

**Article XV**  
**Supplemental Regulations**

**SECTION 1 – Special Provisions Applicable to Corner Lots**

The following regulations shall apply to corner lots:

1. In any residential district, the front of a corner lot shall be deemed to be the shorter of the two sides fronting on streets. The side yard on the side facing the side street shall be 35 feet from the right-of-way line or 60 feet from the centerline of the street, whichever is greater.
2. The minimum frontage for corner lots in any residential zone shall be 20 feet greater than the frontage required for interior lots in the same zone.
3. In any residential zone, no sign, fence, wall, hedge, planting or other obstruction to vision, extending to a height in excess of three (3) feet above the established street grade, shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at a point 25 feet distant from the intersection of the street lines on both sides affronting streets.

**SECTION 2 – Fences, Walls and Hedges**

Fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yards shall be greater than three (3) feet in height, and provided that a fence or wall along the rear lot line or along side lot line to the rear of the setback line shall not exceed seven (7) feet in height. In any event no fences, walls, or hedges shall obstruct sight lines for vehicular traffic.

**SECTION 3 – Exceptions to Height Regulations**

The height limitations specified in Article XI of this Ordinance do not apply to spires, belfries, cupolas, antennas, communication towers, silos, barns, water towers, ventilators, chimneys, monuments, flagpoles, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**SECTION 4 – Accessory Building and Uses**  
(Amended 1-27-98)

The following regulations shall apply to accessory uses and structures:

1. An accessory use or structure shall be located on the same parcel as the principle use or structure.
2. An accessory use or structure shall not be established until the principle use or structure is established.
3. An accessory use or structure is permitted in a rear yard of a single family dwelling in a Residential or Rural Residential District subject to the following:
  - (a) Accessory structures may occupy, in total, not more than 30 percent of the required minimum rear yard for the district or an area equal to the area of the single-family dwelling, whichever is less. Structures at or below grade and above-ground swimming pools shall be excluded from the lot coverage calculations.
  - (b) Accessory structures shall not exceed the height of the principle structure.
  - (c) Accessory structures must be located at least 10 feet from the nearest principle use or structure and at least 6 feet from any other detached structure.

- (d) Accessory structures shall be located at least 40 feet from all street lines, at least 5 feet from all other lot lines unless otherwise provided by this chapter. Accessory structures shall not be located within any county easement, except that such structures may be located within a 100-year floodplain provided the structures comply with the provisions of Article XV, Section 6: Special Provisions to Flood Hazard Zones.
  - (e) Accessory structures located on double frontage lots must meet the front yard setback at the rear of the principal structure.
  - (f) Accessory uses other than structures may occupy all or part of the rear yard or side yard.
4. No trailer, semi-trailer, vehicle or manufactured home shall be used for storage or other accessory uses or structures except as qualified in Article IV.

**SECTION 4A – Permitted Front Yard, Rear and Side Yard Extensions**  
(Amended 1-29-04)

For lots in all zoning districts in the County of Caroline, the following structures when attached to the principle structure may extend into the minimum yard required as specified.

**Permitted Front Yard Extensions:**

Any of the following architectural features may extend into the minimum front yard requirements provided the extension is not more than three (3) feet and no closer than twenty (20) feet from the Virginia Department of Transportation or other public rights-of-way; cornices, canopies, awnings, eaves, and similar features.

Any one of the following may extend into the minimum front yard requirements provided the extension is not more than five (5) feet and no closer than twenty (20) feet from the Virginia Department of Transportation or other public rights-of-way: stoops, steps, stairs, cantilevers, chimneys, and fireplaces.

**Permitted Rear & Side Yard Extensions**

Any of the following architectural features may extend into the minimum yard requirements provided the extension is not more than three (3) feet and no closer than five (5) feet from any property line; cornices, canopies, awnings, eaves, and similar features.

Any one of the following may extend into the minimum yard requirements provided the extension is not more than five (5) feet and no closer than five (5) feet from any property line; air conditioners, belt courses, counter levers, fire balconies, fire escapes, fireplaces, chimneys, HVAC equipment, leaders, sills, stairs, steps, and stoops

**SECTION 5 – Parking and Storage of Certain Vehicles**

The storage of more than one motor vehicle or trailer which is wrecked, inoperable, or without current state inspection shall be in an enclosed building or in a space that is completely screened from view from any public road by wall, fence, or hedge. The storage of five (5) or more such vehicles shall constitute a junkyard and shall comply with the provisions of this ordinance and applicable state regulations.

**SECTION 6 – Flood Hazard Zones**

Repealed and Replaced 1/27/09

**Section 6.1 - Purpose**

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;

- B. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- D. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

**Section 6.2 - Applicability**

These provisions shall apply to all lands within the jurisdiction of The County of Caroline and identified as being in the 100-year floodplain by the Federal Insurance Administration.

**Section 6.3 - Compliance and Liability**

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or that land uses permitted within such district will be free from flooding or flood damages.
- C. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Department of Planning & Community Development (DPCD).
- D. This ordinance shall not create liability on the part of the County of Caroline or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

**Section 6.4 - Abrogation and Greater Restrictions**

This ordinance supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

**Section 6.5 - Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared severable.

**Section 6.6 - Description of Districts**

- A. Basis of Districts

The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps for the County of Caroline prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated March 2, 2009, as amended.

The approximated Floodplain Area shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100) year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance

Study for the County of Caroline prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated March 2, 2009, as amended. For these areas, the one hundred (100) year flood elevations and floodway information from federal, state and other acceptable sources shall be used, when available. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-prone Quadrangles, etc., then the applicant for the proposed use and/or activity shall determine this elevation in accordance with accepted hydrologic and hydraulic engineering techniques.

Hydrologic and hydraulic analyses shall be undertaken only by professional engineers licensed by the Commonwealth of Virginia, who shall certify that the technical methods used correctly reflect currently accepted technical concepts and methodologies. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the County and/or agencies as required.

1. The Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100)-year flood elevations have been provided but for which no floodway has been delineated.
2. The Approximated Floodplain District shall be those areas identified as an A Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the one hundred (100)-year floodplain boundary has been approximated.

#### B. Overlay Concept

1. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. Any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

#### **Section 6.7 - Official Zoning Map**

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Boundary and Floodway Map and/or Flood Insurance Rate Map which is declared a part of this ordinance and which shall be kept on file at the County of Caroline's DPCD offices.

#### **Section 6.8 - District Boundary Changes**

The delineation of any of the Floodplain Districts may be revised by the County of Caroline Board of Supervisors where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

#### **Section 6.9 - Interpretation of District Boundaries**

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the applicant may appeal to the Board of Zoning Appeals in accordance with Article 18, Section 3 of this ordinance and Code of Virginia 15.2-2309 (1950 as amended).

## Section 6.10 – Permit and Application Requirements

### A. Permit Requirement

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning/building permit or any other permit(s) required by Caroline County. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance, the VA Uniform Statewide Building Code (USBC), all other applicable codes and ordinances, as amended, and the County of Caroline Subdivision Ordinance. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

### B. Alteration or Relocation of a Watercourse

Prior to any proposed alteration or relocation of any channel or of any watercourse within this jurisdiction, a permit shall be obtained. If applicable, from the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any one of these organizations). Further notification of the proposal shall be given, if applicable, to all adjacent jurisdictions, the Division of Dam Safety and Floodplain Management (Department of Conservation and Recreation), and the Federal Insurance Administration.

### C. Site Plans and Permit Applications

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood for the site.
2. The elevation of the lowest floor (including basement).
3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.

A Certificate of Elevation may be used for new construction provided it addresses each of the issues as identified above.

D. No new construction or development shall be permitted within the Floodplain District unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one foot at any point.

E. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.

F. All manufactured homes (mobile homes) to be placed or substantially improved within the Floodplain District shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statewide Building Code. The lowest floor elevation, including basement, will be three feet or more above the one hundred (100) year flood elevation.

G. All development in the Floodplain District and all building permits issued for the floodplain shall conform to the following:

1. The lowest floor elevation, including basement, of any new or substantially improved residential structure shall be three feet or more above the one hundred (100) year flood elevation.
2. Electrical Systems:
  - a. All electric water heaters, electric furnaces, and other electrical installations shall be prohibited below an elevation of three feet above the 100-year flood elevation.

- b. Electrical distribution panels shall be placed at least three (3) feet above the 100- year flood elevation.
- 3. Storage:  
No materials that are buoyant, flammable, or explosive shall be stored in the 100-year floodplain, unless they are properly anchored or floodproofed to preclude their causing damage to life and property.

#### **Section 6.11 - Permitted Uses in the 100-Year Floodplain District**

All uses permitted in the underlying zoning district shall remain except for the following:

- A. Solid waste, landfills, dumps, junkyards, outdoor storage of inoperable motor vehicles, and/or materials.
- B. The filling of marshlands.
- C. Damming or relocation of any watercourse that will result in any downstream increase in flood levels during the base flood.
- D. The construction or storage of any object subject to flotation or movement during flooding.

#### **Section 6.12 - General Standards**

In all special flood hazard areas the following provisions shall apply:

- A. New construction and substantial improvements shall be done according to the VA USBC and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage in accordance with these regulations.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including ductwork, shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement public sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. The subsurface soil absorption system for on-site waste disposal systems shall be not be located in flood plains subject to annual or more frequent sustained flooding,
- I. Any alteration, repair, reconstruction or improvements to a building that complies with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
- J. Any alteration, repair, reconstruction or improvements to a building that does not comply with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
- K. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc.,

within this jurisdiction a permit shall be obtained, if applicable, from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.

- L. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

### **Section 6.13 - Specific Standards**

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to Section 6.6 of this Article, the following provisions shall apply:

- A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than three (3) above the base flood elevation.

- B. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than three (3) feet above the base flood elevation. Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus three (3) feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

- C. Elevated Buildings

Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;
2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include, in Zones A and AE, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
  - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
  - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
  - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

- d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
- e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

- 1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in Section 6.12 of this Article.
- 2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has not incurred substantial damage as the result of a flood shall be elevated so that either
  - a. The lowest floor of the manufactured home is elevated no lower than three (3) feet above the base flood elevation; or
  - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than three (3) feet in height above grade;
  - c. And be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;
- 3. All recreational vehicles placed on sites must comply with the following:
  - a. Be on the site for fewer than 180 consecutive days;
  - b. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,
  - c. Meet all the requirements for manufactured homes in Section 6.12 of this Article.

**Section 6.14 - Standards for Approximated Floodplain**

The following provisions shall apply within the Approximate Floodplain District:

- A. When base flood elevation data or floodway data have not been provided, the County of Caroline shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of Section 6. When such base flood elevation data is utilized, the Zoning Administrator shall obtain
  - 1. The elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and,
  - 2. If the structure has been floodproofed in accordance with the requirements of Section 6.13 of this Article, the elevation in relation to the mean sea level to which the structure has been floodproofed.

- B. When the data is not available from any source as in Section 6.6, the lowest floor of the structure shall be elevated to no lower than three (3) feet above the highest adjacent grade.

#### **Section 6.15 - Standards for the Special Floodplain District**

The following provisions shall apply within the Special Floodplain District:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zone AE on the Flood Rate Insurance Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the County of Caroline.

Development activities in Zones AE, and AH, on the County of Caroline's Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one (1) foot may be allowed, provided that the applicant first applies – with the County of Caroline's endorsement – for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

#### **Section 6.16 - Standards for the Floodway**

The following provisions shall apply within the Floodway when it has been identified as in Section 6.6

- A. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the County of Caroline endorsement – for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

- B. If Section 6.10 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.
- C. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

#### **Section 6.17 - Standards for Subdivision Proposals Within Floodplain District**

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage in accordance with this ordinance;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Floodplain data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is the lesser.

#### **Section 6.18 - Design Criteria for Utilities and/or Public Facilities**

- A. All new or replacement sanitary sewer facilities and private package sewage treatment plants, including pumping stations and collector systems, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

- B. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and must be located and constructed to minimize or eliminate flood damages
- C. All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. Drainage plans shall be consistent with the county's stormwater management plan. The facilities shall be designed to prevent the discharge of excess run-off onto adjacent properties.
- D. All utilities, such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.
- E. Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Draining openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights. The finished elevation of all new streets shall be no more than one foot below the 100-year flood elevation.

#### **Section 6.19 - Variances**

In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The showing of good and sufficient cause.
- B. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
- C. The danger that materials may be swept on to other lands or downstream to the injury of others.
- D. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- E. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- F. The importance of the services provided by the proposed facility to the community.
- G. The requirements of the facility for a waterfront location.
- H. The availability of alternative locations not subject to flooding for the proposed use.
- I. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- J. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- K. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- L. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
- M. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- N. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

#### **Section 6.20 – Existing Structures in Floodplains**

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions (August 1, 1989), but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

#### **SECTION 7 – Special Provisions Applicable To Manufactured Home Parks**

(Amended 10/24/95)

1. Area, Maximum Units, Occupancy
  - a. The minimum area for each manufactured home park shall be twenty (20) acres.
  - b. The maximum number of manufactured home units permitted in any one manufactured home park shall be one hundred and fifty (150).
  - c. No occupancy permit shall be issued to a manufactured home park until at least twenty-five (25) manufactured home spaces shall be completed and ready for occupancy.
2. A register shall be kept by every manufactured home park or trailer camp operator for three (3) years, which shall at all times be available for inspection by law enforcement officials and for representatives of the Board of Supervisors whose duties necessitate acquisition of the information contained in the register. The register shall show the name of each manufactured home occupant, his address and lot number, name, model and identification number of the manufactured home and number of bedrooms. In addition, all manufactured home parks and camp operators shall, on or before the 15<sup>th</sup> of January each year, provide the Commissioner of

Revenue of Caroline County with three (3) copies of a verified list of all manufactured homes with information as required herein for the previous year ending December 31.

3. Improvements within lots

a. Regulations on individual lots not specifically provided for in this article shall be governed by the Virginia Statewide Uniform Building Code.

b. Manufactured Home Lot. The size of each manufactured home lot shall be suitable to fit the dimensions of manufactured homes anticipated, including appurtenant structures, and including required distance between manufactured homes as set forth herein. Each space shall be located at such elevation, distance, and angle to an access street that placement and removal of the manufactured home is practical. Each space shall be of such material as to provide for the support of the maximum anticipated loads during all seasons, and constructed with an adequate longitudinal gradient and with a crown or cross gradient for surface drainage.

c. Distance between units. There shall be twenty-five (25) feet or more distance between individual manufactured homes including additions or accessories as permitted by this Article.

d. Markers for Manufactured Home Lots. There shall be posted on each manufactured home, and visible from the street, a number to correspond to the number of the lot as shown on the site plan.

e. Every manufactured home must bear the H.U.D. Seal of Approval and be built on or after June 15, 1976 in order for an occupancy permit to be approved.

f. Additions to Manufactured Homes. No permanent or semi-permanent structure shall be affixed to any manufactured home as an addition to such manufactured home, nor shall any accessory structure be permitted on any manufactured home lot except as provided for herein. The prohibition against any addition to or accessory to a manufactured home shall not apply to a canopy or awning designed for use with a manufactured home, nor to any expansion unit or accessory structure specifically manufactured for manufactured homes. A patio or deck may be provided for use by the occupants of manufactured home provided said patio or deck is no larger than 180 square feet and extends no further than ten (10) feet beyond the manufactured home and provided that it is not permanently attached to the manufactured home.

g. Tenant Storage. A storage facility no larger than one hundred-fifty (150) square feet may be located on any manufactured home lot provided that such facility will not detract from the appearance of the park, and will be constructed of a weather resistant material.

h. Walkways. Shall be provided on each manufactured home lot. Said walkways shall connect the front entrance of the manufactured home with the parking space or street. Walkways shall be constructed of a four (4) inch layer of aggregate or other suitable material appropriate for safety, convenience, and appearance.

i. The open space beneath each manufactured home shall be skirted in a manner approved by the County Building Official.

j. Steps shall be provided at all entryways to the manufactured home, in accordance with the Virginia Statewide Uniform Building Code.

4. Parking Spaces

a. Each manufactured home lot shall be provided with a minimum of two parking spaces. At least one of the required spaces shall be located on each manufactured home lot. The remaining parking space may be located on the manufactured home lot or may be provided in a common parking area convenient to several manufactured home lots.

b. Each parking space shall be not less than ten (10) feet wide and twenty-five (25) feet long.

- c. Parking spaces shall be constructed of crushed stone or other durable hard material suitable for all weather use, shall have unobstructed access to a common street within the manufactured home park.
- d. No parking space or driveway serving an individual manufactured home lot shall have direct access to any state-owned road, unless such road is located wholly within the manufactured home park.
- e. No parking shall be permitted on the pavement or shoulder or common streets within the manufactured home park.

5. Streets and Roads

- a. General. All streets or roads serving a manufactured home park shall conform to the construction and minimum width standards of the Virginia Department of Highways and Transportation. Grading shall be for the full width of the street to provide suitable finish grades for pavement and any sidewalks, with convenient access to the manufactured home lots and other important facilities on the property.
- b. Extent of Improvements. Street improvement within a manufactured home park shall extend continuously from the state highway to all lots in the park. The street system shall provide for convenient circulation within the park. Street intersections shall generally be at right angles and offsets at intersections of more than two streets at one point shall be avoided. Cul-de-sacs shall be no longer than four hundred (400) feet in length with a turn-around of one hundred (100) feet in diameter.
- c. Drainage. Curbs and gutters are encouraged on all streets serving manufactured home parks, however, in the event they are not provided, adequate provisions for drainage shall be provided. Drainage provisions shall be approved by the County Building Official.

6. Improvements within Parks (General)

- a. Water. Water shall be supplied by an approved water system. In the event that a manufactured home park is located within one thousand (1000) feet of a public water system trunk line having adequate capacity to serve the manufactured home park, water shall be supplied by the Public Water System. The use of individual wells is hereby prohibited.
- b. Sewer Facilities. All waste or wastewater from any faucet, toilet, tub, shower, sink, slop-sink, drain, washing machine, garbage disposal unit or laundry shall empty into an approved sewer system. In the event that a manufactured home park is located within one-thousand (1000) feet of a public sewer system collection line having adequate capacity to serve the park, connection shall be provided to the public sewer system. The discharge of waste or wastewater into a septic system is hereby prohibited.
- c. Garbage and Trash. Each manufactured home lot shall have garbage and trash receptacles in sufficient quantity within one hundred (100) feet of the lot. The receptacles shall be kept in sanitary condition. Garbage and rubbish shall be collected and disposed of, as frequently as may be necessary, but not less than twice weekly, at least three days apart, to insure the receptacles do not overflow.
- d. Electric Lighting and Outlets. All entrances, exits and driveways shall be lighted at night. Not less than one hundred (100) watt electric light or equivalent shall be provided for each two hundred (200) lineal feet of internal driveway and at each entrance and exit to the manufactured home park. At least one receptacle outlet for each manufactured home space shall be provided.
- e. Recreational Area. Each manufactured home park shall provide a multiple purpose, developed recreational area of at least 20,000 square feet or four hundred (400) square feet per lot, whichever is greater. In parks containing one hundred (100) or more lots, two separate recreational areas may be provided if each area contains at least 20,000 square feet. Recreational areas shall be convenient to park residents and shall be suitable for recreational purposes.

f. Buffer Zone. Each manufactured home park shall be surrounded by a fifty (50) foot width of area on all sides that shall be maintained in a naturally vegetated condition. Such buffer strips shall not be used for any purpose and shall not be designated as recreational areas. Reasonable fencing shall be erected along boundary lines of the manufactured home park as required by the Planning Commission.

g. Walkways. Common walkways of at least three (3) feet in width and constructed of a four (4) inch base of aggregate topped by a two (2) inch layer of asphalt, shall be located in areas of the park where pedestrian traffic is concentrated.

h. Postal Delivery. A central postal delivery station shall be provided in each manufactured home park. Individually located mail compartments shall be provided at the postal delivery station for each lot in the manufactured home park, and shall conform to the standards of the United States Postal Service. The central postal delivery station shall be located within the boundary of the manufactured home park. Adequate provision for access shall be made to prevent interruption of traffic circulation by motorists stopping to collect mail.

## **SECTION 8 – Development Standards**

(Adopted 05/25/04)

### **A. Standards for Contractor's Office, Equipment, Storage, and Sales Facilities**

(Adopted 05/25/04)

#### **1. General Standards**

These standards shall apply generally to any Contractor's Office, Equipment, Storage, and Sales Facilities:

- a. A General Development Plan (GDP) shall be submitted as part of the application, which shall include a landscaping plan.
- b. Equipment and storage of materials shall be within a fully enclosed building or completely screened from view from adjoining parcels and public rights-of way.
- c. When possible, access to the site shall be provided by a secondary or internal street, with no direct access to a primary or arterial highway.
- d. Access to any state road shall be accomplished with the installation of a standard Virginia Department of Transportation (VDOT) commercial entrance or other entrance which meets the requirements as specified by VDOT.
- e. All exterior lighting shall be shielded and directed downward so the light source shall not be visible to adjacent property owners and public rights of way.
- f. There shall be no storage of hazardous materials/waste.
- g. There shall be no storage/dumping of construction debris, which includes, but is not limited to, asphalt, concrete, brick/block, roofing materials, tar, logs, stumps, and brush.

#### **2. Additional Standards for the Rural Preservation (RP) District**

In addition to the General Standards above, Contractor's Office, Equipment, Storage, and Sales Facilities in the RP Zoning District shall also be subject to the following standards:

- a. Minimum lot size shall be ten (10) acres.
- b. The facility shall be located only on the same lot owned and occupied, as his primary residence by the owner of the facility.

- c. Access to state roads shall be limited to major collectors and arterials as identified in the Caroline County Comprehensive Plan.
- d. The parcel subject to this use shall be a parcel of record as of as of the effective date of this ordinance.
- e. Signage is limited to a single monument style sign no greater than 6 feet in height and twenty-four (24) square feet in area.
- f. The applicant shall have owned and resided on the parcel and owned the Contractor's Office, Equipment, Storage and Sales Facility as of the effective date of this ordinance.
- g. The sale of equipment and materials shall be prohibited.
- h. The maximum number pieces of equipment and motor vehicles shall be 20. This includes but is not limited to dump trucks, trailers, earth moving equipment, tractors, and similar types of equipment.

**B. Standards for Communication Facilities**

(Adopted 05/25/04)

1. Each applicant for a tower shall provide the Department of Planning and Community Development with an inventory of its existing facilities that are either within the jurisdiction of the governing authority or within five miles of the border thereof, including specific information about the location, height, and design of each tower. The Planning Department may share such information with other applicants applying for approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Planning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for use by others.
2. Verifiable evidence of the lack of antenna space on existing towers, buildings, or other structures suitable for antenna location or evidence of the unsuitability of existing tower locations for collocation must be provided by the applicant. Such evidence shall also include an affidavit executed by a radio frequency engineer that such existing tower or structure is unsuitable for the applicant's needs. Such evidence may also include any of the following items:
  - a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
  - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
3. An engineering report certifying that the proposed tower is compatible for a minimum of four (4) users, must be submitted by the applicant. The applicant shall also permit collocation by additional users without requiring any form of reciprocal location agreement from subsequent users. The provision may be modified by the Board of Supervisors in conjunction with paragraph 14, when a lower height is approved by the Board of Supervisors and collocation of four (4) users is not possible.

4. A preliminary site plan of the proposed facility shall be submitted to the Department of Planning and Community Development as a part of the submittal. The applicant must provide Caroline County with detailed information regarding the proposed facility's location, latitude and longitude, and service area.
5. The facility shall not interfere with the radio, television or communications reception of nearby residents at the time of construction. The applicant shall take steps to successfully eliminate any such interference.
6. All towers and other structures shall meet all safety requirements of all applicable building codes.
7. All towers shall set back from any property line a distance equal to one-hundred twenty percent (120%) of the tower height, and in no event shall any such tower be constructed or erected nearer than one-hundred twenty percent (120%) of the tower height to a residential dwelling unit on the subject parcel, and 500 feet to a residential dwelling unit located on an adjacent parcel except for the following:
  - a. Setbacks from residential dwelling units shall not apply to the property owners' construction of a residential dwelling subsequent to erection of the tower.
  - b. No setback shall be required adjacent to VDOT right-of-way for an interstate highway. Setback requirements from residential dwelling units, however, shall supersede this provision.

This provision may be modified by the Board of Supervisors during the special exception process.

8. Documentary evidence of compliance with all Federal Aviation Administration and Federal Communication Commission requirements shall be submitted by the applicant at the time of application for the special exception.
9. Unless otherwise allowed under the conditions of a special use permit, or as a requirement of the Federal Aviation Administration, all structures shall have a galvanized steel finish. If painting is required by the FAA, documentary evidence from the FAA requiring such painting must be provided to the County by the applicant.

Should the applicant request to construct the tower from materials other than galvanized steel, the applicant shall state the reasons for the request in the application, and the applicant shall also furnish the County with photographs, videos, or some other visual sample of the proposed finish.

10. All applicants must provide documentary evidence that the facility will meet or exceed applicable health standards established by the Federal Government and/or American National Standards Institute.
11. No advertising of any type may be placed on the tower or accompanying facility.
12. All tower structures must be dismantled by the owner of the structure if not utilized by a service provider or properly maintained for a period exceeding twenty-four (24) consecutive months. The applicant shall post surety in an amount sufficient to cover the costs of dismantling. Surety shall be submitted to and approved by the County prior to site plan approval.
13. Owners of towers shall provide the County co-location opportunities on each or any tower without compensation as a community benefit to improve radio communication for County departments and emergency services provided it does not conflict with the collocation requirements of subparagraph 3.
14. Maximum tower height (including appurtenances) shall be 199-feet, however, the Board of Supervisors may approve a greater height based upon the following criteria:  
(Amended 2/20/2007)
  - a. The tower shall generally support the County's policy of maintaining the County's rural and historic characteristics by not creating a visually adverse impact on

residences (other than a residence on the subject parcel), historic sites or scenic roadways;

- b. The tower shall be located in areas designated in the Zoning Ordinance as Rural/Agricultural Preservation where existing topographical features provide significant visual buffer between the tower and nearby residences and/or businesses located on adjacent or surrounding parcels.
  - c. It shall be demonstrated to the Board's satisfaction that the additional height will provide more effective coverage and more effectively meet the communication needs of the residents of Caroline County than a 199-foot tower. However, at no time shall such a tower exceed a maximum height of 300-feet.
  - d. It shall be demonstrated to the Board's satisfaction that the additional height will decrease the overall number of towers in the County.
  - e. Only those areas of the County designated as Permitted Commercial Tower Development Areas (PCTDAs) as set forth in the Caroline County Communications Tower Master Plan, prepared by Atlantic Technologies, dated December 21, 2006, are eligible to have a maximum tower height in excess of 199-feet.
15. A 100-foot wooded buffer easement shall be maintained around the site, except for ingress/egress unless otherwise approved by the Board of Supervisors. An easement for the wooded buffer shall be recorded in the land records of the Circuit Court prior to site plan approval. Such easement shall retain the wooded buffer for the life of the tower. A section of fence at least six (6) feet in height shall be provided completely around the base of the tower and any associated equipment.
  16. The tower owner shall annually provide the Planning Department and the Commissioner of Revenue a report with the names, addresses, contacts, structures and equipment for all providers utilizing the tower.
  17. The tower shall be constructed and at least one PCS/cellular user located on the tower within twelve (12) months of the date of issuance of the special exception or approval shall be null and void. The applicant shall post surety in an amount sufficient to cover the costs of dismantling. Surety shall be submitted to and approved by the County prior to site plan approval.
  18. The applicant shall be responsible for any costs incurred by the County for review of the application.

**C. Standards for Retail Sales and Services associated with Offices**

(Adopted 11/23/04)

1. Not more than 30% of the gross floor area shall be devoted to retail sales, and accessory uses thereto.
2. No outside storage shall be permitted.
3. No outside display or retail sales shall be permitted.

**D. Standards for Antique Shops**

(Adopted 02/08/05)

1. The structure used for an antique store must resemble a historic farm house or similar agricultural structure in its design and site layout. When a new structure is proposed to be used an architectural rendering of the outside elevations shall be required.
2. Engineered steel buildings are not permitted to be used as antique stores or for any accessory buildings on the site.

3. A single paved entrance from a Virginia Department of Transportation maintained road is required.
4. A site plan in accordance with Article XV, Section 14 shall be required.
5. No outdoor auctions are permitted.
6. Except for security purposes there shall be no outdoor lighting permitted.
7. There shall be only a single, non-illuminated, monument style sign permitted not to exceed 4 feet in height and 32 square feet in area.
8. There shall be no inoperable motor vehicles stored outside a fully enclosed building.
9. There shall be no outdoor storage of any materials, products, or substances.
10. There shall be no shipping containers, truck bodies, trailers, semi-trailers, mobile homes or other similar structures located on the site.

**E. Standards for In-Law Suites**

(Adopted August 9, 2005)

1. The owners of the principal structure and occupants of the in-law suite shall sign an affidavit duly acknowledged before some office authorized to take acknowledgments of deeds and have the instrument recorded as an addendum to the deed for the property.
2. In-law suite shall not be counted as part of the permitted density under an approved development plan.
3. The in-law suite is to be integrated into the principal structure on the property or be located in a detached garage and shall not alter the appearance of the single-family dwelling. The principal structure must be occupied by at least one of its owners and used as a principal residence.
4. The occupants of the in-law suite must be family members of the occupant(s) of the single-family dwelling as the term "family" is defined herein. For families defined in (v) of the definition of "family," the total number of non-related individuals residing in the principal dwelling and in-law suite cannot exceed four (4).
5. The in-law suite may not be rented or occupied by non-family members of the occupant(s) of the single-family dwelling, except in accordance with Article XI, Division 3, Section 2.2 Conditional Uses and an amendment to any applicable proffers associated with the approved development plan.
6. The in-law suite shall not be occupied by more than two (2) people.
7. The maximum gross square footage for an in-law suite shall not contain more than 750 (gross) square feet as measured from outside dimensions.
8. The in-law suite shall have only a single bedroom.
9. The in-law suite shall not have separate electrical nor other utility service connections.
10. The in-law suite shall not have a separate physical address.

**F. Standards for Accessory Apartment**

(Adopted August 9, 2005)

1. The owners of the principal structure shall sign an affidavit duly acknowledged before some office authorized to take acknowledgments of deeds and have the instrument recorded as an addendum to the deed for the property.

2. An accessory apartment shall be counted as an additional dwelling unit as it relates to the permitted density under an approved development plan.
3. The accessory apartment is to be integrated into the principal or accessory structure on the property and shall not be allowed to detract from the visual character of the single-family development.
4. An accessory apartment shall not have more than two (2) bedrooms.
5. An accessory apartment shall provide at least one (1) off-street parking space for each bedroom.
6. An accessory apartment maybe occupied or rented to anyone provided that the principal structure is occupied by at least one of its owners and it serves as that owner's principal residence.
7. An accessory apartment shall be occupied by no more than two (2) persons.
8. The maximum gross square footage for an accessory apartment shall not contain more than seven hundred fifty (750) (gross) square feet as measured from outside dimensions.
9. The accessory apartment shall have separate electrical and other utility service connections.
10. The accessory apartment shall have a separate physical address.

**G. Standards for Commercial Nursery/Greenhouses**  
(Adopted 3/21/06)

1. A General Development Plan (GDP) shall be submitted as part of the application, which shall include a landscaping plan.
2. Equipment and storage of non-plant materials shall be within a fully enclosed building and completely screened from view from adjoining parcels and public rights-of way.
3. When possible, access points shall be shared with adjoining parcels.
4. Access to any state road shall be accomplished with the installation of a standard Virginia Department of Transportation (VDOT) commercial entrance or other entrance which meets the requirements as specified by VDOT.
5. Minimum lot size shall be two (2) acres.
6. All exterior lighting shall be shielded and directed downward so the light source shall not be visible to adjacent property owners and public rights of way.
7. There shall be no storage of hazardous materials/waste.
8. There shall be no storage/dumping of debris, which includes, but is not limited to logs, stumps, and brush.
9. There shall be at least a minimum of five (5) parking spaces, and one truck loading/unloading area shown on the GDP and site plan. All such parking and loading areas shall be screened from view from public right-of-ways and adjoining parcels.

**H. Standards for Towing Storage Lot**  
(Adopted 4/11/06)

1. The Towing Storage Lot may only be operated as part of a bona fide Towing Service Operation. The Storage Lot may be located on the same property as the Towing Service Operation or on a separate lot or parcel.

2. Motor vehicle(s) shall not remain on the property for more than one-hundred-twenty (120) days.
3. A maximum of forty (40) motor vehicle(s) are permitted to be stored in any tow lot, notwithstanding any other provision of this Ordinance or any provision of Chapter 77 of the Code of Caroline County related to inoperable vehicles.
4. Motor vehicle(s) may not be repaired, restored, rebuilt, or otherwise repaired on the property.
5. Motor vehicle(s) shall not be stacked.
6. Vehicle parts and scrap metal shall not be stored on the property.
7. The sale of used motor vehicle parts, scrap metal or other materials shall not be permitted.
8. The sale of motor vehicles shall not be permitted.
9. A minimum of an eight (8) foot board on board fence or masonry wall shall be erected around the property so as to wholly screen the vehicles from view from adjacent properties and public-rights-of-way with the actual height to be determined by a visual impact assessment. No razor wire is permitted.
10. A 100-foot buffer of permanent vegetative screening (existing vegetation and/or new landscaping materials) shall be maintained on perimeter of the property outside of the fenced storage area.
11. The applicant must obtain and provide to the County all required state licenses. The applicant must comply with all applicable state and local regulations.
12. Any motor vehicles which are damaged so as to be leaking fluid shall be brought to a concrete surface where all fluids shall be contained and disposed of in conformance with all state and federal regulations.
13. The applicant shall install a separator or other accepted industry practices of equal value/protection to prevent any leaking fluids from the motor vehicles from entering the soil or surface waters.
14. The applicant shall provide to the County a copy of an annual contract with an approved hazardous waste company retained to collect and dispose of all hazardous wastes.
15. The applicant shall submit a quarterly report to the Caroline County Department of Planning & Community Development of all vehicles which have been stored on the property. The report shall provide the following information:
  - (c) The total number and type of vehicles on the site.
  - (d) The length of time each motor vehicle has been on the site (days).
  - (e) The vehicle identification numbers of all vehicles on the site.
  - (f) The disposition of vehicles that have been removed from site

**I. Standards for Timbering and Harvesting within the Industrial Zoning Districts**  
(Adopted 7/14/09)

1. Timber harvesting shall be permitted in accordance with the standards for the Rural Preservation (RP) District.
2. Timber harvesting is not permitted once any permit or site plan application has been submitted, except as permitted by the by the Plan of Development process.

3. Upon permit or site plan application, all buffers and yards required by Article XII (Lot Area and Other Dimensional Requirements), Article XV, Section 15 (Highway Corridor Overlay District) and Article XV Section 17 (Chesapeake Bay Preservation Areas), which may have been modified under standard one (1) above, shall be restored in accordance with the Plan of Development process.

**J. Standards for Artist Studio**  
(Adopted June 12, 2007)

1. A site plan in accordance with Article XV, Section 14 shall be approved.
2. The building shall be compatible as to architectural size, design, and scale to the nearby community. When a new structure is proposed to be constructed, an architectural rendering of the outside elevations shall be submitted for approval with the application for the Special Exception Permit.
3. A maximum of two employees shall be permitted on site at any time.
4. Adequate parking shall be provided.
5. Adequate water and sanitary sewer shall be provided as required by the Virginia Department of Health and Chapter 92 of the Code of Caroline County.
6. Retail or wholesale sales shall be prohibited.
7. Except for security purposes there shall be no outdoor lighting permitted.
8. Group visitation is prohibited.
9. Outdoor storage or display of any materials or products is prohibited.
10. There shall be no group or personal instruction, training or teaching on the premises.

**K. Major Golf Course subject to the following development standards**  
(Adopted 09/09/08)

1. Such a facility shall be located on a property of at least 120 acres in area in order to provide the required amenities, and shall be arranged in a manner to buffer adjoining properties from lights, noise and provide safety for participants, spectators, visitors and neighboring properties.
2. A "pro- shop" or similar retail facility strictly for the sale of equipment on the premises may be permitted provided that its size, location and related parking area(s) is compatible with the proposed facility.
3. Practice areas such as driving and practice ranges/putting greens for golf shall be located to reduce adverse impacts on adjoining properties to the greatest extent possible.
4. Lodging on the property may be permitted subject to the following provisions;
  - a. Lodging shall be located in permanent structures such as hotels, motels or within a series of individual buildings. Lodging is not permitted within mobile/manufactured homes or recreational vehicles except as specifically approved for specific situations such as tournaments or special events. The proposed use of such structures or vehicles must be a part of the proposed Special Exception and must be addressed and approved by the Board of Supervisors prior to such usage.
  - b. Buildings in which lodging is utilized should be screened from adjoining properties.

5. Night lighting is prohibited, unless it is approved explicitly within the Special Exception in circumstances where the proposed lighting is designed so as to minimize adverse effects on neighboring properties.
6. All sanitary facilities shall be approved by the Virginia Department of Health and located within a permanent structure on the property. Temporary portable facilities shall not be utilized except as approved within the individual special exception and only in short-term special circumstances.
7. All food and drinks served on the premises shall have the applicable permits from the Virginia Department of Health.
8. The sale/use of alcoholic beverages shall only be permitted if approved in conjunction with the special exception and shall require a license/permit from the Virginia Department of Alcohol and Beverage Control.
9. All proposed uses, including courses, practices ranges, restaurants, lodging, "pro-shops," retail facilities, lighting, and conference/meeting areas shall be shown on the General Plan of Development for review and approval by the County.

**L. Standards for Private Roads**

(Adopted 8/11/09)

The following standards and requirements shall be met for all private roads permitted in the County pursuant to any provision of the zoning or subdivision ordinances.

1. The requirements of the Virginia Department of Transportation ("VDOT") necessary for the dedication of roads into the Virginia state secondary system of highways ("state secondary system") will not permit the development of the proposed subdivision in a manner that is in harmony with the surrounding character of the neighborhood or under an approved development design theme (i.e.: Equestrian theme, Fishing Village theme, Williamsburg theme, etc.) resulting in the need to utilize one or more private roads to serve such subdivision.
2. All private roads shall be constructed to provide vehicular access that is designed and constructed to comply with VDOT's standards in every respect. The design, construction and maintenance of all private roads will facilitate the transfer of each private road into the state secondary system should such transfer be desirable at a later date.
3. Proposed private roads, based upon anticipated traffic generation volume, shall be adequate to serve the property to be developed and provide adequate emergency vehicle access to the subdivision. An independent impact analysis may be required at the developer's expense to determine the adequacy of the proposed roads and design thereof.
4. Alleys may be used to provide vehicular access to the rear of lots or buildings. Alleys are intended only to provide access to the lots and buildings that are contiguous to them and are not for general traffic use. All alleys shall be designed, built and maintained so as to be consistent with all applicable VDOT and Caroline County standards.
5. In the RP and AP Districts, the subject property shall have road frontage on a road designated as a minor collector or higher in the VDOT Functional Classification System. The subject property shall have sufficient frontage to allow the installation of all necessary improvements required by VDOT, but in no case shall be less than fifty (50) feet.
6. Maintenance
  - (a) Before the sale of any lot in any subdivision in which one or more private roads is platted:

- (i) a homeowner's association for such subdivision which shall own the right of way and road improvements there in, shall be created and incorporated at the Virginia State Corporation Commission, At a minimum, such association shall have the authority to charge annual dues and levy fees upon all property in the subdivision to pay the costs of administration of the association, the maintenance of all private roads serving the subdivision or any part thereof, and all other fees and expenses incurred by the association in accordance with its organizational documents. Every property in such subdivision shall be made subject to a deed or deed of declaration that shall provide for such homeowner's association as set forth above, and shall in addition provide that any association fees or dues that are not paid when due shall become a lien upon the real estate against which they were assessed. All such homeowner's associations shall be given the power, authority and obligation in their organizational documents to maintain all private roads serving the subdivision in good condition and repair so as to be reasonably free of potholes and other hazards at all times, including without limitation, the prompt removal of ice and snow. All such private roads shall be maintained in a condition and to a standard that would permit their acceptance at any time into the state secondary system. Failure to meet such standard of maintenance may result in maintenance being performed by the service district established pursuant to the provisions of subparagraph (ii) hereafter with a resultant tax being assessed against each property in said service district; and
  - (ii) a service district for each such subdivision shall be established pursuant to the provisions of Section 15.2-2400, et seq., of the *Code of Virginia*, 1950, as amended, for the maintenance of all private roads serving such subdivision or any part thereof in the event such maintenance is not adequately performed by the subdivision's homeowner's association. Such service district and the ordinance creating the same shall be satisfactory to the Board of Supervisors in all ways, including without limitation, its boundaries, aggregate assessed property value, and authorized services, powers and authority.
- (b) The owner or owners of any real property on which a subdivision or development subject to these private road development standards is proposed shall, prior to the sale of any lot or parcel within such subdivision or development, petition the Board of Supervisors of the county to create by ordinance the service district described in subparagraph 5,a,(ii) above, and the establishment of such service district, together with the establishment of the homeowner's association described in subparagraph 5,a,(i), shall be a condition of any special exception permit granted that allows the use of private roads in any such subdivision or development.
- (c) Every final plat, deed of declaration and deed of division of land involving a private road shall contain a statement by the subdivider that clearly states that all private roads within that division of land are not publicly maintained and shall be collectively maintained by the owners of all lots in the subdivision, whether or not such lots are directly served by such private roads, through a homeowner's association or service district established for that purpose, the cost of which shall be paid for solely and exclusively by the owners of the property in that subdivision.
- (c) Every deed of conveyance for a lot included in a subdivision served by one or more private roads shall include the following declarations:
- (i) This property is served by one or more private roads that are not maintained at public expense, but are part of a service district formed for the purpose of road maintenance should the homeowner's association fail to do so in an adequate manner. All expenses of operation of the service district, including, without limitation, road maintenance and administrative costs, are paid for by the imposition of a special tax on property within said service district.

- (ii) No request to have this property served by a public road shall be made or considered unless and until all private roads in said service district are dedicated and accepted into the state secondary system. Such dedication shall be at no cost to the county or VDOT.
  - (iii) Membership in said service district is mandatory for the owners of all property within the service district. Non-payment of any tax assessed against a property in said service district shall result in a tax lien against such property.
  - (iv) At the time of dedication of any private road, all applicable VDOT standards must be met and approved prior to such dedication and transfer.
7. All lots shall meet the minimum lot size for a conventional lot in the respective zoning district in which it is located.

**M. Standards for a Crematory**  
(Adopted 11/24/09)

- 1. PERMITTED ONLY AS A PART OF A FUNERAL HOME; CREMATIONS MUST BE PERFORMED IN CONJUNCTION WITH CEREMONIES AND/OR SERVICES BEING PROVIDED BY THE FUNERAL HOME.
- 2. CREMATORY MAY BE CONTAINED WITHIN THE SAME BUILDING AS THE FUNERAL HOME OR A SEPARATE BUILDING LOCATED ON THE SAME LOT. IF A SEPARATE BUILDING, IT SHALL BE COMPATIBLE AS TO THE ARCHITECTURAL SIZE, DESIGN AND SCALE OF THE FUNERAL HOME.
- 3. IF LOCATED IN A SEPARATE STRUCTURE, IT SHALL BE LOCATED ON THE SAME PARCEL AS THE FUNERAL HOME, AND IN ALL RESPECTS SHALL BE CONSIDERED AS AN ACCESSORY TO THE FUNERAL HOME.

**SECTION 9 – Special Provisions applicable to Multi-family Dwellings**

- 1. The end units in a multi-family structure shall have minimum side yards of fifteen (15) feet.
- 2. There shall be a minimum of thirty (30) feet between multiple structures.
- 3. No single structure shall include more than six (6) units.

**SECTION 10 – Special Provisions Applicable to Industrial (M-1) Districts**

- 1. Before a building permit or zoning permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the development plans, in sufficient detail to show the operation and processes, shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required.
- 2. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by solid masonry wall, a uniformly painted solid board fence, or evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.
- 3. Landscaping may be required within any established or required front setback area. The plans and their execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three (3) feet, and within fifty (50) feet from the corner of any intersecting streets.
- 4. Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts. The requirements for and nature of such screens shall be reviewed and approved by the Zoning Administrator.

5. Auto manufactured graveyards and junkyards shall be completely screened from view from any public road by a masonry wall, a uniformly painted solid board fence, or evergreen hedge six (6) feet in height.
6. Emission of smoke, odors, toxic matter, sulfur dust and particulate matter shall comply with the State Air Pollution Control Boards Regulations for the Control and Abatement of Air Pollution.
7. Storage, utilization, or manufacture of materials or products, which decompose by detonation, is limited to five (5) pounds. Quantities in excess of five (5) pounds of such materials may be stored or utilized only with the written permission of the building inspector and subject to such conditions, as he may deem necessary.
8. Storage, utilization, or manufacture of solid materials which are active or intense-burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected by an automatic fire extinguishing system.
9. The storage, utilization, or manufacture of flammable liquids or gases, which produce flammable or explosive vapors, shall be permitted only in accord with the requirements and specifications of the state fire code.
10. The Zoning Administrator shall act on any application for a permitted use received within twenty (20) days after receiving such application. If formal notice in writing is given to the applicant, the time for action may be extended for a twenty (20) day period. Failure on the part of the administrator to act on said application within the established time limit shall be deemed to constitute approval of such application.

**SECTION 11 – ~~Special Provisions Applicable to Lots of 10 Acres or Less in Rural Preservation (RP) District~~**  
 Repealed 11/27/01

**SECTION 12 – Special Provisions Applicable to Residential (R-3) District**  
 (Amended 10/24/95)

1. A Residential (R-3) District shall contain a minimum of twenty (20) acres suitable for use as manufactured home sites.
2. Subdivision of land within the R-3 District shall be subject to Planning Commission review and approval in accordance with the Subdivision Ordinance of Caroline County.
3. A preliminary sketch of the proposed manufactured home subdivision shall be submitted along with the application for rezoning.
4. A fifty (50) foot width of area shall be maintained on all sides of a manufactured home subdivision, and naturally occurring vegetation shall be maintained within that 50 foot area to serve as a buffer between the manufactured home subdivision and surrounding land uses.
5. All manufactured homes within a manufactured home subdivision shall have the space between the ground and the bottom of the manufactured home covered by an appropriate skirting material approved by the County Building Official.
6. All manufactured homes within a manufactured home subdivision shall bear an appropriate H.U.D. label, which shall be permanently attached to the outside of the manufactured home.

**SECTION 13 – Repealed (September 26, 1995)**

**SECTION 14 – Site Plan Requirements**  
 (Amended 10/24/95)

For the purpose of assuring good arrangement, appearance, function, harmony with surroundings and adjacent uses, the objectives of the Comprehensive Plan, and compliance with the requirements of the

Zoning Ordinance regulations, site plans for the following major uses shall be submitted and reviewed by the Planning Department and Planning Commission, as required:

1. Special Exceptions, except Temporary Placement of a manufactured home.
2. Planned Unit Developments.
3. Manufactured Home Parks.
4. All Commercial and Industrial Developments.
5. All Multi-family Developments.
6. Churches, temples and synagogues, where the total floor area of such use on a single parcel of land are in excess of five thousand (5,000) square feet.

Every site plan shall show the following information and location of land uses where necessary and applicable.

1. The proposed title of the project and the name, address and telephone number of the engineer, architect, land surveyor or landscape architect preparing the site plan.
2. Land Use.
3. Open space areas, recreation areas and buffer areas.
4. Boundary of the entire tract by courses and distances with a linear precision closure of one (1) foot in ten thousand (10,000) feet.
5. Area and present zoning of tract. If more than one zoning district, the area of each zoning district.
6. Tax map and parcel number(s)
7. Names and address of the owner or owners of record of the tract and the applicant.
8. Owner, present use and zoning of all contiguous or abutting property except where the property is a subdivision, then the name of the subdivision.
9. Date, scale, north point, and number of sheets. Scale shall be as follows:
  - a. For projects containing more than two hundred (200) acres, not more than two hundred (200) feet to one (1) inch.
  - b. For projects containing fifty (50) to two hundred (200) acres, not more than one hundred (100) feet to one (1) inch.
  - c. For projects containing more than ten (10) acres but less than fifty (50) acres, not more than fifty (50) feet to one (1) inch.
  - d. For projects containing ten (10) acres or less, not more than thirty (30) feet to one (1) inch.
10. Vicinity map, at a scale of 1" = 2,000 feet.
11. All building restriction lines, utility easements, covenants, reservations and right-of ways.
12. Existing topography with a maximum of two (2) foot contour intervals within one hundred (100) feet of all buildings and a maximum of five (5) foot contour intervals on the remainder of the tract.
13. Limits of any established one hundred (100) year floodplains.
14. The location, dimension, size and height of the following when proposed:

- a. Sidewalks, streets, alleys and easements.
- b. Buildings and structures to include:
  - (1) Distance between buildings.
  - (2) Number of stories.
  - (3) Area in square feet of each floor.
  - (4) Number of dwelling units or guest rooms.
  - (5) Structures above the building height limit.
- c. Driveways, entrances, exits, parking areas and loading spaces to include:
  - (1) Number, size and location of parking spaces.
  - (2) Number, size and location of loading spaces.
- d. Public sanitary sewer system.
- e. Public water mains and fire hydrants.
- f. Gas, power and telephone lines, utility company owned or operated.
- g. Slopes, terraces, retaining walls, fencing and screening within the required yards.
- h. Plans for collecting and depositing stormwater in accordance with the requirements of the County's Erosion and Sediment Control Plan and method of treatment of natural and artificial water courses, including a delineation of proposed limits of floodplains, if any, as created or enlarged by the proposed development.
- i. Finish grading with a maximum of two (2) foot contour intervals within one hundred (100) feet of all building, and a maximum of five (5) foot contour intervals on the remainder of the property.
- j. Outdoor lighting within the required yards.

15. Number of plans submitted for review and signature.

- a. The number of sets of plans and plats submitted for preliminary review shall be sixteen (16).
- b. The number of sets of plans submitted for final approval shall be four.

16. A copy of the accepted proffered conditions, special use permit conditions, if any, and any waiver or variances granted must be reproduced on a plan sheet.

17. Wetlands Delineation

The location of any identified wetlands, as determined based on field delineation or other methods as approved by the Director. Where any wetlands are proposed to be disturbed, a copy of all required State and Federal permits shall be submitted or a letter from the appropriate agency stating no permits are required.

18. Chesapeake Bay Preservation Areas.

The location of any Chesapeake Bay Preservation Areas shall be shown on the site plan as determined by field delineation or where approved by the Director, as determined by the Caroline County Chesapeake Bay Overlay District Maps.

19. Initial Submission:

The preliminary plan is tentatively scheduled for the Technical Review Committee meeting within fifteen (15) business days of acceptance or the nearest scheduled Technical Review Committee meeting date. Comments will be provided at the Technical Review Committee meeting prior to the meeting by the various review agencies.

Upon receipt of the comments from the review agencies (either in writing or verbally), and within 15 business days following the Technical Review Committee meeting; a summary letter outlining any preliminary plan requirements not met, and other comments made or issues raised is sent to the applicant's engineer.

Resubmission: The applicant's engineer has sixty (60) days to submit revised plans, which incorporate ordinance requirements.

The processing of revised plans will follow the same procedure as the initial submission.

20. At the time of submission of any application for site plan approval, a check for the site plan shall be rendered payable to the Caroline County Treasurer. The fee for site plan approval shall be in the amount set forth in the fee schedule adopted separately by the Caroline County Board of Supervisors.

(Amended 10/28/97)

**SECTION 15 – Highway Corridor Overlay District**

**15.1 Purpose and Intent**

The purpose of this district is to protect and promote the public health, safety and general welfare by preventing or reducing traffic congestion and/or changes in the public streets; maintaining the function of arterial highways, primary highways, and secondary collector roads to encourage the most desirable development and use of land in accordance with the Comprehensive Plan, to improve pedestrian and vehicular circulation, to encourage architectural designs which result in functional and attractive relationships between buildings, the street system and the surrounding areas.

**15.2 District Boundaries**

1. The Highway Corridor District boundaries shall be as follows:
  - a. State Route 207 from its intersection with U.S. Route 1 to the corporate limits of the Town of Bowling Green.
  - b. U.S. Route 1 from its intersection with the Spotsylvania County Boundary Line to intersection of the Hanover County Boundary Line.
  - c. U.S. Route 301 north from the Corporate limits of the Town of Bowling Green to the boundary of Fort A.P. Hill Military Reservation.
  - d. U.S. Route 301 north from the boundary of the Fort A.P. Hill Military Reservation to the corporate limits of the Town of Port Royal.
  - e. U.S. Routes 301 and 2 south from the corporate limits of the Town of Bowling Green to its intersection with the Hanover boundary line.
  - f. U.S. Route 17 from the Spotsylvania County boundary line to the Essex County boundary line.
  - g. State Route 30 from the Hanover County boundary line to the King William boundary line.
  - h. State Route 639 from the intersection of Land 'Or Drive to the intersection of State Route 633.
  - i. State Route 2 from the intersection of U.S. Route 17 to the corporate limits of the Town of Bowling Green.

2. In lieu of the metes and bounds description, the District boundaries shall be described by fixing the point of beginning to the centerline of the highway and the point of ending to be One thousand (1000) feet on either side of the centerline. Where the highway is four lanes the district boundary shall be one thousand (1000) feet from the centerline of the nearest two lanes.

### **15.3 Establishment of Districts**

The Highway Corridor Overlay District shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in whole or part in a Highway Corridor Overlay District shall also lie within one or more of the other zoning districts provided for by this ordinance. The effect shall be the creation of new zoning districts consisting of the regulations and requirements of both the underlying district(s) and the Highway Corridor Overlay District.

### **15.4 Administration**

The administration of this section shall be through Article XV, Section 14, Site Plan Requirements and through sections of the Subdivision Ordinance.

### **15.5 Permitted Uses**

All uses permitted by right or by special exception/use in the underlying zoning district(s).

### **15.6 Lot Area and Other dimensional Requirements** (Repealed & Replaced 09/26/06)

#### **a. Setbacks & Landscaping**

1. The minimum setback for all principal non-residential structures located within a primary or secondary growth area shall be twenty (20) foot from the edge of the Ultimate VDOT right-of-way as designated in the Comprehensive Plan for the initial structure(s) constructed as part of a project. Subsequent structures may be located beyond the twenty (20) foot minimal setback.
2. The maximum setback for all principal non-residential structures located within a primary or secondary growth area shall be fifty (50) feet from the edge of the Ultimate VDOT right-of-way as designated in the Comprehensive Plan for the initial structure(s) constructed as part of a project. Subsequent structures may be located beyond the fifty (50) maximum setback.
3. Pre-existing structures which do not meet the setback requirements set forth in Sections 1 and 2 above may have additions, alternations, and expanded use and re-use provided that all other aspects of the HCOD regulations are applicable.
4. For all non-residential developments and major subdivisions that contain roads constructed to Virginia Department of Transportation (VDOT) standards and which lie within the boundaries of the HCOD, full frontage improvements shall be required. Full frontage improvements includes but is not limited to the following:
  - i. Curb and gutter along the state highway and within the development.
  - ii. Sidewalks and/or a pedestrian access system along the state highway and within the development.
  - iii. Acceleration and deceleration lanes for the full frontage of the parcel
  - iv. A single entrance drive from the existing state highway
  - v. Retention pond(s).
  - vi. Entrance features such as but not limited to architectural walls which include the name of the development, decorative fencing, and landscaped beds.
5. If overhead transmission and/or aerial utility lines have to be relocated they shall be placed underground and/or relocated outside of VDOT's Ultimate right-of-way as depicted in the County Comprehensive Plan and the required front setback.

6. All utility lines within a development shall be placed underground as part of the construction process.
7. A sidewalk or similar pedestrian access way shall be located within the required twenty (20) to fifty (50) foot setback. The pedestrian access way shall be at least ten (10) feet from the nearest travel lane of the adjoining primary highway.
8. Landscaping the required setback shall be required as follows;
  - i. A minimum three (3) foot high undulating berm.
  - ii. A minimum of 1, native species of deciduous tree shall be required every fifty (50) lineal feet of street frontage.
  - iii. At time of planting the native deciduous tree shall have a minimum caliper of 2.5 inches at breast height.
  - iv. A minimum of 1, native evergreen tree for each fifty (50) lineal feet of street frontage.
  - v. At time of planting the native evergreen tree shall have a minimum height of 6 (six) feet.
  - vi. At least 1 medium shrub for each twenty (20) lineal feet of street frontage with small shrubs and ground cover reasonably dispersed throughout.
  - vii. At time of site plan signed developers agreement shall be submitted which ensures the perpetual care and maintenance of landscaped areas.
  - viii. Additional landscaping shall be provided per Article XV, Section 15.7 paragraph 8.
9. Permitted uses within the required setback shall include the following;
  - i. Pedestrian access ways (sidewalks, trails, etc.)
  - ii. Landscaping as required
  - iii. A single monument sign constructed on a brick or masonry base not exceeding eight (8) feet in height and thirty-two (32) square feet in area,
  - iv. A single entrance drive from the existing state highway
  - v. Retention pond(s).
    1. Wet ponds shall be required unless impracticable and shall be designed to be an amenity within the project by using fountains or other features to improve the appearance of the facility.
    2. If a Retention pond is located within a residential development or within one-hundred (100) feet of a dwelling unit, school, child care center, playground, shopping center, library, hospital, public institution, or pedestrian accessway or similar feature it shall have security fencing consisting of tubular steel and/or aluminum with a minimum height of four (4) feet surrounding the pond.
    3. Retention ponds shall be designed to reflect a naturally occurring water body with a curvilinear shape and designed to be an amenity within the development utilizing fountains and other decorative effects.
10. All fencing shall be tubular steel or aluminum, uniformly painted or stained board on board fencing, vinyl fencing, and a masonry wall constructed of materials which match the exterior of the principal building. (No chain link fencing or razor/barbed wire are permitted).
  - i. All parcels shall be permitted a single entrance drive into the property. Whenever feasible adjoining parcels shall utilize shared entrance drive.
  - ii. All non-residential accessory structures shall be placed in the rear yards with a minimum rear setback of five (5) feet and a minimum side back of five (5) feet.
11. When the development proposal is not within a primary or secondary growth area the minimal setback for all structures shall be as follows: sixty-five (65) feet from the centerline

of the highway, or where it is a four lane highway, from the centerline of the nearest two lanes unless a greater setback is required by the underlying zoning district.

- (1) The sixty-five (65) foot setback shall be exclusive of the Ultimate VDOT right-of-way as designated in the Comprehensive Plan and any public or private utility easements.
- (2) When forested, the sixty-five (65) foot setback shall be preserved in its natural state in perpetuity.
- (3) Up-limbing of the existing trees twelve (12) feet from the existing grade is permitted.
- (4) In locations where the land is not forested, the sixty-five (65) foot setback shall be landscaped with native species randomly located within the setback.
- (5) There shall be a 50% mixture of deciduous and evergreen plantings within the sixty-five (65) foot setback when additional landscaping is required.
- (6) Deciduous plantings shall have a minimum caliper at breast height of 2.5 inches at time of planting.
- (7) Evergreen plantings shall have a minimum height of six (6) feet at time of planting.
- (8) Permitted uses within the setback shall include the following:
  - i. Pedestrian access ways along the state highway and within the project.
  - ii. Landscaping as required above.
  - iii. A single non-illuminated, monument sign constructed on a brick or masonry base not exceeding eight (8) feet in height and thirty-two (32) square feet in area
  - iv. A single entrance drive from the existing state highway
  - v. Retention pond(s).
    1. If a Retention pond is located within a residential development or within one-hundred (100) feet of a dwelling unit, school, child care center, playground, shopping center, library, hospital, public institution, or pedestrian accessway or similar feature it shall have security fencing consisting of tubular steel or aluminum with a minimum height of four (4) feet surrounding the pond.
    2. Retention ponds shall be designed to reflect a naturally occurring water body with a curvilinear shape and designed to be an amenity within the development utilizing fountains and other decorative effects.

## 15.7 Design Requirements

All uses shall be subject to the limitations and development standards set forth in the underlying zoning district(s) and shall be subject to the following limitations:

1. Such uses shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access via the following means may be given favorable consideration:
  - a. By the provision of shared entrances, inter-parcel travel-ways or on-site service drives connecting adjacent properties.
  - b. By access from a public highway other than that on which the property is fronted.
  - c. By the internal streets of a commercial, office, or industrial complex.
  - d. One point of access shall be permitted for every 425 feet up to 850 feet. One additional entrance or road may be permitted for each additional 1,250 feet if approved by the Planning Commission. The Planning Commission may modify this requirement if it finds that it best accomplishes the purposes of Section 15.1.

Existing parcels of land shall not be denied access to a public highway if no reasonable joint or cooperative access is possible, at the time of development.

2. Pedestrian circulation shall be provided for and coordinated with that generated from or using adjacent properties.
3. All outside storage or display of goods shall generally be wholly screened from view of all public streets, except as allowed by a special exception permit. All storage areas shall be located to the rear of the structure.
4. Motor vehicle sales lots shall be landscaped or otherwise developed in a manner which lessens the visual impact of the facility from view of all public streets.
5. No parking, storage, or display of goods shall be permitted in the required setback.
  - a. In primary and secondary growth areas all parking areas shall be located to the interior or rear of the non-residential structures. See Figures 5.7.5-2 and 15.7.5-3.
  - b. In primary and secondary growth areas all non-residential developments shall be designed to have an internal focus with a dual front elevation (one focused inwards towards the parking area and one oriented towards the highway).
  - c. All loading bays shall be completely screened from view with landscaped berms and/or durable architectural walls to match the building. See Figure 15.7.5-4.  
(Repealed & Replaced 05/25/04)
6. No clear cutting of trees shall be permitted in the required front setback of any commercial or industrial development or major subdivision. Selective thinning of trees may be permitted to allow reasonable sight lines. Dead, dying or diseased trees and underbrush may be removed. The Planning Commission may require additional landscaping to offset the selective removal of trees for sight lines.
7. Parking areas shall be landscaped both externally and internally.
8. A landscape plan shall be required with any site plan for commercial or industrial developments or major subdivision plat.
9. All lighting shall be shielded and directed downward so that the light source is shielded from direct view from any adjoining residential or agricultural parcel and public right-of-ways. All exterior lighting shall be arranged and installed so that direct or reflective illumination does not exceed 0.5-foot candles above background levels, measured at the lot line. The measured height of all light poles shall not exceed thirty-five (35) feet.
10. All utility lines shall be underground.

**SECTION 16 – Special Provisions Applicable to Major Home Occupations**  
(Amended 10/28/97)

16.1 The standards for major home occupations are intended to insure compatibility with other permitted uses and with the character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the main building as the criteria for determining whether a proposed accessory use qualifies as a major home occupation.

16.2 The following regulations shall apply to any major home occupation:

- a. Such occupation may be conducted either within the dwelling or an accessory structure, or both, provided the total area devoted to the home occupation shall not exceed thirty-five (35) percent of the gross floor area of the dwelling unit or two thousand (2,000) square feet, whichever is less.

- b. There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign in accordance with Article XIV, Section 2 of this ordinance. Accessory structures shall be similar in façade to a single-family dwelling; private garage, shed, barn or other structures normally expected in a rural area and shall be specifically compatible in design and scale with other development in the area in which it is located. Any accessory structure, which does not conform to the setback and yard regulations for main structures in the RP district, shall not be used for any home occupation.
- c. No traffic shall be generated by such major home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such major home occupation shall be met off the street and other than in a required front yard.
- d. A site plan in accordance with Article XV, Section 14 shall be submitted with the application for a Special Exception Permit.
- e. Tourist lodging, Bed and Breakfast, nursing home, nursery schools, and private schools shall not be deemed a major home occupation.
- f. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average agricultural operation under normal circumstances wherein no major home occupation exists.
- g. No storage or display of materials, goods, supplies, or equipment related to the operation of a major home occupation shall be visible from the outside of any structure located on the premises.

#### 16.3 Special Application Required

Application for a major home occupation shall be made on a form provided by the Planning Department, which shall include a full description of the proposed occupation. This application shall be in addition to the application for a Special Exception Permit.

#### 16.4 Time Limit

- a. The initial time limit shall not exceed one (1) year.
- b. Requests for a renewal shall be submitted to the Planning Department in writing, at least ninety (90) days prior to the expiration. The fee for renewal of a major home occupation shall be in the amount set forth in the fee schedule adopted separately by the Caroline County Board of Supervisors.
- c. Renewals can be granted for two (2) year increments.
- d. The request shall be reviewed and an inspection made of the property by the planning staff to verify continued compliance with the necessary criteria and conditions established with the initial approval. A report of the inspection shall be forwarded to the Planning Commission and Board of Supervisors for their consideration in reviewing the request for renewal.

#### 16.5 Voiding a Permit

The Board of Supervisors may void any Major Home Occupation for noncompliance with the conditions set forth in approving the permit.

### **SECTION 17 – Chesapeake Bay Preservation Area Overlay District** (Adopted May 12, 1992; Repealed & replaced 12/09/03)

#### 17.1 Purpose and Intent

A. This Section is adopted to protect and promote the public health, safety and welfare by implementing the requirements of Sections 10.1-2100 et seq. and Section 15.2-2283 of the Code of Virginia and the

Chesapeake Bay Preservation Areas and Management Regulations, VAC 10-20-10, et seq., adopted by the Chesapeake Bay Local Assistance Board and further to:

1. protect existing high quality state waters;
2. restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them;
3. safeguard the clean waters of the Commonwealth from pollution;
4. prevent any increase in pollution;
5. reduce existing pollution; and
6. promote water resource conservation.

B. This Section establishes the criteria to be used by Caroline County, Virginia, in granting, denying, or modifying requests to use, develop or subdivide land in designated Chesapeake Bay Preservation Areas. In preservation areas, these criteria shall be applied in addition to the requirements of the erosion and sediment control, zoning and subdivision requirements of the Code of Caroline County.

C. This Section is enacted under the authority of Code of Virginia, Sec. 10.1-2100, et seq., 1950, as amended.

## 17.2 Definitions

The following words and terms used in this Section have the following meanings, unless the context clearly indicates otherwise.

“Act” means the Chesapeake Bay Preservation Act, Code of Virginia, sec. 10.1-2100, et seq., 1950, as amended.

“Agricultural lands” means those lands that are currently, (i.e., natural or native vegetation has been removed,) used and managed primarily for the commercial planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock and consists of a minimum of five acres. Pasture used as an accessory use to a residential use shall not be considered bonifide agriculture land.

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

“Board” means the Board of Supervisors of Caroline County, Virginia.

“Buffer area” means an area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

“CBLAD” means the Chesapeake Bay Local Assistance Department.

“Chesapeake Bay Preservation Area (CBPA)” means any land designated by the Board pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20-10 et seq., and Section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

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

“County” means Caroline County, Virginia.

“Development” means the construction, or substantial alteration of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

“Diameter at breast height (DBH)” means the diameter of a tree measured outside the bark at a point 4.5 feet above the ground.

“Director” means the Director of Planning and Community Development and/or his designee.

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

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

“Health Department” means the Virginia Department of Health.

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

“Highly permeable soils” means soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups “rapid” and “very rapid”) as found in the “National Soil Survey Handbook” of November 1996 in the “Field Office Technical Guide” of the U.S. Department of Agriculture National Resources Conservation Service.

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

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

“Lot coverage” means the impervious area of any lot or parcel including, but not limited to buildings, drives, parking areas, sidewalks, patios, decks, etc.

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

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

“Nonvegetated Wetland” means unvegetated lands lying contiguous to mean low water and between mean low water and mean high water, subject to flooding by normal wind tides but not hurricane or tropical storm tides.

“Noxious Weeds” means weeds such as Johnson Grass, Kudzu, and multiflora rose.

“Perennial stream” means a water body with water flowing in a natural or man-made channel year-round, except during periods of drought. The term “water bodies” includes estuaries and tidal embankments and may include drainage ditches or channels constructed in wetlands or from former natural drainageways, which convey perennial flow. Lakes and ponds that are the source of a perennial stream, or through which a perennial stream flows are part of a perennial stream. Generally, the water table is located above the streambed for most of the year and groundwater is the primary source for stream flow.

“Planning Department” means the Caroline County Department of Planning and Community Development.

“Plan of Development” means the process for site plan or subdivision plat review as required to ensure compliance with Code of Virginia, Section 10.1-2109 and this Article, prior to any clearing and grading of a site and the issuance of a building permit.

“Public Road” means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, (VDOT), including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (§ 10.1-603.1 et seq. of the Code of Virginia). This definition includes those roads where the VDOT exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed and maintained, or both, by Caroline County in accordance with County standards. Public Roads do not include roads designed and/or constructed by a private developer using VDOT standards.

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

“Regulations” means the Chesapeake Bay Preservation Area Designation and Management Regulations, VAC 10-20-10, et seq, promulgated by the Chesapeake Bay Local Assistance Board, as amended.

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

“Resource Protection Area (RPA)” means that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

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

“Substantial alteration” means expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.

"Tidal shore" or "shore" means land contiguous to a tidal body of water between the mean low water level and the mean high water level.

"Tidal wetlands" means vegetated and nonvegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia.

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

"Vegetated wetlands" means lands lying between and contiguous to mean low water and an elevation above mean lower water equal to the factor one and one-half times the mean tide range at the site of the proposed project in the County, and upon which is growing any of the following species: saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), saltgrass (*Distichlis spicata*), black needlerush (*Juncus roemerianus*), saltwort (*Salicornia* spp.), sea lavender (*Limonium* spp.), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax myrtle (*Myrica* sp.), sea oxeye (*Borrchia frutescens*), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cutgrass (*Leersia oryzoides*), wildrice (*Zizania aquatica*), bulrush (*Scirpus validus*), spikerush (*Eleocharis* sp.), sea rocket (*Cakile edentula*), southern wildrice (*Zizaniopsis miliacea*), cattail (*Typha* spp.), three square (*Scirpus* spp.), buttonbush (*Cephalanthus occidentalis*), bald cypress (*Taxodium distichum*), black gum (*Nyssa sylvatica*), tupelo (*Nyssa aquatica*), dock (*Rumex* spp.), yellow pond lily (*Nuphar* sp.), mards fleabane (*Pluchea purpurascens*), royal fern (*Osmunda regalis*), marsh hibiscus (*Hibiscus moscheutos*), beggar's tick (*Bidens* sp.), smartweed (*Polygonum* sp.), arrow head (*Sagittaria* spp.), sweet flag (*Acorus calamus*), water hemp (*Amaranthus cannabinus*), reed grass (*Phragmites communis*), or switch grass (*Panicum virgatum*).

"Water-dependent facility" means a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or other marine resources facilities.

"Wetlands" includes tidal and nontidal wetlands, vegetated and nonvegetated wetlands.

### 17.3 Applicability

The CBPA Overlay District shall apply to all lands identified and designated as CBPAs by the Board and as generally shown on the CBPA Map. The CBPA Map, together with all explanatory matter thereon, is hereby adopted by reference and included as a part of this section. The CBPA shows only the general location of CBPAs, it should be consulted by persons contemplating activities within the County prior to engaging in a regulated activity. It is not the intent of this Section to require that all lands within the County be designated as CBPA areas. The extent of the RMA designation is intended to be based upon the prevalence and relation of the RMA land types and other appropriate land areas to water protection.

### 17.4 Designation of Resource Protection Areas (RPA).

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

- (1) RPAs shall include:
  - (a) Tidal wetlands;
  - (b) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;

- (c) Tidal shores;
- (d) Such other land considered by the Board to meet the provisions of this subsection and to be necessary to protect the quality of state waters.
- (e) A 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsections (a) through (d) above, and along both sides of any water body with perennial flow. The full buffer areas shall be designated as the landward component of the RPA notwithstanding the presence of permitted uses, encroachments, and permitted vegetation clearing compliance with subsection 17.9.F.

**B. Delineation of RPA Boundaries:** The site specific boundaries of the RPA shall be designated by the applicant or the County through the performance of a site-specific environmental assessment. Designation of the components listed in part A(1) of this subsection shall be subject to approval by the Director and conducted in accordance with subsection 17.11 of this Section or subsection 17.10.

(1) Delineation by the Applicant

The site-specific boundaries of the RPA shall be determined by the applicant through the performance of an environmental site assessment, subject to approval by the Director, and in accordance with subsection 17.11 or Section 17.10 of this Section. The CBPA Map may be used as a guide to the general location of RPA's.

(2) Delineation by the Planning Department

When requested by an applicant constructing a single family dwelling, the Director may perform delineation. The Director may use an approved site-specific method or the Director may waive this requirement, under subsection 17.11, if no potential RPA features are identified using all available local information. Local information may include all of the following deemed applicable: topographic maps, soil surveys, other applicable mapping, drainage area calculations and on site indicators including hydrology, soils, plant species and other stream/wetland indicators.

(3) Conflicts

Where the applicant has provided a site-specific delineation of the RPA, the Director shall verify the accuracy of the boundary delineation. In determining the site-specific RPA boundary, the Director may render adjustments to the applicant's boundary delineation, in accordance with subsection 17.11 of this Section. In the event the adjusted boundary is contested by the applicant, the applicant may seek relief, in accordance with the provision of subsection 17.11.I

**17.5 The Resource Management Area (RMA).**

A. Resource Management Areas shall include land types that, if improperly used or developed, have potential for causing significant water quality degradation or for diminishing the functional value of the RPA. An RMA shall be provided contiguous to the entire inland boundary of the RPA.

(1) The RMA's includes:

- (a) Floodplains;
- (b) Highly erodible soils;
- (c) Highly permeable soils;
- (d) Steep slopes in excess of 15%;
- (e) Nontidal wetlands, not included under the RPA designation;
- (f) Other lands designated by the Board to protect the quality of state waters, including but not limited to an area three hundred (300) feet in width contiguous to and landward of an RPA.

(2) Resource Management Areas shall encompass a land area large enough to provide significant water quality protection through the employment of the criteria in subsection 17.8.B, and the County's Comprehensive Plan.

B. If the boundaries of a RMA include only a portion of a lot, tract, parcel of land, or development project, the entire lot, parcel or development project shall be deemed to be in the RMA.

### 17.6 Uses

Permitted uses, special exception permit uses, accessory uses and special regulations shall be as established by the underlying zoning district, unless specifically modified by the requirements of this Section.

### 17.7 Lot Sizes

Lot sizes shall be subject to the requirements of the underlying zoning district(s), except that any lot shall have sufficient area outside the RPA to accommodate the proposed development, in accordance with the performance standards in subsection 17.8.B, when the proposed development is not otherwise allowed in the RPA.

### 17.8 Performance Standards for Chesapeake Bay Preservation Areas.

#### A. Purpose and Intent.

- (1) The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions without the use of harmful fertilizers or pesticides, filters stormwater runoff. Keeping impervious cover to a minimum enhances rainwater infiltration and effectively reduces stormwater runoff potential.
- (2) It is the further intent of these requirements to implement the following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a 10% reduction in nonpoint source pollution from redevelopment; and achieve 40% reduction in nonpoint source pollution from agricultural uses.

#### B. General Performance Standards for Development and Redevelopment.

- (1) Land disturbance shall be limited to the area necessary to provide for the proposed use or development.
  - (a) In accordance with an approved site plan or subdivision plat, the limits of land disturbance, including clearing or grading shall be strictly defined by the construction footprint. The Director shall review and approve the construction footprint through the plan of development process. These limits shall be clearly shown on submitted plans and physically marked on the development site.
  - (b) The construction footprint shall not exceed the limits for such as designated by the zoning district of the lot or parcel.
  - (c) Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Director.
- (2) Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use or development proposed and in accordance with the Virginia Erosion and Sediment Control Handbook.
  - (a) Existing trees over two (2) inches diameter at breast height (DBH) shall be preserved outside the approved construction footprint. Diseased trees or trees weakened by age, storm, fire, or other injury may be removed when approved by the Planning Department. Other woody vegetation on site shall also be preserved outside the approved construction footprint.
  - (b) Existing trees over six (6) inches diameter at breast height (DBH) shall be preserved within the construction footprint to the greatest extent possible.

- (c) Site clearing for construction activities shall be allowed as approved by the Director through the plan of development review process outlined under subsection 17.11 of this Section.
  - (d) Prior to clearing, grading and/or filling, any tree(s) to be preserved shall be identified and protected from construction activities. Suitable protective barriers like safety fencing, shall be erected five (5) feet outside the dripline of any tree or stand of trees to be preserved. Erected protective barriers shall remain throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within protected areas.
- (3) Land development shall minimize impervious cover consistent with the proposed use or development.
- (a) Grid and modular pavements or pervious pavement shall be used for any required parking area, alley, or other low traffic driveway, unless otherwise approved by the Director.
  - (b) Parking space size shall be 162 square feet. Parking space width shall be nine (9) feet; parking space length shall be eighteen (18) feet. Two-way drives shall be a minimum of twenty-two (22) feet.
  - (c) Impervious coverage on any lot or parcel shall be limited to the lot coverage permitted under the zoning district requirements of said lot or parcel as noted on the approved plan of development or site plan.
- (4) Where the best management practices utilized require regular or periodic maintenance in order to continue their functions, a maintenance agreement from the owner or developer will be required by the County.
- (5) Notwithstanding any other provisions of this Section or exceptions or exemptions thereto, any land disturbing activity that exceeds 2,500 square feet, including construction of all single-family houses, shall comply with the requirements of Chapter 45 of the Caroline County Code.
- (6) All development and redevelopment within CBPAs exceeding 2,500 square feet of land disturbance shall be subject to a plan of development process, including a Water Quality Impact Assessment in accordance with subsection 17.10 of this Section and site plan approval in accordance with Article 15, Section 14 or subdivision plat approval in accordance with the Caroline County Subdivision Ordinance.
- (7) All on-site sewage disposal systems not requiring a VPDES permit shall be
- (a) pumped out at least once every five years, as provided in Chapter 92 of the Caroline County Code.
  - (b) For new construction, a reserve sewage disposal site with an equivalent capacity at least equal to that of the primary sewage disposal site shall be provided, in accordance with Chapter 92 of the Caroline County Code. This requirement shall not apply to any parcel recorded prior to October 1, 1989, if the parcel does not have sufficient area to accommodate a reserve sewage disposal site, as determined by the local Health Department. Building and/or construction of impervious surfaces shall be prohibited on the area of all sewage disposal sites until the structure is served by public sewer or an on-site sewer treatment system that operates under a permit issued by the State Water Control Board.
- (8) For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (4VAC 3-20-10, et seq.).
- (a) For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load; based on the calculated average land cover condition of the County.

- (b) For sites within Intensely Developed Areas, or other isolated redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent (10%). The Director may waive or modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provision are satisfied:
  - 1. In no case may the post-development non-point source pollution runoff load exceed the pre-development load;
  - 2. Runoff pollution loads must have been calculated and the BMPs selected for the express purpose of controlling nonpoint source pollution and
  - 3. Where structural best management practices are already in place evidence shall be provided that facilities are currently in good working order and performing at the design levels or service. The Director may require the review of the original structural design and maintenance plan to verify this provision and a new maintenance agreement may be required to assure compliance with this subsection.
- (9) Prior to initiating any grading or other on-site land disturbing activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Director, in accordance with subsection 17.11 of this Section.
- (10) Land used for bona fide agricultural activities shall have a soil and water quality conservation plan approved by the local Soil and Water Conservation District. The plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this Ordinance.

**17.9 Additional Development Criteria for Resource Protection Areas.**

In addition to the general performance criteria set forth in subsection 17.8, of this Section, the following criteria shall also be required in all Resource Protection Areas.

A. Land development may be allowed in the Resource Protection Area, subject to approval by the Director, only if it meets one or more of the following criteria:

- (1) The development is water dependent;
- (2) The development constitutes redevelopment;
- (3) The development constitutes development or redevelopment within a designated Intensity Developed area;
- (4) The development is a road or driveway crossing satisfying the conditions set forth in subsection 17.9.D of this Section or;
- (5) The development is a new use subject to the provisions of subsection 17.9.B of this Section.

B. A new or expanded water dependent facility may be allowed provided that the following criteria are met:

- (1) It does not conflict with the comprehensive plan;
- (2) It complies with the development criteria set forth in subsection 17.8.
- (3) Any component that is not water-dependent is located outside of RPAs and;
- (4) Access to the water-dependent facility will be provided with the minimum disturbance necessary, and where practicable, a single point of access will be provided.

C. Redevelopment on isolated redevelopment sites shall be permitted in the Resource Protection Area only if there is no increase in the amount of impervious cover and no further encroachment within the RPA, and it shall conform to all applicable erosion and sediment control and stormwater management requirements set for the in the Caroline County Code, and with all applicable stormwater management requirements of other state and federal agencies. Redevelopment efforts should include the establishment of buffers and other water quality measures to improve water quality whenever possible.

D. Roads and driveways not exempt under subsection 17.13 and which, therefore, must comply with the provisions of this Section, may be constructed in or across RPAs if each of the following conditions are met:

- (1) The Director makes a finding that there are no reasonable alternatives to aligning the road or drive in or across the RPA;
- (2) The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize encroachment in the RPA and minimize adverse effects on water quality;
- (3) The design and construction of the road or driveway satisfy all applicable criteria of this Section and the Regulations including submission of a water quality impact assessment and;
- (4) The Director reviews the plan for the road or driveway proposed in or across the RPA in coordination with the plan of development requirements as required under subsection 17.11 or subdivision plan.

E. A water quality impact assessment as outlined in subsection 17.10 of this Section shall be required for any proposed land disturbance, development or redevelopment within Resource Protection Areas and for any other development within Resource Management Areas when required by the Director because of the unique characteristics of the site or intensity of development, in accordance with the performance standards in subsection 17.8 of this Section.

F. Buffer Area Requirements.

- (1) To minimize the adverse effects of human activities on the other components of RPAs, state waters and aquatic life, a 100-foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.

The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The full 100 foot buffer area shall be designated as the landward component of the RPA, in accordance with subsections 17.3, 17.4, and 17.11 of this Section. Notwithstanding permitted uses, encroachments, and vegetation clearing, as set forth in this subsection, the 100-foot buffer areas may not be reduced in width.

The 100-foot buffer area shall be deemed to achieve a 75 percent (75%) reduction of sediments and a 40 percent (40%) reduction of nutrients.

- (2) Permitted modifications to the buffer area:

- (a) In order to maintain the functional value of the buffer area, indigenous vegetation may be removed subject to approval by the Director only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices, including those that prevent the upland erosion and concentrated flows of stormwater, as follows:

1. Trees may be pruned or removed as necessary to provide the sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. The plant list as

found in the Chesapeake Bay Local Assistance Department's Riparian Buffers Modification & Mitigation Manual shall be used as a guide for choosing replacement vegetation, and a minor WQIA may be required to confirm the equivalency of replacement vegetation.

2. Any path shall be constructed and surfaced so as to effectively control erosion.
3. Dead, diseased, or dying trees or shrubbery, as determined in writing by a certified arborist or licensed landscape architect may be removed as permitted by the Director and noxious weeds (such as Johnson grass, kudzu and multiflora rose) may be removed and thinning of trees allowed as permitted by the Director.
4. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

(3) Permitted Encroachments into the buffer area.

(a) When the application of the buffer areas will result in the loss of a buildable area on a parcel recorded prior to October 1, 1989, the encroachments into the buffer area may be allowed by the Director, as set forth in subsection 17.11 and the following criteria:

1. Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
2. Where practical a vegetative area that will maximize water quality protection, mitigate the effects of the buffer encroachment and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and
3. The encroachment may not extend into the seaward 50 feet of the buffer area.

(b) On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and appropriate measures may be taken to prevent noxious weeds from invading the buffer area. Encroachments into the buffer may be allowed as follows:

1. Bona fide agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural best management practice, which, in the opinion of the Hanover/Caroline Soil and Water Conservation District, addresses the more predominant water quality issue on the adjacent land – erosion control or nutrient management – is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil test, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15-10 et seq.) administered by the Virginia Department of Conservation and Recreation.
2. Agricultural activities may encroach within the landward 75 feet of the 100-foot wide buffer area when agricultural best management practices which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T", as defined in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the

U. S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil test, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15-10 et seq.) administered by the Virginia Department of Conservation and Recreation. In conjunction with the remaining buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot wide buffer area.

3. The buffer area is not required to be designated adjacent to agricultural drainage ditches if the adjacent agricultural land has at least one best management practices in place in accordance with a conservation plan approved by the Hanover/Caroline Soil and Water Conservation District.
4. All agricultural BMPs and soil and water quality conservation plans shall be based on the Field Office Technical Guide of the U.S. Department of Agriculture - Soil Conservation Service.

- (c) When agricultural or silvicultural uses within the buffer area cease, and the lands are proposed to be converted back to other uses, the full 100-foot wide buffer area shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that assures the buffer functions are maintained or established.

#### 17.10 Water Quality Impact Assessment (WQIA)

A. Purpose and Intent. There shall be two levels of water quality impact assessments, a minor assessment and a major assessment.

- (1) The purpose of a WQIA is to:

- (a) identify the impacts of proposed land disturbance, development or redevelopment on water quality and lands within RPAs and other environmentally-sensitive lands;
- (b) ensure that, where land disturbance, development or redevelopment does take place within RPAs and other sensitive lands, it will occur on those portions of a site and in a manner that will be least disruptive to the natural functions of RPAs and other sensitive lands;
- (c) to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage,
- (d) provide for administrative relief from terms of this Section when warranted and in accordance with the requirements contained herein; and
- (e) specify mitigation which will address water quality protection.

- (2) Applicability

A water quality impact assessment shall be required:

- (a) for any proposed land disturbance, development or redevelopment activity within a Resource Protection Area;
- (b) any buffer modification or encroachment provided for in subsections 17.9.F;
- (c) for any other development in Resource Management Areas as deemed necessary by the Director due to the unique site characteristics or intensity of the proposed use or development. There shall be two levels of water quality impact assessments: a minor assessment and a major assessment.

#### B. Minor Water Quality Impact Assessments

- (1) A minor WQIA shall be required for land disturbance, development or redevelopment within a CBPA which causes no more than 5,000 square feet of land disturbance and/or which proposes to modify or encroach into the landward 50 feet of the 100 foot buffer area as permitted under subsection 17.9.F (2) and (3) of this Section. A minor assessment must

demonstrate that the undisturbed buffer area, enhanced vegetative plantings and any required best management practices will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff and that will retard runoff, prevent erosion, and filter nonpoint source pollution the equivalent of the full undisturbed 100-foot buffer area. A minor assessment shall include a site-drawing to scale, prepared by a licensed engineer or licensed surveyor, which shows the following:

- (a) Location of the components of the RPA, including the 100-foot buffer area and the location of any water body with perennial flow;
- (b) Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives or other impervious cover, and sewage disposal systems or reserve drainfield sites;
- (c) Type and location of proposed BMP's to mitigate the proposed encroachment.
- (d) Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification.
- (e) Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control.

### C. Major Water Quality Impact Assessments

Major water quality studies shall be required for any development which (i) exceeds 5,000 square feet of land disturbance within CBPAs and proposes to modify or encroach into the landward 50 feet of the 100-foot buffer area; (ii) proposes to disturb any portion of any component of an RPA or any portion of the buffer area within 50 feet of any other component of an RPA; or (iii) is located solely in an RMA and is deemed necessary by the Planning Department. The information required in this subsection shall be considered a minimum, unless the Director determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land.

(1) The following elements shall be included in a major WQIA:

(a) All information required in a minor water quality study, as specified in subsection 17.10.B.

(b) A hydrogeological analysis that includes:

1. A description of the existing topography, soils, hydrology, and geology of the site and adjacent lands and which includes:
  - a. the location of all slopes in excess of 15%;
  - b. the location and type of soils which are highly permeable or impermeable;
  - c. the location of highly erodible soils;
  - d. the depth to bedrock;
  - e. the depth to seasonal water table;
  - f. the identification of any soils which are unsuitable for development.
2. A description the impacts of the proposed development on the topography, soils, hydrology and geology on the site and adjacent land.
3. An indication of the following:
  - a. the disturbance or destruction of wetlands and justification for such action;
  - b. any disruptions or reductions in the supply of water to wetlands, streams, lakes, rivers or other water bodies;
  - c. any disruptions to existing hydrology including wetland and stream circulation patterns;
  - d. the source location and description of proposed fill material;

- e. the location of dredging and location of dumping area for such material;
  - f. an estimation of pre- and post-development pollutant loads in runoff;
  - g. an estimation of percent increase in impervious surface on site and type(s) of surfacing materials used;
  - h. the percentage of the site to be cleared;
  - i. the proposed phasing or construction schedule of the project;
  - j. a listing of all requisite permits from all applicable agencies necessary to develop project.
4. A description of the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include, but are not limited to:
- a. any additional proposed erosion and sediment controls requests beyond these normally required under subsection 17.11.F of this Section; these additional concepts may include minimizing the extent of the cleared area, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed areas, schedule and personnel for site inspection;
  - b. a proposed stormwater management system for nonpoint source quality or quantity control;
  - c. the creation of wetlands onsite or appropriate offsite location to replace those lost;
  - d. the minimization of cut and fill.

(c) A vegetative section that:

1. Identifies and delineates the location of all woody plant material on site, including all trees on site two (2) inches or greater diameter at breast height or, where there are groups of trees, said stands may be outlined.
2. Describes the impacts of the development or use that it will have on the existing vegetation including:
  - a. the general limits of clearing, based on all proposed improvements, including buildings, drives and utilities;
  - b. a clear delineation of all trees and the woody vegetation which will be removed;
  - c. a description of plant species to be disturbed or removed.
3. Describes the proposed mitigation measures, including:
  - a. a design plan and replanting schedule for trees and vegetation removed, including a list of proposed plants and trees to be used;
  - b. a demonstration that the re-vegetation plan that supplements the existing buffer vegetation in a manner that provide for pollutant removal, erosion and runoff control.
  - c. a demonstration that the design of the plan will preserve the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation.
  - d. a demonstration that indigenous plants are to be used to the greatest extent possible.

D. WQIA Submission and Review Requirements.

- (1) Five copies of all site drawings and other applicable information as required by Subsections 17.10.B and C, above, shall be submitted to the Director for review.

- (2) All information required in this subsection shall be certified as complete and accurate by a professional engineer or a certified land surveyor.
- (3) A minor WQIA shall be prepared and submitted by the Applicant and reviewed by the Director in conjunction with subsection 17.10.B of this Section.
- (4) A major WQIA shall be prepared and submitted by the Applicant and reviewed by the Director in conjunction with a request for a rezoning, special use permit, or in conjunction with the Plan of Development Process as set forth in subsection 17.11.
- (5) As part of any major WQIA submittal, the Director may request review by CBLAD or other appropriate agencies. Upon receipt of a major WQIA, the Director will determine if such review is warranted and may request CBLAD to review the study and respond with written comments. Any comments by CBLAD will be incorporated into the final review by the Director provided that such comments are provided by CBLAD within 30 days of the request.

#### E. Evaluation Procedure.

- (1) Upon the completed review of a minor WQIA, the Director will determine if any proposed modification or encroachment into to the buffer area is consistent with the provisions of this Section and make finding based upon the following criteria:
  - (a) The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
  - (b) Whether impervious surface is minimized;
  - (c) Whether proposed mitigation measures, including the revegetation plan and site design, result in minimal disturbance to all components of the RPA, including the 100-foot buffer area;
  - (d) Whether proposed mitigation measure will work to retain all buffer area functions: pollutant removal, erosion and runoff control;
  - (e) Whether proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
  - (f) Whether the development, as proposed, meets the purpose and intent of this Section;
  - (g) Whether the cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (2) Upon the completed review of a major WQIA, the Director shall determine if the proposed development is consistent with the purpose and intent of this Section and make a finding based upon the following criteria:
  - (a) Whether within any RPA, the proposed development is water-dependent or redevelopment;
  - (b) Whether the disturbance of wetlands will be minimized;
  - (c) Whether the development will not result in significant disruption of the hydrology of the site;
  - (d) Whether the development will not result in significant degradation to aquatic vegetation or life;
  - (e) Whether the development will not result in unnecessary destruction of plant materials on site;
  - (f) Whether proposed erosion and sediment control plans are adequate to achieve the reductions in runoff and prevent off-site sedimentation;
  - (g) Whether proposed stormwater management plans are adequate to control the stormwater runoff to achieve "no net increase" in pollutant loadups;
  - (h) Whether proposed re-vegetation of disturbed areas will provide optimum erosion and sediment control benefits as well as runoff control and pollutant removal equivalent of the full 100-foot undisturbed buffer area;

- (i) Whether the design, location and maintenance of any proposed drainfield will be in accordance with requirements of subsection 17.8 B.(7);
  - (j) Whether the development, as proposed, is consistent with the purpose, spirit and intent of the Overlay District;
  - (k) Whether the cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (3) The Director shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the Director based on the criteria listed above in Subsections (1) and (2) above.
- (4) The Director shall find the proposal to be inconsistent with the purpose and intent of this Section when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the Administrator based on the criteria listed in Subsections (1) and (2) above.

### **17.11 Plan of Development Process.**

Any development or redevelopment exceeding 2,500 square feet of land disturbance shall be accomplished through a plan of development process prior to any clearing or grading of the site or the issuance of any building permit to assure compliance with all applicable requirements of this Section.

#### **A. Required Information.**

In addition to the requirements of Article 15, Section 14 or the requirements of Section 6 of the Caroline County Subdivision Ordinance, the plan of development process shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the Director. The Director may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.

The following plans or studies shall be submitted, unless otherwise provided for:

- (1) A site plan in accordance with the provisions of Article 15, Section 14, a residential plot plan in accordance with subsection 17.11.B, or a subdivision plat in accordance with the provisions of Section 6 of the Caroline County Subdivision Ordinance;
- (2) An environmental site assessment, except where a residential plot plan is accepted.
- (3) A landscape plan, except where a residential plot plan is accepted.
- (4) A stormwater management plan, except where a residential plot plan is accepted and calculations show stormwater management is not required.
- (5) An erosion and sediment control plan in accordance with the provisions of Chapter 45 of the Code of Caroline County. For single family dwellings or accessory structures thereto, with no RPA encroachment, an agreement in lieu of a plan may be entered into with the County.
- (6) A Water Quality Impact Assessment for all development or redevelopment exceeding 2,500 square feet of land disturbance.

#### **B. Residential Plot Plan Requirements.**

A residential plot plan for individual single family homes, additions thereto and accessory buildings shall be submitted to the Planning Department. At a minimum, the plot plan shall be drawn to scale by a licensed engineer or licensed surveyor and contain the following:

- (1) A boundary survey of the site (if available) or site drawing showing the north arrow and property line measurements.

- (2) Area of the lot/parcel.
- (3) Location, dimensions and use of proposed and existing structures including marine and temporary structures. In the case of temporary structures, the date when the structures will be removed must be indicated.
- (4) Location of all building restriction lines, setbacks, easements, covenant restrictions and rights-of-way.
- (5) Dimensions and location of all driveways, parking areas or any other impervious surfaces.
- (6) Location of all existing and proposed septic tanks and drainfield areas including reserve areas and the location of all existing and proposed wells.
- (7) Limits of all clearing and grading.
- (8) Location of the limits of the RPA including any water body with perennial flow and any additional required buffer areas.
- (9) Location of all erosion and sediment control devices.
- (10) Total proposed area of impervious surface.

#### C. Environmental Site Assessment.

An environmental site assessment shall be submitted in conjunction with a preliminary site plan or preliminary subdivision plan.

- (1) The environmental site assessment shall be drawn to scale and clearly delineate the following environmental features:
  - (a) Tidal wetlands;
  - (b) Tidal shores;
  - (c) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water body with perennial flow;
  - (d) A 100-foot buffer area located adjacent to and landward of the components listed in subsections (a) through (c) above, and along both sides of any water body with perennial flow;
  - (e) Other sensitive environmental features as determined by the Board.
- (2) Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987.
- (3) The environmental site assessment shall delineate the site-specific geographic extent of the RPA on the specific site or parcel as required under subsections 17.4 and 17.8 of this Section.
- (4) The environmental site assessment shall be drawn at the same scale as the preliminary subdivision plat or site plan, and shall be certified as complete and accurate by a professional engineer, a certified land surveyor or a certified landscape architect. This requirement may be waived by the Director when the proposed use or development would result in less than 5,000 square feet of disturbed area.

#### D. Landscape Plan.

A landscape plan shall be prepared in conjunction with the requirements of site plan and/or subdivision review and approval or as part of the conditions of rezoning and special exceptions.

Landscape plans shall be prepared and/or certified by design professionals practicing within their areas of competence as prescribed by the Code of Virginia.

(1) Contents of the Plan.

- (a) The landscape plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing groups of trees on the site two (2) inches or greater diameter at breast height (DBH) shall be shown on the landscape plan, or where there are groups of trees, said stands may be outlined instead. The specific number of trees two (2) inches or greater DBH to be preserved outside of the building envelope shall be indicated on the plan. Trees and other woody vegetation proposed to be removed to create the desired construction footprint shall be clearly delineated on the landscape plan.
- (b) Any required RPA buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Section, shall be shown on the landscape plan.
- (c) Within the buffer area, trees and other woody vegetation to be removed for sight lines, vistas, access paths, and best management practices, as provided for in this Section, shall be shown on the plan. Vegetation required by subsection 17.9 F (2) to replace any existing trees within the buffer area shall also be shown on the landscape plan.
- (d) Trees and other woody vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this Section shall be shown on the landscape plan.
- (e) The plan shall depict grade changes or other work adjacent to trees which would affect them adversely. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved.
- (f) The landscape plan will include specifications for the protection of existing trees and other vegetation during clearing, grading, and all phases of construction.

(2) Plant Specifications.

- (a) All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.
- (b) All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.
- (c) Where areas to be preserved, as designated on an approved landscape plan, are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of three (3) planted tree to one (1) removed. Replacement trees shall be a minimum one and one-half (1.5) inches DBH at the time of planting. At the discretion of the Director, replacement may be achieved at ratios of one (1) to one (1) at 3.5 inch at DBH, or two (2) to one (1) at 2 .5 inches DBH.

(3) Maintenance.

- (a) The applicant shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of this Section.
- (b) In buffer areas and areas outside the construction footprint, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Unhealthy, dying, or dead plant materials shall be replaced during the next planting season, as required by the provisions of this Section.

E. Stormwater Management Plan.

A stormwater management plan shall be submitted as part of the plan of development process required by this Section and in conjunction with site plan or subdivision plan approval.

(1) Contents of the Plan.

The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations and citations to supporting references as appropriate to communicate the information required by this Section. At a minimum, the stormwater management plan must contain the following:

- (a) the location and design of all planned stormwater control devices;
  - (b) procedures for implementing nonstructural stormwater control practices and techniques;
  - (c) pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations;
  - (d) for facilities, verification of structural soundness, including a Professional Engineer or Class III Surveyor Certification.
- (2) Site specific facilities shall be designed for the ultimate development of the contributing watershed based on zoning, comprehensive plans, local public facility master plans, or other similar planning documents.
- (3) All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Virginia Stormwater Management Handbook.
- (4) The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than Caroline County then a maintenance agreement shall be executed between the responsible party and Caroline County.

F. Erosion and Sediment Control Plan.

An erosion and sediment control plan that satisfies the requirements of this Section shall be prepared in accordance with Chapter 45 of the Code of Caroline County, and submitted with an application for site plan or subdivision plat approval.

G. Final Plans

Final plans for property within CBPAs shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in Article 15, Section 14 of this Ordinance.

(1) Final subdivision plats and site plans for all lands within CBPAs shall include the following additional information:

- (a) The delineation of the Resource Protection Area boundary, including the 100-foot buffer component;
- (b) A plat or plan note stating that no land disturbance is allowed in the buffer area without review and approval by the Planning Director.
- (c) All wetlands permits required by law;
- (d) A maintenance agreement as deemed necessary and appropriate by the Director to ensure proper maintenance of best management practices in order to continue their functions.

(2) Installation and Bonding Requirements.

- (a) Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed, in accordance with the approved site plan.
- (b) When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications

of an approved plan, a certificate of occupancy may be issued only if the applicant provides to Caroline County a form of surety satisfactory to the County Attorney in an amount equal to the remaining plant materials, related materials and installation costs of the required landscaping or facilities and/or maintenance costs for any required stormwater management facilities during the construction period.

- (c) All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or a surety may be forfeited to the County.
- (d) All required stormwater management facilities or other specifications shall be installed and approved within eighteen (18) months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to the County. The County may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.
- (e) After all required actions of the approved site plan have been completed, the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Planning Director, such unexpected or unobligated portion of the surety held shall be refunded to the applicant or terminated within sixty (60) days following the receipt of the applicant's request for final inspection. The Director may require a certificate of substantial completion from a Professional Engineer or Class III B Surveyor before making a final inspection.

#### H. Administrative Responsibility.

Administration of the plan of development process shall be in accordance with Article 15, Section 14 of this Ordinance or Section 6, of Caroline County Subdivision Ordinance. The Director shall approve, approve subject to conditions, or disapprove the plans in accordance with the reviewing authorities' recommendations. The Director shall return notification of plan review results to the applicant, including recommended conditions or modifications. In the event that the results and/or recommended conditions or modifications are acceptable to the applicant, the plan shall be so modified, if required, and approved.

#### I. Denial of Plan, Appeal of Conditions or Modifications.

In the event the final plan or any component of the plan of development process is disapproved and recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Planning Commission. In granting an appeal, the Planning Commission must find the plan to be in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area, or such plan meets the purpose and intent of the performance standards in this Section. If the Planning Commission finds that the applicant's plan does not meet the above criteria, it they shall deny approval of the plan.

#### 17.12 Nonconforming Uses and Non-complying Structures

A. The lawful use of a building or structure which existed on May 12, 1992, or which exists at the time of any amendment to this Section, and which is not in conformity with the provisions of the Overlay District may be continued in accordance with Article 16 of this Ordinance and this subsection. If a conflict exists between Article 16 and this section, Article 16 shall control.

B. No change or expansion of a nonconforming structure shall be allowed except as provided in this subpart that:

- (1) The Director may grant a nonconforming use and/or non-complying structures a waiver for principal structures on legal nonconforming lots or parcels to provide for remodeling and alterations to such nonconforming structures provided that:
  - (a) There will be no increase in nonpoint source pollution load;

- (b) Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this Section.
- (2) A nonconforming use and/or non-complying structure waiver may be granted by the Director for the expansion of a nonconforming principal structure subject to the provisions of Article 16 (Non-conforming uses), and through an administrative review process provided that the following findings are made:
- (a) The request for the waiver is the minimum necessary to afford relief;
  - (b) Granting the waiver will not confer upon the applicant any specific privileges that are denied by this Section to other property owners in similar situations;
  - (c) The waiver is in harmony with the purpose and intent of this Section and does not result in water quality degradation
  - (d) The waiver is not based on conditions or circumstances that are self-created or self-imposed;
  - (e) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing degradation of water quality;
  - (f) Other findings, as appropriate and required by the County are met and;
  - (g) In no case shall this provision apply to accessory structures
- (3) An application for a nonconforming use and/or waiver shall be made to and upon forms furnished by the Planning Department and shall include for the purpose of proper enforcement of this Section, the following information:
- (a) Name and address of applicant and property owner;
  - (b) Legal description of the property and type of proposed use and development;
  - (c) A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area;
  - (d) Location and description of any existing private water supply or sewage system.
- (4) A nonconforming use and development waiver shall become null and void twelve months from the date issued if no substantial work has commenced.

### 17.13 Exemptions

#### A. Exemptions for Public Utilities, Railroads, Public Roads, and Facilities

Construction, installation, operation, and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and the Stormwater Management Act (§ 10.1-603.1 et seq. of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or (iii) local water quality protection criteria at least as stringent as the above state requirements are deemed to comply with this Section. The exemption of public roads is further conditioned on the following:

- (1) The road alignment and design has been optimized, consistent with all applicable requirements, to prevent or otherwise minimize the encroachment in the Resource Protection Area and to minimize the adverse effects on water quality.

#### B. Exemptions for Local Utilities and other service lines.

Construction, installation, and maintenance of water, sewer, natural gas lines, underground and telecommunications and cable television lines owned, permitted or both by Caroline County or regional service authority shall be exempt from the CBPA District provided that:

- (1) To the extent possible, the location of such utilities and facilities should be outside RPAs;
- (2) No more land shall be disturbed than is necessary to provide for the proposed utility installation;

- (3) All construction, installation, and maintenance of utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and shall be designed and conducted in a manner that protects water quality; and
- (4) Any land disturbance exceeding an area of 2,500 square feet shall comply with all Caroline County erosion and sediment control requirements.

C. Exemptions for Silvicultural Activities.

Bona fide silvicultural activities shall be exempt from the requirements of this Section provided that the operations adhere to the water quality protection procedures prescribed by the Virginia Department of Forestry in its January 1997 edition of the "Best Management Practices Handbook for Forestry Operations".

D. Exemptions in Resource Protection Activities.

Land disturbing activities for water wells, passive recreation facilities (boardwalks, trails, pathways, etc.), and historic preservation and archeological activities in Resource Protection Areas may be exempt from the CBPA District provided it is demonstrated to the satisfaction of the Director that:

- (1) Any required permits, except those to which this exemption specifically applies, shall have been issued;
- (2) Sufficient and reasonable proof is submitted that the proposed use will not deteriorate water quality;
- (3) The proposed use does not conflict with nearby planned or approved uses; and
- (4) Any land disturbance exceeding 2,500 square feet in area shall comply with all erosion and sediment control requirements of Chapter 45 of the County Code.

#### 17.14 Exceptions

A. A request for an exception to the requirements of this Overlay District shall be made in writing to the Planning Commission on forms available in the Planning Department. It shall identify the impacts of the proposed variance on water quality and on lands within the RPA through the performance of a WQIA which complies with the provisions of subsection 17.10.

B. The County shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with §15.2-2204 of the Code of Virginia, except that only one hearing shall be required.

C. The Planning Commission shall review the request for the exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Section provided the Planning Commission finds:

- (1) Granting the exception will not confer upon the applicant any special privileges that are denied by this Section to other property owners in the CBPA District;
- (2) The exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels;
- (3) The exception request is the minimum necessary to afford relief;
- (4) The exception request will be consistent with the purpose and intent of the CBPA District, and not injurious to the neighborhood or otherwise detrimental to the public welfare and is not of substantial detriment to water quality; and;
- (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

D. If the Planning Commission cannot make the required findings or refuses to grant the exception, the Planning Commission shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.

E. A request for an exception to the requirements of provisions of this Section other than Section 17.9, shall be made in writing to the Director. The Director may grant these exceptions provided that he finds:

- (1) Exceptions to the requirements are the minimum necessary to afford relief; and
- (2) Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purpose and intent of this Section is preserved.
- (3) Exceptions to Section 17.8, may be made provided that the findings noted in Section 17.14(c) are made by the Director.

#### **17.15 Conflict of Article with other Regulations and Severability**

A. In any case where the requirements of this Section conflict with any other provision of this Code or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

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

#### **17.16 Penalties.**

A. Any person who: (i) violates any provision of this Section or (ii) violates or fails, neglects, or refuses to obey any final notice, order, rule, regulation, or variance or permit condition issued by the County and authorized under this Section shall, upon such finding by an appropriate circuit court, be assessed a civil penalty not to exceed \$5,000 for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the County for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein, in such a manner as the court may direct by order, except that if the violator is the County or its agent, the court shall direct the penalty to be paid into the state treasury.

B. Nothing in this section shall be deemed to limit the authority of the County to apply to the County Circuit Court for injunctive relief to enjoin a violation or threatened violation of this Section, or to seek damages in a civil action, including but not limited to the recovery of any cost(s) incurred for any conservation action undertaken by the County to preserve the Chesapeake Bay Preservation Area in accordance with this subsection.

C. With the consent of any person who: (i) violates any provision of this Section related to the protection of water quality in Chesapeake Bay Preservation Areas or (ii) violates or fails, neglects, or refuses to obey any notice, order, rule, regulation, or variance or permit condition issued by the County and authorized under this subsection, the County may provide for the issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed \$10,000 for each violation. Such civil charges shall be paid into the treasury of the County in which the violation occurred for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein, except that where the violator is found to be the County or its agent, the civil charges shall be paid into the state treasury. Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subsection (A) above. Civil charges may be in addition to the cost of any restoration required or ordered by the County or the Director of Planning.

#### **SECTION 18 Special Provisions Applicable to Manufacturing of Horticultural Products**

(Adopted 4/11/95)

1. An environmental assessment shall be prepared and submitted to the Zoning Administrator in conjunction with a site plan application. The environmental assessment shall address any odor, water quality, noise, traffic and any other environmental quality issues and proposed mitigation measures to minimize such impacts. The Administrator shall refer this environmental assessment to

the Planning commission for review with the site plan. The Commission may require any mitigation measures proposed and/or require the inclusion of additional measures that are reasonably related to the environmental issues being addressed.

2. The following buffers shall be established:
  - a. a. From property boundary (all sides) - 100 feet
  - b. From any outdoor (unenclosed) active compost pile to an existing residence, retail establishment, school, hospital, church or other institutional facility - 500 feet
3. Wood grinding machinery shall not operate between 11:00 p.m. and 6:00 a.m. unless enclosed on at least three sides.
4. Notwithstanding the provisions of Section 10 of this Article, the outdoor storage of compost, input materials and bagged and bulk finished product shall be allowed, provided that a vegetative buffer of at least 100 feet is provided or that such storage area is not visible from beyond the property borders.
5. Notwithstanding the provisions of paragraphs 2 – 4 above, modifications may be made based on recommendations contained in the environmental assessment.

**Section 19**      **Resource Sensitive Area Overlay District**  
(Adopted July 23, 2002)

**19.1 Purpose and Intent**

The purpose of this district is to protect and promote the public health, safety and general welfare by encouraging the most desirable development and use of land along the Route 17/Rappahannock River Valley corridor that reflects the historical development patterns within the corridor, to encourage architectural designs and land development patterns which result in functional and attractive relationships between buildings, cultural, historical, natural and scenic resources and the surrounding areas, and to preserve the agricultural use of land that dominates the corridor.

It is the intent of this district to implement the Resource Sensitive Area designation of the Comprehensive Plan.

**19.2 District Boundaries**

Beginning at the intersection of the Spotsylvania County line and the Rappahannock River along the King George County boundary line, thence proceeding southeast along the King George County boundary to the Essex County boundary line, thence proceeding south to the intersection of the Fort A.P. Hill boundary line, thence proceeding northwest along the Fort A.P. Hill boundary line to Snow Creek, thence north along Snow Creek to the intersection of the Spotsylvania County boundary line, thence northeast to the King George County boundary line, its point of beginning.

**19.3 Establishment of Districts**

The Resource Sensitive Area Overlay District shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in whole or part in the Resource Sensitive Area Overlay District shall also lie within one or more of the other zoning districts provided for by this ordinance. The effect shall be the creation of new zoning districts consisting of the regulations and requirements of both the underlying district(s) and the Resource Sensitive Area Overlay District.

**19.4 Administration**

The administration of this section shall be through Article XV, Section 14, Site Plan Requirements, Article XVII, Section 3, Zoning Permit Applications and Fees, and through the Subdivision Ordinance.

## 19.5 Permitted Uses

All uses permitted by right or by special exception/use in the underlying zoning district(s).

## 19.6 Lot Area and Other Dimensional Requirements

The lot area and other dimensional requirements shall be the same as those requirements set forth in the underlying zoning district(s) except that the minimum lot size shall be twenty-five acres.

## 19.7 Design Standards

All subdivisions pursuant to the Caroline County Subdivision Ordinance or commercial and industrial uses requiring a site plan in accordance with Article XV, Section 14 of this ordinance shall be subject to the limitations and development standards set forth in the underlying zoning district(s) and shall be subject to the following limitations:

1. Such uses shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access should be via the following means:
  - a. By the provision of shared entrances, inter-parcel travel-ways or on-site service drives connecting adjacent properties.
  - b. By access from a public street other than that on which the property fronts.
  - c. One point of access may be permitted for each lot of record as of the effective date of this ordinance provided no entrances between parcels are located any closer than 450 feet to each other. The Planning Commission may modify this requirement if it finds that it best accomplishes the purposes of Section 19.1

Existing parcels of land shall not be denied access to a public street if no reasonable joint or cooperative access is possible, at the time of development.

2. All structures shall be situated on a lot such that the visual impact to public roads, adjacent properties, and the Rappahannock River is minimized. Structures should be placed in the tree line, at the edge of fields, or in cleared areas next to fields in lieu of placement in an open field.
3. To the extent possible, buildings shall be situated so that they do not protrude above treetops and the crest line of hills, as seen from public streets or the Rappahannock River.
4. All outside storage or display of goods shall generally be wholly screened from view of all public streets and the Rappahannock River, except as allowed by a special exception permit. All storage areas shall be located to the rear of the structure.
5. No parking, storage, or display of goods shall be permitted in the required front setback.
6. No clear cutting of trees shall be permitted in the required front setback of any lot or parcel of land. Selective thinning of trees may be permitted to allow reasonable sight lines. Dead, dying or diseased trees and underbrush may be removed. The Planning Commission may require additional landscaping to offset the selective removal of trees for sight lines.
7. For any subdivision of land, the lots shall be designed to minimize the visual obtrusiveness of the development. Subdivisions shall incorporate existing driveways, fence lines, tree lines, stone walls, hedgerows or other traditional

landscape features into the design of the development, provided the incorporation does not result in the placement of an incompatible structure on the property (i.e. the construction of a building in the middle of a field).

8. When constructing roads and driveways, the crossing of contours and the use of cut and fill should be minimized. Effort should be made to follow existing contours to the extent possible.
9. A landscape plan shall be required with any commercial, industrial or residential site plan or major subdivision plat.
10. The developer shall submit architectural guidelines and standards with each site plan or subdivision plat for review and approval by the Planning Commission.
11. All lighting shall be shielded and directed downward so that the light source is shielded from direct view from any adjoining residential or agricultural parcel, public right-of-ways, or the Rappahannock River. All exterior lighting shall be arranged and installed so that direct or reflective illumination does not exceed 0.5 foot candles above background levels, measured at the lot line. The measured height of all light poles shall not exceed twenty (20) feet.
12. All utility lines shall be underground.

**Section 20**      **SPECIAL PROVISIONS APPLICABLE TO CAMPGROUNDS/CAMPING AREA**  
(Adopted July 22, 2003)

The following standards shall apply to all campgrounds/camping areas, and individual lots within those areas.

1. Permanent occupancy of any camping lots shall not be permitted. The maximum number of overnight stays shall not exceed 180 days in any twelve month period.
2. A register shall be kept by campground/camping area operator for three (3) years, which shall at all times be available for inspection by code enforcement officials. The register shall show the name of each lot owner, the address and lot number, name, model and identification number of all recreational vehicles on such lot at any time, and the dates of occupancy.
3. Improvements within lots.
  - (a) The regulations for individual lots provided for in this Article shall be in addition to any applicable regulations of governed by the Virginia Uniform Statewide Building Code.
  - (b) Camping Lot. The size of each camping lot must be great enough to accommodate the dimensions of recreational vehicles anticipated, including accessory structures, and including required distance between recreational vehicles as set forth herein. Each space shall be located at such elevation, distance, and angle to an access street so that placement and removal of the recreational vehicle may be undertaken without difficulty. Each space where a recreational vehicle is parked shall be constructed so as to provide for the support of the maximum anticipated loads during all seasons and must be constructed with an adequate longitudinal gradient and with a crown and cross gradient for surface drainage.
  - (c) Distance between units. There shall be ten (10) feet or more distance between individual recreational vehicles including accessories as permitted by this Article.
  - (d) No recreational vehicle or accessory use or temporary structure thereto shall be situated any closer than five (5) feet to a property line.

- (e) Additions to recreational vehicles. No permanent or semi-permanent structure shall be affixed to any recreational vehicle as an addition to such recreational vehicle, nor shall any accessory structure be permitted on any camping lot except as provided below.
  - (1) A deck may be provided for use by the occupants of a recreational vehicle provided the deck is no larger than 180 square feet and extends no further than ten (10) feet beyond the recreational vehicle.
  - (2) A porch may be provided for the use of the occupants provided it does not exceed two-hundred (200) square feet and extends no further than ten (10) feet beyond the recreational vehicle. At least 50% of each porch wall shall be windows, screens and/or doors.
  - (3) A protective awning may be constructed above a recreational vehicle provided it extends no further than one (1) foot on any side of a recreational vehicle and the maximum height of the roof shall not exceed fifteen (15) feet.
- (f) Storage. A storage facility no larger than one hundred-fifty (150) square feet may be located on any recreational vehicle lot provided that such facility will be constructed of a weather resistant material and must be screened to minimize visibility.

- 4. As used herein the term "campground" means any area that is occupied and intended or designed or improved for temporary occupancy by individuals using recreational vehicles, tents, motor homes, boats, and similar vehicles for temporary dwelling, lodging, or sleeping purposes. The term "recreational vehicle" means any vehicle built on a chassis, containing 400 square feet or less when measured at the largest horizontal projections and is designed to be self propelled or towed by another vehicle. A recreational vehicle is not designed nor intended for use as a permanent dwelling, but as for temporary living quarters for recreational camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, boats, house boats, and camping shells on trucks and campers
- 5. Manufactured home, as defined in Article 2 of this ordinance, shall be prohibited.

**Section 21**      **RESIDENTIAL OCCUPANCY**  
(Adopted August 9, 2005)

- 1. Purpose and Intent. This section is intended to improve public health, safety, convenience and welfare of the County's citizens and to control the over-occupancy of dwelling units and the associated increase of motor vehicles, noise, traffic and overwhelming of public and private utilities and consequent impairment of the quality of life in the County's residential neighborhoods designed for family use and enjoyment. Additionally, the County intends to use its zoning authority granted by the Commonwealth of Virginia (15.2-2200, Code of Virginia, 1950 as amended) to protect against overcrowding of land and undue density of population in relationship to community facilities existing and/or available.
- 2. In any district in which residential uses are allowed or legally exist, a dwelling unit must be occupied by a family as defined in Article II of the Caroline County Zoning Ordinance. Any occupancy by any other entity or person shall constitute a violation of this chapter.
- 3. Notwithstanding the foregoing subsection (1) and subject to the provisions of subsection (4), the maximum occupancy of single-family detached and single-family attached dwelling units occupied by a single-family shall be determined in the following manner (see table 21.1 below).

Table 21.1 Residential Occupancy Standards	
Livable Floor Area of Dwelling Unit (in square feet)	Maximum Number of Adult Occupants*
901 to 1,200	4 adult occupants
1,201 to 1,750	5 related adult occupants
1,751 to 2,400	6 related adult occupants
2,401 to 3,150	7 related adult occupants
3,151 to 4,000	8 related adult occupants
4,001 to 4,500	9 related adult occupants
4,501 to 5,000	10 related adult occupants
* <i>Adult occupant</i> means any individual 18 years of age or older, living or sleeping in a building, or having possession of space within a building.	

4. Notwithstanding the subsection (1) and subject to the provisions of subsection (4), the maximum occupancy of multi-family dwelling units occupied by a single-family shall be determined by dividing the square footage of living area and dividing by 200 (i.e. a 1000-square foot unit would permit up to 5 adults; however, the standards in subsection 5 will likely reduce the number allowed).
5. The occupancy limits set forth in subsections (3) and (4) above are subject to the following occupancy standards for bedrooms as determined in the following manner;
  - a. The first occupant of a bedroom requires at least seventy (70) square feet. For each additional occupant of a bedroom requires at least fifty square feet per occupant. This is illustrated in Table 21.3.

Table 21.3 Required Bedroom Area	
Bedroom Size (square feet)	Maximum Number of Occupants per Room*
70	1
100	2
150	3
200	4
* <i>Number of occupants includes adults and children.</i>	

6. **Overcrowding.** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements as identified in subsections (3), (4), and (5).
7. **Prohibited Occupancy.**
  - a. Kitchens and non-habitable spaces shall not be used for sleeping purposes.
  - b. Habitable spaces identified as non-bedroom space shall not be used for sleeping purposes.