



**SPOTSYLVANIA COUNTY PLANNING COMMISSION MEETING
AGENDA
June 15, 2022 - 4:00 PM**

Call To Order

Pledge

Determination of a Quorum

Announcements

Worksession(s)

- SUP21-0008: V.L. Jenkins Heating & Air Inc (Shorline Properties of LKA/Vincent L. Jenkins)
Livingston Voting District
- R22-0003: Kalahari Resort and Conventions (Berkeley District)
- Telecommunications Ordinance
- Chesapeake Bay Ordinance

Public Comment

New Business

Adjournment

By Order of the Spotsylvania County Planning Commission: The Planning Commission reserves the right to amend this agenda on the day of the meeting. The Commission encourages the participation of all county citizens. For those with special needs, please notify the Planning Department Office of any accommodation required five days prior to the meeting you wish to attend.

Spotsylvania County
Planning Commission
Executive Summary

 **Print**

Meeting Date: June 15, 2022

Title: SUP21-0008: V.L. Jenkins Heating & Air Inc (Shorline Properties of LKA /Vincent L. Jenkins) Livingston Voting District

Type: No Action (Information Only)

Agenda Title: SUP21-0008: V.L. Jenkins Heating & Air Inc (Shorline Properties of LKA/Vincent L. Jenkins) Livingston Voting District

Recommendation: N/A

Summary: The applicant requests a special use to establish a Contractor's office and shop on a parcel consisting of approximately 1.21 acres and zoned Agriculture 3 (A-3). The parcel is addressed as 5755 Courthouse Road and located on the south side of Courthouse Road (Route 208) approximately 166 feet from its intersection with Delmas Drive (Private). The parcel is designated for Commercial on the Future Land Use Map of the Comprehensive Plan. Tax parcel 70 (A) 79C. Livingston Voting District.

Committee/Commission Summary:

Review Date: Status:

Financial Impact: N/A

Staff Contacts: Shannon D. Fennell, Planner III

Legal Counsel: Alexandra Spaulding, Senior Assistant County Attorney

Additional Background/Other Considerations: The GDP is attached for the Planning Commission's review.

Consequence of Denial/Inaction: N/A

ATTACHMENTS:

Name:	Description:	Type:
 2nd_Submission_Jenkins_HVAC_GDP.pdf	Generalized Development Plan	GDP

V.L. JENKINS HEATING & AIR, INC.
5775 COURTHOUSE ROAD
SPOTSYLVANIA, VA 22551-6101
PHONE: 540-809-9748

LEGACY ENGINEERING, P.C.
419 CHATHAM SQUARE OFFICE PARK
FREDERICKSBURG, VA 22405
PHONE: (540) 373-8350
FAX: (540) 369-4499
CONTACT: BRUCE A. REESE, PE, LS

TAX MAP #: 70-A-79C
PARCEL AREA: 1.21 AC

ZONING DISTRICT: A-3
PROPOSED USE: HVAC CONTRACT OFFICE WITH REAR STORAGE UNIT

MINIMUM YARDS:
FRONT: 30'
SIDE: 10'
REAR: 35'

MAXIMUM HEIGHT: 35'

**EXISTING STRUCTURES ARE SINGLE STORY.

FAR: 3640 SQ. FT./1.21 AC = 0.069
MAX FAR: 0.1

IMPERVIOUS COVERAGE: 0.31 AC
LOT COVERAGE RATIO: 0.31 AC/1.21 AC = 0.26

WATER QUALITY:
THE PROPOSED STORAGE BUILDING IS PROPOSED ON A GRAVEL LOT AND DOES NOT INCREASE THE IMPERVIOUS AREA OF THE SITE. THEREFORE NO WATER QUALITY FACILITIES ARE REQUIRED.

WATER QUANTITY:
THE WATER QUANTITY FROM THE PROPOSED IMPERVIOUS AREA LEAVES THE SITE IN SHEET FLOW CONDITION. THEREFORE NO WATER QUANTITY CONTROLS ARE REQUIRED AND THIS SITE IS IN COMPLIANCE.

1. THE SUBJECT PROPERTY IS DESIGNATED AS TAX MAP #70-A-79C ON THE SPOTSYLVANIA COUNTY ZONING MAP.

OWNER/APPLICANT: V.L. JENKINS HEATING & AIR, INC.
5775 COURTHOUSE ROAD
SPOTSYLVANIA, VA 22551-6101
PHONE: 540-809-9748

2. THERE ARE NO KNOWN WETLANDS, LAKES, OR STREAMS ONSITE.
3. THERE ARE NO KNOWN HISTORIC BUILDINGS OR FEATURES ONSITE.
4. THIS PROPERTY IS LOCATED IN ZONE X, DESIGNATED AS AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON FEMA FIRM MAP #5103080275C, DATED FEB 18, 1998.
5. NO KNOWN CEMETERIES EXIST ON THE SUBJECT PROPERTY.
6. THE BOUNDARY INFORMATION, AS SHOWN HEREON, IS TAKEN FROM A PLAT BY BELL SURVEYS INC., DATED 04/12/02.
7. EXISTING TOPOGRAPHY SHOWN HEREON IS TAKEN FROM A SITE PLAN BY THIS FIRM, DATED 12/12/01, AND PENNSYLVANIA COUNTY GIS DATA.
8. ALL EXISTING EASEMENTS AND ENCUMBRANCES MAY NOT BE SHOWN ON THIS PLAN.
9. THE INTERSECTION OF COURTHOUSE ROAD AND FENTON ROAD IS APPROXIMATELY 100 FEET EAST OF THE SITE, THE INTERSECTION OF COURTHOUSE ROAD AND BRADLEY LANE IS APPROXIMATELY 250 FEET WEST OF THE SITE.
10. THERE IS NO KNOWN RPA ON SITE.

1. THERE IS NO LANDSCAPING REQUIRED FOR PARKING LOTS WITH LESS THAN 20 SPACES.
2. THERE ARE NO BUFFER OR SCREENING REQUIREMENTS FOR THIS SITE.
3. APPROXIMATELY 30% OF THE PARCEL IS WOODED. NO ADDITIONAL LANDSCAPING IS REQUIRED.

PARKING REQUIRED: 1 SPACE PER EMPLOYEE + 1 SPACE PER FACILITY VEHICLE ON SITE = 3
PARKING PROVIDED: 10 SPACES

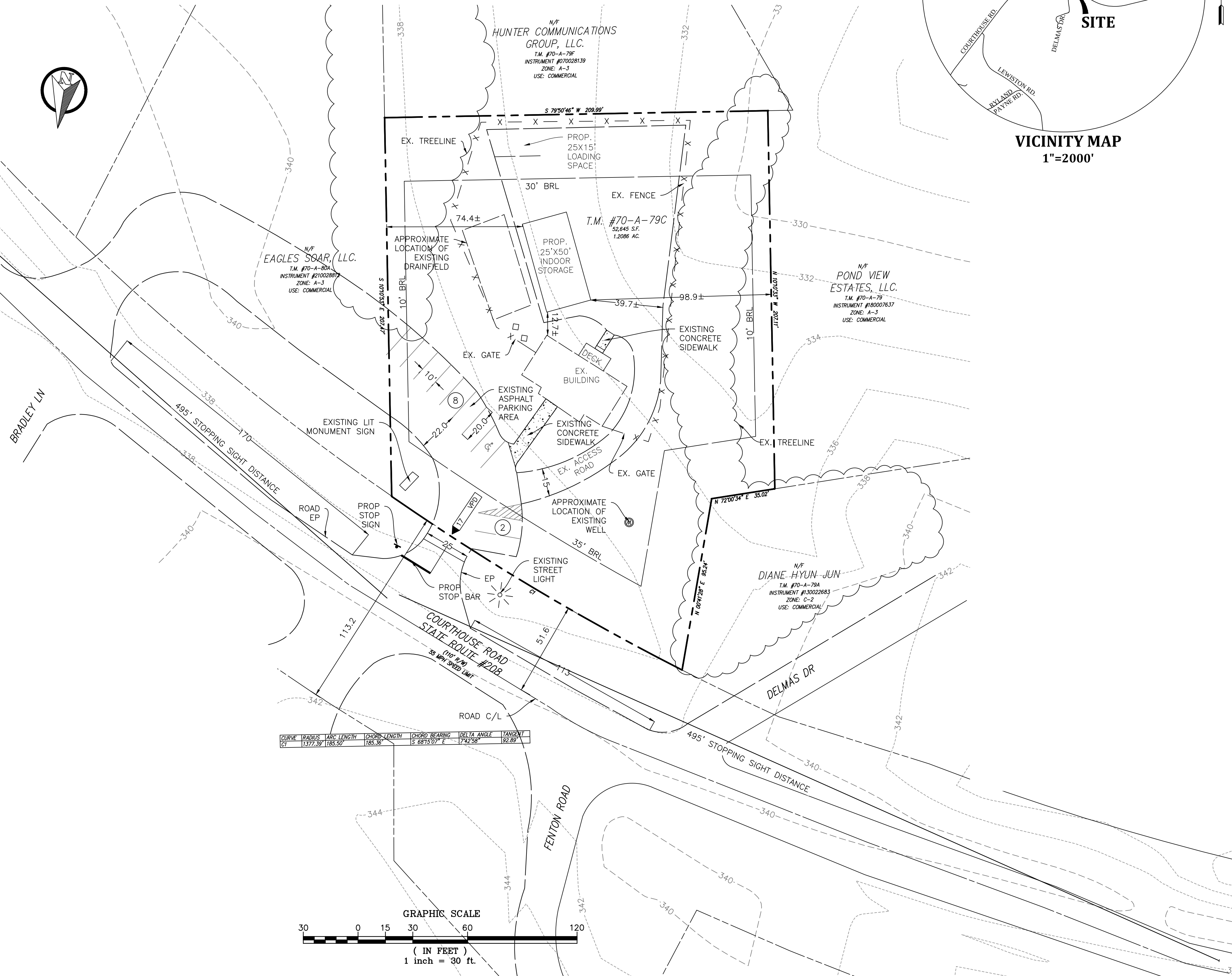
1. THE EXISTING MONUMENT SIGN SHALL REMAIN NEAR THE ENTRANCE.
2. PARKING LOT LIGHTING WILL BE INSTALLED IN ACCORDANCE WITH COUNTY CODE REQUIREMENTS. LIGHTS SHALL BE LIT ONLY DURING BUSINESS HOURS. STREET LIGHTS WILL BE INSTALLED IN ACCORDANCE WITH VDOT REQUIREMENTS.

STOPPING SIGHT DISTANCE OF 610 FEET WILL BE PROVIDED IN ACCORDANCE WITH APPENDIX
OF THE VDOT ROAD DESIGN MANUAL.

7 TOTAL VEHICLE TRIPS PER DAY GENERATED FROM ITE TRIP GENERATION MANUAL, 10TH EDITION FOR SMALL OFFICE BUILDINGS (712).

A map showing the location of the site relative to surrounding roads. The site is marked with a black square and labeled "SITE". The roads shown are ROBINSON RD., LAVERGNE RD., PEYTON RD., BRADLEY LN., SHEETS DR., CLOUTHOUSE RD., DELMAS DR., LEWISTON RD., and LEV AND PAYNE RD.

VICINITY MAP
1"=2000'



LEGACY
ENGINEERING



419 CHATHAM SQUARE OFFICE PARK
FREDERICKSBURG, VA 22405
www.legacy-eng.com
540.373.8350 (p) 540.369.4499 (f)

GENERALIZED DEVELOPMENT PLAN V.L. JENKINS HEATING & AIR, INC.

DATE	REVIEW STATUS
DATE	REVISION NO



FILE NO.	SHEET 1
DATE 3/23/22	
SCALE 1"=30'	

Spotsylvania County
Planning Commission
Executive Summary

 **Print**

Meeting Date: June 15, 2022

Title: R22-0003: Kalahari Resort and Conventions (Berkeley District)

Type: No Action (Information Only), Power Point Presentation

Agenda Title: R22-0003: Kalahari Resort and Conventions (Berkeley District)

Recommendation: N/A

Summary: The applicant requests a rezoning of approximately 134.47 acres from A-2 to PDC in order to develop a waterpark resort and convention center totaling 1.38 million square feet of commercial space. The development will include a 900 room hotel, 156,278 sf convention center, 267,429 sf indoor waterpark and family entertainment center, multiple restaurants and retail facilities, and a 10 acre outdoor resort pool/waterpark. The project will also include an employee housing area and various maintenance facilities and storage. Two points of access to the development will be on Route 1. The property is located on the east side of Route 1 approximately .60 miles south of its intersection with Morris Road/Mudd Tavern Road (Route 606). Tax Parcels 76-A-56, 76-A-56C, 76-A-56D, 76-A-58C, 76-A-58, 76-A-56A, and 76-A-56B. Berkeley District.

Committee/Commission Summary:

Review Date: Status:

Financial Impact: N/A

Staff Contacts: Kimberly Pomatto, Deputy Director of Planning and Zoning

Legal Counsel: Alexandra Spaulding, Senior Assistant County Attorney

Additional Background/Other Considerations: The initial submission of the GDP is attached for reference along with a proposed Route 1 improvements plan. The GDP is pending revisions.

Consequence of Denial/Inaction: N/A

ATTACHMENTS:

Name:	Description:	Type:
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 2022-03-23 - Kalahari GDP (First Submission).pdf	Generalized Development Plan	GDP
 DRAFT Color Route 1 Improvement Plan 2022-06-01_(002).pdf	Route 1 Improvement Plan	Backup Material

ZONING MAP AMENDMENT
GENERALIZED DEVELOPMENT PLAN
KALAHARI RESORTS & CONVENTIONS

OWNER:
EARL G. CHESSON TRUSTEE & GEORGE
D. WEBSTER, JR. & ERIKA H. WEBSTER
TM 76-A-56
TM 76-A-56C
TM 76-A-56D
TM 76-A-58C
617 KINGS CLOISTER CIRCLE
ALEXANDRIA, VA 22302

GEORGE D. & ERIKA H. WEBSTER LLC &
THE CHESSON LIMITED PARTNERSHIP
TM 76-A-58
617 KINGS CLOISTER CIRCLE
ALEXANDRIA, VA 22302

KEVIN E. LAY & KIM M. LAY
TM 76-A-56A
6117 PATRIOT HIGHWAY
WOODFORD, VA 22580

DONALD PATTERSON & GALE K.
PATTERSON ESTATE
TM 76-A-56B
6109 PATRIOT HIGHWAY
WOODFORD, VA 22565

APPLICANT:
KALAHARI VA, LLC
C/O DALE HENSEN
PO BOX 590
1305 KALAHARI DRIVE
WISCONSIN DELLS, WI 53965
PHONE: 608-844-3383

SITE DATA:		
TAX MAP:	76-A-56, 76-A-56A, 76-A-56B, 76-A-56C, 76-A-56D, 76-A-58, 76-A-58C	
TOTAL AREA:	134.47 AC	
LAND DISTURBANCE:	94.56 AC± (SUBJECT TO CHANGE AT SITE PLAN)	
EXISTING ZONE:	A-2 (AGRICULTURAL 2)	
OVERLAY DISTRICT(S):	N/A	
PROPOSED USE:	PDC (PLANNED DEVELOPMENT COMMERCIAL)	
SETBACKS:	REQUIRED:	PROVIDED:
	FRONT: N/A	126'
	SIDE: N/A	600'
	REAR: N/A	141'
OPEN SPACE REQUIREMENT:	REQUIRED: 15%	PROVIDED: >15%
MAXIMUM BUILDING HEIGHT:	REQUIRED: N/A	PROVIDED: 150'
GROSS FLOOR AREA:	1,381,861 SF	
MAXIMUM FLOOR AREA RATIO:	REQUIRED: 1.5	PROVIDED: 0.23
HYDRAULIC UNIT CODE:	Y045	
WATERSHED:	MATTA RIVER	
WATER:	PUBLIC	
SEWER:	PUBLIC	
ESTIMATED VPD:	2,428 TRIPS (REFER TO TIA)	
HISTORIC FEATURES:	REFER TO PHASE 1 REPORT	
KNOWN PLACES OF BURIAL:	NONE	
WETLANDS ON SITE:	YES	
SOLID WASTE STORAGE:	ON-SITE DUMPSTERS	
SOLID WASTE COLLECTION:	PRIVATE HAULER	
IMPERVIOUS SURFACE:	60.09 AC ± (SUBJECT TO CHANGE AT SITE PLAN)	
IMPERVIOUS RATIO:	42.4%	

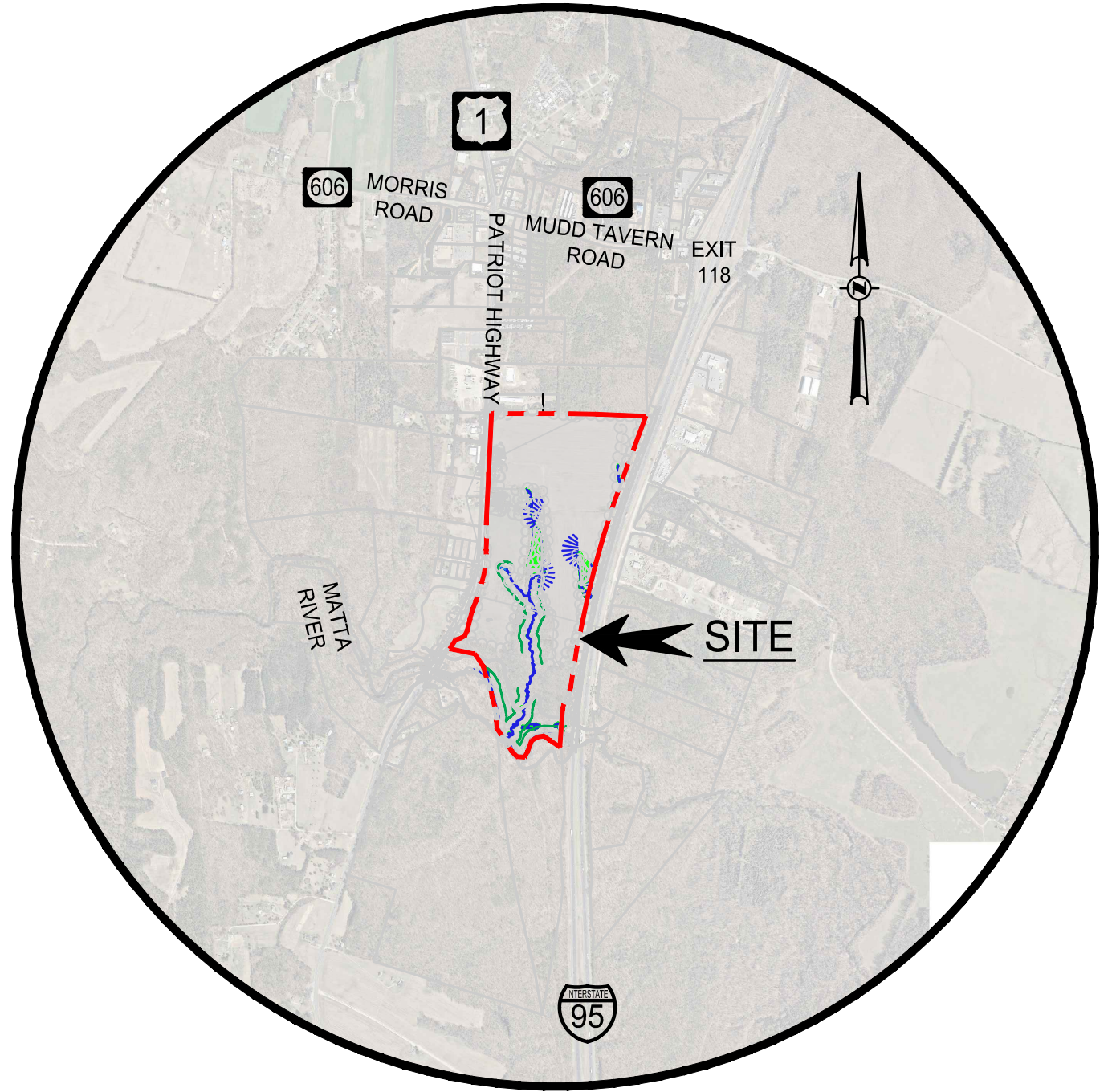
ENGINEER'S CERTIFICATE
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS CORRECT AND COMPLIES WITH CHAPTER 8A OF THE SPOTSYLVANIA COUNTY CODE, AND THAT I AM A QUALIFIED PROFESSIONAL LICENSED IN VIRGINIA.

MARCH 22, 2022
DATE

KEITH LUC OSTER, P.E.



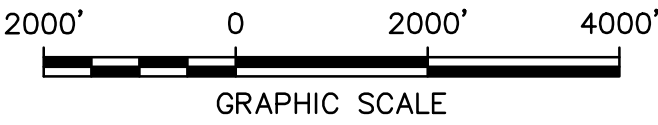
TAX MAPS 76-((A))-56, -56A, -56B, -56C, -56D, -58, AND -58C
PLANNED DEVELOPMENT COMMERCIAL
BERKELEY MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA



VICINITY MAP

1"=2000'

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SULLIVAN, DONAHOE & INGALLS
ENGINEERS, LAND PLANNERS AND SURVEYORS

P.O. BOX 614
FREDERICKSBURG, VIRGINIA 22404
PHONE 540-898-5878

SHEET INDEX

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PARKING TABLE
(REFER TO MEMORANDUM COMPLETED BY HKS)

TYPE	REQUIREMENT	QUANTITY	REQUIRED	PROVIDED
HOTEL	1 SPACE / ROOM	900 ROOMS	900 SPACES	2,869 SPACES
CONVENTION CENTER	1 SPACE / 100 SF	156,278 SF	521 SPACES	
PRE-FUNCTION/LOUNGE	1 SPACE / 250 SF	37,500 SF	150 SPACES	
RESTAURANTS	1 SPACES / 1,000 SF	30,000 SF	30 SPACES	
INDOOR WATERPARK & FAMILY ENTERTAINMENT CENTER	1 SPACES / 1000 SF	122,000 SF	122 SPACES	
EMPLOYEES	1 SPACE / 2 EMPLOYEES	550 EMPLOYEES	275 SPACES	2,227 SPACES
TOTAL			2,227 SPACES	

SPOTSYLVANIA COUNTY GENERAL NOTES
REFER TO SHEET _ FOR REQUIRED GENERAL NOTES

GPS TIE-IN NOTE

THE PLAN SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 AS COMPUTED FROM A FIELD SURVEY WHICH TIES THIS DEVELOPMENT BOUNDARY TO SPOTSYLVANIA COUNTY MONUMENT "MALLARD AZ".

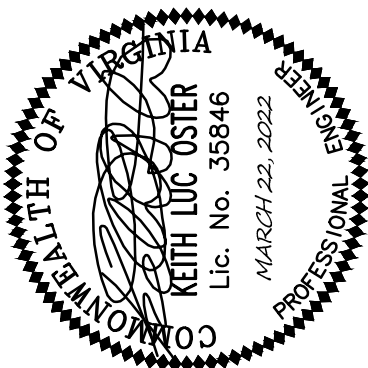
THE GRID FACTOR THAT HAS BEEN APPLIED TO THE FIELD DISTANCE TO DERIVE THE REFERENCED COORDINATES IS 0.99998457. UNLESS OTHERWISE STATED THE PLAT DISTANCES SHOWN ARE INTENDED TO BE HORIZONTAL DISTANCES MEASURED AT THE MEAN ELEVATION OF THE DEVELOPMENT.

THE BEARINGS SHOWN ARE REFERENCED TO VCS 1983 GRID NORTH. THE FOOT DEFINITION USED FOR CONVERSION OF THE MONUMENT COORDINATES IS THE "U.S. SURVEY FOOT" ON 1 FT = 1200/3937 METER.

GEODETIC CONTROL MONUMENTS EXISTING OR PLACED WITHIN THE BOUNDARIES OF THIS DEVELOPMENT SHALL NOT BE DISTURBED. THE LANDOWNER ASSUMES THE RESPONSIBILITY FOR REPLACEMENT OF ANY DISTURBED MONUMENT.

SANITARY SEWER GENERATION NOTE:

SANITARY SEWER GENERATION TO BE COORDINATED DIRECTLY WITH SPOTSYLVANIA COUNTY DEPARTMENT OF PUBLIC UTILITIES



REVISIONS

DATE

ENGINEERS, LAND PLANNERS & SURVEYORS
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10720 COLUMBIA DRIVE
FREDERICKSBURG, VIRGINIA 22404
TELEPHONE 540-898-5878

SULLIVAN
DONAHOE &
INGALLS
SDI

KALAHARI RESORT & CONVENTIONS
BERKELEY MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

COVER SHEET

DES/DRFT: PLH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 21-SP-0264
DATE: 3-22-2022
SCALE: AS SHOWN

SHEET 1
OF 11 SHEETS

SPOTSYLVANIA COUNTY FILE NO.:

WATER AND SEWER NOTES

- ALL PUBLIC WATER AND SEWER UTILITY INFRASTRUCTURE INCLUDED WITH THIS APPROVED PLAN SHALL COMPLY WITH THE 2018 VERSION OF THE SPOTSYLVANIA COUNTY DEPARTMENT OF UTILITIES WATER AND SEWER DESIGN AND CONSTRUCTION STANDARDS MANUAL.
- WHEN THE SPOTSYLVANIA COUNTY WATER AND SEWER DESIGN AND CONSTRUCTION STANDARDS CONTAIN A PROJECT CATEGORY IN THE APPROVED MATERIALS AND MANUFACTURERS LIST, ONLY THOSE PRODUCTS SPECIFICALLY LISTED MAY BE USED.
- ALL CHANGES TO THE APPROVED CONSTRUCTION PLANS MUST BE APPROVED IN ADVANCE BY THE UTILITY DEPARTMENT.
- ALL WATER LINES UP TO 10" DIAMETER MAY BE CLASS 200 C900 (SDR 14) POLY-VINYL CHLORIDE (PVC) PIPE OR ZINC COATED DUCTILE IRON. ALL WATER LINES 12" AND LARGER OR WHERE INDICATED SHALL BE CLASS 52 ZINC COATED DUCTILE IRON, CONFORMING TO ANSI-A21.51 (AWWA C151). ZINC COATED DUCTILE IRON PIPE SHALL HAVE CEMENT MORTAR LINING AND SEAL COATING IN ACCORDANCE WITH ANSI A21.4 (AWWA C104). BITUMINOUS OUTSIDE COATING SHALL BE IN ACCORDANCE WITH ANSI/AWWA C104. ALL PIPES REGARDLESS OF MATERIAL SHALL HAVE 10-GAUGE SOLID COPPER INSULATED TRACER WIRE INSTALLED ADJACENT TO THE PIPE. SEE SECTION 3.2.3.9 IN THE DESIGN AND CONSTRUCTION STANDARDS FOR MORE DETAILS.
- PIPE FITTINGS SHALL CONFORM TO ANSI/AWWA A21.10/C110 FOR STANDARD SIZE FITTING OR ANSI/AWWA A21.52/C153 FOR COMPACT FITTINGS. ALL JOINTS SHALL BE EITHER MECHANICAL JOINT OR PUSH-ON JOINT CONFORMING TO ANSI/AWWA A21.11/C111. FITTINGS SHALL BE CEMENT MORTAR LINED WITH A SEAL COAT IN ACCORDANCE WITH ANSI/AWWA A21.4/C104. ALL FITTINGS SHALL HAVE A MINIMUM PRESSURE RATING OF 250. LR ON PROFILES INDICATES LENGTH OF RESTRAINED PIPE AT FITTING.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS IN THE FIELD BEFORE STARTING CONSTRUCTION AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES.
- THERE SHALL BE A 10' HORIZONTAL SEPARATION BETWEEN WATER LINES AND/OR SEWER LINES AND A VERTICAL SEPARATION OF 18" BETWEEN THE BOTTOM OF THE WATER MAIN AND THE TOP OF THE SEWER MAIN. THIS APPLIES TO BUILDING SEWER LATERALS AS WELL.
- ALL BACTERIOLOGICAL SAMPLES OF WATER LINES SHALL BE TAKEN BY UTILITY DEPARTMENT PERSONNEL. A MINIMUM OF 48 HOURS' NOTICE IS REQUIRED TO SCHEDULE THESE SAMPLES.
- ALL WATER LINE AND SEWER LINE SELECT BACKFILL, STRUCTURAL BACKFILL, AND PIPE BEDDING MATERIAL SHALL BE COMPACTED TO 95% VTM-1 DRY DENSITY. ALL CONTROLLED FILL IN TRENCHES UNDER PAVEMENT OR WHERE OTHERWISE SPECIFIED SHALL BE COMPACTED TO 95% VTM-1 DRY DENSITY COMPACTION REPORTS SHALL BE REQUIRED TO BE SUBMITTED PRIOR TO FIRST ACCEPTANCE.
- NO EXISTING WATER MAIN IS TO BE TAMPERED WITH BY TAPPING, OPENING, OR CLOSING VALVES WITHOUT A UTILITY DEPARTMENT INSPECTOR PRESENT ON THE JOB SITE.
- NO NEW WATER LINES ARE TO BE FILLED OR FLUSHED WITHOUT A UTILITY DEPARTMENT INSPECTOR PRESENT.
- DUCTILE IRON PIPE SHALL BE ZINC COATED AND V-BIO POLYWRAPPED.
- THE CONTACTOR IS RESPONSIBLE FOR DAILY AS-BUILT PLANS ON ALL CONSTRUCTION. ALL LATERALS AND APPURTENANCES SHALL BE REFERENCED FROM THE NEAREST MANHOLE.
- ALL MANHOLES SHALL BE WATERPROOFED ON EXTERIOR SURFACE BY THE MANUFACTURER IN ACCORDANCE WITH SPOTSYLVANIA COUNTY SPECIFICATIONS.
- SEWER CONNECTION TO EXISTING SANITARY MANHOLES SHALL BE MADE BY CORE DRILLING MANHOLE AND INSTALLING A RUBBER BOOT TO CREATE A WATERTIGHT CONNECTION.
- "DOGHOUSE" MANHOLES ARE NOT ALLOWED UNLESS APPROVED BY THE UTILITY DEPARTMENT. SEE SECTION 2.3.3.
- A CLEANOUT COVER ASSEMBLY IN ACCORDANCE WITH THE STANDARD DETAILS SHALL BE INSTALLED ON EACH SEWER LATERAL CLEANOUT.
- AN AIR TEST IS REQUIRED ON NEW SANITARY SEWER LINES. A VACUUM TEST IS REQUIRED ON NEW MANHOLES.
- ALL GRAVITY SANITARY SEWER MAINS SHALL BE PVC SEWER PIPE TYPE PSM POLY-VINYL CHLORIDE UNLESS NOTED OTHERWISE ON THE PLANS. PIPE AND FITTINGS SHALL MEET ASTM DESIGNATION D3034-73. MINIMUM DESIGNATION USED SHALL BE SDR-35. CLASS A BEDDING SHALL BE USED ON DEPTHS EXCEEDING 24 FEET.
- ALL GRAVITY SANITARY SEWER LATERALS SHALL BE PVC SEWER PIPE TYPE PSM POLY-VINYL CHLORIDE UNLESS NOTED OTHERWISE ON THE PLANS. PIPE AND FITTINGS SHALL MEET ASTM DESIGNATION D3034-73. MINIMUM DESIGNATION USED SHALL BE SDR-26 OR SCH 40.
- ALL SANITARY SEWER LATERALS SHALL BE INSTALLED AT A MINIMUM GRADE OF 1/4" PER FOOT (2.08%) UNLESS APPROVED BY THE ENGINEER AND/OR OWNER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING ALL SEWER LATERALS TO EACH LOT AS SHOWN ON THE CONSTRUCTION PLANS UNDER THE INSPECTION AND APPROVAL OF THE DEPARTMENT OF UTILITIES.
- CONTACT THE UTILITY DEPARTMENT CROSS/CONNECTION AND BACKFLOW COORDINATOR FOR REQUIREMENTS FOR BACKFLOW PREVENTION.
- THE DEVELOPER/OWNER IS RESPONSIBLE FOR RESPONDING TO MISS UTILITY REQUESTS UNTIL WATER AND SEWER LINES ARE ACCEPTED. ANY DAMAGE TO WATER AND SEWER MAINS MUST BE REPAIRED PRIOR TO ACCEPTANCE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE SPOTSYLVANIA COUNTY UTILITIES DEPARTMENT PRIOR TO ANY WATER LINE TIE-IN OR SHUT OFF WITH A MINIMUM OF 72 HOURS' NOTICE.
- ANY CONSTRUCTION OR INSTALLATION OF PUBLIC UTILITIES PERFORMED ON A MAJOR HOLIDAY, AS "MAJOR HOLIDAY" IS DEFINED IN THE COUNTY HUMAN RESOURCE POLICY, ON A WEEKEND, OR ON ANY DAY BEFORE 7:00 A.M. OR AFTER 5:00 P.M. ("OFF HOURS") SHALL REQUIRE TWO (2) DAYS ADVANCE WRITTEN NOTICE AND APPROVAL BY THE DEPARTMENT.
- ALL BOLTS, NUTS AND HARDWARE SHALL BE COATED WITH FLUOROKOTE #1 PROCESS OR BE EQUIVALENT AND SHALL BE INSTALLED ON FITTINGS.
- POLY-ENCASEMENT SHALL ADHERE TO THE LATEST VERSION OF ANSI/AWWA C105/A21.5, CLASS B POLYETHYLENE ENCASEMENT FOR DUCTILE-IRON PIPE SYSTEMS SYSTEM DESCRIPTION DESIGN AND PERFORMANCE REQUIREMENTS SECTION INCLUDES: TECHNICAL REQUIREMENTS OF THE PRODUCT, CONSISTING OF, BUT NOT LIMITED TO MATERIAL TYPE, DIMENSIONS, AND CONDITIONS.
 - SEAMLESS 8 MIL (0.2 MM) THICK LINEAR LOW-DENSITY CO-EXTRUDED V-BIO ENHANCED POLYETHYLENE.
 - SEAMLESS 8 MIL (0.2 MM) THICK LINEAR LOW-DENSITY CO-EXTRUDED V-BIO ENHANCED POLYETHYLENE.
 - FLAT TUBE FORM, MINIMUM WIDTH BASED ON NORMAL PIPE DIAMETER.
 - 2 FT. (600 MM) OVERLAP BETWEEN SECTIONS.
- THERE SHALL BE A 10' HORIZONTAL SEPARATION BETWEEN WATER AND/OR SEWER LINES AND A VERTICAL SEPARATION OF 18" BETWEEN THE BOTTOM OF THE WATER/SEWER LINE AND TOP OF THE WATER/SEWER LINE.

GENERAL CONSTRUCTION NOTES

- ALL CONSTRUCTION SHALL CONFORM TO EXISTING STATE AND MUNICIPAL BUILDING CODES.
- PRIOR TO BEGINNING ANY TYPE OF CONSTRUCTION, THE CONTRACTOR SHALL OBTAIN A PERMIT FROM THE MUNICIPALITY. CONSTRUCTION WITHIN ANY EXISTING PUBLIC RIGHT-OF-WAY MAY REQUIRE SEPARATE PERMIT, WHICH THE CONTRACTOR SHALL ALSO OBTAIN. NO WORK OR DISTURBANCE OF ANY TYPE SHALL BE PERFORMED ON THE LAND OF ANY ADJACENT PROPERTY OWNER WITHOUT EXPRESS WRITTEN PRIOR CONSENT OF SAID PROPERTY OWNER.
- ALL EXISTING UNDERGROUND UTILITIES SHALL BE PHYSICALLY LOCATED BY THE CONTRACTOR OR HIS AGENT PRIOR TO THE BEGINNING OF CONSTRUCTION IN THE VICINITY OF THESE UTILITIES. THIS PLAN DOES NOT REPRESENT THAT ALL EXISTING UTILITIES ARE SHOWN OR THAT THOSE SHOWN ARE CORRECTLY LOCATED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT EACH UTILITY COMPANY. CALL MISS UTILITY (1-800-552-7001), DIG TEST PITS, AND TAKE WHATEVER STEPS ARE NECESSARY TO ACCURATELY LOCATE AND PROTECT ALL EXISTING UTILITIES. NO CONSTRUCTION SHALL PROCEED UNTIL THE ACCURATE LOCATIONS OF UTILITIES HAVE BEEN MADE, AND IT HAS BEEN DETERMINED BY THE CONTRACTOR THAT CONSTRUCTION CAN BE ACCOMPLISHED IN ACCORDANCE WITH THESE PLANS WITHOUT UTILITY CONFLICTS. IN THE EVENT THAT CONFLICTS EXIST, THE OWNER AND ENGINEER SHALL BE NOTIFIED IMMEDIATELY.
- PRIOR TO BEGINNING CONSTRUCTION, CONTRACTOR SHALL VERIFY FROM THE ARCHITECTURAL DRAWINGS ALL APPLICABLE DIMENSIONS, DETAILS, TREATMENT FOR THE PROPOSED BUILDING AND SIDEWALKS, AND FOR OTHER PROPOSED CONSTRUCTION WHERE INDICATED ON THE PLANS.
- CONTRACTOR SHALL BE RESPONSIBLE TO SEE THAT ALL EROSION AND SEDIMENT CONTROL STANDARDS ARE MET.
- CONTRACTOR SHALL SEED AND MULCH ALL DENUDED OR DISTURBED AREAS IN ACCORDANCE WITH VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS STANDARDS.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS IN THE FIELD BEFORE STARTING CONSTRUCTION, AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES.
- IF WATER AND/OR SANITARY SEWER SERVICE IS TO BE PROVIDED BY CONNECTING TO EXISTING CITY SYSTEMS, THEN CONTRACTOR SHALL FIELD VERIFY LOCATION OF WATER AND SEWER LATERALS, AND THE ELEVATION OF SANITARY SEWER PRIOR TO STARTING CONSTRUCTION.
- CONSTRUCTION AND MATERIALS FOR DRAINAGE SYSTEM, BASE AND PAVEMENT, AND CURBS SHALL COMPLY WITH VDOT STANDARDS.
- WHERE SIDEWALK IS ADJACENT TO CURB, ALL SIDEWALK EXPANSION AND STOOL JOINTS SHALL COINCIDE WITH ADJOINING CURB EXPANSION/TOOL JOINTS
- ALL SEWER CLEANOUTS LOCATED WITHIN SIDEWALKS OR BREEZEWAYS MUST BE INSTALLED FLUSH WITH THE FINISHED SURFACE OF THE CONCRETE WITH NO GREATER THAN A 1/8" PROTUSION AT ANY POINT.
- ALL SIDEWALKS AND CONCRETE SHALL BE PRESSURE WASHED, ALL ASPHALT CLEAN AND WASHED OF MUD/DIRT, AND ALL STORM DRAIN LINES FLUSHED AND CLEAR OF SILT AND DEBRIS PRIOR TO TURNOVER TO, AND ACCEPTANCE BY, THE OWNER.
- ALL STORM PIPE ENTERING STRUCTURES SHALL BE GROUTED TO ASSURE CONNECTION AT STRUCTURE IS WATER TIGHT.
- ALL STORM SEWER MANHOLES SHALL BE CONSTRUCTED IN ACCORDANCE WITH VDOT STANDARD MH-2 INVERT SHAPING SHALL BE IN ACCORDANCE WITH VDOT STANDARD IS-1. MANHOLE STEPS SHALL BE IN ACCORDANCE WITH VDOT STANDARD ST-1.
- ALL PIPES ARE GENERALLY MEASURED TO CENTER OF STRUCTURE. PIPE LENGTHS DO NO INCLUDE THE LENGTH OF THE END SECTION.
- ALL STORM SEWER MANHOLES AND CLEAN OUTS IN PAVED AREAS SHALL BE FLUSH WITH PAVEMENT, AND SHALL HAVE TRAFFIC BEARING LIDS. MANHOLES IN UNPAVED AREAS SHALL BE LEFT NOT LESS THAN 6" ABOVE FINISH GRADE. LIDS SHALL BE LABELED "STORM SEWER". SEE MUNICIPAL DETAILS.
- CLEANOUTS PLACED IN CONCRETE OR ASPHALT AREAS SHALL BE FITTED WITH A TRAFFIC BEARING IRON COLLAR AND BRASS PLUG.
- ANY WELLS FOUND ON THIS SITE SHALL BE ABANDONED PER VIRGINIA HEALTH DEPARTMENT REQUIREMENTS.
- ALL TIE-INS TO EXISTING CURBING, CONCRETE, AND PAVEMENT REQUIRES A SAW-CUT EDGE OR DEMOLITION TO AN EXISTING CONTROL JOINT.
- ANY PAVEMENT, CURBING, SIDEWALKS, LANDSCAPING, OR OTHER PHYSICAL IMPROVEMENTS DAMAGED AS A RESULT OF PROVIDING PROPOSED IMPROVEMENTS SHALL BE REPLACED OR REPAIRED TO ITS ORIGINAL CONDITION TO THE SATISFACTION OF THE OWNER AND/OR THE ENGINEER.
- CONTRACTOR SHALL CONTACT THE LOCAL MUNICIPALITY (CITY/COUNTY) TO ARRANGE A PRE-CONSTRUCTION CONFERENCE PRIOR TO BEGINNING ANY TYPE OF CONSTRUCTION.
- UTILITIES WITHIN PUBLIC UTILITY EASEMENTS WILL BE OWNED AND MAINTAINED BY THE LOCAL MUNICIPALITY AND SHALL BE INSPECTED BY THEIR STAFF TO ENSURE ACCEPTABILITY. ALL UTILITIES NOT WITHIN PUBLIC EASEMENTS WILL BE PRIVATELY OWNED AND MAINTAINED.
- PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, ALL STOCKPILED MATERIAL INCLUDING, BUT NOT LIMITED TO STUMPS, BRUSH AND CONSTRUCTION DEBRIS SHALL BE REMOVED FROM THE PROPERTY AND DISPOSED OF IN ACCORDANCE WITH MUNICIPAL AND STATE REQUIREMENTS.

MAINTENANCE OF TRAFFIC

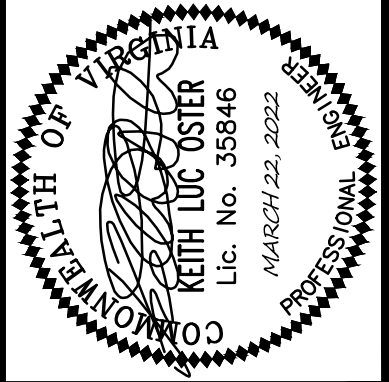
- ALL MAINTENANCE OF TRAFFIC MEASURES SHALL BE IN ACCORDANCE WITH CURRENT EDITIONS OF THE MANUAL ON UNIFORM TRAFFIC DEVICES AND THE VIRGINIA WORK AREA PROTECTION MANUAL.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK ZONE SIGNING AND ANY OTHER TRAFFIC CONTROL DEVICES NECESSARY TO PERFORM THE WORK. UPON COMPLETION OF THE WORK, THE CONTRACTOR SHALL IMMEDIATELY REMOVE ALL SUCH TEMPORARY DEVICES.

PAVING AND GRADING NOTES

- ALL PAVING, CONSTRUCTION, MATERIALS, AND WORKMANSHIP WITHIN THE CITY'S/ COUNTY'S OR VDOT'S RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH THE LOCAL OR VDOT'S SPECIFICATIONS AND STANDARDS, WHICHEVER IS MORE RESTRICTIVE.
- ALL UNPAVED AREAS IN EXISTING RIGHT-OF-WAY DISTURBED BY SITE CONSTRUCTION SHALL BE REGRADED AND SEEDED AND ANY DESTROYED LANDSCAPING REPLACED.
- THE CONTRACTOR SHALL GRADE THE SITE TO THE ELEVATIONS INDICATED AND SHALL REGRADE WASHOUTS WHERE THEY OCCUR AFTER EVERY RAINFALL UNTIL SOIL IS STABILIZED.
- SPOT ELEVATIONS SHOWN ARE TO TOP OF CURB UNLESS NOTED OTHERWISE. VERTICAL LOCATION OF FLOWLINE AND EDGE OF PAVEMENT SHALL BE IN ACCORDANCE WITH CURB DETAILS ON THE DETAIL SHEET OF THESE PLANS.
- CONTRACTOR SHALL MATCH EXISTING GRADE WHERE NEW SIDEWALK/ ASPHALT/ CURB/ GUTTER MEET EXISTING RESPECTIVELY.
- BEFORE PLACING PAVEMENT, CONTRACTOR SHALL VERIFY THAT SUITABLE HANDICAPPED ROUTES (PER A.D.A.) EXIST. IN NO CASE SHALL HANDICAP RAMP SLOPES EXCEED 1 VERTICAL TO 12 HORIZONTAL. IN NO CASE SHALL SIDEWALK CROSS SLOPES EXCEED 2.0 PERCENT. IN NO CASE SHALL LONGITUDINAL SIDEWALK SLOPES EXCEED 5.0 PERCENT. CONTRACTOR SHALL CONTACT ARCHITECT AND ENGINEER PRIOR TO PAVING IF ANY EXCESSIVE SLOPES ARE ENCOUNTERED. NO CONTRACTOR CHANGE ORDERS WILL BE ACCEPTED FOR A.D.A. COMPLIANCE ISSUES.
- HANDICAP RAMPS AND CURB RAMPS SHALL BE INSTALLED AT 8.33% MAXIMUM SLOPE AND 2.0% MAXIMUM CROSS SLOPE. HANDICAP PARKING SPACES AND AISLES SHALL BE INSTALLED AT 2.0% MAXIMUM SLOPE IN ANY DIRECTION.
- CONTRACTOR ADJUSTMENTS TO SPOT GRADES TO MAINTAIN POSITIVE DRAINAGE IS ALLOWED, WITH THE PRIOR APPROVAL OF THE ENGINEER. CONTRACTOR SHALL CONTACT THE ENGINEER PRIOR TO PAVING IF ANY AREAS OF POOR DRAINAGE ARE ENCOUNTERED.
- ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED SMOOTH. THE AREAS SHALL THEN BE STABILIZED AS SPECIFIED IN THE PLANS AND MAINTAINED UNTIL SOIL IS STABILIZED IN ALL AREAS. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE JOB SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- ALL CUT OR FILL SLOPES SHALL BE 3:1 OR FLATTER UNLESS OTHERWISE SHOWN.
- THE CONTRACTOR MUST CONSTRUCT AND MAINTAIN A PERMANENT STABLE PROTECTIVE COVER FOR EROSION AND SEDIMENT CONTROL ON ALL LAND SURFACES EXPOSED OR DISTURBED BY CONSTRUCTION OF THE PERMITTED PROJECT. THE PROTECTIVE COVER MUST BE INSTALLED WITHIN FOURTEEN DAYS AFTER FINAL GRADING OF THE AFFECTED LAND SURFACE. A PERMANENT STABLE COVER MUST BE ESTABLISHED WITHIN 60 DAYS OF ITS INSTALLATION.
- CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE AWAY FROM BUILDINGS FOR ALL NATURAL AND PAVED AREAS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONTROL OF DUST AND DIRT RISING AND SCATTERING IN THE AIR DURING CONSTRUCTION AND SHALL PROVIDE WATER SPRINKLING OR OTHER SUITABLE METHODS OF CONTROL. THE CONTRACTOR SHALL COMPLY WITH ALL GOVERNING REGULATIONS PERTAINING TO ENVIRONMENTAL PROTECTION.
- PROJECT SITE SHALL BE SODDED/ PERMANENTLY SEEDED IN ACCORDANCE WITH THE SEEDING SCHEDULE WITHIN THIS PLAN.
- THE CONTRACTOR SHALL ENSURE THAT ALL PLANTING AREAS (INTERIOR ISLANDS, FOUNDATION PLANTING AREAS, ETC.) ARE NOT COMPACTED AND DO NOT CONTAIN LIMEROCK OR OTHER MATERIAL (CLAY, SUBGRADE MATERIAL, MARL, ETC.) WHICH MAY ADVERSELY AFFECT DRAINAGE OF GREEN AREAS. THE CONTRACTOR SHALL ALSO EXCAVATE AND REMOVE ALL UNDESIRABLE MATERIAL FROM ALL AREAS ON THE SITE TO BE PLANTED AND BACKFILL WITH CLEAN, FREE DRAINING SAND.
- THE CONTRACTOR SHALL INSTALL FILTER FABRIC OVER ALL DRAINAGE STRUCTURES FOR THE DURATION OF CONSTRUCTION AND UNTIL ACCEPTANCE OF THE PROJECT BY THE OWNER. ALL DRAINAGE STRUCTURES SHALL BE DESILTED AS REQUIRED DURING AND AT THE END OF CONSTRUCTION TO PROVIDE UNOBSTRUCTED POSITIVE DRAINAGE FLOWS.
- STRIP TOPSOIL AND ORGANIC MATTER AND PAVING MATERIAL FROM ALL AREAS UNDER BUILDING. TOPSOIL MAY BE STOCKPILED ON SITE FOR REPLACEMENT ON SLOPES IN GREEN AREAS. STOCKPILED MATERIAL SHALL BE SURROUNDED BY EROSION CONTROL DEVICES.
- CONTRACTOR SHALL DISPOSE OF ALL SURPLUS MATERIAL OFF-SITE LEGALLY IN AN APPROVED AREA.
- ALL AREAS INDICATED AS PAVEMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TYPICAL PAVEMENT SECTIONS AS INDICATED ON THE DRAWINGS, OR IN ACCORDANCE WITH THE GEOTECHNICAL REPORT, WHICHEVER IS THICKER.
- WHERE EXISTING PAVEMENT IS INDICATED TO BE REMOVED AND REPLACED AND WHERE NEW PAVEMENT MEETS EXISTING PAVEMENT, THE CONTRACTOR SHALL SAW CUT AT FULL DEPTH FOR A SMOOTH AND STRAIGHT JOINT AND REPLACE THE PAVEMENT WITH THE SAME TYPE AND DEPTH OF MATERIAL AS EXISTING OR AS INDICATED.
- UNLESS OTHERWISE INDICATED ON THE PLANS OR THE SPECIFICATIONS, ALL CONCRETE USED ON THE SITE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3,000 PSI IN 28 DAYS. ALL CONCRETE SIDEWALKS SHALL HAVE CONTROL JOINTS CUT ON 5' CENTERS AND EXPANSION JOINTS PLACED ON 5' CENTERS. CONCRETE PAVEMENT JOINTS SHALL BE SPACED AT 12' CENTERS MAXIMUM.
- ANY WETLANDS, STREAMS, OR OTHER SUSPECTED ENVIRONMENTAL FEATURES FOUND TO BE PRESENT ON THIS SITE SHALL REMAIN UNDISTURBED UNTIL THEY ARE INVESTIGATED, EVALUATED, AND CLASSIFIED. IF NECESSARY, THE FEATURE WILL BE PERMITTED FOR DISTURBANCE BY THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE U.S. ARMY CORPS OF ENGINEERS.

FRANCHISE AND UNDERGROUND UTILITY NOTES

- ALL EXISTING UTILITIES SHOWN ARE LOCATED ACCORDING TO THE INFORMATION AVAILABLE TO THE ENGINEER AT THE TIME THE DRAWINGS WERE PREPARED AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR THE ENGINEER. GUARANTEE IS NOT MADE THAT ALL EXISTING UNDERGROUND UTILITIES ARE SHOWN OR THAT THE LOCATION OF THOSE SHOWN ARE ACCURATE. THE LOCATIONS SHOWN ARE FOR BIDDING PURPOSES ONLY. FINDING THE ACTUAL LOCATION OF ANY EXISTING UTILITIES IS THE CONTRACTORS RESPONSIBILITY AND SHALL BE DONE BEFORE HE COMMENCES ANY WORK IN THE VICINITY. FURTHERMORE, THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES DUE TO THE CONTRACTORS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE OWNER OR ENGINEER WILL ASSUME NO LIABILITY FOR ANY DAMAGES SUSTAINED OR COST INCURRED BECAUSE OF THE OPERATIONS IN THE VICINITY OF EXISTING UTILITIES OR STRUCTURES, NOR FOR TEMPORARY BRACING AND SHORING OF SAME. IF IT IS NECESSARY TO SHORE, BRACE, SWING OR RELOCATE A UTILITY, THE UTILITY COMPANY OR DEPARTMENT AFFECTED SHALL BE CONTACTED BY THE CONTRACTOR AND THEIR PERMISSION OBTAINED REGARDING THE METHOD TO USE FOR SUCH WORK.
- THIS PLAN DOES NOT GUARANTEE THE EXISTENCE, NON-EXISTENCE, SIZE, TYPE, LOCATION, ALIGNMENT OR DEPTH OF ANY OR ALL UNDERGROUND UTILITIES OR OTHER FACILITIES. WHERE SURFACE FEATURES (MANHOLES, CATCH BASINS, VALVES, ETC.) ARE UNAVAILABLE OR INCONCLUSIVE, INFORMATION SHOWN MAY BE FROM UTILITY OWNERS RECORDS AND/OR ELECTRONIC LINE TRACING, THE RELIABILITY OF WHICH IS UNCERTAIN. THE CONTRACTOR SHALL PERFORM WHATEVER TEST EXCAVATION OR OTHER INVESTIGATION IS NECESSARY TO VERIFY TIE-IN INVERTS, LOCATIONS AND CLEARANCES, AND SHALL REPORT IMMEDIATELY ANY DISCREPANCIES TO THE ENGINEER. UTILITY COMPANIES SHALL BE NOTIFIED 48 HOURS IN ADVANCE OF ANY EXCAVATION IN THE PROXIMITY OF THEIR UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING AT HIS EXPENSE ANY EXISTING UTILITIES DAMAGED DURING CONSTRUCTION.
- IT IS THE CONTRACTORS RESPONSIBILITY TO CONTACT THE VARIOUS UTILITY COMPANIES WHICH MAY HAVE BURIED OR AERIAL UTILITIES WITHIN OR NEAR THE CONSTRUCTION AREA BEFORE COMMENCING WORK. THE CONTRACTOR SHALL PROVIDE 48 HOURS MINIMUM NOTICE TO ALL UTILITY COMPANIES PRIOR TO BEGINNING CONSTRUCTION. THE INDICATED EXISTENCE, OR NON-EXISTANCE, OF A PARTICULAR UTILITY SHOULD IN NO WAY LIMIT THE UTILITY COMPANIES WHICH THE CONTRACTOR MAY WISH TO NOTIFY.
- THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING RELOCATIONS AND INSTALLATIONS OF FRANCHISE UTILITIES NECESSARY FOR ON AND OFF SITE CONSTRUCTION. PRIOR TO ANY CONSTRUCTION, THE CONTRACTOR SHALL CONTACT THE APPROPRIATE REPRESENTATIVE FOR EACH FRANCHISE UTILITY COMPANY TO ENSURE THAT ALL CONDUITS, SERVICE LINES, PADS, ETC. ARE INSTALLED AND CONSTRUCTED TO MEET OR EXCEED ALL REQUIREMENTS AND STANDARD SPECIFICATIONS OF EACH FRANCHISE UTILITY COMPANY. FRANCHISE UTILITY ITEMS SHOWN ON THE FOLLOWING PLANS ARE MEANT TO REPRESENT GENERAL FRANCHISE UTILITY REQUIREMENTS AND TO ASSIST IN THE CONTRACTOR BIDDING PROCESS.
- CONTRACTOR SHALL COORDINATE WITH FRANCHISE/ PRIVATE UTILITY COMPANIES SUCH AS GAS, ELECTRIC, TELEPHONE, CABLE & TV, FOR SERVICES.
- CONTRACTOR SHALL CONFORM TO THE "OVERHEAD HIGH VOLTAGE LINE SAFETY ACT" (EFFECTIVE JULY 1, 1989 AND AS AMENDED) AND SHALL CONTACT THE NECESSARY AUTHORITIES PRIOR TO START OF CONSTRUCTION.
- REMOVE AND/OR PLUG EXISTING UTILITIES SUCH AS SANITARY SEWER WATER GAS, ELECTRIC, AND OR TELEPHONE AS SHOWN. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING EACH UTILITY COMPANY TO COORDINATE REMOVAL OF ALL UTILITIES AND FOR DETERMINING HORIZONTAL AND VERTICAL LOCATIONS OF UTILITIES PRIOR TO COMMENCING WORK.
- THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES TO REMAIN IN PLACE.
- ALL UTILITIES ARE TO REMAIN UNLESS DESIGNATED TO BE REMOVED. EXISTING AND PROPOSED FRANCHISE UTILITY TOPS SHALL BE ADJUSTED TO FINAL GRADE.
- THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE EXACT LOCATION OF ALL UTILITIES PRIOR COMMENCING WORK AND FOR ANY DAMAGES THAT OCCUR BY HIS FAILURE TO LOCATE AND PROTECT THESE UTILITIES. IF DURING CONSTRUCTION THE CONTRACTOR SHOULD ENCOUNTER UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS, HE SHALL NOTIFY THE OWNER'S REPRESENTATIVE AND TAKE NECESSARY AND PROPER STEPS TO PROTECT THE UTILITY AND ASSURE THE CONTINUANCE OF SERVICE.
- UTILITY SERVICE SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION. SERVICE INTERRUPTIONS SHALL ONLY BE ALLOWED WITH PRIOR APPROVAL FROM THE UTILITY COMPANY.



REVISIONS		DATE			

ENGINEERS, LAND PLANNERS & SURVEYORS
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10720 COLUMBIA DRIVE
FREDERICKSBURG, VIRGINIA 22404
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SULLIVAN
DONAHOE &
INGALLS

KALAHARI RESORT & CONVENTIONS

BERKELEY MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

GENERAL NOTES

DES/DRFT: PLH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 21-SP-0264
DATE: 3-22-2022
SCALE: N.T.S.

SPOTSYLVANIA COUNTY GENERAL
EROSION & SEDIMENT CONTROL NOTES:

1. CONTACT THE SPOTSYLVANIA COUNTY ENVIRONMENTAL CODES DIVISION, 540-507-7222, A MINIMUM OF TWO (2) BUSINESS DAYS PRIOR TO COMMENCEMENT OF LAND DISTURBANCE ACTIVITIES. A PRE-CONSTRUCTION MEETING IS REQUIRED FOR ALL COMMERCIAL PROJECTS UNLESS IT IS WAIVED BY THE COUNTY PROGRAM ADMINISTRATOR.
2. PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE ACTIVITIES, A LAND DISTURBANCE PERMIT MUST BE ISSUED BY THE SPOTSYLVANIA COUNTY. AN APPROVED EROSION AND SEDIMENT CONTROL PLAN AND BONDING OF THE EROSION AND SEDIMENT CONTROL MEASURES IS REQUIRED FOR PERMIT ISSUANCE.
3. A SEPARATE LAND DISTURBANCE PERMIT OR AN ESC PLAN AMENDMENT TO THIS PLAN MUST BE SUBMITTED TO, AND APPROVED BY SPOTSYLVANIA COUNTY PRIOR TO ANY OFF-SITE LAND DISTURBANCE (BORROW / FILLING / DISPOSAL ACTIVITIES) ASSOCIATED WITH THIS PROJECT. IF THE OFF-SITE PORTION OF THE PROJECT IS LOCATED WITHIN SPOTSYLVANIA COUNTY, ADDITIONAL E&S INSPECTION FEES WILL BE REQUIRED.
4. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CONSTRUCTED AND INSTALLED AS A FIRST STEP IN ANY LAND- DISTURBING ACTIVITY AND SHALL BE MADE FUNCTIONAL BEFORE UPSLOPE LAND DISTURBANCE TAKES PLACE. INITIAL CLEARING MUST BE THE MINIMUM REQUIRED TO INSTALL EROSION AND SEDIMENT CONTROL MEASURES AND DEVICES. SHOULD EITHER THE EROSION AND SEDIMENT CONTROL NARRATIVE OR SEQUENCE OF CONSTRUCTION CONFLICT WITH THIS REQUIREMENT, THE CONFLICTING PORTIONS OF EITHER WILL BE DETERMINED TO BE INVALID.
5. WHERE CONSTRUCTION VEHICLE ACCESS ROUTES INTERSECT PAVED PUBLIC ROADS, PROVISIONS SHALL BE MADE TO MINIMIZE THE TRANSPORT OF SEDIMENT BY TRACKING ONTO THE PAVED SURFACE. WHERE SEDIMENT IS TRANSPORTED ONTO A PUBLIC ROAD SURFACE, THE ROAD SHALL BE CLEANED THOROUGHLY AT THE END OF EACH DAY. SEDIMENT SHALL BE REMOVED FROM THE ROADS BY SHOVELING OR SWEEPING AND TRANSPORTED TO A DISPOSAL AREA.
6. ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES AND DEVICES MAY BE REQUIRED BY THE COUNTY PROGRAM ADMINISTRATOR OR HIS DESIGNATED AGENT IF DEEMED NECESSARY.
7. ALL EROSION CONTROL DEVICES SHALL BE IN PLACE AND FUNCTIONAL AT ALL TIMES AND IF REMOVED FOR CONSTRUCTION PROGRESS, SHALL BE REPLACED BY THE CLOSE OF EACH WORKDAY.
8. FINAL REMOVAL OF EROSION CONTROL DEVICES SHALL NOT OCCUR UNTIL THE COUNTY PROGRAM ADMINISTRATOR OR HIS DESIGNATED AGENT DEEMS THE SITE STABILIZED.
9. THE OWNER SHALL INSTALL ADDITIONAL EROSION AND SEDIMENT CONTROL DEVICES AND MEASURES IF THE REGISTERED LAND DISTURBER DETERMINES THAT SUCH ADDITIONAL DEVICES AND MEASURES ARE NECESSARY.
10. CONSTRUCTION SITE OPERATORS ARE REQUIRED TO CONTROL WASTE SUCH AS DISCARDED BUILDING MATERIALS, CONCRETE TRUCK WASHOUT, CHEMICALS, LITTER, AND SANITARY WASTE AT THE CONSTRUCTION SITE THAT MAY CAUSE ADVERSE IMPACTS TO WATER QUALITY.
11. CONSTRUCTION SITE OPERATORS ARE REQUIRED TO CONTROL THE TRANSPORT OF DUST AND OTHER WIND BORN CONTAMINANTS AS A RESULT OF LAND-DISTURBING, DEMOLITION AND CONSTRUCTION ACTIVITIES. THE OPERATOR SHALL PREVENT THE SURFACE AND AIR MOVEMENT OF AIRBORNE SUBSTANCES IN ACCORDANCE WITH STD AND SPEC 3.39 OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK OR AS APPROVED BY THE COUNTY PROGRAM ADMINISTRATOR OR HIS DESIGNATED AGENT.
12. ADDITIONAL ESC MEASURES ARE REQUIRED DURING CONSTRUCTION OF WELL AREA TO PREVENT ANY SLUDGE FROM LEAVING SITE.
13. PROPERTIES LOCATED ON PUBLIC ROADS; APPROVAL IS REQUIRED FROM VDOT FOR WORK WITHIN THE RIGHT OF WAY.
14. EACH LOT OR SITE SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES WITH NO PONDING OF WATER. ACROSS PERVIOUS SURFACES, A MINIMUM OF 6 INCHES OF FALL SHALL BE PROVIDED WITHIN 10 FEET OUTSIDE OF THE STRUCTURE.
15. ALL INSPECTIONS SHALL BE PERFORMED IN ACCORDANCE WITH THE COUNTY'S ALTERNATIVE INSPECTIONS PROGRAM. ALL INSPECTION RESULTS WILL BE PROVIDED ELECTRONICALLY VIA EMAIL AND/OR E-TRAKIT SYSTEM. PLEASE CONTACT YOUR COUNTY INSPECTOR AND/OR THE COUNTY'S INSPECTION AGENT WITH ANY QUESTIONS.

SEEDING/STABILIZATION NOTES:

1. PERMANENT OR TEMPORARY SOIL STABILIZATION SHALL BE APPLIED TO DENUDED AREAS WITHIN SEVEN (7) DAYS AFTER FINAL GRADE IS REACHED ON ANY PORTION OF THE SITE.
2. TEMPORARY SOIL STABILIZATION SHALL BE APPLIED WITHIN SEVEN (7) DAYS TO DENUDED AREAS THAT MAY NOT BE AT FINAL GRADE BUT WILL REMAIN DORMANT FOR LONGER THAN FOURTEEN (14) DAYS.
3. DURING CONSTRUCTION OF THE PROJECT, IF SOIL STOCK PILES ARE REQUIRED THEY SHALL BE STABILIZED OR PROTECTED WITH SEDIMENT TRAPPING MEASURES PER VA ESC MS-1 AND MS-2.
4. STABILIZATION MEASURES SHALL BE APPLIED TO EARTHEN STRUCTURES SUCH AS DAMS, DIKES, AND DIVERSIONS IMMEDIATELY AFTER INSTALLATION.
5. A PERMANENT VEGETATIVE COVER SHALL BE ESTABLISHED ON DENUDED AREAS NOT OTHERWISE PERMANENTLY STABILIZED. PERMANENT VEGETATION SHALL NOT BE CONSIDERED ESTABLISHED UNTIL A GROUND COVER IS ACHIEVED THAT, IN THE OPINION OF THE COUNTY PROGRAM ADMINISTRATOR OR HIS DESIGNATED AGENT, IS UNIFORM MATURE ENOUGH TO SURVIVE AND WILL INHIBIT EROSION.
6. RESIDENTIAL LOTS ON PUBLIC UTILITIES: SOD SHALL BE INSTALLED IN ORDER TO PROVIDE VEGETATION STABILIZATION ON RESIDENTIAL BUILDING LOTS OF TWELVE THOUSAND (12,000) SQUARE FEET OR LESS. SUCH SOD SHALL BE INSTALLED IN ACCORDANCE WITH THE STD AND SPEC 3.33 (SOD) OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK.

SILT FENCE NOTES:

1. SILT FENCE AND FILTER FABRIC MUST BE ENTRENCHED.
2. POSTS FOR SILT FENCES SHALL BE EITHER 2-INCH DIAMETER OAK, 4-INCH DIAMETER PINE OR 1.33 POUNDS PER LINEAR FOOT STEEL. POSTS WILL BE A MINIMUM OF 5 FEET IN LENGTH. STEEL POSTS SHALL HAVE PROJECTIONS FOR FASTENING WIRE TO THEM.
3. WIRE FENCE REINFORCEMENT FOR SILT FENCES USING STANDARD STRENGTH FILTER CLOTH SHALL BE A MINIMUM OF 42 INCHES IN HEIGHT, A MINIMUM OF 14 GAUGE AND SHALL HAVE A MAXIMUM MESH SPACING OF 6 INCHES.
4. POST SHALL BE SPACED A MAXIMUM OF 10 FEET APART AT THE BARRIER LOCATION AND DRIVEN SECURELY INTO THE GROUND (A MIN. OF 12 INCHES) WHEN EXTRA STRENGTH FABRIC IS USED. WITHOUT WIRE SUPPORT FENCE, POST SPACING SHALL NOT EXCEED 6 FEET.
5. WHEN EXTRA STRENGTH FILTER FABRIC AND CLOSER POSTING ARE USED, THE WIRE MESH SUPPORT FENCE MAY BE ELIMINATED. IN SUCH CASE, THE FILTER FABRIC IS STAPLED OR WIRED DIRECTLY TO THE POST.
6. SEDIMENT MUST BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE-HALF THE HEIGHT OF THE BARRIER.
7. ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE OR FILTER BARRIER IS NO LONGER MUST BE DRESSED TO CONFORM WITH THE EXISTING GRADE, PREPARED AND SEEDED.
8. UNDER NO CIRCUMSTANCES SHALL SILT FENCE BE INSTALLED IN LIVE STREAMS.
9. SILT FENCE SHALL BE REMOVED UPON COMPLETION OF THE PROJECT.

SWM FACILITIES INSPECTIONS/CERTIFICATION NOTES:

1. INSPECTIONS OF PROPOSED STORMWATER MANAGEMENT (SWM) FACILITIES MUST BE CONDUCTED AT TWO PHASES OF CONSTRUCTION - "ROUGH GRADING" AND "FINAL CONFORMANCE". COUNTY STAFF, THE DEVELOPER OR HIS/HER REPRESENTATIVE, AND THE DEVELOPER'S ENGINEER SHOULD BE PRESENT AT THE INSPECTIONS.
2. THE DEVELOPER OR HIS/HER REPRESENTATIVE IS RESPONSIBLE FOR NOTIFYING THE ENVIRONMENTAL INSPECTOR AT THE APPROPRIATE TIMES DURING CONSTRUCTION WHEN THE INSPECTIONS SHOULD OCCUR. FAILURE TO REQUEST THE INSPECTIONS MAY RESULT IN DELAY OF FINAL ACCEPTANCE OF THE SWM FACILITY. THREE INCHES OF TOPSOIL IS REQUIRED FOR AREAS OF THE SWM FACILITY THAT WILL BE STABILIZED WITH VEGETATION.
3. THE DEVELOPER OR HIS/HER REPRESENTATIVE IS RESPONSIBLE FOR HAVING A PROFESSIONAL REGISTERED IN THE COMMONWEALTH OF VIRGINIA, OR THEIR DESIGNATED REPRESENTATIVE, PRESENT DURING SWM FACILITY CONSTRUCTION (INCLUDING BUT NOT LIMITED TO INITIAL SITE PREPARATION, EXCAVATION/GRADING, INSTALLATION OF THE EMBANKMENT, PRINCIPAL OUTLET STRUCTURE, AND EMERGENCY SPILLWAY, ETC.) TO CERTIFY THAT THE SWM FACILITY IS CONSTRUCTED IN ACCORDANCE WITH THE APPROVED SITE PLAN AND SO THAT APPROPRIATE INFORMATION CAN BE GATHERED FOR THE AS-BUILT (CONSTRUCTION RECORD DRAWING).
4. AN AS-BUILT (CONSTRUCTION RECORD DRAWING) PREPARED BY A PROFESSIONAL REGISTERED IN THE COMMONWEALTH OF VIRGINIA IS REQUIRED FOR EACH PERMANENT SWM FACILITY AND MUST BE SUBMITTED TO THE ADMINISTRATOR FOR REVIEW AND APPROVAL PRIOR TO TERMINATION OF THE CONSTRUCTION GENERAL PERMIT AND/OR RELEASE OF THE EROSION BOND. THE AS-BUILT MUST ACCURATELY DEPICT AS-BUILT DETAILS SUCH AS, BUT NOT LIMITED TO INVERTS, LENGTHS, DEPTHS, MATERIAL TYPES, AND SIZES, GRADING, AND THE LOCATION OF ALL REQUIRED COMPONENTS.

UTILITY NOTES:

1. UNDERGROUND UTILITY LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING STANDARDS IN ADDITION TO OTHER APPLICABLE CRITERIA:
- a. NO MORE THAN 500 LINEAR FEET OF TRENCH MAY BE OPENED AT ONE TIME
- b. EXCAVATED MATERIAL SHALL BE PLACED ON THE UPHILL SIDE OF TRENCHES
- c. EFFLUENT FROM DEWATERING OPERATIONS SHALL BE TRAPPING DEVICE, OR BOTH, AND DISCHARGED IN A MANNER THAT DOES NOT ADVERSELY AFFECT FLOWING STREAMS OR OFF-SITE PROPERTY.
- d. RE-STABILIZATION SHALL BE IN ACCORDANCE WITH THE ABOVE NOTES.
2. CONSTRUCTION ACCESS ROADS SHALL BE LOCATED ON THE UPHILL SIDE OF THE TRENCH OR OVER THE TRENCH WHENEVER POSSIBLE.
3. ALL WORK MUST BE IN COMPLIANCE WITH APPLICABLE SAFETY REGULATIONS.
4. ALL STREAM CROSSINGS AND STREAM DIVERSIONS REQUIRE APPROVAL FROM THE ESC PROGRAM ADMINISTRATOR PRIOR TO ANY INSTREAM WORK.

STREAM CROSSING DIVERSIONS/WORK IN STREAM NOTES:

1. WHEN A LIVE WATERCOURSE MUST BE CROSSED BY CONSTRUCTION VEHICLES OR TEMPORARILY DIVERTED, A PLAN/SKETCH SHOWING APPROPRIATE DETAILS OF THE CROSSING/DIVERSION MUST BE SUBMITTED FOR APPROVAL TO THE ESC PROGRAM ADMINISTRATOR PRIOR TO ANY WORK INVOLVING THE STREAM. THE PLAN SHALL INCLUDE BUT IS NOT LIMITED TO ALL PIPES, MATS, CHANNEL DETAILS, EROSION CONTROL DEVICES, SEQUENCE FOR CONSTRUCTION, ETC. GUIDELINES FOR PIPE DIAMETERS CAN BE FOUND IN TABLE 3.24-A OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH). CHANNEL LINERS WILL BE IN ACCORDANCE WITH SECTION 3.25OF THE VESCH.
2. NO MOTORIZED EQUIPMENT WILL AT ANY TIME BE WITHIN A WATERWAY UNLESS SUPPORTED BY FLOATATION EQUIPMENT OR A TEMPORARY CONSTRUCTION PAD COMPOSED OF CLEAN NON-ERODIBLE MATERIAL (ROCKS, RIP-RAP, MATS).
3. CLEARING AND GRUBBING OF WETLAND AREAS WILL BE KEPT TO A MINIMUM. ALL WETLANDS TEMPORARILY DISTURBED DURING CONSTRUCTION WILL BE RESTORED TO THEIR ORIGINAL ELEVATION, BY REMOVING EXCESS MATERIAL, GRADING AND SEEDING WITH A WETLAND SEED MIX. IN NO CASE SHALL WETLAND AREAS BE RESEEDD WITH ANY SPECIES OF FESCUE.
4. THE BED AND BANKS OF A WATERCOURSE SHALL BE STABILIZED IMMEDIATELY AFTER WORK IN THE WATERCOURSE HAS BEEN COMPLETED.

MOSQUITO CONTROL NOTES:

ALL CONSTRUCTION SITES AND ESC MEASURES MUST BE INSPECTED AND MAINTAINED TO ELIMINATE OR MINIMIZE AREAS THAT PROMOTE MOSQUITO BREEDING. REMOVE OR EMPTY ALL CONTAINERS AND TRAPPED WATER IN TARPS. FILL AND GRADE TIRE RUTS OR OTHER IMPERFECTIONS IN GRADE. ANY STANDING WATER THAT REMAINS FOR FIVE (5) DAYS OR MORE MUST BE TREATED WITH AN APPROPRIATE LARVICIDE INCLUDING WATER IN SEDIMENT BASINS AND TRAPS.

SYMBOL AND LINETYPE LEGEND

DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
AC - AIR CONDITIONER	FF - FINISHED FLOOR	PC - POINT OF CURVATURE	TR - TREE
AXLE - AXLE PROPERTY CORNER	FH - FIRE HYDRANT	PL - PAINTED LINE	TREELINE
BCOR - BUILDING CORNER	FM - FORCE MAIN	PKF - PK NAIL FOUND	TS - TRAFFIC SIGNAL
BH - BORE HOLE	FO - FIBER OPTIC CABLE	PKS - PK NAIL SET	TW - TEST WELL
BM - BENCHMARK	FP - FLAGPOLE	POC - POINT OF CURVE	UG - UNDERGROUND UTILITY
BOL - BOLLARD	GI - GRATE INLET	POST - FENCE POST	UGE - UNDERGROUND ELECTRIC
BUSH OR SHRUB	GM - GAS METER	PPF - PINCHED PIPE FOUND	UGM - UNDERGROUND MARKER
CAP - FILLER CAP (GAS, OIL)	GP - GUTTER PAN	PS - PUMP STATION	UGT - UNDERGROUND TELEPHONE
CATV - CABLE TELEVISION	GR - GUARD RAIL	PT - POINT OF TANGENCY	UP - UTILITY POLE
CBO - CONTROL BY OTHERS	GV - GAS VALVE	PVC - PLASTIC PIPE	VP - VENT PIPE
CENTERLINE	HGL - HYDRAULIC GRADE LIN	PWMT - PAVEMENT	WELL
CMP - CORRUGATED METAL PIPE	HGOR - HOUSE CORNER	RCP - REINFORCED CONCRETE PIPE	WL - WATERLINE
CO - CLEANOUT	HCP - HANDICAPPED	RET - RETAINING WALL	WETL - WETLAND
COL - COLUMN	HH - HAND HOLE	RISER - SWM STRUCTURE	WM - WATER METER
CONC - CONCRETE	HP - HIGH POINT	ROW - RIGHT-OF-WAY	WP - WHITE PAINT
CONSTRUCTION LIMIT	HTF - HUB & TACK FOUND	RR - RAILROAD	WV - WATER VALVE
CPP - CORRUGATED PLASTIC PIPE	HW - HEAD WALL	SEWER PIPE	WW - WET WELL
CULVERT - SIZE DEPICTED	IPF - IRON PIPE FOUND	SP - SIGN POST	
DEMO	IPS - IRON PIPE SET	STK - STAKE	
DEPRESSION	IRF - IRON ROD FOUND	STN - TRAVERSE STATION	
DH - DRILL HOLE	IRS - IRON ROD SET	STONE - STONE PROPERTY CORNER	
DITCH LINE	LAT - LATERAL	STORM PIPE	
DIVERSION	LOT LINE	STORM PIPE - EXISTING	
DRAINAGE DIVIDE	LP - LOW POINT	STR - STREAM LINE	
DRUMS - TRAFFIC CONTROL	LP - LIGHT POLE	SV - SEWER VALVE	
DS - DOWN SPOUT	LIMITS OF DISTURBANCE	SW - SIDEWALK	
EG - EDGE OF GRAVEL	MB - MAILBOX	TB - TOP OF BANK	
EGL - ?	MH - MANHOLE	TBAR - R/W MONUMENT	
ELECTRIC LINE	MHS - SANITARY SEWER MANHOLE	TC - TOP OF CURB	
EP - EDGE OF PAVEMENT	MON - MONUMENT	TDL - TREE DRIP LINE	
ET - ELECTRICAL TRANSFORMER	MW - MONITORING WELL	TK - TANK	
EW - EDGE OF WATER	NAIL	TOE - TOE OF SLOPE	
ES - PIPE END SECTION	OP - RIP RAP		
FENCE LINE	OHW - OVERHEAD WIRE		

RESOURCE PROTECTION AREAS, STREAM PROTECTION AREAS, WETLANDS, AND WATERS OF THE US:

1. ALL APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS PERTAINING TO WORKING IN OR CROSSING LIVE WATERCOURSES SHALL BE MET.
2. PRIOR TO BEGINNING ANY LAND DISTURBING ACTIVITY, ALL RESOURCE PROTECTION AREAS (RPAS), WETLANDS, AND WATERS OF THE U.S. (WOUS) NOT PERMITTED FOR IMPACT SHALL BE DELINEATED FOR PROTECTION WITH ORANGE SAFETY FENCE OR NON-TEARABLE YELLOW AND BLACK BARRICADE TAPE. THIS INCLUDES BUT IS NOT LIMITED TO CLEARING LIMITS ASSOCIATED WITH ROADWAYS, UTILITIES, AND BUILDINGS.
3. ADDITIONAL RESTORATION OR REPLANTING MAY BE REQUIRED FOR RPAS, WETLANDS, AND WOUS DISTURBED DURING CONSTRUCTION.

CHESAPEAKE BAY PRESERVATION ACT
CBPA IS AN OVERLAY DISTRICT FOR THE ENTIRE SPOTSYLVANIA COUNTY AND THE PARCEL DESCRIBED WITHIN THIS PLAN LIES WITHIN THE RWA FEATURES AND DOES NOT CONTAIN RPA FEATURES WITHIN THE CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT.

BASED ON A SITE VISIT CONDUCTED BY ENVIRODATA, INC. ON JULY 16, 2019, THERE ARE NO KNOWN JURISDICTIONAL WETLANDS AND/OR WATERS OF THE US (STREAMS) PRESENT ON THE SUBJECT PROPERTY.

RESPONSIBLE LAND DISTURBER (RLD) POLICY:

AS A PREREQUISITE TO ENGAGING IN THE LAND DISTURBING ACTIVITIES SHOWN ON THIS PLAN, THE INDIVIDUAL RESPONSIBLE FOR CARRYING OUT THE PLAN AND HOLDING CERTIFICATE OF COMPETENCE SHALL BE IDENTIFIED (RLD). THE RLD MUST BE SIGNED & CERTIFIED ON THE COVER SHEET BEFORE PLAN CAN BE APPROVED. IF THE ENGINEER OR PLAN PREPARER USES THEIR CERTIFICATION FOR THE PLAN APPROVAL A NOTE MUST BE PRESENTED NEXT TO THE RLD CERTIFICATION THAT STATES, THE PLAN CERTIFIER IS ONLY USING THEIR AUTHORITY FOR PLAN APPROVAL. THEY WILL NOT BE THE SITE RLD AND ONE WILL BE PRESENTED BEFORE ANY LAND DISTURBANCE OCCURS.

1. THE RLD WILL:
- A. ATTEND THE PRE-CONSTRUCTION MEETING AND SIGN THE APPROVED PLANS.
- B. INSPECT THE ESC MEASURES PERIODICALLY AT LEAST ONCE EVERY TWO WEEKS, OR WITHIN 48 HOURS OF ANY RUNOFF PRODUCING STORM EVENT
- C. FOR PROJECTS WITH SITE AREA OF 1 ACRE OR GREATER, SUBMIT INSPECTION REPORTS USING A STANDARD FORM SUPPLIED BY THE COUNTY TO THE ENVIRONMENTAL INSPECTOR LISTING ALL DEFICIENCIES OR STATING NO DEFICIENCIES WERE FOUND, AND
- D. COORDINATE THE IMPLEMENTATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE APPROVED PLAN. ANY DEVIATION FROM THE APPROVED PLANS WILL REQUIRE APPROVAL OF THE PLAN APPROVING AUTHORITY.

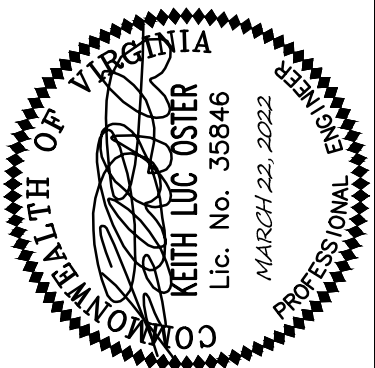
RESPONSIBLE LAND DISTURBER CERTIFICATE:

RLD # _____

NAME _____

SIGNATURE _____

DATE _____



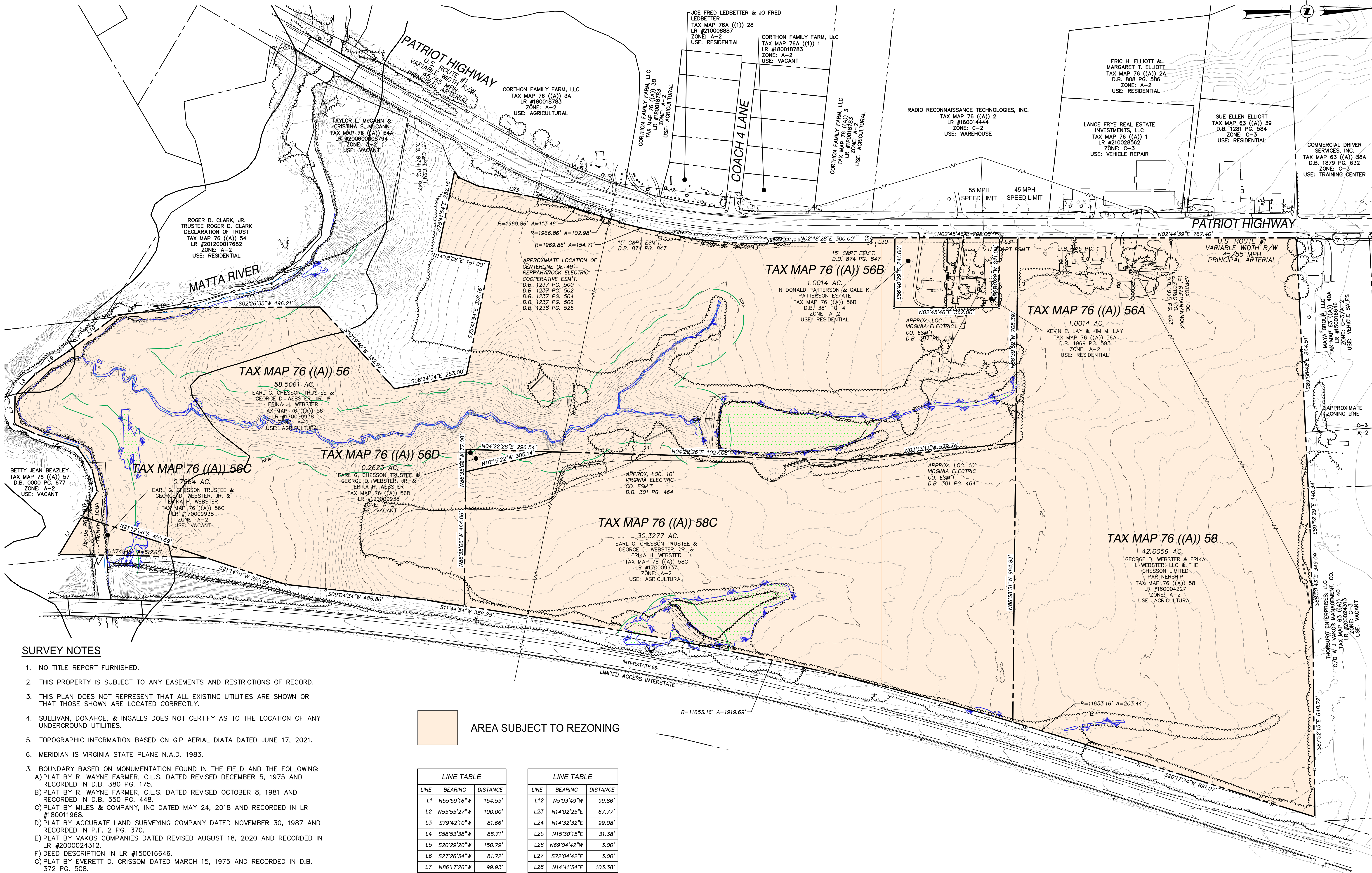
REVISIONS	DATE								

ENGINEERS, LAND PLANNERS & SURVEYORS
P.O. BOX 614
10720 COLUMBIA DRIVE
FREDERICKSBURG, VIRGINIA 22404
TELEPHONE 540-696-5876

SULLIVAN
DONAHOE &
INGALLS
SDI

KALAHARI RESORT & CONVENTIONS
BERKELEY MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA
GENERAL NOTES & LEGEND

DES/DRFT: PLH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 21-SP-0264
DATE: 3-22-2022
SCALE: N.T.S.

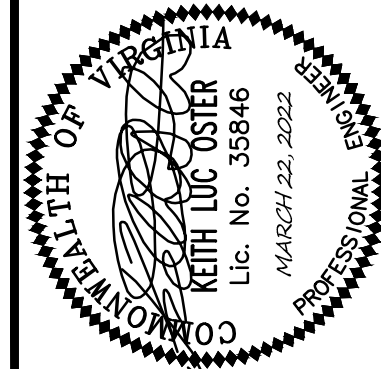


SURVEY NOTES

1. NO TITLE REPORT FURNISHED.
2. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.
3. THIS PLAN DOES NOT REPRESENT THAT ALL EXISTING UTILITIES ARE SHOWN OR THAT THOSE SHOWN ARE LOCATED CORRECTLY.
4. SULLIVAN, DONAHOE, & INGALLS DOES NOT CERTIFY AS TO THE LOCATION OF ANY UNDERGROUND UTILITIES.
5. TOPOGRAPHIC INFORMATION BASED ON GIP AERIAL DIATA DATED JUNE 17, 2021.
6. MERIDIAN IS VIRGINIA STATE PLANE N.A.D. 1983.
3. BOUNDARY BASED ON MONUMENTATION FOUND IN THE FIELD AND THE FOLLOWING:
A) PLAT BY R. WAYNE FARMER, C.L.S. DATED REVISED DECEMBER 5, 1975 AND RECORDED IN D.B. 380 PG. 175.
B) PLAT BY R. WAYNE FARMER, C.L.S. DATED REVISED OCTOBER 8, 1981 AND RECORDED IN D.B. 550 PG. 448.
C) PLAT BY MILES & COMPANY, INC DATED MAY 24, 2018 AND RECORDED IN LR #180011968.
D) PLAT BY ACCURATE LAND SURVEYING COMPANY DATED NOVEMBER 30, 1987 AND RECORDED IN P.F. 2 PG. 370.
E) PLAT BY VAKOS COMPANIES DATED REVISED AUGUST 18, 2020 AND RECORDED IN LR #2000024312.
F) DEED DESCRIPTION IN LR #150016646.
G) PLAT BY EVERETT D. GRISSOM DATED MARCH 15, 1975 AND RECORDED IN D.B. 372 PG. 508.
H) PLAT BY ACCURATE LAND SURVEYING COMPANY DATED JANUARY 2, 1990 AND RECORDED IN D.B. 894 PG. 14.
I) VDOT PLANS PROJECT #372-C ROUTE NO. 31.
J) VDOT PLANS ROUTE 95, PROJECT 0095-088-101, RW-1
K) VDOT PLANS ROUTE 1, PROJECT 0001-088-105, RW-201.
4. WETLANDS SHOWN ON THIS PLAN WERE DELINEATED BY WSSI DATED APRIL 7, 2021.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N55°59'16"W	154.55'
L2	N55°55'27"W	100.00'
L3	S79°42'10"W	81.66'
L4	S58°53'38"W	88.71'
L5	S20°29'20"W	150.79'
L6	S27°26'34"W	81.72'
L7	N86°17'26"W	99.93'
L8	N43°43'57"W	102.14'
L9	N31°37'15"W	143.93'
L10	N34°03'41"W	203.55'
L11	N3°28'12"W	106.87'

LINE TABLE		
LINE	BEARING	DISTANCE
L12	N5°03'49"W	99.86'
L23	N14°02'25"E	67.77'
L24	N14°32'32"E	99.08'
L25	N15°30'15"E	31.38'
L26	N69°04'42"W	3.00'
L27	S72°04'42"E	3.00'
L28	N14°41'34"E	103.38'
L29	N87°11'32"W	16.00'
L30	N2°45'46"E	81.65'
L31	N2°45'46"E	63.00'
L529	N2°15'07"W	56.69'



REVISIONS	
DATE	

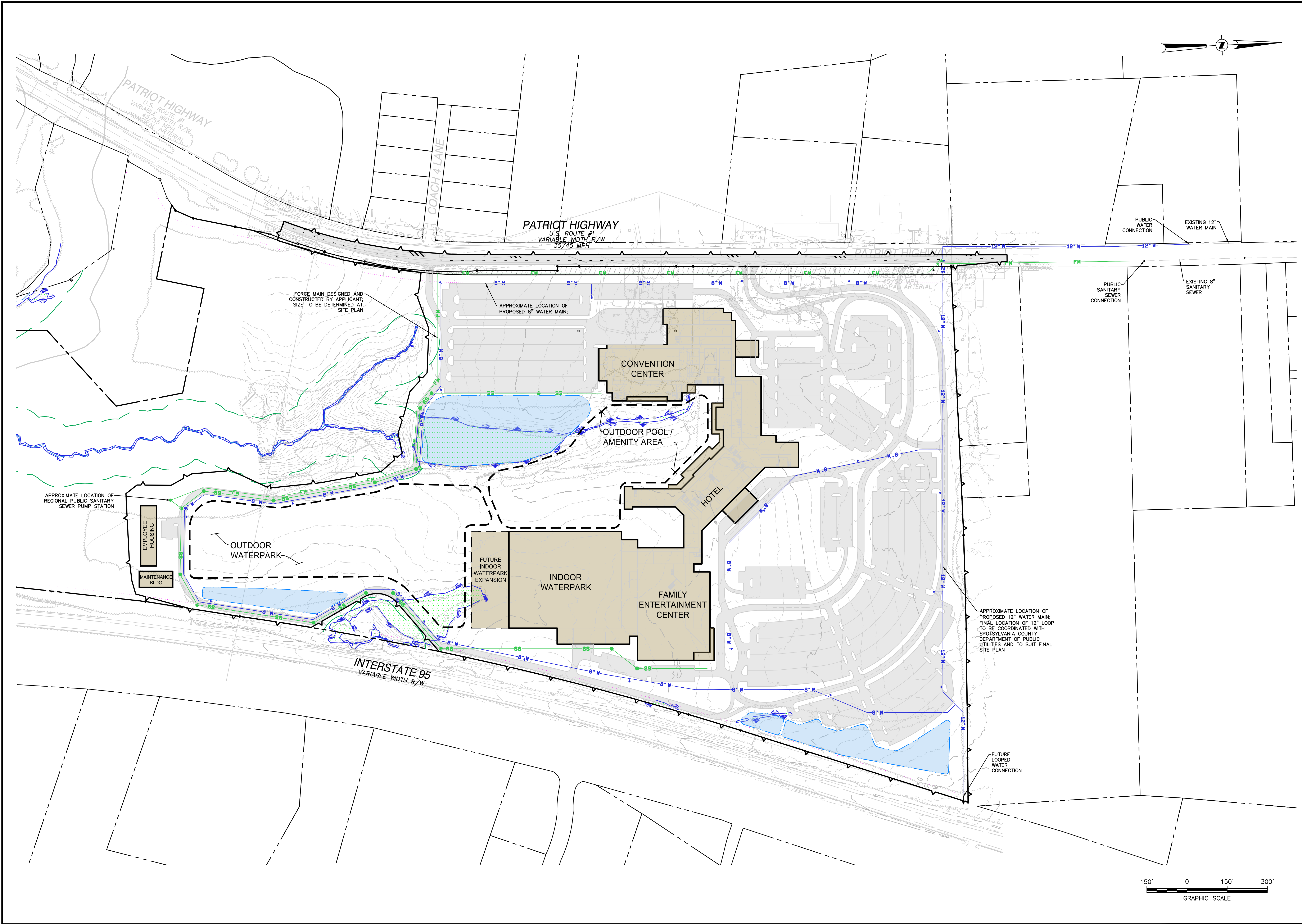
ENGINEERS, LAND PLANNERS & SURVEYORS
P.O. BOX 614
10720 COLUMBIA DRIVE
FREDERICKSBURG, VIRGINIA 22404
TELEPHONE 540-696-5876

SDI
SULLIVAN
DONAHOE &
INGALLS

KALAHARI RESORT & CONVENTIONS
BERKELEY MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

EXISTING CONDITIONS PLAN

DES/DRFT: PLH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 21-SP-0264
DATE: 3-22-2022
SCALE: AS SHOWN



REVISIONS

DATE

ENGINEERS, LAND PLANNERS & SURVEYORS

P.O. BOX 614

10720 COLUMBIA DRIVE

FREDERICKSBURG, VIRGINIA 22404

TELEPHONE 540-696-5878

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KALAHARI RESORT & CONVENTIONS

BERKELEY MAGISTERIAL DISTRICT

SPOTSYLVANIA COUNTY, VIRGINIA

UTILITY PLAN

DES/DRFT: PLH

CHECKED: RHF

APPROVED: KLO

JOB NO.: 21-SP-0264

DATE: 3-22-2022

SCALE: 1"=150'

SHEET 6

OF 11 SHEETS

COMMONWEALTH OF VIRGINIA

KEITH LUC OSTER

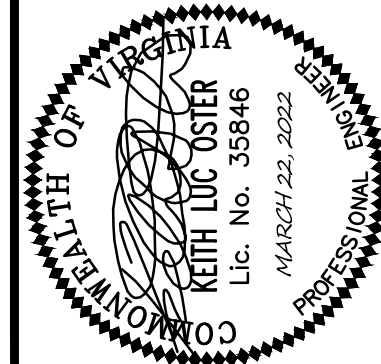
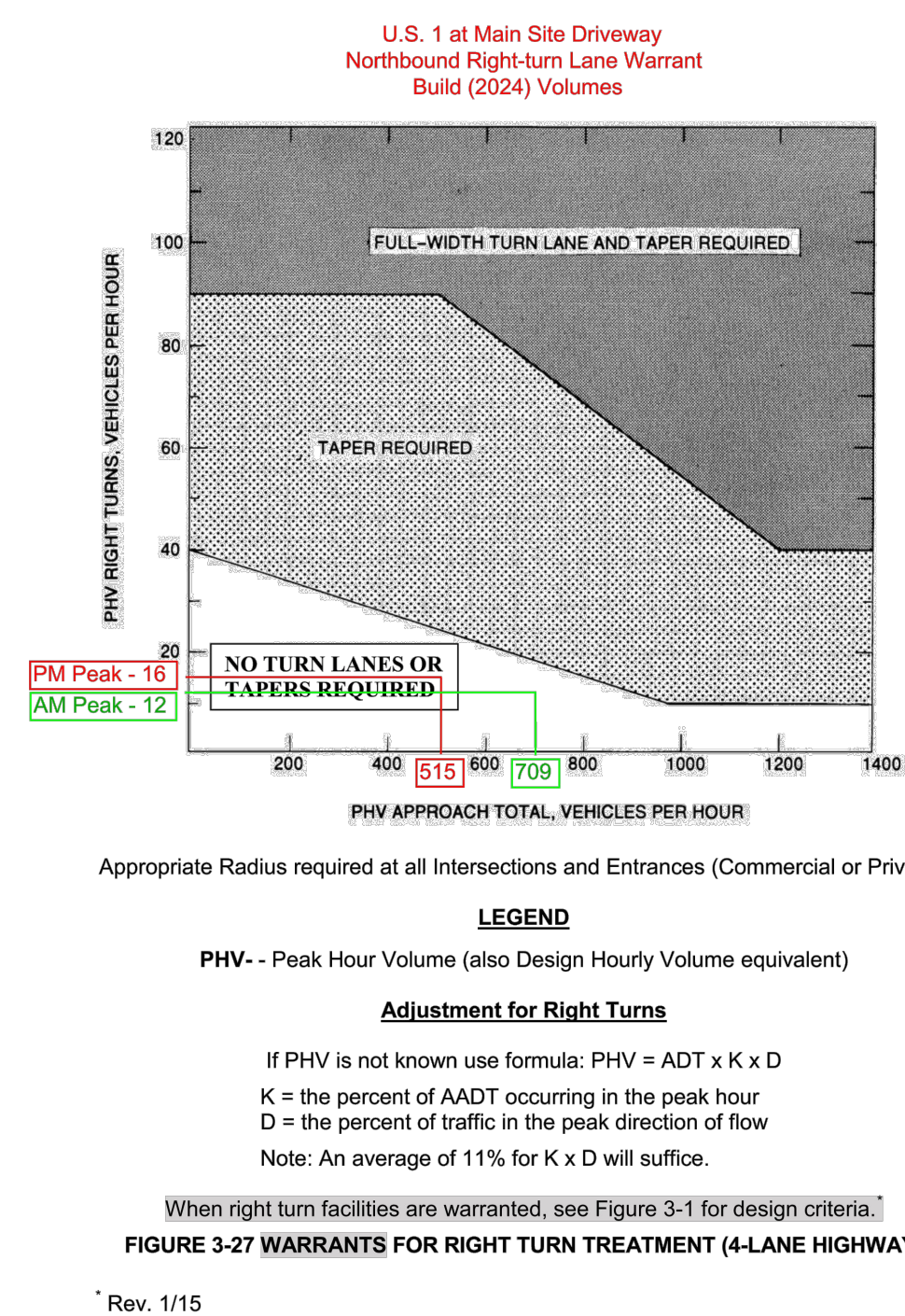
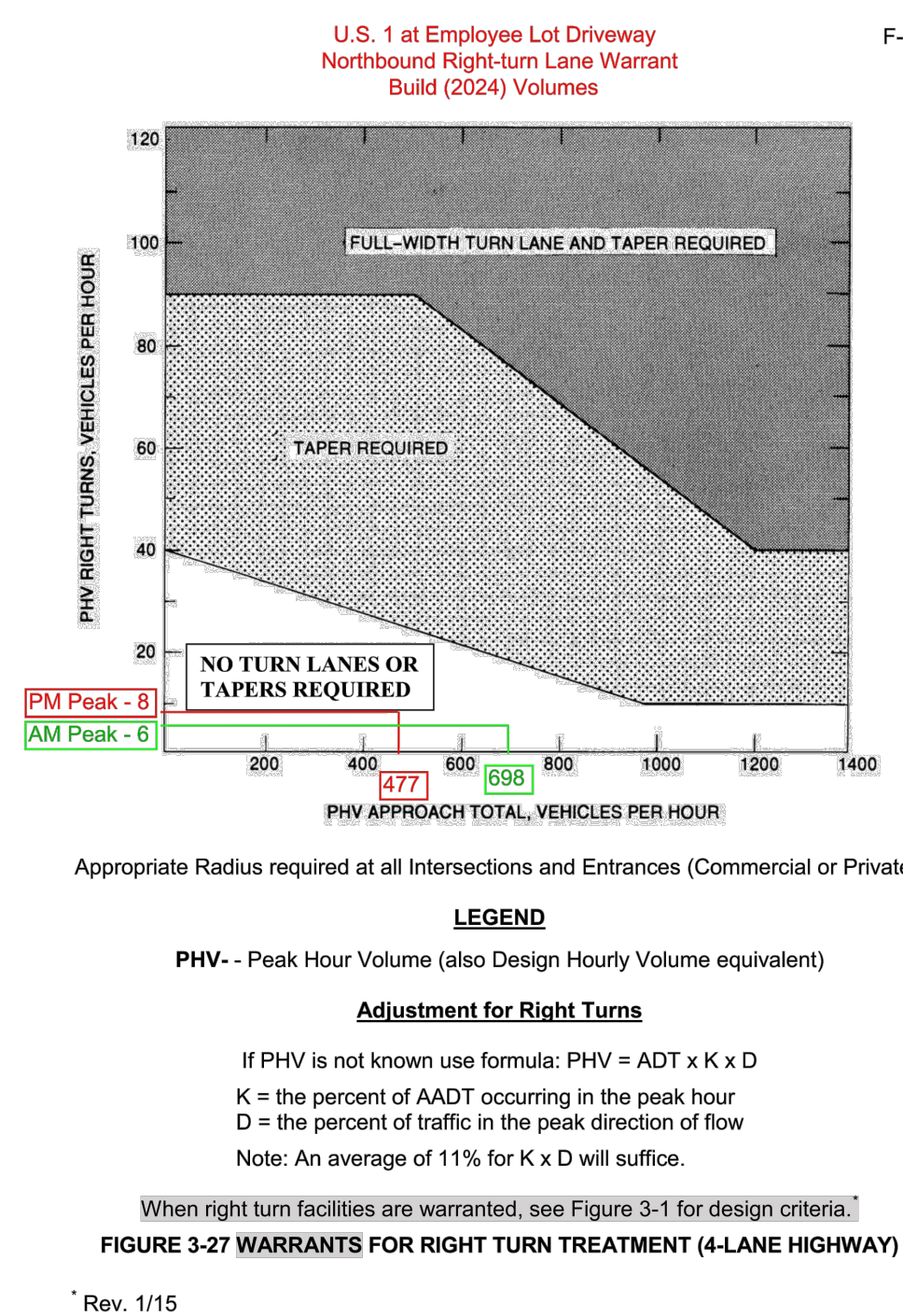
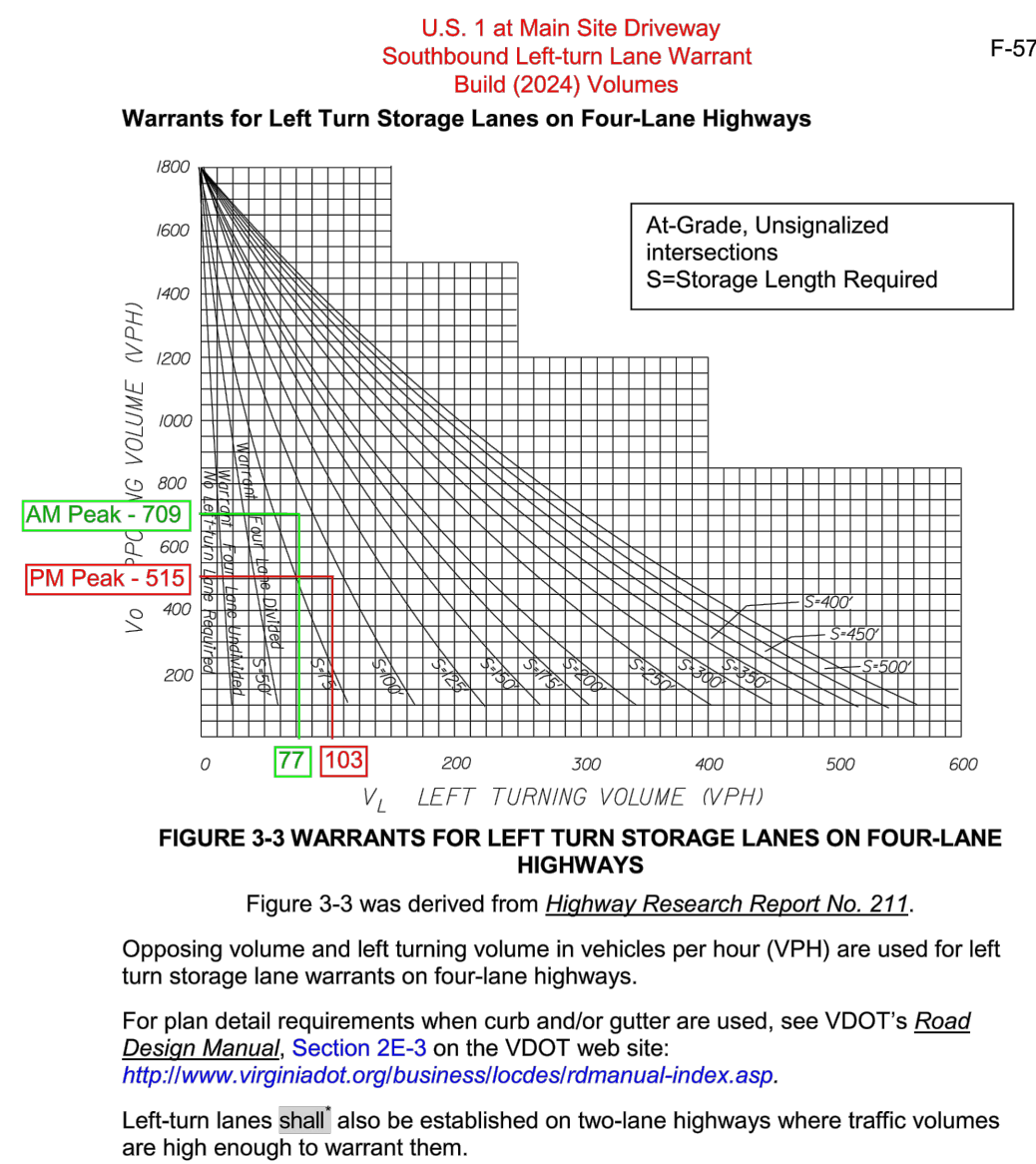
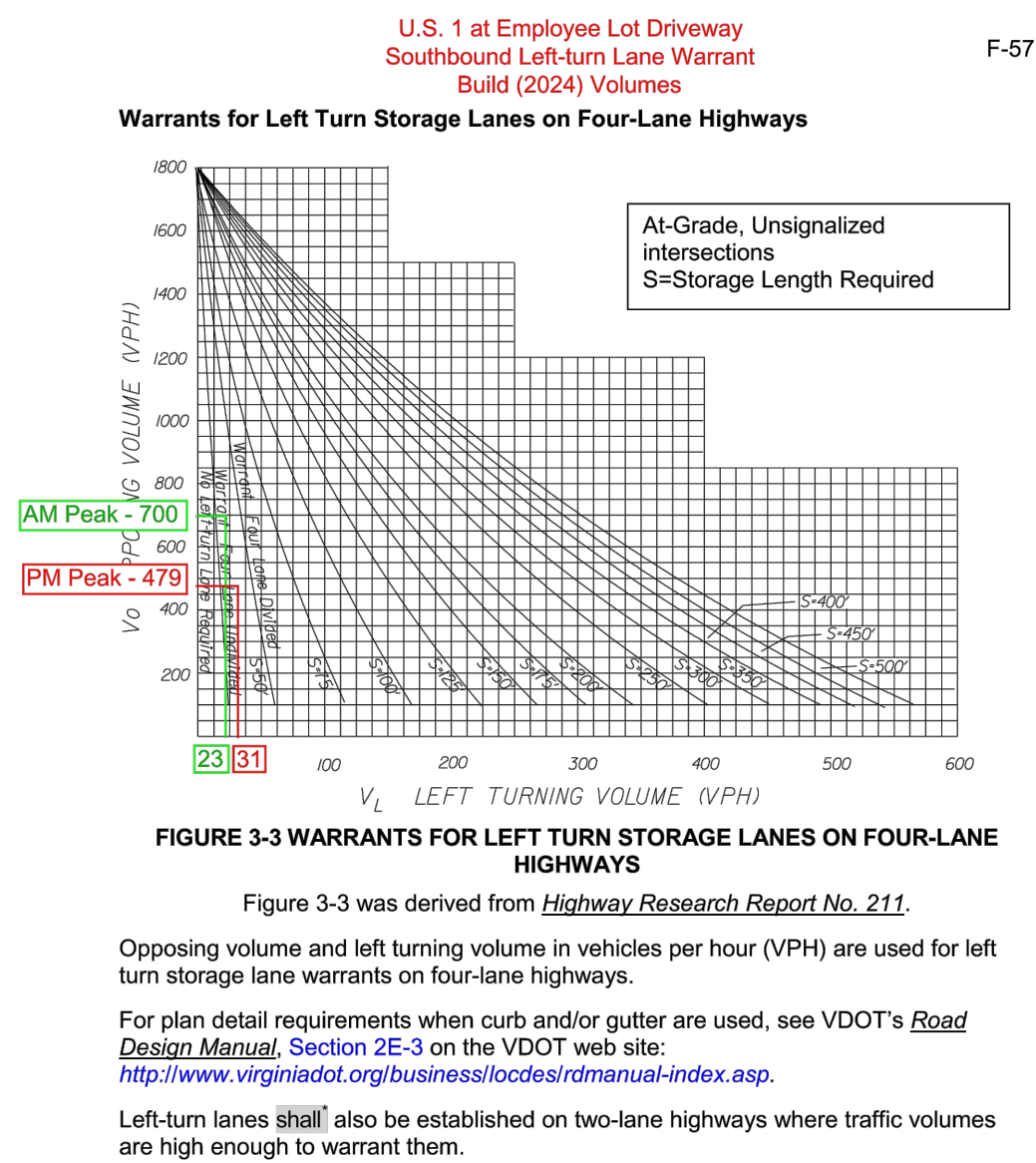
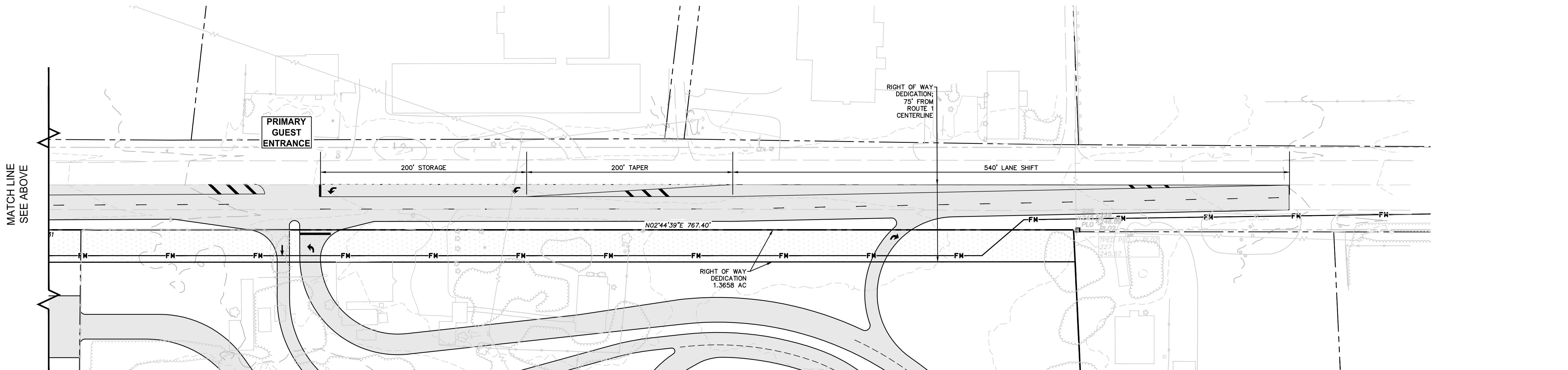
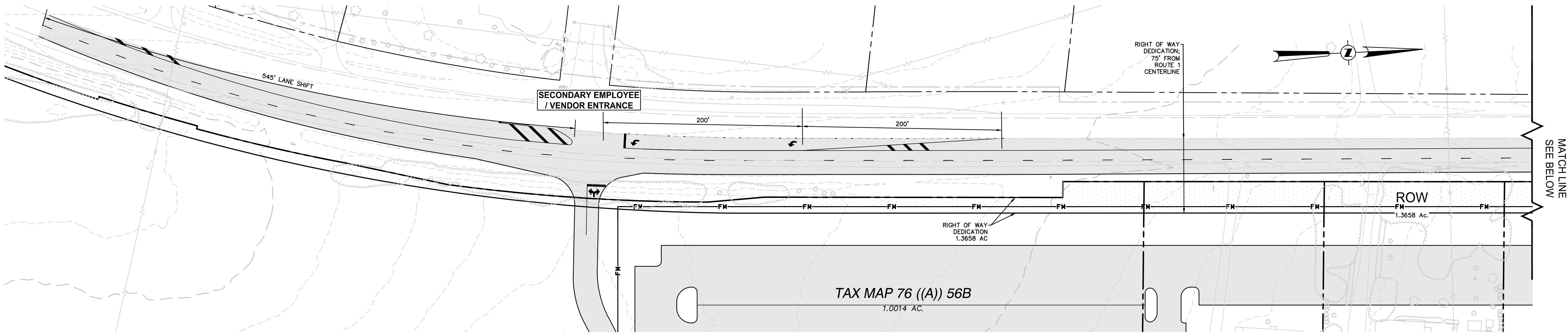
Lic. No. 35846

MARCH 22, 2022

PROFESSIONAL ENGINEER

GRAPHIC SCALE

150' 0 150' 300'



REVISIONS	DATE	DESCRIPTION

ENGINEERS, LAND PLANNERS & SURVEYORS
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FREDERICKSBURG, VIRGINIA 22404
TELEPHONE 540-696-5878

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SULLIVAN
DONAHOE &
INGALLS

KALAHARI RESORT & CONVENTIONS
BERKELEY MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

TRANSPORTATION
IMPROVEMENTS PLAN

DES/DRFT: PLH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 21-SP-0264
DATE: 3-22-2022
SCALE: 1"=50'

SHEET 7
OF 11 SHEETS



REVISIONS	DATE	DESCRIPTION

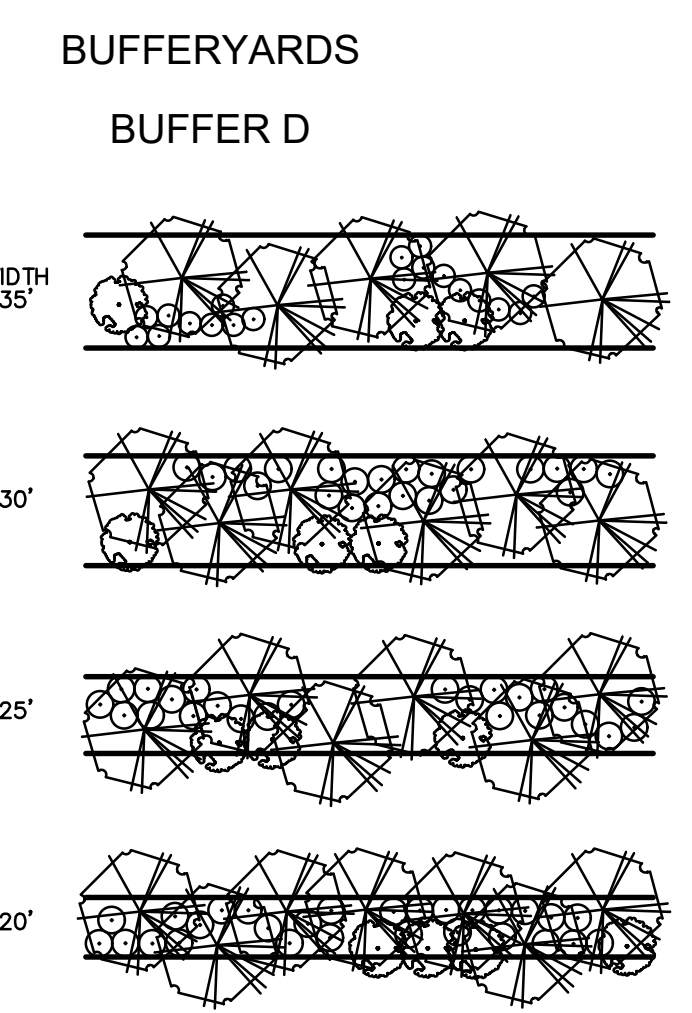
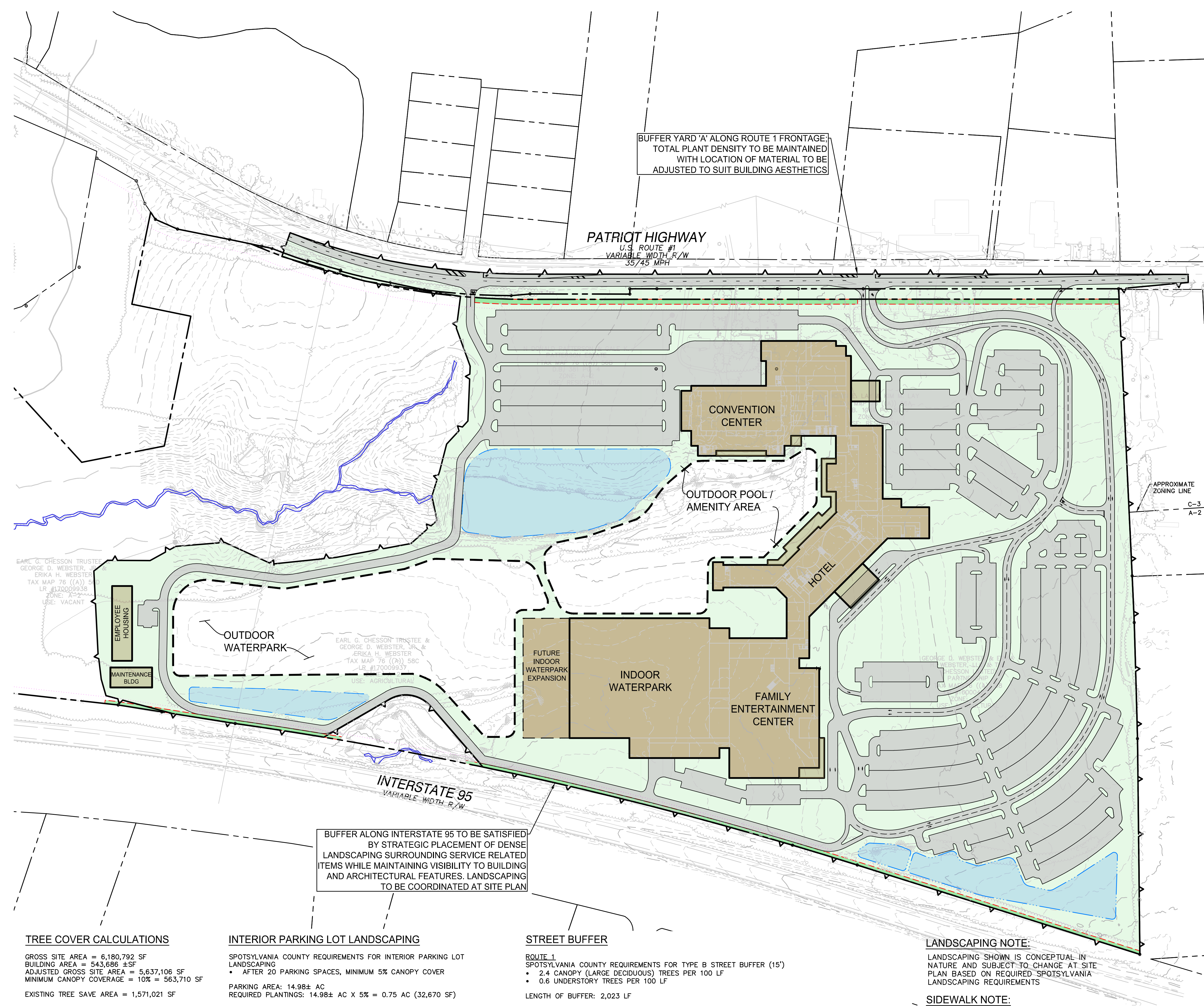
ENGINEERS, LAND PLANNERS & SURVEYORS
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FREDERICKSBURG, VIRGINIA 22404
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DONAHOE &
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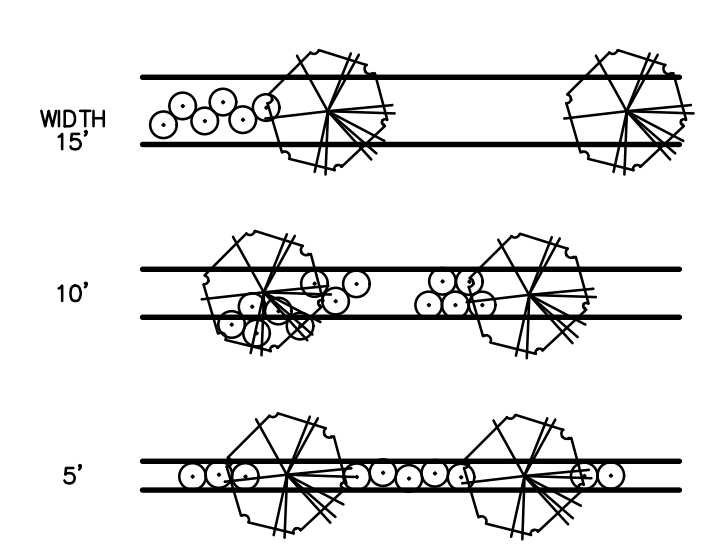
KALAHARI RESORT & CONVENTIONS
BERKELEY MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA
LANDSCAPE PLAN

DES/DRFT: PLH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 21-SP-0264
DATE: 3-22-2022
SCALE: 1"=150'

SHEET **8**
OF **11** SHEETS



BUFFER YARD - BUFFER 'D'
N.T.S. SOURCE: SPOTSYLVANIA COUNTY



BUFFER YARD - BUFFER 'A'
N.T.S. SOURCE: SPOTSYLVANIA COUNTY

TREE COVER CALCULATIONS
GROSS SITE AREA = 6,180,792 SF
BUILDING AREA = 543,686 ± SF
ADJUSTED GROSS SITE AREA = 5,637,106 SF
MINIMUM CANOPY COVERAGE = 10% = 563,710 SF
EXISTING TREE SAVE AREA = 1,571,021 SF

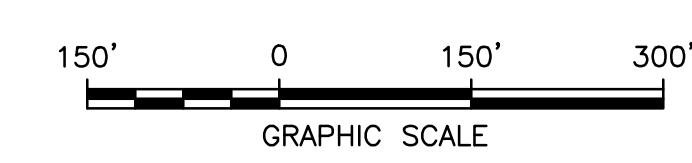
INTERIOR PARKING LOT LANDSCAPING
SPOTSYLVANIA COUNTY REQUIREMENTS FOR INTERIOR PARKING LOT LANDSCAPING
• AFTER 20 PARKING SPACES, MINIMUM 5% CANOPY COVER
PARKING AREA: 14.98± AC
REQUIRED PLANTINGS: 14.98± AC X 5% = 0.75 AC (32,670 SF)
PROVIDED PLANTINGS:

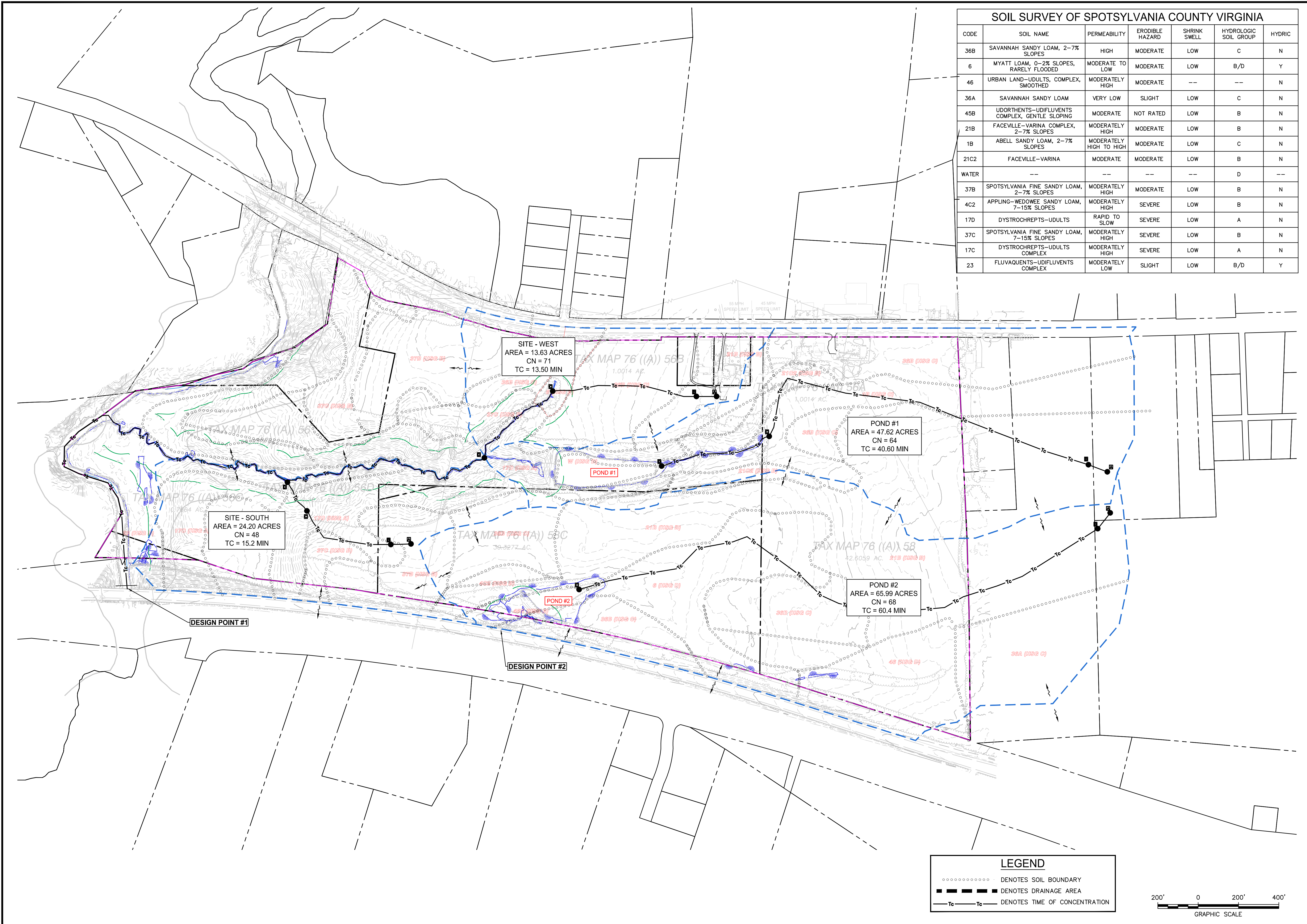
CODE	QUANTITY	SIZE	20 YR TREE COVER	SPACING
CANOPY	146	1"	225/EA	N/A

TOTAL PLANTINGS: 146 TOTAL 1" CANOPY TREES (SUBJECT TO CHANGE)

STREET BUFFER
ROUTE 1
SPOTSYLVANIA COUNTY REQUIREMENTS FOR TYPE B STREET BUFFER (15')
• 2.4 CANOPY (LARGE DECIDUOUS) TREES PER 100 LF
• 0.6 UNDERSTORY TREES PER 100 LF
LENGTH OF BUFFER: 2,023 LF
REQUIRED PLANTINGS: 20.23 * 2.4 = 49 LARGE DECIDUOUS TREES
20.23 * 0.6 = 13 UNDERSTORY TREES
INTERSTATE 95
SPOTSYLVANIA COUNTY REQUIREMENTS FOR MODIFIED TYPE D STREET BUFFER (10')
• 2.4 CANOPY (LARGE DECIDUOUS) TREES PER 100 LF
• 0.6 UNDERSTORY TREES PER 100 LF
LENGTH OF BUFFER: 2,023 LF
REQUIRED PLANTINGS: 20.23 * 2.4 = 49 LARGE DECIDUOUS TREES
20.23 * 0.6 = 13 UNDERSTORY TREES

LANDSCAPING NOTE:
LANDSCAPING SHOWN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE AT SITE PLAN BASED ON REQUIRED SPOTSYLVANIA LANDSCAPING REQUIREMENTS
SIDEWALK NOTE:
THIS PLAN DOES NOT INCLUDE SIDEWALK LOCATION WHICH WILL BE IDENTIFIED ON THE SITE PLAN. ADJUSTMENTS WILL BE MADE TO THIS CONCEPTUAL PLAN TO SUIT FINAL ENGINEERING





SOIL SURVEY OF SPOTSYLVANIA COUNTY VIRGINIA						
CODE	SOIL NAME	PERMEABILITY	ERODIBLE HAZARD	SHRINK SWELL	HYDROLOGIC SOIL GROUP	HYDRIC
36B	SAVANNAH SANDY LOAM, 2-7% SLOPES	HIGH	MODERATE	LOW	C	N
6	MYATT LOAM, 0-2% SLOPES, RARELY FLOODED	MODERATE TO LOW	MODERATE	LOW	B/D	Y
46	URBAN LAND-UDULTS, COMPLEX, SMOOTHED	MODERATELY HIGH	MODERATE	---	---	N
36A	SAVANNAH SANDY LOAM	VERY LOW	SLIGHT	LOW	C	N
45B	UDORTHENTS-UDIFLUVENTS COMPLEX, GENTLE SLOPING	MODERATE	NOT RATED	LOW	B	N
21B	FACEVILLE-VARINA COMPLEX, 2-7% SLOPES	MODERATELY HIGH	MODERATE	LOW	B	N
1B	ABELL SANDY LOAM, 2-7% SLOPES	MODERATELY HIGH TO HIGH	MODERATE	LOW	C	N
21C2	FACEVILLE-VARINA	MODERATE	MODERATE	LOW	B	N
WATER	---	---	---	---	D	---
37B	SPOTSYLVANIA FINE SANDY LOAM, 2-7% SLOPES	MODERATELY HIGH	MODERATE	LOW	B	N
4C2	APPLING-WEDOWEE SANDY LOAM, 7-15% SLOPES	MODERATELY HIGH	SEVERE	LOW	B	N
17D	DYSTROCHREPTS-UDULTS	RAPID TO SLOW	SEVERE	LOW	A	N
37C	SPOTSYLVANIA FINE SANDY LOAM, 7-15% SLOPES	MODERATELY HIGH	SEVERE	LOW	B	N
17C	DYSTROCHREPTS-UDULTS COMPLEX	MODERATELY HIGH	SEVERE	LOW	A	N
23	FLUVAQUENTS-UDIFLUVENTS COMPLEX	MODERATELY LOW	SLIGHT	LOW	B/D	Y

LEGEND

DENOTES SOIL BOUNDARY

DENOTES DRAINAGE AREA

Tc

 DENOTES TIME OF CONCENTRATION



REVISIONS

DATE

ENGINEERS, LAND PLANNERS & SURVEYORS
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TELEPHONE 540-696-5876

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INGALLS

SDI

KALAHARI RESORT & CONVENTIONS
BERKELEY MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

SOILS MAP AND EXISTING
DRAINAGE AREA MAP

DES/DRFT: PLH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 21-SP-0264
DATE: 3-22-2022
SCALE:

SHEET
OF

9
11

SHEETS

OVERALL STORMWATER NARRATIVE

THE EXISTING SITE IS A MIX OF WOODED AREAS AND CLEARED FARM LAND WITH LARGE PORTIONS OF WETLANDS AND RPA TO THE SOUTH. THE DEVELOPMENT PROPOSES TO CONSTRUCT AN APPROXIMATE 900 ROOM HOTEL, CONVENTION CENTER, FAMILY ENTERTAINMENT CENTER, INDOOR WATER PARK, OUTDOOR WATERPARK AND EXTERIOR POOL AREA WITH VARIOUS AMENITIES. THE APPROXIMATE EARTH DISTURBANCE IS 91 ACRES. THERE ARE FOUR (4) DRAINAGE AREAS WHICH LEAVE THE SITE IN TWO DISTINCT AREAS WHICH ARE REFERRED TO AS DESIGN POINT #1 AND DESIGN POINT #2.

CONCEPTUAL STORMWATER NOTE:

THE STORMWATER MANAGEMENT DESIGN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON FINAL ENGINEERING.

STUDY POINT #1 WATER QUANTITY NARRATIVE

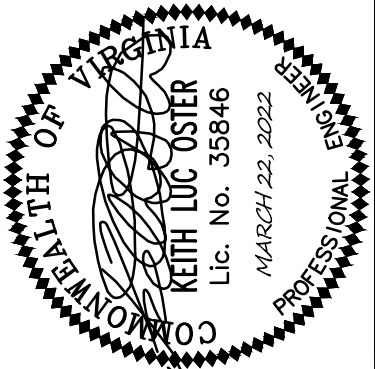
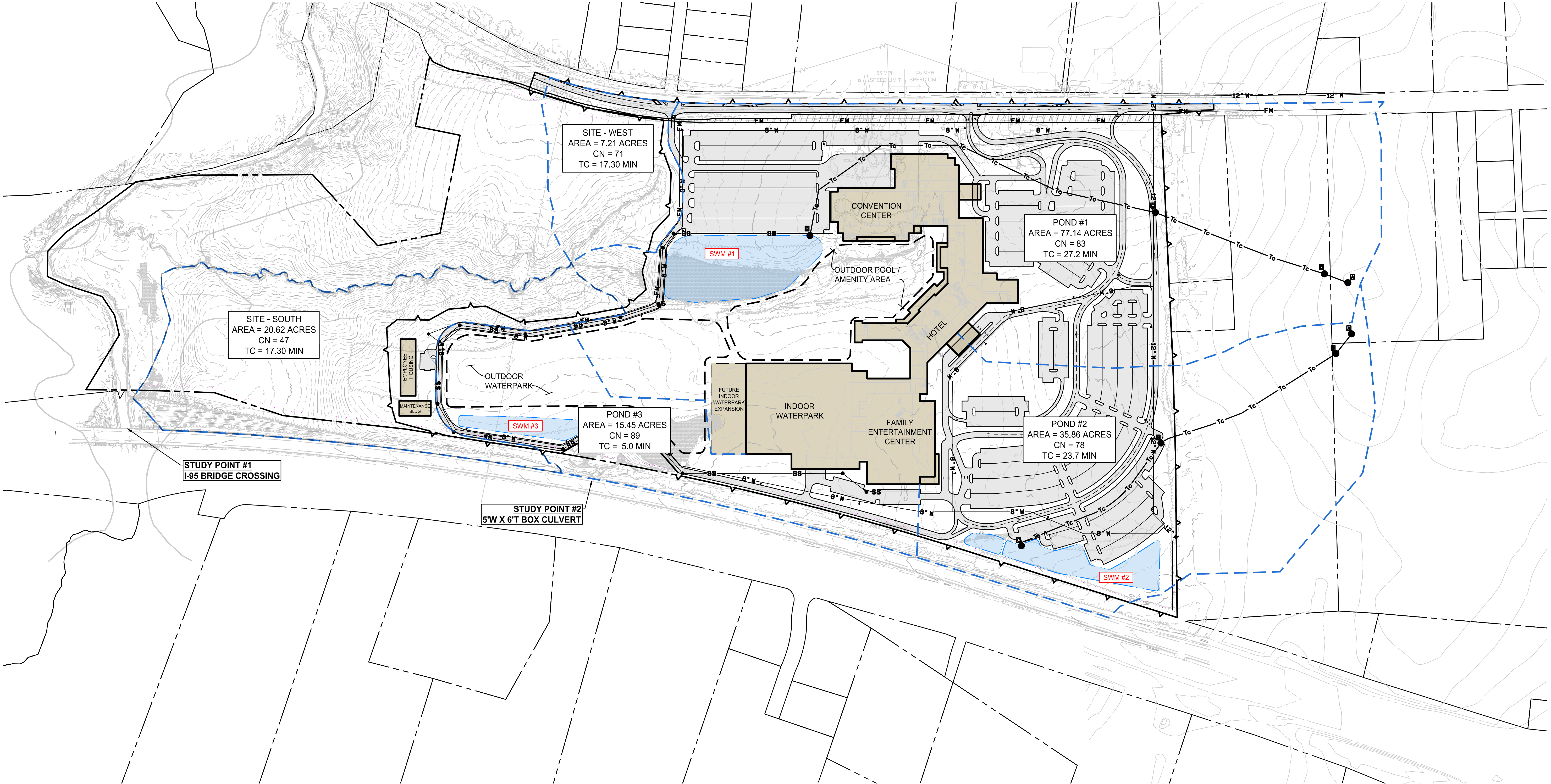
THE STUDY POINT DRAINS TO MULTIPLE STREAMS ON-SITE WHICH ULTIMATELY DISCHARGE TO THE MATTA RIVER. THE MATTA RIVER CONTINUES ON-SITE UNTIL IT REACHES THE I-95 BRIDGE CROSSING WHICH IS IDENTIFIED AS THE STUDY POINT. THE MATTA RIVER IS AN FEMA FLOODPLAIN AND CONSIDERED A FLOODED CONDITION. CHANNEL PROTECTION WILL BE ACHIEVED THROUGH THE ENERGY BALANCE EQUATION AND FLOOD PROTECTION WILL BE PROVIDED BY DECREASING THE POST DEVELOPMENT 10-YEAR PEAK DISCHARGE TO LESS THAN PRE-DEVELOPMENT CONDITIONS.

STUDY POINT #2 WATER QUANTITY NARRATIVE

ALL LARGE PORTION OF THE EXISTING SITE DRAINS TO A FLOODED AREA AND FARM POND THAT IS LOCATED TO EAST OF THE SITE. THE FARM POND DISCHARGES TO A DELINEATED WETLAND AND RPA AT THE INLET TO AN EXISTING 5'x6" BOX CULVERT WHICH DISCHARGES UNDER I-95. THE BOX CULVERT IS IDENTIFIED AS THE STUDY POINT FOR THIS DRAINAGE AREA. THE INLET TO THE BOX CULVERT IS FLOODED AND IS CONSIDERED A FLOODED CONDITION. CHANNEL PROTECTION WILL BE ACHIEVED THROUGH THE ENERGY BALANCE EQUATION AND FLOOD PROTECTION WILL BE PROVIDED BY DECREASING THE POST DEVELOPMENT 10-YEAR PEAK DISCHARGE TO LESS THAN PRE-DEVELOPMENT CONDITIONS.

CHANNEL PROTECTION & FLOOD PROTECTION SUMMARY

DISCHARGE POINT	1-YEAR STORM			10-YEAR STORM	
	EXISTING CONDITION	ENERGY BALANCE EQUATION ALLOWED	PROPOSED CONDITION ROUTED	EXISTING CONDITION ALLOWED	PROPOSED CONDITION ROUTED
STUDY POINT '1'	6.97 CFS	1.40 CFS	1.33 CFS	61.14 CFS	19.51 CFS
STUDY POINT '2'	11.58 CFS	4.96 CFS	2.04 CFS	57.73 CFS	54.47 CFS



REVISIONS	DATE	DESCRIPTION

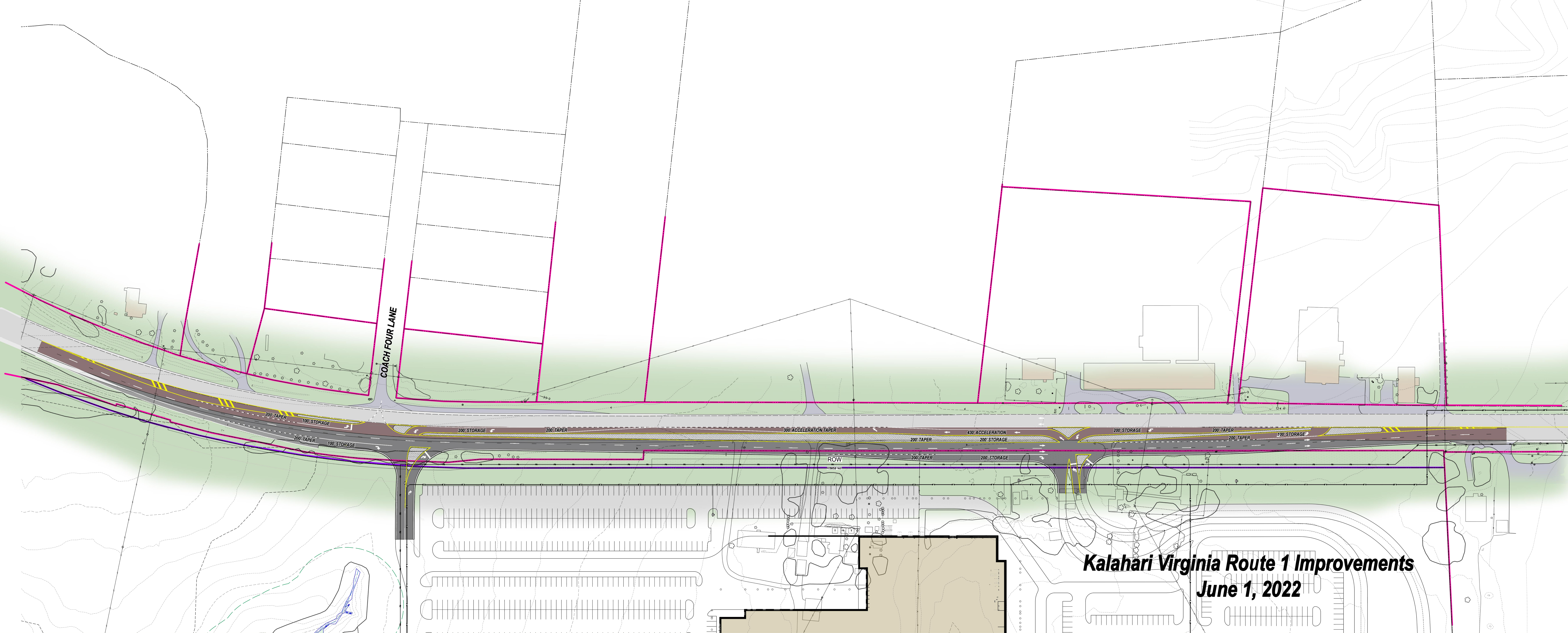
ENGINEERS, LAND PLANNERS & SURVEYORS
P.O. BOX 614
10720 COLUMBIA DRIVE
FREDERICKSBURG, VIRGINIA 22404
TELEPHONE 540-696-5878

SDI
SULLIVAN
DONAHOE &
INGALLS

KALAHARI RESORT & CONVENTIONS
BERKELEY MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

STORMWATER MANAGEMENT
CONCEPT PLAN

DES/DRFT: PLH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 21-SP-0264
DATE: 3-22-2022
SCALE: AS SHOWN



Kalahari Virginia Route 1 Improvements
June 1, 2022

Spotsylvania County
Planning Commission
Executive Summary

 **Print**

Meeting Date: June 15, 2022

Title: Telecommunication Ordinance

Type: No Action (Information Only)

Agenda Title: Telecommunications Ordinance

Recommendation: Overview of proposed ordinance.

Summary: Article 7A of the Zoning Ordinance is the Telecommunications Ordinance. An update is proposed to incorporate changes in the Code of Virginia and ensure the ordinance is consistent with federal requirements.

Committee/Commission Summary:

Review Date: Status:

Financial Impact:

Staff Contacts: Wanda Parrish, Assistant County Administrator - Community Development

Legal Counsel: Alexandra Spaulding, Assistant County Administrator

Additional Background/Other Considerations:

Consequence of Denial/Inaction:

ATTACHMENTS:

Name:	Description:	Type:
 CA22-0002_Wireless_Telecommunication_Facilities_Ordinance_PC.pdf	Draft Ordinance Amendment	Backup Material

At a meeting of the Spotsylvania County Board of Supervisors held on _____ on a motion by _____, seconded by _____ and passed _____, the Board adopts the following ordinances:

AN ORDINANCE No. 23-182

CA22-0002: Wireless Telecommunication Facilities

To amend County Code (“Code Amendment”) Chapter 23, Zoning, as part of an ongoing effort to review and update the Spotsylvania County zoning ordinances. The proposed amendment includes: Section 23-2.1.4, Definitions and Article 23-7A, Wireless Telecommunication Facilities.

PUBLIC HEARING: Date _____

WHEREAS, staff has reviewed the ordinance amendments and recommends approval as stated in the Executive Summary dated _____; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on this item on _____, which was duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended _____ of the ordinance amendments with a vote of _____; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on _____, which was duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, good zoning practice and general welfare are served by approval of the ordinance amendments.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Chapter 23, Article 2, consisting of Section 23-2.1.4, be and is hereby amended and reordained as follows:

Article 2. – DEFINITIONS AND RULES OF CONSTRUCTION

Sec. 23-2.1.4. - Definitions.

The following definitions shall be used in the interpretation and administration of this chapter. The definitions of various terms as presented herein do not necessarily represent the same definitions as may be found for the same terms in other chapters of the Code.

~~*Abandonment* means any component of a wireless telecommunication facility (e.g., antenna support structure, antenna, transmission cable, equipment shelter, etc.) is deemed abandoned when not utilized for the provision of wireless service for a period of twelve (12) consecutive months.~~

Abandonment in the context of wireless telecommunications means any component of a wireless telecommunications facility (e.g. telecommunications tower, antenna support structure, antenna, base station, etc.) not utilized for the provision of wireless service for a period of twelve (12) consecutive months.

Abattoir means a type of agricultural processing facility, established as a commercial slaughterhouse.

Above ground level (AGL) means the distance measured from ground level at the base of a structure to the highest point of an object on the structure.

Accessory use means any use which:

1. Is subordinate to and serves a principal use;
2. Is subordinate in purpose, area and extent to the principal use served;
3. Contributes primarily to the comfort and convenience of the occupants, business enterprise or industrial use served; and
4. Is generally located within the building housing the principal use served, except as qualified by the provisions of section 23-5.3.2.

Accessory structure means any structure which:

1. Is subordinate to, customarily found in association with, and serves a principal use;
2. Is subordinate in purpose, area or extent to the principal building served;
3. Contributes to the comfort, convenience or necessity of the occupants, business enterprise or industrial operation within the principal building served; and
4. Is located on the same lot as the principal building, except (1) any building that is customarily incidental to any agricultural use shall be deemed to be an accessory structure, whether or not it is situated on the same lot with the principal building; (2) except a mass drainfield serving multiple lots shall not be required to be on the lot it is serving.

Adult book stores shall mean an establishment having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, other printed matter, and other media including, but not limited to films, video tapes, video cassettes or video disks, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" (as defined below) or "specified anatomical areas" (as defined below) or an establishment with a segment or section devoted to the sale or display of such material. For purposes of this subsection, substantial or significant portion shall mean at least twenty-five (25) percent or more of stock in trade.

Adult booth means a separate enclosure inside an adult oriented business accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth or other booth used to view "adult merchandise." The term "adult booth" does not include a foyer through which any person can enter the establishment or a restroom.

Adult day care center. As defined in the Code of Virginia § 63.2-100, Definitions.

Adult theater shall mean an enclosed building or outdoor facility used for presenting live performances or recorded material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by

patrons therein, and including any so-called "peep show" or individual motion picture machines or similar viewing devices.

Adult entertainment shall mean dancing, modeling, live exhibition or performance, or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons; or the showing of films, motion pictures, videotapes, slides, photographs, CD-ROMs, DVD-ROMs streaming video, or other media, or other visual representations that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult merchandise shall mean magazines, books, other periodicals, and other printed matter, videotapes, films, motion pictures, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices, or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs; or, lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

Adult model studio shall mean a commercial establishment, including a lingerie store or novelty store in which a person performs, or simulates specified sexual activities, exposes specified anatomical areas, or engages in other performances intended for the sexual stimulation or titillation of patrons.

Adult motel shall mean a motel, hotel, or similar commercial establishment that: provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to newspapers, magazines, pamphlets, or leaflets, radio or television, internet web pages; or offers a sleeping room for rent for a time period of less than ten (10) hours; or allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

Adult nightclub shall mean a restaurant, bar, club, or similar establishment that regularly features adult entertainment.

Adult oriented business shall mean any adult book store, adult theater, massage parlor/health club adult video store, adult model studio, adult motel, adult nightclub, adult store, business providing adult entertainment, or any other establishment that regularly exploits an interest in matter relating to specified sexual activities or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons.

Adult store shall mean establishment dealing in adult merchandise as a principal portion of its business.

Agreement in lieu of plan means an agreement with the county signed by the property owner and contractor, if applicable, setting forth the minimum standards for construction of:

- (i) A single-family detached dwelling, or
- (ii) An accessory structure, where the land disturbance is less than two thousand five hundred (2,500) square feet; and includes an attached plan, commonly referred to as a "plot plan," which is a drawing showing the location of proposed and existing structures on the lot and the setback of the structures from the property lines.

Agricultural and forestal district means a district created by local ordinance under the authority of Chapter 43 of the Code of Virginia, 1950, as amended, the Agricultural and Forestal Districts Act.

Agricultural processing facility means higher intensity commercial agricultural operations for the processing of food, forestry products, organic fiber or fur for purposes of packaging and distribution for wholesale and/or retail sale.

Agriculture means the use of a tract of land not less than five (5) acres for the raising of poultry and livestock; (2) pasturage; (3) dairying. Agricultural activities not including poultry and livestock includes the use of a tract of land not less than two (2) acres in size for agricultural purposes outdoors, within an agricultural structure or within a greenhouse/plant nursery, including, but not limited to: (a) the tilling of the soil; (b) the cultivation of crops or plants and trees of any kind; (c) horticulture; (d) floriculture; (e) agroforestry; (f) aquaculture; (g) forestry; (h) hydroponic cultivation; (i) agritourism; (j) farm winery; (k) farm brewery; (l) farm cidery; (m) farm distillery; (n) farm juicery; (o) farm cannery.

The term "agriculture" shall not include the following uses: the maintenance and operation of a: (a) garden center; (b) agricultural processing facility; (c) the feeding of garbage to animals. However, the definition of agriculture shall not be deemed to preclude: (a) retail and/or wholesale sales of agriculture products primarily (more than fifty-one (51) percent) sourced onsite.

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

Agroforestry means growing of both trees and agricultural/horticultural crops on the same piece of land. Operations are designed to provide tree and other crop products and at the same time protect, conserve, diversify and sustain vital economic, environmental, human and natural resources. Agroforestry differs from traditional forestry and agriculture by its focus on the interactions among components rather than just on the individual components themselves.

Airport, public or private means a place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

~~*Alternative support structure* means any structure not designated for the primary purpose of supporting one (1) or more antennae but may be modified for such purpose, including, but not limited to, water towers and silos.~~

Alternative support structure in the context of wireless telecommunications means any structure not designated for the primary purpose of supporting one (1) or more antennas but may be modified for such purpose, including, but not limited to, water towers, silos, building facades, rooftops, light and power poles. See Base Station.

Amusement arcade means any location, premises, building, parcel, plot or lot where more than seven (7) amusement machines (devices) are placed for use for entertainment purposes.

ANSI means the American National Standards Institute, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, as amended or superseded.

~~*ANSI Collapse Zone* means American National Standards Institute established area within which an antenna support structure must be engineered to fall if damaged or overloaded.~~

Animal shelter, as differentiated from a *kennel* as defined herein, means any place so designed to provide for the temporary indoor accommodations and/or housing for sale and/or adoption of five (5) or more common household pets which are stray or not wanted by their owner(s) until appropriate disposition of such pets can be effectuated. The use includes facilities similar to the Society for the Prevention of Cruelty to Animals (SPCA).

Antenna means communication equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

~~any exterior electronic device used for the transmission or reception of radio frequency signals designed for telephonic, radio, satellite or television communications.~~

Antenna support structure means any structure designed for the primary purpose of supporting one (1) or more antennae including but not limited to self-supporting lattice towers, guyed towers and monopoles.

Anti-climbing device means a minimum six-foot high chain link fence shall surround the antennae support structure and appurtenances. The fence fabric shall have maximum one and one-quarter (1¼) inch openings or be provided with enclosing slats attached at the top and bottom restricting openings to one and one-quarter (1¼) inch or less. The fence fabric shall be minimum 11-gauge hot dipped galvanized. The fence fabric shall be installed so that at no point is the fabric or any portion of the fence enclosure more than four (4) inches above grade. The fence shall enclose the tower structure and appurtenances such that the vertical and horizontal distances from the top of the fence to the enclosed elements is not less than four (4) feet. All gates and access openings shall be equipped with locking arrangements to restrict unauthorized access.

Antique shop means a retail sales establishment of collectables, or aged materials that are at least fifty (50) years old.

Applicant means any means any person submitting any application required or permitted pursuant to any of the provisions of this chapter, including its successors and assigns.

Aquaculture means the farming of freshwater and/or saltwater aquatic organisms such as fish, crustaceans, mollusks and aquatic plants under controlled conditions.

Architectural feature means a distinguishing or defining element of a structure, which contributes to the appearance and character of the structure or assists in defining the style of architecture. Windows, shutters, doors, chimneys, porches, roofs, columns, and decorative details are examples of architectural features.

Art and craft studio means the workshop of an artist, sculptor, photographer, craftsman, furniture maker, glass blower, potter or cabinet maker primarily used for on-site production of unique custom goods by hand manufacturing involving the use of hand tools and small-scale equipment, which may include an accessory gallery. The primary use of art and craft studios is the retail sale of the custom goods as produced on-site, as evidenced through allocation of customer floor area or gross sales receipts of the business. The studio may include an onsite owner occupied residential dwelling.

Assisted living facility means a residential facility for the elderly that provides living areas, meals, personal services, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation. Services may be provided on a fee for service basis or as part of monthly rents.

Auction establishment means a place where objects of art, furniture, antiques and collectibles, and other goods are offered for sale to persons within a competitive bidding process. The term shall not include a *livestock exchange*.

Automobile graveyard means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind incapable of being operated are placed, located or found.

Balloon test means a technique utilizing a lighter-than-air balloon flown above ground-level to the height of a proposed structure to provide an accurate visual representation of the proposed structure. The balloon may be tethered to the ground or to a vertical support, such as a crane.

~~*Balloon test* means a technique utilizing a balloon to demonstrate the height above ground level of a proposed antenna support structure.~~

Banner sign means any sign of lightweight fabric or similar material. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Basement means a portion of a building partly underground, but having less than one-half (½) its clear height below the grade plane.

Base station means a station that includes a structure that supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

Bed and breakfast I means a stand-alone owner occupied dwelling, of sufficient capacity in terms of sewage treatment and parking needs in which up to five (5) guest rooms with private or shared bathroom facilities are available as lodging for persons, either individually or as families or groups, for specific periods of time not to exceed thirty (30) days, with one or more meals offered to lodging patrons and their guests (but not the general public).

Bed and breakfast II means a stand-alone dwelling and/or collection of other accessory buildings on the same lot that is occupied by the owner operators, of sufficient capacity in terms of sewage treatment and parking needs in which more than five (5), up to twenty (20) guests rooms total with private or shared bathroom facilities are available as lodging for persons onsite, either individually or as families or groups, for specific periods of time not to exceed thirty (30) days, with one or more meals offered to lodging patrons and their guests (but not the general public).

Billiards/pool hall means an indoor establishment whose principal use is pool/billiard tables available for play and/or tournament.

Biosolids means a sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution consistent with state law and regulations. For purposes of this article, biosolids does not include prepackaged biosolids sold commercially that are not otherwise regulated by Virginia Code § 5-585.10 et seq. Land application of biosolids is not permitted in the primary settlement area as defined in the Spotsylvania County Comprehensive Plan.

Brewery, winery, cidery, distillery means a type of industrial establishment where the primary use is the production of alcoholic beverages including beer, wine, cider, or other spirits on site for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by all applicable regulations. Beer production capacity may exceed fifteen thousand (15,000) barrels per year, distilled spirits, wine, or alcoholic cider may exceed twenty thousand (20,000) gallons per year. Permitted accessory uses may include accessory uses such as onsite restaurant, brewpub, retail sales, office, tasting rooms and uses as otherwise permitted in the zoning district.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building, accessory. See *Accessory use*.

Building group means a group of two (2) or more main buildings and any uses accessory thereto, occupying a lot in one (1) ownership and having any yard in common.

Building height. See *Height, building*.

Building, principal means a building in which is conducted the primary use of the lot on which it is situated.

Building materials yard means any facility that is designated to provide building materials either new, raw or reclaimed to contractors and/or homeowners.

Bulk regulations means regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include provisions controlling (a) maximum building height, (b) maximum floor area ratio, (c) minimum yard requirement and (d) minimum angle of bulk plane.

Bus station/depot/terminal means a transportation system distribution facility used for the loading and unloading of passengers and/or passenger luggage for transport from buses and temporary parking of buses, incidental to the primary use. For the purpose of this chapter, a bus stop shall not be deemed a bus station/depot/terminal.

Business service and supply service establishment means any establishment containing no more than five thousand (5,000) square feet of net floor area wherein the primary occupation is the provision of services or supplies principally to the business, commercial, industrial or institutional community, but not including retail sales to the general public except as a secondary and subordinate ancillary activity. This term shall also include establishments such as catering and printing establishments which serve the general public. Business service and supply service establishments shall not involve the use of more than three (3) vehicles other than passenger cars.

Camp or recreation ground means an area or premises operated as a commercial enterprise, generally providing space for seasonal accommodations for transient occupancy or use by tourists occupying camping trailers, self-propelled campers, tents and/or lodges. With such accommodations are normally to be found facilities for picnicking, boating, fishing, swimming, outdoor games and other sports and activities, but not including miniature golf courses, golf ranges or any mechanical amusement device. A camp ground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a *manufactured home park* as defined herein.

Car wash means a structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.

Carport means a roofed structure providing space for parking of motor vehicles and enclosed on not more than three (3) sides.

Cemetery means property used for the burial or interment of the deceased.

Chicken coop includes any fully enclosed and covered hen house, and associated run space providing a predator resistant shelter that is thoroughly ventilated, provides adequate sun and shade and all season protection from the elements, designed to be easily accessed and cleaned where poultry and/or chicken lives.

Chicken tractor means a movable fully enclosed structure commonly used for pastured chickens who graze on fresh grass daily. The tractor is moved every day or week as needed for the chickens to have fresh grass underneath them. Chicken tractors can be used as permanent or temporary housing for chickens; and are considered a type of chicken coop.

Child care center means any facility licensed and operated in accordance with the provisions of section 63.1-195 of the Code of Virginia, 1950, as amended, for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardians during a part of the day only.

Church. See *Place of worship*.

Civic, social or fraternal facility means a building or meeting facility which is restricted to members and guests of members of a non-profit association or corporation, including accessory uses, such as

temporary rental of the facility to nonmembers, recreational facilities, banquet facilities but not including the sale of goods or services to the general public on the premises on a regular basis.

Civic and sports arena means a large open or enclosed facility used for sports games and major events either partly or completely surrounded by tiers of seating for spectators.

Cluster subdivision/development. See *Subdivision, cluster*.

Co-location means the installation, mounting, maintenance, modification, operation, or replacement of wireless facility equipment on, under, within, or adjacent to a base station or an eligible support structure for the purpose of transmitting and/or receiving radio signals for wireless communications purposes.

Co-location means the shared use of an antenna support structure by two (2) or more wireless service providers or other entities operating antennae.

College or university means an educational institution, including medical schools, authorized to award higher education, certification, associate, baccalaureate, masters or doctorate degrees.

Community center means a publicly- or privately-owned and operated facility open to the public where people can meet for, among other things, social, educational, business, or recreational activities. These activities may be conducted by, among others, individuals, businesses, or organizations. Such facilities may be rented and can include on-site kitchens or provide for catered meals. A clubhouse which serves only the members of a condominium association or a property owners' association is not considered a community center. A hotel that has meeting facilities is not considered a community center.

Contractor's offices and shops means establishments for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling and ventilating and establishments for the planting and maintenance of gardens, grounds and yards such as landscape contractors and lawn maintenance services.

Contributing building, structure, or landscape means a building, structure, or landscape which has historic or cultural significance by reason of type, period, design, style, workmanship, form, materials, architectural details, or historic association to a significant event, or person, or has or may yield information important to prehistory or history.

Convenience store means any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, fresh fruits and vegetables, sandwiches and other freshly prepared foods, such as salads, for off-site consumption and containing less than seven thousand five hundred (7,500) square feet of gross floor area. The definition of convenience store shall not include fuel dispensing facilities unless such facilities are permitted or approved through special use permit consistent with zoning district provisions.

Convent, monastery, seminary and nunnery means an establishment of a religious order for the housing and/or education of male or female members.

Conventional subdivision. See *Subdivision, conventional*.

Correctional facility means a public or privately operated use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.

Country club means a recreational facility, restricted to members and their guests, which generally includes a clubhouse, dining, eating and/or drinking establishment, and recreational facilities including but not limited to golf course(s), tennis courts, and swimming pools.

Crematory or crematorium means a facility containing a furnace for cremation of deceased human bodies.

Cultural center, museum or similar facilities means establishments that document the social, environmental, or religious structures and intellectual and artistic manifestations that characterize a society including museums, art galleries, botanical and zoological gardens of a natural, historic, educational, or cultural interest.

Dam means a manmade structure across a watercourse use to retain water.

Dam break inundation zone, as defined by the Code of Virginia, § 10.1-604 means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of the dam. The dam break inundation zone shall be shown on the dam break inundation zone map filed with the state department of conservation and recreation and the county.

Deck line means the intersection of two (2) roof surfaces of a mansard roof forming the highest horizontal line of the steeper roof slope.

Design standards means the County Design Standards Manual, adopted concurrently with this chapter, as the same may be amended from time to time, and incorporated by reference in this chapter.

Diameter at breast height means the diameter of a tree measured outside the bark at a point four and one-half (4.5) feet above ground.

Direct line of sight means the ability to directly view an area without the benefit or assistance of a mirror, video camera or similar aid.

Domestic laying hens include any varietal of egg laying chicken, either fertile or barren.

Dormitory, fraternity, sorority houses, or other residence halls means a building used as group living quarters for a student body as an accessory use to a college, university, boarding school, or similar institutional use. Such units may utilize shared bathrooms for unrelated residents, do not have individual kitchen units and are not designed for cooking.

Drive-in theater means an open lot devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in automobiles.

Driveway means that space or area of a lot that is specifically designated and reserved for the movement of motor vehicles within the lot or from the lot to a public street.

Dustless surface means a surface adequately covered in accordance with good practice with a minimum of either two (2) applications of bituminous surface treatment, concrete, bituminous concrete or suitable material approved by the director.

Dwelling means a building or portion thereof, but not a *mobile home*, designed or used for residential occupancy. The term "dwelling" shall not be construed to mean a motel, rooming house, hospital, or other accommodation used for more or less transient occupancy.

Dwelling, manufactured home means a structure subject to federal regulation, which is transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on-site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

For the purpose of this chapter, a manufactured home shall not be deemed a single-family detached dwelling.

Dwelling, modular unit means a factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated

sub-elements incorporated into a structure at the site. For the purpose of this chapter, a modular unit shall be deemed a *single-family dwelling* and shall not be deemed a *manufactured home*.

Dwelling, multiple-family means a residential building containing three (3) or more separate dwelling units located on a single lot or parcel of ground. A multiple-family dwelling, commonly known as an apartment house, generally has a common outside entrance(s) for all the dwelling units, and the units are generally designed to occupy a single floor one above another. For the purpose of this chapter, a multiple-family dwelling shall not be construed to mean a *single-family attached dwelling* as defined herein.

Dwelling, single-family means a residential building for one (1) family containing only one (1) dwelling unit.

Dwelling, single-family attached means a group of two (2) or more closely placed, interrelated single-family dwelling units for one (1) family which are generally joined to one another by a common party wall, a common floor-ceiling or garage and/or, with the specific approval of the director in each case, connecting permanent and architecturally unified structures such as breezeways, carports, or walls, which structures continue the design, pattern and/or materials of the facade from one dwelling unit to another, whether or not such a group is located on a single parcel or on adjoining individual lots. Connecting structures and outdoor living space may be so designed as to provide access between front and rear yards. Each unit shall have its own outside entrance. The total length of any one (1) group of units shall not exceed one hundred eighty (180) feet. The total number of units in any one (1) group of units shall not exceed nine (9). Architectural facades or treatment of materials in a townhouse development shall be varied from one (1) group of units to another; and no more than three (3) abutting units in a row shall have the same front and rear setbacks with a minimum setback offset being one (1) foot. For the purpose of this chapter, dwellings such as semidetached, garden court, patio house, zero lot line, "piggyback" town house, "back to back" town house and town house shall be deemed single-family attached dwellings.

Dwelling, single-family, detached means a single dwelling unit for one (1) family, which is entirely surrounded by open space or yards on the same lot.

Dwelling, two-family means a building designed for or intended to be occupied by not over two (2) families living independently of each other. This includes both duplexes, one (1) dwelling unit above another, and semi-attached, two (2) dwelling units having a common vertical party wall.

Dwelling unit means one (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes permanent provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of section of this chapter.

Eating establishment means any establishment, which provides as a principal use, the sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment.

An eating establishment may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment. Entertainment which is provided for the enjoyment of the patrons shall be considered accessory to an eating establishment, to include dancing by patrons, provided the space made available for such dancing shall not be more than one-eighth ($\frac{1}{8}$) of that part of the floor area available for dining. Provisions for dancing made available under this definition shall be subject to the licensing requirements of chapter 11 of the County Code.

Eating establishment, carry-out/fast food means any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings primarily for off-premises consumption including all eating establishments providing drive through service.

Electrical engineer means an individual or firm licensed by the Commonwealth of Virginia to practice electrical engineering.

Eligible facilities request means any request for modification of an *eligible support structure* that does not substantially change the physical dimensions of such structure, involving:

1. Co-location of new transmission equipment;
2. Removal of transmission equipment;
3. Replacement of transmission equipment.

Eligible support structure means a wireless facility or base station as defined in this section, provided it is existing at the time the application is filed with the County, which is eligible for co-location.

Employees of adult oriented businesses shall mean an individual working or performing services for any adult business, including any independent contractor who provides services on behalf of any adult business to the patrons of such business, whether or not the individual receives any remuneration, gratuity, or tips of any kind, or pays the permittee or manager for the right to perform or entertain in the adult business.

Entity means any natural person, firm, partnership, association, corporation, company or other legal entity, private or public, whether for profit or not for profit.

Equestrian event facility means a type of indoor and/or outdoor facility used for the for the display of equestrian skills and the hosting of events including but not limited to, show jumping, dressage, rodeos, and similar equestrian disciplines. Equestrian event facility may also include uses associated with an equestrian facility and accessory uses such as a clubhouse, dining, snack bar. Such facilities may be open to the public, may be lighted, and may be developed in conjunction with a public stable or developed separately.

Equestrian facility means a facility used for any of the following: (1) equestrian education and/or instruction, (2) boarding, (3) horseback riding and rentals, (4) tack sales as an accessory use occupying no more than two thousand five hundred (2,500) square feet of gross floor area, in conjunction with any of the foregoing activities.

Existing ~~facility~~ structure means any existing or proposed wireless telecommunication facility for which valid county permits ~~has~~ have been issued.

Exterior wall means any exposed non-interior wall of a building including the principal facade.

Family means a group of people living together as a single housekeeping unit consisting of:

- (1) One (1) or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses, or therapists, and no more than two (2) roomers or boarders; or
- (2) No more than three (3) unrelated persons, provided that the foregoing limitation on the number of unrelated persons in a housekeeping unit shall be increased to no more than eight (8) persons, where such persons have a handicap within the meaning of section 3602 of the Fair Housing Act (42 USC 3601, et seq., as amended) and may also include one (1) resident counselor, supervisor or other staff; or
- (3) Any group identified in section 15.2-2291 of the Code of Virginia, or like groups licensed by the Virginia Department of Social Services which otherwise meet the criteria of the Code of Virginia, § 15.2-2291.

Farm Brewery is an establishment licensed as a limited brewery under Virginia Code 4.1-208(2) which may include accessory uses including, but not limited to, an onsite eating establishment and

offices. Usual and customary activities such as production and storage, wholesale or retail sales, tasting rooms and events at such licensed farm breweries shall not be regulated herein except as set forth in Virginia Code 15.2-2288.3:1.

Farm Cannery means an establishment (i) located on a farm in the Commonwealth owned or leased by such cannery or its owner and (ii) agricultural products for the canning operation are grown on the farm, devoted to the production and storage for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by the Code of Virginia and any other applicable law. Such establishments may include accessory uses such as onsite eating establishment, retail sales, office, tasting rooms.

Farm Cidery means an establishment (i) located on a farm in the Commonwealth owned or leased by such cidery or its owner and (ii) agricultural products, including cultivating fruit used by such cidery in the manufacture of its cider, either alcoholic or non-alcoholic, devoted to the production and storage of cider for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by the Code of Virginia and any other applicable law. Such establishments may include accessory uses such as onsite eating establishment, retail sales, office, tasting rooms.

Farm Distillery means an establishment (i) located on a farm in the Commonwealth owned or leased by such distillery or its owner and (ii) agricultural products, including cultivating grains used by such distillery in the manufacture of its distilled spirits, devoted to the production and storage of spirits for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by the Code of Virginia and any other applicable law. Such establishments may include accessory uses such as onsite eating establishment, retail sales, office, tasting rooms.

Farm Juicery means an establishment (i) located on a farm in the Commonwealth owned or leased by such juicery or its owner and (ii) agricultural products, including cultivating fruits and vegetables used by such juicery in the manufacture of juices, devoted to the production and storage of juice for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by the Code of Virginia and any other applicable law. Such establishments may include accessory uses such as onsite eating establishment, retail sales, office, tasting rooms.

Farm Winery is an establishment licensed as a farm winery under Virginia Code 4.1-207(5) which may include accessory uses including, but not limited to, an onsite eating establishment and offices. Usual and customary activities such as production and storage, wholesale or retail sales, tasting rooms and events at such licensed farm breweries shall not be regulated herein except as set forth in Virginia Code 15.2-2288.3. Farm winery to also include the production of fruit wine or honey mead.

Federal Aviation Administration (FAA) means an agency of the federal government that regulates all activities affecting air navigation.

Federal Communications Commission (FCC) means an agency of the federal government that regulates all intrastate, interstate and international wire, wireless, satellite and cable communications.

Feed mill means a type of agricultural processing facility, established as a commercial enterprise engaged in the production of animal feed, which may include storing, processing and milling grain for agricultural use. Ancillary sales of bedding and accessories and farm and garden supplies (such as seed, hardware, pesticides, and fertilizers) to agricultural operations may be permitted.

Feed yard means a type of agricultural processing facility, established as a commercial operation, either part of (accessory to), or near a *livestock exchange*, where livestock are gathered to be fattened for market.

Financial institution means any establishment, to include an unmanned bank teller machine(s) and/or drive through window(s), wherein the primary occupation is concerned with such state regulated businesses as banking, savings and loans, loan companies and investment companies.

Floodplain means those land areas in and adjacent to streams and watercourses subject to continuous or periodic inundation from flood events with a one-percent chance of occurrence in any given year (i.e., the 100-year flood frequency event) and having a drainage area greater than seventy (70) acres.

Floodplains shall include all areas of the county which are designated as a floodplain by the Federal Insurance Administration, by the United States Geological Survey or by the county. Areas designated as floodplains by the Federal Insurance Administration shall not have their base flood elevations altered without prior approval from the Federal Insurance Administration.

Floor area, gross means the sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "gross floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies; and mezzanines.

The term "gross floor area" shall not include cellars, or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. Parking structures below or above grade and rooftop mechanical structures are excluded from gross floor area.

Floor area, net means the sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the centerline of walls separating two (2) or more buildings. The term "net floor area" shall include outdoor display areas for the sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls enclosed or not, truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in fifty (50) percent of such area is less than six (6) feet, six (6) inches. For purposes of determining off-street parking requirements, the term "net floor area" shall exclude cellars used exclusively for storage.

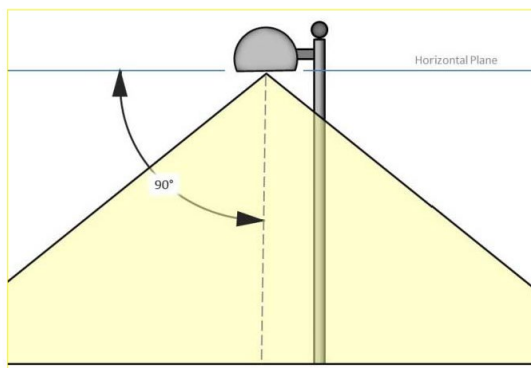
Floor area ratio. Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Forestry, also known as silviculture, means developing, caring for, cultivating forests or timbering operations associated with forest management.

Front yard. See *Yard, front*.

Fuel dispensing service means an establishment where liquids and gases used as motor fuels are stored and dispensed into the fuel tanks of motor vehicles. A fuel dispensing service may include an onsite convenience store.

Full cutoff luminaire means an outdoor light fixture, independently certified by lighting manufacturers, shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane.



Fully shielded luminaire means a fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal. This can be determined by a "field test" or visual assessment of an operating sample, or fixture photographs and/or diagrams.

Funeral home means a facility primarily used for human funeral services. Such a building may contain facilities for: (a) embalming and the performance of other services used in the preparation of deceased human bodies for burial, (b) the storage of caskets, funeral urns, and other related funeral supplies, (c) storage of funeral vehicles, and (e) cremation of deceased human bodies.

Game land preserve, wildlife sanctuary and fish hatchery. A wildlife refuge or areas where human activities are limited and the natural environment is protected and preserved for game, vegetation and fish.

Garden center means a retail and/or wholesale sales establishment with or without a *greenhouse/plant nursery*, for the sale of plants, vegetation, trees and shrubs primarily (more than fifty-one (51) percent) sourced elsewhere or off-site and maintained and cared for onsite temporarily until sale. Accessory retail sales complementary to the primary use, including, but not limited to, (1) florist, (2) garden tools, (3) garden accent items, (4) lawn and garden care items (5) bulk landscaping materials; and, (6) water gardening, including sale of ornamental fish and aquatic plants, are also permitted.

Golf course and clubhouse is a tract of land so designed for at least nine (9) holes for playing the game of golf. Golf course and clubhouse may include accessory uses such as a clubhouse, *golf driving range*, dining, snack bar, pro-shop, or other practice facilities.

Golf driving range means an area or parcel of land which includes golf tee areas and associated facilities, the purpose of which is to practice golf shots. Golf course and clubhouse [driving range] may include accessory uses such as a clubhouse, dining, snack bar, pro-shop.

Grade means a reference plane representing the average of finished ground level adjoining a building at all exterior walls.

Grade plane. See definition of *Grade*.

Greenhouse, commercial means a type of horticulture, floriculture, hydroponic cultivation or aquaculture growing operation within a *greenhouse/plant nursery* and wholesale sales and distribution. Accessory offices and retail sales of such of *greenhouse, commercial* products are also permitted.

Greenhouse/plant nursery means a structure or structures, primarily of glass or plastic, in which temperature and humidity can be controlled for the cultivation or protection of plants.

Group home means a type of medical care facility for developmentally disabled persons licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services in which no more than eight (8) mentally ill, mentally retarded or developmentally disabled persons reside with one or

more resident counselors or other staff persons. For purposes of this definition, the current illegal use of or addiction to a controlled substance as defined in Virginia Code § 54.1-3401 is neither a mental illness nor a developmental disability.

Heavy equipment and specialized vehicle sale, rental and/or service establishment means buildings and premises for the sale, rental and servicing of trucks, buses, boats, manufactured homes, trailers and farm and construction machinery or equipment, but not including any vehicle designed primarily for the transportation of nine (9) or less passengers. For the purpose of this chapter, heavy equipment and specialized vehicle sale, rental and service establishments shall not be deemed to include *vehicle sale, rental and ancillary service establishments*; however, vans and recreational vehicles may be sold, rented and serviced.

Height, building means the vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from the curb level if the building is not more than ten (10) feet distant from the front lot line, or from the *grade* in all other cases.

Height, effective building means the vertical distance from that elevation on a lot line where the angle of bulk plane is established to the highest point on any building.

Heliport means an area designed to accommodate all phases of operation of helicopters with suitable space and facilities for a terminal, loading, unloading, service and storage of such aircraft, to include facilities for such accessory uses as are commonly associated with an airport terminal.

Helistop means an area designed to accommodate touch-down and lift-off of helicopters, for the purpose of picking up and discharging passengers or cargo. Such an area shall contain no operation facilities other than one (1) tie down space and such additional facilities as are required by law, ordinance or regulation.

Home enterprise means a low impact home based business within any dwelling unit within zoning districts as permitted including but not limited to uses such as *art and craft studio*, cottage industry, photographic studio, custom gun-smith, schools of special education, beauty parlor or other personal service establishments. Home enterprise may include access by employees, customers or clients, subject to use limitations as defined. Such operations are clearly incidental and subordinate to the principle residential use permitted on the parcel, subject to development standards as established in chapter 23, division 4A, Home enterprises.

Home occupation means low impact home based business activities for individuals within any *dwelling* such as but not limited to home office, artist space, home crafts, internet sales, completely contained within residential dwellings that chiefly serve as a place of residence, subject to development standards as established in chapter 23, division 4, Home occupations.

Home Owners Association means a common interest community association registered with the Virginia Department of Professional and Occupational Regulation (as defined under Sec. 55-510 et. seq. of the Code of Virginia).

Hospital means an institution for health care providing patient medical testing and treatment for the sick, aged or infirmed, including care of mental illness, drug and alcohol addiction cases by specialized staff and equipment, providing both inpatient and outpatient medical care services in the treatment of a wide variety of medical conditions. Such an institution is largely staffed by professional physicians, surgeons and nurses. This terminology shall include, but not be limited to mental health sanitariums.

Hotel, motel means a building or portion thereof or a group of buildings which provide sleeping accommodations in six (6) or more separate units or rooms for transients on a daily, weekly or similar short-term basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, tourist home or otherwise. A hotel or motel shall be deemed

to include any establishment which provides residential living accommodations for transients on a short-term basis, such as an apartment hotel. A hotel or motel may contain one (1) or more eating establishments as a subordinate use, provided that such establishment is located within the principal hotel/motel structure.

Hydroponic cultivation means a method of growing plants using mineral nutrient solutions, in water, without soil.

Impounding structure means a man-made structure, whether a dam across a water course or other structure outside a watercourse, used or to be used to retain or store waters or other materials as defined by Code of Virginia, § 10.1-604.

Indoor, commercial recreation/athletic facility means an indoor sports building or activity facility in which are conducted recreational, therapeutic or athletic activities, whether or not under instruction. These include, but are not limited to, the following: roller or ice skating rink, batting cages, bowling alley, miniature golf, golf driving range, shooting ranges, tennis and other court games, swimming, aerobics and weight lifting, canine, feline, companion animal sporting event or exhibition, excluding livestock or *equestrian event facility*, but does not include *billiard hall*, bingo or dance hall.

Industrial/flex means any structure occupied by two (2) or more of the following uses: contractor's offices and shops; establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products; warehousing establishments; wholesale trade establishments; and offices; provided however that the combined area of all office, both as a principal use and as an accessory use, shall not exceed thirty-five (35) percent of the total gross floor area of the structure. For the purpose of this chapter, when any of the above uses are permitted by right in the applicable zoning district, such uses may be combined within a single structure in accordance with the provisions of that district, and shall not be deemed industrial/flex.

Industry, type I means enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Included are assembly of electrical appliances, bottling and printing plants, brewery, winery, cidery, distillery, and the manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents and other chemical production of items made of stone, metal or concrete.

Industry, type II means enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Included in this use type are industries involved in processing and/or refining raw materials such as chemicals, rubber, wood or wood pulp, forging, casting, melting, refining, extruding, rolling, drawing, and/or alloying ferrous metals, and the production of large durable goods such as automobiles, manufactured homes, or other motor vehicles.

Industry, type III means an establishment which has the potential to be dangerous or extremely obnoxious. Included are those in which explosives are stored, petroleum is refined, natural and liquid gas and other petroleum derivatives are stored and/or distributed in bulk, radioactive materials are compounded, pesticides and certain acids are manufactured, and hazardous waste is treated or stored as the establishment's principal activity.

Integrated photovoltaic material or *integrated PVM* means photovoltaic material incorporated into building materials, such as shingles.

Junk yard means the use of any space, whether inside or outside a building, for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof; provided that this definition shall not apply to outside storage as permitted as an accessory use as provided for in this chapter. A junk yard shall also be inclusive of an *automobile graveyard* as defined herein.

Kenel means any establishment in which five (5) or more canines, felines, or hybrids of either are kept for the purpose of breeding, training, renting, buying, boarding, selling, or showing for the purpose of sale or rental.

Lamp means the component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

Land disturbance activity as defined in chapter 8, erosion and sediment control, Spotsylvania County Code, including the disturbance of land areas two thousand five hundred (2,500) square feet in size or more. The term shall not include minor activities such as home gardening, planting of trees and shrubs and home maintenance.

Landfill means a disposal site in which refuse and earth, or other suitable cover material are deposited and compacted in alternating layers of specified depth.

Live entertainment, indoor shall mean entertainment or concert venues located within an enclosed building intended for musical performances, music played by disc jockeys, public speaking, performance art including dancing, modeling and similar uses, or comedy performances, whether operated for profit or not, providing live performances, entertainment, including dance halls/dance clubs, and bingo halls, but not including adult oriented business as defined herein. Outdoor deck or patio entertainment events may also be held accessory to the primary use.

Live entertainment, outdoor shall mean any permanent commercial establishment, excluding *civic and sports arena*, where concerts, theater arts, movies or any other type of entertainment is provided outside a fully enclosed building in structures such as but not limited to a band shell or pavilion, outdoor stage. Live entertainment, outdoor shall be limited to no more than one thousand five hundred (1,500) attendees and shall not include music festivals or other outdoor special events of a temporary and/or infrequent nature, regulated elsewhere in chapter 3, article 2, Outdoor music or entertainment festivals.

Livestock includes all domestic or domesticated: bovine animals, equine animals, ovine animals, porcine animals, cervidae animals, caprae animals, animals of the genus lama, ratites, enclosed domesticated rabbits or hares raised for food or fiber, or any other individual animal specifically raised for food or fiber, except companion animals as defined in § 3-2.6500, Code of Virginia.

Livestock exchange means a type of agricultural processing facility, established as a commercial operation in which the public may consign livestock for sale by auction open to public bidding, or sold on a commission basis. Such use may include accessory uses, such as an eating establishment, for which service is generally provided for the convenience of patrons of the primary use itself. A *feed yard*, if part of the same operation, can be accessory to a *livestock exchange*.

Lot for the purpose of this chapter, a parcel of land that is designated at the time of application for a special permit, a site plan, a building permit, or occupancy permit, as a tract all of which is to be used, developed or built upon as a unit under single ownership. A parcel of land shall be deemed to be a lot in accordance with this definition, regardless of whether or not the boundaries thereof coincide with the boundaries of lots or parcels as shown on any map of record.

Lot area means the total horizontal area included within the lot lines of a lot.

Lot boundary. Same as *Lot line* as defined herein.

Lot, cluster subdivision. See *Subdivision, cluster*.

Lot, conventional subdivision. See *Subdivision, conventional*.

Lot, corner means a lot at the junction of and abutting on two (2) or more intersecting streets when the interior angle of intersection does not exceed one hundred thirty-five (135) degrees; provided, however, that when one of the intersecting streets is an interstate highway, the resultant lot shall not be deemed a corner lot.

Lot depth means the average horizontal distance between the front and rear lot lines.

Lot, interior means any lot, including a through lot, other than a corner lot.

Lot line means any boundary line of a lot as defined herein. Where applicable, a lot line shall coincide with a *street line*. Where a lot line is curved, all dimensions related to said lot line shall be based on the chord of the arc.

Lot line, front means a street line which forms the boundary of a lot; or, in the case where a lot does not abut a street other than by its driveway, or is a through lot, that lot line which faces the principal entrance of the main building.

Corner lots shall be considered to have two (2) fronts and are subject to front yard requirements for both fronts. Rear yard requirements shall apply to the yard opposite the shorter front street line; the remaining yard shall be considered a side yard and shall be subject to side yard requirements.

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

Lot line, side means a lot line which is neither a front lot line nor a rear lot line as defined herein.

Lot, pipestem means a lot approved in accordance with the provisions of the subdivision ordinance which does not abut a public street other than by its driveway which affords access to the lot.

Lot, reverse frontage means a residential through or corner lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major thoroughfare.

Lot, through means an interior lot, but not a corner lot, abutting on two (2) or more public streets, but not including an alley. For the purpose of this chapter, a through lot shall be subject to the regulations of an *interior lot*.

Lot width means the width of a lot along a line parallel to the front street line and lying at a distance from said street line equal to the required minimum front yard on said lot.

In the case of a lot which has an area in excess of five (5) acres, the width may be measured at any point where the minimum lot width is at least two hundred (200) feet, provided that such point shall also be where the front yard is established by location of the principal structure.

Lumberyard means a type of agricultural processing facility including area and structures used for the storage of any of lumber, either finished or rough cut, for transport to other locations, wholesale or retail sale from site.

Luminaire means a complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

Manufactured home. See *Dwelling, manufactured home*.

Manufactured home park means any area of fifteen (15) acres or more, however designated, that is occupied or designed for occupancy by one (1) or more manufactured homes.

Marina, dock and boating facility, commercial. A marina, dock, or bating facility designed and intended to be used for mooring and launching of boats, hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, personal services, fueling facilities, and storage or any combination of these are provided.

Medical care facility means any specialized institution, place, building, or agency, whether or not licensed or required to be licensed by the state board of health or the state hospital board, by or in which

facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical. This terminology shall include, but not be limited to medical clinic, medical laboratory, cosmetic surgery and laser center, oral surgery center, urgent and outpatient care center, whether operated for profit or nonprofit, and whether privately owned or operated by a local government unit. This definition shall not include a physician's office, dentist's office, assisted living facility, nursing home, group home, hospital or a first aid station.

Medical clinic means a type of medical care facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. Medical clinic includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

Medical laboratory means a type of medical care facility in a building or part thereof devoted to bacteriological, biological, x-ray, pathological and similar analytical or diagnostic services to medical doctors or dentists including incidental pharmaceuticals; and production, fitting and/or sale of specialized or custom medical devices.

Micro-brewery, winery, cidery, distillery means a type of small scale brewery, winery, cidery, distillery where the primary use is the production of alcoholic beverages including beer, wine, cider, or other spirits on site for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by the Code of Virginia or other applicable law. Beer production capacity shall not to exceed fifteen thousand (15,000) barrels per year. Production of distilled spirits, wine, or alcoholic cider shall not exceed twenty thousand (20,000) gallons per year. Permitted accessory uses may include accessory uses such as onsite eating establishment, brewpub, retail sales establishment, office, tasting rooms and uses as otherwise permitted in the zoning district.

~~*Mini/micro cell* means an antenna support structure not exceeding eighty (80) feet in height.~~

~~*Micro wireless facility* means a wireless facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height; and any exterior antenna no longer than eleven (11) inches.~~

Mini-warehousing establishment means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods, or contractors' supplies.

Miniature golf means an establishment for golf designed on a miniaturized scale and which may include accessory structures in which an accessory office, snack bar, facility for the retail sale of golf-related items and supplies, and video games or a video arcade may be located.

Mitigate means to reduce or eliminate adverse impacts.

Modular unit. See *Dwelling, modular unit.*

Motel. See *Hotel.*

Motor freight terminal means terminals with the capability of handling a large variety of goods involving various forms of transportation and providing multimodal shipping capabilities, such as rail to truck, ship to truck, and truck to air.

Multi-tenant complex is a group of buildings either housing one (1) tenant with multiple structures or multiple tenants on one (1) parcel. A multi-tenant complex is characterized by multiple buildings under one (1) controlling body. Government and university campuses are examples of multi-tenant complexes.

Multi-tenant structure is a structure with more than one (1) occupant, characterized by multiple exterior entrances into the structure. Office buildings (or non-residential condominiums) and strip malls with separate tenant spaces are examples of multi-tenant structures.

Non-contributing building, structure, or landscape means a building, structure, or landscape that does not add to the historic architectural qualities, historic associations or archaeological values for which a property is significant because it was not present during the period of significance or does not relate to the documented significance of the district; or due to alterations, disturbances, additions or other changes, it no longer possesses historic integrity, cultural value, or is capable of yielding important information about the period.

Nude means any state of dress less than seminude.

Nursing home means a type of medical care facility for extended or intermediate care for persons of advanced age, chronic illness, convalescent or infirmity are unable to care for themselves.

Office means any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, computer programmers, financial advisors, auditors, travel agents, real estate brokers, insurance agents, dentists or physicians, psychologists, urban planners and landscape architects.

Any use shall be deemed an office use which: (a) involves the administration and conduct of investigation, examination or experimentation, but which does not include the operation of laboratory facilities, pilot plants, prototype production, or the assembly, integration, testing, manufacture or production of goods and products on-site; or (b) involves prototype production limited to computer software development, demographic and market research, technical or academic consulting services, data processing facilities, and data centers. Office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises unless such activities are otherwise permitted within the zoning district. Veterinary hospital/services shall not be deemed to be an office use.

Office building means a building used for conducting the affairs of a business, service, industry, or government.

Office complex means a tract of land that contains two (2) or more buildings designed and constructed for occupancy of, or occupied by, general, medical/dental and/or professional businesses and/or personnel.

Open air market means a site where outdoor stalls, booths, tables and/or the like that may be set aside and rented or otherwise provided that are intended for use by various retail vendors at which articles that are either homemade, homegrown (farmers market), handcrafted, antique, or collectible are displayed and sold.

Open space means that area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Open space may include, but need not be limited to lawns, decorative planting, walkways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, undisturbed natural areas, agriculture, wooded areas, water bodies and those areas where landscaping and screening are required by the provisions of article 5, division 5; provided, however, that the area required for

interior parking lot landscaping shall not comprise more than twenty-five (25) percent of the total required open space; and provided further, however, that the area within wetlands, resource protection areas, floodplains and slopes greater than fifteen (15) percent shall not comprise more than fifty (50) percent of the total required open space. Open space shall not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, nor areas so located or so small as to have no substantial value for the purposes stated in this definition. Within a residential subdivision, open space shall be composed of only those areas not contained in individually owned lots. In cluster subdivisions, the limitations related to slopes and to vehicular surfaces for the purpose of access to the cluster development shall not apply.

Open space, landscaped means that open space within the boundaries of a given lot that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to lawns, decorative planting, flower beds, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural or artificial objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

Outdoor luminaire means a luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign, except that it does not include an internally illuminated sign.

Outdoor sports and recreation, commercial means a commercial sports or activity establishment open to the general public in an open or partially enclosed or screened facility; these include but are not limited to: batting and pitching cages, hard and soft courts, swimming pools, water slides, go-carts, pony rides, and ice skating rinks, canine, feline, companion animal sporting event or exhibition, excluding livestock or equestrian event facility, competitive racing facilities, shooting ranges, paintball or similar game fields.

Parking, commercial off-street means a facility, lot or structure used for the sole purpose of parking operative motor vehicles.

Personal service establishment means any building wherein the primary occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this chapter, personal service establishments shall include but are not limited to barber shops, beauty parlors, tanning salons, day spas, tattoo parlors, piercing studio, pet grooming establishments, laundering, cleaning and other garment servicing establishments, tailors, dressmaking shops, shoe cleaning or repair shops, and other similar places of business; but not including offices of physicians, dentists, and veterinarians, or dry cleaning plants or laundries containing more than three thousand (3,000) square feet of net floor area devoted to cleaning, processing, etc., or linen or diaper service establishments.

Photovoltaic material or *PVM* means materials and devices that absorb sunlight and convert it directly into electricity.

Piercing studio shall mean any establishment where the piercing of body parts is performed for purposes of allowing the insertion of jewelry.

Pipestem driveway means a driveway or means of access to a lot or several lots which do not abut a street other than by the pipestem driveway which is a part of the lot(s).

Pipestem lot. See *Lot, pipestem.*

Place of worship means a use located in permanent building(s) and providing regular organized religious worship and related incidental activities, except primary or secondary schools and child day care centers.

Principal use means the main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this ordinance.

Private school means a school primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, dance, linguistic, scientific, religious, or other subjects, but not including (a) a child care center or adult day care center; or (b) a riding school, however designated. Private school may also include offering space for public assemblies including but not limited to community meetings, services as an accessory use.

Property owner means any entity with fee simple title to any parcel of land within the county.

Public facility/use means any area, building or structure held, used or controlled exclusively for public purposes by any department or branch of the Federal Government, Commonwealth of Virginia, or the county government under the direct authority of the board of supervisors, without reference to the ownership of the building or structures or the realty upon which it is situated. For the purpose of this chapter, uses sponsored by agencies such as the industrial development authority, the social services department or the juvenile court shall not be deemed public uses and shall be subject to the applicable zoning ordinance provisions for the proposed use; provided, however, if such uses are implemented under the direct authority of the board of supervisors, they shall be deemed public uses.

Public school means any area, building or structure held, used or controlled for public education purposes by the Spotsylvania County School Board. Public school may also include offering space for public assemblies including but not limited to community meetings, services as an accessory use.

Public street. See *Street, public*.

Public utility means a business or service having an appropriate franchise from the state, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, water, transportation or communications.

Public utility, heavy means the following shall be deemed to be heavy public utilities:

1. Electrical generating plants and facilities.
2. Sewage treatment and disposal facilities.
3. Solid waste disposal and treatment facilities including incinerators and landfills.
4. Storage facilities for natural gas, oil and other petroleum products.
5. Supply yards for any public utility.
6. Water purification facilities.
7. Local office space and maintenance facilities incidental to any use set forth above.

Public utility, light means the following shall be deemed to be light public utilities:

1. Electric substations and distribution centers including transformer stations.
2. Natural gas, oil and other petroleum product metering, regulating, compressor, control and distribution stations, and local office space incidental thereto and necessary for the operation of such station, but not including any storage facilities.
3. Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations.
4. Sewerage pumping facilities.

5. Utility transmission facilities, including but not limited to poles, structures, wires, conduits, cables, vaults, laterals, pipes, mains, valves or other similar equipment for the transmission of telephone or other communication, electricity, gas or water.

For the purpose of this part, utility transmission facilities shall not include:

- (a) Ordinance distribution facilities for delivery of such utilities to customers where such facilities are located in the public right-of-way or are located in easements, or strips of property owned in fee simple not more than twenty-five (25) feet in width; or
 - (b) Transmission lines approved by the state corporation commission pursuant to section 56-46.1 of the Code of Virginia, as amended.
6. Water storage, control, and pumping facilities.
 7. Mobile and land based telecommunication facilities.

Quasi-public park, playground, athletic field and related facility means a use owned or operated by a nonprofit or religious institution and providing educational, recreational or similar types of programs.

Railroad station/depot/terminal means a transportation facility used for the loading and unloading of passengers and/or passenger luggage from railroad cars and temporary parking of rail cars and engines, incidental to the primary use.

Railway yard means an area having a network of railway tracks and sidings for the storage, loading and unloading of bulk goods in transport, maintenance, and switching of railroad cars and engines.

Rear yard. See *Yard, rear*.

Recreational vehicles means a vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recycling collection center means a lot or parcel of land, with or without buildings, upon which used recyclable materials are collected from the general public, are separated and shipped to a landfill, recycling plant or other similar facility.

Recycling plant means a facility in which recyclables, such as newspapers, magazines, books and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may be used again in new products.

Religious retreat center means a facility, owned and operated by a non-profit corporation, at which said corporation provides services, including food and lodging, for religious retreats consisting of such customary religious retreat activities as quiet prayer, meditation, study, discussion, worship and contemplation. Each retreat shall be under the personal direction of (i) a cleric or member of a religious order, or (ii) a spiritual director, pastoral counselor or religious retreat master, all of whom shall be certified by an accredited college, university or seminary to conduct religious retreats.

Repair service establishment means any establishment containing no more than five thousand (5,000) square feet of net floor area wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, sewing machines, computers, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors, refrigerators and lawnmowers not exceeding five (5) horsepower; or any establishment wherein the primary occupation is interior decorating services which include reupholstering and/or the making of draperies, slipcovers and other similar articles, but not to include furniture or cabinet-making establishments. Repair service establishments shall not include the use of more than three (3) vehicles other than passenger cars.

Restaurant. See *Eating establishment*.

Retail sales means the sale of goods, merchandise and commodities for use or consumption by the immediate purchaser.

Retail sales establishment means any establishment wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. This term shall also include establishments such as television and tool rental establishments and photographic and portrait studios, convenience stores. For the purpose of this chapter, however, retail sales establishment shall not be deemed to include *heavy equipment and specialized vehicle sale, rental and/or service establishments, vehicle, light service establishments, or vehicle sale, rental and ancillary service establishments.*

Reverse stacking means extending the height of a tower in order to accommodate co-location starting with the lowest height possible.

Road. See *Street*.

Rooming/boarding houses means a residential use in which: (a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or (b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A *rooming/boarding house* shall not include a use that meets the definition of a *hotel, motel, dormitory, fraternity, sorority house or other residence hall, bed and breakfast, nursing home, convent, monastery, seminary and nunnery.* A *rooming/boarding house* may either involve or not involve the providing of meals to residents. A *rooming/boarding house* shall primarily serve persons residing on-site for five (5) or more consecutive days.

Sawmill means a type of agricultural processing facility intended for processing of raw timbers into usable wood products including but not limited to lumber, planks, posts, poles, paneling or shavings. Sawmill may also include lumberyard.

Scientific research and development establishment means a facility for investigation into the natural, physical, or social sciences, which may include engineering and product development.

Seasonal wayside stand means the sale from a structure to the public of crafts and agricultural products grown or collected on the parcel on which the stand is located, or on a contiguous parcel under the same ownership. The stand shall have direct access to a public road and be on one (1) ground floor which shall not exceed two hundred fifty (250) square feet. The stand shall not provide facilities for on-premises food consumption by the public nor for public seating, but may provide overhead shelter of customers while they are inspecting or purchasing goods. The stand shall be open to the public on at least one (1) side, which may be by way of doors or other openings in a wall. The stand shall be closed at least three (3) months of the year. The stand may be of a permanent or nonpermanent construction.

Seminude means any state of dress with less than completely and opaquely covered male and/or female pubic region, buttocks, or female breasts below a point immediately above the top of the areolae excepting any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areolae are not exposed, but under no circumstances less than completely covered male and/or female genitals, anus, or areolae of the female breast.

~~*Secondary support structure* means any structure designed primarily for other purposes that can be utilized to support antennae including but not limited to buildings, power transmission towers, church steeples, light poles, water storage tanks, smoke stacks and silos.~~

Setback. Except for division 28, Mixed use district, in this chapter the term setback is not used, as such term represents a distance that is established in like manner as that for a *yard*.

Shopping center means any group of two (2) or more commercial uses which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under common ownership or are subject to reciprocal parking and ingress and egress agreements or easements; (c) are connected by party walls, partitions, canopies or other structural members to form one (1) continuous structure, or if located

in separate buildings, are interconnected by common parking areas, travel lanes, walkways or accessways designed to facilitate customer interchange between the uses on-site; (d) share common points of vehicular access; and (e) otherwise present the appearance of one (1) continuous commercial area. For the purpose of this chapter, a grouping of predominantly office uses which meet the characteristics specified herein shall not be deemed to be a shopping center.

Side yard. See *Yard, side*.

Sight triangle means a triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign means any display of letters, words, numerals, figures, devices, emblems or pictures or any combination thereof, by any means which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in area is excluded from this definition.

Sign, building-mounted means any sign affixed to a building. A sign, tenant is a type of a sign, building-mounted.

Sign, electronic or digital display means any portable or permanent sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged electronically through light, digital, LED or other display.

Sign, freestanding means any permanently mounted monument or pylon sign not attached to a building facade.

Sign, ground-mounted means any sign affixed to or supported off of the ground. A sign, monument is a type of a sign, ground-mounted.

Sign, monument means a permanent, freestanding sign mounted on a base or other supports and where the bottom of the sign face is located within three (3) feet or less of ground level.

Sign, pinnacle means a sign, building mounted placed on the exterior wall of the top floor or parapet above the top floor of a multi-story building within a single uniform horizontal band running the length of an exterior wall to advertise primary tenants or building name. Roof signs shall not be considered sign, pinnacle.

Sign, pylon means a freestanding sign supported from the ground by one or more supports where the sign face is mounted on the top of the support.

Sign, roof means a sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, temporary means any sign, valance, or advertising display constructed of plastic, cardboard, wallboard or other materials with or without frames intended to be displayed for a period of not more than sixty (60) consecutive days.

Sign, tenant means a permanent, building-mounted sign, not exceeding one (1) square foot in size. A sign, tenant is used to demarcate an entrance to or the tenants of a building.

Silviculture. See *Forestry*.

Site plan means the proposal for a development or subdivision, except:

- (i) Individual single-family detached dwellings, and

- (ii) Accessory structures where the land disturbance is less than two thousand five hundred (2,500) square feet, including all covenants, grants or easements and other conditions relating to use location and bulk of buildings, density of development, common open space, public facilities and other information as required by the zoning ordinance to which the proposed development is subject.
- (iii) Building or structure additions that disturb less than two thousand five hundred (2,500) square feet unless it amends other site features or utilities, which shall require a minor site plan.

Site plan, building addition is a plan for modification to an existing building or structure that disturbs less than two thousand five hundred (2,500) square feet, and does not require amendments to parking, landscaping, or the extension of public water or sewer lines and may be completed with approval of building plans, zoning use approval, and meeting the Chesapeake Bay water quality standards.

Site plan, linear trail is a plan for land disturbance of equal to or greater than two thousand five hundred (2,500) square feet exclusively for trail construction. A plan that includes parking or accessory structures shall be submitted as a site plan, major or minor.

Site plan, infrastructure is a plan which demonstrates that all required infrastructure is feasible within the proposed project and that shows the location of all property lines, topography, and monuments and the possible locations of rights-of-way, water and sewer lines, and vehicle and pedestrian access.

Site plan, major is a plan for development, redevelopment, or accessory structures where the land disturbance is equal to or greater than ten thousand (10,000) square feet.

Site plan, minor is a plan for development, redevelopment, or accessory structures where the land disturbance is equal to or greater than two thousand five hundred (2,500) square feet but less than ten thousand (10,000) square feet and for development projects proposing modification to public water and sewer lines, access onto a public right-of-way, or parking.

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

Solar energy facility or *SEF* means a renewable energy facility that generates electricity from sunlight, consisting of one or more photovoltaic material (PVM) systems and other appurtenant structures and facilities within the boundaries of the site, and which is interconnected with the local transmission or distribution system for the purposes of wholesale electric generation. A solar energy facility shall not include net metered solar energy systems installed in accordance with the Code of Virginia, § 56-594.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered:
 - (a) Human genitals, pubic region;
 - (b) Buttock; and
 - (c) Female breast below a point immediately above the top of the areola.

- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

- (1) Human genitals in a stage of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stealth technique means any technique designed to conceal or disguise wireless telecommunication facilities.

Storage yard means a facility used for outdoor storage of products as delineated on an approved site plan.

Street means a strip of land intended primarily for vehicular traffic and providing the principal means of access to property, including but not limited to road, lane, drive, avenue, highway, boulevard, or any other thoroughfare.

Street line means the dividing line between a street and a lot; same as a right-of-way line of a public street, or the curb line of a parking bay, travel lane or private street.

Street, private means a local or collector street, not a component of the state primary or secondary system, which is guaranteed to be maintained by a private corporation and is subject to the provisions of the Design Standards Manual.

Street, public means a platted street, dedicated for the use of the general public, graded and paved in order that every person has the right to pass and to use it at all times, for all purposes of travel, transportation or parking to which it is adapted and devoted.

Structure means that which is built or constructed. The term "structure" shall be construed as though followed by the word "or parts thereof."

Structural alteration means a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

Structural engineer means an individual or firm licensed by the Commonwealth of Virginia to practice structural engineering.

Subdivider means any person who subdivides land pursuant to chapter 20 of this Code, the subdivision ordinance.

Subdivision means the land subdivided as defined in chapter 20 of this Code, the subdivision ordinance, and when appropriate to the context, the process of subdividing or resubdividing.

Subdivision, cluster means an alternate means of subdividing a lot premised on the concept of reducing lot size requirements for the provision of open space within the development, all in accordance with the provisions of article 6 of this chapter.

Subdivision, conventional means a conventional subdivision of a lot in accordance with the lot size requirements and bulk regulations specified in the district regulations.

[Substantial change in the context of wireless telecommunications means a modification which substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:](#)

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for the other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater;
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
3. For any eligible supportive structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site, except that, for towers other than towers in the public right-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than thirty (30) feet in any direction. The site boundary from which the 30 feet is measured excludes any access of utility easements currently related to the site;
5. It would defeat the concealment elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds of identified (1) – (4) of this definition.

Summer camp means any area or place, which is operated or used (1) for the entertainment, education, recreation, religious instruction or activities, physical education or health of persons under eighteen (18) years of age, or (2) for the bona fide members of a civic, charitable or fraternal organization exempt from state or federal taxation.

Tannery means a type of agricultural processing facility where hides are tanned to make leather.

Tasting room means a facility, or portion of a facility, accessory to a brewery, winery, cidery, distillery, cannery where customers may sample the manufacturer's products.

Tattoo parlor means a type of personal service establishment involving the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

Telecommunications tower means any self-supporting lattice, guyed, or monopole structure that is designed and constructed for the purpose of supporting one (1) or more telecommunication facilities and equipment utilized by commercial telecommunication companies, governmental, or other public and quasi-public users, including all infrastructures and equipment including but not limited to antenna support structures, antennae, transmission cables, equipment shelters, equipment cabinets, utility pedestals, ground systems, fencing, signage and other ancillary equipment associated with the transmission or reception of radio frequencies. The term "tower" does not include commercial or home use radio and television antennas and supporting structures, satellite dishes or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission. These shall be considered as accessory uses and structures.

Telecommunications tower means any structure built for the sole or primary purpose of supporting FCC-licensed or FCC-authorized antennas and their associated facilities, including structures that are constructed for wireless communications services. This include, but is not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwaves. May also be referred to as wireless support structure.

Temporary wireless facility is a support structure or antenna less than one hundred thirty (130) feet in height that is erected for ninety (90) consecutive days or less within a 365-day period.

Theater means a building or structure designed for the enactment of dramatic performances and/or showing of motion pictures. For the purpose of this ordinance, a dinner theater shall be deemed an eating establishment and a drive-in motion picture theater shall be deemed a separate and distinct use as defined herein.

Tower developer means any entity that develops structures for the purpose of leasing space to entities operating antennae.

Transportation facility means a facility for the purpose of repair, storing or dispatching of fleet vehicles for either public or private transportation needs.

Truck stop means any building, premises, or land involving the maintenance, servicing, storage, or repair of commercial vehicles including the dispensing of motor fuel or other petroleum products directly into commercial motor vehicles and the sale of accessories or equipment for trucks or other similar commercial vehicles. A truck stop may also include overnight accommodations and/or restaurant facilities primarily for the use of truck crews and accessory retail sales.

Use means any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in or on a structure or on a tract of land.

Use, accessory. See *Accessory use*.

Use, public. See *Public use*.

Vehicle, light service establishment means buildings and premises wherein the primary use is the sale, servicing, repair and/or installation of motor vehicle and boat accessories, such as the following: sparks plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiper blades, grease retainers, wheel bearings, and mirrors. Vehicle light service establishments may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor. Uses permissible at a *vehicle light service establishment* shall not include major mechanical and body work, the repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. Accessory retail sales are permitted provided that they are associated with such business.

Vehicle major service establishment means buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Vehicle light service establishments may be permitted as an ancillary use, however, vehicle major service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments. Accessory retail sales are permitted provided that they are associated with such business.

Vehicle sale, rental, and ancillary service establishment, large scale means any use of two (2) acres or greater of land whereon the primary occupation is the sale, rental, and ancillary service of vehicles in

operating condition including, but not limited to, automobiles, motorcycles, ambulances, taxicabs, vans, and recreational vehicles.

Vehicle sale, rental, and ancillary service establishment, small scale means any use of fewer than two (2) acres of land whereon the primary occupation is the sale, rental, and ancillary service of vehicles in operating condition including, but not limited to, automobiles, motorcycles, ambulances, taxicabs, vans, and recreational vehicles.

Veterinary hospitals/services means a place where animals are given medical care and may include the boarding of animals as a secondary use. This use includes veterinary clinics.

Viewing area means any area within an adult oriented business where a motion picture, film, videotape, moving picture, live entertainment, live exhibition or performance is taking place, being shown, and/or viewed. Viewing area shall also include an adult booth.

Warehouse means a building used primarily for the holding or storage of goods and merchandise. For the purpose of this chapter where a warehousing establishment is permitted a mini-warehousing establishment shall also be permitted.

Wayside stand means a temporary structure or use designed for the retail sale of agricultural products, subject to the following limitations:

1. Shall be permitted only on a lot containing at least two (2) acres.
2. Structures shall not exceed four hundred (400) square feet in gross floor area.
3. Shall be permitted only during crop-growing season, and such structures shall be removed except during such season.
4. Shall be for the expressed purpose of sale of agricultural products grown on the same property, or the sale of products of approved home occupations conducted on the same property. For the purpose of this chapter, plants which are balled, burlapped and bedded shall not be considered as growing on the same property.
5. Shall be located so as to provide for adequate off-street parking spaces and safe ingress and egress to the adjacent street.
6. Notwithstanding the provisions of article 5, division 8, a wayside stand may have one (1) building-mounted sign, mounted flush against the stand, which does not exceed ten (10) square feet in area, but no other signs shall be permitted.
7. A tent may not be used as a wayside stand.

Wetland mitigation bank means an area of land on which wetlands are to be restored, created, enhanced or preserved in a manner that will qualify the land for the purpose of engaging in the sale, exchange or transfer of wetlands mitigation credits required by federal or state authorities to compensate for adverse impact to wetlands. This definition shall not include wetlands mitigation banks owned and controlled by the United States, the Commonwealth of Virginia, the county, or any department or agency thereof.

Wholesale sales means the sale of goods, merchandise and commodities in gross, primarily for purposes of resale.

Wholesale trade establishment means any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers. For the purpose of this chapter, a warehouse shall not be deemed a wholesale trade establishment.

Width, lot. See *Lot, width*.

Wildlife refuge. See *Game preserves, wildlife sanctuaries and fish hatchery.*

Winery means a facility utilized for growing or processing grapes into wine for bottling, tasting and selling.

Wireless facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

Wireless services means (i) "personal wireless services" as defined in U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

Wireless service provider means any entity providing commercial mobile radio services a provider of wireless services.

Wireless support structure means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

Wood by-products means a substance, which is principally composed of woody materials such as stumps, logs, limbs, brush, leaves, and similar items that can be chipped or ground into smaller components.

Wood by-products recycling center means a type of agricultural processing facility in a building and/or associated land area and equipment primarily used for the processing of wood by-products into mulch, wood chips, topsoil and similar materials. On-site retail sales of the processed materials and other similar commodities such as sand, gravel and rock shall be considered an auxiliary use.

Yard means any open space on the same lot with a building or building group lying between the building or building group and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such open space by the provisions of this chapter. On any lot which is occupied by an attached dwelling, no minimum required yard shall be occupied by any part of a vehicular travel way or parking space that is owned and maintained by a homeowner's association, condominium, or by the public.

For the purpose of this chapter, there shall be a distinction between "yard" and "minimum yard required." The minimum yard requirements set forth in this chapter represent that minimum distance which the principal building(s) shall be set back from the respective lot lines.

On a non-residential lot where a service drive is to be dedicated to the county or to the department of highways and transportation, such dedication shall not affect the applicable minimum yard requirements. The minimum required yard shall be established from the original lot line, except in no instance shall a building be erected closer than fifteen (15) feet from the nearest street line.

In instances where future roadway improvement plans have been listed on the VDOT Primary or Secondary Road 6-year Improvement Plan, Comprehensive Plan, or are on a county approved road bond project list, for the widening, opening, or relocation of any street or highway within the county, it shall be

required that the minimum yard required for any new construction be calculated based on the planned right-of-way in order to protect and preserve the right-of-way for such proposed street or highway. The zoning administrator may consider modifications to minimum front, rear, or side yards on a case by case basis in instances where it compromises the by-right development, code compliance of a lot.

Yard, front means a yard extending across the full width of a lot and lying between the front lot line and the principal building.

On a corner lot, the two (2) yards lying between the principal building and the intersecting streets shall both be deemed to be front yards.

On a through lot, the two (2) yards lying between the principal building and the two (2) or more public streets shall be deemed to be front yards and shall be controlled by the provisions for same, except as qualified in section 20-5.2.1, subdivision regulations for residential lots having reverse frontage, and except in those instances where one (1) of the public streets is an alley. On a pipestem lot or a lot abutting a pipestem driveway, any yard contiguous to the pipestem driveway shall be deemed a front yard and shall be subject to the provisions of article 6 of this chapter.

Yard, privacy means a small area contiguous to a building and enclosed on at least two (2) sides with either a wall or fence of six (6) feet minimum height.

Yard, rear means a yard extending across the full width of the lot and lying between the rear lot line of the lot and the principal building group.

Corner lots shall be considered to have two (2) fronts and are subject to front yard requirements for both fronts. Rear yard requirements shall apply to the yard opposite the shorter front street line; the remaining yard shall be considered a side yard and shall be subject to side yard requirements.

Yard, residential manufactured home park means any open space on the same lot within a manufactured home park lying between any manufactured home or group of manufactured homes or other building or building group and the nearest lot line of a residential manufactured home park parcel, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such open space by the provisions of this chapter.

Yard, side means a yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be.

Zoning administrator means the administrative officer designated by the board to administer the zoning ordinance and issue zoning certificates.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-72, 4-22-97; Ord. No. 23-73, 8-12-97; Ord. No. 23-78, 2-9-99; Ord. No. 23-79, 4-13-99; Ord. No. 23-82, 8-24-99; Ord. No. 23-89, 12-12-00; Ord. No. 23-95, 9-25-01; Ord. No. 23-97, 10-23-01; Ord. No. 23-100, 4-9-02; Ord. No. 23-103, 2-11-03; Ord. No. 23-111, 1-11-05; Ord. No. 23-119, 9-11-07; Ord. No. 23-120, 10-9-07; Ord. No. 23-124, 2-12-08; Ord. No. 23-126, 9-23-08; Ord. No. 23-131, 3-10-09; Ord. No. 23-135, 12-8-09; Ord. No. 23-142, 2-8-11; Ord. No. 23-144, 11-10-11; Ord. No. 23-151, 1-8-13; Ord. No. 23-153, 2-12-13; Ord. No. 23-154, 2-26-13; Ord. No. 23-160, 1-13-15; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-163, 9-13-16; Ord. No. 23-166, § 1, 12-13-16; Ord. No. 23-173, § 1, 11-9-17; Ord. No. 23-174, § 1, 11-28-17; Ord. No. 23-177, § 1, 9-11-18; Ord. No. 23-178, § 1, 10-29-19; Ord. No. 23-180, § 1, 7-28-20; [Ord. No. X](#))

State law reference(s)—Definitions and rules of construction generally, § 1-2.

§ 2. That Chapter 23, Article 7A, be and is hereby **repealed** as follows:

~~ARTICLE 7A.—WIRELESS TELECOMMUNICATION FACILITIES~~

~~DIVISION 1.—PURPOSE~~

~~Sec. 23-7A.1.1.—Purpose.~~

~~The purpose of this section is to establish general guidelines for the siting, design and operation of wireless telecommunication facilities. Due to the unique characteristics or potential impacts of these facilities on the surrounding neighborhood and the county as a whole, wireless telecommunication facilities require individual consideration of their design, appearance, and/or configuration at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the facility is appropriate at a particular location.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~Sec. 23-7A.1.2.—Goals.~~

~~The goals of this section are:~~

- ~~1.—Accommodate wireless telecommunication services while minimizing the impact of tower sites on the community.~~
- ~~2.—Require wireless telecommunication facilities to be sited and designed in a way that minimizes infringement upon and degradation of the scenic and historical resources of the county and adjacent properties.~~
- ~~3.—Encourage co-location of antennae on towers and/or alternative support structures.~~
- ~~4.—Comply with applicable federal, state and local rules and regulations so as to accommodate the provision of a broad range of wireless telecommunication services in a safe, effective and efficient manner.~~
- ~~5.—Encourage economic development of Spotsylvania County to ensure the prosperity of future generations. Most cities and counties do not have the resources to provide a costly telecommunications infrastructure, thus the role of local government has evolved into providing an environment that encourages the development of this crucial infrastructure. Spotsylvania County takes seriously its responsibility for investing in and shaping the economic development of its communities, while, at the same time, protecting residential areas and land uses from potential adverse impacts of wireless telecommunications facilities.~~
- ~~6.—Promote the public health, safety and general welfare of the community.~~
 - ~~(a)—To avoid potential damage to adjacent properties from tower failure and falling objects through engineering structural standards and setback requirements.~~
 - ~~(b)—To mitigate and address the potentially adverse effects of wireless telecommunications facilities on human health and safety.~~
 - ~~(c)—To require compliance of safety standards consistent with applicable federal and state regulations.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~DIVISION 2.— SPECIAL USE PERMIT~~

~~Sec. 23-7A.2.1.— Uses excluded from the requirements of this section.~~

- ~~1.— *Public safety/service radio.* County wireless telecommunication facilities are exempt from the requirements of this section but are expected to adhere to the extent reasonably possible to the goals described herein.~~
- ~~2.— *Television reception antennae.* High definition TV (HDTV) towers shall be placed in an area with minimal historic or scenic impact and must meet all federal and state requirements.~~
- ~~3.— *Amateur radio.* The requirements set forth in this article shall govern amateur radio station operations in accordance with § 15.2-2293.1 of the Code of Virginia.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~Sec. 23-7A.2.2.— Special uses permit; required approvals.~~

- ~~1.— Except as provided in subsection 2. below, all wireless telecommunication facilities require a special use permit obtained in accordance with the provisions of this article. An administrative permit will be required for all applications not requiring a special use permit.~~
- ~~2.— A special use permit shall not be required for:~~
 - ~~(a)— The installation of antennae and equipment on an existing antenna support structure provided the installation does not result in an increase in the overall height of the structure.~~
 - ~~(b)— The installation of antennae and equipment on an alternative support structure provided it does not result in an increase in the overall height of the structure of more than ten (10) feet.~~
 - ~~(c)— The replacement in kind of an existing, conforming antenna support structure provided it does not result in an increase in the overall height of the structure.~~
 - ~~(d)— Mini or micro cells provided that they are less than or equal to eighty (80) feet AGL. Co-location of additional antennae should be sought. The county reserves the right to require "stealth technology" to hide or camouflage wireless facilities for mini or micro cells.~~
 - ~~(e)— Temporary wireless telecommunications facilities. Temporary towers or antennae less than eighty (80) feet in height that are erected for ninety (90) days or less within a three hundred sixty five day period.~~
- ~~3.— Depending on the nature and location of the proposed facility, the following approvals may also be required:~~
 - ~~(a)— Site plan approval in accordance with chapter 23 of the County Code;~~
 - ~~(b)— A building permit in accordance with chapter 23 and chapter 5 of the County Code;~~
 - ~~(c)— A certificate of appropriateness in accordance with chapter 23 of the County Code;~~
 - ~~(d)— A land disturbing permit for land disturbing activities in accordance with chapter 8 of the County Code.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~DIVISION 3.— PERMIT REVIEW PROCESS~~

~~Sec. 23-7A.3.1. Administrative permit review process application requirements.~~

~~The applicant shall submit a complete application package and review fee to the county. A complete application includes the following information:~~

- ~~1. Scaled drawings, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning the structure, equipment, utilities, grounding, topography, ANSI collapse zone, setbacks, drives, parking, fencing, landscaping, adjacent uses and other information deemed necessary to assess the siting and design shall be included.~~
- ~~2. A statement from an electrical engineer attesting that the cumulative effect of all existing and proposed antennae will not result in a ground-level exposure of non-ionizing electromagnetic radiation (NIER) that exceeds the lowest applicable exposure standards established by the FCC.~~
- ~~3. For applications proposing new structures, an engineering report by a structural engineer describing the structure height, design, and capacity of the proposed antenna support structure including the number and type of antenna which could be accommodated in accordance with the requirements set forth in the latest revision to ANSI EIA/TIE 222, and any subsequent amendment thereto.~~
- ~~4. For applications proposing new structures or resulting in an increase in height, a FAA air navigation hazard determination report shall be required. A consultant study will not be accepted as a substitute to this requirement.~~
- ~~5. FCC environmental compliance report identifying the impact on environmental resources, prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).~~
- ~~6. Report describing the impact on historic resources prepared in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). This report should be accompanied by written comment by the State Historic Preservation Office (SHPO).~~
- ~~7. FCC radio station license for each wireless service provider associated with the application.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~Sec. 23-7A.3.2. Staff review and report.~~

~~Upon review of the proposal, the director of planning may request additional information deemed necessary to adequately review the proposal. The director of planning may request that certain design elements and other site plan modifications be incorporated into the design. If the applicant does not agree to requested changes, the application shall proceed through the special use permit review process. In the event an application is denied, the applicant is permitted to resubmit the application under the special use permit review process. Upon review, the director of planning may determine that the request is not appropriate for the administrative review process due to the specifics of the request itself, site conditions, and/or the character of the area and may require that the applicant resubmit the application under the special use permit review process. Any fees paid for administrative review shall apply toward the fee for the special use permit application.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~Sec. 23-7A.3.3. Special use permit review process.~~

~~Prior to submitting an application for a special use permit, the applicant shall:~~

- (a) ~~Meet with the director of planning to discuss all aspects of the proposal.~~
- (b) ~~Conduct a balloon test:~~
- ~~• The balloon shall be a minimum five (5) feet in diameter and be of a highly visible color.~~
 - ~~• The balloon shall be flown during daylight hours for two (2) consecutive days.~~
 - ~~• An alternate date shall be planned for in the event that the weather is not conducive to a balloon test.~~
 - ~~• The applicant is responsible for securing all FAA approvals prior to this demonstration.~~
- (c) ~~Hold a community meeting in compliance with the County of Spotsylvania Community Meeting Policy:~~
- ~~• Notice of the meeting and balloon test shall be advertised in the local newspaper twice no more than fourteen (14) and no less than five (5) days prior to the balloon test.~~
 - ~~• Notification shall be mailed to all properties within two thousand (2,000) feet of the subject property no less than fourteen (14) days prior to the balloon test.~~
 - ~~• Discussion shall include the balloon test, photo simulations, and current plans.~~
 - ~~• Results of the meeting shall be reasonably incorporated into applicant's filing submission package.~~
- (d) ~~The applicant shall submit a complete application package and review fee to the county. A complete application includes the following information:~~
- ~~1. Scaled drawings, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning the structure, equipment, utilities, grounding, topography, ANSI collapse zone, setbacks, drives, parking, fencing, landscaping, adjacent uses and other information deemed necessary to assess the siting and design.~~
 - ~~2. Photographs of the site from a minimum of four (4) points surrounding the site as designated by the director of planning that include a simulated photographic image to scale of the proposed wireless telecommunication facility to show the impact on other predominate land uses. The photograph with the simulated image shall include the foreground, mid-ground and the background of the site. A map shall be provided indicating the location and distance from the point at which the photograph was taken to the proposed site.~~
 - ~~3. A statement from an electrical engineer attesting that the cumulative effect of all existing and proposed antennae will not result in a ground level exposure of non-ionizing electromagnetic radiation (NIER) that exceeds the lowest applicable exposure standards established by the FCC.~~
 - ~~4. An inventory of the existing wireless telecommunication facilities owned and/or operated by the applicant and other entities associated with the application that are located within the jurisdiction of Spotsylvania County or within twenty (20) miles of the border thereof, including specific information about the location and height of each antenna and/or antenna support structure.~~
 - ~~5. A radio frequency engineer's statement that specifically describes the coverage area objective, the "hand-off" sites, equipment specifications, methodology, assumptions;~~

constraints and other factors used in the design. The engineer's statement shall be supported by propagation maps that include a legend referencing signal strength. At a minimum, the following coverage maps shall be presented:

- (a) Existing network coverage (minimum twenty (20) mile radius surrounding the proposed site).
 - (b) Proposed coverage from the proposed site.
 - (c) Composite network coverage (existing and proposed coverage).
 - (d) Composite network coverage (existing and proposed coverage) demonstrating the effect on coverage as the height of the proposed structure is reduced at twenty (20) foot increments to a minimum height of eighty (80) feet AGL.
 - (e) Capacity.
- 6. Evidence demonstrating the inadequacy or unavailability of other structures within a three (3) mile radius of the proposed site. In assessing the adequacy of existing structures, the applicant should consider the use of one (1) or more existing structures or a combination of an existing structure and a new structure at a lower height than proposed as a means to achieve coverage objective.
 - 7. An engineering report by a structural engineer describing the structure height, design, and capacity of the proposed antenna support structure including the number and type of antenna which could be accommodated in accordance with the requirements set forth in the latest revision to ANSI EIA/TIE 222.
 - 8. For new structures, a copy of the owner's co-location policy.
 - 9. FAA air navigation hazard determination report. A consultant study will not be accepted as a substitute to this requirement.
 - 10. FCC environmental compliance report identifying the impact on environmental resources, prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).
 - 11. Report describing the impact on historic resources prepared in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). This report should be accompanied by written comment by the State Historic Preservation Office (SHPO).
 - 12. FCC license for each wireless service provider associated with the application.
- (e) The Spotsylvania County Cable Commission shall review and provide comments on the application to the planning commission.

(Ord. No. 23-111, 1-11-05)

~~DIVISION 4. GENERAL STANDARDS~~

~~Sec. 23-7A.4.1. General standards.~~

~~The following general standards shall apply to all applications proposing wireless telecommunication facilities:~~

- 1. A report prepared by a structural engineer certifying that the proposed structure is capable of supporting similar users, including the primary user. All new structures shall be built with the intent of allowing the maximum number of co-locaters possible.
- 2. The following setback requirements shall apply:

- (a) ~~— All antenna support structures must maintain a minimum setback of one hundred ten (110) percent of the ANSI collapse zone standard from the nearest legally occupied structure and from all adjoining property lines. In the event that the same person(s) own several parcels, the setback shall be to the peripheral property lines created by the aggregate of the parcels.~~
 - (b) ~~— All wireless telecommunication facilities must satisfy the minimum zoning district setback requirements for primary structures.~~
- 3. ~~Speculative structures are not permitted. Applications to construct new antenna support structures will not be considered unless evidence is presented of a legally binding commitment by at least one (1) wireless service provider agreeing to install and operate his equipment continuously on the proposed structure upon its construction for a minimum period of one (1) year.~~
- 4. ~~The county is particularly mindful of the uniqueness of its historic resources. Every effort shall be made to minimize adverse impacts on such resources in the siting of telecommunication facilities. Every effort should be made to make each facility as aesthetically pleasing as possible. All stealth techniques when appropriate must be utilized.~~
- 5. ~~All antenna support structures shall be enclosed by security fencing not less than six (6) feet in height, equipped with an appropriate anti-climbing device.~~
- 6. ~~The following requirements shall govern the landscaping surrounding wireless telecommunications facilities. The board of supervisors may waive or allow modified screening with a special use permit.~~
 - (a) ~~Any combination of landscaped vegetative buffers, landscaped earthen berms or preservation of existing vegetation shall be provided around the perimeter of the site of any wireless telecommunication facility to effectively screen the view of the equipment compound from surrounding perspectives. The standard buffer shall consist of a mix of native trees and shrubs planted in a landscaped area at least fifteen (15) feet wide outside the perimeter of the compound.~~
 - (b) ~~Existing mature tree growth and natural landforms shall be preserved at a minimum radius depth of one hundred (100) feet from the base of the structure except as necessary to accommodate the proposed facilities and vehicular access.~~
 - (c) ~~The wireless telecommunication facility owner is responsible for maintaining all landscape plant material in a healthy condition. Dead plants shall be removed and replaced in kind.~~
- 7. ~~The treatment, color and lighting system for wireless telecommunication facilities shall be as follows:~~
 - (a) ~~Antenna support structures shall either maintain a galvanized steel finish, or subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.~~
 - (b) ~~Antennae shall be a neutral, non-reflective color with no logos.~~
 - (c) ~~The design of wireless telecommunication facilities shall to the extent possible use materials, colors, textures and screening that will blend the facilities with the natural setting and the built environment.~~
 - (d) ~~If an antenna is installed on a structure other than an antenna support structure, the antenna and ancillary equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure.~~

- (e) ~~Antenna support structures at least eighty (80) feet in height that are not required to be lit by federal regulations shall be equipped with beacon strobe lights that can be remotely activated.~~
 - (f) ~~Advertising without prior approval of the board of supervisors is not permitted on any component of the wireless telecommunication facility.~~
 - (g) ~~Utility lines shall be placed underground.~~
8. ~~Applicants shall submit with the intent to occupy the lowest height possible to meet their coverage objectives. Reverse stacking is encouraged in order to reduce the number of taller towers.~~
 9. ~~Wireless telecommunication facilities shall be designed and installed so as not to interfere with the county's public safety/service radio system or public safety/service radio systems operated in other jurisdictions. Any entity operating wireless telecommunication facilities determined to interfere with the county's or another jurisdiction's public safety radio system shall take corrective action immediately upon discovery. All wireless providers must check prior to network deployment and annually thereafter with the director of emergency communications to insure compliance.~~
 10. ~~All new towers, monopoles, or like structures hereafter constructed in the county shall include, at no cost to the county, space, as the county may require, for installation by the county of components for its communication system(s) (including both tower space and sheltered equipment space on the ground.)~~
 11. ~~All wireless telecommunication facilities must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate their operation. If such standards and regulations are changed, then the owners of the facilities shall bring such facilities into compliance with such revised standards and regulations as required by law. Failure to comply shall constitute grounds for the removal of the facility at the owner's expense.~~
 12. ~~At such time that any component of the wireless telecommunication facility ceases to be operated for a continuous period of twelve (12) months, it shall be considered abandoned, and the owner of such facility shall remove same or opt to convey tower to county within ninety (90) days of receipt of notice from the department of planning of the removal requirement. The applicant shall post a performance bond equivalent to the cost of removal of the said tower facility from existence with the director of planning prior to issuance of a permit. If removal to the satisfaction of the department of planning does not occur within ninety (90) days, the county may remove and salvage the telecommunications facility or tower and all supporting equipment and building(s) at the owner's expense.~~
 13. ~~The owner of each antenna support structure shall have a safety inspection conducted annually by a registered professional engineer licensed by the Commonwealth of Virginia. A copy of the inspection report shall be filed annually in March with the director of planning. The report shall state the current user status of the antenna and/or support structure and the overall condition of the facility in accordance with the latest revision of ANSI EIA/TIA-222, and any subsequent amendment thereto.~~
 14. ~~The owner of the antenna support structure shall provide the name and address of a contact person during the approval process and shall notify the department of planning in writing of any changes. The name and address of a registered agent for each lessee of tower space shall also be provided to the department of planning and the commissioner of revenue by January 1st of each year.~~

~~15.—The board of supervisors may waive or modify any of the general standards with a special use permit.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~Sec. 23-7A.4.2.—Accordance with applicable regulations.~~

~~This article shall be interpreted in accordance with all applicable federal, State and local statutes, ordinances and regulations. In the event that a court of competent jurisdiction determines that a provision of this article is invalid, the remaining provisions of this article shall be interpreted as if such unenforceable provisions(s) were not included.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~Sec. 23-7A.4.3.—Fees.~~

~~In order to recover all costs associated with the use of an outside consultant to provide technical review services, a review fee will be charged to the applicant at the time an application is filed. The applicant shall reimburse any additional costs relating to additional reviews, errors, omissions, discrepancies, delays or extensions as the result of actions or requests by the applicant. The fee amount shall be established by resolution of the board of supervisors in the fee schedule: Land use and building.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~Sec. 23-7A.4.4.—Consultant inspection services.~~

~~In order to recover all costs associated with the use of an outside consultant to provide construction inspection services, a construction inspection fee shall be charged to the applicant at the time the building permit is requested.~~

~~(Ord. No. 23-111, 1-11-05)~~

§ 3. That Chapter 23, Article 7A, consisting of Divisions 1 through 5, be and are hereby **enacted** and reordained as follows:

ARTICLE 7A. - WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES

DIVISION 1. - GENERALLY

Sec. 23-7A.1.1. – Purpose and intent.

The purpose of this section is to regulate the siting, design, and use of wireless facilities and wireless support structures. Due to the unique characteristics or potential impacts of these facilities and structures on the surrounding neighborhood and the county as a whole, wireless facilities and wireless support structures require individual consideration of their design, appearance, and/or configuration at the particular location proposed. Such individual consideration may also call for the imposition of

individualized conditions in order to ensure that the facility is appropriate at a particular location. The intent of this section is to:

- a) Accommodate wireless services while minimizing the impact of wireless facility sites on the community.
- b) Minimize the visual impact of wireless facilities on scenic and historical resources of the County and on nearby properties.
- c) Encourage co-location of antennas on towers and/or alternative support structures to reduce tower needs.
- d) Comply with applicable federal, state and local rules and regulations so as to accommodate the provision of a broad range of wireless services in a safe, effective, and efficient manner.
- e) Encourage economic development of Spotsylvania County to ensure the prosperity of future generations.
- f) Promote the public health, safety, and general welfare of the community.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

DIVISION 2. - Permitting

Sec. 23-7A.2.1. – Exemptions.

The following uses are exempt from Article 7A:

- a) *Public safety/service radio.* County wireless facilities, including any leasing or licensing agreements, are exempt from the requirements of this section but are expected to adhere to the extent reasonably possible to the goals described herein to allow erection of County Emergency Facilities and the leasing of space to Commercial uses on County facilities.
- b) *Television reception antennas.* Personal High Definition TV (HDTV) towers must meet all federal and state requirements.
- c) *State of Emergency towers.* Temporary government owned, non-profit, or commercial wireless facilities upon declaration of a state of emergency by federal, state, or local government and subsequent determination of public necessity by the Board of Supervisors or their designated coordinator of emergency management. Erected wireless facilities shall be exempt for up to six (6) months after the duration of the emergency.
- d) *Micro-wireless facility suspended on cables.* The installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from County-imposed permitting requirements and fees.
- e) *Maintenance and replacement.* Routine maintenance or the replacement of wireless facilities or wireless support structures within a six (6) foot perimeter with wireless facilities or wireless support structures that are substantially similar or the same size or smaller.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.2.2. - Special use and administrative permits; required approvals.

The following permits are available and required for wireless facilities:

- a) All wireless facilities require a special use permit obtained in accordance with the provisions of Sec. 23-7A.3, except as exempted or allowed below with an administrative permit.
- b) An administrative permit will be issued for the following uses:
 - 1. The installation or construction of a new structure that is not more than fifty (50) feet above ground level provided that the facility is designed to support small cell facilities.
 - 2. Eligible facilities request as defined in Sec. 23-2.1.4.
 - 3. Temporary wireless facility as defined in Sec. 23-2.1.4.
- c) Depending on the nature and location of the proposed facility, the following approvals may also be required:
 - 1. Site plan approval in accordance with Chapter 23 of the County Code for new wireless facilities or base stations.
 - 2. A building permit in accordance with Chapter 23 and Chapter 5 of the County Code for structural or electrical improvements.
 - 3. A certificate of appropriateness in accordance with Chapter 23 of the County Code for any proposals located within a Historic Overlay District.
 - 4. A land-disturbing permit in accordance with Chapter 8 of the County Code for land-disturbing activities.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

DIVISION 3 – SPECIAL USE PERMIT REVIEW PROCESS AND STANDARDS

Sec. 23-7A.3.1. – Pre-application requirements.

Prior to filing an application, the applicant is strongly encouraged to meet with County staff at a pre-application meeting to discuss the proposed use and to become more familiar with the applicable requirements and approval procedures of the County.

- a) Prior to submitting an application for a special use permit, the applicant must conduct a balloon test:
 - 1. The balloon must be a minimum five (5) feet in diameter and be of a highly visible color.
 - 2. The balloon must be flown or erected by crane or other machine for a minimum of nine (9) hours during daylight hours for two (2) consecutive days at or as close as possible to the location of the proposed wireless facility.
 - 3. An alternate date must be planned for in the event that the weather is not conducive to a balloon test.
 - 4. The applicant is responsible for securing any FAA approvals required prior to this demonstration.
 - 5. The balloon and foreground must be photographed from a minimum of four (4) different perspectives and varying distances in preparation for photographic simulation of the

wireless facility, including from neighboring homes, parks, historic areas, and rights-of-way.

- b) The applicant is encouraged to conduct a community meeting following the Spotsylvania County Community Meeting Recommended Guidelines.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.2. – Special Use Permit application requirements.

The applicant must submit a complete special use permit application package and review fee to the Planning and Zoning Department. A complete application package includes the following information and the review fee:

- a) Application for approval of a special use may be filed by any property owner, person, or by any government official specifically authorized to file such application in writing by the owner of the lot on which the use is to be located.
- b) Application for approval of a special use must be filed with the County on a form provided and must contain or be accompanied by such information and plans as required on the form.
- c) The application must be accompanied by a generalized development plan drawn to the size and scale specified on the application form. Preparation of the plan by a licensed architect, engineer, landscape architect, or surveyor is required. The generalized development plan must include the following information unless the submission requirements have been waived or modified by the Director of Planning due to the scope and nature of the proposed development:
 1. A title block denoting the type of application, name of project, name of property owner, tax map reference, and street address;
 2. The name, address and phone number of the applicant;
 3. The name, address, phone number, signature, and registration number of the plan preparer, and the preparation date of the plan;
 4. Vicinity map, 1" = 2,000', a north arrow, scale, and scale graphic;
 5. The identification of and distance to all major intersections within one-half mile of the proposed development;
 6. The boundary of the entire parcel with courses and distances;
 7. Any existing and proposed parcel lines, easements, or rights-of-way within the subject parcel;
 8. The present zoning and principal use of the subject parcel and all contiguous properties;
 9. The boundaries of any overlay zoning districts described in Sec. 23-6;

10. The location and dimensions of all improvements associated with the wireless facility, including the wireless support structure, base station, equipment, utilities, grounding, concealment, breakpoints, setbacks, access, parking, fencing, lighting, and other information deemed necessary to assess the location, siting, and design of the proposal;
11. The boundaries of any lakes, rivers, streams, ponds, floodplains, resource protection areas, dam break inundation zones, and wetlands;
12. A generalized landscape plan showing existing vegetation, proposed clearing limits, and indicating the location, and types of vegetation to be installed under the landscaping and requirements of Sec. 23-7A.3.3.(c);
13. The general location, and material descriptions of all other existing and proposed screens, bufferyards, or landscaping and the security fence required in Sec. 23-7A.3.3.(b);
14. Topographic contour lines at ten-foot intervals using United States Geologic Survey 7.5 minute quadrangles for the existing site;
15. Any known historic buildings or features;
16. Any known places of burial;
17. Latitude and longitude of the wireless facility denoting whether coordinate description is in decimal degrees, or degrees, minutes, and seconds; and
18. Signature and seal of professional person certifying the plan.
- d) Photographs of the site from a minimum of four (4) points surrounding the site that include simulated photographic images to scale of the proposed wireless facility showing the visual impact from nearby properties.
1. The photographic simulations must be aligned with the balloon test and must include a statement describing adjustments for distance between the balloon's tether location and the proposed wireless facility base, if any; and include the foreground, mid-ground, and the background of the site.
 2. A map must be provided indicating the location and distance from the point at which the photograph was taken to the proposed site.
- e) A radio frequency engineer's Letter of Non-interference which attests that the wireless facility will not interfere with the public safety radio system.
- f) Documentation showing other structures evaluated as support structures within a three (3) mile radius of the proposed site.
- g) An engineering report or signed statement by a structural engineer describing the wireless support structure height, design, any breakpoints, and colocation capacity of the proposed wireless facility identifying the number and type of antenna existing, proposed, and which could be accommodated in accordance with the requirements set forth in the latest revision to ANSI tower standards. The report or statement must attest that the wireless facility has sufficient structural integrity to support the wireless facility, existing and proposed antennas, feedlines, and all mounted equipment.

- h) Letter(s) containing Federal approval and or findings related to impacts on environmental and historic resources, and including any conditions of approval.
- i) The attendance sheets, notes, and materials from any community meeting held.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.3. – Special Use Permit General Standards.

New wireless facilities permitted by special use permit must meet the following general minimum standards:

- a) All wireless facilities must satisfy the minimum zoning district setback requirements for primary structures.
- b) Any wireless facility base station must be enclosed by security fencing not less than six (6) feet in height and must be equipped with an appropriate anti-climbing device.
- c) The landscaping surrounding wireless facilities must be as follows, at a minimum:
 - 1. A mix of native trees and shrubs planted in a landscaped area at least fifteen (15) feet wide outside the perimeter of the fencing surrounding the wireless facility to screen the view of the facility from surrounding properties and public areas.
 - 2. Existing mature tree growth and natural landforms must be preserved at a minimum radius depth of 100 feet from the base of the facility except as necessary to accommodate the proposed facility and vehicular access.
- d) The treatment and lighting system for wireless facilities must be as follows:
 - 1. Advertising, including the use of logos or other signage, is not permitted on any component of the wireless facility.
- e) Wireless facilities must be designed, installed, and operated so as not to interfere with the County's public safety/service radio system or public safety/service radio systems operated in other jurisdictions. Any entity operating wireless facilities determined to interfere with the County's or another jurisdiction's public safety radio system must take corrective action immediately upon discovery. All wireless facilities must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate their operation.
- f) The name and address of a registered agent for each lessee of wireless support structure space must be provided to the Commissioner of Revenue by January 1st of each year.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.4. – Special Use Permit Application Review Period; Determination of Completeness.

An application for a wireless facility must be approved or disapproved by the Spotsylvania County Board of Supervisors within 150 days of submission of a complete application, in accordance with Section 332(c)(7) of the Communications Act of 1934 ("Telecommunications Act"), as amended, as interpreted by the Federal Communications Commission's Declaratory Ruling FCC 09-99:

- a) Within ten (10) business days after receiving an incomplete application, the County will notify the applicant if the application is incomplete. The notice will specify any additional information required to complete the application. The notice will be sent by electronic mail to the contact email address provided in the application. If the County fails to provide such notice within such ten (10)-day period, the application will be deemed complete.
- b) Once the application is deemed complete, the County must act on the application within 150 days.
- c) The review period may be extended by mutual agreement in writing between the applicant and the Director of Planning and Zoning or his/her designee.
- d) Following a supplemental submission, the Director of Planning and Zoning or his/her designee will notify the applicant within ten (10) business days if the supplemental submission did not provide the documents and information identified in the original notice delineating missing documents and information. The review period is tolled in the case of second or subsequent notices pursuant to the procedures noted above. Second or subsequent notices of incompleteness cannot specify missing documents or information that were not delineated in the original notice of incompleteness.
- e) A complete application for a project shall be deemed approved if the County fails to approve or disapprove the application within 150 days of submission of a complete application or any agreed extension thereof pursuant to Sec. 23-7A.3.3(b).

(Ord. No. 23-111, 1-11-05; Ord. No. X)

State Law reference – Zoning; other wireless facilities and wireless support structures, Code of Virginia Sec. 15.2-2316.4:1

Sec. 23-7A.3.5. – Staff review and report.

- a) Once an application for special use approval is determined to be complete, County staff will schedule the application for a public hearing before the Planning Commission and will review the application and development plan for compliance with the requirements of Sec. 23-7A.
- b) The Director of Planning and Zoning shall transmit the application and other information to any state, county, or other government agencies for review and comment as appropriate.
- c) After the application is determined to be complete in accordance with Sec. 23-7A.3.4 and all agency comments have been received in accordance with Sec. 23-7A.3.5(b), County staff shall submit a written staff report to the Planning Commission on the proposed special use.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.6. - Review and recommendation by the Planning Commission.

The Planning Commission shall conduct a public hearing, after giving notice in accordance with Sec. 23-4.2.1, and shall submit a written report and recommendation on the proposed special use to the Board of Supervisors no later than sixty (60) days after the public hearing, unless requested sooner by the Board of Supervisors, or as required to comply with Sec. 23-7A.3.4.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.7. - Review and decision by the Board of Supervisors.

(a) Upon receipt of the report and recommendation of the Planning Commission and the staff report, the Board of Supervisors shall conduct a public hearing, after giving notice in accordance with Sec. 23-4.2.1.

(b) The Board of Supervisors shall make a decision upon the application within a time not to exceed 150 days from the date that the application is determined to be complete, unless the applicant requests or consents to action beyond such period or the applicant withdraws the application.

(c) The Board of Supervisors may:

1. Approve the special use, with or without conditions, if the Board finds that the proposed use complies with the standards set out in section 23-7A.3.8; or
2. Disapprove the special use if the Board finds that the proposed use does not comply with the standards set out in Sec. 23-7A.3.8;
3. Refer the application back to the Planning Commission for further study and review.

(d) The Board of Supervisors may attach such conditions to the approval as it deems necessary to have the proposed use meet the standards set forth in Sec. 23-7A.3.8 and to prevent or minimize adverse impacts on other property. Such conditions may be stricter than any requirement or limitation stated elsewhere in this chapter for the proposed use. No minimum standards are waived.

(e) The Board of Supervisors will give the applicant written notice of its decision and any conditions to which its decision is subject.

(f) If the Board disapproves an application, it must provide the applicant with a written statement provided under Sec. 23-7A.3.7(e), of the reasons for such disapproval and, if the Board is aware of any modifications to the project as described in the application that if made would permit the Board to approve the proposed project, the Board must identify them in the written statement.

(g) Any disapproval of an application must not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services; and must

be supported by substantial record evidence contained in a written record publicly released within thirty (30) days following the disapproval.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.8. - Standards of review.

The Planning Commission shall not recommend, nor shall the Board of Supervisors approve, the proposed special use unless it satisfies the following standards:

1. That the proposed use is in accord with the comprehensive plan and other official plans adopted by the County;
2. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;
3. That the proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
4. That the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
5. That the proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood;
6. That the proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities;
7. That the proposed use will not cause undue traffic congestion or create a traffic hazard; and
8. That the proposed use will have no unduly adverse impact on environmental or natural resources.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.9. - Effect of decision.

Once a special use is approved, the applicant is then eligible to apply for site plan approval under the provisions of Sec. 23-4.11.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.10. - Changes to approved special uses.

After a special use has been approved, any significant changes to the terms or conditions of approval of the special use will require separate review and approval by the Board of Supervisors. Any application for approval of such a change must be filed, processed, reviewed, and approved or denied in the manner set

forth in Sec. 23-7A for an application for special use approval. An application for approval of modifications to the approved site plan for the special use shall be filed separately under the provisions of Sec. 23-4.11.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.11. - Expiration or revocation of special use approval.

(a) Special use approval shall lapse, and become null and void, where the applicant or a successor-in-interest has failed to establish the use authorized thereby or to commence and diligently pursue the construction authorized thereby within two (2) years after the date of approval of the special use unless otherwise indicated in the special use permit. The Board of Supervisors may grant a one (1) year extension of this time limit, for good cause shown, upon receiving a written request from the applicant at least thirty (30) days before the expiration of the original time limit.

(b) If at any time after a special use is approved, and the applicant is found to be in violation of any of the conditions to the approval, the standards of this division, or other standards or requirements of Chapter 23, the recipient of the special use approval shall be subject to the penalties described in Sec. 23-9, including revocation of the special use approval.

(c) Special use approval may be revoked by the Board of Supervisors for unremedied or repeated violations of special use conditions or failure to satisfy the requirements of Sec. 23 only after conducting a public hearing and giving written notice in accordance with Sec. 23-4.2.

Sec. 23-7A.3.12. - Waiting period for subsequent applications.

If a special use is denied, refile of substantially the same application shall not be permitted until one (1) year after the date of the disapproval.

DIVISION 4 – ADMINISTRATIVE PERMIT REVIEW PROCESS AND STANDARDS

Sec. 23-7A.4.1. – Administrative Permit application requirements; determination of completeness.

The applicant must submit a complete application package and review fee to the County. A complete application includes the following information and the review fee:

- a) A description of the proposed improvements and whether the application is an eligible facilities request.
- b) Latitude and Longitude of the tower or alternative support structure. The applicant must specify whether coordinate description is in decimal degrees or degrees, minutes, and seconds.
- c) A sealed statement by a structural engineer identifying the wireless support structure's height, design, breakpoints, number and type of existing and proposed antenna and how many could be accommodated in accordance with the requirements set forth in the latest revision to ANSI standards. The statement must attest that any alternative structure has sufficient structural

integrity to support the tower, existing and proposed antennas, feedlines, and all mounted equipment.

- d) For a new wireless support structure or changes to a base station: Scaled drawings, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning the structure, base station, equipment, utilities, grounding, topography, any concealment, breakpoints, setbacks, drives, parking, fencing, landscaping, lighting, adjacent uses, and other information deemed necessary to assess the location, siting, and design of the proposal.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

State Law reference – Application reviews, Code of Virginia Sec. 15.2-2316.4:2.

Sec. 23-7A.4.2. – Administrative Permit Application Review Period.

Administrative permits must be reviewed by the Zoning Administrator in accordance with the following timelines and guidelines:

- a) Within ten (10) business days after receiving an incomplete application, the County will notify the applicant that the application is incomplete. The notice shall specify any additional information required to complete the application. The notice shall be sent by electronic mail to the applicant's email address provided in the application. If the County fails to provide such notice within such ten (10) day period, the application shall be deemed complete.
1. A complete application to construct a new wireless support structure must be reviewed and approved or disapproved within 150 calendar days.
 2. A complete application for a small cell facility or an eligible facilities request must be reviewed and approved or disapproved within sixty (60) calendar days. The sixty (60) day period may be extended by the County in writing for a period not to exceed an additional thirty (30) days. The application shall be deemed approved if the County fails to act within the initial sixty (60) days or an extended thirty (30) day period.
 3. All other complete applications must be reviewed and approved or disapproved within ninety (90) calendar days.
- b) The review period may be tolled by mutual agreement by the Zoning Administrator or his/her designee and the applicant.
- c) Any disapproval of an application shall include a written statement of the reasons for such disapproval and if the County is aware of any modifications to the project as described in the application that if made would permit the County to approve the proposed project, the County must identify them in the written statement.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.4.3. – General Standards for Administrative Applications.

Administrative applications will be approved for the following facilities if the following facilities meet the applicable development standards set forth below.

- a) An administrative application for a new wireless support structure will be approved if the proposed telecommunications tower meets the following standards.
1. The tower must not exceed fifty (50) feet in height, individual zoning district maximum height requirements notwithstanding.
 2. Tower must be set back from the property line at a distance equal to or greater than the minimum yard required of primary structures in the zoning district of the parcel on which the tower is to be constructed.
 3. Any combination of landscaped vegetative buffers, landscaped earthen berms, or preservation of existing vegetation must be provided around the perimeter of the site of any tower to effectively screen the view of the tower base and any equipment area from surrounding properties, except as necessary to accommodate access. The standard buffer must consist of a mix of native trees and shrubs planted in a landscaped area at least fifteen (15) feet wide outside the perimeter of the equipment area.
 4. No signs are to be placed on the property except those signs required by other applicable law or regulation related to the construction or maintenance of the tower.
- b) An administrative application for a new amateur radio tower will be approved if the proposed radio tower meets the following standards:
1. The tower must not exceed seventy-five (75) feet in height, individual zoning district maximum height requirements notwithstanding.
 2. The minimum setback must equal or exceed the height of the tower.
 3. The tower must only be located in the rear or side yard of a property.
- c) An administrative application for a new roof mounted base station facility will be approved if the proposed facility meets the following standards:
1. The facility must not exceed fifteen (15) feet in height, individual zoning district maximum height requirements notwithstanding.
 2. Antennas, equipment, and feedlines must be designed and located to not be readily visible from public rights-of-way or residential units through the use of camouflage or screening including but not limited to paint, parapet walls, cupolas, enclosures or other compatible architectural treatments. Equipment may alternatively be located on the ground in accordance with the requirements for equipment areas, further regulated below.
- d) An administrative application for a new wall mounted base station facility will be approved if the proposed facility meets the following standards:
1. Only flush mounted panel style or small cell antennas will be permitted.
 2. The top of the antenna must not extend above the uppermost point of the principal structure.
- e) An administrative application for a base station facility on an electrical transmission tower or water tower will be approved if the proposed facility meets the following standards:
1. The facility must not extend more than fifteen (15) feet above the existing structure, individual zoning district maximum height requirements notwithstanding.
- f) An administrative application for a base station not otherwise covered in Sec. 23-7A.4 will be approved if the proposed facility meets the following standards:
1. The height of the facility must not exceed the uppermost point of the existing structure.
- g) New colocation on existing approved communication towers or existing base station:

1. The maximum height increase permitted is 10 percent of the approved height of the communication tower or base station, individual zoning district maximum height requirements notwithstanding.
 2. The addition will not extend more than 20 feet from the tower or base station.
- h) Equipment Areas:
1. The equipment area must be setback from the property line at a distance equal to or greater than the minimum yard required of primary structures in the zoning district of the parcel on which the equipment area is to be constructed.
 2. Equipment areas must be enclosed by security fencing not less than six (6) feet in height, equipped with an appropriate anti-climbing device.
 3. A required landscape buffer must be maintained at least fifteen (15) feet wide surrounding the equipment area, measured from the exterior security enclosure, exclusive of breaks necessary for access. The buffer must be a mix of native trees and shrubs. The facility owner is responsible for maintaining all landscape plant material in a healthy condition. Dead plants must be removed and replaced in-kind.
 4. Only timed or motion activated lighting must be used.
 5. No signs will be allowed apart from security, safety, and identification signage.
- i) An application for a temporary wireless facility will be approved if the proposed facility meets the following standards:
1. The tower must not exceed 130 feet in height, individual zoning district maximum height requirements notwithstanding.
 2. The tower must be removed within ninety (90) days of its erection.
 3. No signs will be allowed on the tower apart from security, safety, and identification signage.
- j) Eligible facilities requests will be approved provided the modification of the tower or bases station does not substantially change the physical dimensions of such.
- k) Small cell and micro-wireless facility:
1. Any small cell facility proposed within a Historic Overlay District will require a Certificate of Appropriateness approved by the Historic Preservation Commission.
 2. The County may disapprove a proposed location or installation of a small cell or micro-wireless facility only for the following reasons:
 - a. Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;
 - b. The public safety or other critical public service needs;
 - c. Only in the case of an installation on or in publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property; or
 - d. Conflict with an applicable local ordinance adopted pursuant to § 15.2-2306, or pursuant to local charter on a historic property that is not eligible for the review process established under 54 U.S.C. § 306108.

3. Nothing will prohibit an applicant from voluntarily submitting, and the County from accepting, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of small cell or micro-wireless facilities.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

DIVISION 5. – CONTINUITY

Sec. 23-7A.5.1 - Accordance with applicable regulations.

Sec. 23-7A will be interpreted in accordance with all applicable federal, state, and local statutes, ordinances, and regulations. In the event that a court of competent jurisdiction determines that a provision of this Article is invalid, the remaining provisions of Sec. 23-7A will be interpreted as if such unenforceable provisions(s) were not included.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

§ 4. This ordinance will be in force and effect upon adoption.

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

Spotsylvania County
Planning Commission
Executive Summary

 **Print**

Meeting Date: June 15, 2022

Title: Chesapeake Bay Ordinance

Type: No Action (Information Only)

Agenda Title: Chesapeake Bay Ordinance

Recommendation: N/A

Summary: Overview of proposed amendment to Chesapeake Bay ordinance to bring it into compliance with state requirements.

Committee/Commission Summary:

Review Date: Status:

Financial Impact:

Staff Contacts: Wanda Parrish, Assistant County Administrator -
Community Development; Valerie Tyler, Interim Deputy of
Environmental Codes

Legal Counsel: Susan Cooke, Deputy County Attorney

Additional Background/Other
Considerations:

Consequence of Denial/Inaction:

ATTACHMENTS:

Name:	Description:	Type:
 Chapter 6A CHESAPEAKE BAY PRESERVATION PC Draft for Authorization.pdf	Draft Ordinance Amendment	Ordinance

At a meeting of the Spotsylvania County Board of Supervisors held on _____ on a motion by _____, seconded by _____ and passed _____, the Board adopts the following ordinances:

AN ORDINANCE No. 6A-6

To repeal CA22-0002: Chapter 6A, Chesapeake Bay Preservation Ordinance, consisting of Sections 6A-1, 6A-2, 6A-3, 6A-4, 6A-5, 6A-6, 6A-7, 6A-8, 6A-9, 6A-10, 6A-11, 6A-12, 6A-13, 6A-14, 6A-15, 6A-16, 6A-17, 6A-18, 6A-19, 6A-20, 6A-21, 6A-22, and 6A-23, and reordain CA22-0002: Chapter 6A, Chesapeake Bay Preservation Ordinance, Sections 6A-1, 6A-2, 6A-3, 6A-4, 6A-5, 6A-6, 6A-7, 6A-8, 6A-9, 6A-10, 6A-11, 6A-12, 6A-13, 6A-14, 6A-15, 6A-16, 6A-17, 6A-18, 6A-19, 6A-20, 6A-21, and 6A-22.

PUBLIC HEARING: _____

WHEREAS, staff has reviewed the ordinances and recommends approval as stated in the Executive Summary dated _____; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on this item on _____, which was duly advertised in a local newspaper for a period of two weeks, on ____, 2022, and ____, 2022, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended _____ of the ordinance amendments with a vote of _____; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on _____, which was duly advertised in a local newspaper for a period of two weeks, on _____, 2022, and _____, 2022, and interested citizens were given an opportunity to be heard; and

WHEREAS, good environmental, planning, and zoning practice, health and general welfare are served by approval of the ordinance amendments.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA
HEREBY ORDAINS:

§ 1. That the Chapter 6A, Chesapeake Bay Preservation Ordinance, consisting of Sections 6A-1, 6A-2, 6A-3, 6A-4, 6A-5, 6A-6, 6A-7, 6A-8, 6A-9, 6A-10, 6A-11, 6A-12, 6A-13, 6A-14, 6A-15, 6A-16, 6A-17, 6A-18, 6A-19, 6A-20, 6A-21, 6A-22, and 6A-23, be and is hereby **repealed and reordained as** Chapter 6A, Chesapeake Bay Preservation Ordinance, consisting of Sections 6A-1, 6A-2, 6A-3, 6A-4, 6A-5, 6A-6, 6A-7, 6A-8, 6A-9, 6A-10, 6A-11, 6A-12, 6A-13, 6A-14, 6A-15, 6A-16, 6A-17, 6A-18, 6A-19, 6A-20, 6A-21, and 6A-22, as follows:

Chapter 6A CHESAPEAKE BAY PRESERVATION¹

Sec. 6A-1. Title.

This Chapter shall be known and referenced as the "Chesapeake Bay Preservation Ordinance" of Spotsylvania County.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:67, et seq.; 9VAC25-830, et seq.

Sec. 6A-2. Purpose and intent.

This Section is enacted to implement the requirements of Code of Virginia § 62.1-44.15:67 et seq., the Chesapeake Bay Preservation Act. The purpose and intent of this Chapter is to:

- (a) Protect existing high-quality state waters;
- (b) Restore state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of aquatic life, including game fish, which might reasonably be expected to inhabit them;
- (c) Safeguard the clean waters of the Commonwealth from pollution;
- (d) Prevent increases in pollution;
- (e) Reduce existing pollution;
- (f) Protect and enhance the wise use of environmental resources through management of development;
- (g) Promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Spotsylvania County;
- (h) Prevent a net increase in nonpoint source pollution from new development;
- (i) Achieve a ten (10) percent reduction in nonpoint source pollution from redevelopment; and
- (j) Achieve a reduction in nonpoint source pollution from agricultural uses.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

¹Editor's note(s)—Ord. No. 6A-3, adopted Feb. 10, 2004, amended and reordained Chapter 6A to read as herein set out. Formerly, said chapter pertained to similar subject matter as enacted by an ordinance of Nov 26, 1991; as amended.

Cross reference(s)—Buildings and building regulations, Ch. 5; erosion and sediment control, Ch. 8; subdivisions, Ch. 20; zoning, Ch. 23.

State law reference(s): Va. Code Section 62.1-44.15:67, *et seq.*; 9VAC25-830, *et seq.*

Sec. 6A-3. Definitions.

The following words and terms used in this chapter have the following meanings unless the context clearly indicates otherwise. Words and terms not defined in this Chapter, but defined in Chapter 23, Zoning, or Chapter 20, Subdivisions, of County Code, shall be given the meanings set forth therein.

Act means the Chesapeake Bay Preservation Act, Article 2.5 (§ 62.1-44.15:67 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

Administrator means the County Administrator or designee.

Agricultural lands means those lands used for the planting, growing, and harvesting of crops of any kind in the open; pastures; horticulture; dairying; floriculture; or raising of poultry and/or livestock. Buildings and structures are not included in this definition.

Applicant means any property owner submitting any application required or permitted pursuant to any provision of this chapter and shall include successors and assigns.

Best management practice(s) (BMP(s)) means a practice, or a combination of practices, that is determined by a state, local, or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Buffer area means an area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

Chesapeake Bay Preservation Area (CBPA) means any land designated by Spotsylvania County pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9VAC25-830-70 et seq., and Code of Virginia §§ 62.1-44.15:72 and 62.1-44.15:74. A Chesapeake Bay Preservation Area shall consist of a resource protection area and a resource management area.

Construction footprint means the area of all impervious surface including, but not limited to, buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

Development means the construction, installation, or substantial alteration of any improvement upon a parcel of land, any land disturbance, or any disturbance of vegetation.

Diameter at breast height (DBH) means the diameter of a tree measured outside the bark at a point four and one-half (4.5) feet above ground.

Dripline means a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

Floodplain means all lands that would be inundated by floodwater as a result of a storm event of a 100-year return interval.

Highly erodible soils means soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight (8). The erodibility index for any soil is defined as the product of the formula $RKLS/T$, where R is the rainfall and runoff; K is the soil susceptibility to water erosion in the surface layer; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

Highly permeable soils means soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six (6) inches of water movement per hour in any part of the soil profile to a depth of seventy-two (72) inches (permeability groups "rapid" and "very rapid") as found in the "National Soils Survey Handbook", November 1996 version, Field Office Technical Guide of the U.S. Department of Agriculture, Natural Resource Conservation Service (NRCS), or as found on the USDA NRCS website.

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Hydric soils means soils that are saturated, flooded, or ponded long enough during the growing season to support wetland vegetation.

Impervious cover means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to roofs, buildings, streets, parking areas, and any concrete, asphalt, and compacted gravel surface.

Improvement means a valuable addition made to property (usually real estate) or amelioration in its condition, amounting to more than mere repairs or replacement of waste, costing labor or capital, and intended to enhance its value, beauty, or utility or to adapt it for new or further purposes.

Land disturbance means any activity upon land which causes, contributes to, or results in the removal or covering of the vegetation upon such land, including, but not limited to, clearing, dredging, filling, grading or excavating. The term shall not include minor activities such as home gardening, planting of trees and shrubs, and home maintenance.

Natural Resources Inventory (NRI) means an assessment of a site's natural resources such as wetlands, floodplains, steep slopes, hydric soils, RPAs, RMAs, and other notable environmental features.

Nonpoint source pollution means pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

Nontidal wetlands means those wetlands other than tidal wetlands that are "inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions," as defined by the U.S. Environmental Protection Agency, pursuant to Section 404 of the federal Clean Water Act, 33 C.F.R. 328.3b.

Noxious weeds means plants that are difficult to control effectively, such as Johnson grass, kudzu, and multiflora rose. A complete list is contained in the Virginia Department of Conservation and Recreation, Division of Natural Heritage, publication entitled Virginia Invasive Species Plant List (<https://www.dcr.virginia.gov/natural-heritage/invspdflist>).

Plans of development means plans, including but not limited to, development plans, conceptual development plans, final development plans, generalized development plans, special exception plats, variance plats, minor site plans, site plans, preliminary subdivision plats, final subdivision plats, subdivision waivers and exceptions, conservation plans, construction plans, rough grading plans, grading plans, and plans associated with wetlands permits submitted pursuant to section 6A-13 of this Chapter to ensure compliance with this Chapter and Code of Virginia § 62.1-44.15:74.

Plat is a map, plan, plot, re-plat or re-plot, prepared by a registered surveyor, licensed engineer or certified landscape architect, in accordance with Titles 15.2 and 54.1 of the Code of Virginia and regulations governing those professions, which delineates the property lines of a lot that is to be or that has been subdivided, the location and boundaries of easements and rights-of-way and the location of any monuments used to identify the property. When used as a verb the word "plat" is synonymous with the word "subdivide."

Public road means a publicly-owned road designed and constructed in accordance with water quality protection criteria at least as stringent as the requirements applicable to the Virginia Department of Transportation (VDOT), including regulations promulgated pursuant to: (i) the Erosion and Sediment Control Law (Code of Virginia § 62.1-44.15:51 et seq.); and (ii) the Virginia Stormwater Management Act (Code of Virginia § 62.1-44.15:24 et seq.). This definition includes those roads where VDOT exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by the County in accordance with the standards of the County. For purposes of this chapter, public roads do not include roads that are designed and/or constructed by a private developer using VDOT standards.

Qualified expert means a professional wetland scientist or professional hydrologist or state licensed wetland delineator, engineer, soil scientist, and geologist. This may also include individuals with specialized training as approved by the Administrator.

Redevelopment means the process of developing land that is or has been previously developed.

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Resource management area (RMA) means that component of the Chesapeake Bay Preservation Area that is not classified as the RPA. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the RPA.

Resource protection area (RPA) means that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to waterbodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters. RPAs shall include tidal wetlands, tidal shores, nontidal wetlands connected by surface flow and contiguous to tidal wetlands and/or adjacent to water bodies with perennial flow, and a one hundred (100) foot-wide buffer area as defined in this chapter adjacent to and landward of other RPA components and along both sides of any perennial channel.

Shore see Tidal shore.

Sight line means a line extending from a fixed point to a viewed object or area through an opening or passageway.

Sign, Resource Protection Area (RPA) means a sign identifying the landward limits of the CBPA.

Silvicultural activities means forest management activities, including, but not limited to, the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the state forester pursuant to Code of Virginia § 10.1-1105 and are located on property defined as real estate devoted to forest use under Code of Virginia § 58.1-3230.

Substantial alteration means expansion or modification of a building or development that would result in a disturbance of land exceeding an area of two thousand five hundred dollars (2,500) square feet in the RMA only.

Tidal shore means land contiguous to a tidal body of water between the mean low water (MLW) elevation and the mean high water (MHW) elevation.

Tidal wetlands means vegetated and non-vegetated wetlands as defined in Code of Virginia § 28.2-1300.

Use means an activity on the land, other than development, including, but not limited to, agriculture, horticulture, and silviculture.

Water body with perennial flow means a body of water that flows in a natural or manmade channel year-round during a year of normal precipitation. This includes, but is not limited to streams, estuaries, and tidal embayments, and may include drainage ditches or channels constructed in wetlands or from former natural drainage ways, which convey perennial flow. Lakes and ponds, through which a perennial stream flows, are a part of the perennial stream. Generally, the water table is located above the stream bed for most of the year and groundwater is often the primary source for stream flow. The methodology to determine perennial flow shall be in accordance with Section 6A-8(a) of this Chapter.

Water-dependent facility means development of land that cannot exist outside of the RPA and must be located on or near the shoreline by reason of the intrinsic nature of its operation. These facilities include but are not limited to: (1) ports; (2) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (3) marinas and other boat-docking structures; (4) beaches and other public water-oriented recreation areas; and (5) fisheries or other marine resources facilities. The Administrator reserves the right to determine if any development meets the provisions of this subsection.

Wetlands means tidal and non-tidal wetlands, as defined in this Section.

(Ord. No. 6A-3, 2-10-04; Ord. No 6A-6 ____)

State law reference(s): Va. Code Section 62.1-44.15:68; 9VAC25-830-40

Sec. 6A-4. Designation of Chesapeake Bay Preservation Area (CBPA).

The Board of Supervisors hereby designates the following areas of Spotsylvania County, Virginia, as Chesapeake Bay Preservation Areas (CBPAs):

(a) All lands within the Spotsylvania County boundaries.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-60

Sec. 6A-5. Resource Protection Area (RPA).

At a minimum, RPAs shall consist of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or because they are sensitive to impacts which may cause significant degradation to the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments, nutrients and potentially harmful or toxic substances in runoff entering the bay and its tributaries and minimize the adverse effects of human activities on state waters and aquatic resources.

RPAs shall consist of:

- (a) Tidal wetlands;
- (b) Nontidal wetlands connected by surface flow that are contiguous to tidal wetlands or water bodies with perennial flow;
- (c) Tidal shores;
- (d) A 100-foot vegetated buffer area located adjacent to and landward of the environmental features listed in subdivisions (a) through (c) and (e) of this subsection, and along both sides of any water body with perennial flow. All applicable components of the RPA buffer area shall be designated as the entire landward component of the RPA, notwithstanding the presence of permitted uses, encroachments, and permitted vegetation clearing in compliance with 9VAC25-830-120 and this chapter; and
- (e) Such other lands determined by the Administrator to meet the provisions of this section and to be necessary to protect the quality of state waters.

Designation of the components listed in this section shall not be subject to modification unless based on reliable, site-specific information as provided for in 9 VAC 25-830- 110 and Subdivision 6 of 9 VAC 25-830-140.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6-)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-80

Sec. 6A-6. Resource Management Area (RMA).

RMAs shall include land types that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the RPA.

An RMA shall be provided contiguous to the entire inland boundary of the RPA. Resource management areas consist of one or more of the following:

- (a) 100-year floodplains;
- (b) Highly erodible soils, including steep slopes;
- (c) Highly permeable soils;
- (d) Nontidal wetlands not included in RPAs; and/or
- (e) 100-foot buffer area of land located adjacent to and landward of every RPA.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-60

Sec. 6A-7. Chesapeake Bay Preservation Areas Maps.

CBPAs include RPAs and RMAs. Subject to any adjustments by the Administrator pursuant to Section 6A-8, the general boundaries of RPA areas are included on the Spotsylvania County RPA map. A site-specific natural resource inventory is required except as otherwise described in this Chapter.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-60

Sec. 6A-8. Site-Specific Refinements of Chesapeake Bay Protection Area Boundaries and Boundary Adjustments.

Site-specific refinements of CBPA boundaries and boundary adjustments shall be made in the following circumstances:

- (a) As part of, or prior to, the zoning application or plan review processes, or during the review of a water quality impact assessment pursuant to Section 6A-12(f), the applicant shall conduct a reliable, site-specific perennial flow evaluation to determine whether water bodies on or adjacent to the proposed development site have perennial flow. The determination of perennial flow may be accomplished by the use of an approved and recognized, scientifically valid method using field indicators of perennial flow. The applicant shall provide one paper copy and one digital copy of the report to the Administrator for review. The RPA boundaries for the site shall then be adjusted, as necessary, based on this evaluation. Evaluations may be rejected for cause if they do not meet the minimum standards of Chapter 6A-8.
- (b) The Administrator may adjust the delineation of any RPA boundaries when a Natural Resources Inventory prepared by a qualified expert indicates a need for change based on the environmental features listed in Section 6A-5(a) through 6A-5(d) and as applicable, 6A-(e). The Natural Resources Inventory shall be drawn to scale and shall clearly delineate such features. Wetland delineations shall be performed in accordance with the procedures specified in the most recently approved edition(s) of the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and applicable Regional Supplements for piedmont (2012) and coastal plain

(2010) areas.

- (c) The Administrator may adjust the delineation of any RMA boundaries when a Natural Resources Inventory prepared by a qualified expert indicates a need for such change based on the environmental features listed in Section 6A-6. The Natural Resources Inventory shall be drawn to scale and shall clearly delineate such environmental features. Wetland delineations shall be performed in accordance with the procedures specified in the most recently approved edition(s) of the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and applicable Regional Supplements for piedmont (2012) and coastal plain (2010) areas.
- (d) The Administrator may perform an RPA delineation when requested by an applicant wishing to construct a single-family residence. The Administrator may use an approved site-specific perennial flow evaluation, or the Administrator may waive the requirement and complete the delineation based on all available County information. In addition, the Administrator may waive the requirement for a site-specific perennial flow evaluation if no evidence of possible RPA features are identified through the evaluation of all available information examined by the Administrator. This information includes topographic maps, soil surveys, and any other applicable mapping.
- (e) Any person aggrieved by the Administrator's decision concerning the boundaries of an RPA or RMA may appeal such decision in accordance with Section 6A-19.
- (f) Boundary adjustments shall not be available to property that is undergoing redevelopment if, due to previous development of the property, the CBPA features listed in Section 6A-5 or Section 6A-6 cannot be determined.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-110

Sec. 6A-9. Use regulations.

Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by County Code Chapter 23, unless specifically modified by the requirements set forth in this Chapter.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

Sec. 6A-10. Lot size.

Lot size shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient buildable area outside of the RPA to accommodate an intended development.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

Sec. 6A-11. Conflict with other regulations.

In any case where the requirements of this chapter conflict with any other provision(s) of the Spotsylvania County Code, whichever code imposes the more stringent restrictions shall apply.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

Sec. 6A-12. Resource Protection Area Regulations.

In addition to the general performance criteria set forth in Section 6A-13, the criteria in this Section are applicable in RPAs.

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- (a) Land development. Land development may be allowed in an RPA, subject to the approval of the Administrator, only if it:
- (1) Is water dependent.
 - (2) Is an allowed encroachment to the RPA buffer area established pursuant to Section 6A-12(d).
 - (3) A new or expanded water dependent facility may be allowed, provided that:
 - a. It does not conflict with the comprehensive plan;
 - b. It complies with the performance criteria set forth in Sections 6A-12 and 6A-13;
 - c. Any non-water dependent component is located outside any RPA; and
 - d. Access to the water-dependent facility will be provided with minimum disturbance necessary. If possible, a single point of access shall be provided.
 - (4) Constitutes redevelopment. Redevelopment shall be permitted in the RPA only if there is no increase in the amount of impervious cover and no further encroachment within the RPA, and it shall conform to applicable erosion and sediment control and stormwater management criteria set forth in Section 6A-13; the Erosion and Sediment Control Law and the Virginia Stormwater Management Act and their attendant regulations; and Chapters 8 and 19A of this code as well as all applicable stormwater management requirements of other state and federal agencies.
 - (5) Roads and driveways not exempt under Section 6A-15 may be constructed in or across RPAs only if each of the following conditions are met:
 - a. The Administrator makes a finding that there are no reasonable alternatives to aligning the road or driveway in or across the RPA;
 - b. The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize both the encroachment in the RPA and adverse impacts on water quality;
 - c. The design and construction of the road or driveway satisfies all applicable criteria of this chapter, including submission of a water quality impact assessment; and
 - d. The Administrator reviews the plan for the road or driveway proposed in or across the RPA in coordination with site plan, subdivision, and plan of development approvals.
 - (6) Is a flood control or stormwater management facility that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in RPAs provided such facilities are allowed and constructed in accordance with the Virginia Stormwater Management Act and its attendant regulations, and provided that:
 - a. The Administrator has conclusively established that the location of the facility within the RPA is the optimum location;
 - b. The size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment, or both;
 - c. The facility must be consistent with a comprehensive stormwater management plan developed and approved in accordance with 9VAC25-870-92 of the Virginia Stormwater Management Program (VSMP) regulations;
 - d. All applicable permits for construction in state or federal waters must be obtained from the appropriate state and federal agencies, such as the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission;
 - e. Approval must be received from the Administrator prior to construction; and
 - f. Routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed. It is not the intent to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within an RPA.

- (b) A water quality impact assessment in accordance with Section 6A-12(f) shall be required for any proposed land disturbance.
- (c) RPA buffer area requirements. The 100-foot RPA buffer area shall be the landward component of the RPA as set forth in Section 6A-5(d). Notwithstanding allowed uses and encroachments, as set forth in Section 6A-12(a) and Section 6A-12(d), the 100-foot RPA buffer area shall not be reduced in width. To minimize the adverse effects of human activities on the other components of the RPA, state waters, and aquatic life, a 100-foot-wide RPA buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained, if present, and established where it does not exist. The following criteria shall apply to the 100-foot RPA buffer area. Where such buffer must be established, the planting of trees shall be incorporated as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred.
- (1) The 100-foot RPA buffer area shall be deemed to achieve a seventy-five percent (75%) reduction of sediments and a forty percent (40%) reduction of nutrients.
 - (2) Where land uses such as agriculture or silviculture within the area of the RPA buffer area cease and the lands are proposed to be converted to other uses, the full 100-foot RPA buffer area shall be reestablished. In reestablishing the RPA buffer area, management measures shall be undertaken to provide woody vegetation that assures the RPA buffer area functions set forth in this chapter. . Where such buffer must be reestablished, the planting of trees shall be incorporated as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred.
 - (3) Existing vegetation in the RPA buffer area shall not be cleared or disturbed except as provided in Section 6A-12(a) and (d) and with the prior approval of the Administrator.
- (d) Permitted modifications of the RPA buffer area.
- (1) In order to maintain the functional value of the RPA buffer, existing vegetation may be removed, subject to the approval of the Administrator, only to provide for reasonable sight lines, access paths, general woodlot management and best management practices, including those that prevent upland erosion and concentrated flows of stormwater, as follows:
 - a. Trees may be pruned or removed at ground surface level (i.e., no grading or grubbing) if necessary to provide for sight lines and vistas. If trees are removed in this manner, they shall be replaced with other vegetation that, in the judgment of the Administrator, is equally effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff. Mature trees shall be preserved and trimmed or pruned in lieu of removal as site conditions permit and any removal should be limited to the fewest number of trees feasible. When trees are removed to provide for sight lines and vista, they shall be replaced with trees as appropriate to site conditions and in such a manner as to maximize the buffer function. Inclusion of native species in tree replanting is preferred.
 - b. Any path shall be constructed and surfaced to effectively control erosion.
 - c. Dead, diseased, or dying trees or shrubbery and noxious (such as Johnson grass, kudzu, and multiflora rose) may be removed, and thinning of trees may be allowed, pursuant to sound horticultural practices.
 - d. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements. Mature trees shall be preserved and trimmed or pruned in lieu of removal as site conditions permit and any removal should be limited to the fewest number of trees feasible. When trees are removed to provide for sight lines and vista, they shall be replaced with trees as appropriate to site conditions and in such a manner as to maximize the buffer function. Inclusion of native species in tree replanting is preferred.
 - (2) On agricultural lands, the RPA buffer area shall be managed to prevent concentrated flows of surface

water from breaching the RPA buffer area and appropriate measures may be taken to prevent noxious weeds (such as Johnson grass, kudzu, and multiflora rose) from invading the RPA buffer area. Agricultural activities may encroach into the RPA buffer area only as follows:

- a. Agricultural activities may encroach within the landward 50 feet of the 100-foot wide RPA buffer area when at least one agricultural best management practice which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land is being implemented on the adjacent land provided that the combination of the undisturbed RPA buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot RPA buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil tests, must be developed consistent with the Virginia Nutrient Training and Certification Regulations (4VAC50-85) administered by the Virginia Soil and Water Conservation Board.
- b. Agricultural activities may encroach within the landward 75 feet of the 100-foot-wide RPA buffer area when agricultural best management practices which address erosion control, nutrient management, and pest chemical control, approved by the Tri-County Soil and Water Conservation District, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance levels, referred to as "T," as defined in the National Soil Survey Handbook of November 1996, as amended, in the Field Office Technical Guide of the U.S. Department of Agriculture Natural Resource Conservation Service ("NRCS"), or as found on the USDA NRCS website sources. A nutrient management plan, including soil tests, must be developed, consistent with the Virginia Nutrient Management Training and Certification Regulations (4VAC50-85) administered by the Virginia Soil and Water Conservation Board. In conjunction with the remaining RPA buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot RPA buffer area.
- c. The RPA buffer area is not required to be designated adjacent to ~~for~~ agricultural drainage ditches associated with agricultural land if the adjacent agricultural land has in place at least one best management practice which, in the opinion of the Tri-County Soil and Water Conservation District, addresses the more predominant water quality issues on the adjacent land – either erosion control or nutrient management.
- d. If specific problems are identified pertaining to agricultural activities that are causing pollution of the nearby water body with perennial flow or violate performance standards pertaining to the vegetated buffer area, the Administrator, in cooperation with the Tri-County ~~s~~Soil and ~~w~~Water ~~e~~Conservation ~~d~~District, shall recommend a compliance schedule to the landowner and shall require the problems to be corrected consistent with that schedule. This schedule shall expedite environmental protection while taking into account the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.
- e. Where the landowner or his agent or operator refuses assistance from the Tri-County Soil and Water Conservation District in complying with or documenting compliance with the agricultural requirements of this chapter, the district shall report the noncompliance to the County. The Administrator shall require the landowner to correct the problems within a specified period of time not to exceed eighteen (18) months from the date of initial Administrator notification of the deficiencies to the landowner. The Administrator, in cooperation with the Tri-County Soil and Water Conservation District, shall recommend a compliance schedule to the landowner. This schedule shall expedite environmental protection while taking into account the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.

(e) Permitted encroachments into the RPA buffer area.

- (1) When the application of the RPA buffer area would result in the loss of a buildable area on a lot or parcel

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recorded prior to October 1, 1989, encroachments into the RPA buffer area may be allowed by the Administrator. A written request shall identify the impact of the proposed exception on water quality, on public safety, and on lands within the RPA through the completion of a water quality impact assessment that complies with Section 6A-12(f) and shall be in accordance with the following criteria:

- a. Encroachments into the RPA buffer area shall be the minimum necessary to achieve a buildable area for a principal structure and necessary utilities;
- b. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the RPA buffer area encroachment, and is equal to the area of encroachment into the RPA buffer area shall be established elsewhere on the lot or parcel. Such vegetated area where established shall include the planting of trees as appropriate to site conditions. Inclusion of native species in tree planting is preferred; and
- c. The encroachment may not extend into the seaward 50 feet of the RPA buffer area.

(2) When the application of the RPA buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989 and March 1, 2002, encroachments into the RPA buffer area may be allowed by the Administrator. A written request shall identify the impact of the proposed exception on water quality, on public safety, and on lands within the RPA through the completion of a water quality impact assessment that complies with Section 6A-12(f) and shall be in accordance with the following criteria:

- a. The lot or parcel was created as a result of a legal process conducted in conformity with the County's subdivision ordinance;
- b. Conditions or mitigation measures imposed through a previously approved exception shall be met;
- c. If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and
- d. The requirements of Section 6A-12(e)(1) shall be met.

(3) When the application of the RPA buffer area would result in the loss of a buildable area on a lot or parcel created as the result of bankruptcy, condemnation or threat of condemnation, judicial partition or judicial action relating to a decedent's estate, encroachments into the RPA buffer area may be allowed through an administrative process in accordance with the requirements of Sec. 6A-12(e) and (f).

(f) Water quality impact assessments and RPA restoration plans.

A water quality impact assessment (WQIA) shall be submitted to, and approved by, the Administrator for any proposed development within an RPA, including any RPA buffer area modification or encroachment authorized as provided by Section 6A-12(d), and may be required by the Administrator for any other development in Chesapeake Bay Preservation Areas based on the site's unique characteristics or the intensity of the proposed use or development. The purpose of the water quality impact assessment is to identify and, where applicable, quantify the impacts of proposed development on water quality and lands in the RPAs consistent with the goals and objectives of the Chesapeake Bay Preservation Act, this Chapter, and to determine specific measures for the mitigation of those impacts. There shall be two types of water quality impact assessments: a minor assessment and a major assessment.

(1) Minor water quality impact assessment. A minor water quality impact assessment shall be required for a development or redevelopment which causes no more than five thousand (5,000) square feet of land disturbance and requires any encroachment into the landward fifty (50) feet of the 100-foot buffer area. The minor water quality assessment must demonstrate that the combination of undisturbed RPA buffer area, restoration plantings, and identified best management practices or measures will be effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. The minor water quality impact assessment shall include a site drawing, to scale, which shows the following:

- a. The location of both the landward 50-foot buffer area and 100-foot RPA buffer area;

- b. The location, nature and quantification of proposed encroachments into the RPA, including type of material proposed to be used for access paths, areas of clearing or grading, location of any structures, drives or other impervious surfaces;
 - c. Justification for the proposed encroachment;
 - d. Type and proposed location of any best management practice facilities or measures;
 - e. Existing and proposed runoff outfalls from the property;
 - f. Location and density of existing vegetation on site, including the number and type of trees, shrubs, ground cover or other vegetation to be removed in the RPA buffer area as a result of the encroachment or modification; and
 - g. A restoration plan that includes the replacement of vegetation that has been removed from the RPA buffer area. The type, quantity and density of vegetation shall be capable of retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.
- (2) Major water quality impact assessment. A major water quality impact assessment shall be required for a development which exceeds five thousand (5,000) square feet of land disturbance within RPAs and requires any encroachment into the landward fifty (50) feet of the 100-foot buffer area or disturbs any portion of the seaward fifty (50) feet of the 100-foot buffer area or any other components of an RPA or is located in an RMA and is deemed necessary by the Administrator. The major water quality impact assessment shall be prepared by a qualified expert and shall include:
- a. All information required for a minor water quality impact assessment;
 - b. A description of the proposed encroachment including:
 - 1. A description of the proposed improvements, including structures (including the type and size), roads, access paths, irrigations systems, lighting systems, and utilities; and
 - 2. If an access path is proposed, an identification of the location of the path and the materials that will be used for the path.
 - c. A description of the encroachment site's physical characteristics including:
 - 1. The site's existing topography, soil characteristics, erosion potential and hydrology;
 - 2. A description of any wetland areas including their functions and values;
 - 3. A description of delineated streams and wetlands as approved by the U.S. Army Corps of Engineers, the NRCS for agricultural property, and/or the Virginia DEQ (state surface waters determinations); and
 - 4. Location and areal density of existing vegetation on site, including the number and type of trees and other vegetation categorized by type (for example shrubs, trees, groundcover) within 50 feet of the proposed land disturbance.
 - d. A discussion of the potential water quality impacts of the proposed encroachment, including:
 - 1. A quantification of any identified impacts on streams or wetlands delineated by a qualified expert, including potential erosion and sedimentation that could enter those waters as a result of the encroachment;
 - 2. An identification and quantification of any permanent, temporary, or vegetative conversion impacts on wetlands, including impacts on wetland hydrology;
 - 3. An identification of temporary or permanent impacts to other water bodies such as springs, seeps, ditches, piped/culverted discharges, and/or ponds;
 - 4. An identification of any areas to be disturbed outside the RPA that have the potential to adversely affect the RPA;

5. The limits of clearing and grading, and the percent of the site to be cleared;
 6. Where applicable, calculations that estimate the pre-construction and post-construction pollutant loads;
 7. Estimation of the percent increase in impervious cover;
 8. A discussion of the number and type of trees and other vegetation to be removed in the RPA buffer area as a result of the encroachment or modification;
 9. A discussion of proposed changes to the site topography and hydrology and the impacts of those changes on water quality; and
 10. A construction schedule, including the anticipated estimated duration of construction.
- e. A description of measures to mitigate the identified impacts, including:
1. A Restoration Plan that includes the replacement of vegetation (woody, non-woody, and seeding) that has been removed from the RPA buffer area. The Plan shall include the schedule for replanting, which shall take into account the appropriate ecological compatibility and season for replanting. The type, quantity and density of vegetation specified shall be capable of retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. The vegetation specified plantings shall, to the maximum extent practicable, consist of native species, and contain no species otherwise prohibited in state or federal permits;
 2. A listing of proposed erosion and sediment control measures, including additional measures that are beyond those required in Chapter 8 of the Spotsylvania County Code. A listing of best management practices and measures to reduce impacts on water quality;
 3. A description of that demonstrates, in a quantifiable manner, that the combination of revegetation and best management practices will achieve pollutant removal that is equivalent to that which is achieved without the encroachment; and
 4. A listing of other mitigation measures that may be required by the Administrator.
- (g) Violations of this section may result in court action being taken that may result in fines and/or an order to abate the violation and bring the property into compliance with this section, which may include the violator being required to submit an RPA restoration plan (as defined in 6A-12(f) and an appropriate surety in an amount equivalent to the purchase and plant price any vegetation required by the restoration plan which does not survive for one year from date of planting. The amount and form of the surety must be in a form approved by the County attorney's office and may consist of a certified check, cash escrow, a surety bond, or a letter of credit from a financial institution. More than one Restoration Plan may be necessary or required by the Administrator.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-140

Sec. 6A-13. General Performance Criteria.

Any use, development, or redevelopment of land within a CBPA shall meet the following performance criteria:

- (a) No more land shall be disturbed than is necessary to provide for the proposed use or development.
- (1) The limits of land disturbance, including limits of clearing or grading shall be strictly defined by the approved site plan, construction plan, or individual site location plan for a parcel. These limits shall be

- clearly shown on submitted plans and physically marked on the development site in accordance with Subsections(b)(1) and (2) of this Section. The construction footprint shall not exceed the limits designated by the zoning district of the lot or parcel.
- (2) Ingress and egress during construction shall be limited to the approved access point(s).
- (b) Indigenous vegetation shall be preserved to the maximum extent practicable, consistent with the use or development allowed. Mature trees shall be protected during development and only removed when necessary, including to provide for allowed use or development.
- (1) Diseased trees or trees weakened by age, storm, fire, or other injury (hazard trees) may be removed.
- (2) Site clearing for construction activities shall be allowed as approved by the Administrator through the plan of development review process under section 6A-16 of this Chapter. Land disturbance shall not occur within ten (10) feet of the drip line of any stand of trees to be preserved. Protective barriers shall remain erected throughout all phases of construction, and until approved to be removed. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- (c) All development and redevelopment exceeding 2,500 square feet of land disturbance shall be subject to the site plan or subdivision review processes.
- (d) Land development shall minimize impervious cover consistent with the allowed use or development.
- (e) Any land disturbing activity that exceeds an area of 2,500 square feet (including construction of all single-family houses, and access for and installation of septic tanks, piping, and approved drainfields, but otherwise as defined in § 62.1-44.15:51 of the Code of Virginia) shall comply with the requirements of Chapter 8 of the County Code.
- (f) Any Chesapeake Bay land-disturbing activity as defined in Code of Virginia § 62.1-44.15:24 shall comply with the requirements of the Virginia Stormwater Management Program (VSMP) Regulations found in 9VAC25-870-51 and 9VAC25-870-103 and Chapter 19A of the County Code.
- All on-site sewage disposal systems not requiring a Virginia Pollution Discharge Elimination System (VPDES) permit shall be pumped out at least once every five (5) years.
- (g) For new construction, Aa reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, if the lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site. Building or construction of impervious surface shall be prohibited on the area of all sewage disposal sites until the structure is served by public sewer or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board. All sewage disposal site records shall be administered to provide adequate notice and enforcement.
- (h) RMA performance criteria shall not apply to land used for agricultural purposes. Land on which agricultural activities are being conducted, including but not limited to crop production, fallow rotation, pasture, and dairy and feedlot operations, shall have a soil and water quality conservation assessment conducted that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides and, where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with the Chesapeake Bay Preservation Act and this Chapter.
- (i) The Administrator may authorize the land disturber/developer to use an approved retention or detention basin or alternative best management practice facility to achieve the performance criteria set forth in this Chapter.
- (j) Prior to authorizing grading or other onsite activities on any portion of a lot or parcel, all surface water/wetlands permit required by federal, state, and local laws and regulations shall be obtained and evidence of issuance submitted to the Administrator.
- (k) For sites subject to subdivision review, the subdivider shall post conspicuous signs demarcating the limits of the RPA, so builders and homeowners are visually informed as to the limitations imposed on these areas. Specific plans for the exact number and placement of the signs shall be approved by the Administrator.

- (l) All new construction and substantial improvements of residential structures shall, where feasible, establish minimum setbacks from an RPA which encroaches within a lot or parcel that is the lesser of the applicable yard setback requirement of the underlying zoning district or twenty-five (25) feet. Specifically, setbacks shall be measured from the closest boundary of the RPA to the principal structure and the required setbacks shall be determined by the lot/yard in which the RPA boundary is located.
 - (m) All new construction and substantial improvements of residential dwellings shall have a minimum setback of at least twenty-five (25) feet horizontal distance from the outermost boundaries of nontidal wetlands not located within RPAs.
 - (n) All new construction and substantial improvements of nonresidential structures and accessory buildings shall meet requirements of Section 23-7.2.12 of County Code.
- (Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6 ____)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-130

Sec. 6A-14. Exemptions in Resource Protection Areas.

- (a) The following land disturbances in RPAs may be exempt from the criteria of Section 6A-12 provided that they comply with the conditions listed below and follow the administrative review process: water wells, passive recreation facilities such as boardwalks, trails and pathways, and historic preservation and archaeological activities.
 - (1) Any required permits, except those to which this exemption specifically applies, shall have been issued;
 - (2) Sufficient and reasonable proof is submitted that the intended use shall not result in an adverse impact on water quality;
 - (3) The intended use does not conflict with nearby planned or approved uses; and
 - (4) Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of Chapter 8.
 - (b) Silvicultural activities in CBPAs shall be exempt from this Chapter's requirements, provided that such activities adhere to water quality protection procedures prescribed by the Virginia Department of Forestry's Virginia's Forestry Best Management Practices for Water Quality Technical Manual, Fifth Edition (March 2011), as amended. The Virginia Department of Forestry will oversee and document installation of best management practices and will monitor in-stream impacts of forestry operations in CBPAs. This exemption shall not apply to land disturbing activities on silvicultural land in an agriculturally zoned district which is not used directly for the management of agricultural crops, forest crops and livestock, or land which has been rezoned or converted to an open or non-forestry use, or proposed to be rezoned or converted, at the request of the owner or previous owner, from an agricultural to a residentially, commercially or industrially zoned district or use. This silvicultural exemption does not provide an exemption or exclusion from regulation from any other applicable state or federal silvicultural land activity that involves impacts to regulated surface waters that involves grading, contouring, discharge of materials to change bottom or existing land surface or channel elevations, stumping, grubbing or similar land moving activities.
- (Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6 ____)

Sec. 6A-15. Exemptions and Exceptions.

(a) Exemptions. Public utilities, railroads, public roads, and facilities exemptions.

- (1)** Construction, installation, operation and maintenance of electric, natural gas, fiber-optic and telephone transmission lines, railroads and public roads and their appurtenant structures in accordance with the Erosion and Sediment Control Law (§62.1-44.15:51 et seq.), and the Stormwater Management Act (§62.1-44.15:24 et seq.), or an erosion and sediment control plan and stormwater management plan approved by the Virginia Department of Environmental Quality. The exemption of public roads is further conditioned as follows: optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize encroachment in the RPA and adverse impacts on water quality.
- (2)** Construction, installation and maintenance of water, sewer, natural gas, and underground telecommunications and cable television lines owned, permitted, or both, by Spotsylvania County or a regional service authority shall be exempt from this Chapter's requirements, provided that:
 - a.** To the maximum extent practicable, the location of exempt/excluded utilities and facilities should be outside RPAs;
 - b.** No more land than necessary shall be disturbed to provide for the proposed utility installation;
 - c.** All construction, installation and maintenance of such utilities and facilities shall be in compliance with any applicable federal, state and Spotsylvania County requirements and permits and designed and conducted in a manner that protects water quality; and
 - d.** Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of Chapter 8 of County Code.

(b) Exceptions.

- (1) Findings.** Exceptions to the requirements of Sections 6A-12 and 6A-13 may be granted, subject to the procedures set forth in Section 6A-15(b)(2) if a finding is made that:
 - a.** The requested exception is the minimum necessary to afford relief;
 - b.** Granting the exception shall not confer any special privileges upon the applicant that are denied by this chapter to other property owners who are subject to its provisions and who are similarly situated;
 - c.** The exception is consistent with the purpose and intent of this Chapter and will not result in a substantial detriment to water quality;
 - d.** The exception request is not based on conditions or circumstances that are self-created, self-dealing, or self-imposed;
 - e.** Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality; and
 - f.** The request is being made because of the particular physical surroundings, use, shape or topographical conditions of the specific property involved or property adjacent to or within 100 feet of the subject property, or a particular hardship to the owner will occur, as distinguished from a mere inconvenience, if the strict letter of this Chapter is carried out.

(2) Exception process.

Board of Supervisors of Spotsylvania County

Adopted _____

a. Exceptions to Requirements of Section 6A-12.

1. Except for an encroachment permitted under Section 6A-12(d), a request for an exception to the requirements of Section 6A-12, shall be made in writing to the Administrator for action by the Spotsylvania County Planning Commission. It shall identify the impact of the proposed exception on water quality, on public safety, and on lands within the RPA through development of a water quality impact assessment which complies with Section 6A-12(f).
2. The Administrator shall notify the affected public of any such exception requests and the Spotsylvania County Planning Commission shall consider these requests during a single public hearing held in accordance with Va. Code § 15.2-2204.
3. The Spotsylvania County Planning Commission shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Chapter only if the Planning Commission makes the findings set forth in Section 6A-15(b)(1).
4. If the Spotsylvania County Planning Commission cannot make the required findings or refuses to grant the exception, it shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.

b. Exceptions to the Requirements of Section 6A-13. Upon written request, the Administrator may approve exceptions to the requirements of Section 6A-13 when the Administrator finds, in addition to the findings required by 6A-15(b)(1), that the criteria of Section 6A-16(b) have been satisfied.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-150

Sec. 6A-16. Plan of development process.

In addition to the requirements specified in County Code Chapters 8, 20, and 23, the plan of development process in CBPAs for County approval shall consist of the information identified below. The Administrator may determine that some of the following information is unnecessary due to the location, scope, or nature of the proposed development. The following information shall be submitted, unless otherwise provided for:

(a) Natural Resources Inventory. A natural resources inventory shall be submitted in conjunction with any plan of development. The Administrator may waive the requirement for a Natural Resources Inventory, in accordance with Subsection 6A-8(d) of this Chapter.

(1) The Natural Resources Inventory shall be drawn to a scale of 1:200 or less;

(2) Clearly delineate the following RPA features:

- a. Tidal wetlands;
- b. Tidal shores;
- c. Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
- d. Water bodies with perennial flow; and
- e. A 100-foot buffer area located adjacent to and landward of the components listed in Sec. 6A-5(a) through (d) and (e), if applicable.

(3) Clearly delineate the following RMA features:

- a. 100-year floodplains;

Sec. 6A-19. Appeals.

An administrative decision, order, requirement, or inaction under this Chapter shall become final unless appealed by the applicant by submitting a written application for review to the County Planning Commission no later than sixty (60) days from the rendering of such decision, order, requirement, or deadline. The Planning Commission shall hear the appeal as soon as practical after receipt of the application. The appellant, the Board of Supervisors, the Zoning Administrator, the Planning Director, and any person or agency expressing an interest in the matter shall be notified by the Planning Commission not less than ten (10) days prior to the date of the hearing. Published notice of the Planning Commission public meeting shall state that an appeal from a decision under the Chesapeake Bay Preservation Ordinance will be considered.

The Planning Commission may grant an appeal with or without modifications or conditions upon finding that such grant meets the standards in this Chapter. If the Planning Commission finds that the application does not meet the requirements of this Chapter, the Planning Commission shall deny approval of the application.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

Sec. 6A-20. Application of chapter.

The requirements of this Chapter shall apply to all development. Any development approved prior to the effective date of this Chapter, or any amendment thereto shall comply with the requirements set forth herein to the greatest extent possible.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:79

Sec. 6A-21. Violations.

- (a) Any person who: (i) violates any provision of this ordinance or (ii) violates or fails, neglects, or refuses to obey any local governmental bodies or officials final notice, order, rule, regulation, or variance or permit condition authorized under this ordinance shall, upon such finding by an appropriate circuit court, be assessed a civil penalty not to exceed five thousand dollars (\$5,000.00) for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the County for the purpose of abating environmental damage to or restoring CBPAs therein, in such a manner as the court may direct by order, except that where the violator is the County, itself or its agent, the court shall direct the penalty to be paid into the state treasury.
- (b) With the consent of any person who: (i) violates any provision of this ordinance related to the protection of water quality in Chesapeake Bay Preservation Areas or (ii) violates or fails, neglects, or refuses to obey the Administrator's notice, order, rule, regulation, or variance or permit condition authorized under this ordinance, the Administrator may provide for the issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed ten thousand dollars (\$10,000.00) for each violation. Such civil charges shall be paid into the treasury of the County for the purpose of abating environmental damage to or restoring CBPAs therein, except that where the violator is the County, itself or its agent, the civil charges shall be paid into the state treasury. Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subdivision (a) of this subsection. Civil charges may be in addition to the cost of any restoration required or ordered by the Administrator.
- (c) In addition to, and not in lieu of, the penalties prescribed in subsection (a) hereof, the Administrator may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this chapter and may seek any other remedy authorized by law.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:73

Sec. 6A-22. Severability.

The provisions of this Chapter shall be deemed to be severable, and if any of the provisions hereof are adjudged to be invalid or unenforceable, the remaining portions of this Chapter shall remain in full force and effect and their validity shall remain unimpaired.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6 ____)

§ 2. This ordinance shall be in force and effect upon adoption.

(Ord. 22-____,)