BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the 16th day of September, 2025:

Present	Vote
Sheila S. Noll, Chair man	Yea
Douglas R. Holroyd, Vice Chairman	Yea
M. Wayne Drewry	Yea
G. Stephen Roane, Jr.	Yea
Thomas G. Shepperd, Jr	Yea

On motion of Mr. Roane, which carried 5:0, the following ordinance was adopted:

AN ORDINANCE TO APPROVE THE AMENDMENT OF CHAPTER 20.5, SUBDIVISIONS, YORK COUNTY CODE AND CHAPTER 24.1, ZONING.

WHEREAS, it has come to the attention of the Board of Supervisors and the Planning Commission that applications to amend various sections of the York County Subdivision Ordinance (Chapter 20.5) and the York County Zoning Ordinance (Chapter 24.1) are necessary to incorporate changes to the Code of Viginia adopted in the 2025 General Assembly session and to also incorporate various other corrections, clarifications and revisions; and

WHEREAS, said amendments have been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of these amendments; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on these amendments; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to these amendments;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 16th day of September, 2025, that Application Nos. ST-026-25 and ZT-212-25 and are hereby approved to authorize the following amendments to Chapter 20.5, *Subdivisions,* and Chapter 24.1, *Zoning,* of the York County Code:

CHAPTER 20.5, SUBDIVISIONS

Sec. 20.5-13. Fees.

(g) Variable site development fees. In addition to the fees enumerated above, the subdivider shall be required to pay other fees as may be applicable to the proposed development.

(1) *Archeological study review fee*. Study review deposits shall be required for any archeological studies submitted for review and approval under the provisions of Section 24. 1- 374, *Historic resources management overlay district*, of Chapter 24. The review deposit schedule shall be as follows:

1.	Phase I study:	$1,500 deposit
2.	Phase II study:	$2,500 deposit
3.	Phase III study:	$3,500 deposit
4.	Other study:	$1,500 deposit

Sec. 20.5-28. Preliminary plan.

Any person desiring to subdivide land shall, unless exempted under the provisions of section 20.5-27 or 20.5-27.1, prepare and submit three (3) folded copies of a preliminary plan to the agent together with a completed application and the appropriate fee.

(b) *Review process.* Upon determining that all submittal requirements have been met, the agent shall coordinate a review process to determine conformity of the proposal with all applicable requirements of this chapter and other applicable ordinances, requirements, and regulations.

(2) After receiving the comments of all reviewing departments or agencies, or within forty (40) days of submission of the preliminary plan by a subdivider, whichever shall occur first, the agent shall consolidate all of the comments and provide a written response to the subdivider. In the event of a resubmission of a preliminary plan which has been previously disapproved, the response shall be provided within thirty (30) days. Where review by one (1) or more state agencies, including, but not limited to, the health department and/or department of transportation, is necessary, the agent shall act upon the plan in accordance with the code of Virginia after the receipt of all comments or approvals of such state agency or agencies.

(3) The agent's written response to the subdivider shall include notification of approval or disapproval or approval with conditions. Such notice shall state any actions, changes, conditions, or additional information that is required to secure final approval of the preliminary plan and, if disapproved, the reasons for such action with specific reference to an adopted ordinance, regulation or policy and identifying such modifications or corrections as will permit approval of the plan. All deficiencies identified during the third or

subsequent resubmission of a preliminary plan shall be provided concurrently to the subdivider and the Director of Planning & Development Services. Within 14 days of receipt, the agent shall act on the plan as provided in Section 15.2-2259.A.3 of the Code of Virginia.

(4) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the preliminary plan prior to approval, the subdivider shall resubmit three (3) folded copies of the revised plan together with the original or a copy of any marked plans returned to the subdivider by the agent. In addition, a narrative description shall be submitted describing how each of the actions, changes, conditions, or additional information required has been addressed on the revised plan. The revised plan shall then be reviewed in the same manner as was the original. In the review of a resubmitted preliminary plan solely involving a parcel or parcels of commercial real estate (which, for the purposes of this section, shall be deemed to include "industrial"), the agent shall consider only the deficiencies identified in the review of the initial plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. Failure to approve or disapprove a resubmitted plan for commercial real estate within the specified time periods shall cause the plan to be deemed approved. Notwithstanding the approval or deemed approval of any proposed plan for commercial real estate, any deficiency in any proposed plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated, or deemed as having been approved. Should any resubmission include a material revision of infrastructure or physical improvements of the earlier submission, or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the agent's review shall not be limited to only the previously identified deficiencies of prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

(d) *Term of validity*. The subdivider shall have one (1) year from the date of official notification of approval of the preliminary plan within which to file a development plan meeting all of the submittal requirements established in article IV of this chapter for the subdivision or section thereof. Failure to do so shall make the preliminary plan approval null and void. The agent may, on written request of the subdivider received no fewer than ten (10) working days prior to expiration of validity and for good cause shown, grant one (1) six-month extension of preliminary plan approval.

Sec. 20.5-29. Development plan.

The subdivider shall, unless otherwise provided by section 20.5-27 of this chapter, after receiving approval of the preliminary plan and within the time specified in section 20.5-28(d), submit three (3) folded copies of a development plan for the subdivision or section thereof prepared in accordance with article IV of this chapter to the agent together with the appropriate application and fee.

(b) *Review process*. Upon determining that all submittal requirements have been met, the agent shall coordinate a review process to determine conformity of the proposed design elements and physical improvements with all applicable requirements of this chapter and all other applicable ordinances, requirements, and regulations.

(2) After receiving the comments of all reviewing departments or agencies, or within forty (40) days of submission of the development plan by a subdivider, whichever shall occur first, the agent shall consolidate all of the comments and provide a written response to the subdivider. In the event of a resubmission of a development plan which has been previously disapproved, the response shall be provided within thirty (30) days. Where review by one (1) or more state agencies, including, but not limited to, the health department and/or department of transportation, is necessary, the agent shall act upon the plan in accordance with the Code of Virginia after the receipt of all comments or approvals of such state agency or agencies.

(4) All deficiencies identified during the third or subsequent resubmission of a development plan shall be provided concurrently to the subdivider and the Director of Planning & Development Services. Within 14 days of receipt, the agent shall act on the plan as provided in Section 15.2-2259.A.3 of the Code of Virginia.

(5) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the development plan prior to approval, the subdivider shall resubmit three (3) folded copies of the revised plan together with the original or a copy of any marked plans returned to the subdivider by the agent. In addition, a narrative description shall be submitted describing each of the actions, changes, conditions, or additional information required has been addressed on the revised plan. The revised plan shall then be reviewed in the same manner as was the original. In the review of a resubmitted development plan solely involving a parcel or parcels of commercial real estate, the agent shall consider only the deficiencies identified in the review of the initial plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. Failure to approve or disapprove a resubmitted plan for commercial real estate within the specified time periods shall cause the plan to be deemed approved. Notwithstanding the approval or deemed approval of any proposed plan for commercial real estate, any deficiency in any proposed plan, that if left uncorrected, would violate local, state or

federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated, or deemed as having been approved. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission, or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the agent's review shall not be limited to only the previously identified deficiencies of prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

Sec. 20.5-30. Final plat.

The subdivider shall, unless otherwise prescribed in section 20.5-27 of this chapter, after approval of the development plan and within the time specified in section 20.5-29(d), submit three (3) folded copies of the final plat for those sections contained on the approved development plan to the agent for review and approval. The final plat shall be prepared in accordance with article V of this chapter and shall be submitted together with the applicable application and fee. The agent may, upon written request and for good cause shown, accept for review final plats before approval has been granted to development plans, however approval of a final plat requires that it fully conform with the approved development plan, if such a plan is required.

(b) *Review process*. Upon determining that all submittal requirements have been met, the agent shall coordinate a review process to determine conformity of the plat with all applicable requirements of this chapter and all other applicable ordinances, requirements, and regulations.

(2) Within forty (40) days of submission of the final plat by a subdivider, whichever shall occur first, the agent shall consolidate all of the comments and provide a written response to the subdivider. In the event of a resubmission of a final plat which has been previously disapproved, the response shall be provided within thirty (30) days. Where review by one (1) or more state agencies, including, but not limited to, the health department and/or department of transportation, is necessary, the agent shall act upon the plan in accordance with the Code of Virginia after the receipt of all comments or approvals of such state agency or agencies.

(4) All deficiencies identified during the third or subsequent resubmission of a final plat shall be provided concurrently to the subdivider and the Director of Planning & Development Services. Within 14 days of receipt, the agent shall act on the plat as provided in Section 15.2-2259.A.3 of the Code of Virginia.

(5) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the final plat prior to approval, the subdivider shall resubmit three (3) copies of the revised plat. In addition, a narrative description shall be submitted describing how each of the actions, changes, conditions, or additional

information required has been addressed on the revised plat. The revised plat shall then be reviewed in the same manner as was the original. In the review of a resubmitted plat solely involving a parcel or parcels of commercial real estate, the agent shall consider only the deficiencies identified in the review of the initial plat that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. Failure to approve or disapprove a resubmitted plat for commercial real estate within the specified time periods shall cause the plat to be deemed approved. Notwithstanding the approval or deemed approval of any proposed plat for commercial real estate, any deficiency in any proposed plat, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated, or deemed as having been approved. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission, or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the agent's review shall not be limited to only the previously identified deficiencies of prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

(d) *Term of validity*. The subdivider shall have six (6) months from the date of official notification of approval of the final plat within which to have the record plat filed and recorded by the clerk of the circuit court. Failure to do so shall make approval null and void, and the subdivider shall be required to return the approved copy of the final plat to the agent in order that it may be so marked. Reapproval shall require resubmission in full compliance with the regulations then in effect. Where the subdivision involves the construction of facilities to be dedicated for public use and the subdivider has commenced the construction of such facilities with surety approved by the agent, or where the subdivider has furnished surety in accordance with Section 20.5-108 of this chapter, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement covering construction of required public improvements, whichever is greater.

Sec. 20.5-31. Record plat.

The record plat shall be prepared and submitted to the agent no less than ten (10) working days prior to the anticipated date of recordation together with all required deed and plat recordation fees.

(a) *Submittal.* The subdivider shall provide three (3) reproducible copies of each plat sheet, clearly drawn in permanent black ink, with the signatures of all owners and certification by a licensed land surveyor affixed to the plat(s) in permanent black or dark blue ink. The plat(s) shall meet the current *Standards for Recorded Instruments* of the Virginia State Library Board.

Sec. 20.5-31.1. Terms of validity.

(a) If at the end of three (3) years from the date of approval of a preliminary plan, or from the date of approval of a development plan if no preliminary plan is required, a subdivider has not submitted a final subdivision plat, or has not

diligently pursued approval of a submitted final plat, then the agent may, upon ninety (90) days written notice by certified mail to the subdivider, revoke the preliminary plan or development plan approval. Diligent pursuit of approval of the final subdivision plat shall mean that the subdivider has incurred extensive obligations and substantial expenses relating to the submitted final subdivision plat or modifications thereto. The agent's written notice shall cite the specific facts upon which the revocation is based. In any event, when a final subdivision plat has been timely submitted but not approved the maximum term of validity for the associated preliminary plan shall be five years, except as may be provided below.

Sec. 20.5-47. Submittal requirements.

The subdivider shall submit to the agent three (3) folded copies of the preliminary plan at a scale of one hundred feet (100') to the inch, except in cases where the agent has approved an alternate scale to facilitate showing the entire development on a single sheet. Where more than one (1) sheet is used, sheets shall be numbered in sequence and match lines shall be provided and labeled. Any preliminary plan shall be twenty-four inches by thirty-six inches (24” x 36”).

Sec. 20.5-52. Submittal requirements.

The subdivider shall submit to the agent three (3) folded copies of the development plan at a horizontal scale no smaller than five feet (5') to the inch and a vertical scale of five feet (5') to the inch except in cases where the agent has approved an alternate scale. Where more than one (1) sheet is used, sheets shall be numbered in sequence and match-lines shall be provided and labeled. Any development plan shall be twenty-four inches by thirty-six inches (24” x 36”).

Sec. 20.5-57. Submittal requirements.

The subdivider shall submit to the agent three (3) folded copies of the final plat on at a scale of one hundred feet (100') to the inch except in cases where the agent has approved an alternate scale. Where more than one (1) sheet is used, sheets shall be numbered in sequence and match-lines shall be provided and labeled. The size of any final plat shall be eighteen inches by twenty-four inches (18" × 24").

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Sec. 24.1-104. Definitions.

Battery energy storage facilities. A facility containing a system consisting of one or more electrochemical storage batteries, inverters, battery management systems, cooling systems, fire suppression, and other associated infrastructure that stores electrical energy for use at a later time.

Casino. An establishment where casino games, such as baccarat, blackjack, twenty-one, poker, craps, dice, slot machines, roulette wheels, Klondike tables, Mah Jong, electronic table games, hybrid table games, punchboards, faro layouts, numbers tickets, push cards, jar tickets, or pull tabs, or any variation of the aforementioned games, and

any other activity that is defined by the Virginia Lottery Board as a wagering game or device, are conducted and licensed as provided in the Code of Virginia.

Off-track betting establishment. A wagering facility which simulcasts horse, harness or dog racing events for the purpose of pari-mutuel wagering that is licensed by the Commonwealth of Virginia.

Transient occupancy. Occupancy of a lodging unit or accommodation on a temporary basis for less than (thirty) 30 continuous days by a visitor whose permanent address for legal purposes is not the lodging unit occupied by the visitor.

Sec. 24.1-108. Filing Fees.

(d) *Variable site development fees.* In addition to the fees enumerated above, the developer shall be required to pay other fees as may be applicable to the proposed development.

(1) *Archeological study review fee*. Study review deposits shall be required for any archeological studies submitted for review and approval under the provisions of Section 24. 1- 374, *Historic resources management overlay district*, of this chapter. The review deposit schedule shall be as follows:

a.	Phase I study:	$1,500 deposit
b.	Phase II study:	$2,500 deposit
c.	Phase III study:	$3,500 deposit
d.	“Other” study:	$1,500 deposit

Sec. 24.1-113. Amendments.

(c) *Procedures for amendment*.

(4) Upon receipt of the recommendation of the commission, the board, after public notice in accordance with section 15.2-2204, Code of Virginia shall hold at least one public hearing on such petition for amendment, and as a result thereof shall make such changes to the chapter as it deems appropriate, provided further that the board shall act upon and make a decision upon each petition within one (1) year of the date such petition was filed.

(5) An applicant may defer a petition for amendment from consideration by the board; however, if said petition for amendment is not advanced by the applicant for consideration by the board within one (1) year from the date of the Commission public hearing, then such petition for amendment shall become null and void.

Sec. 24.1-114. Conditional zoning.

Sec. 24.1-115. Special use permits.

(b) *Procedure for issuing special use permits.*

(4) Upon receipt of the recommendation of the commission, the board, after public notice in accordance with section 15.2-2204, Code of Virginia, shall hold at least one public hearing on such application, and as a result thereof shall either approve or deny the request provided further that the board shall act upon an application within one (1) year of the date of the Commission public hearing.

(8) An applicant may request deferral an application from consideration by the board after the commission public hearing. In case of such a request, however, if the applicant does not request that the application move forward for consideration by the board within one (1) year from the date of the Commission public hearing, then such application shall become null and void.

(c) *Procedures applicable to permits.*

(5) Where any special use or conforming special use is discontinued for any reason for a continuous period of two (2) years or more, the special use permit shall automatically terminate without notice. A use shall be deemed to have been discontinued when the use shall have ceased for any reason, regardless of the intent of the owner or occupier of the property to reinstitute the use at some later date. The approval of a new special use permit shall be required prior to any subsequent reinstatement of the use.

Sec. 24.1-225. Special yard regulations.

The following special yard regulations shall apply to the development of property:

(c) Mechanical or HVAC equipment may be located in a required rear or side yard. If such equipment is located in a required front yard, the equipment must be screened from view from public streets and adjacent properties.

Article II. – General Regulations. Division 8. HOME OCCUPATIONS.

Sec. 24.1-281. - General requirements for home occupations.

All home occupations shall be subject to the following provisions unless excepted by the board in accordance with the provisions of section 24.1-283:

(b) Such home occupation shall not generate traffic, parking, sewage, or water use in excess of that which is normal in the residential neighborhood.

(g) No aspect of such home occupation operation shall exceed the sound levels noted in Section 16-19.3. Such aspects shall include, but shall not be limited to, equipment, employees, owners, customers, or clients. The occupation or activity shall not require the use of machinery or equipment that creates odor, smoke, dust, glare, flammable or toxic substances, or is dangerous or otherwise detrimental to persons residing in the home or on adjacent property.

Sec. 24.1-282. - Home occupations permitted as a matter of right.

(a) The home occupations below are permitted in all residential districts and shall be allowed one customer/client contact per appointment once per hour at a maximum of five (5) customers/client per day limited to the period between 8:00 a.m. to 8:00 p.m., Monday through Saturday with no customer/client contact on Sunday, or in cases where customer/client contact is not required, such home occupation shall allow for the presence of up to two (2) non-resident employees at any given time:

(6) Resident accountants, architects, photographers, brokers, computer programmers, web designers, online teaching, virtual assistants, electronic device repair, sewing machine repair, consultants, counselors, engineers, lawyers, insurance agents, real estate agents or similar professionals.

Sec. 24.1-283. - Home occupations permitted by special use permit.

(c) Small contracting businesses operated as home occupations in the RC, RR and WCI districts.

Sec. 24.1-306. Table of land uses.

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT USES	RESIDENTIAL DISTRICTS							COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R33	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
USES	**CATEGORY 1—RESIDENTIAL USES**													
7. Group Home (for more than 8 occupants)		S	S	S	S		S					S	S	S

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT USES	RESIDENTIAL DISTRICTS							COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R33	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
USES	**CATEGORY 10—COMMERCIAL/RETAIL**													
6. Grocery Store								P	S	P		P		

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT USES	RESIDENTIAL DISTRICTS							COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R33	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
USES	**CATEGORY 15—LIMITED INDUSTRIAL ACTIVITIES**													
4. Contractors' Facilities (e.g., Plumbing, Electrical, Mechanical, HVAC, Home Improvement or Construction, Swimming Pool, Landscaping, Cabinetmaking, General Building, Excavating, etc.)														
c) Stand-alone Storage Yard										S		S	P	P

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT USES	RESIDENTIAL DISTRICTS							COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R33	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
USES	**CATEGORY 17—UTILITIES**													
1b. Non-Residential Battery Energy Storage Facility												S	S	S

Sec. 24.1-307. Prohibited uses.

The following uses shall be prohibited in the county:

(h) Casinos and off-track betting establishments.

Sec. 24.1-327. YVA—Yorktown village activity district.

(b) *Special procedural requirements*.

(5) The construction of new single-family detached dwellings, the enlargement of existing single-family detached dwellings, and carports, garages, utility sheds, children's playhouses without plumbing, doghouses, bee hive boxes, and other uses and structures which are customarily accessory and clearly incidental and subordinate to single-family dwellings as determined by the zoning administrator, , shall be permitted as a matter of right provided that the proposed location is not within one of the areas specifically designated for commercial development by the adopted Yorktown Master Plan and that the following setback and dimensional requirements are observed, and provided that all applicable requirements and procedures set out in the Yorktown Historic District Overlay (Section 24.1-377) are observed.

Sec. 24.1-444. Standards for temporary construction trailers and offices.

Administrative permits may be issued for trailers and industrialized building units used in conjunction with construction or land disturbing projects subject to the following:

(e) The applicant shall post a surety by cash, certified check, or letter of credit in the amount of two thousand dollars ($2,000.00) per trailer or building, not to exceed ten thousand dollars ($10,000.00) per construction or land disturbing project, to guarantee the removal of such temporary trailer or building..

Sec. 24.1-494.2. Non-residential battery energy storage facilities.

(a) Any special use permit application submitted under the provisions of this section shall be accompanied by the following items, which shall be submitted to the Department of Planning & Development Services and shall be considered by the Board of Supervisors when evaluating the proposed project;

(1) A narrative identifying the applicant, owner, and operator, and describing the proposed battery storage facility, including an overview of the project, its location, and maintenance plan for the project; approximate rated capacity of the battery storage facility; a description of ancillary facilities, if applicable; and analysis of the beneficial and adverse impacts of the proposed project on natural and historic resources.

(2) Renderings or photo simulations of landscape treatment in perspective view and all proposed structures to be visible from external rights-of-way and adjacent properties, including a list of building materials to be utilized.

(b) Safety signage shall be required on all entrance gates. Such signage shall include the type of technology associated with the battery energy storage facility.

(c) Battery energy storage facilities must be set back 100 feet from all property lines and 500 feet from any residential dwelling.

(d) A hazardous materials management plan shall be submitted to and approved by the Department of Fire and Life Safety.

(e) Battery energy storage facilities shall be screened from view of public rights of way and adjacent properties using architectural features, earth berms, evergreen landscaping, or other screening methods approved by the Board of Supervisors that will harmonize with the character of the property and surrounding area.

(f) Battery energy storage facilities, including all mechanical equipment, shall be enclosed by fencing and a locking gate at all access points to prevent unauthorized access.

(g) Freestanding signs shall be of a ground-mounted monument type and shall not exceed thirty-two (32) square feet nor erected to a height greater than ten feet (10’).

(h) In the event the County becomes aware that a battery energy storage facility has ceased to operate for a continuous period of one year, then upon request by the zoning administrator or his designee the owner or lessee of the property shall, within 30 days:

(1) Provide evidence that the system has been and remains in operation; or

(2) Provide documentation of the reasons for the operational difficulty and the corrective measures being taken or proposed to be taken to restore operability.

(3) In the event the facility is not operational and will not be restored to operation, the Zoning Administrator may issue an order to the owner or lessee requiring that the equipment be dismantled and removed from the site within 180 days, and the owner or lessee shall comply.

(4) In the event the owner or lessee provides a plan for correcting operational issues, the Zoning Administrator may issue an order to the owner or lessee requiring the corrective measures to be completed within a specific period of time and, if not, for the facility to be dismantled and removed from the site.

(i) The requirement to remove the battery energy storage facility equipment and other appurtenances set forth in the preceding subsection shall be ensured by the owner or lessee through a maintenance agreement, approved as to form by the county attorney, whereby the owner or lessee shall covenant to perform the required removal of any solar facility equipment or other described appurtenances within 180 days of notice by the County and grant authority to the County to perform such work at the owner's or lessee's cost if the owner or lessee should default on his obligations. The owner or lessee shall cause such agreement to be recorded by the clerk of the circuit court and provide evidence of such recordation to the zoning administrator prior to issuance of any building permits for the proposed development.

Sec. 24.1-502. Information required on site plans.

(n) *Number of copies*. Plan submissions shall be clearly legible, folded copies of the site plan printed in black ink and shall be accompanied by the appropriate application form and fee. No plan shall be deemed received until all relevant fees and applications are submitted. In addition, copies/sets of any supplementary reports or calculations (e.g., drainage calculations, traffic impact studies) shall be submitted with the plan submission. The number of copies of site plans and supplementary information/studies required shall be that number deemed sufficient by the zoning administrator to cover distributions to the relevant review departments/agencies and to provide a file copy to be maintained in the Development Services Division and the required number of copies shall be communicated in procedural information made available to prospective applicants by the Department.

Sec. 24.1-505. Review and approval procedures for site plans.

(c) The zoning administrator or their designee shall be the final plan approving authority. No final action shall be taken until the comments and recommendations of all reviewing agencies, and departments and officials have been received. Except under abnormal circumstances, all reviews shall be completed and the final decision of the zoning administrator rendered within forty (40) days of the submission of a site plan having all the necessary elements as prescribed in section 24.1-502. In the event a final decision cannot

be rendered within forty (40) days, the applicant may request and shall be given written notice of such delay and the reasons therefor. Where review by one (1) or more state agencies, including but not limited to the health department and/or department of transportation, is necessary, the zoning administrator or their designee shall act upon the plan in accordance with the Code of Virgina, after the receipt of all comments or approvals of such state agency or agencies.

(e) Upon final action by the zoning administrator or their designee, the applicant shall be notified in writing of such action and the reasons therefor.

(g) For a resubmitted site plan solely involving a parcel or parcels of commercial real estate (which, for the purposes of this section shall be deemed to include "industrial"), the zoning administrator or their designee shall act on the plan within thirty (30) days provided, however, that where review by one or more state agencies is necessary, the comments or approvals of such state agency or agencies shall be provided in accordance with the Code of Virginia. In reviewing such a plan, the zoning administrator or their designee shall consider only the deficiencies identified in the review of the initial site plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. Failure to approve or disapprove a resubmitted commercial site plan within the specified time periods shall cause the plan to be deemed approved. Notwithstanding the approval or deemed approval of any proposed commercial site plan, any deficiency in any proposed plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated, or deemed as having been approved. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission, or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the zoning administrator's review shall not be limited to only the previously identified deficiencies of prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

(j) Pursuant to Section 15.2-2261, Code of Virginia, final approval of a site plan submitted under the provisions of this article shall expire five (5) years after the date of such approval or, if building permits, or renewals thereof, have been issued for a valid and unexpired site plan, then upon the expiration of those permits. The issuance, and diligent pursuit of work thereunder, of a land disturbing activity permit (LDA permit) authorizing construction of stormwater management infrastructure also shall be sufficient to extend the term of validity of a site plan approval for a period concurrent with the validity of the LDA permit. The application for and approval of minor modifications to an approved site plan shall not extend the period of validity of such plan and the original approval date shall remain the controlling date for purposes of determining validity. Notwithstanding the five (5)-year term of validity, nothing shall preclude the application, to the greatest extent possible, of the terms of any local ordinance adopted pursuant to the Chesapeake Bay

Preservation Act, or the application of the provisions of any local ordinance adopted to comply with the requirements of the federal Clean Water Act, Section 402 (p.) of the Stormwater Program and regulations promulgated thereunder by the Environmental Protection Agency.

Sec. 24.1-701. Definitions.

Online order pick-up sign. Any sign that designates a specific area or process for customers who have placed online orders and are collecting them in person at a store or designated location. These signs guide customers to the correct location to pick up online orders.

Sec. 24.1-702. General sign regulations.

(a) *Sign area and height measurement:*

(1) For signs other than monument signs, sign area shall be measured within a continuous perimeter enclosing the entire display face of the sign, including background, framing, trim, molding and other borders, but excluding supports and uprights unless the combined width of such supports or uprights exceeds 25% of the width of the sign face being supported or unless such supports of any width are designed as an integral part of the display for the purpose of illustration or attraction. (See Figure VII-2 in Appendix A). Circular signs shall be measured as depicted in Figure VII-6 in Appendix A. Monument signs shall be measured as depicted in Figure VII-4 in Appendix A, excluding from the sign face calculations allowances for the decorative base, decorative pillars on the sides, and decorative pediments/headers on top.

Sec. 24.1-705. Exempt Signs.

(s) Online order pick-up signs. Each sign face shall not exceed six (6) square feet in area, with a maximum of twelve (12) square feet in combined sign face area for each side of the sign. Online order pick up signs shall not exceed a maximum of six feet (6’) in height from grade to the top of sign. Such signs shall not be visible from a public right-of-way, nor illuminated.

APPENDIX A.

FIGURE VII-6

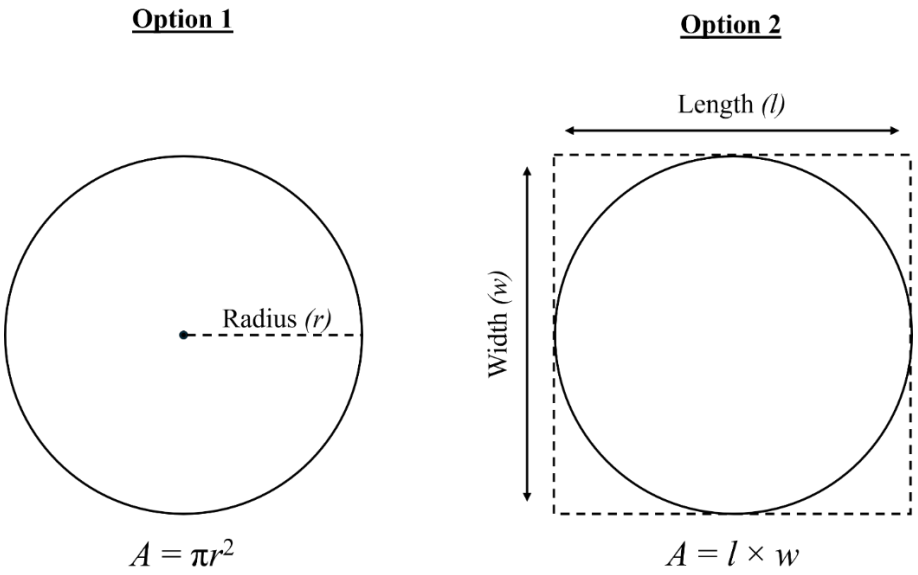
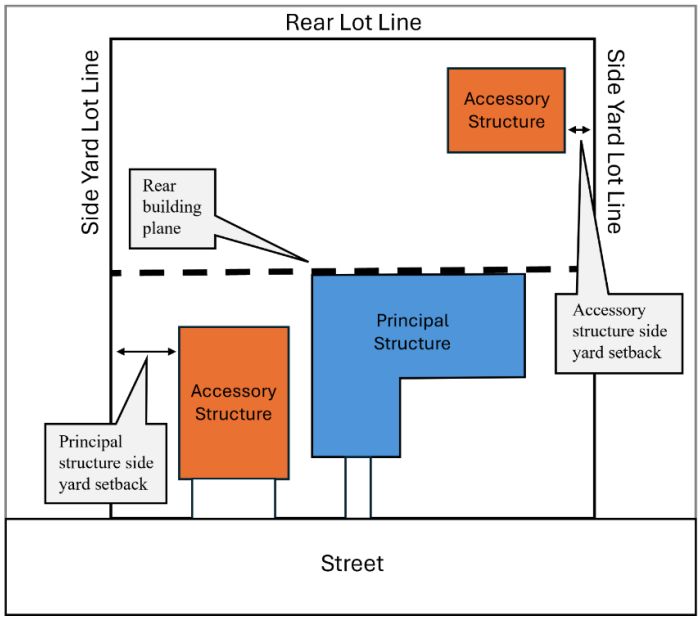


FIGURE II-7.1
ACCESSORY BUILDING SETBACK



Accessory structures forward of rear building planes must observe principal building side yard setbacks

A Copy Teste:

_____
Heather L. Schott, MMC
Deputy Clerk