family Day - Care Home
14. Firehouses
15. Florists
16. Home Doctors Office
17. Home Occupation, Major
18. Home Professional Office
19. Houses, Boarding or Rooming
20. Marinas, Private
21. Non-community Waterworks
22. Post Offices
23. Public Landings
24. Public Utility Facilities
25. Recreational Area, Private
26. Rescue Squad
27. Sign, Business
28. Sign, Directional
29. Swimming Pool, Public
30. Subdivision Sales Offices
31. Tourist Homes
32. Water and Sewer Facilities, Public

2-16.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Setbacks ¹ (permanent structures)		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Min. Front (ft.) (from c/l)	Min. Side (ft.)	Min. Rear (ft.)
Single Family Dwelling No public sewer/ water Public sewer or water Public sewer & water	25,000 15,000 12,000	100 ft. 100 ft. 80 ft.	60 ft ²	10 ft. each, 25 ft. total ³ 35 ft. ⁴	20 ft.
Accessory Structures	n/a	n/a	>60 ft	>5 ft. ³ >25 ft. ⁴ and 5 ft. back from side lot line	5 ft. back from rear lot line
Other Permitted Uses No public sewer/ water Public sewer or water Public sewer & water	25,000 15,000 12,000	100 ft. 100 ft. 80 ft	60 ft ²	10 ft. each, 25 ft. total ³ 35 ft. ⁴	20 ft.

¹ For principal structures on properties adjacent to public waters, the yard requirements along the waterfront lot line shall be the same as set forth herein for a rear yard; for accessory structures on properties adjacent to public waters, the minimum distance from the waterfront lot line shall be the same as set forth herein from rear lot lines. ² Except public utility structures providing services to individual customers may be erected up to property line. ³ Interior Lot ⁴ Street side of a corner lot.

2-16.5 Building Regulations

2-16.5.1 Building Height

No new building, nor the enlargement of any building, shall hereafter be erected to exceed forty-five (45) feet or to exceed three (3) stories in height.

Height exceptions are provided in Article 1.

2-16.5.2 Utility Requirements

Water and wastewater treatment service shall be provided, in accord with County and State regulations, and as set forth in Section 4-6.3 and 4-6.4

2-16.5.3 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-17 Residential, Limited Uses District (R-2):

2-17.1 Purpose and Intent

These are low-density residential areas, plus certain open areas where similar development is planned. The district is established to stabilize its residential character by permitting low concentration single family dwellings, as well as two family and multi-family dwellings under special exceptions, plus related uses such as schools, churches, parks and public facilities to serve residents of the district, but specifically excluding mobile homes, trailers, campers and tents.

2-17.2 Permitted Uses (by-right)

1. Accessory Uses
2. Agriculture, Limited
3. Boat Wharves, Private
4. Bulkheads
5. Churches
6. Church Bulletin Boards
7. Conventional Sewage Treatment Works
8. Dwelling, Accessory
9. Dwelling, Single
10. Golf Courses
11. Historical Areas
12. Home Occupation, Minor
13. Jetties
14. Libraries
15. Off-Street Parking
16. Parking Areas
17. Pier plus boat slip, covered boat slip (boat house), electricity, and well on the lot, without concurrent authorization for other accessory uses as regulated in Article 4.
18. Playgrounds
19. Private Well
20. Public Utilities Serving Individual User
21. Retaining Walls
22. Seawalls
23. Septic Disposal System, Conventional
24. Sign, Temporary Structure
25. Swimming Pool, Private
26. Well, Private

2-17.3 Permissible Uses (by Special Exception)

1. Boat Wharves, Public
2. ~~Boathouse (See pier as an allowed use and Section 4-9)~~ (allowed use, included with pier)
3. Central Wastewater Treatment Works
4. Central Water System
5. Clubs
6. Community Waterworks
7. Dwelling, Multi-Family

- 8. Dwelling, Two-Family
- 9. Family Day-Care Home
- 10. Firehouses
- 11. Florists
- 12. Home Doctors Office
- 13. Marinas, Private
- 14. Noncommunity Waterworks
- 15. Public Utility Facilities
- 16. Recreational Area, Private
- 17. Rescue Squad
- 18. Schools
- 19. Swimming Pool, Public
- 20. Subdivision Sales Offices
- 21. Tourist Homes
- 22. Water and Sewer Facilities, Public

2-17.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Setbacks ¹ (permanent structures)		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Min. Front (ft). (from c/l)	Min. Side (ft.)	Min. Rear (ft.)
Single Family Dwelling No public sewer/ water Public sewer or water Public sewer & water	25,000 15,000 12,000	100 ft. 100 ft. 80 ft.	60 ft ²	10 ft. each, 25 ft. total ³ 35 ft. ⁴	20 ft.
Accessory Structures	n/a	n/a	>60 ft	>5 ft. ³ >25 ft. ⁴ and 5 ft. back from side lot line	5 ft. back from rear lot line
Other Permitted Uses No public sewer/ water Public sewer or water Public sewer & water	25,000 15,000 12,000	100 ft. 100 ft. 80 ft	60 ft ²	10 ft. each, 25 ft. total ³ 35 ft. ⁴	20 ft.

¹ For principal structures on properties adjacent to public waters, the yard requirements along the waterfront lot line shall be the same as set forth herein for a rear yard; for accessory structures on properties adjacent to public waters, the minimum distance from the waterfront lot line shall be the same as set forth herein from rear lot lines. ² Except public utility structures providing services to individual customers may be erected up to property line. ³ Interior Lot ⁴ Corner Lot

2-17.5 Building Regulations

2-17.5 (A) Building Height

No new building, nor the enlargement of any building, shall hereafter be erected to exceed forty-five (45) feet or to exceed three (3) stories in height. Height exceptions are provided in Article 1.

2-17.5 (B) Utility Requirements

Water and wastewater treatment service shall be provided, in accord with County and State regulations, and as set forth in Section 4-6.3 and 4-6.4

2-17.5 (C) Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-18 Residential, General Uses District (R-3):

2-18.1 Purpose and Intent

This district is intended for tracts of land developed, or to be developed, as a unit under single ownership or unified control, to provide low to medium density residential dwellings plus certain secondary uses which are incidental and ancillary to the residential uses. The dwelling types specifically allowed are single and two-family dwellings and multi-family dwellings, including townhouses, apartments, and condominiums as defined in section 55-79.41 of the code of Virginia, 1950, as amended. The R-3 zoning district is established to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for residential use. The additional district regulations, are designed to insure ample provisions and efficient use of open space; to promote high standards in the layout, design and construction of residential development; to promote balanced development of mixed housing types; and to otherwise implement the stated purpose and intent of this ordinance.

2-18.2 Permitted Uses (by-right)

1. Conventional Sewage Treatment Works
2. Home Occupation, Minor
3. Libraries
4. Private Well
5. Pier plus boat slip, covered boat slip (boat house), electricity, and well on the lot, without concurrent authorization for other accessory uses as regulated in Article 4.
6. Septic Disposal System, Conventional
7. Well, Private

2-18.3 Permissible Uses (by Special Exception)

1. Accessory Uses
2. ~~Boathouse~~-(allowed use, included with pier)
3. Central Wastewater Treatment Works
4. Central Water System
5. Child Care Centers
6. Churches
7. Clubs
8. Community Waterworks
9. Dwelling, Multi-Family
10. Dwelling, Single
11. Dwelling, Two-Family
12. Family Day - Care Home
13. Firehouses
14. Golf Courses
15. Golf, Driving Range
16. Home Occupation, Major
17. Home Professional Office
18. Marinas, Private
19. Noncommunity Waterworks
20. Parking Areas
21. Parks

22. Playgrounds
23. Recreational Area, Private
24. Recreational Area, Public
25. Rescue Squad
26. Schools
27. Sign, Directional
28. Sign, Home Occupation
29. Swimming Pool, Private
30. Swimming Pool, Public
31. Subdivision Sales Offices
32. Water and Sewer Facilities, Public

2-18.4 Additional Regulations

Planned development for residential purposes is permitted by special exception in any R-3 zoning district provided the following minimum general conditions are met together with any additional special conditions imposed by the Board of Supervisors in conjunction with the issuance of a special exception.

2-18.4.1 Minimum Lot Area

- (A) The minimum total project area required for an R-3 zoning district is 70,000 square feet.
- (B) The gross project density in the R-3 zoning district shall not exceed 8 dwelling units per net project acre.
- (C) The maximum impervious cover standards set in section 7-11(B)(3) shall not apply to the R-3 zoning district. Instead, impervious cover shall be limited, in accordance with other requirements of Article VII, such that the coverage of net project area by impervious surfaces shall not exceed 50 percent.
- (D) At least 10 percent of the net project area shall be dedicated as common open space as herein defined.
- (E) No subdivision plat may be approved for an R-3 zoned area, or portion thereof, until the Board of Supervisors shall have approved a special exception for the area or portion thereof. A special exception and a corresponding subdivision plat may be processed concurrently.
- (F) At the time of a request for a special exception, it must be demonstrated by the applicant that each and every lot being created contains an area outside of the Resource Protection Area as defined in Article 3 Chesapeake Bay Preservation Area Overlay District, Article 3 of this ordinance, which area is adequate in size for the construction of a residential dwelling.
- (G) Prior to approval of a subdivision plat or special exception for a project, or a section thereof, which includes a road crossing through into the Resource Protection Area, a Major Water

Quality Impact Assessment must be submitted and approved, in accordance with Article 3 of this ordinance.

- (H) At the time of a request for a special exception it must be demonstrated by the applicant that each and every lot being created is buildable on land of slopes of 25 percent or less as measured in a natural state before any development. No grading shall be permitted to meet this requirement. This requirement shall not apply to individual on site sewage disposal systems provided that the location of such systems has been approved by the Westmoreland County Health Department.
- (I) Any application for a special exception in an R-3 zoning district must be accompanied by 10 copies of a Plan of Development prepared in accordance with the standards set in Article 3 of this ordinance.
- (J) For purposes of this section, the terms Total Project Area, Net Project Area, and Common Open Space shall have the following meanings:
- (a) Total Project Area means the area of the tract which is zoned R-3.
- (b) Total Project Acreage means the size of the total project area as measured in acres.
- (c) Net Project Area means the area defined as:
- $$NPA = TPA - a - b$$
- where,
- NPA* is the Net Project Area
- TPA* is the Total Project Area
- a* is the area of the site which consists of components of the Resource Protection Area as defined in *Article 3* of this ordinance;
- b* is the area of the site which contains slopes of 25% or greater and which is not included in the area of "a" above;
- (d) Net Project Acreage means the size of the net project area measured in acres. An applicant for a Conditional Change of Zoning District Classification to R-3, Residential, Planned Development, may voluntarily proffer to restrict the development to a smaller net project acreage. In no case, however, may the net project area include lands which are prohibited by the definition in item 10(c) above.

- (e) Common Open Space is open space within the boundaries of a tract of land zoned R-3 that is designed and set aside for the use and enjoyment of the residents of the development. To be considered as common open space, the property so considered must be conveyed, with appropriate restrictions on use, to a bona fide home owners association. Such conveyances may be delayed until such time as the development of the project is sufficient to insure the operation and maintenance of the common open spaces.

- 2.18.4.2 *Minimum General Conditions.* The size of the tract of land included in the planned development shall not be less than 70,000 square feet provided that the ratio of land used for buildings shall not exceed 40 percent of the total of land in the tract less the land required for a well lot and/or septic system if such are to be located on the tract of land involved.
- 2.18.4.3 *Other Dimensional Requirements.* Dimensional requirements such as setbacks, yard requirements, and minimum lot frontage shall be shown on the site plan submitted by the developer and shall be subject to approval or revision by the Board of Supervisors as a part of a special exception, if issued.
- 2.18.4.4 *Solid Waste Disposal.* The Developer shall provide for adequate solid waste disposal.
- 2.18.4.5 *Other Approval Authorities.* The approval of all other pertinent local, state and/or federal authorities, including but not limited to the Wetlands Board, Health Official and Highway Engineer, shall be required wherever applicable. Disapproval by any of these required authorities shall automatically nullify any special exception approved by the Board of Supervisors for the development involved.

2-19 Townhouse, Condominium, Apartment District (R-4)

2-19.1 Purpose and Intent

The intent of the R-4 classifications to provide high density, single family attached and multiple family residence in cluster which will encourage development on minimum lot areas while providing adequate open spaces and green areas for the health, safety, welfare and pleasure of those residing therein.

2-19.2 Permitted Uses (by-right)

1. Conventional Sewage Treatment Works
2. Home Occupation, Minor
3. Private Well
4. Pier plus boat slip, covered boat slip (boat house), electricity, and well on the lot, without concurrent authorization for other accessory uses as regulated in Article 4.
5. Septic Disposal System, Conventional
6. Swimming Pool, Private
7. Well, Private

2-19.3 Permissible Uses (by Special Exception)

1. ~~Boathouse (See pier as an allowed use and Section 4-9)~~ (allowed use, included with pier)
2. Central Wastewater Treatment Works
3. Central Water System
4. Community Waterworks
5. Dwelling, Multi-Family
6. Home Occupation, Major
7. Marinas, Private
8. Noncommunity Waterworks
9. Swimming Pool, Public
10. Water and Sewer Facilities, Public

2-19.4 Additional Regulations

Planned development for residential purposes is permitted by special exception in any R-4 zoning district provided the following minimum general conditions are met together with any additional special conditions imposed by the Board of Supervisors in conjunction with the issuance of a special exception.

2.19.4.1 *Minimum General Conditions.* The size of the tract of land included in the planned development shall not be less than 70,000 square feet provided that the ratio of land used for buildings shall not exceed 40 percent of the total of land in the tract less the land required for a well lot and/or septic system if such are to be located on the tract of land involved.

2.19.4.2 *Other Dimensional Requirements.* Dimensional requirements such as setbacks, yard requirements, and minimum lot frontage shall be shown on the site plan submitted by the developer and shall be subject to

approval or revision by the Board of Supervisors as a part of a special exception, if issued.

2.19.4.3 *Solid Waste Disposal.* The Developer shall provide for adequate solid waste disposal.

2.19.4.4 *Other Approval Authorities,.* The approval of all other pertinent local, state and/or federal authorities, including but not limited to the Wetlands Board, Health Official and Highway Engineer, shall be required wherever applicable. Disapproval by any of these required authorities shall automatically nullify any special exception approved by the Board of Supervisors for the development involved.

2-20. Business, General District (B-1):

2-20.1 Purpose and Intent

These areas are used for general business to which the public requires direct and frequent access, and which is characterized by trucking primarily for stocking and delivery of light retail goods as well as the lack of nuisance factors other than those occasioned by incidental light and noise of passenger vehicles and congregated people. Also includes business related residential uses as set forth below.

2-20.2 Permitted Uses (by-right)

1. Accessory Uses
2. Administrative Offices
3. Antique Shop
4. Auto Sales and Service
5. Bakeries
6. Banks
7. Bed and Breakfast
8. Boat Sales and Service
9. Boat Wharves, Private
10. Boat Wharves, Public
11. Bulkheads
12. Cabinet and Furniture Shops
13. Carwash
14. Child Care Centers
15. Churches
16. Church Bulletin Boards
17. Communication Facilities and/or Tower
18. Contractors Office
19. Conventional Sewage Treatment Works
20. Dry Cleaners
21. Firehouses
22. Florists
(Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
23. Funeral Homes
24. Historical Areas
25. Home Occupation, Minor
26. Houses, Boarding or Rooming
27. Jetties
28. Laboratory, Research and Development
29. Laundry
30. Libraries
31. Lumber and Building Supply
32. Motels and Hotels
33. Museums
34. Office Buildings
35. Off-Street Parking
36. Parking Areas
37. Post Offices

38. Printing Plants
39. Private Well
40. Professional Offices
41. Public Utilities Serving Individual User
42. Rescue Squad
43. Restaurant
44. Retaining Walls
45. Seafood Facility - Non-Processing
46. Seawalls
47. Septic Disposal System, Conventional
48. Service Station
49. Shops, Retail Sales and Personal Services
(Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
50. Sign, Advertising
51. Sign, Business
52. Sign, Directional
53. Sign, Temporary Structure
54. Stores, Retail Sales and Services
(Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
55. Swimming Pool, Public
56. Theaters, Other Than Drive-In
57. Upholsterers
58. Warehouse
59. Well, Private

2-20.3 Permissible Uses (by Special Exception)

1. Amusement Enterprise
2. Automotive Repair Garage
3. ~~Boathouse (See pier as an allowed use and Section 4-9)~~ (allowed use, included with pier)
4. Central Wastewater Treatment Works
5. Central Water System
6. Clubs
7. Community Waterworks
8. Dairies
9. Engine Repair and Sales, Small
10. Farm Machinery Sales and Services
11. Home Occupation, Major
12. Hospitals
13. Manufactured Homes, Sales & Services
14. Marinas, Commercial
15. Mobile Homes
16. Noncommunity Waterworks
17. Nursing Homes
18. Pawnbrokers Shop
19. Precious Metals Dealer's Shop
20. Public Landings
21. Public Utility Facilities
22. Schools

- 23. Self Storage Facility
- 24. Veterinary Clinic, Kennels and Hospital
- 25. Water and Sewer Facilities, Public
- 26. Wholesale and Processing Facility

2-20.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Setbacks ¹ (permanent structures)		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Min Front (ft) (from c/l)	Min. Side (ft.)	Min. Rear (ft.)
Commercial Use No public sewer/ water Public sewer or water Public sewer & water	25,000 15,000 12,000	none	35 ft ²	10 ft. if abutting A-1, C-1, R-1, R-2 ³ 35 ft. ⁴	10 ft. if abutting A-1, C-1, R-1, R-2
Accessory Structures	n/a	n/a	>35 ft	>10 ft. ³ if abutting A-1, C-1, R-1, R-2 ³ >35 ft. ⁴ and 5 ft. back from side lot line	5 ft. back from rear lot line
Other Permitted Uses No public sewer/ water Public sewer or water Public sewer & water	25,000 15,000 12,000	none	35 ft ²	10 ft. if abutting A-1, C-1, R-1, R-2 ³ 35 ft. ⁴	10 ft. if abutting A-1, C-1, R-1, R-2

¹ For principal structures on properties adjacent to public waters, the yard requirements along the waterfront lot line shall be the same as set forth herein for a rear yard; for accessory structures on properties adjacent to public waters, the minimum distance from the waterfront lot line shall be the same as set forth herein from rear lot lines. ² Except public utility structures providing services to individual customers may be erected up to property line. ³ Interior Lot ⁴ Corner Lot

2-20.5 Building Regulations

2-20.5.1 Building Height

No new building, nor the enlargement of any building, shall hereafter be erected to exceed forty-five (45) feet or to exceed three (3) stories in height. Height exceptions are provided in Article 1.

2-20.5.2 Utility Requirements

Water and wastewater treatment service shall be provided, in accord with County and State regulations, and as set forth in Article 4.

2-20.5.3 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-20.6 Business Related Residential Use

The proprietor or manager of a business in a B-1 district may use a portion of a permanent building in which his business is conducted as his family residence provided that the said portion of the building meets all of the building code requirements for a single family residence. This provision does not apply to manufactured homes or other temporary buildings.

2-21 Business, Restricted District, (B-2)

2-21.1 Purpose and Intent

These areas are intended for non-industrial businesses not considered compatible with nor desirable to be located near those businesses included in B-1.

2-21.2 Permitted Uses (by-right)

1. Accessory Uses (Errata Sheet – April 12, 2006 this are by-right uses)
2. Bed and Breakfast
3. Conventional Sewage Treatment Works
4. Home Occupation, Minor
5. Lumber and Building Supply
6. Private Well
7. Seafood Facility - Non-Processing
8. Seafood Facility -- Processing
9. Septic Disposal System, Conventional
10. Sign, Advertising
11. Sign, Business
12. Sign, Directional
13. Sign, Temporary Structure
14. Warehouse
15. ~~Water and Sewer Facilities, Public~~ (Errata Sheet – April 12, 2006 this requires a Special exception approval as #23 below)

2-21.3 Permissible Use (by special exception)

1. ~~Accessory Uses~~ (Errata Sheet – April 12, 2006 this are by-right uses)
2. Auto Sales and Service
3. ~~Boathouse (See pier as an allowed use and Section 4-9)~~ (allowed use, included with pier)
4. Carwash
5. Central Wastewater Treatment Works
6. Central Water System
7. Clubs
8. Community Waterworks
9. Engine Repair and Sales, Small
10. Home Occupation, Major
11. Junk Yard
12. Laboratory, Research and Development
13. Landfill, Sanitary
14. Manufacture, Assembly or processing from previously prepared materials, or of edible products, drugs, perfumes, cosmetics, and toiletries
15. Manufacture of pottery, ceramic items, rubber and metal stamps, novelties, toys and musical instruments
16. Manufactured Homes, Sales & Services
17. Marinas, Private
18. Noncommunity Waterworks
19. Self Storage Facility

- 20. Shops, Retail Sales and Personal Services
(Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
- 21. Stores, Retail Sales and Services
(Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)
- 22. Water and Sewer Facilities, Public

2-21.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Setbacks ¹ (permanent structures)		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Min. Front (ft). (from c/l)	Min. Side (ft.)	Min. Rear (ft.)
Commercial Use	None, unless established thru Special Exception	None, unless established thru Special Exception	35 ft ²	None, unless set by Special Exception	None, unless set by Special Exception
Accessory Uses³	None, unless set by Special Exception	None, unless set by Special Exception	>35 ft	None, unless set by Special Exception	None, unless set by Special Exception
Other Permitted Uses	None, unless set by Special Exception	None, unless set by Special Exception	35 ft ²	None, unless set by Special Exception	None, unless set by Special Exception

¹ For principal structures on properties adjacent to public waters, the yard requirements along the waterfront lot line shall be the same as set forth herein for a rear yard; for accessory structures on properties adjacent to public waters, the minimum distance from the waterfront lot line shall be the same as set forth herein from rear lot lines.

² Except public utility structures providing services to individual customers may be erected up to property line.

³(not listed as a permitted or special exception use but there are standards for setbacks for acc. Structures)

2-22. Business, Open Land District (B-3):

2-22.1 Purpose and Intent

These areas are intended for non-industrial businesses not related to agriculture but which requires large tracts of open land.

2-22.2 Permitted Uses (by-right)

1. Bed and Breakfast
2. Contractors Office
3. Contractors Storage Yard
4. Conventional Sewage Treatment Works
5. Home Occupation, Minor
6. Lumber and Building Supply
7. Machine Shops
8. Private Well
9. Seafood Facility - Non-Processing
10. Septic Disposal System, Conventional
11. Sign, Advertising
12. Sign, Business
13. Sign, Directional
14. Sign, Temporary Structure
15. Warehouse
16. Well, Private

2-22.3 Permissible Use (by special exception)

1. Accessory Uses
2. Auction Yard
3. ~~Boathouse (See pier as an allowed use and Section 4-9)~~ (allowed use, included with pier)
4. Carwash
5. Central Wastewater Treatment Works
6. Central Water System
7. Clubs
8. Community Waterworks
9. Flea Market
10. Home Occupation, Major
11. Hospital, Special Care
12. Kennel
13. Laboratory, Research and Development
14. Manufacture, Assembly or processing from previously prepared materials, or of edible products, drugs, perfumes, cosmetics, and toiletries
15. Manufacture of pottery, ceramic items, rubber and metal stamps, novelties, toys and musical instruments
16. Marinas, Private
17. Noncommunity Waterworks
18. Nursing Homes
19. Race Track, Automotive
20. Recreational Area, Public

- 21. Self Storage Facility
- 22. Theaters, Drive-In
- 23. Water and Sewer Facilities, Public

2-22.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Setbacks ¹ (permanent structures)		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Min. Front (ft.) (from c/l)	Min. Side (ft.)	Min. Rear (ft.)
Commercial Use	None, unless established thru Special Exception	None, unless established thru Special Exception	35 ft ²	None, unless set by Special Exception	None, unless set by Special Exception
Accessory Uses³	None, unless set by Special Exception	None, unless set by Special Exception	>35 ft	None, unless set by Special Exception	None, unless set by Special Exception
Other Permitted Uses	None, unless set by Special Exception	None, unless set by Special Exception	35 ft ²	None, unless set by Special Exception	None, unless set by Special Exception

¹ For principal structures on properties adjacent to public waters, the yard requirements along the waterfront lot line shall be the same as set forth herein for a rear yard; for accessory structures on properties adjacent to public waters, the minimum distance from the waterfront lot line shall be the same as set forth herein from rear lot lines. ² Except public utility structures providing services to individual customers may be erected up to property line.

³(not listed as a permitted or special exception use but there are standards for setbacks for acc. Structures)

2-22.5 Building Regulations

2-22.5.1 Building Height

No new building, nor the enlargement of any building, shall hereafter be erected to exceed forty-five (45) feet or to exceed three (3) stories in height.

Height exceptions are provided in Article 1.

2-22.5.2 Utility Requirements

Water and wastewater treatment service shall be provided, in accord with County and State regulations, and as set forth in Section 4-6.3 and 4-6.4

2-22.5.3 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-23. Industrial, General (M-1)

2-23.1 Purpose and Intent

The land in this district is used for commercial and industrial operations which do not present potential nuisances or hazards to the health, welfare and safety of the public.

2-23.2 Permitted Uses (by-right)

1. Accessory Uses
2. Administrative Offices
3. Assembly Plants
4. Auto Sales and Service
5. Automotive Repair Garage
6. Blacksmith Shop
7. Boat Building
8. Boat Wharves, Private
9. Boat Wharves, Public
10. Bulkheads
11. Cabinet and Furniture Shops
12. Canneries
13. Church Bulletin Boards
14. Concrete Works
15. Contractors Storage Yard
16. Conventional Sewage Treatment Works
17. Dairies
18. Engine Repair and Sales, Small
19. Feed Mills
20. Firehouses
21. Grain and Fertilizer Storage Commercial
22. Historical Areas
23. Home Occupation, Minor
24. Jetties
25. Laboratory, Pharm. and Medicine
26. Laboratory, Research and Development
27. Lumber and Building Supply
28. Machine Shops
29. Manufacture, Assembly or processing from previously prepared materials, or of edible products, drugs, perfumes, cosmetics, and toiletries
30. Manufacture of pottery, ceramic items, rubber and metal stamps, novelties, toys and musical instruments
31. Office Buildings
32. Off-Street Parking
33. Parking Areas
34. Private Well
35. Produce Processing Plant
36. Public Utility Facilities
37. Public Utilities Serving Individual User
38. Rescue Squad
39. Retaining Walls
40. Sawmill, Permanent

41. Seafood Facility - Non-Processing
42. Seafood Facility - Processing
43. Seawalls
44. Septic Disposal System, Conventional
45. Sign, Advertising
46. Sign, Business
47. Sign, Directional
48. Sign, Temporary Structure
49. Trucking Terminals
50. Upholsterers
51. Veterinary Clinic, Kennels and Hospital
52. Warehouse
53. Water Well Drilling
54. Welding Shops
55. Well, Private
56. Wholesale and Processing Facility
57. Yards, Coal and Lumber

2-23.3 Permissible Use (by special exception)

1. Airport, Private
2. Airport, Public
3. ~~Boathouse (See pier as an allowed use and Section 4-9)~~ (allowed use, included with pier)
4. Central Wastewater Treatment Works
5. Central Water System
6. Community Waterworks
7. Home Occupation, Major
8. Marinas, Commercial
9. Mobile Homes
10. Noncommunity Waterworks
11. Petroleum Bulk Storage
12. Public Landings
13. Self Storage Facility
14. Water and Sewer Facilities, Public

2-23.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Setbacks ¹ (permanent structures)		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Min. Front (ft.) (from c/l)	Min. Side (ft.)	Min. Rear (ft.)
Industrial Use No public sewer/ water Public sewer or water Public sewer & water	25,000 15,000 12,000	none	50ft ²	50 ft. if abutting A-1, C-1, R-1, R-2 ³ 10 ft. if abutting A-1, C-1, R-1, R-2. ⁴	10 ft. if abutting A-1, C-1, R-1, R-2
Accessory Structures	n/a	n/a	>50 ft	>50 ft. ³ if abutting A-1, C-1, R-1, R-2 ³ >10 ft. ^{4,3} if abutting A-1, C-1, R-1, R-2 and 5 ft. back from side lot line	5 ft. back from rear lot line
Other Permitted Uses No public sewer/ water Public sewer or water Public sewer & water	25,000 15,000 12,000	none	50 ft ²	50 ft. if abutting A-1, C-1, R-1, R-2 ³ 10 ft. if abutting A-1, C-1, R-1, R-2. ⁴	10 ft. if abutting A-1, C-1, R-1, R-2

¹ For principal structures on properties adjacent to public waters, the yard requirements along the waterfront lot line shall be the same as set forth herein for a rear yard; for accessory structures on properties adjacent to public waters, the minimum distance from the waterfront lot line shall be the same as set forth herein from rear lot lines. ² Except public utility structures providing services to individual customers may be erected up to property line. ³ Corner Lot ⁴ Interior Lot

2-23.5 Building Regulations

2-23.5.1 Building Height

No new building, nor the enlargement of any building, shall hereafter be erected to exceed forty-five (45) feet or to exceed three (3) stories in height. Height exceptions are provided in Article 1.

2-23.5.2 Utility Requirements

Water and wastewater treatment service shall be provided, in accord with County and State regulations, and as set forth in Section 4-6.3 and 4-6.4.

2-23.5.3 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-24. Industrial Planned Unit Development District (IPUD)

2-24.1 Purpose and Intent

The intent of Westmoreland County in creating this zoning district classification and in setting forth the particular regulations and performance standards is:

- (1) To protect the health, safety, and welfare of the citizens of Westmoreland County by assuring that industrial uses are located within the County and operated so as to minimize the impacts to adjacent and nearby properties as well as to the County at large; and
- (1) To promote the health, safety, and welfare of the citizens of Westmoreland County by encouraging economic development through designation of certain areas where industry will be welcomed to locate and operate.

The purpose of the Industrial Planned Unit Development zoning district classification is to encourage and promote the economic development of the County by designating certain areas, industrial parks, where industry is welcomed and encouraged to locate in the County and to simplify the process of approving uses within the district while setting forth performance standards designed to protect the health, safety, and welfare of the citizens of the County. The purpose of the district is to encourage economic development by adopting a performance standard basis for regulating the operation of industrial uses. The district regulations set forth, up front, the general parameters under which such industry shall operate thereby streamlining the permit and public review process.

The provisions of this article shall apply in all of those areas which have been included in an Industrial Planned Unit Development zoning district by action of the Board of Supervisors in accordance with section 6-18 of this Ordinance.

2-24.2 Special Definitions

For the purposes of this District, the following words, terms and phrases shall have the meaning ascribed to them.

Approval Date means the date of the public hearing at which the Board of Supervisors changes the zoning district classification to Industrial Planned Unit Development.

Daytime Hours means the time of day between 7:00 AM and 10:00 PM local prevailing time.

Development of an Industrial Planned Unit Development means the construction and completion of roads and sidewalks, streetlights, water and sewer infrastructure, and stormwater management necessary for the ultimate build out of the industrial park.

Industrial Park is the generic term referring to the overall development, including infrastructure, buildings, utilities, and amenities, which takes place on properties within a particular Industrial Planned Unit Development zoning district.

Retail Sales and Retail Services means those establishments engaged in selling goods or merchandise, or in providing services or entertainment to the general public, on-site, for personal or household consumption or use.

(Florists – Upholsterers – April 12, 2006 Errata Sheet –are considered retail uses not listed but does not mean they are not allowed.)

2-24.3 Creation of an Industrial Planned Unit Development Zoning District

Article 10 of this Ordinance sets forth the process to be followed when the zoning district classification of a property or a group of properties is changed. That procedure is to be followed when the zoning district classification of a property or a group of properties is to be changed to Industrial Planned Unit Development. This section sets forth additional standards, requirements, and considerations to supplement and augment the requirements of Article 10.

Industrial parks are an intensive land use and their development includes many complicated and often inter-relating issues. Applicants for a change in zoning district classification are hereby strongly encouraged to consider a conditional change in zoning district classification. Traditional changes in zoning allow for only a yes or no vote on the application. Conditional zoning, however, allows a much more flexible review and response from the governing body.

2-24.4 *Required Submittals*. In addition to the submittals required pursuant to Article 10 of this Ordinance, no application for a change in zoning district classification shall be deemed to be complete until the Zoning Administrator finds that each of the items described below are included and complete.

1. Narrative. The application shall include a written narrative which describes:
 - a. The general nature of the proposed development and the types of uses anticipated;
 - b. The existing conditions and development of the subject property; and
 - c. The nature and extent of the proposed development including, but not limited to all structures to be constructed during the initial development, the quantity and types of roads to be developed, the quantity and types of water, sewer, power, and telecommunications infrastructure to be developed.
2. Environmental Assessment. The application shall include an environmental assessment which describes: (i) the existence and extent of the following resources on or near the subject property; (ii) the extent and probability to which the ultimate development might impact and will impact these resources; and (iii) measures to be undertaken to minimize and/or avoid such impacts:
 - (a) historic and archaeological resources

- (b) threatened and endangered species
 - (c) wetlands
 - (d) wildlife habitat
 - (e) air quality
 - (f) water quality
 - (g) prime agricultural land
 - (h) toxic or hazardous wastes
 - (i) noise from operations
 - (j) transportation
 - (k) water supply
 - (l) waste water disposal
 - (m) stormwater runoff
 - (n) groundwater
 - (o) marine resources
 - (p) all other relevant environmental resources
3. Review by Relevant Agencies. In addition to the environmental assessment described above, the applicant shall also advise the following public agencies of the proposed development and afford the agencies a minimum of thirty (30) days to provide written comments.
- a. U.S. Army Corps of Engineers
 - b. U.S. Fish and Wildlife Service
 - c. Virginia Department of Conservation and Recreation
 - d. Virginia Department of Environmental Quality
 - e. Virginia Department of Historic Resources
 - f. Virginia Marine Resources Commission
4. Public Impacts. The application shall also identify the public impacts of the proposed development, including the benefits to accrue to the public and the impacts to public services and resources.
- a. Economic Development. The application should describe to what extent the proposed development will further the purposes of the County's Overall Economic Development Program, including expanded employment opportunities and an expanded and diversified economic base.
 - b. Water and Sewer Infrastructure. The application should describe the means of providing water and disposing of waste water. When the public provision of water and sewer will be required, the application shall indicate that the existing infrastructure and capacity is adequate for the proposed development.
 - c. Other Public Utilities. The application should identify those public utilities which are available and which are needed for the proposed development. The application should indicate whether or not there currently exist the capacity to serve the proposed development.
 - d. Transportation. The application should describe and identify the impacts to the existing transportation system. The application should

also include written verification from the Virginia Department of Transportation that access from the subject property to public roads can meet the minimum standards required by VDOT for industrial uses.

5. Additional Information. The application shall also include the following information.
 - a. Ownership. The application shall identify each individual, firm, and/or corporation which has any interest in the title to the subject property(s). Copies of the deed shall also be included. When any corporation has any interest in the title, all officers of the corporation and all shareholders with a greater than ten percent (10%) interest in the corporation shall also be identified.
 - b. Contracts. Any and all contracts or agreements to convey any portion of the title to the subject property shall be a part of the application. A copy of such contract shall be included with the application. If at any time prior to the action of the Board of Supervisors on the request for the change in zoning district classification, such a contract or agreement is made or agreed to, or altered or amended in any way, then such contract or agreement, or alteration or amendment shall become a part of the application and shall be immediately added to the application and made public. Any violation of this requirement is hereby deemed to be of a substantial nature and shall be grounds to rescind the change in zoning district classification if approved.
 - c. Long Term Maintenance and Operation. The application shall describe the institutional framework which is intended to assure the long term maintenance and operation of the facilities.
 - d. A preliminary site plan shall be prepared in accordance with section 7-13(B) of this Ordinance and shall be submitted with the application.
 - e. Nearby Properties. The application shall include a map which identifies each property which is located in part, or in whole, within one thousand (1000) feet of any property boundary line of the subject property. If and when the application is scheduled for public hearing, the Zoning Administrator shall provide a notice of the public hearings to the applicant. The applicant shall be responsible for sending, by certified mail with return receipt, this notice to each of these property owners. Such notice shall be postmarked twenty one (21) days prior to the date of the first scheduled public hearing. Proof of the mailing of these notices and proof of receipt shall be submitted to the Zoning Administrator at least one business day prior to the first public hearing.

2-24.5 Public Review Process. Once the Zoning Administrator finds that the application is complete as described in paragraphs (A), (B), and (C) above, the application will be advertised as required, scheduled for public hearing and reviewed and acted upon in accordance with Article 10 of this Ordinance.

2-24.6 *Time for Development.* Any proposed development for an Industrial Planned Unit Development should generally have three (3) years from the date of approval of the change in zoning district classification to be developed, although it might take a longer time period for an industry to actually locate in the industrial park and to commence operations. Any Industrial Planned Unit Development which fails to be developed in such three year time period may be subject to a change in zoning district classification to a less intensive zoning district as part of a comprehensive plan revision.

2-24.7 *Development Standards for an Industrial Planned Unit Development.* The development of an industrial park shall comply with all other requirements of this Ordinance as well as the requirements of any other relevant ordinances, laws, and regulations. In addition to such other requirements, the development within any Industrial Planned Unit Development shall comply with all of the standards and requirements contained in this section.

1. *Minimum Property Size.* The minimum size for an Industrial Planned Unit Development is twenty five (25) acres.
2. *Buffer Area.* There shall be a buffer area around the perimeter of the Industrial Planned Unit Development zoning district in accordance with the standards and requirements set forth below.
 - (a) When the buffer area consist of a naturally wooded area, the buffer area shall be a minimum fifty (50) feet in width. The natural buffer area shall be managed so as to be kept free from weeds and noxious vegetation such as Johnson Grass and Kudzu.
 - (b) When there is no naturally wooded area as per item (1) above, then there shall be established a vegetated buffer area which shall be a minimum of twenty five (25) feet in width and which shall be established as follows:
 - (i) Over-story trees, such as oaks, gums, maples, and so forth, measuring a minimum of two (2) inches in basal diameter at the time of planting shall be planted sporadically throughout the buffer area, and maintained, at a rate of one (1) tree per one hundred (100) square feet of established buffer area.
 - (ii) Under-story trees, such as cedars, hollies, and dogwoods, measuring a minimum of one (1) inch in basal diameter at the time of planting shall be planted sporadically throughout the buffer area, and maintained, at the rate of one (1) tree per fifty (50) square feet of established buffer area.
 - (iii) Shrubbery measuring a minimum of eighteen (18) inches in height at the time of planting shall be planted sporadically throughout the buffer area, and maintained, at a rate of one (1) shrub per thirty three (33) square feet of established buffer area.

- (iv) The entire established buffer area shall be completely covered with adequate ground cover vegetation or mulch. The established buffer area shall be managed so as to be kept free from weeds and noxious vegetation such as Johnson Grass and Kudzu.
 - (v) When the development of an Industrial Planned Unit Development zoning district requires more than three (3) acres of established buffer area, then the establishment of that buffer area shall be based on a landscaping plan prepared by a licensed landscape architect. The developer shall provide a guarantee in the form of cash escrow, insurance bond with corporate security, or irrevocable letter of credit, in the amount of one hundred fifty percent (150%) of the estimated cost of implementing the landscaping plan. The establishment of the buffer area in accordance with the approved plan shall be certified as complete by a licensed landscape architect. The guarantee shall be held for two (2) years from the date that the establishment of the buffer area is certified as complete.
 - (c) There shall be no buffer area required adjacent to property which is zoned for industrial or commercial uses. When the zoning district classification of property adjacent to an Industrial Planned Unit Development is changed from a non-commercial or non-industrial zoning district classification to a commercial or industrial zoning district classification then any buffer area required pursuant to this section may be removed.
 - (d) There shall be no buffer area required adjacent to property which is designated in the comprehensive plan for commercial or industrial use unless that property is used for residential purposes at the time of the change in zoning district classification.
 - (e) There shall be no structures located in the buffer area. The buffer area is intended to be a natural, vegetated buffer to screen and shield the view of the industrial park.
3. *Impervious Cover and Stormwater Management.* Prior to the construction of any structures within an industrial park, the developer shall implement stormwater management and erosion and sediment control plans in accordance with Article 3, Plan of Development, of this Ordinance. These plans will be based on the impervious cover expected at build out of the industrial park and account for seventy five percent (75%) of the usable land being impervious cover. The provisions of section 7-11(B)(3) notwithstanding, there is no maximum amount of impervious cover in an Industrial Planned Unit Development.
4. *Fire Protection.* The development of the industrial park shall include fire hydrants located every one thousand (1000) feet along each public road.

5. *Installation and Bonding.* The installation and bonding requirements set forth in Article 3 shall include all water infrastructure, sewer infrastructure, road construction, and landscaping.
6. *Roads.* All internal roads shall be built to the standards of the Virginia Department of Transportation for industrial roads and shall be dedicated to the public use. Each and every lot within an Industrial Planned Unit Development shall have a minimum of one hundred (100) feet of road frontage. The owners of property adjacent to such roads shall be completely responsible for all maintenance until such roads are taken into the State System of Secondary Roads.
7. *Property Owners Association and Deed Covenants.* There shall be established in each Industrial Planned Unit Development a property owners association with mandatory membership. The deed covenants, conditions, and restrictions shall address minimum landscaping requirements, minimum development standards, sign controls and restrictions, restrictions or conditions relating to the location of loading docks and parking areas, fencing restrictions, and outside lighting. Such deed covenants, conditions and restrictions shall be included with site plan documents during the plan of review process.

2-24.8 Development Standards for Individual Lots Within an Industrial Planned Unit Development Zoning District. The development of individual lots within an Industrial Planned Unit Development zoning district shall comply with each and all of the following standards and requirements.

- (1) *Minimum Lot and Yard Requirements.*
 - (a) The minimum size of a lot is two (2) acres. A one (1) acre minimum lot size may be approved, on an individual lot basis, by special exception.
 - (b) The minimum road frontage is one hundred (100) feet.
 - (c) The minimum lot depth is two hundred fifty (250) feet.
 - (d) Each lot shall maintain open, grassed or landscaped yards around the perimeter of the property lines for a depth of 10 feet, with the exception of areas for ingress and egress.
 - (e) All structures shall be located at least thirty five (35) feet from any and all public road rights-of-way.
- (B) *Parking Requirements.* The minimum off-street parking requirements set forth in Article 5 of this Ordinance notwithstanding, on each lot within the Industrial Planned Unit Development zoning district there shall be provided off street parking in accordance with the standards set forth below.
 - a. Parking areas shall be hard surfaced with lanes and parking spaces clearly marked and visible. All areas used or intended to be used by motor vehicles shall be hard surfaced.

- b. The minimum number of parking spaces shall be the greater of the following:
 - (i) One (1) parking space per one thousand (1000) square feet of floor area;
 - (ii) One (1) parking space per one and one-half (12) employees on major shift, plus one (1) space per company vehicle or equipment.

(C) *Height Restrictions.* No structure, with the exception of communication and utility structures, and exhaust and chimney structures, shall exceed a height of forty five (45) feet as measured from the lowest point of elevation of natural ground level within 10 feet of the structure.

D. *Impervious Cover.* The provisions of Article 3 notwithstanding, development of an individual lot within the Industrial Planned Unit Development zoning district shall not exceed seventy five percent (75%). Exceptions to this maximum may be approved in accordance with Article 3 of this Ordinance.

2-24.9 *Allowable Uses.* Uses described below, and which are not prohibited by 2-24.10 or 2-24.11, are permitted by right in the Industrial Planned Unit Development zoning district.

- (1) Those uses which are classified as Manufacturing or Wholesale Trade in the current Standard Industrial Classification Code Manual, or any successor document. Such use described in the Manual shall be the primary activity located on the property. Accessory uses which are clearly incidental and ancillary to the existing primary use shall be permitted.
- (2) Those uses which are classified as Services or Finance, Insurance and Real Estate in the current Standard Industrial Classification Code Manual, or any successor document provided that such use is internal to the firm or establishment and that no retail sales and no retail services are provided at the property.

2-24.10 *Prohibited Uses.* Uses described below are specifically prohibited in the Industrial Planned Unit Development zoning district.

- 1. Retail sales and retail services as defined herein.
- 2. Incineration.
- 3. Abattoirs and rendering.
- 4. Quarries and any other facilities for the extraction and mining of rocks and minerals.
- 5. Stockyards.
- 6. Petroleum, asphalt, or related refineries.
- 7. Landfill.
- 8. Any use or handling of class B biosolids.

2-24.11 *Uses by Special Exception.* Uses described below may be permitted within the Industrial Planned Unit Development zoning district if the Board of Supervisors first approves a special exception in accordance with the requirements set forth in Article 10.

1. Handling, storage, or processing of waste, solid waste, or waste by-products, including class A biosolids.
2. Any facility, firm, establishment, or process requiring a Title V air pollution control permit.
3. Manufacturing, storage, or handling of explosives or flammable materials.
4. Any use which requires utilization of radioactive materials. Any special exception granted shall include a specific limit on the amounts, quantities and qualities of any and all radioactive materials.

2-24.12 *Performance Standards.* The performance standards set forth in the remainder of this section apply to all land and uses within the Industrial Planned Unit Development zoning district. Any violation of any of these performance standards is prohibited. Any violation of any of these performance standards shall constitute a violation of this Ordinance.

1. *Noise.* At no point on the boundary line of an individual lot or parcel or beyond shall sound pressure level resulting or emitting from any use, operation, or activity on any lot or parcel exceed the maximum sound levels during daylight hours, nor exceed the maximum permitted sound level minus 10dB during non-daytime hours.

Octave Band in Cycles per Second	Maximum Permitted Sound Level in Decibels
0 to 75	72
76 to 150	67
151 to 300	61
301 to 600	56
601 to 1200	50
1201 to 2400	45
2401 to 4800	41
above 4800	38

2. *Vibration.* At no point on the boundary line of an individual lot or parcel or beyond, shall the earthborn vibration resulting from any use, operation, or activity on the subject lot or parcel exceed the maximum displacement levels during daytime hours, nor exceed 2 of the maximum displacement levels during non-daytime hours.

Frequency in Cycles per Second	Maximum Displacement Level in Inches	
	<i>Steady State</i>	<i>Impact</i>
Under 10	.0055	.0010
10 B 19	.0044	.0008
20 B 19	.0033	.0006
30 B 39	.0002	.0004
40 and over	.0001	.0002

3. *Air Pollution.* No use, operation, nor activity which results in visible air emissions at ground level at the property boundary line or at other properties within the Industrial Planned Unit Development zoning district or at any property within one thousand (1000) feet of the Industrial Planned Unit Development zoning district, with the exception of steam, shall be permitted.
4. *Odor.* At no point on the boundary line of an individual lot or parcel or beyond, shall the emission of odors resulting from any use, operation, or activity be detectable when diluted in the ratio of one volume of odorous air to eight volumes of clean air.
5. *Glare.* At no point on the boundary line of an individual lot or parcel or beyond shall glare nor light pollution resulting from any use, operation or activity exceed 50 foot lamberts during daylight hours, nor exceed 20 foot lamberts during non-daylight hours.
6. *Electrical Interference.* At no point on the boundary line of an individual lot or parcel or beyond shall the interference with normal radio and television reception resulting in whole or in part from any use, operation or activity be permitted.
7. *Enclosure of Uses.* All use, activity, storage, and operation within the Industrial Planned Unit Development zoning district shall take place within a fully enclosed structure. Above ground storage of any materials, supplies, equipment, or other items with the exception of motor vehicles, shall only be permitted if the storage area is surrounded by solid fencing which effectively blocks the entire view of stored items from all adjacent and nearby properties. In no case shall an out-door storage area encompass more than twenty five percent (25%) of a lot or parcel. There shall be no below ground storage.
8. *Outdoor Storage and Waste Disposal.* A dumpster area shall be provided for each lot or parcel. Such dumpster shall have a concrete pad throughout, and shall be fully surrounded by a privacy fence at least six (6) feet in height. A gate shall be provided and it shall remain closed at all times when solid waste is

not being placed into or removed from the dumpsters. All solid waste shall be placed in the dumpster and no solid waste shall be placed on the ground. No solid waste or other material shall be placed in the dumpster area in a manner that it may or it is carried out of the dumpster area by natural causes or forces.

2-25. Seafood District (S-1)

2-25.1 Purpose and Intent

These areas are used in part for seafood businesses, either processing and/or non-processing as defined herein, as well as low and medium density residential uses. This district also encompasses several uses which are incidental and ancillary to the seafood and residential uses. This district is established to stabilize those communities and areas with a mixture of seafood and residential areas.

2-25.2 Permitted Use (by-right)

1. Accessory Uses
2. Agriculture, Limited and Aquaculture
3. Boat Wharves, Private
4. Bulkheads
5. Churches
6. Church Bulletin Boards
7. Conventional Sewage Treatment Works
8. Dwelling, Accessory
9. Dwelling, Single
10. Golf Courses
11. Historical Areas
12. Home Occupation, Minor
13. Jetties
14. Mobile Homes
15. Museums
16. Off-Street Parking
17. Parking Areas
18. Parks
19. Pier plus boat slip, covered boat slip (boat house), electricity, and well on the lot, without concurrent authorization for other accessory uses as regulated in Article 4.
20. Playgrounds
21. Private Well (Errata Sheet – April 12, 2006 this is redundant with item #30 below)
22. Public Utilities Serving Individual User
23. Retaining Walls
24. Schools
25. Seafood Facility - Non-Processing
26. Seafood Facility -- Processing
27. Seawalls
28. Septic Disposal System, Conventional
29. Sign, Home Occupation
30. Sign, Temporary Structure
31. Swimming Pool, Private
32. Well, Private (Errata Sheet – April 12, 2006 this is redundant with item #19 above)

2-25.3 Permissible Uses (by special exception)

1. Administrative Offices
2. Boat Building

3. Boat Wharves, Public
4. ~~Boathouse (See pier as an allowed use and Section 4-9)~~ (allowed use, included with pier)
5. Central Wastewater Treatment Works
6. Central Water System
7. Child Care Centers
8. Clubs
9. Community Waterworks
10. Dwelling, Multi-Family
11. Dwelling, Two-Family
12. Family Day - Care Home
13. Firehouses
14. Florists
15. Home Doctors Office
16. Home Occupation, Major
17. Home Professional Office
18. Houses, Boarding or Rooming
19. Machine Shops
20. Marinas, Commercial
21. Noncommunity Waterworks
22. Post Offices
23. Public Landings
24. Public Utility Facilities
25. Recreational Area, Private
26. Rescue Squad
27. Sign, Business
28. Sign, Directional
29. Swimming Pool, Public
30. Subdivision Sales Offices
31. Tourist Homes
32. Water and Sewer Facilities, Public
33. Welding Shops

2-25.4 Lot and Yard Regulations

Modifications to frontage and setback requirements by Special Exception (Variance) Approval by the Board of Zoning Appeals:

Use	Minimum		Setbacks ¹ (permanent structures)		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Min. Front (ft.) (from c/l)	Min. Side (ft.)	Min. Rear (ft.)
Commercial Use No public sewer/ water Public sewer or water Public sewer & water	25,000 15,000 12,000	n/a	60ft ²	10 ft. if abutting A-1, C-1, R-1, R-2 ³ 20 ft. ⁴	20 ft
Accessory Structures	n/a	n/a	>60 ft	>10 ft. ³ if abutting A-1, C-1, R-1, R-2 ³ >20 ft ⁴ and 5 ft. back from side lot line	5 ft. back from rear lot line
Other Permitted Uses No public sewer/ water Public sewer or water Public sewer & water	25,000 15,000 12,000	n/a	60 ft ²	10 ft. if abutting A-1, C-1, R-1, R-2 ³ 20 ft. ⁴	20 ft.

¹ For principal structures on properties adjacent to public waters, the yard requirements along the waterfront lot line shall be the same as set forth herein for a rear yard; for accessory structures on properties adjacent to public waters, the minimum distance from the waterfront lot line shall be the same as set forth herein from rear lot lines. ² Except public utility structures providing services to individual customers may be erected up to property line. ³ Interior Lot ⁴ Corner Lot

2-25.5 Building Regulations

2-25.5.1 Building Height

No new building, nor the enlargement of any building, shall hereafter be erected to exceed forty-five (45) feet or to exceed three (3) stories in height. Height exceptions are provided in Article 1.

2-25.5.2 Utility Requirements

Water and wastewater treatment service shall be provided, in accord with County and State regulations, and as set forth in Article 4.

2-25.5.3 Access Requirements

Lots must be accessed from a public road currently in the Virginia Department of Transportation (VDOT) system or from a road designed and constructed so as to meet VDOT standards and be eligible for acceptance into the VDOT system.

2-26. Resource Extraction – Planned Development District (RE-PD)

2-26.1 Purpose and Intent

The purpose of this district is to maintain Westmoreland County's residential areas and predominately rural character, to protect critical resources, and to preserve productive farm and timberland while accommodating, where suitable and appropriate, oil and gas extraction and other resource extraction and providing for the future use of properties after the extractive uses are finished.

It does this by protecting critical resources, controlling noise, light, traffic congestion, and other impacts to the community, ensuring public safety, maintaining adequate separation between residential uses and resource extractive activities, providing for adequate public facilities, and advancing the long term viability of the area and other community goals.

The critical resources identified to be protected include: groundwater and surface water (quality and quantity), agricultural and forest land, historic and scenic resources, and rural character. These resources are critical based on the values of the community and their important role in the economic base of the county for agriculture, tourism, forestry, and seafood.

The intent of this district is to advance the county's goals and policies as contained in the Westmoreland County Comprehensive Plan, and to protect the health, safety and welfare of county's residents and visitors. It is the intent of this district and regulations to address local zoning and planning issues related to oil and gas production and other resource extraction activities and to work in harmony with Commonwealth statutes and regulations relating to those activities.

This district is designed with due consideration of the purposes of zoning ordinances as provided in § 15.2-2283 and other relevant provisions of the Code of Virginia to meet the district's intent. The zoning district requirements seek to balance all community needs; values; and concerns, including the private property interests of all property owners; environmental protection; economic development goals; local government finances; public safety, including long-term public health; and to consider all federal, state, and local regulatory requirements. These purposes can be achieved by establishing a clear process and criteria for considering approval of oil and gas drilling activities and other resource extractive activities, as well as standards for location, site development, and the mitigation of impacts, to ensure the long-term public health and safety in Westmoreland County.

2-26.2 Permitted Uses (by-right)

1. Accessory Uses
2. Accessory Structures
3. Agriculture, General
4. Dwellings, Caretaker's
5. Home Occupations, Minor

6. Nurseries, production
7. Sawmills, temporary or portable
8. Signs, subject to Article 7
9. Wayside Stands

2-26.3 Permissible Uses (by Special Exception)

1. Airport, Private
2. Biosolids Composting
3. Farm Brewery
4. Farm Enterprise
5. Fire, Police or rescue stations
6. Golf Courses
7. Golf Driving Ranges
8. Home Occupation, Major
9. Nurseries, retail (including Florists)
10. Oil and Gas Drilling
11. Public utility trunk lines and system components (electrical and gas)
12. Stone Works
13. Telecommunications towers, attached
14. Telecommunications towers, free-standing, subject to Article 4
15. Water-related Structures (jetties, seawalls, piers etc.), subject to Article 4
16. Wineries

2-26.4 Rezoning requirements for a Resource Extraction – Planned Development District

Article 10 of this Ordinance sets forth the process to be followed when the zoning district classification of a property or a group of properties is changed. That procedure is to be followed when the zoning district classification of a property or a group of properties is to be changed to Resource Extraction – Planned Development District. This section sets forth additional standards, requirements, and considerations to supplement the requirements of Article 10.

Resource extractive activities are an intensive land use and their development includes many complicated and often inter-relating issues. Applicants for a change in zoning district classification are hereby strongly encouraged to consider a conditional change in zoning district classification. Conditional zoning, however, allows the applicant more flexibility in addressing impacts from the development that could follow from the rezoning. Applicants for a change in zoning district classification are hereby also strongly encouraged to consider applying for a special exception for the intended use at the same time that they apply for the change in zoning district classification. This will provide the maximum information possible to accurately identify impacts and provides flexibility and opportunities for the applicant to address such impacts.

2-24.4.1 Pre-application meetings.

After the pre-application conference required in Article 10, applicant shall hold an informational meeting for the public on the rezone proposal prior to application to the county. The meeting shall be advertised by publishing notice of the meeting as required by § 15.2-2204 of the Code of Virginia.

2-24.4.2 Required Submittals.

In addition to the submittals required pursuant to Article 10 of this Ordinance, no application for a change in zoning district classification to RE-PD shall be deemed to be complete until the Zoning Administrator finds that each of the items described below are included and complete.

1. Narrative. The application shall include a written narrative which describes:
 - a. The general nature of the proposed development and the types of uses anticipated;
 - b. The existing conditions and development of the subject property; and
 - c. The nature and extent of the proposed development including, but not limited to all structures to be constructed during the initial development, the quantity and types of roads to be developed, the quantity and types of water, sewer, power, and telecommunications infrastructure to be developed.
 - d. The nature and extent of the mineral resources available on the property.
2. Environmental Assessment.
 - a. The application shall include an environmental assessment which describes: (i) the existence and extent of the following resources on or near the subject property; (ii) the extent and probability to which the ultimate development might impact and will impact these resources; and (iii) measures to be undertaken to minimize and/or avoid such impacts:
 - (a) historic and archaeological resources
 - (b) threatened and endangered species
 - (c) wetlands
 - (d) wildlife habitat
 - (e) air quality
 - (f) surface water quality and quantity
 - (g) prime agricultural land
 - (h) groundwater quality and quantity

- (i) marine resources
 - (j) all other relevant environmental resources
 - b. If an Environmental Impact Assessment and an Operations Plan has been prepared in accord with the Virginia Department of Mines, Minerals, and Energy application for to drill for oil and/or gas, then those documents can be provided to fulfill the relevant portions of the environmental assessment required by this section.
4. Public Impacts. The application shall also identify the impacts of the proposed development, including the benefits to accrue to the public and the impacts to the public, public services, and public resources, and the proposed means of mitigating those impacts.
- a. Economic Development. The application shall describe to what extent the proposed development will further the purposes of the County's Overall Economic Development Program, including expanded employment opportunities and an expanded and diversified economic base, changes in the demand for housing and other services.
 - b. Water and Sewer Infrastructure. The application shall describe the means of providing water and disposing of waste water. When the public provision of water and sewer will be required, the application shall indicate whether the existing infrastructure and capacity is adequate for the proposed development.
 - c. Other Public Utilities. The application shall identify those public utilities which are available and which are needed for the proposed development. The application should indicate whether or not there currently exist the capacity to serve the proposed development.
 - d. Transportation. The application shall describe and identify the impacts to the existing transportation system and specify how those impacts will be mitigated.
 - e. Emergency Services. The application shall describe and identify the impacts to the existing emergency services system. The application shall also include information regarding the types of emergency services that might be needed at the site or related to its operations.
 - f. Impacts to the public and community. The application shall describe and identify the possible impacts from noise, light or glare, toxic or hazardous substances, dust, vibration, safety concerns and any other impacts to the surrounding environment and specify how those impacts will be mitigated.

5. Additional Information. The application shall also include the following information.
 - a. Ownership. The application shall identify each individual, firm, and/or corporation which has any interest in the title to the subject property(s). Copies of the deed shall also be included. When any corporation has any interest in the title, all officers of the corporation and all shareholders with a greater than ten percent (10%) interest in the corporation shall also be identified.
 - b. Operations plan. The application shall describe the institutional framework which is intended to assure the maintenance and operation of the facilities and ultimate closure of the operation and restoration of the site.
 - c. Conceptual site plan. The application shall include a conceptual site plan showing the area and nature of development expected within the rezone area. This would consist of maps and narratives. These documents shall show areas of clearing and grading, boundaries and dimensions of drill pad sites (with specific edges defined), surface mining areas, the nature and location of any structures, secondary waste containment systems for storage and disposal, site access and circulation, buffers, stormwater management and sediment and erosion control measures, storage, sorting or processing areas, parking areas and methods to ensure conformance with provisions of the Chesapeake Bay Preservation Overlay District, and other pertinent features of possible or proposed development, as well as the basic information required for any rezoning application, including property boundaries, topography, and existing site features. The plan shall include the area and limits of any horizontal drilling.
 - d. A site closure plan. This narrative and conceptual site plan shall be prepared showing how the disturbed area of the site will be restored and identifying the costs, methods and timing of such restoration.
 - e. Nearby Properties. The application shall include a map which identifies each property which is located in part, or in whole, within one thousand (1000) feet of any property boundary line of the subject property.

2-26.4.3 Public Review Process.

Once the Zoning Administrator finds that the application is complete as described section 2-24.3.1 above, the application will be advertised as required, scheduled for public hearing and reviewed and acted upon in accordance with Article 10 of

this Ordinance. Provided, however, that in addition to the public notice requirements in Article 10, the Zoning Administrator shall provide a notice of the public hearings to the applicant, and the applicant shall be responsible for sending, by certified mail with return receipt, this notice to each of these property owners identified in 2-26.3.2(e). Such notice shall be postmarked no more than twenty eight (28) days nor less than twenty one (21) days prior to the date of the first scheduled public hearing. Proof of the mailing of these notices and proof of receipt shall be submitted to the Zoning Administrator at least one business day prior to the first public hearing.

2-26.4.4 Criteria for approving the request

In addition to the rezone criteria contained in Article 10 of this Ordinance, the following specific criteria shall be met by the proposal in order to grant the rezone or conditional rezone.

1. Minimum size. The area proposed for rezoning shall be a minimum of 40 acres in size or contiguous to an area already zoned RE-PD.
2. Required setbacks. There shall be usable operation sites as identified in the application where the resources can be extracted, which meet the setback requirements established in section 2-26.6 of this ordinance.
3. Location of resources. The location of new RE-PD Districts shall be in areas shown in the comprehensive plan as being potentially appropriate for such extraction activities. For resources such as sand and gravel where the comprehensive plan does not identify areas, the majority of the area proposed for rezoning should be located where the resources to be extracted are shown to be located.

2-26.5 *Special Exception permit requirements for oil and gas well drilling.*

Article 10 of this Ordinance sets forth the provisions for a special exception request and review. In addition to those requirements, this section sets forth additional standards, requirements, and considerations to supplement those in Article 10.

2-26.5.1 Required Submittals.

In addition to the submittals required pursuant to Article 10 of this Ordinance, no application for a special exception for gas and oil drilling shall be deemed to be complete until the Zoning Administrator finds that each of the items described below are included and complete. If the applicant has applied for a combined rezone and special exception review, the information and documents for the two permit applications can be combined, but shall cover all the requirements for each application. Applications for special exception and to rezone may be submitted and reviewed concurrently; however, special exception cannot be approved until after a rezoning is approved.

1. Narrative. The application shall include a written narrative which describes:
 - a. The general nature of the proposed development;
 - b. The existing conditions and development of the subject property;
 - c. The nature and extent of the proposed development including, but not limited to all structures to be constructed during the initial development, the quantity and types of roads to be developed, the quantity and types of water, sewer, power, and telecommunications infrastructure to be developed.
2. Environmental Assessment.

An Environmental Impact Assessment and an Operations Plan prepared in accord with the Virginia Department of Mines, Minerals, and Energy application for to drill for oil and/or gas, will be submitted with the application.
3. Public Impacts. The application shall provide the information required in sub-section 2-24.4.2 4 a. through f.
4. Additional Information. The application shall also include the following information.
 - a. Ownership. The application shall identify each individual, firm, and/or corporation which has any interest in the title to the subject property(s). Copies of the deed shall also be included. When any corporation has any interest in the title, all officers of the corporation and all shareholders with a greater than ten percent (10%) interest in the corporation shall also be identified.
 - b. Operations plan. The Operations Plan shall include identification of water supply sources, amount of water to be extracted and/or used, and any on-site or off-site storage or discharge of water, waste, wastewater, chemicals or other materials, and any necessary mitigation provisions for impacts on groundwater quantity or quality on or adjacent to the site. It shall also include a Baseline Environmental Assessment (conducted not more than 12 months prior to commencement of drilling operations) that documents existing environmental conditions within 750 feet of the edge of the proposed drilling site, a Groundwater Baseline Test Report (on-site and adjacent properties) documenting existing surface water quality and the yield and quantity of groundwater wells within 750 feet of the proposed drilling site.

The Operations Plan shall also include an Infrastructure Impact Report, Water Use Plan, a plan for secondary waste containment

systems, a plan for storage, transport and disposal of all waste generated by or during operations, and a plan for hours of operation, noise attenuation, air quality and dust control, lighting and glare control, and other site development features that may have impacts.

- c. Conceptual site plan. The application shall include a conceptual site plan showing the area and nature of development expected within the rezone area. This would consist of maps and narratives. These documents would show areas of clearing and grading, drill pad sites (with specific edges defined), surface mining areas, the nature and location of any structures, secondary waste containment systems for storage and disposal, site access and circulation, buffers, stormwater management and sediment and erosion control measures, storage, sorting or processing areas, parking areas and methods to ensure conformance with provisions of the Chesapeake Bay Preservation Overlay District, and other pertinent features of possible or proposed development, as well as the basic information required for any special exception application, including property boundaries, adjacent owners, topography, etc. The plan shall include the area and limits of any horizontal drilling.
- d. Site closure plan. This narrative and conceptual site plan shall be prepared showing how the disturbed area of the site will be restored and identifying the costs of such restoration and appropriate amount for a performance bond. This would include a decommissioning plan for reclamation and a reuse plan. The plan will include requirements to prepare a post-drilling environmental data report six months after drilling has been completed, using the same procedure as the baseline environmental assessment. Within 12 months of the date of termination, the owner and/or operator shall physically remove the operation, and demonstrate reclamation and any reuse in accordance with the post-operations plan. The plan will include provisions for a final report on groundwater quality and for continued groundwater monitoring water quality has been impacted by the operation.
- e. Emergency Plan. This plan shall identify possible hazards associated with the oil and gas drilling, shall provide responses to those hazards, and shall be prepared in coordinated with Westmoreland County public safety officials, and officials from DMME and DEQ (Virginia Department of Environmental Quality).
- f. Financial assurance mechanisms. An explanation shall be provided detailing own operational, environmental and other commitments proposed in the applicant shall be met by the applicant.

2-26.5.2 Public Review Process.

Once the Zoning Administrator finds that the application is complete as described section 2-26.4.1 above, the application will be advertised as required, scheduled for public hearing and reviewed and acted upon in accordance with Article 10 of this Ordinance.

2-26.5.3 Required criteria for approving the special exception request.

The following criteria shall be met in order to approve a special exception permit for oil and gas drilling.

1. Required setbacks. There shall be usable operation sites as identified in the application where the resources can be extracted, which meet the setback requirements established in section 2-26.6 of this ordinance.
2. Limit of horizontal drilling. All drilling proposed, including any horizontal drilling, shall be within the designated RE district as determined by the location vertically above the borehole on the ground's surface.

2-26.5.4 Required conditions to be included in a special exception approval.

The following conditions shall be included in any approval of a special exception permit for oil and gas drilling.

1. Requirement to notify the county Zoning Administrator when operations are terminated with the intent to close the well.
2. Requirement to provide liability bonding and to post bonding or other performance guarantees to the county to ensure that the above development, operational, and post-operational plans can be successfully implemented or terminated, regardless of the financial condition of the owner/operator.
3. Requirement to review the emergency plan with county public safety officials at the beginning of operations and at least once every three years.
4. Requirement that, in order to expand horizontal drilling to additional areas not shown on the approved conceptual plan that are also within the RE designation, this SE must be amended accordingly.
5. Requirement to use secondary waste containment systems for storage and disposal of all waste water and process water and disposal of such water offsite.

2-26.6 Development Standards for oil and gas well drilling.

Oil and gas well drilling shall comply with all other requirements of this ordinance as well as the requirements of any other relevant ordinances, laws, and regulations. In addition to such other requirements, the Oil and Gas well drilling shall comply with all of the standards and requirements contained in this section.

1. *Minimum Property Size.* The minimum size of the property shall be 40.57 acres
2. *Required Setbacks.* There shall be setbacks between the gas and oil well drilling operation and facilities and designated Resource Protection Areas (RPA), wetlands, existing structures, public and private wellheads, and other public infrastructure as set forth below. When directional or horizontal drilling is used, setbacks shall be measured horizontally from the area vertically above the borehole on the ground's surface.

Consideration and integration of comprehensive setback buffers – ranging from 500 feet to 0.62 miles (equal to 1 kilometer) – predicated upon RPA wetlands, structures, wellheads, and public infrastructure considerations Setbacks could range from 1,000 feet to 3,300 feet for various critical resources such as public water sources.

3. *Impervious Cover and Stormwater Management.* The proposed project shall comply with the impervious cover restrictions and the stormwater management and water quality and quantity standards contained in Article 3 Overlay District Regulations in the Zoning Ordinance, Chapter 54 Erosion and Sediment Control provisions in the Westmoreland County Code, and the Commonwealth of Virginia Stormwater Management Act.
4. *Fire Protection.* Fire protection measures identified in the emergency plan shall be installed prior to the initiation of drilling, or as otherwise specifically provided for in the emergency plan.
5. *Installation and Bonding.* The installation and bonding requirements established in the special exception permit shall include water infrastructure, sewer infrastructure, road construction, landscaping, project closure, and site restoration.
6. *Roads.* All internal roads shall be built to the standards specified in the special exception permit and shall be removed within a year of the notice of termination of the well operation, unless otherwise provide for in the special exception permit. The owners of property adjacent to such roads shall be completely responsible for all maintenance until such roads are removed and the site restored or converted to a different approved development.

2-26.7 Performance Standards.

The performance standards set forth in the remainder of this section apply to all resource extractive land and uses within RE-PD zoning district. Any violation of any of these performance standards is prohibited. Any violation of any of these performance standards shall constitute a violation of this Ordinance.

1. *Noise.* At no point on the boundary line of an individual lot or parcel or beyond shall sound pressure level resulting or emitting from any use, operation, or activity on any lot or parcel exceed the maximum sound levels during daylight hours, nor exceed the maximum permitted sound level minus 10dB during non-daytime hours.

Octave Band in Cycles per Second	Maximum Permitted Sound Level in Decibels
0 to 75	72
76 to 150	67
151 to 300	61
301 to 600	56
601 to 1200	50
1201 to 2400	45
2401 to 4800	41
above 4800	38

2. *Vibration.* At no point on the boundary line of an individual lot or parcel or beyond, shall the earthborn vibration resulting from any use, operation, or activity on the subject lot or parcel exceed the maximum displacement levels during daytime hours, nor exceed 2 of the maximum displacement levels during non-daytime hours.

Frequency in Cycles per Second	Maximum Displacement Level in Inches	
	<i>Steady State</i>	<i>Impact</i>
Under 10	.0055	.0010
10 to 19	.0044	.0008

20 to 19	.0033	.0006
30 to 39	.0002	.0004
40 and over	.0001	.0002

3. *Air Pollution.* No use, operation, nor activity which results in visible air emissions at ground level at or beyond the property boundary shall be permitted.
4. *Odor.* At no point at or beyond the boundary line of the lot or parcel on which the activity is being conducted shall the emission of odors resulting from any use, operation, or activity be detectable when diluted in the ratio of one volume of odorous air to eight volumes of clean air.
5. *Glare.* At no point at or beyond the boundary line of the lot or parcel on which the activity is being conducted shall glare nor light pollution resulting from any use, operation or activity exceed 50 foot lamberts during daylight hours, nor exceed 20 foot lamberts during non-daylight hours.
6. *Electrical Interference.* At no point at or beyond the boundary line of the lot or parcel on which the activity is being conducted shall the interference with normal radio and television reception resulting in whole or in part from any use, operation or activity be permitted.
7. *Enclosure or Buffering of Uses.* All resource extractive use, activity, storage, and operation shall be screened by solid fencing or by an adequate vegetated buffer from any public road, from anywhere outside of the development area identified by the special exception permit, or as otherwise provided in the special exception permit.
8. *Height restrictions.* Height restrictions for resource extraction related structures shall be as provided in the special exception permit.

2-26.8 Lot and Yard Regulations

Use/Lot	Minimum		Lot Coverage	Setbacks		
	Lot Size	Lot Frontage (at front setback)		Minimum Front (ft.)	Side (ft.)	Rear (ft.)
Resource Extraction	10 acres	Note 1	Note 1	Note 1	Note 1	Note 1
Accessory Structures	n/a	n/a		125 ft.	15 ft.	40 ft.
Other Permitted Uses	5 acre	150 ft.		50 ft.	40 ft.	40 ft.

Note 1: As provided in the Special Exception Permit.

2-26.9 Building Regulations

2-26.9.1 Maximum Building Height

Thirty-five (35) feet, except for agricultural structures and oil/gas extraction structures which are subject to special exception conditions. Also see height exceptions in Article 1.

2-26.9.2 Utility Requirements

For resource extraction activities, provisions for water and wastewater shall be as provided in the special exception permit. For other uses, water and wastewater shall be provided in accord with County and State regulations, and as set forth in Article 4.

2-26.9.3 Access Requirements

For resource extraction activities, provisions for access shall be as provided in the special exception permit. For other uses, access shall be provided to a state road and shall be as approved in Article 9, when applicable.