

**ORDINANCE AMENDING THE A-1, RA, RR and R-1 DISTRICTS IN APPENDIX A, ZONING ORDINANCE;  
AMENDING ARTICLES 2, 9 AND 8C IN APPENDIX A, ZONING ORDINANCE; AND AMENDING APPENDIX  
B, SUBDIVISION ORDINANCE OF THE CULPEPER COUNTY CODE**

**BE IT ORDAINED** by the Board of Supervisors of Culpeper County that Appendix A and Appendix B, of the Culpeper County Code, be and hereby are amended as follows, and in accordance with the attachments:

**Appendix A, Zoning Ordinance**

- Article 2. Definitions And Measurements is a new Article, replacing the former Article 2 in its entirety, as attached  
Article 3. Agricultural District A-1 is replaced in its entirety, as attached  
Article 4. Rural Area District RA is replaced in its entirety, as attached  
Article 4A Rural Residential District RR is amended, as attached  
Article 5 Residential District R-1 is amended, as attached  
Article 8C Watershed Management District WMD is amended, as attached  
Article 9 Special Provisions is amended, as attached

**Appendix B, Subdivision Ordinance**

The Subdivision Ordinance is amended, as attached

Article 2, Definitions is being replaced with a new and expanded Article 2, Definitions and Measurements. The A-1 and RA Districts (Articles 3 and 4) are modified as to uses permitted, setbacks and other provisions. The RR and R-1 Districts (Articles 4A and 5) are amended as to uses permitted, primarily limited to the designation of Home Occupations as a permitted accessory use rather than a conditional use. Article 8C is amended to add certain provisions which were previously found in Article 9. Article 9 is amended substantially, revising various special provisions.

The Subdivision Ordinance is being amended to incorporate necessary updates.

**BE IT FURTHER ORDAINED** by the Board of Supervisors of Culpeper County that the text of Articles 2, 3, 4, 4A, 5, 8C and 9 of Appendix A, and Appendix B, Subdivision Ordinance of the Culpeper County Code shall be amended as shown in the attachments hereto.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** that the Board of Supervisors of Culpeper County, Virginia, pursuant to Section 15.2-1427 of the Code of Virginia, enacts this Ordinance.

DONE this 7<sup>th</sup> day of May, 2013.

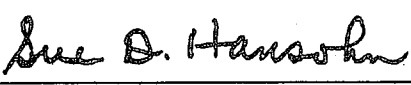
VOTING AYE: AYLOR, HANSOHN, FRITZ, NIXON, ROSENBERGER, WALKER

VOTING NAY: NONE

ABSTAINING: NONE

ABSENT: CHASE

Witness this signature.

  
Sue D. Hansohn, Chairman  
Board of Supervisors of Culpeper County, Virginia

DATE: May 9, 2013

ATTEST:

  
Frank T. Bossio, Clerk to the Board

## ARTICLE 2. DEFINITIONS & MEASUREMENTS

**2-1.** For the purpose of this ordinance, certain words and terms are defined as follows:

Words used in this ordinance have their normal dictionary meaning unless they are listed below. Words listed below have the specific meaning stated, unless the context clearly indicates another meaning.

Words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular, unless the natural construction of the word indicates otherwise.

The word “shall” is mandatory and not discretionary; the words “used” and “used for” shall be deemed also to include “designed, designed for, intended” or “arranged to be used”; the word “lot” includes the word “plot”; the word “dwelling” includes the word “residence”; the term “erected” shall be deemed also to include “constructed”, “reconstructed”, “altered”, “placed”, or “moved”; the terms “land use” and “use of land” shall be deemed also to include “building use” and “use of building”; the word “adjacent” means “contiguous”.

**Abandonment:** The cessation of the use of land without the intention of transferring rights to the land or of resuming the same use of the land.

**Abut/Abutting:** Having property lines in common, with no separation by a street, alley or other right of way.

**Accent Lighting:** Lighting used to emphasize or draw attention to a special object or building.

**Accessory Use:** A use normally incidental, subordinate, exclusively devoted to and located on the same lot as the principal use.

**Acre:** A measure of land equating to 43,560 square feet.

**Addition:** Any construction that increases the size of a building or structure, such as a porch, attached garage, carport, new room, etc.

**Administrator:** The Zoning Administrator of the County of Culpeper, Virginia.

**Adjacent/Adjoining:** Abutting or being directly across a street, alley, other rights-of-way.

**Adult Day Care Center:** “Adult day care center” means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or

residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults. (See also **Assisted living facility & Nursing home**)

**Advertisement:** Any device or representation visible to the general public that is meant for the purpose of directly or indirectly promoting sales or drawing attention to an enterprise or undertaking, and includes any sign or similar structure, any bunting, flag or streamer, or any balloon used or adapted for use for the display of advertisements or attracting attention.

**Affordable Housing:** Dwelling units utilized as a linkage with specific performance options in a planned unit development (PUD). Affordable housing includes low and moderate income housing, as defined by the U.S. Department of Housing and Urban Development standards, and housing that is affordable to County residents, as defined by current demographic data. Affordability is determined by the application of standard mortgage criteria to average household income (growth adjusted) to establish the current annual value by average County households.

**Agriculture:** The practice of cultivating the soil, producing crops, raising of livestock, which includes among other items, horticulture, forestry, dairying, apiculture, floriculture, viticulture, aquaculture, hydroponics, animal and poultry husbandry, and including accessory uses such as the harvesting, keeping and processing of any products produced on the premises, such as milk, eggs, and similar products. Provided however, that the operation of any such accessory uses shall be accessory to that of the principal agricultural use, and shall not include any industry or business such as fruit packing plants, dairies or similar uses where all products processed are not produced on said premises.

**Agricultural Animals:** All livestock and poultry.

**Agritourism:** Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, 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.

**Airport:** The use of land, building or structure for facilitating the landing and handling of aircraft and their passengers and freight and without limiting the generality of the foregoing, accessory uses may include ticket office, restaurants, confections, luggage checking facilities and freight shipping facilities.

**Aircraft Landing Strip:** Land used for the purpose of landing, storing, taxing or take-off of private aircraft.

**Alley:** A public or private way within a block, generally giving access to the rear of lots or buildings and not used for general traffic circulation.

**Alteration:**

- When used in reference to a building or structure or part thereof, shall mean to change any one or more of the external dimensions of such building or structure or to make any change in the supporting members, to the type of construction of the exterior walls or roof thereof.
- When used in reference to use, shall mean to discontinue and replace the use with a use that is defined herein as being distinct from the discontinued use. (see also **Change of Use**)

**Ambient Light:** The general overall level of lighting in an area.

**Animal, Companion (Pets):** Any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals.

**Antique Shop:** A place offering antiques for sale. An antique, for purposes of this ordinance, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past.

**Appeal:** A request for review of a decision or determination made by an administrative official, the Board of Supervisors, Planning Commission or Board of Zoning Appeals relating to this ordinance.

**Applicant:** A person seeking any determination or approval under, or permits required by, this ordinance.

**Approving Authority:** Refers to the County Board of Supervisors, Planning Commission, Board of Zoning Appeals as the context of these regulations require in regard to the review of development approvals. This term shall also include the County Administrator, Director of Planning, Zoning Administrator or their designees in regard to the review of administratively issued permits as the context of these regulations so require.

**Art Gallery:** A place for display or sale of finished art objects, including paintings, statues, tapestries, ceramics, or other art work.

**Asphalt / Concrete Plant:** A plant used for the manufacture of asphalt, macadam and other forms of coated roadstone, sometimes collectively known as blacktop (asphalt). A concrete plant, also known as a batch plant, is a device that combines various ingredients to form concrete. Some of these inputs include sand, water, aggregate (rocks, gravel, etc.), fly ash, potash, and cement. There are two types of concrete plants: *ready mix* plants and *central mix* plants. A

concrete plant can have a variety of parts and accessories, including but not limited to: mixers, cement batchers, aggregate batchers, conveyors, radial stackers, aggregate bins, cement bins, heaters, chillers, cement silos, batch plant controls, and dust collectors.

**Assisted Living Facility:** Any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, not including the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

**Attached Structure:** Any structure that is attached to another structure by a common wall, by a roof, or by structural connections that allow pedestrian access to both structures. For example, decks or stairways are attached structures when they are connected to another structure. A garage may be attached to another structure by sharing a wall or by a breezeway.

**Auditorium:** A large enclosed and roofed building or structure used for spectator sports, civic, education, political, religious or cultural events or exhibitions.

**Automobile/Auto:** See **Motor Vehicle** and related definitions.

**Automobile Graveyard:** Any lot or place that is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated are placed, located or found.

**Automobile Supplies:** See **Motor Vehicle Parts, Retail**.

**Bakery/Bake Shop:** A business where products of a bakery are sold or offered for retail sale, including incidental baking of products for retail sale on the premises only.

**Bank/Lending & Financial Institution:** Any establishment, the primary business of which is concerned with such state or federally regulated activities as banking, savings and loans, and consumer loan companies.

**Banner:** A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations or ornamentation applied to paper, plastic, fabric or other non-rigid material, excluding flags and insignias of any government entity.

**Barber Shop:** Any commercial establishment or place where the practice of barbering is engaged in or carried on.

**Base Flood/ One-Hundred Year Flood:** A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one percent 1% chance of occurring each year although the flood may occur in any year).

**Base Flood Elevation (BFE):** The Federal Emergency Management Agency designated one hundred (100) year water elevation.

**Basement:** That portion of a building partly underground, but having less than one-half (½) its clear height below the adjacent average finished grade level adjacent to the exterior walls of the building.

**Beauty Shop:** Any commercial establishment where cosmetology is offered or practiced on a regular basis for compensation.

**Bed and Breakfast/Country Inn:** An owner or operator-occupied single-family detached dwelling unit which contains no more than one kitchen, and guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests, other than temporary personal guests of the family in the dwelling unit, for compensation with or without meals.

**Berm:** A raised form of earth that provides visual and/or auditory screening or to improve the aesthetic character.

**Best Management Practices (BMP):** Structural or nonstructural practices or combination of practices that are determined to be effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources of pollution to a level compatible with water quality goals. Examples of BMPs include but are not limited to spill management, vegetation control, sediment/erosion control and buffer zones.

**Billboard:** A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

**Biosolids:** Any solid, semisolid or liquid wastes with similar characteristics and effects generated from a public, municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, air pollution control facility or any other waste producing facility.

**Blueprinting and Photostatting Shop:** See **Copy, Duplicating Shop**.

**Board of Zoning Appeals:** The Board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this ordinance.

**Boat Building/Yard:** A premises used as a manufacturing establishment for the provision of all facilities that are customary and necessary for the construction, reconstruction, repair or maintenance of boats, marine engines or marine equipment, supplies and services.

**Boat Sales/Services:** See **Motor Vehicle Sales Agency** and **Motor Vehicle Sales Lots**

**Book/Stationary Store:** A retail establishment that, as its primary business, engages in the sale or other charge-for-use of books, magazines, newspapers, greeting cards, post cards, stationery and other similar products.

**Boundary Line Adjustment:** The process of reconfiguring two or more existing lots into two or more lots. No new lots or parcels are created through this process. (See also consolidation)

**Buffer (Landscape):** Any combination of vegetation, walls, fencing, berms and open spaces that are used to physically separate and screen one land use or property from another and is intended to minimize or mitigate negative impacts of one use on another use.

**Buffer Area (Watershed Management):** A natural vegetative or wooded strip of land utilizing the natural capacity of the vegetation to reduce runoff velocities, enhance infiltration and remove runoff contaminants, thus improving runoff quality and reducing the potential for water quality degradation.

**Building:** Any structure having a roof supported by columns or walls, intended for the housing or enclosure of persons, animals, process, equipment, goods or materials of any kind or nature.

**Building, Accessory:** A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure or building.

**Building Envelope/Area:** The area of a lot surrounded by, but exclusive of the minimum yard area requirements of the Zoning Ordinance.

**Building, Principal;** A building or combination of buildings of chief importance or function on a lot. In general, the primary use of the lot is carried out in a principal building. The difference between a principal and accessory building is determined by comparing the size, placement, similarity of design, use of common building materials and the orientation of the buildings on a lot.

**Building Supply / Lumber Outlet:** A building, structure or area of land in which building or construction and home improvement materials are offered or kept for sale at retail.

**Business School:** A non-college degree-granting school offering courses in office machine operation, computers, data processing, software, secretarial, and related skills, schools, including educational correspondence courses; offices and classroom facilities are permitted by right, however, laboratory or other specialized training facilities are to be evaluated based upon the zoning district in which the school is located.

**Caliper:** A measurement of a tree trunk diameter measured at two and one-half (2½) feet above grade level.

**Campground:** An area of land, managed as a unit, providing only short term accommodations for tents, tent trailers, travel trailers, recreational vehicles and campers, including accessory facilities that support the principal use, such as administrative offices, laundry facilities, but not including the use of mobile/manufactured homes or trailers on a permanent year-round basis.

**Candela (cd):** A measure of luminous intensity. It is a measure of radiant power, rather than energy, and it is weighted in terms of the eye sensitivity curve.

**Canopy, Awning:** A movable shelter cantilevered or otherwise extending from the exterior wall of a building, used to shade or screen windows or doors, and composed of non-rigid materials except for the supporting framework.

**Carnival:** A traveling or transportable group or aggregation of rides, shows, games or concessions or any combination thereof.

**Carport:** An accessory structure or portion of a primary structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on no more than three (3) sides and designed or used for the storage of vehicles owned and used by the occupants of the building to which it is accessory.

**Cartway (Roadway):** The portion of the street right-of-way, paved or unpaved, intended for vehicular use.

**Car Wash:** A cleaning facility for motor vehicles where the cleaning is physically performed by machine and/or someone using supplies and water from the facility, including coin-operated facilities.

**Catering Establishment:** An establishment where food and beverages are prepared for consumption off the premises, and are not served to customers on the premises, or to take out, but does not include a restaurant.

**Cemeteries, Mausoleum, and Columbaria:** Property used for the interring of the dead.

**Centralized Water System:** A water supply source and distribution system serving two (2) or more dwellings or structures intended for human occupation which are located on separate parcels.

**Change of Use/Occupancy:** A discontinuance of an existing use or occupancy, and the substitution therefore of a use or occupancy of a different kind or class.

**Church, Synagogue, Religious Institution:** Buildings, structures or groups of buildings and structures used by a organized religious organization where persons regularly assemble for the purpose of worship, including such legal accessory uses as may be operated by such church, synagogue or religious institution.



**Clear Sight Triangle:** An area of unobstructed vision at street intersections defined by lines of sight between points at a distance front the intersection of the street center lines as established by the Virginia Department of Transportation.

**Club, Private:** A facility used by a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws. (See also **Club, Private Recreation & Fraternal Organization**)

**Club, Private Recreation:** A land area and one or more buildings and structures containing recreational facilities, club house and usual accessory uses, operated for the pleasure and recreation only of its members and their guests for a membership fee, which may include, but are not limited to, indoor restaurant, bar, lounge, meeting rooms, exercise and sauna, outdoor swimming pool, tennis courts, shuffle board courts, cabanas, outdoor furniture and other similar facilities. (See also **Club, Private & Fraternal Organization**)

**College or University:** An institution of higher education, including teaching and research, and offering a course of general studies leading to advanced academic degrees; which may include related facilities such as, but not limited to, classroom buildings; libraries; laboratories; dormitories (except when specifically prohibited); administration; physical plant; dining hall; campus center; theater; student gymnasium, stadium, field house.

**Commission:** The Planning Commission of the County of Culpeper, Virginia.

**Community Building or Facility:** Any tract of land or buildings, or any part of any buildings, used for community activities without purpose of monetary gain, the control of which is vested in the County, a local board or association or agent thereof.

**Community Well:** See **Centralized Water System**.

**Comprehensive Plan:** The maps, charts and textual material adopted by the Board of Supervisors of Culpeper County in accordance with Title 15.2, Chapter 22 of the Code of Virginia, and designated as a whole and in its several parts as the Comprehensive Plan of Culpeper County.

**Conditional Zoning:** The attachment of special conditions to a rezoning that are not enumerated in the text of the Ordinance.

**Conditional Use:** A use that has operational, physical and other characteristics that may be different from those of the predominant permitted uses in a zoning district, but which is a use that complements or may otherwise be compatible with the intended over-all development within a district, provided that specified standards and special requirements, different from those usual requirements for the district are met. Conditional uses require a special use permit in accordance with Article 17 of this Ordinance.

**Condominium:** A building in which each unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by an association created pursuant to the provisions of the Code of Virginia.

**Conforming:** A use, lot, building or structure that conforms to all the regulations set out in this Ordinance for the district in which the use, lot, building or structure is located.

**Conservation Area:** An area reserved as undisturbed open space because of its unique natural or physical characteristics or its special environmental or ecological value. These areas include woodlands, unique geologic formations, wetlands, streams, gorges, marshes, hydric soils, steep slopes (in excess of twenty-five percent (25%)), historic sites and scenic areas.

**Conservation Easement:** A legal document that provides permanent, property-specific protection for natural features on private land through legal agreements to restrict the development, management and use of significant areas.

**Conservation Sanctuary:** Land left in its natural state for the purpose of providing sanctuary, habitat and breeding grounds for wild birds, animals and plant-life. (See also Wildlife Sanctuary).

**Consolidation:** The removal of common property lines between abutting lots. (See also **Boundary Adjustment**)

**Contiguous:** Next to, abutting or touching and having a boundary, or portion thereof, which is coterminous.

**Contractor's Offices and Shops:** 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.

**Contractor's Storage Yard:** An area of land or a building where contractor's equipment, vehicles, material, etc. are stored. All such areas are subject to screening and landscaping. This definition shall not be construed to prohibit vehicles lawfully parked in accordance with Article 9-1-1.

**Convalescent Home:** See **Assisted Living Facility**.

**Convenience Store:** Any retail store that sells food stuffs, tobacco, periodicals and other similar items of household convenience to the public. Also known as a **General Store**.

**Copy, Duplicating Shop:** A retail establishment that provides duplicating services using photocopying, blueprint, and computer printing equipment, and may include the collating and binding of booklets and reports.

**County:** The County of Culpeper, Virginia.

**Craft/Hobby Store:** A building or part thereof in which a handicraft is conducted for gain or profit and may include the retail sales of such handicraft.

**Cutoff Fixture:** A fixture that provides a cutoff (shielding) of the emitted light.

**Dairy:** An area of land on which cows are kept for the purpose of producing dairy products in commercial quantities, as well as the related buildings, structures, equipment and processes.

**Dance Studio:** A facility which provides various types of dance instruction, class recitals and may include incidental sales of dance supplies.

**Day Care Center or Nursery School:** A facility which provides temporary care, protection, guidance and supervision of children for a period of less than 24 hours a day for more than five children, under the age of ten, unrelated to the operator and not of common parentage, but does not include a public school, private school, group home or a school of special education. (See also Family Day Home).

**Decibel:** A unit of measurement that describes the sound pressure level or intensity of sound; abbreviated “dB.” A sound level meter is calibrated in decibels.

**Delicatessen:** See **Restaurant, Fast Food**.

**Density:** A measurement (ratio), generally used for residential uses, of the number of dwelling units in relationship to a specified amount of land.

**Detention:** The collection and storage of surface water for subsequent controlled discharge at a rate that is less than the rate of inflow. (see also **Retention**)

**Development (Watershed Management District):** Any subdivision (boundary adjustments and consolidations, family partitions and one (1) single lot division in a twenty-four (24) month period are exempted), commercial or industrial construction, any use or change in the use or intensity of use of any structure or any change in the intensity of use of land, grading or land disturbance in excess of five thousand (5,000) square feet or other disturbance which results in substantial physical change in a parcel of land or water course.

**Direct Light:** Light emitted directly from the lamp, reflector or bulb, or through a refractor or diffuser lens, of a light fixture.

**District, Zoning:** Districts as referred to in § 15.2-2280 of the Code of Virginia, 1950, as may be amended from time to time.

**Drilling, Production:** Drilling or boring a hole into the earth for the purpose of extracting any gas, petroleum or other liquid product, excluding water, for sale on a commercial basis.

**Drip Line:** An imaginary, perpendicular line that extends downward from the outermost tips of a tree's branches to the ground.

**Driveway:** The area that provides vehicular access to a lot. A driveway begins at the property line and extends into the lot. Driveway does not include parking, maneuvering, or circulation areas in parking areas. (See also **Parking Area** and **Vehicle Areas**)

**Drug Store:** See **Pharmacy**.

**Duplex:** A building that contains two primary dwelling units. Each dwelling unit must share common walls or common floor/ceilings, or portion thereof.

**Dwelling Unit:** Any building or portion thereof designed, occupied or intended for occupancy as a complete, independent living facility for the exclusive use of one family, including permanent full provisions for sleeping, eating, cooking and sanitation. A dwelling unit shall provide complete internal access to all rooms in the unit.

**Dwelling Unit Right(s):** A right(s) assigned to an individual lot for cluster subdivision purposes.

**Dwelling Unit, Accessory:** A dwelling unit, for use as a complete independent living facility, located on the same lot as a principal detached single-family dwelling unit. The accessory dwelling unit is auxiliary to, and is always smaller than the principal dwelling unit, including a **Tenant Unit**.

**Dwelling, Attached Single-Family:** A dwelling unit, located on its own lot that shares one or more common or abutting walls with one or more dwelling units. An attached single-family dwelling does not share common floor/ceilings with other dwelling units. An attached single-family dwelling is also called a townhouse, row house or common-wall house.

**Dwelling, Detached Single-Family:** A detached dwelling unit located on its own lot, designed for, or intended to be occupied by one family.

**Dwelling, Multiple-Family:** A structure arranged or designed to be occupied by three (3) or more dwelling units that share common walls or floor/ceilings with one or more units where the land underneath the structure is not divided into separate lots. Multiple-family dwellings include structures commonly called garden apartments, apartments, and condominiums.

**Easement:** An interest in the land of another that allows the easement holder specified uses or rights without actual ownership of the land.

**Engineer:** A professional engineer licensed as such in the Commonwealth of Virginia.

**Environmental Impact Assessment:** A comprehensive report that describes the natural features and characteristics of a proposed development site, the changes that will occur as a result of the

proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development, and the mitigation measures to be taken to minimize undesirable impacts to the environment.

**Equestrian Center:** The use of lands, buildings or structures for the boarding of horses, the training of horses and riders, and the staging of equestrian events, but does not include a racetrack.

**Erosion:** The mobilization of soil as a result of loss of vegetative cover, scouring by runoff or associated with slope instability.

**Facade:** All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

**Fairgrounds:** An area where buildings, structures and land are used for the exhibition of livestock, farm products, etc and/or for carnival-like entertainment.

**Family:** One (1) person or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) not related by blood or marriage, in any case living together as a single housekeeping unit in a dwelling unit.

**Family, Immediate:** Any person who is a natural or legally defined offspring, spouse, parent, grandparent or sibling.

**Family Day Home:** A child day program offered in the residence of the provider or the home of any of the children, in care of not more than twelve (12) children under the age of 13, exclusive of the provider's own children or any children who reside in the home, when at least one (1) child receives care for compensation. No family day home shall care for more than four (4) children under the age of 2, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.

**Farm:** Land used for the tillage of soil and the growing of vegetables, fruits, grains and other staple crops including the raising of livestock or dairying.

**Farm Distillery:** A property, building and works where distilling, especially of alcoholic liquors is carried on, and where the majority of products used in the distillation process are produced on site. Farm distilleries must be properly licensed by all applicable state and federal entities.

**Farm Tenant:** A worker who resides on and derives his principal income (at least 80%) from a farm, but who does not own the land on which he lives and farms.

**Farm Winery, Licensed:** An establishment (i) located on a farm with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18

percent alcohol by volume or (ii) with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 18 percent alcohol by volume. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth.

**Feed Store:** An establishment engaged in retail sales of supplies directly related to the day-to-day activities of agriculture products.

**Flood Insurance Rate Map (FIRM):** An official map of the County of Culpeper on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the County.

**Flood Light or Spot Light:** Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction, so as to illuminate a defined area or object.

**Floodplain:** Any area that is susceptible to being inundated by water from any source.

**Floor Area:** The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area does not include the following:

- Vent shafts and courts,
- Cellar area,
- Roof area,
- Roof top mechanical equipment, and associated enclosures,
- Roofed porches, exterior balconies, or other similar areas,

**Floor Area, Gross:** The total floor area of a building that is both above and below ground. Gross floor area is measured from the exterior faces of a building or structure. Gross floor area does not include the following: roofs, parking structures, courts, vent shafts and the like.

**Floor Area Ratio (FAR):** The total amount of gross floor area of all buildings on a lot in relation to the total square footage of lot area, expressed as a ratio. For example, a floor area ratio of 2:1 means two square feet of floor area for every square foot of lot area.

**Florist:** A retail store where flowers and plants are sold or offered for sale to the public and such use may include the arranging of flowers and plants for sale in the store.

**Footcandle (fc):** A unit of luminance on a surface one square foot in size.

**Frontage:** A line parallel to the front property line extending the full width of the lot, all points of which correspond to those of the required setback line.

**Full-Cutoff Fixture:** A fixture that allows no light emission above a horizontal plane through the fixture.

**Fully-Shielded Lights:** Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane.

**Funeral Home:** A facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation, and may include storage of caskets, funeral urns, and other related funeral supplies and the storage of funeral vehicles.

**Garage, Private:** A building or structure designed or used for the parking of motor vehicles owned and used by the occupants of the premises to which it serves and which is not operated or leased for commercial gain.

**Garage, Public:** A building or portion thereof designed or used for parking motor vehicles that is available to the public.

**Garden and Landscape Center:** A use or structure for the storage, maintenance and/or retail sale of plants, products, equipment and supplies employed in connection with the raising and cultivation of house plants, herbs, flowers, vegetables, trees, shrubs and other indoor and outdoor plants, including landscape contracting.

**Gasoline Station (Sale Only):** See **Motor Vehicle Fuel Station (Retail).**

**General Store; See Convenience Store.**

**Glare:** The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted, and which causes annoyance, discomfort, and/or loss of visibility. Where the light source itself is more apparent than what it is illuminating.

**Golf Course:** A public or private tract of land with at least nine (9) holes on which the game of golf is played, that may include a clubhouse, shelter and other similar accessory uses and buildings customary thereto.

**Golf Driving Range:** An open air recreation facility where the sport of golf is practiced from a central driving tee area and which may include accessory structures to house the tees, a kiosk for golf balls and golf clubs rentals and a structure from which the golfers tee-off.

**Governing Body:** The Board of Supervisors of the County of Culpeper, Virginia.

**Grade, Finished:** The average elevation of the finished surface of the ground measured at the center of all exterior walls of a building or structure.

**Grade, Natural:** The elevation of the ground level in its natural state, before construction, filling, or excavation, measured in feet above mean sea level.

**Hardship, Emergency:** Any dilemma or hardship caused by forces beyond the control of man or arising out of circumstances created by such a catastrophe or which is found to be a true hardship of an emergency nature by the Board of Supervisors member from the district in which the hardship is alleged to be and which said dilemma or hardship results in, or will likely result in, loss of habitation, health, fortune or other manifest personal suffering or anguish, which condition is capable of documentation and may only be alleviated by emergency measures.

**Hardship, Medical:** Any adult person having a documented medical condition or affliction which results in an incapacitation, either mental or physical, of such a nature that the person so affected is rendered unable to properly care for his own welfare and health.

**Hardware Store:** A facility of 30,000 or fewer square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies and cutlery; if greater than 30,000 square feet, such a facility is a "**Home Improvement Center.**"

**Health Care Facility:** Health care facilities include hospitals, clinics, and other health care institutions providing medical or mental health care, treatment for addiction and other similar health issues.

**Health Club or Spa:** A facility in which memberships in a program of physical exercise or the rights and privileges to use one or more of the following are sold: sauna, whirlpool, weightlifting room, massage, steam room, swimming pool, or exercising machine or device. The term "health spa" shall not include the following:

- Bona fide nonprofit organizations, including, but not limited to, the Young Men's Christian Association (YMCA), Young Women's Christian Association (YWCA), or similar organizations whose functions as health spas are only incidental to their overall functions and purposes;
- Any private club owned and operated by its members;
- Any nonprofit public or private school, college or university.

**Height:** 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 finished grade in all other cases.

**Height of Light Fixture:** The vertical distance from the finished grade directly below the fixture to the lowest portion of the direct light-emitting source or bulb.

**Historical Area:** A geographically definable area, possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development.

**Home Improvement Center:** A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery. (See also **Hardware Store**)

**Home Occupation:** A business, profession, occupation, trade, or telecommuting which is conducted within a portion of a residential building or within an accessory building for the economic gain or support of at least one of the permanent residents of the dwelling, and which is clearly incidental and secondary to the residential use within the dwelling. There shall be no outdoor display and/or storage associated with the home occupation, and no one shall be employed other than members of the family living on the premises. The total area devoted to the home occupation shall not exceed twenty-five percent (25%) of the livable floor area of the principal structure, exclusive of the basement.

**Hospital:** An institution primarily engaged in providing diagnostic services, extensive medical treatment including surgical services, and other services, as well as continuous nursing services. The establishment has an organized medical staff on duty 24 hours a day, inpatient beds, and equipment and facilities to provide complete health care; may also provide emergency room care and include less intensive medical uses such as convalescent and ambulatory care facilities.

**Hotel, Motel:** A building or group of detached or connected buildings containing six or more guest rooms, designed or used primarily for providing sleeping accommodations for automobile travelers and/or tourists on a daily or weekly rate basis. Such establishments shall provide customary hotel/motel services such as linen, maid service, telephone, etc. Said use may also contain such ancillary facilities as conference facilities, restaurant, bar, recreational facilities, ballroom, banquet room, and meeting rooms. These terms shall also include auto courts, motor courts, interval occupancy facilities, timeshare facilities, and tourist courts.

**Impervious Surfaces:** Any material, such as concrete, asphalt, brick or metal constructed or erected on landscaped or natural areas that impedes the percolation of water into the ground.

**Improvements:** Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

**Indirect Light:** Direct light that has been reflected or has scattered off of other surfaces.

**Indoor Sports Facility:** A building or group of buildings that are used for a variety of sports training, competitions, including competition courts, training equipment, etc.

**Intensity:** The amount or magnitude of a use on a site or allowed in a zone district. Generally, it is measured by floor area. Intensity may be measured by such things as number of employees, amount of production, trip generation, or hours of operation. (See also **Density** and **Floor Area Ratio**.)

**Jewelry Store:** A shop that primarily sells new merchandise, and some used merchandise from estate sales, or reconstitutes precious metals they have purchased into jewelry forms that are sold at retail on the premises.

**Junk:** Any old, dilapidated, abandoned, or scrap machinery, dismantled, inoperable, or dilapidated motor vehicles, including parts, building material, iron, steel, other ferrous and nonferrous metals, tanks and drums, tires, pipes, tools, implements or portions thereof, glass, plastic, cordage, and other kind of salvage or waste material that has been abandoned from its original use.

**Junkyard:** The use of any area of land or structure for the storage, keeping, collection, salvage, sale, disassembling, wrecking, baling, maintenance or abandonment of junk, or other discarded material, including scrap metals or other scrap materials. The term "junkyard" shall include the term "automobile graveyard" as defined in this Ordinance.

**Kennel:** Any structure, lot, premises or other facility where more than five (5) household animals (pets), five (5) months of age or older, are kept, housed, groomed, bred, boarded, trained or sold for compensation. This may include commercial breeding, boarding, training and selling of animals, and facilities for the breeding, training and sale (or contract service) for guard and security dogs. Specifically excluded are agricultural animals integral to agriculture, as defined.

**Kitchen:** Any room or portion of a room within a building designed and/or used or intended to be used for the cooking or preparation of food, which may also include, but is not limited to, stoves, microwave ovens, sinks, refrigerators, storage or other food preparation equipment, or any combination thereof.

**Landfill:** A disposal site employing an engineering method of disposal of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume.

**Landowner:** The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons who have a proprietary interest in the land.

**Laundromat:** A building where coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.

**Library:** A place in which literary and artistic materials, such as books, periodicals, newspapers, computers, pamphlets, prints, records, and tapes, are kept for reading, reference, or lending.

**Light Trespass:** Light that is distributed where it is not wanted or needed. Light trespass occurs whenever light shines beyond or away from the intended target.

**Livestock:** All domestic or domesticated bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, enclosed rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

**Livestock Market:** A commercial establishment wherein livestock is collected for sale and auctioned off.

**Lot:** An area of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, together with such yards, open spaces as are required by this ordinance, as well as certain non-conforming lots exempted by Article 12 of this ordinance. Provided that in no case of division, boundary adjustment, or consolidation shall any residual area of land be created which does not meet the requirements of this ordinance. The grant of an interest, for security or other purposes, in real property of less than an entire lot, or the foreclosure or sale of such interest, shall not be deemed to create a legal lot unless properly approved in accordance with this ordinance and the county subdivision ordinance.

**Lot, Corner:** A lot at the intersection of two (2) or more streets. A street that curves with angles that are 135 degrees or less is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

**Lot Coverage:** The result of dividing the gross area of a lot by the total gross area of the lot covered by buildings and other roofed areas, which extend at least 18 inches above the existing grade, excluding allowed projecting sills, cornices, window and door treatments, and similar features and also excluding parking, walkways, landscape or other similar surfaces. Lot coverage shall include, in addition to the area of the lot directly covered by the footprint of all buildings and structures, the area directly below any upper portion of a building or structure that is cantilevered beyond the edge of the first level of a building or structure, and the area directly below those portions of any balcony, stairway, porch, platform or deck that is enclosed on at least three sides.

**Lot Depth:** The average horizontal distance between the front and rear lot lines. In the case of a triangular lot, the perpendicular distance from the front line to the apex of the angle formed by the intersection of the side lot lines.

**Lot, Double-Frontage/Through:** An interior lot having frontage on two (2) streets.

**Lot, Flag:** A lot located behind another lot that has normal street frontage. A flag lot includes a strip of land that goes out to the street and is generally used for an access drive.

**Lot, Front:** That side of the lot which fronts on a street. In the case of a corner lot, the shortest side fronting on the street shall be considered to be the "front" of the lot. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front. However, a double-frontage lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.

**Lot, Interior:** Any lot, other than a corner lot with only one (1) frontage on a street.

**Lot Line, Rear:** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

**Lot, Remnant/Residue:** Any portion of the original parcel of land which remains or is left as excess following a subdivision. The "remnant" or "residue" is itself a lot subject to building or development regulations.

**Lot Line, Side:** A lot line that is neither a front lot line nor a rear lot line. On a corner lot, the longer lot line that abuts a street is a side lot line.

**Lot Line, Zero:** A detached single-family dwelling unit located on one (1) of the side lot lines that the dwelling unit is located on.

**Lot Width:** The width of any lot measured at the front setback line. If the street line curves or angles, then the front setback line shall also curve or angle uniformly with the street line, and the "lot width" shall be calculated along said curved or angled front setback line.

**Lumen:** A measure of light. One footcandle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the lumen output ratings of a lamp. A source emitting a luminous intensity of 1 candela (cd) uniformly in all directions.

**Luminaire:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts. A luminaire does not include a pole or other support.

**Luminaire, Cutoff-Type:** A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

**Luminance:** The amount of light reflected from a surface. It is a measure of the "brightness" we see. The measured unit is candela (cd) per square foot.

**Maintenance Guaranty:** A security required by the subdivision ordinance to ensure that improvements will be kept in good condition after completion or construction and

installation, including cash or cash equivalents, letters of credit, and other similar assurances or performance approved by the Zoning Administrator and County Attorney.

**Manufacture and/or manufacturing:** The processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for a different purpose.

**Manufactured or Mobile Home:** A factory-built, single family dwelling that was manufactured prior to the enactment of the National Manufactured Home Construction and Safety Standards Act of 1974, which became effective June 15, 1976, that is transportable in one or more sections, is built on a permanent chassis, is designed to be used as a year-round permanent 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; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of initial delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

**Manufactured or Mobile Home Park:** A tract of land where manufactured and/or mobile homes are parked for non-transient living or sleeping purposes and where lots are offered only for rent or lease for use by manufactured and/or mobile homes, including any land, building, structure or facility used by occupants of, manufactured and/or mobile homes on such premises.

**Medical or Dental Office or Clinic:** A facility engaged in the examination, diagnosis and treatment of medical, chiropractic, ophthalmologic, dental, pediatric or other health care patients; includes administrative and clerical operations of the practice; does not include overnight facilities for patients.

**Mining:** The extraction of any materials, such as sand, gravel, earth, rock, stone or mineral bearing substance, from the ground, and limited processing thereof. The term also includes quarrying.

**Mixed Use Development:** A development on one lot that combines residential uses with commercial and/or office uses, consisting of one or more buildings.

**Model Home:** A finished, residential dwelling unit, including units in a multifamily structure, for which a certificate of occupancy could be obtained, located in a residentially zoned district but utilized as an example of a product offered for sale or lease by a realtor, builder, developer or contractor. The dwelling unit may be furnished and contain a small office for meeting with prospective purchasers, but not occupied as a residence while being used as a "Model Home."

**Modification:** An administrative process that modifies any provision contained in the Zoning Ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or

improvements so long as established guidelines are adhered to per the Code of Virginia. See Article 18-5 of Zoning Ordinance.

**Modular Home:** A dwelling unit constructed in accordance with the standards set forth in the Virginia Building Code applicable to site-built dwelling units and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the building site in a manner similar to a manufactured home, except a modular home meets the Virginia Building Code applicable to site-built homes, or a series of panels or room sections transported on a truck and erected or joined together on the site. “Modular Home” does not include manufactured home, mobile home, motor vehicle, accessory recreational vehicle or recreational vehicle as defined herein.

**Monument** (for purposes of Appendix B, Subdivision Ordinance): A concrete marker, iron pipe, pin or rod set in the ground to mark the corner of a property.

**Motor Home:** A fully self-contained motorized recreational vehicle that is designed for human occupancy on an intermittent basis.

**Motor Vehicle:** A vehicle which is self-propelled or designed to be self-propelled, in or upon which one or more persons or goods may be transported, except on rails, such as automobiles, trucks, vans, motorcycles, buses, all-terrain vehicles, etc.

**Motor Vehicle Fuel Station, Retail:** A structure, building or premises or any portion thereof where a flammable fluid is stored, housed and sold for supply to motor vehicles and does not include any accessory motor vehicle servicing. (See also **Motor Vehicle Service Station**)

**Motor Vehicle Parts, Retail:** A facility engaged in retail sales of motor vehicle parts and supplies, other than fuel.

**Motor Vehicle Sales Agency:** Any building and premises which displays, demonstrates, sells or leases new automobiles, trucks, vans, trailers, recreational vehicles, motorcycles, recreational boats or similar motorized vehicles which includes a showroom enclosed within a sizable building and open display areas. A motor vehicle sales agency may maintain an inventory of the vehicles for sale or lease on-site or at a nearby location and may include accessory on-site facilities for repair services and the sale of used motor vehicles.

**Motor Vehicle Sales Lots (Used):** An open area upon which used automobiles, trucks, vans, trailers, recreational vehicles, motorcycles, recreational boats or similar motorized vehicles are, or may be, parked or displayed for the purpose of sales or demonstration, which may include a small accessory building necessary for the conduct of the use, and where no repair work, except for minor incidental repairs or detailing on the vehicles for display or sale, is done.

**Motor Vehicle Service Station:** A structure, building or premise or any portion thereof where a flammable fluid is stored, housed and sold for supply to motor vehicles; and which includes routine motor vehicle servicing within the principal building, not including body shop, engine rebuilding, upholstering, radiator reconditioning and repair and similar industrial type processes. (See also **Motor Vehicle Fuel Station, Retail**)

**Museums:** A building, place, or institution, owned and operated by either a governmental entity or a nonprofit organization, open to the public and devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

**Music Store:** An establishment primarily engaged in the retail sale of instruments, recordings, sheet music and literature; lessons are permitted accessory uses.

**Newsstand:** A temporary structure manned by a vendor that sells newspapers, magazines and other periodicals and printed materials.

**Nonconforming Building or Structure:** A building or structure that does not conform to the yard, height, lot coverage or other area regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

**Nonconforming Lot:** A lot that does not conform to the minimum area, width, frontage or dimensional requirements of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

**Nonconforming Use:** The existing use or activity of a building, structure or tract of land that does not conform to the use, parking, landscaping, buffering or other similar regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

**Nonprofit Organization:** An entity that exists solely for religious, charitable, educational, political or civic purposes and is not in business to make a profit.

**Nursing Home:** (See **Adult Day Care Center, Assisted Living Facility**)

**Nursery School:** See **Day Care Center**.

**Office:** A building, or portion of a building, wherein activities are performed involving predominately administrative, record keeping, professional, and/or clerical operations and, where in the case of professions such as dentists, physicians, lawyers or engineers, the facility where such professional services are rendered.

**Office or Industrial Park:** A group of two or more office and/or industrial sites with or without ancillary uses, developed as an integrated project, and either connected contiguously, or directly across a public or private street; and also having at least one of the following characteristics: (a) some or all of the uses share common parking, travelways, or entrances; or (b) the land, uses, or facilities are organized under one management or ownership form for the purpose of enforcing reciprocal covenants.

**Open Space:** The open, unobstructed space on a lot, including the open unobstructed space accessible to all occupants of any residential or commercial building or structure on the lot, which is suitable and used for the growth and maintenance of grass, flowers, bushes and other landscaping and may include any surface pedestrian walk, swimming pools, patio, permanent water bodies or similar area, but does not include any driveway, ramp, parking or loading areas, trash pick-up areas or similar areas.

**Open Space Lot:** A single lot required in a cluster division, limited to one dwelling unit right, which consists of certain percentage of the total land area in the parent tract as further defined in the applicable zoning district.

**Outdoor Sales and Display Area:** A portion of a lot, outside of a building, used for exhibiting in an orderly manner, completely assembled or finished products sold by a retail business located on the same lot. This is an accessory use to the principal retail use on the same lot.

**Outdoor Storage:** The keeping of goods or materials, excluding junk, outside of a building for more than twenty-four hours, and which shall be considered as an accessory use, unless specifically enumerated as a principal use (such as a contractor's storage yard or building material sales yard).

**Overlay District:** A zoning designation specifically delineated on the County of Culpeper official zoning map establishing land use requirements in addition to the standards set forth in the underlying district. Development within the overlay zone must conform to the requirements of both the underlying zone district and the overlay zone district or the more restrictive of the two.

**Owner, Property:** Any person or legal entity that owns fee simple title to a given area of land.

**Parcel:** A lot or contiguous group of lots under single ownership or under single control and usually considered a unit for purposes of development.

**Park:** A tract of land, designated and used for active and/or passive recreation.

**Parking Area:** An area or areas of land or a structure or part thereof that is provided for and maintained upon the same lot or lots on which the principal use is located for the purpose of parking, maneuvering and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading. (See also **Driveway, Garage, Structured Parking and Vehicle Areas.**)



**Parking Lot or Garage (Commercial):** An off-street parking area or structure, available to the public for compensation, but may also be used to accommodate employees, customers and clients.

**Parking Space:** A space, exclusive of driveways, ramps, aisles and travelways, for parking a motor vehicle that meets the requirements of Article 10.

**Parking Area, Off-street:** A parking area outside the dedicated street right-of-way.

**Passenger terminal:** Facility for the pick up and discharge of passengers and freight for buses and trains; includes ticket sales and may include administrative offices.

**Pawnshop:** An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

**Performance Guaranty:** Security requirement pursuant to the subdivision ordinance to guarantee that the proper construction of improvements be made by the developer as a condition for the approval of the plan, including cash or cash equivalents, letters of credit and other similar assurances of performance approved by the Zoning Administrator and County Attorney.

**Permitted/Principal Use:** The principle purpose, permitted by-right, for which land, buildings or structures may be used; and for the purpose of this ordinance all uses not listed as “permitted or principal” shall be deemed to be a prohibited use in that zone district. (see also **Conditional Uses**)

**Person:** Any individual, partnership, firm, association, public or private corporation, trust or trustee, joint venture, estate, cooperative, political subdivision or other instrumentality of this state, or other legal entity.

**Pet Shop:** A shop or place where animals or birds for use as pets are sold, kept for sale or groomed, but does not include a shop or place for the breeding or overnight boarding of pets.

**Pharmacy:** A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies and nonprescription medicines but where nonmedical products are sold as well.

**Photo/Film Store, Retail:** A facility primarily engaged in the retail sale, lease, and service of photography equipment and supplies, including limited on-site processing or development.

**Plan, Sketch:** An informal plan showing existing features of a tract or parcel and its surroundings and the general layout of the proposed subdivision.

**Plan, Preliminary:** A tentative plan showing proposed streets, lot layouts, existing and proposed buildings, wells and sewer locations and other such information as required in the Subdivision Ordinance.

**Plan, Final:** A complete and exact plan with a licensed surveyor's seal prepared as required in the Subdivision Ordinance for official recording in the Clerk's Office.

**Planned Unit Development (PUD):** A contiguous tract of land of not less than two hundred (200) acres in size under unified control that is planned and improved as regulated in Article 8B of the Ordinance:

- To function as a relatively self-contained and readily identifiable district, section or neighborhood of the County.
- To accommodate a variety of dwelling types together with appropriate and supported nonresidential uses and activities.
- To provide in a single development or programmed series of developments over an extended period of time according to an officially adopted master PUD document and related plans for the provision, operation and maintenance of such areas, improvements, facilities and services for the common use of all residents and/or users of the planned community.

**Plant Nursery:** Structures or area of land for the raising or cultivation of agricultural and horticultural products, but specifically excluding retail sales on premises. Does not include a wayside stand as permitted by this ordinance.

**Plat:** A legal document, prepared by a qualified professional licensed to prepare such in the Commonwealth of Virginia.

**Plate:** A piece of lumber that lies horizontally within a framed structure, such as the "top plate". Top plate is the top horizontal member of a frame wall supporting ceiling joists, rafters, or other structural members.

**Playground:** An active recreation area with a variety of facilities, including equipment for younger children as well as court and field games.

**Primary Streams:** Those creeks, streams and intermittent waterways that flow directly into Mountain Run Lake and Lake Pelham (identified as such in the Watershed Management Plan).

**Print Shop/Publishing Establishment:** A retail establishment that provides duplicating services using photocopy, blueprint and off-set printing equipment, including collating of booklets and reports.

**Public Utility:** Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this ordinance,

commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

**Quarry:** A place where consolidated rock has been or is being removed by means of an open excavation and may include drilling and limited blasting to supply material for construction, industrial or manufacturing purposes.

**Real Estate Office:** A business and professional office conducted within a building or part of a building where agents primarily engage in the buying or selling of real estate, and which may include the managing and appraisal of real estate.

**Recreation Area:** The area of land reserved for active or passive enjoyment of activities that provide an alternative to residential, employment and service activities and complement the lifestyle of the community by providing the opportunity for the enhancement of health and welfare of the public for individuals and groups. Such areas may include landscape for quiet repose, open areas for games, facilities for exercise and/or trails for travel and linkage of recreation areas with other areas and the community.

**Recreation, Commercial:** A sports or activity facility open to the general public for a fee. These include, but are not limited to, the following:

Indoor: Roller or ice skating rink, bowling alley, billiard hall, dart pavilion, amusement arcade (video, pinball or other), swimming pools, slot cars, hard and soft courts, miniature golf.

Outdoor: Driving range, golf course, miniature golf, batting and pitching cages, hard and soft courts, facilities for radio controlled vehicle or airplanes, go-carts, pony rides, kiddie parks, swimming pools, water slides, ice skating rink, but not including amusement or theme parks.

**Recreation, Private:** A land area, buildings and/or structures, not open to the general public, designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities, such as country clubs, golf courses, swim/cabana clubs and pools, tennis clubs and other similar private noncommercial recreation areas and facilities.

**Recreational Vehicle:** A vehicle , with or without power, that is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis, but in no case may be occupied as permanent residence. "Recreational Vehicles" may include motor homes, vacation trailers, fifth-wheel trailers, recreational boats, all-terrain vehicles, etc.

**Redevelopment:** The conversion, relocation, reconstruction, structural alteration, enlargement of any building and/or use.

**Refuse:** Waste materials including ashes, garbage, rubbish, junk, industrial waste, dead animals, and other solid waste materials.

**Repair Service Establishment:** Any establishment wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, sewing machines, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors, refrigerators and lawnmowers; 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.

**Research and Development:** A facility primarily used for the administration and conduct of investigation, examination, prototype production, experimentation, testing, and/or training aimed at the discovery and interpretation of facts, theories, and/or the practical application of the above to products or processes. Manufacturing shall be permitted as an accessory use.

**Restaurant:** Any premises in which the principal use, for compensation, is the preparation, cooking and consumption of food or beverages.

**Retail Stores and Shops:** Any premises used, or designed and constructed, for the display and sale of merchandise at retail or for the rendering of personal services (but specifically excluding coal, wood and lumberyards), such as the following, which will serve as illustration; drugstore, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barbershop and beauty shop.

**Resubdivision:** Any replatting or resubdivision of land on an approved final plan or record plat.

**Retention Pond:** Depressions in the earth for the storage of surface runoff that remains partially filled with water from a constant baseflow, which are constructed by excavation and/or embankment procedures.

**Riding and Boarding Stables:** Any land or structure used for the boarding, riding, teaching or training of horses for compensation or including the uses and facilities for the showing, jumping, demonstration or other equestrian events. (see also **Equestrian Center**)

**Right-of-Way:** A public or private area or strip of land on which an irrevocable right of passage for people or goods has been recorded for the use of vehicles, pedestrians, or both. A public right-of-way is one that is dedicated by plat or deed, in fee or by easement, to the public for public use and under the control of a public agency.

**Roadway:** The portion of a street that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, sidewalks or landscaping.

**Sanitary Sewage Disposal, Public:** A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant which is operated by a governmental authority.

**Sanitary Sewage Disposal, On-Lot:** Any structure or system which includes tanks, lines, etc. designed to treat sanitary sewage within the boundaries of an individual lot.

**School:** Premises or site upon which there is a nursery school, kindergarten, elementary school, middle school, senior high school or an institution devoted solely to vocational or professional education or training or an institution of higher education, including but not limited to, a community college, junior college, four-year college or university. This shall also include a business school.

**School, Private:** Any building or group of buildings, the use of which meets state requirements for primary, secondary or higher education and which doesn't secure the major portion of its funding from any governmental agency.

**School, Public:** Any building or group of buildings, the use of which meets state requirements for primary, secondary or higher education and which secures the major portion of its funding from governmental agencies.

**Screening:** A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting that would effectively screen the property that it encloses.

**Seamstress Shop:** See **Tailor Shop**.

**Secondhand Shop:** A building or part thereof in which used goods, merchandise, substances, articles or things are offered or kept for sale at retail and may include such uses as a flea market, pawnshop or similar use.

**Self-Storage Facility:** A building or group of buildings divided into separate compartments used to meet the temporary indoor storage needs of small businesses and residents.

**Setback:** The required minimum horizontal distance, measured at right angles, between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specific object. Unless otherwise indicated, an unspecified setback refers to a building setback. In addition, the following setbacks indicate where each setback is measured.

- **Front Setback:** A setback that is measured from a front lot line.
- **Rear Setback:** A setback that is measured from a rear lot line.
- **Side Setback:** A setback that is measured from a side lot line.
- **Street Setback:** A setback that is measured from a street lot line.

**Sight Distance:** The required length of roadway visible to the driver of a motor vehicle, the design standards of which are normally prescribed by the Virginia Department of Transportation.

**Sight Triangle:** The area of the corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic.

**Sign:** Any display of any letters, words, numerals, figures, objects, devices, emblems, pictures, or any parts or combinations thereof, by a means whereby the same are made visible for the purpose of making anything known, whether such display is made on, attached to or as a part of a structure, surface or any other thing, including but not limited to the ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the display is located. In addition, the following sign types are defined more specifically. See Article 11.

- **Banner:** A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations or ornamentation applied to paper, plastic, fabric or other non-rigid material, excluding flags and insignias of any government entity.
- **Canopy Sign:** Any sign that is affixed to, painted on, or suspended from a canopy or awning.
- **Changeable Copy Sign:** A sign that is designed so the characters, letters, numbers, or illustrations can be manually or mechanically/electronically/digitally changed without altering the face or surface of the sign.
- **Directory Sign:** A sign that lists the names of two or more establishments, persons or agencies which exist on a premise and is located in a place or location common to all.
- **Directly Illuminated Sign:** A sign illuminated internally of the sign itself.
- **Free-Standing Sign:** Any sign which is permanently affixed in or upon the ground, supported by one or more structural members (poles, columns, braces, etc.).
- **Identification Sign:** A sign that states the name of the business or establishment, including the national company or local proprietor, and/or the address of a building.
- **Indirectly Illuminated Sign:** A sign illuminated with a light directed primarily toward such sign, including back-lighted signs, and so shielded that no direct rays from the lights are visible elsewhere than on the lot where such illumination occurs.
- **Monument Sign:** A ground sign whose base is on the ground.
- **Off-Site Sign (Billboard):** A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than on the lot where the sign is located.
- **On-Site Sign:** A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises.
- **Portable Sign:** Any sign that is not permanently attached to the ground, a structure or a building.
- **Projecting Sign:** Any sign that is attached to a wall or structure and extending in whole or in part more than fourteen (14) inches.
- **Real Estate Sign:** A sign that advertises the sale, rental or development of property.
- **Roof Mounted Sign:** A building mounted sign extending above the plate line of a building or structure.
- **Service Island Canopy Sign:** A sign mounted permanently on, under, or otherwise mounted on a service island canopy.
- **Suspended Sign:** A sign attached to the underside of a lintel, arch or other overhead spanning member of a porch or walkway and which is hung either perpendicular or parallel to a vertical wall surface.

- **Temporary Sign:** A sign advertising a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions or the sale of land.
- **Wall Sign:** Any sign attached to or erected against a wall of a building or structure with the exposed face of the sign in plane approximately parallel to the plane of the wall. Shall include projecting signs.
- **Window Sign:** A sign painted, etched, or otherwise affixed to a permanently installed window of a building or placed within twenty-four (24) inches of the inside of the window.

**Sign Structure:** Includes the supports, structure, uprights, bracing and framework of any sign, be it single-faced, double-faced, V-type or otherwise exhibiting a sign.

**Silviculture:** The development and/or maintenance of a forest or wooded preserve.

**Site Plan:** A graphic portrayal of a proposed development describing both existing and proposed conditions of the lot(s), including, but not limited to, use, location and bulk of buildings and structures, density of development, location of public utilities and facilities, means of ingress and egress, existing and finished grades, landscaping, signs, drainage and lighting.

**Slope:** The rate of vertical change of ground service expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

**Solid Waste:** Any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, or community activities but does not include (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

**Stadium:** A structure or facility designed primarily for athletic or sporting events and containing seating for spectators of those events.

**Storage Yard:** An area outside of an enclosed building where construction materials and equipment, solid fuels, lumber, building materials, monuments and stone products, public service and utility equipment or other materials, goods, products, vehicles, equipment or machinery are stored, baled, piled, handled, sold or distributed, whether as a principal or accessory use. A storage yard shall not be construed or operated to include an automobile wrecking yard, a display yard or junk yard.

**Story:** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor or roof next above it.

**Story, Half:** A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

**Street:** A public or private right-of-way or easement that is intended for use as a means for vehicular and pedestrian circulation and/or access to two or more parcels. Street includes all the area within the right-of-way or easement area, such as roadways, parking strips and sidewalks. The word “street” includes street, avenue, boulevard, road, highway, parkway, alley or any other way used or intended to be used by vehicular traffic or pedestrians, whether public or private.

**Street Line:** The dividing line between a street or right-of-way and the contiguous property.

**Structure:** Any assembly of materials constructed or erected on, in or over (or any combination thereof) land or water, which requires location on the ground, or is attached to something having a location on the ground. The word “structure” shall include buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

**Structure, Nonresidential:** A structure where no sleeping accommodations are provided, except that hotels and motels shall be deemed nonresidential structures.

**Structure, Primary or Principal:** A structure or combination of structures accommodating the primary or principal use or function on a lot. In general, the primary use of the lot is carried out in a primary structure. The difference between a primary and accessory structure is determined by analyzing its use and comparing the size, placement, similarity of design, use of common building materials and the orientation of the structures on a lot.

**Structure, Residential:** A structure where sleeping accommodations are provided, excluding hotels and motels.

**Structure, Temporary:** A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

**Subdivision:** The division of a lot, tract or parcel into two or more lots, tracts or parcels; and may include the establishment of new public or private streets and alleys. The term shall also include resubdividing.

**Surveyor:** A licensed land surveyor as licensed by the Commonwealth of Virginia

**Tailor/Dressmaking/Seamstress Shop:** A building or part of a building where the business or service of individual custom tailoring for women or men is carried on, including altering, hemstitching and buttonhole making, but doesn’t include a manufacturing industry where clothing manufacturing other than individual custom tailoring is carried on.

**Tenant Unit :** See **Dwelling Unit, Accessory.**

**Townhouse:** See **Attached, Single-Family Dwelling Unit.**



**Travel Trailer:** See **Recreational Vehicle**.

**Tributaries:** Those creeks, streams and intermittent waterways that flow into primary streams or other water bodies prior to flowing into Mountain Run Lake and Lake Pelham (as such are identified in the Watershed Management Plan).

**Truck Stop:** An establishment where the principal use is the refueling and servicing of trucks and tractor-trailer rigs. Such establishments may have restaurants, snack bars and sleeping accommodations for the drivers and may provide facilities for the repair and maintenance of such equipment.

**Truck Terminal:** An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

**Uplight:** Light that goes directly up into the night sky and serves no useful purpose.

**Urban Sky Glow:** The brightening of the night sky due to artificial lighting.

**Use, Accessory:** See **Accessory**.

**Use, Primary or Principal:** An activity or combination of activities of chief importance on the lot. One of the main purposes for which the land or structures are intended, designed or ordinarily used. A lot may have more than one primary use.

**Use, Temporary:** A use which is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time.

**Utilities:** Distribution or service connection facilities and appurtenances thereto, for gas, electricity, water, sanitary sewer, storm sewer, communications, heating, fuel, cable television and other similar consumable public commodities or services.

**Utility Facilities, Primary/Generation:** Such facilities as cogeneration power plants or other power generating plants which tie in directly with major transmission lines (carrying two hundred thirty (230) KV or greater) as opposed to distribution lines; also any offices, shops or other facilities which are occupied by persons on a daily basis.

**Vacation (of Plat):** Vacation or abandonment of a previously approved subdivision plat shall occur whenever any feature of that plat is revised. Revision shall include any change in the placement or location of public or private streets, and change in placement or location of easements or other right-of-ways, but shall not be deemed to include boundary line adjustments between lot owners as provided in the subdivision ordinance.

**Variance:** A relaxation of the terms of the Zoning Ordinance where such "variance" will not be contrary to the public interest and where, owing to conditions peculiar to the property

and not the result of the action of the applicants, a literal enforcement of the ordinance would result in unnecessary and undue hardship. The establishment of a use otherwise prohibited shall not be allowed by "variance," nor shall a "variance" be granted solely because of the presence of nonconformities in the zoning division or district or adjoining divisions or districts.

**Vehicle:** A device, self-propelled or towed, by which persons or property may be transported, propelled, moved or drawn, except by human power.

**Vehicle Areas:** All areas on a lot where vehicles are intended to circulate or park including parking areas, driveways, drive-through lanes and loading areas. See also **Driveway** and **Parking Area**.

**Veterinary Hospital & Clinic:** A facility where animals are given medical and surgical care and the boarding of animals is limited to short-term care incidental to the hospital use.

**Video/Record Sales & Rentals Store:** Establishment primarily engaged in the retail rental or lease of videotapes, films, CD-ROMs, laser discs, records, DVDs, electronic games, cassettes or other electronic media. Sales of film, videotapes, laser discs, CD-ROMs and electronic merchandise associated with VCRs, video cameras and electronic games are permitted accessory uses.

**Watercourse:** A permanent stream, intermittent stream, river, brook, creek, channel or ditch for water, whether a natural or man-made body.

**Wayside Stand, Roadside Stand or Wayside Market:** Any structure or land used for the sale of agricultural or horticultural produce, livestock or merchandise produced by the owner or his family on their farm and located on the premises upon which the produce, livestock or merchandise is produced.

**Warehousing:** An operation from a structure, or part of a structure, for storing goods, wares, commodities and merchandise, whether for the owner thereof or for others, and whether it is a public or private warehousing operation, but excluding mini-warehouse self-storage centers.

**Welding Shop:** The use of land, building, or structure where pieces of metal are welded.

**Wholesaling:** The business of selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

**Wildlife Sanctuary/Preserve:** Land used or intended to be used for the preservation of wildlife and plant life.

**Yard:** An open space on a lot, other than an interior or exterior court, located on the same lot with a principal building, unoccupied and unobstructed from the ground upward, except for such encroachments as are expressly permitted in these regulations. See also **Setback**.

**Yard, Front:** An open space on the same lot as a principal building between the front line of the principal building, excluding steps, and the front lot or street line, and extending across the full width of the lot. Depth of a required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

**Yard, Rear:** An open, unoccupied space on the same lot as a principal building between the rear line of the principal building, excluding steps, and the rear line of the lot and extending the full width of the lot.

**Yard, Side:** An open, unoccupied space on the same lot as a principal building between the side line of the principal building, excluding steps, and the side line of the lot, and extending from the front yard line to the rear yard line.

## **2-2. Measurements**

This Division explains how measurements are made in the Zoning Ordinance.

A. **Fractions.** When calculations result in fractions the results will be rounded as follows:

1. **Minimum Requirements.** When a regulation is expressed in terms of a minimum requirement, any fractional result shall be rounded up to the next consecutive whole number. For example, if a minimum requirement of one parking space for every 200 sq. ft. is applied to a 8,050 sq. ft. building, the resulting fraction of 40.25 is rounded up to 41 required spaces. If a minimum requirement of one tree for every 30 feet is applied to a 50 foot strip, the resulting fraction of 1.67 is rounded up to 2 required trees.

**Maximum Limits.** When a regulation is expressed in terms of maximum limits, any fractional result shall be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 3,000 sq. ft. is applied to an 8,000 sq. ft. lot, the resulting fraction of 2.67 is rounded down to 2 allowed dwelling units.

B. **Measuring Distances.**

1. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate property line, edge of building, structure, storage area, parking area, or

other object. These distances are not measured by following the topography of the land.

Measurements are Shortest Distances. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the shortest distance between the two objects.

3. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest wall of the structure. Items such as enclosed porches and entrances, are included in the measurement.
4. **Measuring Distances on Maps.** Zoning district boundaries that are shown crossing lots are usually based on a topographic feature or a set measurement from a lot line or topographic feature, such as middle of a stream, 25 feet from top of bank, or 30 feet from property line. When zone district boundaries are shown crossing lots with no clear indication of the basis for the line, exact distances are to be determined by scaling the distances from the Official Zoning Maps, using the center of the district line.

#### **C. Measuring Height.**

1. **Measuring Height of Structures (Non-buildings).** The height of non-building structures, such as flag poles, commercial wireless telecommunication towers and fences, is the vertical distance from the finished ground level immediately under the structure to the top of a structure, excluding any exempt portions. When chimneys and other objects are allowed to exceed the base height of the zone district by a set amount, that set amount is measured to the top of these objects. Special measurement provisions are also provided below.

**Measuring the Height of Retaining Walls and Fences.** Retaining walls and fences are measured from the higher finished ground level side of the retaining wall or fence.

3. **Measuring Height of Decks.** Deck height is determined by measuring from the finished ground level to the top of the floor of the deck if there is no rail or if the rail walls are more than fifty (50%) percent open, and from the ground to the top of the rails for all other situations.

## **ARTICLE 3. AGRICULTURAL DISTRICT A-1**

### **3-1. Purpose and Intent.**

It is the purpose and intent of this Article to implement the agricultural recommendations of the adopted Comprehensive Plan by conserving, protecting and encouraging (i) the commercial production of food and other agricultural and forestal products; (ii) the conservation and protection from urbanization of prime agricultural and forestal lands as valued natural and ecological resources which provide essential open space for clean air sheds, watershed protection, wildlife habitat and aesthetic purposes; and, (iii) the use of agricultural and forestal land as an economic and environmental resource of major importance.

### **3-2. Uses Allowed.**

The following regulations shall apply in all A-1 Districts:

#### *3-2-1 Permitted principal uses and structures:*

3-2-1.1 Agriculture.

3-2-1.2 Cemeteries (commercial cemeteries subject to minor site plan approval).

3-2-1.3 Commercial stables, equine boarding facilities, and equestrian centers (which may hold competitive events but does not include a racetrack), subject to VDOT entrance permit approval.

3-2-1.4 Community facilities such as fire and rescue stations, post office (subject to full site plan approval).

3-2-1.5 Conservation area, Nature Preserve or Wildlife Sanctuary (including wetland banks and open space easement conservation areas).

3-2-1.6 Family Day Home.

3-2-1.7 Farm Distillery, Licensed.

3-2-1.8 Farm Winery, Licensed.

3-2-1.9 Land application of biosolids as governed by Article 9 of this ordinance.

3-2-1.10 Parks, playgrounds and public recreation facilities.

3-2-1.11 Plant Nurseries

3-2-1.12 Public Schools.

3-2-1.13 Religious institutions, places of worship, and other ancillary uses normally associated with congregational worship such as churches, parish houses, rectories, parsonages, seminaries, and Sunday Schools.

3-2-1.14 Single Family detached dwellings, modular homes, or manufactured homes, limited to one such dwelling per parcel, on lots of record, on lots with valid preliminary approval as of August 5, 1997, which remain valid and are duly recorded or in minor subdivisions as defined in Article VI of the Subdivision Ordinance.

### *3-2-2 Conditional uses:*

In addition to the aforementioned uses permitted as a matter of right, the following uses may also be permitted, subject to securing a use permit as provided for in Article 17.

3-2-2.1 Agricultural Enterprises in accordance with Article 31 of this ordinance, including agritourism.

3-2-2.2 Airports and aircraft landing strips.

3-2-2.3 Assisted living facilities, nursing homes (use permit not required where permitted by right per the Code of Virginia).

3-2-2.4 Bed and Breakfasts or country inns, banquet facilities.

3-2-2.5 Campgrounds as governed by Article 9 of this Ordinance.

3-2-2.6 Day care centers, nursery schools.

3-2-2.7 Dentist, doctor, veterinary office (in home).

3-2-2.8 General stores (fuel sales limited to no more than four fueling stations).

3-2-2.9 Golf Courses, excluding miniature golf and driving ranges.

3-2-2.10 Health care facilities subject to certification by the Commonwealth of Virginia and excluding those of a correctional nature, or uses where involuntary detention is intended.

3-2-2.11 Kennels and boarding facilities.

3-2-2.12 Manufactured homes, temporary (per Article 28 of this ordinance).

3-2-2.13 Mining, excavation, quarries and production drilling, including all associated activities of extractive and mining operations.

3-2-2.14 Private schools.

3-2-2.15 Public utilities, as follows:

(a) Electric substations and distribution centers including transformer stations, 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 uses, but not including any storage facilities. Also solar panel or windmill fields.

(b) Telecommunication, radio, television or satellite receiving facilities, including central offices and repeat stations, but not including ordinary telephone or telegraph transmission poles and lines located in public rights-of-way or easements of not more than thirty-five (35) feet in width, or satellite receivers or dishes no larger than ten (10) feet in diameter.

(c) Utility transmission and service facilities, including but not limited to poles, structures, wires, transformers, conduits, cables, vaults, laterals, pipes, mains, valves or other similar equipment for the transmission of telephone or other communication, electricity, gas, petroleum products or water. For the purpose of this Section, utility transmission facilities shall not include:

(1) Ordinary 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 thirty-five (35) feet in width; or

(2) Transmission line corridors approved by the State Corporation Commission pursuant to Sect. 56-46.1 of the Code of Virginia, as amended.

3-2-2.16 Recreational facilities utilizing natural resources as the primary attraction and private recreational facilities.

3-2-2.17 Residential professionals (in accordance with Article 9).

3-2-3 *Accessory Uses and Structures*

3-2-3.1 Accessory uses and structures customarily incidental to a principal use, subject to Article 9 herein.

3-2-3.2 Home occupations as defined by Article 2 of this Ordinance.

3-2-3.3 Sewage treatment systems (subject to the regulations of Chapter 14, Sanitary Regulations, of the Culpeper County Code).

3-2-3.4 One (1) tenant unit (on parcels containing a minimum of 15 acres) limited to an accessory structure at least thirty (30) feet from the principal structure. More than one unit can be approved only for occupancy by farm tenants. Such units are subject to the requirements found in Article 9 of this ordinance.

3-2-3.5 Tennis courts, swimming pools and similar uses accessory to single family dwellings.

3-2-3.6 Wayside Stand (notwithstanding Section 3-8, wayside stands may be located no closer than twenty-five (25) feet from the street right-of-way or easement line).

### **3-3. Off-street parking.**

Off-street parking as required in Article 10.

### **3-4. Signs.**

Signs as permitted and regulated in Article 11.

### **3-5. Height Regulations.**

#### *3-5-1 Building and structure height:*

Buildings may be erected up to forty-five (45) feet in height from the finished ground elevation. For structures permitted above the height limit, see Article 9.

### **3-6. Area Regulations.**

#### *3-6-1 Minimum lot area:*

The minimum lot area for permitted principal uses shall be five (5) acres except for the following: (i) Lawful nonconforming lots; (ii) the minimum lot area shall be one (1) acre for a family division lot; (iii) the minimum lot area for conditional uses may be modified in conjunction with approval of a conditional use by the Board of Supervisors pursuant to Article 17 herein; (iv) there shall be no minimum lot area for dedicated well lots as long as all requirements of the Virginia Department of Health and the Culpeper County Water and Wastewater Standards are met.

#### *3-6-2 Existing Lots of Record:*

Any lot which was lawfully recorded prior to the date of adoption of this ordinance, and where such lot met the requirements of the Zoning Ordinance in effect at the time of recordation, then such lot may be used for any use permitted in the Zoning District in which it is located even if the lot does not meet the current minimum district size, lot area, lot width and/or shape requirements of the district, provided all the other regulations of this ordinance can be satisfied.



### **3-7. Lot Coverage Regulations.**

#### *3-7-1 Maximum coverage area:*

All buildings, including accessory structures and ground level impervious surfaces, shall not cover more than twenty-five percent (25%) of the total area of the lot or parcel for parcels five (5) acres or greater in size. Parcels less than five (5) acres shall be permitted to have a maximum lot coverage of forty percent (40%). This provision may be waived for churches, schools and other community facilities in conjunction with site plan approval. Greenhouses and other structures solely for agricultural use are exempt from this provision.

### **3-8. Street Setback Regulations.**

No building or structure shall be located less than seventy-five (75) feet from any secondary or private road right-of-way or easement line; and, one hundred (100) feet from any primary highway right-of-way line. In no case shall any portion of a building or structure be located closer to the street right-of-way or easement than the setback line. In the case of corner lots, no building or structure shall be located closer than fifty (50) feet to the right-of-way or easement line of the side street.

### **3-9. Width and Yard Regulations.**

#### *3-9-1 Minimum lot width:*

The minimum lot width shall be 250 feet for any lot fronting on an existing road which is in the state system of secondary highways. Family Division lots are exempt from this provision.

#### *3-9-2 Minimum side yard:*

Each lot shall have a minimum side yard of forty (40) feet. The side yard requirement for accessory structures other than tenant units shall be twenty (20) feet.

#### *3-9-3 Minimum rear yard:*

Each lot shall have a minimum rear yard of fifty (50) feet. The rear yard requirement for accessory structures other than tenant units shall be twenty (20) feet.

#### *3-9-4 Minimum separation requirements for accessory buildings or structures:*

Each accessory building or structure other than a deck, porch or patio shall be set apart from other buildings or structure at least three (3) feet.

#### *3-9-5 Hog and Poultry Restrictions:*

3-9-5.1. There shall be no building, structure or area of confinement for the commercial raising and/or housing of hogs and/or poultry, not free-ranging, within one hundred and fifty (150) feet of any property line. For purposes of this section,

the raising or keeping of more than five (5) hogs shall be considered commercial in all cases.

3-9-5.2. The area of confinement for non-commercial raising or keeping of hogs or poultry shall be located no closer than fifty (50) feet to any side or rear property line and shall be located no closer to the road than any primary structure on the property. This section shall not apply to the raising or keeping of more than five (5) hogs.

### **3-10. Subdividing.**

#### *3-10-1 Minor Divisions:*

Subdivision in the A-1 (Agricultural) District shall be limited to Minor Divisions.

#### *3-10-2 Process:*

The Minor Division process is set forth in Article VI of the Subdivision Ordinance. Qualifying parent parcels may be divided into two parcels plus a residual parcel no more frequently than once every five years. These divisions are administratively processed by the Zoning Administrator.

## **ARTICLE 4. RURAL AREA DISTRICT RA**

### **4-1. Purpose and Intent.**

It is the intent and purpose of this article to implement the rural area recommendations of the adopted Comprehensive Plan by providing for a transition between prime commercial agriculture, forestal production, open space and conservation uses within the most rural areas of the County and village centers. This transition is intended to be accomplished through orderly low density development. This district encourages and allows both low-density principal residential and active commercial farm uses, in an appropriate mix, which is designed to protect the prime commercial agriculture areas from residential encroachment. Uses not consistent with the rural character of this district or the intent specified herein are prohibited.

### **4-2. Uses Allowed.**

The following regulations shall apply in all RA Districts:

#### *4-2-1 Permitted principal uses and structures:*

4-2-1.1 All principal uses permitted in the A-1 District.

#### *4-2-2 Conditional uses:*

In addition to the aforementioned uses permitted as a matter of right, the following uses may also be permitted, subject to securing a use permit as provided for in Article 17.

4-2-2.1 All conditional uses permitted in the A-1 district.

4-2-2.2 Antique shops.

4-2-2.3 Beauty and barber shops.

4-2-2.4 Tailor / dressmaker, seamstress.

4-2-2.5 Veterinary hospitals or clinics

#### *4-2-3 Accessory Uses and Structures*

4-2-3.1 Accessory uses and structures customarily incidental to a principal use, subject to Article 9 herein.

4-2-3.2 All accessory uses permitted in the A-1 district.

4-2-3.3 One (1) tenant unit in accordance with Section 3-2-3.4 (on parcels containing a minimum of 9 acres).

**4-3. Off-street parking.**

Off-street parking as required in Article 10.

**4-4. Signs.**

Signs as permitted and regulated in Article 11.

**4-5. Height Regulations.**

*4-5-1 Building and structure height:*

Buildings may be erected up to forty-five (45) feet in height from the finished ground elevation. For structures permitted above the height limit, see Article 9.

**4-6. Area Regulations.**

*4-6-1 Minimum lot area:*

The minimum lot area for permitted principal uses shall be three (3) acres except for the following: (i) Lawful nonconforming lots; (ii) the minimum lot area shall be one (1) acre for a family division lot; (iii) the minimum lot area for conditional uses may be modified in conjunction with approval of a conditional use by the Board of Supervisors pursuant to Article 17 herein; (iv) there shall be no minimum lot area for dedicated well lots as long as all requirements of the Virginia Department of Health are met.

*4-6-2 Existing Lots of Record:*

Any lot which was lawfully recorded prior to the date of adoption of this ordinance, and where such lot met the requirements of the Zoning Ordinance in effect at the time of recordation, then such lot may be used for any use permitted in the Zoning District in which it is located even if the lot does not meet the current minimum district size, lot area, lot width and/or shape requirements of the district, provided all the other regulations of this ordinance can be satisfied.

**4-7. Lot Coverage Regulations.**

*4-7-1 Maximum coverage area:*

All buildings, including accessory structures and ground level impervious surfaces, shall not cover more than twenty-five percent (25%) of the total area of the lot or parcel for parcels three (3) acres or greater in size. Parcels less than three (3) acres shall be permitted a maximum lot coverage of forty percent (40%). This provision may be waived for churches, schools and other community facilities in conjunction with site plan approval. Greenhouses and other structures used solely for agricultural use are exempt from this provision.

#### **4-8. Street Setback Regulations.**

No building or structure shall be located less than sixty (60) feet from any secondary or private road right-of-way or easement line; and, seventy-five (75) feet from any primary highway right-of-way line. In no case shall any portion of a building or structure be located closer to the street right-of-way or easement than the setback line. In the case of corner lots, no building or structure shall be located closer than forty (40) feet to the right-of-way or easement line of the side street.

#### **4-9. Width and Yard Regulations.**

##### *4-9-1 Minimum lot width:*

The minimum lot width shall be two hundred (200) feet for any lot fronting on an existing road which is in the state system of secondary highways. Family Division lots are exempt from this provision.

##### *4-9-2 Minimum side yard:*

Each lot shall have a minimum side yard of twenty-five (25) feet. The side yard requirement for accessory structures other than tenant units shall be fifteen (15) feet.

##### *4-9-3 Minimum rear yard:*

Each lot shall have a minimum rear yard of forty (40) feet. The rear yard requirement for accessory structures other than tenant units shall be fifteen (15) feet.

##### *4-9-4 Minimum separation requirements for accessory buildings or structures:*

Each accessory building or structure other than a deck, porch or patio shall be set apart from other buildings or structure at least three (3) feet.

##### *4-9-5 Hog and Poultry Restrictions:*

4-9-5.1. There shall be no building, structure or area of confinement for the commercial raising and/or housing of hogs and/or poultry, not free-ranging, within one hundred and fifty (150) feet of any property line. For purposes of this section, the raising or keeping of more than five (5) hogs shall be considered commercial in all cases.

4-9-5.2. The area of confinement for non-commercial raising or keeping of hogs or poultry shall be located no closer than fifty (50) feet to any side or rear property line and shall be located no closer to the road than any primary structure on the property. This section shall not apply to the raising or keeping of more than five (5) hogs.

#### **4-10. Subdividing.**

##### *4-10-1 Minor Divisions:*

Subdivision in the RA (Rural Area) District shall be limited to Minor Divisions.

4-10-2 *Process:*

The Minor Division process is set forth in Article VI of the Subdivision Ordinance. Qualifying parent parcels may be divided into two parcels plus a residual parcel no more frequently than once every five (5) years. These divisions are administratively processed by the Zoning Administrator.

PC PUBLIC HEARING DRAFT 4-10-13

## **AMENDMENTS TO THE RR AND R-1 ZONING DISTRICTS / AMENDMENT TO ARTICLE 8C**

### **(RELATED TO REVISIONS TO ARTICLE 9 – SPECIAL PROVISIONS)**

#### **Amendment to Article 4A Rural Residential District RR, of the Zoning Ordinance:**

- *Delete/Add the following under Conditional uses:*

##### 4A-2-2.12 ~~Home Occupations~~ Residential Professional

- *Amend the following:*

4A-2-3.1 ~~In addition to those uses and structures permitted in the RA District,~~ Accessory buildings, including private garages, provided that a detached accessory building shall be located as required in Article 9; provided, however, that all accessory buildings attached to the main building shall be considered part of the main building.

- *Add the following to Accessory uses and structures:*

##### 4A-2-3.2 Home Occupations

##### 4A-2-3.3 Tenant Units in accordance with Article 9.

#### **Amendment to Article 5 Residential District R-1, of the Zoning Ordinance:**

- *Delete/Add the following under Conditional uses:*

##### 5-2-2.11 ~~Home Occupations~~ Residential Professional

- *Amend the following:*

5-2-3.1 ~~In addition to those uses and structures permitted in the RA District,~~ Accessory buildings, including private garages, provided that a detached accessory building shall be located as required in Article 9; provided, however, that all accessory buildings attached to the main building shall be considered part of the main building.

- *Add the following to Accessory uses and structures:*

##### 5-2-3.2 Home Occupations

##### 5-2-3.3 Tenant Units in accordance with Article 9.

**Amendment to Article 8C Watershed Management District (WMD), of the Zoning Ordinance:**

- *Add the following to 8C-3 Watershed Management Regulations (This section was formerly 9-1-8):*

8C-3-6 Lake Pelham-Mountain Run Lake Watershed Restrictions: The Lake Pelham-Mountain Run Lake Watershed serves the Lake Pelham reservoir which is a public water supply for Town and County residents and provides the surface water recharge for the lake. The watershed has been shown to be sensitive to certain development activities and susceptible to impacts from particular uses that may affect water quality. The lakes are subject to degradation from hazardous substances that may gain entry by spill, surface runoff or groundwater leachate. As a result, the following uses and storage thereof are prohibited in the watershed as part of any non-residential activity:

8C-3-6.1 Hazardous materials and wastes.

8C-3-6.2 Flammable or combustible substances and the storage of more than one hundred (100) gallons or fifty (50) pounds of such substances.

8C-3-6.3 Toxic wastes and substances.

8C-3-6.4 Bulk and underground storage.

8C-3-6.5 Landfills and debris sites.

8C-3-6.6 Storage or land spreading of sludge.

In addition, sewer treatment plants and other uses for which a NPDES or VPDES permit is required for more than one thousand (1,000) gallons of effluent are also prohibited, excluding stormwater management facilities.

- *Amend the following section:*

8C-4-2.3 Exemptions for Commercially Zoned Properties.

Property zoned commercial prior to March 3, 1992 shall be exempt from meeting the requirements of Section 8C-3-4, Section 8C-4-2.1 and Section 8C-4-2.2 provided the applicant meets the requirements of Section 8C-4-2.3.



## ARTICLE 9. SPECIAL PROVISIONS

The regulations specified in this ordinance shall be subject to the following special provisions as permitted or otherwise specified in the district classifications. ~~Any structures built within one (1) mile of an airport shall meet all the requirements of the Federal Aviation Agency recommending height of structures.~~

### 9-1. Use.

#### *9-1-1 Hog and poultry restrictions:*

~~There shall be no building, structure or yard for the raising and/or housing of hogs and/or poultry within 150 feet of any property line.~~

#### *9-1-21 Trailer parking Parking and storage of recreational, utility, and commercial vehicles in residential areas:*

~~The parking of a trailer in any district is hereby prohibited; except that one (1) trailer may be parked or stored in an improved, enclosed garage or accessory building provided that no living quarters shall be maintained or any business practiced in the trailer while such trailer is parked or stored; except that, unoccupied travel or recreational trailers may be parked or stored to the rear of the front line of the main building.~~

9-1-1.1 *Truck Tractors, Trailers, and Large Commercial Vehicles in Residential Areas.* Parking of commercial vehicles greater than twenty (20) feet long or greater than eight (8) feet high including appurtenances is prohibited on vacant property or property utilized primarily for residential purposes in A, RA, R and PUD Districts, except on a temporary and non-regular basis not exceeding six hours, and except as exempted below. For the purposes of this section, "commercial vehicle" means any motor vehicle, the principal use of which is the transportation of commodities, merchandise, produce, freight, vehicles, animals, passengers for hire, or which is used primarily in construction, including but not limited to bulldozers, backhoes, tractors and cranes.

#### 9-1-1.2 *Exemptions.*

(a) One (1) vehicle used principally by the resident of the property which is up to thirty (30) feet long, with no height restriction, may be parked in any district.

(b) Pickup or light trucks which are primarily used by the property owner for transportation purposes are exempt.

(c) School buses normally associated with transporting students to and from school or religious facilities may be parked on school or religious facility property. One (1) school bus may be parked on a lot with a single family dwelling.

(d) Up to three (3) commercial vehicles may be stored on A or RA properties within an enclosed building or in an area entirely screened from view from roads or an adjacent properties, as long as the storage of such vehicles is not done in conjunction with the unauthorized operation of a business from the premises.

(e) Vehicles used for bona fide agricultural operations which are stored on the same property or directly adjacent property to that upon which the agricultural operation takes place are exempt.

(f) Tractor Trailers: Parking of tractor trailers is generally prohibited, however a tractor cab under thirty (30) feet in length may be parked in accordance with 9-1-1.2(a) above. One (1) trailer may be parked on properties of three or more acres if it is in the rear yard and screened from view in accordance with 9-1-1.2(d) above.

(g) Any property owner may apply for a conditional use permit in accordance with Article 17 of this ordinance to request additional exemptions, which shall be considered on a case by case basis.

9-1-1.3 Recreational and utility vehicles are defined as travel trailers, folding tent trailers, motor homes, truck campers removed from a truck or pickup, horse trailers, stock trailers, boat trailers with or without boats, and utility trailers. Recreational and utility vehicles may be parked on property utilized for residential purposes in A, RA, R and PUD Districts provided the following conditions are met:

(a) Vehicles shall not intrude into public rights-of-way or obstruct sight visibility from adjacent driveways.

(b) Vehicles shall not be parked in the front building setback unless there is no reasonable access to the building side yards or rear yards because of topography or other physical conditions of the site as determined by the Zoning Administrator.

(c) Vehicles shall be maintained in a clean, well-kept state which does not detract from the appearance of the surrounding area.

(d) At no time shall parked or stored vehicles be occupied or used as a permanent or temporary dwelling unit except that guests may reside in a recreational vehicle on the host's premises on a temporary basis, not to exceed three (3) weeks in any calendar year.

~~9-1-2A Electric service:~~

~~It shall be unlawful for any electric company to furnish electricity to any mobile home that is to be used as a dwelling or living quarters in Culpeper County unless the company has evidence that the trailer is legally parked. It shall also be unlawful for any individual to provide electricity to any mobile home that is to be used as a dwelling or living quarters in Culpeper through the use of an extension electrical cord method.~~

~~9-1-2B Mobile home standards:~~

~~9-1-2B.1 Every mobile home in Culpeper County shall be equipped with skirting which completely screens the undercarriage within sixty (60) days of placement on the lot unless it can be demonstrated that compliance with said time limit is physically infeasible because of weather conditions. In such cases, the zoning administrator may grant a time extension not to exceed four (4) additional months.~~

~~9-1-2B.2 The mobile home shall be placed on a permanent foundation with axles, wheels and trailer hitch removed. This requirement may be waived by the Board of Supervisors if the mobile home is permitted for one (1) year or less pursuant to Article 28.~~

~~9-1-2B.3 Underpinning shall be required.~~

~~9-1-2B.4 Front and rear steps and landings shall be provided and shall meet all state building code requirements.~~

~~9-1-2B.5 The mobile home shall be located on its own individual lot unless subject to a use permit under Article 28 of this Ordinance.~~

~~9-1-2B.6 The mobile home shall be in compliance with all zoning requirements, including setback and yard requirements, and all applicable requirements of the Virginia Department of Health.~~

~~9-1-3 Commercial vehicle parking:~~

~~The parking of any commercial vehicle in any A, R, or RA district is prohibited, except a commercial vehicle of not more than two and one-half (2 1/2) ton capacity [not to exceed manufacturer's gross weight rating of sixteen thousand (16,000) pounds GVW] may be parked in an enclosed garage in such district. A commercial vehicle of one (1) ton capacity [not to exceed manufacturer's gross weight rating of ten thousand (10,000) pounds GVW] or less, may be parked to the rear of the rear line of a main building in any A, R, or RA district or, in the case of an apartment development, in an approved off-street parking area.~~

~~9-1-4 Merchandise in the street:~~

~~No merchandise shall be displayed nor business conducted between the street line and the building setback line.~~

*9-1-~~52~~ Mother-in-law Suites:*

Single family dwellings shall be prohibited from containing attached apartments, including garage or basement apartments, except that "mother-in-law suites" constructed and utilized in accordance with the provisions below shall be permitted:

9-1-~~52~~.1 The suite may contain all aspects of a separate dwelling including kitchen, bathroom, and bedroom facilities.

9-1-~~52~~.2 The suite shall be permitted only within the structure of the main dwelling. ~~Usage of freestanding structures is expressly prohibited without a use permit as provided in Article 17.~~ Not more than one (1) accessory suite shall be permitted within any single family dwelling.

9-1-~~52~~.3 The suite must not occupy more than thirty percent (30%) of the total floor area of the dwelling or one thousand (1,000) square feet, whichever is greater.

9-1-~~52~~.4 The suite must not have its own electrical service meter.

9-1-~~52~~.5 The owner of the property upon which the dwelling and suite are located shall occupy at least one (1) of the dwelling units on the premises.

9-1-~~52~~.6 The suite must be occupied only by persons legally related to the family occupying the dwelling or caregivers serving the family occupying the dwelling.

9-1-~~52~~.7 Any external entrance to the suite shall be on the side or the rear of the dwelling such that it and the entrance to the main dwelling are not both visible from the front yard.

9-1-~~52~~.8 No mother-in-law suite shall be established without written approval from the local office of the Virginia Department of Health of the location and area for both original and reserve drain fields adequate to serve the main dwelling and the suite.

9-1-~~52~~.9 No mother-in-law suite shall be established without first obtaining a building permit to ensure compliance with building code requirements.

*9-1-~~5B3~~ Tenant Units*

9-1-~~5B.13~~.1 Tenant unit shall mean a separate free-standing dwelling unit which is accessory to a primary dwelling on a single parcel of land and which meets the following criteria:

~~9-1-5B.1~~ (1) The tenant unit shall include no more than 75% of the total square footage of finished floor area in the primary dwelling.

~~9-1-5B.1~~ (2) The owner(s) of the property upon which the tenant unit and primary dwelling are located must reside full-time in one of the two dwellings.

~~9-1-5B.1e3.2~~ Tenant units shall be permitted only if:

(1) At the time of issuance of a building permit for a tenant unit, the property upon which it is located must be legally eligible to be

subdivided, meeting all Subdivision Ordinance requirements, such that the primary dwelling and the tenant unit could be accommodated on separate, distinct parcels; or

(2) The property upon which the tenant unit is proposed shall meet the following minimum size regulations:

A-1 Zoning District--15 acres  
RA Zoning District--9 acres  
RR Zoning District--9 acres  
R-1 Zoning District--3 acres  
All Other Zoning Districts - Not Permitted

~~9-1-5B.23.3~~ More than one tenant unit may be approved for occupancy by farm tenants, defined as a tenant who derives at least eighty percent (80%) of their income from the farm on which the unit is located. ~~subject to 9-1-5B.1 above.~~

*9-1-~~64~~ Recreational vehicle parks and campgrounds:*

The location of a recreational vehicle park and campground in any division [district] where permitted shall require a use permit issued by the Board of Supervisors. The design and development of such park shall include consideration of the two (2) following basic types or an appropriate combination thereof: The "overnight type" is usually located on or near major highways where the public can stop for one (1) or two (2) nights while en route to some more distant destination. The "destination type" is usually located at or near a scenic, historic or outdoor recreation area where the public is attracted for extended stays of several days or weeks. The operators of such a park shall comply with the following:

9-1-~~64~~.1 Area: The following area requirements shall pertain for recreational vehicle parks and campgrounds:

- a. Parks with only campsites or with a combination of campsites and recreational vehicle sites, shall contain at least ten (10) acres in area.
- b. Parks with only recreational vehicle sites shall contain at least four (4) acres in area.

9-1-~~64~~.2 Accessory uses: Convenience establishments of a commercial nature, including small stores and coin-operated laundry ~~and dry cleaning~~ establishments, may be permitted subject to the following restrictions: Such establishments and any parking area primarily related to their operation shall not occupy more than five percent (5%) of the area of the park, shall be subordinate to the residential use and character of the park, shall be located, designed and intended to serve only the needs of persons residing in the park and shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

9-1-~~64~~.3 Screening: Where any property line of a recreational vehicle park and campground abuts land either zoned for residential use or occupied by a residential use permitted by the zoning ordinance, there shall be provided and maintained along said property line a continuous visual buffer with a minimum height of six (6) feet. This buffer shall be a compact evergreen hedge or other type of foliage

screening, or shall be a combined wooden fence and shrubbery screen with the latter facing the residential zone or permitted residential use.

9-1-~~64~~.4 Space size: Each recreational vehicle site or campsite shall be at least one thousand six hundred (1,600) square feet in area with no dimension less than twenty-five (25) feet.

9-1-~~64~~.5 Density: Recreational vehicle parks and campgrounds shall not exceed a maximum of twenty (20) lots per gross acre.

9-1-~~64~~.6 Distance between recreational vehicles: No part of any recreational vehicle, tent or addition thereto shall be placed within seven and one-half (7 1/2) feet of any recreational vehicle site or campsite line.

9-1-~~64~~.7 Water and sewer.\* Each recreational vehicle park and campground site shall provide an adequate and safe water supply and method of sewage collection, treatment and disposal as approved by the ~~County health~~ Virginia Department of Health. Whenever a public water or sewer system is available to the park, such system shall be used. Each park shall have no less than one (1) running water spigot for every three (3) recreational vehicle sites or campsites.

\*Cross references: Water supply, Chapter 14.

9-1-~~64~~.8 Service buildings. Each recreational vehicle park and campground shall provide service buildings to house such toilet, bathing or other sanitation and/or laundry facilities as are hereinafter more particularly prescribed:

a. Permanent structures. All service buildings shall be permanent structures complying with all applicable County codes and regulations.

b. Distance from lots. Service buildings housing sanitation facilities shall be located no closer than thirty (30) feet to any recreational vehicle site or campsite nor farther away than four hundred (400) feet.

c. Maintenance. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health or safety of any occupant or the public, or otherwise constitute a nuisance or fire hazard.

9-1-~~64~~.9 Sanitation facilities. Each recreational vehicle park and campground shall be provided with toilets, baths or showers and other sanitation facilities in accordance with the requirements of the ~~Culpeper County~~ Virginia Department of Health Department.

9-1-~~64~~.10 Occupancy. No individual unit shall be occupied nor shall any person reside, in any recreational vehicle park or campground for more than sixty (60) days within one (1) year. This provision shall apply only to campgrounds established after the date of adoption of this section.

9-1-~~64~~.11 Registration of campers. The operator of a recreational vehicle park and campground shall keep a record of all persons registering at the park or campground. This record shall show:

- a. The name and permanent address of the person responsible for the camping unit registered.
- b. The number in the party.
- c. The year and make of car.
- d. The license number and state of car's registration.
- e. The date of arrival and departure.

These records shall be open to the law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained therein, the record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park or campground.

#### 9-1-5 Use of Certain Containers or Vehicles For Storage in A, RA, R and PUD Districts

9-1-5.1 Semi-trailers, school and other buses, vans, trucks, recreational vehicles or similar vehicles are prohibited for use as stationary structures for any principal or accessory use, except that bona fide agricultural use of such vehicles for storage shall be permitted.

9-1-5.2 Shipping containers and similar containers originally designed and constructed to move or be moved from place to place for the purpose of transporting or conveying persons or goods which are to be utilized as stationary structures for storage shall be considered accessory structures for the purposes of this ordinance.

#### 9-1-6 Home Occupation

A home occupation is defined as an occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display of products or signage and where no one is employed other than members of the family residing on the premises.

9-1-6.1 Home occupations must be clearly incidental and subordinate to the use of the premises for residential purposes and shall not alter the residential character of the dwelling. Home occupations may be located in a detached structure, but must be located upon the same parcel of land as the principal residence with which it is associated. No outdoor storage is permitted. The total area devoted to the home occupation, regardless of whether in the principal structure or a detached structure, shall not exceed twenty-five percent (25%) of the livable floor area of the principal structure, exclusive of the basement.

9-1-6.2 Home occupations are a permitted accessory use in the A-1, RA, RR and R-1 Zoning Districts.

#### 9-1-7 Residential professional

A residential professional use is defined as a professional office in a single-family detached residence or any accessory thereto ~~shall be allowed in the A-1 and RA Districts only~~ for the use of the resident occupant. Such professional offices ~~shall~~ may include an architect, certified public accountant, chiropractor, dentist, doctor of medicine, engineer, insurance agent, land surveyor, lawyer, optometrist, ~~osteopath~~, planning consultant, podiatrist, psychologist, realtor and other professionals.

9-1-7.1 The resident professional use must be clearly incidental and subordinate to the use of the premises for residential purposes and shall not alter the residential character of the dwelling. The total area devoted to the professional office shall not exceed ~~twenty-five~~ fifty percent (25 ~~50~~%) of the ground floor area of the principal structure. Use of the professional office is limited to the occupants and up to one two (4 ~~2~~) employees, assistants or associates. ~~Off-street parking must be provided in addition to driveways and any private garage or parking area in accordance with Article 10.~~

9-1-7.2 The resident professional is a conditional use requiring a special use permit as provided for in Article 17 in the A-1, RA, RR and R-1 Zoning Districts.

~~9-1-8 Lake Pelham Mountain Run Lake Watershed Restrictions: The Lake Pelham Mountain Run Lake Watershed serves the Lake Pelham reservoir which is a public water supply for town and County residents and provides the surface water recharge for the lake. The watershed has been shown to be sensitive to certain development activities and susceptible to impacts from particular uses that may effect water quality.\* The lakes are subject to degradation from hazardous substances that may gain entry by spill, surface runoff or groundwater leachate. As a result, the following uses and storage thereof are prohibited in the watershed as part of any non-residential activity:~~

~~9-1-8.1 Hazardous materials and wastes.~~

~~9-1-8.2 Flammable or combustible substances and the storage of more than one hundred (100) gallons or fifty (50) pounds of such substances.~~

~~9-1-8.3 Toxic wastes and substances.~~

~~9-1-8.4 Bulk and underground storage.~~

~~9-1-8.5 Landfills and debris sites.~~

~~9-1-8.6 Storage or land spreading of sludge.~~

~~In addition, sewer treatment plants and other uses for which a NPDES or VPDES permit is required for more than one thousand (1,000) gallons of effluent are also prohibited, excluding stormwater management facilities.~~

#### 9-1-98 Family Day Home:

The Zoning Administrator shall issue a zoning permit for any family day home, as defined in section 2-26A of this ordinance, serving six (6) through twelve (12) children, exclusive of the



provider's own children and any children who reside in the home. Prior to issuance of the permit, the applicant shall notify each adjacent property owner via registered or certified letter. Additionally, a representative of the ~~health~~ Virginia Department of Health, and the County Building Official shall be consulted. In the event that no written objection is raised by any adjacent property owner, or by the Health Official or Building Official within thirty (30) days, the Zoning Administrator ~~may~~ shall issue the permit. If an objection is raised which results in denial of the permit, the applicant may ask to have the application considered by the Planning Commission and the Board of Supervisors according to the process set forth in § 15.2-2204 of the Code of Virginia. No signage advertising such family day homes shall be permitted.

## **9-2. Height.**

### *9-2-1 Structures permitted above height limit:*

~~Silos, penthouse or~~ Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, radio towers, ~~steeple~~, flagpoles, cupolas, chimneys, smokestacks or similar structures may be erected above the height limit herein prescribed, but no ~~penthouse or~~ roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space. Such structures shall not exceed an additional 23 fifteen (15) feet above the height limit in the district in which it is located. Penthouses Roof structures which are mechanical in nature shall be concealed by exterior architectural material of the same type of quality as that used in the exterior walls of the building. ~~Noncommercial radio towers or masts may exceed the height limit no more than twenty-five (25) feet. Chimneys and smokestacks, which are in integral part of a penthouse, may exceed the height limit by not more than 27 feet. Steeples on religious facilities may extend twenty (20) feet above the height limit. Silos for agricultural use and water towers may extend twenty-five (25) feet above the height limit.~~

## **9-3. Area.**

~~9-3-1 Front yards; gasoline pumps: Gasoline pumps shall be erected, at least ten (10) feet behind the setback line; provided, however, that such pumps may be erected five (5) feet in front of the setback line if the main building is set back a minimum of ten (10) feet behind the setback line.~~

~~9-3-2 Lot area; hotels or motels: Hotels or motels shall have a lot area of not less than eight hundred (800) square feet for each individual sleeping or living unit.~~

~~9-3-3 Lot area; family partitions: The minimum lot area of family partitions and remnants thereof shall be as required in the district that it is applied for, except and in accordance with Appendix B of the Culpeper County Code (as amended), that the minimum allowable lot and remnant thereof in the A-1 and RA Districts shall be one (1) acre or as required to satisfy County health department standards.~~

### *9-3-4 1 Vision clearance:*

On any corner lot in an A, R, or RA District, there shall be no planting, structure, fence, retaining wall, shrubbery or obstruction to vision more than three (3) feet higher than the curb level within the triangle formed by the street right-of-way lines and a line connecting said

street lines twenty-five (25) feet from their intersection. On any corner lot in a ~~C or M~~ Commercial or Industrial District, no building or obstruction shall be permitted between a height of one (1) foot and a height of ten (10) feet higher than the curb level within the triangle formed by the street right-of-way line and a line connecting said street lines ten (10) feet from their intersection.

~~9-3-5 Reserved.~~

~~9-3-6~~ 2 *Two-story accessory buildings in R Districts:*

~~In no case shall a~~ Any two-story accessory building occupy any part of a required ~~shall be required to meet the side or and rear yard requirements for principal structures.~~

~~9-3-7~~ 3 *Projections allowed on in yards and courts:*

No building or structure, or addition thereto, other than walls or fences, shall extend into a required setback area, ~~or yard or court~~, except that chimneys may extend therein eighteen (18) inches, and the following unenclosed uses may extend therein no more than four (4) feet, but not nearer than five (5) feet to any property line; balconies, eaves, trim and fascia boards and similar architectural features, platforms and terraces.

9-3-73.1 Any roofed-over area existing at the time of the adoption of this Article which is attached to a main structure and which encroaches on required setback or yard area shall not be enclosed without additional zoning approvals (See Article 18 of this ordinance).

9-3-73.2 The setback and yard requirements of this ordinance shall not be deemed to prohibit any otherwise lawful fence or wall which is not more than four (4) feet high; provided, however, that a fence or wall along the rear lot line and along the side lot line to the rear of the required setback line may be erected to a height not exceeding seven (7) feet. ~~This provision shall not be deemed to allow any wall or fence more than three (3) feet high as defined in section 9-3-3.~~ Also this provision shall not be interpreted to prohibit any open-mesh type fence enclosing any school or playground.

~~9-3-8 Open spaces for group building projects: For projects having more than one (1) main building, the front setback, side and rear yard requirements shall apply along the boundary lines of the project. The minimum distances between the main buildings within the project area shall be the sum of the side yard requirements between the respective buildings for each building as though it is located on a separate lot. Lot area and lot width shall be maintained as though each building is located on a separate lot.~~

~~9-3-9~~ 4 *Landscape features:*

Landscape features, such as trees, shrubs, flowers or plants, shall not be permitted or maintained on any required front, side or rear yard if they produce a hedge effect or interfere with the safe use of the public street or sidewalk. Said landscape features shall be permitted in any required front, side or rear yard, provided that they do not interfere with public safety and do not produce a hedge effect contrary to provisions of sections ~~9-3-4 and 9-3-7~~ 9-3-1.

#### **9-3-105 Utility and Community Facilities Lots:**

Lots to be used solely for the location and operation of electric substations, or booster, relayed or pump stations for natural gas, telephone, water, sewer, and similar public utilities and lots to be used for community facilities such as fire or police stations, waste transfer sites, post offices, and public recreation areas shall not be required to comply with area or frontage regulations. ~~The minimum area shall be 1.5 acres or the district minimum, whatever is less. Setback and yard regulations shall be enforced.~~ This section shall not apply to lots used for the location and operation of primary utility facilities nor shall it be construed to allow any use which is not ~~specifically~~ normally allowed in the zoning district. ~~Public utilities require, at a minimum, a use permit and a site plan as per Articles 17 and 20 of this ordinance, respectively. Community facilities require a site plan as per Article 20, and in some cases, may require a use permit as per Article 17.~~

#### **9-4. Building separation.**

9-4-1 Minimum separation: In districts where more than one (1) detached principal building is allowed on a lot, there shall be a minimum separation between the nearest vertical walls to ensure adequate privacy, light, air circulation and design flexibility. The minimum distance required between principal structures shall be the ~~average of the~~ sum of the two building heights of the extension wall of both structures (measured from the adjacent grade to the peak or highest structural point of the roof) multiplied by ~~one and five tenths (1.5)~~ 0.75. This is expressed by the formula:

$$\text{Ha} + \text{Hb} / \text{D} = 2 \times 1.5 \quad \underline{(\text{Ha} + \text{Hb}) \times 0.75 = \text{D}}$$

Where

Ha, Hb = The height of each building (feet).

D = The minimum building separation (feet).

In no case shall the minimum building separation be less than the required fire separation based upon applicable building code. ~~thirty (30) feet.~~

#### **9-4A. Alleys.**

Alleys not less than twenty (20) feet in right-of-way width may be provided in the rear of all commercial and industrial properties unless other provisions are made for parking and service. Alleys shall also be permitted in the following residential districts: R-1, R-2, R-3, R-4, and PUD.

Easements for alleys in residential districts shall be a minimum of twenty (20) feet in width, including appropriate sight distance, drainage, and radius for emergency vehicles. A minimum paved travel way of fifteen (15) feet shall be provided. One and one-half (1.5) inches of surface mix over three (3) inches of base pavement and six (6) inches of sub-base stone shall be the minimum pavement required with a minimum of two-foot shoulders. Additional pavement/base may be required if it is determined that the site soil conditions warrant the additional improvements. The maximum grade for an alley shall be ten (10) percent, except that the grade shall not exceed three (3) percent for the first twenty-five (25) feet from the street connection.

A minimum setback of ten (10) feet shall be required from the edge of the easement to any accessory structure, garage, or other structure. All structures shall also comply with the underlying zoning district rear and side yard setbacks. No parking shall be permitted on paved travel way; however, parking may be permitted within the alley easement if additional easement width is provided to accommodate such parking. All required off-street parking shall be provided on each lot. Garages shall not count toward off-street parking requirements. A twenty-foot setback shall be provided from an alley intersection and the first structure, parking space, or any street tree planting.

In residential developments where alleys are provided, the following features must also be provided in front of dwellings:

- a. On street parking on at least one (1) side of the street.
- b. Sidewalks at least four (4) feet in width, parallel to street.
- c. Lead walks at least three (3) feet in width from the dwelling to the parallel street sidewalk.

Sidewalks and lead walks must be constructed with concrete or other suitable impervious material.

Alley easements shall be owned, controlled, and maintained by a homeowners association (HOA) or similar association or owned by individual property owners with control and maintenance by a HOA or other association. Notation on both the plat and deeds shall be provided that clearly and boldly states the ownership, maintenance, and control responsibility for alleys. Culpeper County shall not, under any circumstances, assume any maintenance or ownership responsibilities for any alley, unless otherwise permitted or required by law. Homeowners' association covenants, which provide for the maintenance and upkeep of the alleys, shall be submitted with the final construction plans for review.

Any of the provisions of this section may be waived or varied by the Planning Commission if it is determined that the purpose and intent of the ordinance can be met through alternative means.

## **9-5. Cluster housing.**

### *9-5-1 Intent of cluster development:*

Cluster development is intended to encourage flexibility in residential setting and subdivision design for the purpose of providing attractive, economical and environmentally sound land use. The regulation allows for the clustering of housing in order to preserve or protect land with unique natural or physical attributes or to provide recreation opportunities for development. Cluster development is limited to residential uses and will result in a large area of natural or open space for recreation or conservation purposes.

### *9-5-2 Where cluster housing applicable:*

Cluster housing shall be applicable in the RR, R-1, R-2 and R-3 Districts only and subject to the uses, structures and regulations of the district where the cluster lies, except as provided herein. Any use of the cluster provisions shall require the approval of the Planning Commission and Board of Supervisors pursuant to the Culpeper County Subdivision

Ordinance. \* ~~Such provisions may be required by the Planning Commission as a condition in order to conserve a specific area as defined in section 9-5-3.4.~~

\*See Appendix B., Subdivision Ordinance

*9-5-3 Regulations:* The following regulations shall apply to all cluster housing as provided for in this section:

9-5-3.1 Minimum development area. The minimum area to be developed for cluster housing shall be five (5) acres in the RR, R-1, R-2 and R-3 Districts. Development of a new cluster abutting an existing cluster can be less than the five (5) acres minimum. ~~subject to the approval of the Planning Commission.~~

9-5-3.2 Density of development. The maximum number of units allowed in a cluster shall not exceed the total density normally allowable in the district where the cluster provision is applied. Surface waters, wetlands, one hundred (100) year floodplains, and slopes in excess of twenty-five percent (25%) shall be subtracted from the overall tract acreage prior to calculating the allowable density of the development.

~~In addition, any applicant proposing a cluster development shall submit a plan indicating the features of the land listed above and estimating the realistic lot yield based upon the suitability of the soils for drainfields under a traditional development proposal (soil suitability is not required where a central sewage treatment facility is to be utilized). Such a plan shall be sealed by a licensed engineer or land surveyor. In no case shall a cluster development proposal exceed the density which could be achieved under a traditional development proposal.~~

~~9-5-3.3 Utility services. Sewer and water services shall be provided as required for the district wherein the cluster lies and as regulated by the health department or the state water control board.~~

9-5-3.4 ~~3~~ Conservation area or open space. In the utilization of cluster provisions, at least forty percent (40%) of the gross acreage of the original tract(s) shall remain in the conservation area or recreation or open space and dedicated as such. Such dedication shall be recorded in the Culpeper County Clerk's office and shall contain appropriate covenants or deed restrictions, as acceptable to the zoning administrator. The covenants shall provide for the appropriate restriction of use and maintenance of the open space in accordance with the purpose of its dedication. ~~Unique site features required as a minimum to be retained in such dedicated open space or conservation area include floodplains, wetlands, slopes in excess of twenty-five percent (25%), rock outcrops, gorges, streams/rivers, caverns, woodlands and other natural areas.~~ The dedicated area or open space shall be eligible to become a lot of record and entitled to be developed in accordance with the regulations of the Zoning Ordinance limited to agricultural use and/or a single residential dwelling unit. Dedicated open space areas shall be single, contiguous parcels wherever possible. In cases where open space is not entirely contiguous, the minimum size of an open space parcel shall be ~~thirty (30)~~ twenty (20) acres.

9-5-3.5 Buffer with surrounding uses. Cluster housing lots other than the open space shall be one hundred (100) ~~to two hundred (200)~~ feet from any ~~lower zoning or less~~

~~intensive use, except in the case of an adjoining or abutting cluster development.~~ A or RA zoning district.

9-5-3.6 Access. All pedestrian and vehicular access and on-site circulation is to be provided by the developer as part of the cluster development. Access to dedicated open space and recreation areas shall be required as appropriate.

9-5-3.7 Maximum height. The height of structures shall be as governed by the district in which the cluster development lies.

9-5-3.8 Minimum lot area, width and yard requirements. The minimum standard for cluster housing lot development shall be governed by the following schedules:

### **Cluster Housing Schedules**

Zone	Minimum Residential Area Regulations (Cluster)			
	Single-Family	Duplex/0-Lot	Townhouse	Apartment
RR	43,560	--	--	--
R-1	20,000	--	--	--
R-2	15,000	15,000	--	--
R-3	6,000	6,000	2,000	--

Minimum Residential Width Requirements (Cluster)								
Zone	Single-Family		Duplex/0-Lot		Townhouse		Apartment	
	INT	CNR	INT	CNR	INT	CNR	INT	CNR
RR	120	120	--	--	--	--	--	--
R-1	85	100	--	--	--	--	--	--
R-2	75	90	65	75	--	--	--	--
R-3	55	75	55	75	20	40	--	--

Minimum Residential Yard Regulations (Cluster)									
Zone	Single-Family			Duplex/0-Lot			Townhouse		
	F	S(CNR)	R	F	S(CNR)	R	F	S(CNR)	F
RR	50	20(40)	35	--	--	--	--	--	--
R-1	45	15(25)	30	--	--	--	--	--	--
R-2	40	10(20)	25	40	15(25)	25	--	--	--
R-3	25	8(20)	15	25	8(20)	15	35	0(15)	25

#### ~~9-5-4 Lake Pelham Mountain Run Lake Watershed:~~

~~Watershed development may be required to cluster by the Planning Commission in accordance with Article 8C of this Zoning Ordinance. Such development shall be of integral design to provide open space for buffers and identified areas of watershed preservation and reduce development intensity in close proximity to sensitive watershed features. Any nonresidential development (other than parks, stormwater management facilities, churches and community facilities) associated with the cluster shall be commercial only, limited to ten percent (10%) of the tract and primarily serving immediate resident needs. In addition to the minimum requirements contained in 9-5-3.8 of this section, lot width, size and yards of development in the watershed may be reduced thirty percent (30%) in the R-3 and R-4 Districts in order to promote cluster housing and provide for adequate watershed protection.~~

#### **9-6. Draft Biosolids regulation, testing and monitoring.**

##### *9-6-1 Purpose and intent:*

The purpose of this section is to monitor the application of biosolids to agricultural land in Culpeper County as authorized by the Code of Virginia and applicable regulations. This section is intended to implement the authority granted to local governments by Va. Code § 62.1-44.49:3 et seq., to provide for the testing and monitoring of land application of biosolids within the political boundaries of Culpeper County in order to ensure compliance with applicable laws and regulations and to make pertinent information available to the Board of Supervisors, County officials and residents of the County on matters related to biosolids land application.

~~Improper management of biosolids may result in adverse effects to human health, agricultural lands, water supplies, wildlife, livestock, natural resources and the environment.~~

~~When properly managed, land application of biosolids represents the beneficial use of a recycled nutrient product. This section is intended to ensure that laws and regulations governing the land application of biosolids are properly implemented and enforced, and to minimize nuisance complaints related to land application of biosolids.~~

This section is not intended to apply to the land application of animal waste or manures, water treatment plant sludge, or exceptional quality biosolids.

##### *9-6-2 Authority and severability:*

a. Authority. This section is adopted pursuant to the authority granted by the Code of Virginia, including but not limited to §§ 15.2-1200 et seq., 15.2-2200 et seq., 15.2-2283 et seq., and 62.1-44.49:3.

b. Severability. In the event that any portion of this section is declared void for any reason, such decision shall not affect the remaining portions of the ordinance, which shall remain in full force and effect, and for this purpose the provisions of this section are hereby declared to be severable.

### 9-6-3 Definitions:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicator means any person who applies biosolids pursuant to appropriate permits.

Biosolids means 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 in accordance with state regulations.

Biosolids Monitor means an employee of the County, either full-time or part-time, charged with the responsibility of ensuring that the land application of biosolids is conducted in accordance with applicable laws and regulations. This shall include the Zoning Administrator or his agents.

Exceptional Quality Biosolids means biosolids that have received an established level of treatment for pathogen control and vector attraction reduction and contain known levels of pollutants, such that they may be marketed or distributed for public use in accordance with state regulations.

Land Application means the distribution of either treated wastewater of acceptable quality, referred to as effluent, or stabilized sewage sludge of acceptable quality, referred to as biosolids, upon, or insertion into, the land with a uniform application at agronomic rates for the purpose of nutrient utilization or assimilation. Bulk disposal of stabilized sewage sludge in a confined area, such as in landfills, is not land application. Sites approved for land application of biosolids in accordance with this regulation are not to be considered treatment works.

Nutrient Management Plan means a plan prepared by a person certified by the Commonwealth as a nutrient management planner and otherwise meeting the requirements set forth by state law and regulation.

Owner means a person who holds legal title, equitable title, a leasehold interest or the right of possession or control over land.

Permit means an authorization granted by the authority of the Commonwealth of Virginia to land apply biosolids in Culpeper County.

Permittee means any person who holds the necessary permits authorizing the land application of biosolids in Culpeper County.

Sewage sludge means any solid, semi-solid, or liquid residues, generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to , domestic septage; scum or solids removed in which contain materials, removed from municipal or domestic wastewater during treatment including primary, and secondary, residues. or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.



Storage Facility means any facility whose purpose is to store biosolids during periods when inclement weather, field conditions or other circumstances beyond the control of the Permittee, prevent or delay the land application of biosolids at the anticipated time.

*9-6-4 Permits required:*

Land application of biosolids is prohibited in Culpeper County unless authorized by all applicable state and/or federal permits.

*9-6-5 Information:*

Any person filing an application with Virginia ~~or federal authorities~~ Department of Environmental Quality (DEQ) for a permit for land application of biosolids in Culpeper County shall file certain information with the DEQ. Upon request from the Culpeper County Zoning Administrator Office of Planning and Zoning, the same information shall be furnished to Culpeper County. The information shall include the following:

- a. Name, address and telephone number of applicant. If the applicant is a company or corporation, the applicant shall include the name, title and telephone number of the person or persons who will be responsible for land application activities under the permit;
- b. Copies of the application and all supporting information submitted to regulatory agencies in connection with the activities described in the application. This information shall include, without limitation, a copy of the applicant's approved operations and maintenance manual incorporating procedures for sampling and analysis of biosolids and soils, spill prevention and cleanup procedures and analytical data pertaining to sources of biosolids proposed for land application within Culpeper County. The applicant shall also include copies of all site-specific information pertaining to permitted activities, including site maps, proposed crops and methods of application;
- c. A traffic management plan indicating truck access routes and trip generation; and
- d. Written consent by the owners of land to which biosolids will be applied; ~~and~~
- ~~e. Proof of current insurance or other evidence of financial responsibility satisfying the requirements in this ordinance.~~

*9-6-6 Conditions:*

- a. Provided it is performed in compliance with this section, land application of biosolids is authorized only in the A-1 (Agricultural) and RA (Rural Area) zoning districts, or for the purpose of mining reclamation if permitted under state law.
- b. No person shall apply biosolids to land in Culpeper County except pursuant to a valid permit issued by the Virginia Department of Health or Department of Environmental Quality, in compliance with all applicable federal and state statutes and regulations, and in accordance with the provisions of this section.
- c. Any person proposing or intending to land apply biosolids to lands in Culpeper County shall notify the Biosolids Monitor in writing at least two (2) weeks prior to any intended land application of biosolids, ~~or~~ and as otherwise required by state law or

regulation. ~~whichever is greater~~ Additionally, a daily notice of planned land application activities shall be provided to the Biosolids Monitor.

d. The notice provided to the biosolids monitor shall include the following information:

1. The name, address and telephone number of the Permittee or Applicator;
2. The tax map numbers of the parcels where land application will occur;
3. The name, address and telephone number of the Owner of the property where the land application will occur;
4. The estimated date range on which land application will occur;
5. A copy of the permits authorizing the land application;
6. Evidence of a Nutrient Management Plan (NMP) as required by state regulations to assure balanced use of biosolids to prevent overdose by limiting amount applied per acre to soil and crop needs; and
7. Information on proposed haul routes.

e. The Permittee shall advise the Biosolids Monitor from time to time as to the progress of operations while operations are conducted within Culpeper County.

f. If requested by the Biosolids Monitor, the Permittee shall provide the most recent analysis results for biosolids that are land applied at any site in Culpeper County. The Permittee shall allow the Biosolids Monitor, upon request, to obtain samples of biosolids being land applied in Culpeper County. At the request of the Permittee, the Biosolids Monitor shall provide the Permittee with a split sample.

g. By agreeing to accept biosolids for land application, the owner of the property on which land application takes place agrees to allow the Biosolids Monitor access to the land application site for the purpose of monitoring land application activities. It is the responsibility of the Permittee to ensure that the property owner is advised of this requirement. The Biosolids Monitor's right of access shall extend from the date on which the notification required by subsection C. is submitted until fifteen (15) days after land application has been completed at the site.

h. The Biosolids Monitor shall endeavor to visit each land application site at least once during the application process to assure compliance with all regulatory requirements.

i. The Permittee shall immediately notify the ~~Zoning Administrator~~ Office of Planning and Zoning of any change in ownership of the Permittee or in responsible personnel designated in the original application, or in the data submitted with the application.

j. The Permittee shall provide contemporaneous copies of all data, reports and information submitted in accordance with state or federal regulatory requirements.

k. The Permittee shall provide a general schedule indicating which properties will be subject to land of application in Culpeper County to the ~~Zoning Administrator~~ Office

~~of Planning and Zoning on a monthly basis~~, and shall promptly notify the ~~Zoning Administrator~~ Office of Planning and Zoning of any changes to the schedule.

I. The Permittee shall immediately report to the ~~Zoning Administrator~~ Office of Planning and Zoning any complaints or notices of violations received in connection with land application activities conducted under the permit.

*9-6-7 Abatement of violations; spill response:*

The Biosolids Monitor shall immediately notify the Permittee of any failure to follow the applicable regulations or the Permittee's operational plan, resulting in the improper application of biosolids or in the spillage of biosolids onto public streets or right-of-way or on property outside the area authorized. The Biosolids Monitor may order the abatement of any violation of state laws or regulations pertaining to land application of biosolids. The Permittee shall respond, in conformance with its operational plan, to cease any such violations and to undertake appropriate corrective action for improperly applied biosolids, or to clean up biosolids spilled onto public streets, roadways or other unpermitted areas, immediately upon receiving such notification. In the event that the Permittee does not respond promptly to notification of spillage or improper application and the County conducts the cleanup of spilled biosolids, the Permittee shall compensate the County for the actual costs of such cleanup.

~~The Permittee is responsible for ensuring that~~ shall take appropriate steps to prevent the drag-out or track-out of dirt and debris or biosolids from land application sites onto public roads. is minimized and that biosolids that are dragged or tracked out from land application sites are promptly removed from public roads and highways. Where material is transported onto a paved or public road surface, the road surface shall be cleaned thoroughly as soon as practicable, but no later than the end of each day.

*9-6-8 Scheduling:*

The Permittee will, at the request of the Biosolids Monitor, make all reasonable efforts to schedule land application activities so as to avoid conflicts with ~~outdoor~~ community or social events in the vicinity of the land application site.

*9-6-9 Storage:*

Biosolids shall be land applied as they are received at the site unless land application is precluded by unforeseen weather conditions or other circumstances beyond the control of the Permittee. Biosolids shall not be stored at any site in Culpeper County other than storage that is approved in accordance with the law and regulations of the Virginia Department of ~~Health~~ Environmental Quality.

*9-6-10 ~~Insurance~~ Financial Responsibility:*

Land application of biosolids is not allowed unless the Permittee has in effect liability insurance or other evidence of financial responsibility in the amount that is required by state law or regulation, covering losses and claims arising from the land application or transportation of biosolids and related activities in Culpeper County. Such insurance shall be maintained in full force and effect throughout the time that the applicator is engaged in land application of biosolids in Culpeper County. The Permittee shall provide the Biosolids Monitor with certificates of insurance or other evidence of financial responsibility and shall promptly notify the Biosolids Monitor of any proposed cancellation or modification of insurance coverage.

*9-6-11 Reimbursement:*

Culpeper County may, at its discretion, participate in a reimbursement program to cover biosolids monitoring and/or testing costs and other costs of reviewing biosolids applications in Culpeper County as permitted by the terms of reimbursement which have been established by the state.

*9-6-12 Effective date:*

This section is effective immediately. Any land application that is in progress on the date this ~~the ordinance from which this section derives~~ is adopted [(November 5, 2003)], and any land application that was scheduled before the effective date of the ordinance, shall be deemed in compliance with this section provided that application is completed within thirty (30) days after the effective date of the ordinance.

*9-6-13 Reserved.*

PC PUBLIC HEARING DRAFT 4-10-13

## **BULK REGULATIONS SUMMARY**     **4-10-13 DRAFTS**

### **A-1 AGRICULTURAL ZONING DISTRICT**

#### **Setbacks**

- FRONT: Currently 125' from centerline, proposed to be reduced to 75' from easement / r-o-w line for any roads other than primary roads, which remain at 100' from right-of-way line.
- SIDE: Currently 50', proposed to be 40'
- REAR: Currently 75', proposed to be 50'

#### **Width / Height**

- WIDTH: Currently 250', proposed to remain at 250'
- HEIGHT: Currently 45', proposed to remain at 45'

#### **Lot Size**

- Minimum Lot size remains at 5 acres, however exceptions can be made for conditional uses as part of use permit approval, there is no minimum for well lots, and family divisions remain at one acre.

### **RA RURAL AREA ZONING DISTRICT**

#### **Setbacks**

- FRONT: Currently 100' from centerline, proposed to be reduced to 60' from easement / r-o-w line for any roads other than primary roads, which remain at 75' from right-of-way line.
- SIDE: Currently 30', proposed to be 25'
- REAR: Currently 50', proposed to be 40'

#### **Width / Height**

- WIDTH: Currently 200', proposed to remain at 200'
- HEIGHT: Currently 45', proposed to remain at 45'

#### **Lot Size**

- Minimum Lot size remains at 3 acres, however exceptions can be made for conditional uses as part of use permit approval, there is no minimum for well lots, and family divisions remain at one acre.

## **USE REGULATIONS SUMMARY**     **4-10-13 DRAFTS**

### **A-1 AGRICULTURAL ZONING DISTRICT**

#### **Principal Uses:**

- Added cemeteries (formerly conditional)
- Added commercial stables, equestrian centers (formerly conditional)
- Added community facilities (formerly conditional)
- Added conservation area, nature preserve (formerly conditional)
- Added farm distillery (formerly required Ag Enterprise use permit)
- Added farm winery (state mandated)
- Expanded churches to include all types of religious institutions

#### **Conditional Uses:**

- Added assisted living facilities
- Deleted limitations on size of bed and breakfasts
- Added dentist, doctor, veterinary offices in a residence
- Added general stores, limited fuel sales
- Added state licensed health care facilities
- Clarified public utilities

#### **Accessory Uses:**

- Added and clarified sewage treatment systems

### **RA RURAL AREA ZONING DISTRICT**

#### **Principal Uses:**

- The principal uses in the A-1 and RA zoning districts were identical. As proposed, they would remain so, and therefore the same changes noted under A-1 principal uses above would apply to the RA zone.

#### **Conditional Uses:**

In addition to all of the conditional use changes noted for the A-1 district, the following changes were made to RA:

- Added beauty and barber shops
- Added tailor, dressmaker, seamstress
- Added veterinary hospitals or clinics

#### **Accessory Uses:**

- Incorporated all A-1 accessory uses, maintained all RA accessory uses.

## **APPENDIX B - SUBDIVISION ORDINANCE**

### **Article I. Purpose, Authority, Title and Jurisdiction**

- 100. Purpose.
- 110. Authority and title.
- 120. Jurisdiction.

### **Article II. Definitions**

- 200. General.
- 210. Specific terms and words.

### **Article III. Sketch Plan Submission Procedure and Requirements**

- 300. Sketch plan submission.
- 310. Sketch plan review.
- 320. Sketch plan requirements.

### **Article IV. Preliminary Plan Submission Procedures and Requirements**

- 400. Preliminary plan submission.
- 410. Preliminary plan review.
- 420. Preliminary plan requirements.

### **Article V. Final Plan Submission Procedures and Requirements**

- 500. Final plan submission.
- 510. Final plan review.
- 520. Final plan requirements.
- 530. Recording the final plan.
- 540. Recorded plats to be valid for not less than five years.
- 550. Vacation of plat before sale of lot therein; ordinance of vacation.
- 560. Vacation of plat after sale of lot.
- 570. Relocation or vacation of boundary lines.

### **Article VI. Minor Divisions--Plans Exempted from Standard Procedure**

- 600. Generally.
- 610. Minor Divisions.

### **Article VII. Design Standards**

- 700. Application.
- 710. Lot design and building placement standards.
- 720. Easements.
- 730. Street design standards.
- 740. Watershed Management District standards.

### **Article VIII. Improvement Specifications**

- 800. Physical improvements.
- 810. Performance guaranties.
- 820. Provisions for periodic partial and final release of certain performance guarantees.
- 830. Voluntary Improvements.

- 840. Payment by subdivider of pro rata share of the cost of certain facilities.
- 850. Roads not acceptable into the secondary system of state highways.

**Article IX. Administration and Enforcement**

- 900. General.
- 910. Appeals.
- 920. Violations and penalties.
- 930. Validity and conflicts.
- 940. Fees.
- 950. Administrative regulations.
- 960. Normal requirements and variations.
- 970. Effective date and repeal.



## **ARTICLE I. PURPOSE, AUTHORITY, TITLE AND JURISDICTION**

### **100. Purpose.**

The purpose of this ordinance is to establish subdivision standards, procedures and regulations for the County of Culpeper, Virginia, in order to assure the orderly subdivision of land and its development.

### **110. Authority and title.**

This ordinance is authorized pursuant to the provisions of the Code of Virginia 1950 (as amended), found in Title 15.2, chapter 22, Article 6, § 15.2-2240 et seq., Land Subdivision and Development. The ordinance is known and may be cited as "Subdivision Ordinance of Culpeper County, Virginia, 1978."

### **120. Jurisdiction.**

This ordinance shall apply in the following circumstances:

*121* To all subdivision of land submitted after the effective date of this ordinance.

*122* To all subdivision of land previously approved in accordance with any law or regulation then applicable, which has not been duly recorded in the Culpeper County Clerk's office in accordance with the terms of such approval within sixty (60) days of the enactment of this ordinance.

*123* To all plats and plans, boundary surveys, easement plats, or other instruments which show parcels or lots subdivided under this ordinance or any predecessor ordinance or which reflect any requirement or provision of this ordinance.

## **ARTICLE II. DEFINITIONS**

### **200. General.**

Unless otherwise expressly stated, the following terms shall, for the purposes of these regulations, have the meaning indicated:

*201* Words in the singular include the plural and those in the plural include the singular.

*202* Words in the present tense include the future tense.

*203* The words "person," "developer," "subdivider" and "owner" shall include a corporation, unincorporated association, a partnership or other legal entity as well as an individual.

204 The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof."

205 The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

206 The word "County" means Culpeper County, Virginia.

207 The term "board" or "Board of Supervisors" means the Board of Supervisors of Culpeper County.

208 The term "Commission" or "Planning Commission" means the Planning Commission of Culpeper County.

## **210. Specific terms and words.**

Other terms or words used herein shall be interpreted or defined as follows: in accordance with Article 2, Definitions of the Zoning Ordinance (Appendix A, Culpeper County Code).

~~211 Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.~~

~~212 Block: Property bounded on one side by a street and on the other three (3) sides by a street, railroad right of way, waterway, unsubdivided area or other definite barrier.~~

~~213 Building setback line: The line within a property defining the minimum required front yard distance between any building to be erected and the adjacent right of way.~~

~~214 Cartway (roadway): The portion of the street right of way, paved or unpaved, intended for vehicular use.~~

~~215 Clear sight triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a distance from the intersection of the street center lines as established by the Virginia Department of Transportation.~~

~~216 Common open space: A parcel or parcels of land, an area of water, or a combination of land and water, within a development site designed and intended for the use of residents of the development, but not including streets, off-street parking areas, private yard space or areas set aside for nonresidential and public facilities.~~

~~217 Comprehensive Plan: The maps, charts and textual material adopted by the Board of Supervisors of Culpeper County in accordance with Title 15.1 Chapter 11, of the Code of Virginia and designated as a whole and in its several parts as the Comprehensive Plan of Culpeper County.~~

~~218 Dwelling Unit: Any structure of part thereof containing one or more rooms designed for occupancy by a single family as an individual habitable unit for living, sleeping, eating, cooking and sanitation purposes.~~

~~219 Easement: A grant by a property owner for the use of land for a specific purpose and running with the land.~~

~~220 Engineer: A professional engineer licensed as such in the Commonwealth of Virginia.~~

~~221 Erosion: The removal of surface materials by the action of natural elements.~~

~~221A Family: Any number of individuals related by blood, marriage or adoption or not more than three (3) individuals who are not so related, living together as a single household, including domestic servants and gratuitous guests, together with boarders, roomers or lodgers not in excess of the number allowed by this Ordinance.~~

~~222 Floodplain: The area along a natural watercourse which is periodically overflowed by water therefrom. "Floodplain" areas are designated in the Culpeper County Zoning Ordinance by the F-1 District and subject to all regulations of that district irrespective of any other zoning designations.~~

~~223 Frontage: A line parallel to the front property line extending the full width of the lot, all points of which correspond to those of the required setback line.~~

~~224 Health official: The head of the Culpeper County Health Department or his designated deputy.~~

~~225 Highway engineer: The resident engineer in Culpeper County of the Virginia Department of Transportation or his designated deputy.~~

~~226 Immediate family: Any person who is a natural or legally defined offspring, spouse, parent or guardian.~~

~~227 Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.~~

~~228 Land area: The area of a lot or tract exclusive of the area normally occupied by a pond, river or branch.~~

~~229 Landowner: The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.~~

~~230 Lot, building: A parcel of land intended for development or improvement, whether immediate or future.~~

~~231 Lot, corner: A lot abutting on two (2) or more streets at their intersection. The shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.~~

~~232 Lot, remnant: Any portion of the original parcel of land which remains or is left as excess following subdivision. The "remnant" is itself a lot subject to building or development and regulation thereof.~~

~~233 Lot, reverse frontage: A lot extending between or having frontage on two (2) generally parallel streets with vehicular access from only the street of lower classification order.~~

~~234 Lot area: The area contained within the property lines of the lot, excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.~~

~~235 Maintenance guaranty: Security required pursuant to this Ordinance to ensure that improvements will be kept in good condition after completion of construction and installation, including cash or cash equivalents, letters of credit, escrow agreements and other similar assurances of performance approved by the County Attorney.~~

~~236 Performance guaranty: Security required pursuant to this Ordinance to guarantee that the proper construction of improvements be made by the developer as a condition for the approval of the plan, including cash or cash equivalents, letters of credit, escrow agreements and other similar assurances of performance approved by the County Attorney.~~

~~237 Plan, sketch: An informal plan indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision to be used as a basis for consideration by the County.~~

~~238 Plan, preliminary: A tentative plan showing proposed streets, lot layouts, existing and proposed buildings, wells and sewer locations and such other information as required by this Ordinance.~~

~~239 Plan, final: A complete and exact plan with a registered land surveyor's Seal affixed and prepared for official recording as required by this Ordinance to define property rights, streets and other proposed improvements.~~

~~240 Plat, record: The copy of the final plan which is intended to be recorded in the office of the Clerk of the Circuit Court of Culpeper County.~~

~~241 Resubdivision: Any replatting or resubdivision of land on an approved final plan or record plat.~~

~~242 Right of way:~~ The total width of any land reserved or dedicated as a street, sidewalk or for other public or semipublic purposes.

~~243 Sanitary sewage disposal, public:~~ A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant which is operated by a governmental agency or governmental authority.

~~244 Sanitary sewage disposal, centralized:~~ A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a single land development, subdivision or neighborhood land operated by a public utility company, private corporation or company licensed in the Commonwealth of Virginia to operate such facilities.

~~245 Sanitary sewage disposal, on lot:~~ Any structure designed to treat sanitary sewage within the boundaries of an individual lot.

~~246 Septic tank:~~ A watertight receptacle which receives sewage and is designed and constructed to provide for sludge storage, sludge decomposition and to separate solids from the liquid through a period of detention before allowing the liquid to be discharged.

~~247 Sight distance:~~ The required length of roadway visible to the driver of a motor vehicle, the design standards of which are prescribed by the Virginia Department of Transportation.

~~248 Slope:~~ The face of any embankment or cut section; any ground whose surface makes an angle with the plane of the horizon.

~~249 Street:~~ A strip of land, including the entire right of way (i.e., not limited to the cartway), intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. The word "street" includes street, avenue, boulevard, road, highway, freeway, parkway, alley or any other way used or intended to be used by vehicular traffic or pedestrians, whether public or private.

~~250 Street line:~~ The limit of a right of way.

~~251 Structure:~~ Any man made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

~~252 Subdivide:~~ To separate in any manner any lot, tract or parcel of land into two (2) or more lots, tracts or parcels, including changes in existing lot lines, or, if a new public or private street is involved in such division, any division of a parcel of land. The term includes resubdividing.

~~253 Subdivision:~~ The act or process of subdividing as herein defined.

~~254 Surveyor:~~ A certified land surveyor as licensed by the Commonwealth of Virginia.

~~255 Tile absorption: A system of open, joint or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.~~

~~255.1 Vacation: Vacation of a previously approved subdivision plat shall occur whenever any feature of that plat is revised. Revision shall include, without limitation, any change in the placement or location of public or private streets, any change in the placement or location of easements or other rights of way, but shall not be deemed to include property line adjustments between lot owners as provided for in sections 570 or 614.~~

~~256 Watercourse: A permanent stream, intermittent stream, river, brook, creek, channel or ditch for water, whether a natural or man-made body.~~

~~257 Water supply and distribution system, public: A system for supplying and distributing water from a common source to dwellings or other buildings, which is operated by a governmental agency or governmental authority.~~

~~258 Water supply and distribution system, centralized: A system for supplying and distributing water from a common source to two (2) or more dwellings and/or other buildings, generally serving a single land development, subdivision or neighborhood and operated by a public utility company or individual landowner.~~

~~259 Water supply and distribution system, on lot: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.~~

~~260 Zoning Administrator: The County official charged by the Board of Supervisors with the responsibility of administering the subdivision application submission procedure.~~

### **ARTICLE III. SKETCH PLAN SUBMISSION PROCEDURE AND REQUIREMENTS**

#### **300. Sketch plan submission.**

301 Sketch plan maps and materials shall be submitted for all proposed subdivisions for the purpose of discussion between the Office of Planning and Zoning and the subdivider.

302 One copy of all sketch plans maps and materials, as set forth in section 320, shall be submitted to the Office of Planning and Zoning.

#### **310. Sketch plan review.**

311 When sketch plan maps and materials have been submitted to the Office of Planning and Zoning, the data presented will be reviewed for general compliance to all appropriate County criteria and ordinances.

312 The Office of Planning and Zoning shall review the sketch plan data to determine whether the proposal is an appropriate use of the site. ~~as indicated by the natural features analysis presented.~~ The sketch plan stage is designed to offer the subdivider an

opportunity to informally discuss plans for the proposed subdivision with Culpeper County officials.

313 Within thirty (30) days of submission of sketch plan data to the Office of Planning and Zoning, an agent of that office shall make any recommendations to the subdivider which are deemed necessary or advisable in the public interest to provide appropriate use for the site and to insure compliance with all County ordinances.

314 Within six (6) months after the completion of the sketch plan review by the Office of Planning and Zoning, the subdivider shall submit a preliminary plan. Failure to do so shall render any office recommendations null and void and a new sketch plan may be required at the discretion of the Zoning Administrator.

### **320. Sketch plan requirements.**

321 The sketch plan submission shall include the following background maps where lot development is anticipated:

~~321.1~~ A map illustrating ~~natural drainage patterns and~~ water resources within the proposed tract, including delineation of streams, natural drainage swales, ponds and lakes, wetlands, and floodplains. ~~and permanent seasonal high water tables.~~

321.2 A map illustrating the types of soil present within the proposed subdivision tract based on the Culpeper County Soils Survey (Soil Conservation Service). The map should include delineation of prime agricultural areas ~~unstable soils, soils susceptible to erosion~~ and soils most suitable for on-lot disposal.

~~321.3~~ A topographic map of the site with no greater than twenty (20) foot contour intervals, including delineation of slope areas under five percent (5%) and fifteen percent (15%) ~~and over fifteen percent (15%).~~

~~321.4~~ 321.3 A map delineating additional significant physical features within the proposed subdivision tract, such as woodland areas, large trees, steep slopes (20% or greater) and rock outcroppings. ~~and scenic views.~~

321.4 Identification of any known cemeteries or significant historical features.

~~321.5~~ 321.5 Where feasible and legible, the analysis involved in sections 321.1 through 321.4 may be illustrated on one or a combination of composite maps. The combined impact of the natural characteristics of the site upon the development potential of the same shall be clearly illustrated on the map or maps.

321.6 Any of the provisions in Sections 321.1 through 321.4 may be waived by the Zoning Administrator if such information is deemed unnecessary.

322 A sketch of the proposed subdivision comprised of the following shall be submitted:

322.1 An illustration and explanation of the subdivider's general development concepts for the tract.

322.2 A layout of the proposed subdivision including the general location of streets, lots, sanitary and storm sewers and recreation land, where applicable.

#### **ARTICLE IV. PRELIMINARY PLAN SUBMISSION PROCEDURES AND REQUIREMENTS**

##### **400. Preliminary plan submission.**

401 Twenty (20) black-line or blue-line copies of the preliminary plan and all required supplementary data for all proposed subdivisions shall be submitted by the subdivider to the Office of Planning and Zoning. ~~at least thirty (30) days prior to the regularly scheduled meeting of the Planning Commission at which action thereon is desired.~~ An electronic file shall also be provided in pdf format.

402 If the preliminary plan submission complies with section 420 of this ordinance, the Zoning Administrator shall stamp ~~one~~ six prints for review and approval by the following agencies: ~~of the Highway Engineer, Health Official and Soil and Water Conservation District and then return the stamped print to the subdivider for submission to these agencies.~~

402.1 Virginia Department of Transportation. ~~Highway Engineer.~~

402.2 Virginia Department of Health. ~~Official.~~

402.3 Culpeper Soil and Water Conservation District. ~~Official.~~

402.4 Culpeper County Environmental Services / County Engineer.

402.5 Any other entity as prescribed elsewhere in this Code or as referred by the Zoning Administrator.

~~403 The order of submission to these reviewing agents shall be as follows:-~~

403 Preliminary plan submission is not considered complete until agency approvals have been received.

404 A subdivision review fee as established by the Board of Supervisors from time to time will be collected with the preliminary plan submission.



#### **410. Preliminary plan review.**

Preliminary plan review represents the first step in commitment for proposed applications. In order for a subdivider to successfully secure preliminary plan approval, the following steps must be completed:

##### *411 Initial review by the Office of Planning and Zoning:*

*411.1* The Zoning Administrator or agent thereof shall review the content of all maps and data presented to determine when the submission is complete.

*411.2* Having made this determination, the Zoning Administrator shall advise the subdivider of the degree to which the submission is complete and either return the plan and materials for further work or affix a stamp on ~~one copy~~ six copies of the preliminary plan to be circulated ~~by the subdivider~~ to all necessary agencies.

*412* Review by ~~the Highway~~ Virginia Department of Transportation Engineer shall constitute analysis of any proposed roads for compliance with Virginia Department of Transportation design standards and all alignments and relationships of proposed streets to the existing road network.

*413* Review by the Virginia Department of Health Official ~~Official~~ shall require the following information before approval can be given:

*413.1* Any additional contours necessary as the topography dictates.

*413.2* A soil overlay with boundaries of unsatisfactory soil shown by shading.

*413.3* Locations of house sites, well sites and disposal field sites as proposed.

*413.4* Drainage easements, rights-of-way and highway changes as dictated by ~~the Highway~~ Virginia Department of Transportation Engineer.

*413.5* Location of well lots and distribution systems if central or public water systems are to be used.

*413.6* Soil descriptions, including a description for individual sites showing soil type, profile and depth to rock.

*413.7* A plat which indicates a survey point on each drainfield site.

*414* Review by the Soil and Water Conservation District Official shall be of the proposed soil erosion and sediment control plan and stormwater management plan in cases where the proposed subdivision has not been exempted from such regulations.

*415* Review of the preliminary plan by the Planning Commission shall be scheduled after all agency approvals are received. Planning Commission review shall proceed as follows:

415.1 When a preliminary plan has been resubmitted to the Office of Planning and Zoning with the required agency approvals, such plan, except those plans exempted from standard procedures as provided for in Article VI, shall be placed on the agenda of the Planning Commission for review at its next regular monthly meeting, provided that said submission has occurred no less than thirty (30) calendar days prior to such regular meeting. The Planning Commission shall hold a public hearing on the preliminary plan at this time.

415.2 The Planning Commission shall review the preliminary plan to determine its conformance with the standards contained in this ordinance and other applicable regulations and shall require or recommend such changes or modifications as it deems necessary.

415.3 No decision shall be made by the Planning Commission with respect to a preliminary plan until this body has received and considered the ~~written report and approval of the Highway Virginia Department of Transportation Engineer, the Virginia Department of Health Official and the Culpeper Soil and Water Conservation District. Official.~~ provided, however, that if these agents fail to respond thereon within thirty (30) days after receipt of the preliminary plan, then the Planning Commission may officially act without having received and considered such reports. In all cases, the Planning Commission must act within sixty (60) days after receipt of the preliminary plan from the subdivider unless said applicant requests further delay.

415.4 During review of the preliminary plan, the Planning Commission shall consider the written report of the Office of Planning and Zoning when making its decision.

415.5 Within ten (10) days after the meeting at which the preliminary plan is reviewed by the Planning Commission, the action taken by the Commission in recommending approval or denial of the preliminary plan, together with the findings and reasons upon which the action is based, shall be given in writing to the following:

415.5.1 The Culpeper County Board of Supervisors.

415.5.2 The subdivider or his agent.

416 Review by the Board of Supervisors shall be conducted in conjunction with a public hearing and proceed as follows:

416.1 The recommendations of the Planning Commission shall be reviewed and considered in making the decision.

416.2 Additional information may be requested of the Planning Commission and/or the Office of Planning and Zoning.

416.3 The Board must act to approve or deny the submission within sixty (60) days after receipt of the preliminary plan with Planning Commission recommendations, unless further delay is requested by the applicant.

416.4 Written notice of the Board's decision shall be given to the applicant within ten (10) days of the meeting at which the decision took place.

#### **420. Preliminary plan requirements.**

421 The preliminary plan of a proposed subdivision shall be clearly and legibly drawn to a scale of one inch equals fifty (50) feet, except in the case of a subdivision on one hundred (100) acres or more, in which case the scale may be one inch equals one hundred (100) feet. The preliminary plan shall be submitted in a format meeting the regulatory standards for plats adopted pursuant to section 42.1-8276 et seq. of the Code of Virginia, ~~found in 17 Virginia Administrative Code 15-60-10 through 15-60-70.~~ Public Records Act.

422 The original drawing and all submitted prints shall be made on sheets of one (1) of the following sets of dimensions:

422.1 Eight and one-half (8 1/2) by fourteen (14) inches.

422.2 Eighteen (18) by twenty-four (24) inches.

422.3 Twenty-four (24) by thirty-six (36) inches.

423 If the preliminary plan requires more than one sheet, a key diagram illustrating the relative location of the several sections shall be drawn on each sheet.

424 The preliminary plan shall illustrate the following data:

424.1 The name and address of the record owner; the name of the developer if different from the owner; the names of all adjoining subdivisions, if any, and the names of the owners of all adjacent ~~unplotted land parcels~~, with the tax map, block and lot numbers and information as to where the parcels are recorded.

424.2 The name of the proposed subdivision; the total tract boundaries of the properties being subdivided, showing bearings and distances; and a statement of total acreage of the property.

424.3 The name, address, license number and Seal of the registered engineer or land surveyor responsible for the subdivision plan; the North point, graphic scale, written scale and date, including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.

424.4 A vicinity map for the purpose of locating the property being subdivided drawn at a scale not smaller than one inch equals two thousand (2,000) feet and showing the relationship of the property differentiated by tone or pattern to adjoining property and all existing streets and roads within two thousand (2,000) feet of any part of the property.

424.5 The Tax Map, block and lot numbers within the proposed subdivision tract, where the parcels are recorded and the zoning district or districts within which the proposed subdivision is located.

424.6 All existing buildings or other structures within the proposed subdivision tract and all existing streets, including streets of record (recorded but not constructed) on or joining the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.

424.7 All existing sewer lines, waterlines, fire hydrants, utility transmission lines, culverts, bridges, railroads or other man-made features within the proposed subdivision tract and, where possible, within two hundred (200) feet of the boundaries of the proposed subdivision tract; location, width and purpose of existing easements and utility rights-of-way within two hundred (200) feet of the proposed subdivision tract; and the name, Tax Map and parcel number of parcels lying in an existing agricultural and forestal district adjacent to ~~or within five hundred (500) feet of~~ the subdivision tract.

424.8 Contour lines at vertical intervals of not more than twenty (20) feet or as may be required by the ~~Culpeper County~~ Virginia Department of Health, Department, whichever is the smaller increment.

424.8A If applicable, the location of all designated floodplain areas, dam break inundation zones, watershed management buffers, stream buffers, wetland areas, etc.

424.9 The full plan of proposed development, including the following:

424.9.1 The location and width of all streets, entrances and rights-of-way with a statement of any conditions governing their use, suggested names and utility easement locations. Street and right-of-way center lines shall be located from the intersection of the nearest secondary road to an accuracy of one-tenth (1/10) of a mile in distance.

424.9.2 Building setback lines along each street, all setback lines indicating yard requirements, and any buffer requirements which pertain to the lot as a result of Section 805 of this ordinance.

424.9.3 Lot lines with approximate dimensions.

424.9.4 A statement of the intended use of all non-building lots and parcels.

424.9.5 Lot numbers and a statement of the total number of lots and parcels.

424.9.6 The location of water, sanitary sewer and storm sewer lines (and other drainage facilities) and any proposed connections with existing facilities. Such facilities, if private, may not be located under the pavement of any road which is to become part of the state system of secondary roads, without express approval of Virginia Department of Transportation. Location within the right-of-way is subject to Virginia Department of Transportation approval.

424.9.7 Parks, playgrounds and other areas dedicated or reserved for public or common use with any conditions governing such use.

424.9.8 Copies of the proposed deed restrictions or protective and restrictive covenants referenced to the preliminary plan map.

424.9.9 A map illustrating the entire contiguous holdings of the landowner indicating the area or scope of ultimate proposed subdivision and delineating the area which the preliminary plan encompasses.

424.9.10 A sketch plan of the proposed road system for the remainder of this area not included in the preliminary plan.

425 The preliminary plan shall be accompanied by the following supplementary data:

425.1 A plan for minimizing erosion and sedimentation in accordance with the Erosion and Sedimentation Control Standards as set forth by the Erosion and Sedimentation Control Handbook and approved by the Culpeper Soil and Water Conservation District.

425.1A A stormwater management concept plan in accordance with Chapter 11A of the Culpeper County Code.

425.2 In the case of subdivision plans to be developed in stages or sections over a period of time, a map delineating each stage or section of the proposed subdivision consecutively numbered so as to illustrate phasing of development.

425.3 Certification of water supply systems.

425.3.1 *Public.* When water service to the proposed subdivision is to be provided by an existing public system, the developer shall submit a letter from the agency, authority, or utility which states that it can adequately serve the subdivision.

425.3.2 *Centralized.* When water service to the proposed subdivision is to be a centralized water system, the developer shall submit a letter from the Virginia Department of Health ~~department~~ which evaluates the proposed system in relation to the State's minimum requirements. The signature of a Health Department official shall be sufficient to meet this requirement. Approval by the appropriate entity to insure compliance with any Culpeper County standards or standards of the Culpeper County Water and Sewer Authority shall also be required.

#### 425.4 Certification of sewage disposal systems.

425.4.1 *Public.* When sewage disposal service to a proposed subdivision is to be provided by an existing public system, the developer shall submit a letter from the agency, authority, or utility stating that it can adequately serve the subdivision.

425.4.2 *Centralized.* When the subdivision is to be served by a centralized sewage disposal system, the developer shall submit a letter written concurrence from the ~~Virginia State Water Control Board~~ appropriate state agency which ~~evaluates~~ insures that the proposed system ~~in relation~~ adheres to the state's minimum requirements. The signature of a Health Department official shall be sufficient to meet this requirement. Approval by the appropriate entity to insure compliance with any Culpeper County standards or standards of the Culpeper County Water and Sewer Authority shall also be required.

425.4.3 *On-lot.* When sewage disposal service for the proposed subdivision is to be by individual on-lot sewage disposal systems, the developer shall submit a letter from the ~~Culpeper County~~ Virginia Department of Health ~~Department~~ which reports the department's findings as to the feasibility of using on-lot sewage disposal systems and shall, in addition, include on the preliminary plan the building and drainfield locations for all lots which will be served by on-lot sewage disposal systems. The signature of a Virginia Department of Health official shall be sufficient to meet this requirement.

425.5 Any other supplemental data as required by the reviewing agencies.

## ARTICLE V. FINAL PLAN SUBMISSION PROCEDURES AND REQUIREMENTS

### 500. Final plan submission.

501 Within twelve (12) months after approval of the preliminary plan, the final plan for all or a portion of the property and all required supplemental data shall be submitted to the Zoning Administrator. An extension of time may be granted by the Planning Commission upon written request. ~~Unless an extension is granted,~~ The preliminary plan approval shall

~~expire and be null and void twelve (12) months~~ remain valid for a period of five (5) years after the date of the approval as long as approval of the final plat is diligently pursued, and ~~any plan submitted thereafter shall be considered as a new preliminary plan and be subject to all the requirements thereto.~~ For the purposes of this section, “diligent pursuit of approval” means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three (3) years after preliminary plan approval, and upon 90 days’ written notice by certified mail to the subdivider, the Zoning Administrator may revoke such approval upon specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

502 Every aspect of the final plan shall substantially conform with that corresponding feature shown on the preliminary plan as previously approved by the Board of Supervisors. The Zoning Administrator shall require that the subdivider return to the Planning Commission with a new preliminary plan if any feature differs substantially on the final plan from the approved preliminary plan.

503 Repealed.

504 Official submission of a final plan to the Zoning Administrator shall be comprised of the following:

504.1 Submission of five (5) paper prints of the final plan, which shall fully comply with sections 521 through 522 of this Ordinance.

504.2 Submission of one copy of all required supplemental information as set forth in section 523 of this ordinance.

504.3 Submission of two (2) copies of all offers of dedication and covenants governing the reservation and maintenance of undedicated open space which shall bear signature of approval of the County Attorney as to their legal sufficiency.

## **510. Final plan review.**

511 Review of the final plan by the Zoning Administrator shall proceed as follows:

511.1 The Zoning Administrator shall review the final plan to determine its conformance with the standards contained in this ordinance, with other applicable County ordinances, and with the officially approved preliminary plan.

511.2 Within ten (10) days after submission the Zoning Administrator shall either return the final plan to the subdivider for the purpose of recordation or deny approval and make recommendations as to the necessary steps which must be taken to bring the final plan into conformance.

## **520. Final plan requirements.**

521 The final plan shall conform to standards and data requirements as set forth for preliminary plans in section 420 of this ordinance.

522 The following data shall be illustrated on the final plan:

522.1 The latest source of title to the land as shown on the Deed, Page Number and Book in the Culpeper County Circuit Court Clerk's Office.

522.2 The total tract boundary lines of the area being subdivided with accurate distances to 1/100 of a foot and bearings to ten (10) seconds. These boundaries shall be determined by accurate survey in the field to an error of closure not to exceed one foot in ten thousand (10,000) feet. The tract boundary shall subsequently be closed and balanced. However, the boundary or boundaries adjoining additional ~~unplatted~~ land of the subdivider (for sections) are not required to be based upon field survey and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan and the placement of the monuments.

522.3 The following data for all proposed and existing streets:

522.3.1 The name, proposed name, or route number of the street.

522.3.2 The cartway width and cartway edge (curblines) of the street.

522.3.3 The right-of-way width and right-of-way lines of the street.

522.3.4 Building setbacks along each street, all setback lines indicating yard requirements, and any buffer requirements which pertain to the lot as a result of section 705 of this ordinance.

522.4 Block and lot numbers and a statement of the total number of lots; all dimensions both linear and angular for locating lots, streets, street centerlines, alleys, public easements, and private easements; the linear dimensions shall be expressed in feet to the 1/100 of a foot, and all angular measurements shall be expressed by bearings or angles expressed to the nearest ten (10) seconds. All curves shall be defined by their radius, central angle, tangent length, chord bearings, chord distances, and arc lengths. Such curve data shall be expressed by a curve table lettered on the face of the plat, each curve being tabulated and numbered to correspond with the respective numbered curve shown throughout the plat.



522.5 All common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone, electric or other service to the proposed subdivision and any limitations on such easements or rights-of-way. The location of all such easements shall be shown and accurately identified on the plan. Such easements, the location of which shall be adequate for use by public service corporations and franchised cable television operators which may be expected to occupy them, may be conveyed by reference on the final plat to a declaration of the terms and conditions of such common easements and recorded in the land records of Culpeper County. No plat shall be approved unless the plat provides for such easements sufficient to provide for the furnishing of such services to all lots in the subdivision.

522.6 A statement of the intended use of all non-building lots or parcels with reference to restrictions of any type which exist or will exist as covenants in the deed on the lots or parcels contained in the subdivision and, if covenants are recorded, including the book and page number in the Culpeper County Circuit Court Clerk's office.

522.7 The final plan shall provide space, preferably in the lower right-hand corner, and provide suitable lettering for evidencing:

522.7.1 The surveyor's certificate as to title.

522.7.2 The surveyor's certificate as to monuments.

522.7.3 All restrictive covenants or reference thereto.

522.7.4 The owner's certificate.

522.7.5 Approval by the Zoning Administrator of Culpeper County. ~~A form for the above may be obtained from the Office of Planning and Zoning.~~

523 The final plan shall be accompanied by the following:

523.1 A certificate signed by the County Treasurer evidencing payment of all applicable taxes.

523.2 A certificate signed by the Virginia Department of Health ~~Official~~ evidencing conformity with all applicable requirements of the ~~County~~ Health Department. If water is to be provided by or sewer connected with an approved system, a certificate signed by the authorized official of such authority shall also be submitted stating that the performance guaranty referred to in the following section is adequate to ensure the installation of such water or sewage facilities in a manner which will satisfy the requirements of both the ~~County~~ Health Department and the authority or agency as applicable.

523.3 If all improvements required under the provisions of this ordinance are not completed, a performance guaranty for improvement completion as may be required by the ~~Planning Commission~~ Zoning Administrator and referred to in section 910 of this ordinance.

523.4 Profiles, cross sections and specifications for proposed streets, sanitary sewers, storm drainage, flood control and bridge and water system improvements, which conform to the design requirements of the Virginia Department of Transportation.

523.5 A certificate signed by the ~~Highway Engineer~~ Virginia Department of Transportation that all streets, parking areas, street signs and drainage systems required, if already constructed by the subdivider, are approved as being in conformance with the final plan and requirements of this ordinance, or if they are not yet constructed, that the performance guaranty for completion referred to in the preceding section is adequate to guarantee satisfactory and acceptable installation thereof within a designated reasonable time.

523.6 A certificate signed by the Culpeper Soil and Water Conservation District ~~Official~~ attesting to the acceptance of final erosion and sediment control plans and a stormwater design plan, as required, and evidencing conformity with final plan requirements of this ordinance and Chapters 8 and 11A of the Culpeper County Code. Measures required to be installed and not yet constructed shall be subject to a performance guaranty for completion as required in Article VIII.

523.7 A check payable to the County of Culpeper ~~Treasurer~~ to cover fees required.

523.8 An unexecuted copy of the proposed deed accompanied by a certificate signed by the subdivider and duly acknowledged before some officer authorized to take acknowledgments of deeds to the effect that this is the true copy of the proposed deed which will be presented for recordation. Said copy shall:

523.8.1 Contain a correct description of the land subdivided and state that said subdivision is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any.

523.8.2 Contain language such that, when the deed is recorded, it shall operate to transfer in fee simple to Culpeper County such portion of the platted premises as is on such plan set apart for streets, alleys, easements or other public use and to create a public right of passage over the same.

523.8.3 Contain all protective or restrictive covenants.

523.9 An electronic file of the approved final plat shall be provided in a pdf file format.

### **530. Recording the final plan.**

531 No subdivision plan, hereinafter called the "record plat," shall be recorded unless and until it carries an original signature by the licensed surveyor or engineer, and is approved and signed by the Zoning Administrator.

532 No record plat shall be recorded unless all the monuments shown and described on the final plan will be placed as evidenced by the certificate of a licensed surveyor endorsed on said plat.

533 Unless the final plan is submitted to the Clerk of the Circuit Court for Culpeper County for recordation within six (6) months of the date of final approval and signing by the Zoning Administrator, such approval shall automatically be withdrawn and be void. However, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with an approved performance guaranty, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the approved performance guaranty agreement, whichever is greater.

534 Within thirty (30) days after recordation of the approved record plat, the subdivider shall file a copy thereof in the office of the Culpeper County Real Estate Assessment Office. ~~Commissioner of the Revenue.~~

535 If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary plat and furnishes an approved performance guaranty in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the County, the Commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five (5) years from the recordation date of the first section, or for such longer period as the Zoning Administrator, at the approval, determines to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of the performance guaranty and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.

536 Recordation of the record plat of a subdivision shall not be deemed to be acceptance by the County of any street or road or other public place shown on the plat for maintenance, repair or operation thereof.

### **540. Recorded plats to be valid for not less than five years.**

~~541 Section 15.2-2261 of the Code of Virginia is hereby adopted by reference as currently enacted or as subsequently amended. Pursuant to the provisions of section 15.2-2261 of the Code of Virginia, an approved final subdivision plat which has been recorded, hereinafter referred to as "recorded plat," shall be valid for a period of not less than five~~

~~(5) years from the date of approval thereof or for such longer period as the Zoning Administrator may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development.~~

~~542 Upon application of the subdivider or developer filed prior to expiration of a recorded plat, the Zoning Administrator may grant one or more extensions of such approval for additional periods as the Zoning Administrator may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, the laws, ordinances and regulations in effect at the time of the request for an extension.~~

~~543 If the Zoning Administrator denies an extension requested as provided herein and the subdivider or developer contends that such denial was not properly based on this Subdivision Ordinance, the foregoing considerations for granting an extension, or was arbitrary or capricious, he may appeal to the Culpeper County Circuit Court, provided that such appeal is filed with the Circuit Court within sixty (60) days of the written denial by the Zoning Administrator.~~

~~544 For a period of five (5) years after approval of a recorded plat, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of the recorded plat shall adversely affect the right of the subdivider or developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the recorded plat unless the change or amendment is required to comply with state law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.~~

~~545 Application for minor modifications to recorded plats made during the periods of validity of such plats established in accordance with this section shall not constitute a waiver of the provisions hereof nor shall the approval of minor modifications extend the period of validity of such plats.~~

~~546 The provisions of this section shall be applicable to all recorded plats valid on or after January 1, 1992. Nothing contained in this section shall be construed to affect:~~

~~546.1 any litigation concerning the validity of a site plan pending prior to January 1, 1992, or any such litigation nonsuited and thereafter refiled;~~

~~546.2 the authority of the Culpeper County Board of Supervisors to impose valid conditions upon approval of any special use permit, conditional use permit or special exception; or~~

~~546.3 the application to individual lots on recorded plats or parcels of land subject to final site plans 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.~~

**550. Vacation of plat before sale of lot therein; ordinance of vacation.**

~~551 Section 15.2-2271 of the Code of Virginia is hereby adopted by reference as currently enacted or as subsequently amended. Pursuant to the provisions of Va. Code § 15.2-2271, where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the two (2) methods set forth in sections 552 and 553 below.~~

~~552 With the consent of the Board, or its authorized agent, by the owners, proprietors and trustees, if any, who signed the statement required by section 523.8 at any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the office of the Clerk of the Circuit Court for the County of Culpeper and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat; or~~

~~553 By ordinance of the Board, provided that no facilities for which bonding is required have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five (5) years of the date on which the plat was first recorded.~~

~~553.1 The ordinance shall not be adopted until after notice has been given as required by Va. Code § 15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon.~~

~~553.2 Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance.~~

~~553.3 An appeal from the adoption of the ordinance may be filed within thirty (30) days of the adoption of the ordinance with the Culpeper County Circuit Court.~~

~~553.4 Upon appeal the Court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged.~~

~~553.5 If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the office of the Clerk of the Circuit Court for the County of Culpeper.~~

~~553.6 The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.~~

## **560. Vacation of plat after sale of lot.**

~~561 Section 15.2-2272 of the Code of Virginia is hereby adopted by reference as currently enacted or as subsequently amended. Pursuant to the provisions of Va. Code § 15.2-2272, in cases where any lot has been sold, the plat or part thereof may be vacated according to either of the two (2) methods set forth in sections 562 and 563 below.~~

~~562 By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and also signed on behalf of the Board for the purpose of showing the approval of the vacation by the Board.~~

~~562.1 In cases involving drainage easements or street rights of way where the vacation does not impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the governing body shall only be required to obtain the signatures of the lot owners immediately adjoining or contiguous to the vacated area.~~

~~562.2 The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner.~~

~~562.3 The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the office of the Circuit Court for the County of Culpeper.~~

~~563 By ordinance of the Board on motion of one of its members or on application of any interested person.~~

~~563.1 The ordinance shall not be adopted until after notice has been given as required by Va. Code § 15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon.~~

~~563.2 Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance.~~

~~563.3 An appeal from the adoption of the ordinance may be filed within thirty (30) days with the Culpeper County Circuit Court.~~

~~563.4 Upon appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged.~~

~~563.5 If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the office of the Circuit Court for the County of Culpeper.~~

~~564 Roads within the secondary system of highways may be vacated under either of the preceding methods and the action will constitute abandonment of the road, provided the land shown on the plat or part thereof to be vacated has been the subject of a rezoning or special exception application approved following public hearings required by Va. Code § 15.2-2204 and provided the Commonwealth Transportation Commissioner or his agent is notified in writing prior to the public hearing, and provided further that the vacation is necessary in order to implement a proffered condition accepted by the Board pursuant to Va. Code §§ 15.2-2297, 15.2-2298 or 15.2-2303 or to implement a condition of special exception approval.~~

#### **570. Relocation or vacation of boundary lines.**

571 Pursuant to the provisions of Va. Code § 15.2-2275, the boundary lines of any lot or parcel of land may be vacated, relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision (i) approved as provided in this subdivision ordinance or (ii) properly recorded prior to the applicability of a subdivision ordinance, and executed by the owner or owners of the land as provided in Va. Code § 15.2-2264, provided that:

*571.1* Such action shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas.

*571.2* No easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

### **ARTICLE VI. MINOR DIVISIONS--PLANS EXEMPTED FROM STANDARD PROCEDURE**

#### **600. Generally.**

Those certain types of subdivisions listed in section 610 below are defined as "minor divisions" and may, with approval as provided below, be exempted from some or all of the standard procedures outlined in Articles III, IV and V of this ordinance. Such divisions are subject to the provisions and must conform to the requirements and procedures set forth herein:

*601* Reserved.

*602* The developer shall prepare and submit sketch plan maps and supportive data as may be required according to the procedures as set forth in sections 300 through 320 of this ordinance, exclusive of section 314, for discussion with the Office of Planning and Zoning.

*603* When no major incompatibility is found between the development potential of the site and the developer's general concept of the site, and within sixty (60) days after completion of sketch plan review by the Office of Planning and Zoning, the Zoning Administrator

shall either (a) authorize the preparation of a final plan pursuant to section 604 below, or (b) proceed pursuant to the provisions of section ~~605~~ 705 below.

*604* The preliminary and final plans shall meet the requirements set forth in sections 420 and 520 of this ordinance.

*604.1* In addition to any other required items, the final plan must show any supplemental information as may be required by the Virginia Department of Transportation ~~highway department~~, Virginia Department of Health ~~department~~ or the Culpeper Soil and Water Conservation District and any approvals required thereof.

*604.2* The final plan shall be submitted to the Office of Planning and Zoning and reviewed in accordance with the procedures as set forth in section *510* of this ordinance.

*604.3* If all the requirements of this ordinance and other applicable laws have been met, the final plan shall be approved and may be recorded according to the requirements set forth in section *530* of this ordinance.

*605* If, in the opinion of the Zoning Administrator, the proposed subdivision, for reasons of public health, safety, and welfare, should be required to comply with any or all of the requirements of Articles III, IV or V of this ordinance, the Zoning Administrator may require the applicant to comply with any or all of the requirements. The Zoning Administrator will notify the developer in writing of the reasons for his decision.

*605.1* The Planning Commission may overturn the Zoning Administrator's determination pursuant to section 605, in whole or in part, when considering the developer's application.

## **610. Minor Divisions.**

*611 Five-year divisions.* The creation of not more than three (3) lots, including the remnant, on an existing street within a five (5) year period.

*611.1* Such divisions shall not adversely affect the development of the remainder of the parcel or adjoining property.

*611.2* Each lot created and the remnant shall conform to the provisions of the Culpeper County Zoning Ordinance, unless otherwise specifically provided in this Article.

*612 Ten-acre divisions.* In zoning districts zoned A-1 (Agricultural) or RA (Rural Area) only, five-year divisions in which each lot, including the remnant, contains at least ten (10) acres of land.



612.1 Each and every lot, including any remaining land or remnant lot, created by such a division shall have perpetual ingress and egress to a dedicated, recorded, state maintained public street, either by being located on such street or by a recorded, platted, irrevocable easement of at least fifty (50) feet in width ("private street"), linking such lot to such a public street.

612.2 No private street as provided in section 612.1 may be approved unless the instrument creating the easement provides for a perpetual maintenance agreement, as a covenant running with the land, binding on all property owners having rights in the easement. At a minimum, road maintenance agreements must include provisions describing the methodology for calculating the cost share for each parcel and a mechanism for collecting road maintenance fees. The instrument creating the easement shall also provide for easements for the benefit of all parcels adjoining the easement for present or future facilities providing cable television, gas, telephone, electric, water, sewer or other service to the parcels. Such instrument shall be in a form acceptable to and approved by the County Attorney.

612.3 Every final plat prepared pursuant to this provision shall depict the exact placement and dimensions of the easement as part of the property survey and shall designate the easement as a "private street, not to be maintained by VDOT or Culpeper County".

~~612.4 Expressly excepted from the definition of a "ten acre division" otherwise permitted to be treated as a minor division under the provisions of this Article are:~~

~~612.4.1 Any division utilizing either a public road or a private street that connects to any street in a previously approved subdivision plat, without the consent of all the property owners in the affected subdivision.~~

613 *Family divisions.* In zoning districts zoned A-1 (Agricultural), RA (Rural Area), RR (Rural Residential), R-1 (Residential), or R-2 (Residential) only, the single division of a lot or parcel for the purpose of sale or gift to any non-minor member of the immediate family of the property owner. For the purposes of this provision, "immediate family" shall be defined as any person who is a natural or legally defined child, sibling, parent, grandparent, grandchild, spouse, or step-child, step-parent, or step-sibling of the property owner. Family divisions may be transferred jointly to a member of the immediate family and their spouse. The provisions of this section shall not apply to transfers of undivided interests by one (1) or more co-tenants or joint tenants of any parcel to one (1) or more of the other co-tenants or joint tenants. Family divisions of property held in trust for a family member are permitted subject to the provisions of Section 15.2-2244.2 of the Code of Virginia. Family divisions shall not be limited to five-year divisions.

613.1- Only one (1) such division shall be allowed per family member as grantee and this shall be certified as such by the owner at the time of application to the Office of Planning and Zoning.

613.2 Family division lot size shall conform to the minimum lot size requirements of the zoning district in which they are located in accordance with the provisions of the Culpeper County Zoning Ordinance or be a minimum of one (1) acre, whichever is less.

613.3 Before any parcel of land can become eligible for subdivision through the family division process, it must have been continuously owned by the same owner(s) for a period of at least five (5) years.

613.4 The sale or gift by the property owner shall not be for the purpose of circumventing the requirements of this ordinance.

613.5 Family Division Remnant Lot.

613.5.1 The remnant lot created by subdivision under this section shall meet the minimum lot size required for the zoning district in which it is located.

613.5.2 If the remnant lot created by subdivision under this section does not meet the minimum width or road frontage requirement for the zoning district in which it is located, the remnant lot shall then be considered a family division and shall be subject to the restrictions imposed by section 613.6.5.

613.5.3 If the remnant lot created by subdivision under this section meets all of the minimum requirements of the zoning district in which it is located, then there shall be no restrictions placed on the lot.

613.6 All divisions pursuant to this section shall conform to the following requirements:

613.6.1 The deed of conveyance shall conform to the requirements of section 613.8 below.

613.6.2 Each and every lot created by such a division, including any remaining land or remnant lot, shall have perpetual ingress and egress to a dedicated, recorded public street, either by being located on such street or by a recorded, platted, irrevocable easement of at least twenty (20) feet in width ("private street"), linking such lot to such a public street.

613.6.2.1 The provisions of sections 612.2 and 612.3 above shall apply to private streets permitted by this section 613.6.2.

613.6.2.2 Notwithstanding section 613.6.2.1, where a "private farm lane" has already been established and recorded pursuant to the predecessor provisions of section 736 (Ordinances of Mar. 3, 1987 & Mar. 5, 1991), such a "private farm lane" may be utilized to

obtain the required access to a public street, provided that all affected parties consent thereto, and provision is made for the maintenance of the "private farm lane," and for easements as required by section 612.2.

613.6.3 Prior to the approval of any family division, the owner creating the family division and the proposed transferee shall execute an affidavit as provided for in section 613.7 below.

613.6.4 If the family division is approved, the plat of subdivision shall contain a notice in a form to be approved by the County Attorney, which notice shall state, at a minimum, that the plat and the division are pursuant to the requirements of this section 613, that further transfer of the lots or parcels shown on the plat is limited in accordance with the provisions of section 613.6.5, and that building permits and/or certificates of occupancy may not be granted if the division is found by the Zoning Administrator to be in circumvention of the requirements of the Culpeper County Subdivision Ordinance.

613.6.5 Except as otherwise provided in section 613.9 below, no transferee under this provision shall further transfer or subdivide any lot created hereunder for a period of five (5) years from the date of the transfer.

613.7 The affidavit required in section 613.6 shall conform to the following requirements:

613.7.1 The affidavit shall be in a form approved by the County Attorney.

613.7.2 The affidavit shall include:

613.7.2.1 the names of the owner and the proposed transferee;

613.7.2.2 the relationship between the owner and the proposed transferee;

613.7.2.3 information concerning any prior conveyances pursuant to this section 613 or any predecessor provision of the Culpeper County Subdivision Ordinance affecting either the owner or the proposed transferee; and

613.7.2.4 the purpose of the proposed division.

613.7.3 The affidavit shall contain a certification by the owner and the proposed transferee that the proposed division is not for the purpose of the circumvention of the requirements of this Subdivision Ordinance.

613.7.4 The affidavit shall contain a certification by the proposed transferee that the proposed transferee understands and agrees that the property is subject to the requirements of section 613.6.5.

613.8 The deed of conveyance for any family division shall conform to the following requirements:

613.8.1 The deed shall be in a form approved by the County Attorney.

613.8.2 The deed shall be executed by both the transferor and the transferee.

613.8.3 The deed shall contain a provision that the property is subject to the requirements of sections 613.6.5.

613.9 The foregoing provisions are subject to the following exceptions:

613.9.1 Notwithstanding the provisions of section 613.6.5, the Board of Supervisors may approve a conveyance within the five (5) year time period where the grantor demonstrates a *bona fide* financial or economic hardship or disaster which necessitates such conveyance.

613.9.2 Nothing herein shall be construed as preventing:

613.9.2.1 any sale or conveyance resulting from a deed of trust foreclosure;

613.9.2.2 any conveyance for the purpose of conveying legal title to any trustee in a *bona fide* deed of trust; or

613.9.2.3 any transfer pursuant to any judicial decree of partition or divorce, including any property settlement incorporated into a divorce decree.

613.10 The determination whether or not a transfer is in circumvention of the requirements of the Subdivision Ordinance is to be made initially by the Zoning Administrator, and is to be based on any relevant factors. Any person affected by the decision may appeal such a determination pursuant to section 910.

614 *Adjustment of lot lines.* ~~Resubdivisions for the purpose of~~ Minor boundary line adjustments between adjoining property owners where no new building lots are created.

614.1 No such ~~division~~ adjustment shall result in the creation of any lot that does not conform to the minimum requirements of the Culpeper County Zoning Ordinance nor shall an existing non-conformity be increased or worsened and no such ~~division~~ adjustment shall prevent the logical development of the remaining tract.

~~614.2 No such division~~ The following shall not be permitted under this Article:

614.2.1 ~~If the~~ An adjustment which involves the relocation or alteration of streets, alleys, easements for public passage, or other public areas; or

614.2.2 ~~If~~ An adjustment in which, as a result of the adjustment, any easement or utility right-of-way is to be relocated or altered without the express consent of all persons holding any interest therein; or

614.3 Any adjustment of lot lines which would expand the size of a nonconforming lot or increase the size of any lot by more than twenty-five percent (25%) shall be restricted as to subsequent minor divisions under Section 610 of this ordinance. No such subsequent division shall be permitted to yield an increase in the number of lots which would have been permissible prior to the adjustment of lot lines, unless all such additional lots exceed fifty (50) acres in size. The plat of any lot subject to this provision must include a clear statement indicating the restriction on subsequent divisions. ~~or~~

614.4 The final plan shall, in addition to any other requirements of this ordinance, contain wording substantially as follows, as approved by the Zoning Administrator: "For the purposes of application of the Zoning and Subdivision Ordinances of Culpeper County, Virginia, the tract or parcel shown on this plat shall be considered part of that tract or parcel conveyed to the undersigned owners by deed dated \_\_\_\_\_, and recorded in the Culpeper County Circuit Court Clerk's office in Deed Book \_\_\_\_\_, page \_\_\_\_\_, and the two (2) parcels shall be considered as one (1).

## **ARTICLE VII. DESIGN STANDARDS**

### **700. Application.**

701 The standards of this Article shall be used to determine the adequacy of all proposed subdivisions.

702 A development shall be planned, reviewed and carried out in conformance with all County, State and other applicable laws and regulations.

703 Whenever other County ordinances or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and regulations shall be ~~observed~~ adhered to.

704 In reviewing the design, layout, density and platting of subdivisions, the following shall be considered and incorporated where practicable, in County planning and decisions:

704.1 The County Comprehensive Plan.

704.2 The County Zoning Ordinance.

704.3 Existing Agricultural and Forestal Districts.

704.4 Physical characteristics of the site and natural features of the surrounding area.

704.5 Environmental impacts that may result from the subdivision.

704.6 Other state and local laws as applicable to the subdivision of land and improvements thereto.

705 Subdivisions that abut, or are adjacent across a secondary highway to, property in an existing agricultural and forestal district shall provide a buffer between the nearest dwelling and the district of one hundred (100) feet or more, based on the use of a berm, landscape or such other combination of natural materials to physically screen and separate the uses and restrict the movement of persons, animals, pollutants and noise between the two. Absent of such barrier, a maximum of two hundred (200) feet shall be required as determined by the Planning Commission, based on ~~contracts of~~ adjacent uses, topography and other natural characteristics of the area. Nothing in this section shall prohibit an existing lot from its proper use as identified in the Zoning Ordinance. Any such buffers shall be shown on both the preliminary plan and final plat, and on all boundary and improvement surveys.

## **710. Lot design and building placement standards.**

711 The lot area, width, depth, shape and orientation and the minimum building setback lines shall be ~~appropriate for the location of the subdivision and for the type of development and use contemplated and~~ in accordance with the Zoning Ordinance requirements. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes. Generally, subdivided lots of less than ten (10) acres shall not exceed a lot depth-to-width ratio of five to one (5:1).

712 Every lot shall front a street, and the side lines of lots shall be approximately at right angles or radial to the street line.

713 Corner lots shall have a width sufficient to conform to required building setback lines on both streets and to provide adequate building sites.

714 In the case of lots for residential purposes, the building setback line shall conform to the requirements of the Culpeper County Zoning Ordinance, ~~except that the Commission may allow a greater setback if the Commission finds that physical or other conditions make a greater setback desirable.~~

~~715~~ In the case of lots for commercial, industrial or nonresidential use, the lot area, width, depth, shape, ~~and~~ orientation and the minimum building setback lines shall be ~~appropriate for the location of the subdivision and for the type of development and use contemplated~~ and in accordance with the requirements of any existing zoning or other applicable ordinance and shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

## **720. Easements.**

721 Utilities shall be installed, or easements for such utilities shall be provided, in the location and to the width designated by the Commission or the Zoning Administrator after receiving recommendations from the utility companies responsible for the installation of same.

722 Where a subdivision is traversed by a stream or other natural drainageway, the Commission or the Zoning Administrator may require the subdivider to dedicate a suitable right-of-way or easement for stormwater drainage or to construct adequate water drains.

## **730. Street design standards.**

### **731 General requirements**

731.1 Except as expressly otherwise provided in this ordinance, and except for ~~cluster~~, duplex, townhouse, multifamily, and PUD developments, every subdivision lot shall front on a street which is included in the state system of primary and secondary roads.

731.2 There is no County standard for the design or construction of a road providing access solely to minor division or family division lots.

731.3 In any new subdivision, all roads must be constructed such that there is a passable gravel surface which can be navigated by emergency vehicles in place prior to the issuance of either a zoning or building permit for construction.

~~731.2~~ 731.4 Streets shall be so designed as to provide adequate drainage and drainage facilities and to have geometric design in compliance with the requirements of the Virginia Department of Transportation, as evidenced by ~~the~~ written approval of ~~the Highway Engineer~~ VDOT.

~~731.3~~ 731.5 Proposed streets within and contiguous to the subdivision shall be properly related to the road and highway plans of the State and County, and shall be coordinated with other existing or planned streets within the general area as to location, widths, grades and drainage; and shall also be coordinated with existing or planned streets in existing or future adjacent ~~or contiguous to adjacent~~ subdivisions. Streets shall be designed to provide adequate vehicular access to all

lots or parcels and with regard for topographic conditions, projected volumes of traffic, and further subdivision possibilities in the area.

~~731.4~~ 731.6 The street system of a proposed subdivision shall be designed to create a hierarchy of street functions which includes collector and local streets.

~~731.5~~ 731.7 Private streets (streets not to be offered for dedication) shall meet the street design and improvement standards set forth in this ordinance unless otherwise agreed upon by the Planning Commission.

~~731.6~~ 731.8 If the scope of ultimate subdivision is greater than that which is shown on the preliminary plan submission, suitable access and street openings for such an eventuality shall be provided.

~~731.7~~ 731.9 In addition to any other requirement imposed by this ordinance, any private street that may, pursuant to this Subdivision Ordinance, be approved for use in a subdivision must be recorded with the following statement clearly on the final plat and all approved deeds of subdivision:

"The private streets in this subdivision will not be paved or maintained with funds of Culpeper County or the Virginia Department of Transportation. In the event that owners of lots should desire the addition of these private streets to the state secondary highway system, the cost to upgrade and maintain them to the prescribed standards shall be provided from funds other than Culpeper County or the Virginia Department of Transportation. Private streets in this subdivision are not dedicated to the Commonwealth of Virginia or to the County of Culpeper and are owned by (trust, corporation, association)."

Grantors of any subdivision lots to which such statement applies must include the statement on each deed of conveyance thereof.

~~731.8~~ 731.10 Any private street which is to be constructed within a ~~cluster~~, duplex, townhouse, multifamily or PUD development must be constructed to meet current Virginia Department of Transportation standards. In such cases, the subdivision must also be recorded with the statement noted in section ~~731.7~~ 731.9 clearly on the final plat.

## 732 Street intersections.

732.1 All proposed street intersections shall be in accordance with the requirements and standards of the Virginia Department of Transportation.

732.2 Clear sight triangles shall be provided at all street intersections. Within such triangles, no object greater than three (3) feet in height and no other object that would obscure the vision of the motorist shall be permitted.



732.3 Whenever a portion of the line of such triangle occurs within the proposed building setback line, such portion shall be shown on the final plan of the subdivision and shall be considered a building setback line.

### 733 Ingress and egress.

~~733.1~~ When a proposed subdivision will adjoin a primary or secondary highway designated as part of the state highway system, all efforts will be made to avoid unnecessary ingress and egress. In the interest of safety and future road efficiency, all lots in such subdivisions will front on internal subdivision streets or on a service drive where such is planned. Street access from such a subdivision shall be located at minimum center-line-to-center-line intervals of six hundred (600) feet on any primary road and two hundred fifty (250) feet on any existing secondary road. In general, stripped lots on non-subdivision streets will be prohibited, and consolidated access will be encouraged wherever possible.

~~733.2 Whenever, because of unequal size, topography or shape of the property or other unusual condition not resulting from the developer's deliberate act, strict compliance with section 733.1 would result in extraordinary hardship to the developer, the Planning Commission may vary, modify or waive the requirement so that substantial justice may be done and the public interest secured.~~

### ~~734 Repealed.~~

### 735 734 Cul-de-sacs.

~~735.1~~ 734.1 Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.

~~735.2 Any dead end street which is constructed for future access to an adjoining property or because of authorized state development, and which is open to traffic and exceeds two hundred (200) feet in length, shall be provided with a temporary, all-weather turnaround and shall be guaranteed to the public until such time as the street is extended.~~

~~735.3~~ 734.2 Cul-de-sac streets, permanently designed as such, shall not exceed one thousand (1,000) feet in length ~~or~~ and shall not furnish access to more than fifteen (15) lots. ~~twenty (20) lots in a clustered development. Private cul-de-sacs and~~ Cul-de-sacs in subdivisions where each lot is five (5) acres or more shall not exceed two thousand five hundred (2,500) feet in length.

~~735.4~~ 734.3 All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a ~~fully paved~~ turnaround. The turnaround may be offset to the left or to the right and shall be constructed to the same standards as the rest of the street, except that temporary cul-de-sacs may be constructed of an all weather surface.

~~735.4.1~~ 734.3.1 If parking will be prohibited on the turnaround, the minimum radius to the pavement edge or curblane shall be forty (40) feet, and the minimum radius of the right-of-way line shall be fifty (50) feet.

~~735.4.2~~ 734.3.2 If parking will be permitted on the turnaround, the minimum radius to the pavement edge or curblane shall be fifty (50) feet, and the minimum radius of the right-of-way line shall be sixty (60) feet.

~~736~~ Repealed.

~~737~~ 735 Street names.

~~737.1~~ 735.1 Proposed streets which are in alignment with others already existing and named shall bear the names of the existing streets.

~~737.2~~ 735.2 In no case shall the name of a proposed street duplicate an existing street name in the County and in the postal district, irrespective of the use of the suffix designation street, road, avenue, boulevard, drive, way, place, court, lane, etc.

**Editor's note:** ~~During the original County wide naming of streets, numerous duplications were created and are "grandfathered" exceptions to this section. These are as follows: Blue Ridge Lane/Avenue; Cameron Court/Street; Catalpa Drive/Court; Cedar Lane/Road; Clover Hill Lane/Road; Colvin Road/Street; Countryside Circle/Lane; Crestview Lane/Place; Crooked Run Lane/Road; Davis Lane/Street; East Court/Street; Elkwood Drive/Crossing; Farley Road/Street; Federal Court/Street; Fletcher Lane/Place; Fox Hill Lane/Road; Golf Lane/Drive; Gray Road/Street; Hall Street/Road; Hazel River Drive/Road; Hickory Drive/Knoll; Highland Drive/Road; Hitt Lane/Court; Horseshoe Court/Drive/Road; Kelly Court/Street; Kings Drive/Street; Lewis Drive/Lane/Street; Lightfoot Lane/Street; Millers Lane/Drive; Norman Lane/Road; Overlook Court/Trail/Street; Queens Lane/Court/Street; Smith Court/Road; Spring Road/Street; Sycamore Lane/Street; Walker Lane/Road; Washington Place/Street; West Court/Street; White Oak Lane/Road; Williams Court/Drive/Street; Willis Road/Lane; Windy Acre Lane/Road.~~

~~737.3~~ 735.3 A street name shall not be assigned to any private street which ~~will~~ does not serve, or is not intended to serve, at least three (3) dwellings.

~~737.4~~ 735.4 All street names shall be subject to the approval ~~of~~ by the Office of Planning and Zoning.

~~738~~ 736 Sidewalks.

~~738.1~~ 736.1 Sidewalks shall generally be required on both sides of the street in subdivisions with typical lot widths of less than one hundred (100) feet at the building setback lines.

~~738.2~~ 736.2 Sidewalks may also be required on both sides of the street in subdivisions where lots are one hundred (100) feet or more in width if it would be desirable to continue sidewalks that are existing in adjacent subdivisions, or to provide access to community facilities, such as schools, shopping areas and recreation areas.

~~738.3~~ 736.3 Sidewalks shall be required on both sides of streets and adjacent to parking areas in multi-family developments.

~~738.4~~ 736.4 Sidewalks shall be located within the street right-of-way no closer than one foot from the right-of-way line and shall be a minimum of four (4) feet wide, except along collector and minor arterial streets and adjacent to shopping centers, schools, recreation areas and other community facilities where they shall be a minimum of five (5) feet wide.

~~738.5~~ Generally, a grass planting strip should be provided between the curb and sidewalk.

~~738.6~~ 736.5 Sidewalks shall be constructed in accordance with the applicable improvement specifications of Article VIII of this ordinance.

~~738.7~~ 736.6 Where a comprehensive interior walkway system is designed and proposed for the subdivision, some or all of the requirements set forth in this section may be waived by the Planning Commission.

~~738.8~~ 736.7 Where unusual or unique conditions prevail with respect to the prospective traffic and/or safety of pedestrians, different standards of improvements than those set forth in the previous paragraphs may be required. Crosswalks may be required when deemed necessary by the Planning Commission.

#### **740. Watershed Management District Standards.**

All ~~major~~ subdivisions proposed for development in the Lake Pelham--Mountain Run Lake Watershed are subject to the regulations and standards contained in the Culpeper County Zoning Ordinance, Article 8C, Watershed Management District. The standards include requirements for buffers, BMP's, grass swales for drainage, impervious surface limits and other considerations designed to achieve the best water quality and water resource management objectives in the watershed.

## ARTICLE VIII. IMPROVEMENT SPECIFICATIONS

### 800. Physical improvements.

The Commission shall require that the subdivider make the improvements provided for in this section, and they shall be installed at his cost in compliance with the requirements of the Virginia Department of Transportation or the ~~Culpeper County Health~~ Virginia Department of Health, or both. No subdivider shall commence the construction of any such improvements without first submitting plans and specifications and obtaining the written approval of the Virginia Department of Transportation or the Culpeper County Health Department, or both, as hereinafter provided. Any subdivider commencing any construction in violation of this section shall be guilty of a misdemeanor and punishable as provided in Article IX of this ordinance.

801 Monuments shall be placed in the ground at all corners, angles and points of curvature in the subdivision boundaries, in the right-of-way lines of all streets and other public areas, within the subdivision, and in at least one point in each lot. Said monuments shall be of iron pipe, not less than one-half (1/2) inch nor more than one inch in diameter and three (3) feet in length. The top of all monuments shall be set no more than four (4) inches or less than one inch above the finished grade of the ground surface at their respective locations. Upon completion of subdivision streets, sewers, waterlines and other required improvements, the subdivider shall make certain that all required monuments are clearly visible for inspection and use.

802 Streets and sidewalks shall be constructed in compliance with the requirements of the Virginia Department of Transportation, where applicable.

803 Where required by the Virginia Department of Transportation ~~Highway Engineer~~, a drainage system shall be provided for by means of culverts, ditches, catch basins and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters from or across all streets and adjoining properties.

804 Street signs shall be installed at all street intersections in any subdivision by the subdivider.

805 Central water supply shall be required in all subdivisions of six (6) or more lots where any of the lots are two (2) acres or less in land area.

806 Fire Protection systems shall be required to be installed by the developer as defined in section 14-43 of this Code and in accordance with Culpeper County Water and Sewer Authority Standards.

### 810. Performance guaranties.

811 The subdivider shall furnish a performance guaranty in an amount equal to the total cost, as determined by a registered engineer or land surveyor and approved by the Zoning

Administrator, of such improvements so as to guarantee that they will be installed within a designated reasonable length of time. The performance guaranty shall accompany the final plan, as provided in section 520, when it is submitted to the Zoning Administrator.

812 In the absence of a performance guaranty, no final plan shall be approved or recorded until the required improvements have been installed and approved by the Zoning Administrator.

813 Before undertaking any improvements required in section 800, the subdivider shall submit four (4) copies of his proposed plans and specifications to the Zoning Administrator and receive written approval thereof by the return of one copy with such approval endorsed thereon. No such approval shall be given without prior written approval of the Highway Engineer and/or the Health Official, as may be appropriate. Said plans and specifications shall have been prepared by a qualified surveyor or engineer, registered by the Commonwealth of Virginia. Of the copies retained, one shall be forwarded to the ~~Highway Engineer~~ Virginia Department of Transportation and one to the Virginia Department of Health Official, when appropriate, and the remaining copy or copies shall be filed with the County's copy of the final plan.

## **820. Provisions for periodic partial and final release of certain performance guarantees.**

821 A partial or final complete release of any performance guaranty required by this Subdivision Ordinance shall be granted within thirty (30) days after receipt by the Zoning Administrator of written notice by the subdivider or developer of completion of part or all of any facilities or improvements required to be constructed hereunder unless the Zoning Administrator notifies the subdivider or developer in writing of nonreceipt of approval by an applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty (30) day period.

822 The Zoning Administrator may call upon any expert source in determining the acceptability of facilities or improvements.

823 If no such action is taken by the Zoning Administrator within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such thirty (30) day period and there is an additional request in writing sent by certified mail return receipt requested to the County Administrator, who shall immediately forward the request to the Zoning Administrator. The Zoning Administrator shall act within ten (10) working days of receipt of the request; then if no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

824 The Zoning Administrator shall not refuse to make a periodic partial or final release of a performance guaranty for any reason not directly related to the specified defects or deficiencies in construction of the facilities or improvements covered by the performance guaranty.

825 Upon written request by the subdivider or developer, the Zoning Administrator shall be required to make periodic partial releases of such performance guaranty in a cumulative amount equal to no more than ninety percent (90%) of the original amount for which the performance guaranty was taken, and may make partial releases to such lower amounts as may be deemed appropriate by the Zoning Administrator based upon the percentage of facilities or improvements completed and approved by the governing body, local administrative agency, or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty percent (30%) of the facilities or improvements covered by any performance guaranty. The Zoning Administrator shall not be required to execute more than three (3) periodic partial releases in any twelve (12) month period. Upon final completion and acceptance of the facilities or improvements, the Zoning Administrator shall release any remaining performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" means when the public facility or improvement is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and operating such facility or improvement upon acceptance.

826 For the purposes of this section, a certificate of partial or final completion of such facilities or improvements from either a duly licensed professional engineer or land surveyor, as defined in and limited to section 54.1-400 of the Code of Virginia, or from a department or agency designated by the County may be accepted without requiring further inspection of such facilities or improvements.

### **830. Voluntary Improvements.**

~~831~~ A developer may provide for the voluntary funding of off-site road improvements and the Board of Supervisors may provide for reimbursement of such off-site road improvements pursuant to section 15.2-2242(4) of the Code of Virginia.

### **840. Payment by subdivider of pro rata share of the cost of certain facilities.**

841 A subdivider or developer shall be required to make payment of the pro rata share of the cost of providing reasonable and necessary sewage, water, and drainage facilities, located outside the property limits of the land owned or controlled by the subdivider or developer but necessitated or required, at least in part, by the construction or improvement of the subdivision or development; however, no such payment shall be required until such time as the Culpeper County Board of Supervisors or a designated department or agency of Culpeper County has established a general sewer, water, and drainage improvement program for an area having related and common sewer, water, and drainage conditions and within which the land owned or controlled by the subdivider or developer is located or the Board of Supervisors has committed itself by ordinance to the establishment of such a program.

842 Regulations and payments hereunder shall comply with the provisions of section 15.2-2243 of the Code of Virginia.

**850. Roads not acceptable into the secondary system of state highways.**

851 In the event the Board of Supervisors has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the secondary system of state highways, then the subdivider or developer shall furnish a maintenance guaranty, with surety satisfactory to the Board of Supervisors, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways.

852 "Maintenance of such road" as used in this section, means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

**ARTICLE IX. ADMINISTRATION AND ENFORCEMENT**

**900. General.**

901 The Zoning Administrator shall administer and enforce all provisions of this Subdivision Ordinance.

902 No property in a subdivision shall be transferred or offered for sale, nor shall a permit be issued for a structure thereon, until a final plan of such subdivision shall have been approved, as provided herein, and recorded in the office of the Clerk of the Circuit Court of Culpeper County, Virginia.

903 In order to permit the Zoning Administrator to properly administer and enforce the provisions of this subdivision ordinance, any plat or plan, regardless of whether it is a subdivision, boundary survey, easement plat, or other instrument shall be reviewed and approved by the Zoning Administrator for compliance with this ordinance prior to recordation.

**910. Appeals.**

911 The decisions of the Zoning Administrator, with respect to approval or disapproval of any portion of this ordinance, may be appealed directly to the Planning Commission by requesting to be placed on the agenda of the next regularly scheduled meeting.

912 The Planning Commission may reverse the decision of the Zoning Administrator or submit the request to the Board of Supervisors with or without recommendation.

**920. Violations and penalties.**

921 All departments, officials and public employees of Culpeper County vested with the duty or authority to issue permits or licenses shall conform to the provisions of the

Subdivision Ordinance of Culpeper County and shall issue no such permit or license for uses, structures or purposes where the sale would be in conflict with the provisions of said ordinance, and any such permit or license, if issued in conflict with the provisions of said ordinance, shall be null and void.

922 Any violation of ~~said~~ this ordinance shall constitute a class 3 misdemeanor, punishable by a fine of not less than one hundred dollars (\$100.00) per lot and not more than five hundred dollars (\$500.00) per lot, ~~and Each day after the first during which that~~ a violation continues to exist shall ~~continue after notification that it shall cease shall~~ constitute a separate violation, separately punishable as set forth herein.

923 It shall constitute a violation of ~~said~~ this ordinance for any person, firm, corporation, owner or agent to disobey, neglect or refuse to comply with or resist the enforcement of any of the provisions of ~~said~~ this ordinance.

924 Any person who knowingly and intentionally makes any false statement relating to a material fact for the purpose of complying with the requirements of ~~said~~ this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished in accordance with the statutes of the Commonwealth of Virginia existing at the time for misdemeanor violations.

### **930. Validity and conflicts.**

931 Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the ordinance as a whole, nor the validity of any other section or provision of the ordinance than the one so declared.

932 Whenever there is a conflict between minimum standards or requirements set forth in this ordinance and those contained in other County ordinances and regulations, ~~or other applicable laws and regulations~~, the most stringent standard or requirement shall apply.

### **940. Fees.**

941 To compensate the County for costs incurred for administration, examining plans, making investigations, advertising, travel and other work incidental to the approval of plans, fees are payable to the County Treasurer as prescribed by the Board of Supervisors.

942 No plan shall be reviewed unless all fees and charges are paid in full.

### **950. Administrative regulations.**

~~951~~ In addition to the requirements herein contained for the platting of subdivisions, the commission may establish such administrative rules and procedures as it deems necessary to properly administer this ordinance.



**960. Normal requirements and variations.**

961 The requirements of this ordinance may be varied in specific cases if the Planning Commission or the Board of Supervisors, whichever is the final reviewing authority, determines that an unusual situation exists which makes it necessary or desirable to vary one or more standards or procedures, or when strict adherence to the general regulations would result in substantial injustice or hardship.

962 Any such variation from the prescribed standards shall be shown to be in the public interest, and the reasons therefore shall be stated in the minutes.

**970. Effective date and repeal.**

971 This Subdivision Ordinance of Culpeper County shall be effective at and after July 6, 1978.

972 The Subdivision Ordinance of Culpeper County, adopted November 7, 1973, is hereby repealed as of this date of adoption (July 5, 1978).