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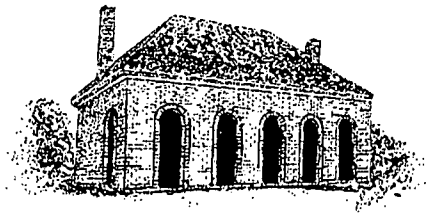
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February 10, 2010

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Mrs. Pam Bowen
County Attorney's Office
Post Office Box 470
Hanover, VA 23069

RE: Approval of Ordinance Amendment – Ordinance 09-26, RM, Multi-Family Residential District

Dear Mrs. Bowen:

At their meeting of February 10, 2010, the Hanover County Board of Supervisors, on a motion by Mr. McGhee, seconded by Mr. Wade, voted to **ADOPT** Ordinance Amendment 09-26, RM, Multi-Family Residential District. A copy of the approved text is attached.

Should you have any questions concerning this Ordinance, do not hesitate to contact me.

Sincerely,


Michael E. Crescenzo
Director of Planning

sm/s:ordinances

cc: The Honorable Charles D. McGhee
Hanover County Planning Commission
Dennis A. Walter, Esquire
Frank Harksen
Marc Weiss

John A. Bender
Gretchen W. Biernot
W. Randolph Johnson, Jr.
Richard Paul
Sherri A. Carneal

ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 1, SECTION 3 TO UPDATE THE LIST OF AVAILABLE ZONING DISTRICTS; TO AMEND THE ZONING ORDINANCE, ARTICLE 2, SECTION 2 BY ADDING DEFINITIONS OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES" AND "STEEP SLOPES," AMENDING THE DEFINITIONS OF "MOBILE HOME" AND "NET ACREAGE," AND BY DELETING THE DEFINITION OF "MOBILE HOME PARK (TRAILER PARK)"; TO AMEND THE ZONING ORDINANCE, ARTICLE 4, SECTION 7, TO UPDATE THE PROVISIONS REGARDING IN WHICH ZONING DISTRICTS MANUFACTURED HOMES ARE PERMITTED; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, SECTION 12, TO PROVIDE THAT MANUFACTURED HOME COMMUNITIES AS PERMITTED IN THE RM DISTRICT IS A CONDITIONAL USE IN THE B-3 GENERAL BUSINESS DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5A, SECTION 3, TO PROVIDE THAT UNDERGROUND UTILITIES ARE REQUIRED IN THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5A, SECTION 6.4, TO UPDATE THE LIST OF PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES PERMITTED IN THE OVERLAY ROUTE 1 CORRIDOR DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 7, SECTION 3, SUBSECTIONS 22 AND 25, TO PROVIDE FOR SIGN REGULATIONS WITHIN THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 7, SECTION 5 AND ARTICLE 10, SECTION 7, TO PROVIDE FOR SITE PLAN REVIEW WITH THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY DELETING THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT REGULATIONS, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS REGULATIONS, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT REGULATIONS, CONSISTING OF SECTIONS 8.1 THROUGH 8.10; TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT PROVIDED CERTAIN STANDARDS ARE SATISFIED; AND TO PROVIDE THAT ALL R-4, R-5 AND R-6 DISTRICTS APPROVED BY ORDINANCES ADOPTED BY THE HANOVER COUNTY BOARD OF SUPERVISORS PRIOR TO THE DATE OF ADOPTION OF THIS ORDINANCE SHALL CONTINUE IN EFFECT AND BE SUBJECT TO THE CURRENT PROVISIONS OF THE R-4, R-5, AND R-6 DISTRICTS.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 3, Section 1, regarding the establishment of zoning districts, shall be amended to read in its entirety as follows:

Section 1. Establishment of districts.

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes; to regulate and restrict the location, height, and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population, the following zoning districts are hereby established:

- (a) Conventional Zoning Districts: A-1 Agricultural; RC Rural Conservation; AR-6 Agricultural Residential; RS Single-Family Residential; RM Multi-Family Residential; MX Mixed Use District; B-0 Business Office; B-1 Neighborhood Business; B-2 Community Business; B-3 General Business; OS Office/Service; BP Business Park; M-1 Limited Industrial; M-2 Light Industrial; M-3 Heavy Industrial.
 - (b) Overlay Zoning Districts: OAP Overlay Airport Protection; OUD Overlay Urban Development; OHP Overlay Historic Preservation; Crump Creek Reservoir Overlay Protection; Overlay Route 1 Corridor; Ashland Area Overlay District.
2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, shall be amended by amending the definition of "mobile home" and "net acreage" and adding definitions of "active recreation areas or active recreation facilities" and "steep slopes," which shall read in their entirety as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;
2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails) or bicycle paths;
3. Picnic areas (which shall include picnic tables, shelters, trash receptacles, or areas for outdoor cooking);
4. Playgrounds and tot-lots;
5. Swimming pools;

6. Tennis, basketball, and multi-purpose courts; and
7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).

* * *

Mobile home: A manufactured home placed within an RM Multi-Family Residential District, or which requires approval of a special exception for its use in the A-1, Agricultural District.

* * *

Net acreage: The gross acreage of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of steep slopes.

* * *

Steep Slopes: Slopes equal to or exceeding the following:

1. In the RC Rural Conservation district, a gradient of 25%;
 2. In the RS, Single Family Residential, and RM Multi-Family Residential Districts, a gradient of 35%.
3. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 4, Section 7, regarding manufactured home, shall be amended to read in its entirety as follows:

Section 7. Manufactured homes.

Manufactured homes that are placed on permanent foundations are permitted as a single-family residential dwelling in, and subject to the development standards for site-built single-family dwellings within, the A-1, Agricultural District. No other manufactured homes shall be permitted for use within the County unless located in the RM Multi-Family Residential District, or unless a special exception has been approved by the county board of supervisors for the temporary use of the manufactured home in accordance with the standards specified in article 5, section 2.6B. There shall be no manufactured homes permitted in the RS, R-1, R-2, R-3, R-4, R-5, or MX zoning districts.

4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. *Permitted uses.* A building or land shall be used for the following purposes only:

- (a) Dwellings, including detached, attached, and multiple-family.
- (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of-way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
- (d) Assisted living facilities that house three or fewer persons, not including caregivers.

2. *Permitted accessory uses.*

- (a) Domestic storage in main building or in an accessory building
- (b) Garage, private.
- (c) Garage, located in central parking areas, for use by residents.
- (d) Home occupations in a main building, except for retail sales businesses.
- (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
- (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
- (g) Golf courses, accessory to dwellings in the district.
- (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- (i) Signs as regulated in article 7, section 3.
- (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.
- (k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- (l) The location of office or construction trailers for a period not to exceed one (1) year.
- (m) Foster home.
- (n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 1.3-17.
- (o) Family day homes.

3. *Conditional uses.* The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:

- (a) Private clubs accessory to planned residential development.
- (b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.

- (c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
- (d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
- (e) Manufactured home communities.

Special exceptions. The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:

- (a) Special exceptions for a period of two (2) years or less for the following uses:
 - 1. Non-accessory tents for special purposes.
 - 2. Outdoor displays or promotional activities.
 - 3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
- (b) Other special exceptions as follows:
 - 1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.
 - 2. Telecommunications towers and related facilities that exceed sixty (60) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.
 - 3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.
 - 4. Assisted living facilities that house four or more persons, not including caregivers.
 - 5. Children's residential facilities.

4.3. Density; calculation. The RM District provides for a range of density to permit flexibility for planning the most appropriate development for a property. The minimum density shall be four (4) residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included.

4.4. Common area and Active recreation area; calculation. The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage; however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.

Density	Required Common Area	Required Active Recreation
8 units per gross acre or less	20% of net acreage	25% of required common area
More than 8 units per gross acre	25% of net acreage	25% of required common area

4.5. Common Area Credits: If the district is part of a larger, master planned community in which multiple residential districts are to be located, common area in another district within the master planned community may be used to satisfy the common area requirements of the RM district provided:

1. The common area, or portion thereof, to be used as credit is in excess of the requirements for the district in which it is located;
2. The portion of the common area to be used for credit shall not contain Chesapeake Bay Resource Protection Areas or steep slopes;
3. The portion of the common area to be used for credit shall not comprise more than 25% of the required common area within the RM district;
4. The portion of the common area to be used for credit shall be designed and located such that it is conveniently located and accessible to residents within the RM district; and
5. The portion of the Common Area to be used for credit shall be constructed or bonded prior to site plan or construction plan approval for the area in which the credit is to be utilized.

4.6 Design Standards.

1. **Street Buffers.** Street buffers shall be designed and maintained in accordance with the following:
 - (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;
 - (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;
 - (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the required common area, or more than 25 (twenty-five) percent of the active recreation area.
 - (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
 - (e) No buffer shall be located on an individual residential building lot.
 - (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located
2. Curb and gutter shall be provided throughout the district.
3. **Street trees.**
 - (a) Street trees shall be planted as follows:
 - (i) Within a street median;

- (ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or
- (iii) Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.
- (b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.
- (c) For purposes of this section, "street length" shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is used, the "street length" shall include the entire perimeter of the temporary cul-de-sac or other turnaround.

Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross Chesapeake Bay Resource Protection Area wetlands.

Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.

4.7. *Lot area requirements.* There shall be no minimum lot size in the RM district.

4.8. *Yard requirements.*

1. Single Family Detached Dwellings: The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway. Corner lots shall provide the required front yard setback from all property lines contiguous with a road designed to state standards.

2. Single Family Attached Dwellings: The minimum setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway.

3. **Multifamily Dwellings:** The minimum setback for all structures shall be fifty feet (50') from existing external state-maintained highways. There shall be a twenty-five (25) foot setback from internal roads designed to state standards.
4. There shall be no minimum setback from any internal private road or drive aisle; however, the provisions of section 4.6 shall apply.

4.9. Height restrictions.

1. **Telecommunications towers and related facilities:**
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.
2. Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.

4.10. Public utilities. All development shall be served by public water and sewer systems.

4.11. Parking. Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network. Driveways located on individual lots shall be designed to prevent parked vehicles from encroaching into pedestrian paths, sidewalks, the public right of way, or private easements.

4.12. Development standards and procedures.

1. **Conceptual plan.** The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title II, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:
 - (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
 - (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.
 - (c) Zoning and zoning district boundaries, both existing and proposed.
 - (d) Vicinity sketch, at a scale no greater than 1":2000'.
 - (e) Designation of common area with a description of proposed improvements and landscaping where appropriate, and active and passive recreation areas.
 - (f) Proposed lot lines.
 - (g) Topography, at an interval of two (2) feet.
 - (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
 - (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.

- (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
- (k) The location of ponds, streams, and natural drainage swales, mapped dam break inundation zones, and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and steep slopes.
- (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.
- (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a depiction of pedestrian paths, including a cross-section with dimension and specification of materials.
- (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.
- (o) Details of the berms to include location, cross sections, and profiles.
- (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
- (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.

Common Area. The plan shall provide for adherence to the following standards:

- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjointing lots shall be provided with safe and convenient pedestrian access to neighborhood common area.
- (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.
- (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.
- (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.
- (e) **Ownership and maintenance.**

Prior to or contemporaneous with final subdivision plat recordation for any property within an RM District, applicants shall record documents which create an owners' association, convey all common areas to the association at the time of recordation, require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below. The record plat shall

show all areas to be conveyed to the owners association within the section or block to be recorded.

Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area, prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.

The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
2. That the conveyance will be beneficial to the future owners within the district and to the public; and
3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.13. Streets and roads. Streets or roads within the district that serve detached housing and all through roads shall be public. Streets, drive aisles, parking lots, and roads within the district that serve attached housing, multi-family structures, condominiums and all other permitted uses may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All streets and roads that provide access to properties outside the district shall be built to public road standards.

5. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 12, regarding Conditional Uses in the B-3 General Business District, shall be amended to read in its entirety as follows:

12.5 Conditional uses. The following uses may be permitted as conditional uses if approved by the Board of Supervisors in accordance with the procedures, guides, and standards of articles 7 and 10:

1. Any conditional use permitted in the A-1, Agricultural District, except home craft shops and agricultural and forestal support centers.
2. Manufactured home communities, in accordance with the standards of the RM District, but not a manufactured home subdivision.
3. Wholesale establishment or warehouse with up to fifteen thousand (15,000) square feet of floor area.
4. Truck stop.
5. Theaters and amusement places, including outdoor drive-in theaters, bowling alleys, dance halls subject to applicable county regulations, skating rinks, commercial swimming pools and waterslides, miniature golf, billiard or pool parlors, and more than two (2) electronic or video games, where otherwise not permitted.
6. Adult uses, subject to the specific requirements of article 7, section 8.6.
7. Self-storage warehouse facility, subject to the specific requirements of article 7, section 8.8.
8. Used car and truck sales and storage lots. Truck sales shall be limited to pickup or panel trucks with a gross vehicle weight rating of ten thousand (10,000) pounds or less.
9. Bakery, printshop, dry cleaner with work on premises, automobile repair (but not body or fender repair), furniture refinisher. Floor area of five thousand (5,000) square feet but less than ten thousand (10,000) square feet.
10. Automobile body and fender repair.

11. Convenience store with more than five thousand (5,000) square feet of floor area, in accordance with the standards specified in article 7, section 2B.3.
6. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5A, Section 3, regarding underground utilities, shall be amended to read in its entirety as follows:

3.3 Underground utilities required. In all Business zoning districts; OS, Office-Service; and M-1, Limited Industrial Zoning Districts, and within all residential projects located in the R-4 Residential Cluster District, R-5 Multiple Family Residential District, and the RM Multi-Family District which do not otherwise require subdivision approval, all utility lines, including, but not limited to, electric, CATV, telephone or other lines, constructed after May 26, 1993, shall be placed underground. This requirement shall apply to lines serving individual sites as well as to utility lines providing service to the development. However, where aerial utility service is extended from lines existing on May 26, 1993, located across a major thoroughfare, such lines may be carried overhead to a terminal pole located along the thoroughfare right-of-way but within the project, where the lines shall be placed underground. All above-ground accessories shall be screened with appropriate landscaping of a height no less than that of the facility being screened, in accordance with the standards of article 7, section 2A. All existing and proposed utilities and accessories shall be shown on required site plans. The requirements of this section regarding underground placement shall not apply to electric transmission lines, the placement of which is regulated by the State Corporation Commission.

7. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5A, Section 6.4, regarding permitted uses, special exceptions and conditional uses permitted in the Overlay Route 1 Corridor District, shall be amended to read in its entirety as follows:

6.4 Permitted uses, special exceptions, and conditional uses. All uses permitted in the underlying zoning districts shall be permitted in the Overlay Route 1 Corridor District and shall be subject to the standards and regulations applicable in the underlying zoning districts, with the following exceptions:

- a. For properties zoned R-1, R-2, or R-3, the following shall be Conditional Uses:
 - 1. All uses listed in the underlying district regulations as Conditional Uses.
 - 2. Agricultural uses as specified in the underlying district regulations, and any references made to these sections.
 - 3. Raising for sale of birds, bees, fish, rabbits, and other small animals.
- b. In the R-4 zoning district, the following shall be Conditional Uses:
 - 1. All uses currently listed in the underlying district regulations as Conditional Uses.
 - 2. Agricultural uses incorporated by reference.
- c. In the R-5 zoning district, the following shall be Conditional Uses:
 - 1. All uses currently listed in the underlying district regulations as Conditional Uses.
 - 2. Raising for sale of birds, bees, fish, rabbits, and other small animals.
- d. In the M-2, Light Industrial District, the following uses shall be Conditional Uses:
 - 1. All uses specified in article 5, section 14.5, as Conditional Uses.
 - 2. Animal, poultry, and bird raising, commercial.
- e. For properties zoned M-3, Heavy Industrial District, the following uses shall be Conditional Uses:
 - 1. All uses specified in article 5, section 15.5, as Conditional Uses.
 - 2. Animal, poultry, and bird raising, commercial.
 - 3. Pulp, paper and paperboard.
 - 4. The manufacturing, compounding, processing, packaging, fabrication or treatment of:
 - (a) Asphalt or asphalt products, including batching and mixing.
 - (b) Fish curing and smoking, fish oils and meal.
 - (c) Leather and hide tanning and finishing.

- (d) Meat or fish product manufacturing, including slaughtering or preparation for packaging.

8. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 7, Section 3, subsections 22 and 25, regarding general sign regulations applicable to residential districts and special sign regulations, shall be amended to read in their entirety as follows:

22. Agricultural/residential district requirements.

- (a) The following signs are permitted in the A-C, A-1, AR-2, AR-1, RC, AR-6, RS, R-1, R-2, R-3, R-4, R-5, and RM Zoning Districts:
 - (1) A name plate or directional sign, limited in area to two (2) square feet, to identify the owner or occupant of a dwelling or building or a permitted home occupation.
 - (2) "No trespassing" or "No Hunting" signs, without limitations on number or placement, limited in area to two (2) square feet each.
 - (3) A sign, limited in area to twenty (20) square feet, neatly constructed and maintained, advertising products raised on the premises.
 - (4) A sign, limited in area to ten (10) square feet, for identification of a farm or estate, or a sign, limited in area to twenty (20) square feet, for a subdivision or its occupants, with one (1) sign being permitted for each entrance. When two (2) single face signs are placed on either side of an entrance to a subdivision, each sign may comprise up to twenty (20) square feet.
 - (5) A sign for a church bulletin board or identification of permitted public and semipublic uses, recreational uses, or clubs. The sign shall conform to the size and location regulations contained in section 24(a), below.
 - (6) A temporary sign, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress, limited to thirty-two (32) square feet.
 - (7) Signs at locations on or off the premises, limited to the direction of the traveling public, truck deliveries, and employees to a subdivision or community, a construction site or excavation, airport, or other center of employment or visitor center or recreational facility, limited in area to six (6) square feet.
 - (b) Except as provided in (c), below, in the RM, R-3, R-4, and R-5 Zoning Districts a sign, limited in area to ten (10) square feet, giving the name and/or address or management of a multiple-family dwelling or group of multiple-family dwellings shall be permitted in addition to those limited in section 22(a). If such sign is placed on a marquee, awning, or canopy, the height of letters shall not exceed one (1) foot.
 - (c) In the RM District within which a manufactured home community is located, a sign, limited in area to thirty-two (32) square feet, giving the name and/or address of management of a manufactured home community shall be permitted in addition to those listed in sections 22(a) and 22(b).
- * * *

25. Special regulations:

- (a) When theaters are included in shopping centers, an additional sign for the use of the theater in advertising its attractions may be permitted for each lot frontage. The sign shall not exceed one hundred (100) square feet in area.
- (b) Accessory signs, placed on fuel pumps and specifying the price of the fuel dispensed from the pump, other products for sale on the premises, or other services available on site (no larger than two (2) square feet of area per sign face), are permitted in addition to the signs permitted in the district in which the use is located and shall be considered wall signs.
- (c) Signs erected to be visible from Interstate highways may be permitted as special exceptions in accordance with the following standards:

- (1) The subject property shall be contiguous with the Interstate highway right-of-way or with the right-of-way of a frontage road along the Interstate.
 - (2) The signage shall be for identification of a national, regional, or statewide corporate headquarters or distribution facility, or for a unique facility such as King's Dominion.
 - (3) There shall be no more than one detached sign per such frontage.
 - (4) In general, no sign shall exceed the following sizes:
 - (i) For a facility with less than two hundred fifty thousand (250,000) square feet of floor area: One hundred (100) square feet.
 - (ii) For a facility with more than two hundred fifty thousand (250,000) square feet but less than five hundred thousand (500,000) square feet of floor area: Two hundred (200) square feet.
 - (iii) For a facility with more than five hundred thousand (500,000) square feet but less than seven hundred fifty thousand (750,000) square feet of floor area: Three hundred (300) square feet.
 - (iv) For a facility with more than seven hundred fifty thousand (750,000) square feet but less than one million (1,000,000) square feet of floor area: Four hundred (400) square feet.
 - (v) For a facility with more than one million (1,000,000) square feet of floor area: Five hundred (500) square feet.

Sign area shall be as defined in section 3.2.
 - (5) Signs shall be designed to be harmonious with the surrounding neighborhood and with the facility located on the subject property. Materials to be used for the sign shall be approved by the board of supervisors.
 - (6) The siting of the sign shall incorporate appropriate landscaping.
 - (7) If the sign is externally lighted, the light source shall not be visible from the Interstate highway or any other public roadway, and the light shall be directed downward.
 - (8) The height of the sign shall be appropriate to the height of the facility located on site and to the surrounding topography, but in no case shall any sign height exceed forty (40) feet.
 - (d) Within designated historic districts, sign faces may be suspended below other sign faces provided that (1) the total area of all connected sign faces shall not exceed the permitted area for signs in the underlying zoning district; and (2) all such signs shall not be lighted. The design, color, and location(s) of hanging signs shall be reviewed and approved by the architectural review board prior to issuance of any sign permit.
 - (e) Within the RS, RM, R-1, R-2, R-3, R-4, and R-5 Zoning Districts, decorative banners may be permitted as special exceptions in accordance with the restrictions set forth in subsection 23(a), above.
9. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 7, Section 5, regarding site plan review for certain uses, shall be amended to read in its entirety as follows:

Section 5. Site plan review required for certain uses.

5.1 For the purpose of ensuring good arrangement, appearance, function, harmony with surroundings and adjacent uses and the objectives of the Comprehensive Plan, and compliance with the requirements of these regulations, site plans for the uses specified in paragraphs a., b., and c. shall be submitted, reviewed, and approved prior to the issuance of any permits for construction.

- a. Plans for the following uses shall be reviewed by the Administrator, the Planning Commission, and the Board of Supervisors, in accordance with the requirements of this article and article 10:

- (1) Conditional uses, except that the application for approval shall be accompanied by a preliminary sketch as specified in section 7 of this article. Once the preliminary sketch plan has been approved, a final site plan shall be prepared in accordance with the requirements specified in section 6 of this article site plans shall be required for utility uses only when structures are above ground, except for minor appurtenances such as fire hydrant, and only for the tax parcel on which the structures shall be located. Compliance with the requirements specified in article 7, section 9, shall be required.
 - (2) Planned unit developments.
 - b. Plans for the following uses shall be reviewed by the Administrator and the Planning Commission, in accordance with the requirements of this article and article 10:
 - (1) Two-family, townhouse, and multiple-family dwelling development in the R-4 and R-5 districts;
 - (2) In the RM district, where individual lots are not being created for each residential unit.
 - c. Plans for the following uses shall be reviewed by the administrator, in accordance with the requirements of this article and the procedures of article 10:
 - (1) All commercial and industrial uses.
 - (2) Site plans for approved conditional uses.
 - (3) Site plans for churches for which a floor area expansion of less than fifty (50) percent is requested and for which no conditional use permit has been approved.
10. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 10, Section 7, regarding amendments and additions to site plans, shall be amended to read in its entirety as follows:

Section 7. Amendments and additions to site plans.

The procedure for amendment of the boundaries of an approved R-3, R-4, or R-5 district or Planned Unit Development District or change of the extent of land use for an approved conditional use shall be the same as for a new application, except that minor amendments of an approved site plan and conditions attached to an approved R-2, R-3, R-4, R-5, RM (where individual lots are not being created for each residential unit), or PUD District, conditional use, or site plan, may be approved by the Administrator or Planning Commission, as specified in section 6. For those which must be reviewed and approved by the Planning Commission, such approval may be granted at a regular meeting after written reports by the Administrator and without a public hearing, provided such change or amendment:

1. Does not alter a recorded plat.
2. Does not conflict with the specific requirements of this appendix.
3. Does not change the general character or content of an approved development plan or use.
4. Applies to an approved condition originating with the Planning Commission and not the Board of Supervisors.
5. Has no appreciable effect on adjoining or surrounding property.
6. Does not result in any substantial change of major external access points.
7. Does not increase the approved number of dwelling units or height of buildings.
8. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

11. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:

5-32a Privately maintained streets: Streets otherwise required to be made public may be maintained privately in accordance with the following:

1. In the RS, Single-Family Residential District, the RC Rural Conservation District, and through roads and those serving detached dwellings in the RM Multi-Family Residential District, streets

may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.

2. In the MX Mixed Use District, the BP Business Park District, and all other roads in the RM Multi-Family Residential District, streets may be privately maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.
12. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, shall be amended by deleting the definition of "Mobile Home Park (Trailer Park)."
13. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8, titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.
14. That all R-4 and R-5 Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4 and R-5 Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
15. This ordinance shall be effective on the date of adoption.

On motion of Mr. McGhee, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve Ordinance No. 09-26 as follows:

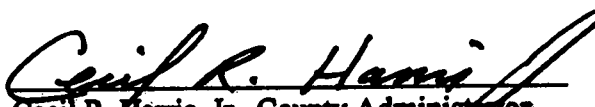
	Vote:
G. E. "Ed" Via, III	Aye
Deborah B. Coats	Aye
John B. Gordon, Jr.	Aye
Charles D. McGhee	Aye
Robert R. Setliff	Aye
Aubrey M. Stanley	Aye
Elton J. Wade, Sr.	Aye

This is to certify that the above is a true copy of Ordinance 09-26 adopted by the Hanover County Board of Supervisors on February 10, 2010.

Public Hearing: February 10, 2010

Adopted: February 10, 2010

Dated: February 11, 2010


Cecil R. Harris, Jr., County Administrator
Clerk, Hanover County Board of Supervisors

ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 1, SECTION 3 TO UPDATE THE LIST OF AVAILABLE ZONING DISTRICTS; TO AMEND THE ZONING ORDINANCE, ARTICLE 2, SECTION 2 BY ADDING DEFINITIONS OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES" AND "STEEP SLOPES," AMENDING THE DEFINITIONS OF "MOBILE HOME" AND "NET ACREAGE," AND BY DELETING THE DEFINITION OF "MOBILE HOME PARK (TRAILER PARK)"; TO AMEND THE ZONING ORDINANCE, ARTICLE 4, SECTION 7, TO UPDATE THE PROVISIONS REGARDING IN WHICH ZONING DISTRICTS MANUFACTURED HOMES ARE PERMITTED; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, SECTION 12, TO PROVIDE THAT MANUFACTURED HOME COMMUNITIES AS PERMITTED IN THE RM DISTRICT IS A CONDITIONAL USE IN THE B-3 GENERAL BUSINESS DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5A, SECTION 3, TO PROVIDE THAT UNDERGROUND UTILITIES ARE REQUIRED IN THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5A, SECTION 6.4, TO UPDATE THE LIST OF PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES PERMITTED IN THE OVERLAY ROUTE 1 CORRIDOR DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 7, SECTION 3, SUBSECTIONS 22 AND 25, TO PROVIDE FOR SIGN REGULATIONS WITHIN THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 7, SECTION 5 AND ARTICLE 10, SECTION 7, TO PROVIDE FOR SITE PLAN REVIEW WITH THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY DELETING THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT REGULATIONS, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS REGULATIONS, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT REGULATIONS, CONSISTING OF SECTIONS 8.1 THROUGH 8.10; TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT PROVIDED CERTAIN STANDARDS ARE SATISFIED; AND TO PROVIDE THAT ALL R-4, R-5 AND R-6 DISTRICTS APPROVED BY ORDINANCES ADOPTED BY THE HANOVER COUNTY BOARD OF SUPERVISORS PRIOR TO THE DATE OF ADOPTION OF THIS ORDINANCE SHALL CONTINUE IN EFFECT AND BE SUBJECT TO THE CURRENT PROVISIONS OF THE R-4, R-5, AND R-6 DISTRICTS.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 3, Section 1, regarding the establishment of zoning districts, shall be amended to read in its entirety as follows:

Section 1. Establishment of districts.

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes; to regulate and restrict the location, height, and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population, the following zoning districts are hereby established:

- (a) Conventional Zoning Districts: A-1 Agricultural; RC Rural Conservation; AR-6 Agricultural Residential; RS Single-Family Residential; RM Multi-Family Residential; MX Mixed Use District; B-0 Business Office; B-1 Neighborhood Business; B-2 Community Business; B-3 General Business; OS Office/Service; BP Business Park; M-1 Limited Industrial; M-2 Light Industrial; M-3 Heavy Industrial.
- (b) Overlay Zoning Districts: OAP Overlay Airport Protection; OUD Overlay Urban Development; OHP Overlay Historic Preservation; Crump Creek Reservoir Overlay Protection; Overlay Route 1 Corridor; Ashland Area Overlay District.

2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, shall be amended by amending the definition of "mobile home" and "net acreage" and adding definitions of "active recreation areas or active recreation facilities" and "steep slopes," which shall read in their entirety as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;
2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails) or bicycle paths;
3. Picnic areas (which shall include picnic tables, shelters, trash receptacles, or areas for outdoor cooking);
4. Playgrounds and tot-lots;
5. Swimming pools;

6. Tennis, basketball, and multi-purpose courts; and
7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).

* * *

Mobile home: A manufactured home placed within an RM Multi-Family Residential District, or which requires approval of a special exception for its use in the A-1, Agricultural District.

* * *

Net acreage: The gross acreage of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of steep slopes.

* * *

Steep Slopes: Slopes equal to or exceeding the following:

1. In the RC Rural Conservation district, a gradient of 25%;
 2. In the RS, Single Family Residential, and RM Multi-Family Residential Districts, a gradient of 35%.
3. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 4, Section 7, regarding manufactured home, shall be amended to read in its entirety as follows:

Section 7. Manufactured homes.

Manufactured homes that are placed on permanent foundations are permitted as a single-family residential dwelling in, and subject to the development standards for site-built single-family dwellings within, the A-1, Agricultural District. No other manufactured homes shall be permitted for use within the County unless located in the RM Multi-Family Residential District, or unless a special exception has been approved by the county board of supervisors for the temporary use of the manufactured home in accordance with the standards specified in article 5, section 2.6B. There shall be no manufactured homes permitted in the RS, R-1, R-2, R-3, R-4, R-5, or MX zoning districts.

4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. *Permitted uses.* A building or land shall be used for the following purposes only:
 - (a) Dwellings, including detached, attached, and multiple-family.
 - (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of-way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
- (d) Assisted living facilities that house three or fewer persons, not including caregivers.

2. *Permitted accessory uses.*

- (a) Domestic storage in main building or in an accessory building
- (b) Garage, private.
- (c) Garage, located in central parking areas, for use by residents.
- (d) Home occupations in a main building, except for retail sales businesses.
- (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
- (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
- (g) Golf courses, accessory to dwellings in the district.
- (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- (i) Signs as regulated in article 7, section 3.
- (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.
- (k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- (l) The location of office or construction trailers for a period not to exceed one (1) year.
- (m) Foster home.
- (n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 1.3-17.
- (o) Family day homes.

3. *Conditional uses.* The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:

- (a) Private clubs accessory to planned residential development.
- (b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.

- (c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
 - (d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
 - (e) Manufactured home communities.
4. *Special exceptions.* The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:
- (a) Special exceptions for a period of two (2) years or less for the following uses:
 - 1. Non-accessory tents for special purposes.
 - 2. Outdoor displays or promotional activities.
 - 3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
 - (b) Other special exceptions as follows:
 - 1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.
 - 2. Telecommunications towers and related facilities that exceed sixty (60) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.
 - 3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.
 - 4. Assisted living facilities that house four or more persons, not including caregivers.
 - 5. Children's residential facilities.

4.3. *Density; calculation.* The RM District provides for a range of density to permit flexibility for planning the most appropriate development for a property. The minimum density shall be four (4) residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included.

4.4. *Common area and Active recreation area; calculation.* The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage; however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.

Density	Required Common Area	Required Active Recreation
8 units per gross acre or less	20% of net acreage	25% of required common area
More than 8 units per gross acre	25% of net acreage	25% of required common area

4.5. *Common Area Credits:* If the district is part of a larger, master planned community in which multiple residential districts are to be located, common area in another district within the master planned community may be used to satisfy the common area requirements of the RM district provided:

1. The common area, or portion thereof, to be used as credit is in excess of the requirements for the district in which it is located;
2. The portion of the common area to be used for credit shall not contain Chesapeake Bay Resource Protection Areas or steep slopes;
3. The portion of the common area to be used for credit shall not comprise more than 25% of the required common area within the RM district;
4. The portion of the common area to be used for credit shall be designed and located such that it is conveniently located and accessible to residents within the RM district; and
5. The portion of the Common Area to be used for credit shall be constructed or bonded prior to site plan or construction plan approval for the area in which the credit is to be utilized.

4.6 *Design Standards.*

1. **Street Buffers.** Street buffers shall be designed and maintained in accordance with the following:
 - (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;
 - (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;
 - (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the required common area, or more than 25 (twenty-five) percent of the active recreation area.
 - (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
 - (e) No buffer shall be located on an individual residential building lot.
 - (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located
2. Curb and gutter shall be provided throughout the district.
3. **Street trees.**
 - (a) Street trees shall be planted as follows:
 - (i) Within a street median;

- (ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or
 - (iii) Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.
 - (b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.
 - (c) For purposes of this section, "street length" shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is used, the "street length" shall include the entire perimeter of the temporary cul-de-sac or other turnaround.
4. Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross Chesapeake Bay Resource Protection Area wetlands.
 5. Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.
- 4.7. *Lot area requirements.* There shall be no minimum lot size in the RM district.
- 4.8. *Yard requirements.*
1. Single Family Detached Dwellings: The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway. Corner lots shall provide the required front yard setback from all property lines contiguous with a road designed to state standards.
 2. Single Family Attached Dwellings: The minimum setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway.

3. Multifamily Dwellings: The minimum setback for all structures shall be fifty feet (50') from existing external state-maintained highways. There shall be a twenty-five (25) foot setback from internal roads designed to state standards.
4. There shall be no minimum setback from any internal private road or drive aisle; however, the provisions of section 4.6 shall apply.

4.9. Height restrictions.

1. Telecommunications towers and related facilities:
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.
2. Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.

4.10. Public utilities. All development shall be served by public water and sewer systems.

4.11. Parking. Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network. Driveways located on individual lots shall be designed to prevent parked vehicles from encroaching into pedestrian paths, sidewalks, the public right of way, or private easements.

4.12. Development standards and procedures.

1. Conceptual plan. The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title II, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:
 - (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
 - (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.
 - (c) Zoning and zoning district boundaries, both existing and proposed.
 - (d) Vicinity sketch, at a scale no greater than 1":2000'.
 - (e) Designation of common area with a description of proposed improvements and landscaping where appropriate, and active and passive recreation areas.
 - (f) Proposed lot lines.
 - (g) Topography, at an interval of two (2) feet.
 - (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
 - (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.

- (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
- (k) The location of ponds, streams, and natural drainage swales, mapped dam break inundation zones, and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and steep slopes.
- (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.
- (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a depiction of pedestrian paths, including a cross-section with dimension and specification of materials.
- (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.
- (o) Details of the berms to include location, cross sections, and profiles.
- (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
- (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.

2. Common Area. The plan shall provide for adherence to the following standards:

- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjointing lots shall be provided with safe and convenient pedestrian access to neighborhood common area.
- (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.
- (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.
- (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.
- (e) Ownership and maintenance.

Prior to or contemporaneous with final subdivision plat recordation for any property within an RM District, applicants shall record documents which create an owners' association, convey all common areas to the association at the time of recordation, require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below. The record plat shall

show all areas to be conveyed to the owners association within the section or block to be recorded.

Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area, prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.

The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
2. That the conveyance will be beneficial to the future owners within the district and to the public; and
3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.13. Streets and roads. Streets or roads within the district that serve detached housing and all through roads shall be public. Streets, drive aisles, parking lots, and roads within the district that serve attached housing, multi-family structures, condominiums and all other permitted uses may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All streets and roads that provide access to properties outside the district shall be built to public road standards.

5. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 12, regarding Conditional Uses in the B-3 General Business District, shall be amended to read in its entirety as follows:

12.5 Conditional uses. The following uses may be permitted as conditional uses if approved by the Board of Supervisors in accordance with the procedures, guides, and standards of articles 7 and 10:

1. Any conditional use permitted in the A-1, Agricultural District, except home craft shops and agricultural and forestal support centers.
2. Manufactured home communities, in accordance with the standards of the RM District, but not a manufactured home subdivision.
3. Wholesale establishment or warehouse with up to fifteen thousand (15,000) square feet of floor area.
4. Truck stop.
5. Theaters and amusement places, including outdoor drive-in theaters, bowling alleys, dance halls subject to applicable county regulations, skating rinks, commercial swimming pools and waterslides, miniature golf, billiard or pool parlors, and more than two (2) electronic or video games, where otherwise not permitted.
6. Adult uses, subject to the specific requirements of article 7, section 8.6.
7. Self-storage warehouse facility, subject to the specific requirements of article 7, section 8.8.
8. Used car and truck sales and storage lots. Truck sales shall be limited to pickup or panel trucks with a gross vehicle weight rating of ten thousand (10,000) pounds or less.
9. Bakery, printshop, dry cleaner with work on premises, automobile repair (but not body or fender repair), furniture refinisher. Floor area of five thousand (5,000) square feet but less than ten thousand (10,000) square feet.
10. Automobile body and fender repair.

11. Convenience store with more than five thousand (5,000) square feet of floor area, in accordance with the standards specified in article 7, section 2B.3.
6. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5A, Section 3, regarding underground utilities, shall be amended to read in its entirety as follows:

3.3 Underground utilities required. In all Business zoning districts; OS, Office-Service; and M-1, Limited Industrial Zoning Districts, and within all residential projects located in the R-4 Residential Cluster District, R-5 Multiple Family Residential District, and the RM Multi-Family District which do not otherwise require subdivision approval, all utility lines, including, but not limited to, electric, CATV, telephone or other lines, constructed after May 26, 1993, shall be placed underground. This requirement shall apply to lines serving individual sites as well as to utility lines providing service to the development. However, where aerial utility service is extended from lines existing on May 26, 1993, located across a major thoroughfare, such lines may be carried overhead to a terminal pole located along the thoroughfare right-of-way but within the project, where the lines shall be placed underground. All above-ground accessories shall be screened with appropriate landscaping of a height no less than that of the facility being screened, in accordance with the standards of article 7, section 2A. All existing and proposed utilities and accessories shall be shown on required site plans. The requirements of this section regarding underground placement shall not apply to electric transmission lines, the placement of which is regulated by the State Corporation Commission.

7. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5A, Section 6.4, regarding permitted uses, special exceptions and conditional uses permitted in the Overlay Route 1 Corridor District, shall be amended to read in its entirety as follows:

6.4 Permitted uses, special exceptions, and conditional uses. All uses permitted in the underlying zoning districts shall be permitted in the Overlay Route 1 Corridor District and shall be subject to the standards and regulations applicable in the underlying zoning districts, with the following exceptions:

- a. For properties zoned R-1, R-2, or R-3, the following shall be Conditional Uses:
 1. All uses listed in the underlying district regulations as Conditional Uses.
 2. Agricultural uses as specified in the underlying district regulations, and any references made to these sections.
 3. Raising for sale of birds, bees, fish, rabbits, and other small animals.
- b. In the R-4 zoning district, the following shall be Conditional Uses:
 1. All uses currently listed in the underlying district regulations as Conditional Uses.
 2. Agricultural uses incorporated by reference.
- c. In the R-5 zoning district, the following shall be Conditional Uses:
 1. All uses currently listed in the underlying district regulations as Conditional Uses.
 2. Raising for sale of birds, bees, fish, rabbits, and other small animals.
- d. In the M-2, Light Industrial District, the following uses shall be Conditional Uses:
 1. All uses specified in article 5, section 14.5, as Conditional Uses.
 2. Animal, poultry, and bird raising, commercial.
- e. For properties zoned M-3, Heavy Industrial District, the following uses shall be Conditional Uses:
 1. All uses specified in article 5, section 15.5, as Conditional Uses.
 2. Animal, poultry, and bird raising, commercial.
 3. Pulp, paper and paperboard.
 4. The manufacturing, compounding, processing, packaging, fabrication or treatment of:
 - (a) Asphalt or asphalt products, including batching and mixing.
 - (b) Fish curing and smoking, fish oils and meal.
 - (c) Leather and hide tanning and finishing.

- (d) Meat or fish product manufacturing, including slaughtering or preparation for packaging.

8. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 7, Section 3, subsections 22 and 25, regarding general sign regulations applicable to residential districts and special sign regulations, shall be amended to read in their entirety as follows:

22. Agricultural/residential district requirements.

- (a) The following signs are permitted in the A-C, A-1, AR-2, AR-1, RC, AR-6, RS, R-1, R-2, R-3, R-4, R-5, and RM Zoning Districts:
 - (1) A name plate or directional sign, limited in area to two (2) square feet, to identify the owner or occupant of a dwelling or building or a permitted home occupation.
 - (2) "No trespassing" or "No Hunting" signs, without limitations on number or placement, limited in area to two (2) square feet each.
 - (3) A sign, limited in area to twenty (20) square feet, neatly constructed and maintained, advertising products raised on the premises.
 - (4) A sign, limited in area to ten (10) square feet, for identification of a farm or estate, or a sign, limited in area to twenty (20) square feet, for a subdivision or its occupants, with one (1) sign being permitted for each entrance. When two (2) single face signs are placed on either side of an entrance to a subdivision, each sign may comprise up to twenty (20) square feet.
 - (5) A sign for a church bulletin board or identification of permitted public and semipublic uses, recreational uses, or clubs. The sign shall conform to the size and location regulations contained in section 24(a), below.
 - (6) A temporary sign, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress, limited to thirty-two (32) square feet.
 - (7) Signs at locations on or off the premises, limited to the direction of the traveling public, truck deliveries, and employees to a subdivision or community, a construction site or excavation, airport, or other center of employment or visitor center or recreational facility, limited in area to six (6) square feet.
- (b) Except as provided in (c), below, in the RM, R-3, R-4, and R-5 Zoning Districts a sign, limited in area to ten (10) square feet, giving the name and/or address or management of a multiple-family dwelling or group of multiple-family dwellings shall be permitted in addition to those limited in section 22(a). If such sign is placed on a marquee, awning, or canopy, the height of letters shall not exceed one (1) foot.
- (c) In the RM District within which a manufactured home community is located, a sign, limited in area to thirty-two (32) square feet, giving the name and/or address of management of a manufactured home community shall be permitted in addition to those listed in sections 22(a) and 22(b).

* * *

25. Special regulations:

- (a) When theaters are included in shopping centers, an additional sign for the use of the theater in advertising its attractions may be permitted for each lot frontage. The sign shall not exceed one hundred (100) square feet in area.
- (b) Accessory signs, placed on fuel pumps and specifying the price of the fuel dispensed from the pump, other products for sale on the premises, or other services available on site (no larger than two (2) square feet of area per sign face), are permitted in addition to the signs permitted in the district in which the use is located and shall be considered wall signs.
- (c) Signs erected to be visible from Interstate highways may be permitted as special exceptions in accordance with the following standards:

- (1) The subject property shall be contiguous with the Interstate highway right-of-way or with the right-of-way of a frontage road along the Interstate.
- (2) The signage shall be for identification of a national, regional, or statewide corporate headquarters or distribution facility, or for a unique facility such as King's Dominion.
- (3) There shall be no more than one detached sign per such frontage.
- (4) In general, no sign shall exceed the following sizes:
 - (i) For a facility with less than two hundred fifty thousand (250,000) square feet of floor area: One hundred (100) square feet.
 - (ii) For a facility with more than two hundred fifty thousand (250,000) square feet but less than five hundred thousand (500,000) square feet of floor area: Two hundred (200) square feet.
 - (iii) For a facility with more than five hundred thousand (500,000) square feet but less than seven hundred fifty thousand (750,000) square feet of floor area: Three hundred (300) square feet.
 - (iv) For a facility with more than seven hundred fifty thousand (750,000) square feet but less than one million (1,000,000) square feet of floor area: Four hundred (400) square feet.
 - (v) For a facility with more than one million (1,000,000) square feet of floor area: Five hundred (500) square feet

Sign area shall be as defined in section 3.2.
- (5) Signs shall be designed to be harmonious with the surrounding neighborhood and with the facility located on the subject property. Materials to be used for the sign shall be approved by the board of supervisors.
- (6) The siting of the sign shall incorporate appropriate landscaping.
- (7) If the sign is externally lighted, the light source shall not be visible from the Interstate highway or any other public roadway, and the light shall be directed downward.
- (8) The height of the sign shall be appropriate to the height of the facility located on site and to the surrounding topography, but in no case shall any sign height exceed forty (40) feet.
- (d) Within designated historic districts, sign faces may be suspended below other sign faces provided that (1) the total area of all connected sign faces shall not exceed the permitted area for signs in the underlying zoning district; and (2) all such signs shall not be lighted. The design, color, and location(s) of hanging signs shall be reviewed and approved by the architectural review board prior to issuance of any sign permit.
- (e) Within the RS, RM, R-1, R-2, R-3, R-4, and R-5 Zoning Districts, decorative banners may be permitted as special exceptions in accordance with the restrictions set forth in subsection 23(a), above.

9. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 7, Section 5, regarding site plan review for certain uses, shall be amended to read in its entirety as follows:

Section 5. Site plan review required for certain uses.

5.1 For the purpose of ensuring good arrangement, appearance, function, harmony with surroundings and adjacent uses and the objectives of the Comprehensive Plan, and compliance with the requirements of these regulations, site plans for the uses specified in paragraphs a., b., and c. shall be submitted, reviewed, and approved prior to the issuance of any permits for construction.

- a. Plans for the following uses shall be reviewed by the Administrator, the Planning Commission, and the Board of Supervisors, in accordance with the requirements of this article and article 10:

- (1) Conditional uses, except that the application for approval shall be accompanied by a preliminary sketch as specified in section 7 of this article. Once the preliminary sketch plan has been approved, a final site plan shall be prepared in accordance with the requirements specified in section 6 of this article site plans shall be required for utility uses only when structures are above ground, except for minor appurtenances such as fire hydrant, and only for the tax parcel on which the structures shall be located. Compliance with the requirements specified in article 7, section 9, shall be required.
- (2) Planned unit developments.
- b. Plans for the following uses shall be reviewed by the Administrator and the Planning Commission, in accordance with the requirements of this article and article 10:
 - (1) Two-family, townhouse, and multiple-family dwelling development in the R-4 and R-5 districts;
 - (2) In the RM district, where individual lots are not being created for each residential unit.
- c. Plans for the following uses shall be reviewed by the administrator, in accordance with the requirements of this article and the procedures of article 10:
 - (1) All commercial and industrial uses.
 - (2) Site plans for approved conditional uses.
 - (3) Site plans for churches for which a floor area expansion of less than fifty (50) percent is requested and for which no conditional use permit has been approved.

10. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 10, Section 7, regarding amendments and additions to site plans, shall be amended to read in its entirety as follows:

Section 7. Amendments and additions to site plans.

The procedure for amendment of the boundaries of an approved R-3, R-4, or R-5 district or Planned Unit Development District or change of the extent of land use for an approved conditional use shall be the same as for a new application, except that minor amendments of an approved site plan and conditions attached to an approved R-2, R-3, R-4, R-5, RM (where individual lots are not being created for each residential unit), or PUD District, conditional use, or site plan, may be approved by the Administrator or Planning Commission, as specified in section 6. For those which must be reviewed and approved by the Planning Commission, such approval may be granted at a regular meeting after written reports by the Administrator and without a public hearing, provided such change or amendment:

- 1. Does not alter a recorded plat.
- 2. Does not conflict with the specific requirements of this appendix.
- 3. Does not change the general character or content of an approved development plan or use.
- 4. Applies to an approved condition originating with the Planning Commission and not the Board of Supervisors.
- 5. Has no appreciable effect on adjoining or surrounding property.
- 6. Does not result in any substantial change of major external access points.
- 7. Does not increase the approved number of dwelling units or height of buildings.
- 8. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

11. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:

5-32a Privately maintained streets: Streets otherwise required to be made public may be maintained privately in accordance with the following:

- 1. In the RS, Single-Family Residential District, the RC Rural Conservation District, and through roads and those serving detached dwellings in the RM Multi-Family Residential District, streets

may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.

2. In the MX Mixed Use District, the BP Business Park District, and all other roads in the RM Multi-Family Residential District, streets may be privately maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.
12. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, shall be amended by deleting the definition of "Mobile Home Park (Trailer Park)."
13. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8, titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.
14. That all R-4 and R-5 Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4 and R-5 Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
15. This ordinance shall be effective on the date of adoption.

On motion of Mr. McGhee, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve Ordinance No. 09-26 as follows:

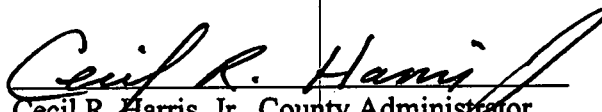
	Vote:
G. E. "Ed" Via, III	Aye
Deborah B. Coats	Aye
John E. Gordon, Jr.	Aye
Charles D. McGhee	Aye
Robert R. Setliff	Aye
Aubrey M. Stanley	Aye
Elton J. Wade, Sr.	Aye

This is to certify that the above is a true copy of Ordinance 09-26 adopted by the Hanover County Board of Supervisors on February 10, 2010.

Public Hearing: February 10, 2010

Adopted: February 10, 2010

Dated: February 11, 2010


Cecil R. Harris, Jr., County Administrator
Clerk, Hanover County Board of Supervisors

ORDINANCE AMENDMENT REPORT

DATE: February 2, 2010

McGhee
Wade

ORDINANCE 09-26, RM MULTI-FAMILY RESIDENTIAL DISTRICT

ORD. 09-26

RM MULTI-
FAMILY
RESIDENTIAL
DISTRICT

Agenda Item

REQUEST SUMMARY

Ordinance 09-26 to amend the Hanover County Code to add a definition of "active recreation areas or active recreation facilities"; to amend the Zoning Ordinance, Article 5, by the creation of a Section 4, consisting of Sections 4.1 through 4.11, to create the RM, Multi-Family Residential District and to provide regulations for uses within that district; to amend the Zoning Ordinance, Article 5, to delete Article 5, Section 6, consisting of Sections 6.1 through 6.18, Article 5, Section 7, consisting of Sections 7.1 through 7.14, and Article 5, Section 8, consisting of Sections 8.1 through 8.10, to repeal the R-4, Residential Cluster Development District, the R-5, Multiple-Family Residential District, and the R-6 Residential Mobile Homes District; and to amend the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a to provide that privately maintained streets may be constructed in the RC, Rural Conservation District, the RM, Multi-Family Residential District, the MX, Mixed Use District, and the BP, Business Park District, provided the streets are built to the standards specified on the conceptual plan for that district approved by the Board of Supervisors.

RECOMMENDATIONS

Staff: The staff recommends **ADOPTION** of the ordinance as drafted.

Planning Commission: The Commission held a public hearing on this amendment on January 21, 2010, and voted to recommend **ADOPTION** of the amendment as drafted.

P. 2/12/10

ORDINANCE AMENDMENT REPORT

DATE: February 2, 2010

ORDINANCE 09-26, RM MULTI-FAMILY RESIDENTIAL DISTRICT

ORD. 09-26

**RM MULTI-FAMILY
RESIDENTIAL
DISTRICT**

Agenda Item

REQUEST SUMMARY

Ordinance 09-26 to amend the Hanover County Code to add a definition of "active recreation areas or active recreation facilities"; to amend the Zoning Ordinance, Article 5, by the creation of a Section 4, consisting of Sections 4.1 through 4.11, to create the RM, Multi-Family Residential District and to provide regulations for uses within that district; to amend the Zoning Ordinance, Article 5, to delete Article 5, Section 6, consisting of Sections 6.1 through 6.18, Article 5, Section 7, consisting of Sections 7.1 through 7.14, and Article 5, Section 8, consisting of Sections 8.1 through 8.10, to repeal the R-4, Residential Cluster Development District, the R-5, Multiple-Family Residential District, and the R-6 Residential Mobile Homes District; and to amend the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a to provide that privately maintained streets may be constructed in the RC, Rural Conservation District, the RM, Multi-Family Residential District, the MX, Mixed Use District, and the BP, Business Park District, provided the streets are built to the standards specified on the conceptual plan for that district approved by the Board of Supervisors.

RECOMMENDATIONS

Staff: The staff recommends **ADOPTION** of the ordinance as drafted.

Planning Commission: The Commission held a public hearing on this amendment on January 21, 2010, and voted to recommend **ADOPTION** of the amendment as drafted.

PLANNING ANALYSIS

As directed by the Board of Supervisors, staff has drafted the RM, Multi-Family Residential District. The purpose of the district is to replace the existing R-4, Residential Cluster Development District, the R-5, Multi-Family Residential District, and the R-6, Residential Mobile Home District. The overall approach taken with the draft RM district is similar to that of the RS district, which replaced three single family residential districts.

The purpose of the district is to consolidate three different zoning districts into a single flexible district which can accommodate a variety of densities ranging from four (4) to fifteen (15) units per acre in accordance with the General Land Use Plan Map designations, and which can also accommodate a variety of housing types in a single district including single family detached, single family attached, multi-family, and manufactured homes. The district can only be considered in the Suburban Service Area and would apply to areas designated for Suburban General (2-4 units per acre), Suburban High (4-8 units per acre), and Multi-Family (8-15 units per acre). With respect to the district's applicability within the Suburban General land use designation, only those applications in which the proposed density is equal to 4 units per acre or more would be considered as the base density of the district is 4 units per acre.

The district provides for minimum open space and recreation requirements and, like the RS district, those requirements are increased as proposed density increases. At densities of 8 units per acre or less, the RM district requires that a minimum of 20% of net acreage must be provided as common area; of which 25% must be improved for active recreation. At densities greater than 8 units per acre, 25% of net acreage must be common area; again, 25% of that must be designated for active recreation as well. (To improve the overall clarity of the zoning ordinance and eliminate conflicts in terminology, the ordinance also includes definitions for active recreation areas or active recreation facilities, net acreage, and steep slopes. These definitions will become uniform throughout the ordinance.)

The ordinance also places limits on the percentage of common area and/or recreation area that can be included within the required buffers. However, the ordinance does include a provision for projects which consist of multiple zoning districts (namely the RM and RS districts) that excess common area in the RS district may be used to satisfy up to 25% of the common area required within the RM district.

The draft regulations require submittal of a conceptual plan and also require development in substantial conformity with the conceptual plan. The ordinance sets forth the required detail to be included in the plan and establishes plan review criteria. In those instances in which the property is to be subdivided, the conceptual plan will also serve as the preliminary subdivision plat if approved by the Planning Commission and Board.

Roads within the district may be public or private. Appropriate amendments to the subdivision ordinance to allow for private streets have been included in the draft regulations.

With regard to the R-6, Mobile Home District, the ordinance does allow for manufactured home communities. Such communities would be required to meet all the design standards of the district including adherence to common area and recreation requirements as well as all buffers and required landscaping.

To facilitate the development of the district, staff assembled a group of individuals representing the residential development community including two residential developers, two engineers, an attorney, and a representative of the HABCC. The committee met on two occasions to review the draft regulations and a third draft was circulated prior to advertising for the Commission's public hearing.

Lastly, it should be noted that although the ordinance, if adopted, would replace the R-4, R-5, and R-6 districts and those districts would no longer be available for future projects. Those properties currently zoned R-4, and R-5 (there are no properties currently zoned R-6) would not be rendered non-conforming.

PLANNING COMMISSION RECOMMENDATION

At its meeting on January 21, 2010, the Hanover County Planning Commission, on a motion by Mr. Padgett, seconded by Mr. O'Connor, voted to recommend **ADOPTION** of the Draft Ordinance.

DPM/sm/HTE

Attachments:

☒ Draft "Redline" and "Clean" Ordinance

DATE: 2-3-10

ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 1, SECTION 3 TO UPDATE THE LIST OF AVAILABLE ZONING DISTRICTS; TO AMEND THE ZONING ORDINANCE, ARTICLE 2, SECTION 2 BY ADDING DEFINITIONS OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES" AND "STEEP SLOPES," AMENDING THE DEFINITIONS OF "MOBILE HOME" AND "NET ACREAGE," AND BY DELETING THE DEFINITION OF "MOBILE HOME PARK (TRAILER PARK)"; TO AMEND THE ZONING ORDINANCE, ARTICLE 4, SECTION 7, TO UPDATE THE PROVISIONS REGARDING IN WHICH ZONING DISTRICTS MANUFACTURED HOMES ARE PERMITTED; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, SECTION 12, TO PROVIDE THAT MANUFACTURED HOME COMMUNITIES AS PERMITTED IN THE RM DISTRICT IS A CONDITIONAL USE IN THE B-3 GENERAL BUSINESS DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5A, SECTION 3, TO PROVIDE THAT UNDERGROUND UTILITIES ARE REQUIRED IN THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5A, SECTION 6.4, TO UPDATE THE LIST OF PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES PERMITTED IN THE OVERLAY ROUTE 1 CORRIDOR DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 7, SECTION 3, SUBSECTIONS 22 AND 25, TO PROVIDE FOR SIGN REGULATIONS WITHIN THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 7, SECTION 5 AND ARTICLE 10, SECTION 7, TO PROVIDE FOR SITE PLAN REVIEW WITH THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY DELETING THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT REGULATIONS, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS REGULATIONS, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT REGULATIONS, CONSISTING OF SECTIONS 8.1 THROUGH 8.10; TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT PROVIDED CERTAIN STANDARDS ARE SATISFIED; AND TO PROVIDE THAT ALL R-4, R-5 AND R-6 DISTRICTS APPROVED BY ORDINANCES ADOPTED BY THE HANOVER COUNTY BOARD OF SUPERVISORS PRIOR TO THE DATE OF ADOPTION OF THIS ORDINANCE SHALL CONTINUE IN EFFECT AND BE SUBJECT TO THE CURRENT PROVISIONS OF THE R-4, R-5, AND R-6 DISTRICTS.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide

greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 3, Section 1, regarding the establishment of zoning districts, shall be amended to read in its entirety as follows:

Section 1. Establishment of districts.

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes; to regulate and restrict the location, height, and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population, the following zoning districts are hereby established:

- (a) Conventional Zoning Districts: A-1 Agricultural; RC Rural Conservation; AR-6 Agricultural Residential; RS Single-Family Residential; ~~R-4 Residential Cluster Development; R-5 Multiple-Family Residential; R-6 Residential Mobile Home~~RM Multi-Family Residential; MX Mixed Use District; B-0 Business Office; B-1 Neighborhood Business; B-2 Community Business; B-3 General Business; OS Office/Service; ~~BP Business Park~~; M-1 Limited Industrial; M-2 Light Industrial; M-3 Heavy Industrial.
 - (b) Overlay Zoning Districts: OAP Overlay Airport Protection; OUD Overlay Urban Development; OHP Overlay Historic Preservation; Crump Creek Reservoir Overlay Protection; Overlay Route 1 Corridor; Ashland Area Overlay District.
2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, shall be amended by amending the definition of "mobile home" and "net acreage" and adding definitions of "active recreation areas or active recreation facilities" and "steep slopes," which shall read in their entirety as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;

2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails) or bicycle paths;
3. Picnic areas (which shall include picnic tables, shelters, trash receptacles, or areas for outdoor cooking);
4. Playgrounds and tot-lots;
5. Swimming pools;
6. Tennis, basketball, and multi-purpose courts; and
7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).

* * *

Mobile home: A manufactured home placed within an RMR-6, Multi-Family Residential Mobile Home District, or which requires approval of a special exception for its use in the A-1, Agricultural District.

* * *

Net acreage: The gross acreage of the site district less minus the acreage total of public and private streets, group parking areas and floodplains Chesapeake Bay Resource Protection Areas and areas of steep slopes.

* * *

Steep Slopes: Slopes equal to or exceeding the following:

1. In the RC Rural Conservation district, a gradient of 25%;
2. In the RS, Single Family Residential, and RM Multi-Family Residential Districts, a gradient of 35%.

3. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 4, Section 7, regarding manufactured home, shall be amended to read in its entirety as follows:

Section 7. Manufactured homes.

When a manufactured Manufactured homes is nineteen (19) or more feet in width and that are placed on a permanent foundations, it shall be are permitted as a single-family residential dwelling in, and subject to the development standards for site-built single-family dwellings within, the A-1, Agricultural District. No other manufactured homes shall be permitted for use within the County unless located in the R-6, RM Multi-Family Residential Mobile Home District, or unless a special exception has been approved by the county board of supervisors for the temporary use of the manufactured home in accordance with the standards specified in article 5, section 2.6B. There shall be no manufactured homes permitted in the RS, R-1, R-2, R-3, and R-4, R-5, or MX zoning districts.

4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible

lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. Permitted uses. A building or land shall be used for the following purposes only:

- (a) Dwellings, including detached, attached, and multiple-family.
- (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of-way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
- (d) Assisted living facilities that house three or fewer persons, not including caregivers.

2. Permitted accessory uses.

- (a) Domestic storage in main building or in an accessory building
- (b) Garage, private.
- (c) Garage, located in central parking areas, for use by residents.
- (d) Home occupations in a main building, except for retail sales businesses.
- (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
- (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
- (g) Golf courses, accessory to dwellings in the district.
- (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- (i) Signs as regulated in article 7, section 3.
- (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining

tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.

- (k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
 - (l) The location of office or construction trailers for a period not to exceed one (1) year.
 - (m) Foster home.
 - (n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 1.3-17.
 - (o) Family day homes.
- 3. Conditional uses. The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:
 - (a) Private clubs accessory to planned residential development.
 - (b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.
 - (c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
 - (d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
 - (e) Manufactured home communities.
- 4. Special exceptions. The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:
 - (a) Special exceptions for a period of two (2) years or less for the following uses:
 - 1. Non-accessory tents for special purposes.
 - 2. Outdoor displays or promotional activities.
 - 3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
 - (b) Other special exceptions as follows:
 - 1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.
 - 2. Telecommunications towers and related facilities that exceed sixty (60) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.
 - 3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.
 - 4. Assisted living facilities that house four or more persons, not including caregivers.

5. Children's residential facilities.

4.3. Density; calculation. The RM District provides for a range of density to permit flexibility for planning the most appropriate development for a property. The minimum density shall be four (4) residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included.

4.4. Common area and Active recreation area; calculation. The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage; however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.

<u>Density</u>	<u>Required Common Area</u>	<u>Required Active Recreation</u>
<u>8 units per gross acre or less</u>	<u>20% of net acreage</u>	<u>25% of required common area</u>
<u>More than 8 units per gross acre</u>	<u>25% of net acreage</u>	<u>25% of required common area</u>

4.5. Common Area Credits: If the district is part of a larger, master planned community in which multiple residential districts are to be located, common area in another district within the master planned community may be used to satisfy the common area requirements of the RM district provided:

1. The common area, or portion thereof, to be used as credit is in excess of the requirements for the district in which it is located;
2. The portion of the common area to be used for credit shall not contain Chesapeake Bay Resource Protection Areas or steep slopes;
3. The portion of the common area to be used for credit shall not comprise more than 25% of the required common area within the RM district;
4. The portion of the common area to be used for credit shall be designed and located such that it is conveniently located and accessible to residents within the RM district; and
5. The portion of the Common Area to be used for credit shall be constructed or bonded prior to site plan or construction plan approval for the area in which the credit is to be utilized.

4.6 Design Standards.

1. Street Buffers. Street buffers shall be designed and maintained in accordance with the following:
 - (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;
 - (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;
 - (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped

sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the required common area, or more than 25 (twenty-five) percent of the active recreation area.

- (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
 - (e) No buffer shall be located on an individual residential building lot.
 - (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located
2. Curb and gutter shall be provided throughout the district.
3. Street trees.
- (a) Street trees shall be planted as follows:
 - (i) Within a street median;
 - (ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or
 - (iii) Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.
 - (b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.
 - (c) For purposes of this section, "street length" shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is

used, the "street length" shall include the entire perimeter of the temporary cul-de-sac or other turnaround.

4. Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross Chesapeake Bay Resource Protection Area wetlands.
5. Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.

4.7. Lot area requirements. There shall be no minimum lot size in the RM district.

4.8. Yard requirements.

1. Single Family Detached Dwellings: The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway. Corner lots shall provide the required front yard setback from all property lines contiguous with a road designed to state standards.
2. Single Family Attached Dwellings: The minimum setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway.
3. Multifamily Dwellings: The minimum setback for all structures shall be fifty feet (50') from existing external state-maintained highways. There shall be a twenty-five (25) foot setback from internal roads designed to state standards.
4. There shall be no minimum setback from any internal private road or drive aisle; however, the provisions of section 4.6 shall apply.

4.9. Height restrictions.

1. Telecommunications towers and related facilities:
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.
2. Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.

4.10. Public utilities. All development shall be served by public water and sewer systems.

4.11. Parking. Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network. Driveways located on individual lots shall be designed to prevent parked vehicles from encroaching into pedestrian paths, sidewalks, the public right of way, or private easements.

4.12. Development standards and procedures.

1. Conceptual plan. The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title II, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:
 - (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
 - (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.
 - (c) Zoning and zoning district boundaries, both existing and proposed.
 - (d) Vicinity sketch, at a scale no greater than 1":2000'.
 - (e) Designation of common area with a description of proposed improvements and landscaping where appropriate, and active and passive recreation areas.
 - (f) Proposed lot lines.
 - (g) Topography, at an interval of two (2) feet.
 - (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
 - (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.
 - (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
 - (k) The location of ponds, streams, and natural drainage swales, mapped dam break inundation zones, and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and steep slopes.
 - (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.
 - (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a

depiction of pedestrian paths, including a cross-section with dimension and specification of materials.

- (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.
- (o) Details of the berms to include location, cross sections, and profiles.
- (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
- (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.

2. Common Area. The plan shall provide for adherence to the following standards:

- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjointing lots shall be provided with safe and convenient pedestrian access to neighborhood common area.
- (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.
- (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.
- (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.
- (e) Ownership and maintenance.

Prior to or contemporaneous with final subdivision plat recordation for any property within an RM District, applicants shall record documents which create an owners' association, convey all common areas to the association at the time of recordation, require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas: provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below. The record plat shall show all areas to be conveyed to the owners association within the section or block to be recorded.

Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area,

prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.

The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
2. That the conveyance will be beneficial to the future owners within the district and to the public; and
3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.13. Streets and roads. Streets or roads within the district that serve detached housing and all through roads shall be public. Streets, drive aisles, parking lots, and roads within the district that serve attached housing, multi-family structures, condominiums and all other permitted uses may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All streets and roads that provide access to properties outside the district shall be built to public road standards.

5. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 12, regarding Conditional Uses in the B-3 General Business District, shall be amended to read in its entirety as follows:

12.5 Conditional uses. The following uses may be permitted as conditional uses if approved by the Board of Supervisors in accordance with the procedures, guides, and standards of articles 7 and 10:

1. Any conditional use permitted in the A-1, Agricultural District, except home craft shops and agricultural and forestal support centers.
2. ~~Manufactured home communities~~Mobile home park, in accordance with the standards of the ~~R-6RM~~ District, but not a ~~mobile-manufactured~~ home subdivision.
3. ~~Reserved.~~
4. Wholesale establishment or warehouse with up to fifteen thousand (15,000) square feet of floor area.
5. ~~Reserved.~~
64. Truck stop.
75. Theaters and amusement places, including outdoor drive-in theaters, bowling alleys, dance halls subject to applicable county regulations, skating rinks, commercial swimming pools and waterslides, miniature golf, billiard or pool parlors, and more than two (2) electronic or video games, where otherwise not permitted.
86. Adult uses, subject to the specific requirements of article 7, section 8.6.
97. Self-storage warehouse facility, subject to the specific requirements of article 7, section 8.8.
108. Used car and truck sales and storage lots. Truck sales shall be limited to pickup or panel trucks with a gross vehicle weight rating of ten thousand (10,000) pounds or less.
11. ~~Reserved.~~
129. Bakery, printshop, dry cleaner with work on premises, automobile repair (but not body or fender repair), furniture refinisher. Floor area of five thousand (5,000) square feet but less than ten thousand (10,000) square feet.
1310. Automobile body and fender repair.
1411. Convenience store with more than five thousand (5,000) square feet of floor area, in accordance with the standards specified in article 7, section 2B.3.

6. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5A, Section 3, regarding underground utilities, shall be amended to read in its entirety as follows:

3.3 Underground utilities required. In all Business zoning districts; OS, Office-Service; and M-1, Limited Industrial Zoning Districts, and within all residential projects located in the R-4, Residential Cluster District, R-5, Multiple Family Residential District, and R-6, Residential Mobile Home Districts, and the RM Multi-Family District which do not otherwise require subdivision approval, all utility lines, including, but not limited to, electric, CATV, telephone or other lines, constructed after May 26, 1993, shall be placed underground. This requirement shall apply to lines serving individual sites as well as to utility lines providing service to the development. However, where aerial utility service is extended from lines existing on May 26, 1993, located across a major thoroughfare, such lines may be carried overhead to a terminal pole located along the thoroughfare right-of-way but within the project, where the lines shall be placed underground. All above-ground accessories shall be screened with appropriate landscaping of a height no less than that of the facility being screened, in accordance with the standards of article 7, section 2A. All existing and proposed utilities and accessories shall be shown on required site plans. The requirements of this section regarding underground placement shall not apply to electric transmission lines, the placement of which is regulated by the State Corporation Commission.

7. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5A, Section 6.4, regarding permitted uses, special exceptions and conditional uses permitted in the Overlay Route 1 Corridor District, shall be amended to read in its entirety as follows:

6.4 Permitted uses, special exceptions, and conditional uses. All uses permitted in the underlying zoning districts shall be permitted in the Overlay Route 1 Corridor District and shall be subject to the standards and regulations applicable in the underlying zoning districts, with the following exceptions:

- a. For properties zoned in the R-1, R-2, or R-3, and R-6 zoning districts, the following shall be Conditional Uses:
 1. All uses listed in the underlying district regulations article 5, sections 3.5, 4.5, 5.5, and 8.5, as Conditional Uses.
 2. Agricultural uses as specified in the underlying district regulations article 5, sections 3.2.2 and 4.2.2, and any references made to these sections.
 3. Raising for sale of birds, bees, fish, rabbits, and other small animals.
- b. In the R-4 zoning district, the following shall be Conditional Uses:
 1. All uses currently listed in the underlying district regulations article 5, section 6.18, as Conditional Uses.
 2. Agricultural uses incorporated by reference.
- c. In the R-5 zoning district, the following shall be Conditional Uses:
 1. All uses currently listed in article 5, section 7.5, the underlying district regulations as Conditional Uses.
 2. Raising for sale of birds, bees, fish, rabbits, and other small animals.
- d. In the M-2, Light Industrial District, the following uses shall be Conditional Uses:
 1. All uses specified in article 5, section 14.5, as Conditional Uses.
 2. Animal, poultry, and bird raising, commercial.
- e. In the For properties zoned M-3, Heavy Industrial District, the following uses shall be Conditional Uses:
 1. All uses specified in article 5, section 15.5, as Conditional Uses.
 2. Animal, poultry, and bird raising, commercial.
 3. Pulp, paper and paperboard mills.

4. The manufacturing, compounding, processing, packaging, fabrication or treatment of:
 - (a) Asphalt or asphalt products, including batching and mixing.
 - ~~5. (b) Fish curing and smoking, fish oils and meal.~~
 - ~~6. (c) Leather and hide Glue, hides, and raw fur: Curing, tanning, dressing, dyeing, and finishing storage.~~
 - ~~7. Leather tanning and curing.~~
 - ~~8. (d) Meat or fish products, manufacturing, including slaughtering of animals or poultry or preparation of fish for packaging.~~
8. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 7, Section 3, subsections 22 and 25, regarding general sign regulations applicable to residential districts and special sign regulations, shall be amended to read in their entirety as follows:
22. Agricultural/residential district requirements.
 - (a) The following signs are permitted in the A-C, A-1, AR-2, AR-1, RC, AR-6, RS, R-1, R-2, R-3, R-4, R-5, ~~and R-6, and RM~~ Zoning Districts:
 - (1) A name plate or directional sign, limited in area to two (2) square feet, to identify the owner or occupant of a dwelling or building or a permitted home occupation.
 - (2) "No trespassing" or "No Hunting" signs, without limitations on number or placement, limited in area to two (2) square feet each.
 - (3) A sign, limited in area to twenty (20) square feet, neatly constructed and maintained, advertising products raised on the premises.
 - (4) A sign, limited in area to ten (10) square feet, for identification of a farm or estate, or a sign, limited in area to twenty (20) square feet, for a subdivision or its occupants, with one (1) sign being permitted for each entrance. When two (2) single face signs are placed on either side of an entrance to a subdivision, each sign may comprise up to twenty (20) square feet.
 - (5) A sign for a church bulletin board or identification of permitted public and semipublic uses, recreational uses, or clubs. The sign shall conform to the size and location regulations contained in section 24(a), below.
 - (6) A temporary sign, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress, limited to thirty-two (32) square feet.
 - (7) Signs at locations on or off the premises, limited to the direction of the traveling public, truck deliveries, and employees to a subdivision or community, a construction site or excavation, airport, or other center of employment or visitor center or recreational facility, limited in area to six (6) square feet.
 - (b) Except as provided in (c), below, The following signs are permitted in the RM, R-3, R-4, and R-5 Zoning Districts in addition to those limited in section 22(a):
 - ~~(1) A a sign, limited in area to ten (10) square feet, giving the name and/or address or management of a multiple-family dwelling or group of multiple-family dwellings shall be permitted in addition to those limited in section 22(a). If such sign is placed on a marquee, awning, or canopy, the height of letters shall not exceed one (1) foot.~~
 - (c) In the RM District within which a manufactured home community is located, The following signs are permitted in the R-6 Zoning District in addition to those listed in sections 22(a) and 22(b):

- (1) ~~A~~a sign, limited in area to thirty-two (32) square feet, giving the name and/or address of management of a ~~mobile home park~~ manufactured home community shall be permitted in addition to those listed in sections 22(a) and 22(b).

* * *

25. Special regulations:

- (a) When theaters are included in shopping centers, an additional sign for the use of the theater in advertising its attractions may be permitted for each lot frontage. The sign shall not exceed one hundred (100) square feet in area.
- (b) Accessory signs, placed on fuel pumps and specifying the price of the fuel dispensed from the pump, other products for sale on the premises, or other services available on site (no larger than two (2) square feet of area per sign face), are permitted in addition to the signs permitted in the district in which the use is located and shall be considered wall signs.
- (c) Signs erected to be visible from Interstate highways may be permitted as special exceptions in accordance with the following standards:
 - (1) The subject property shall be contiguous with the Interstate highway right-of-way or with the right-of-way of a frontage road along the Interstate.
 - (2) The signage shall be for identification of a national, regional, or statewide corporate headquarters or distribution facility, or for a unique facility such as King's Dominion.
 - (3) There shall be no more than one detached sign per such frontage.
 - (4) In general, no sign shall exceed the following sizes:
 - (i) For a facility with less than two hundred fifty thousand (250,000) square feet of floor area: One hundred (100) square feet.
 - (ii) For a facility with more than two hundred fifty thousand (250,000) square feet but less than five hundred thousand (500,000) square feet of floor area: Two hundred (200) square feet.
 - (iii) For a facility with more than five hundred thousand (500,000) square feet but less than seven hundred fifty thousand (750,000) square feet of floor area: Three hundred (300) square feet.
 - (iv) For a facility with more than seven hundred fifty thousand (750,000) square feet but less than one million (1,000,000) square feet of floor area: Four hundred (400) square feet.
 - (v) For a facility with more than one million (1,000,000) square feet of floor area: Five hundred (500) square feet.
 - Sign area shall be as defined in section 3.2.
 - (5) Signs shall be designed to be harmonious with the surrounding neighborhood and with the facility located on the subject property. Materials to be used for the sign shall be approved by the board of supervisors.
 - (6) The siting of the sign shall incorporate appropriate landscaping.
 - (7) If the sign is externally lighted, the light source shall not be visible from the Interstate highway or any other public roadway, and the light shall be directed downward.
 - (8) The height of the sign shall be appropriate to the height of the facility located on site and to the surrounding topography, but in no case shall any sign height exceed forty (40) feet.
- (d) Within designated historic districts, sign faces may be suspended below other sign faces provided that (1) the total area of all connected sign faces shall not exceed the permitted area for signs in the underlying zoning district; and (2) all such signs shall not be lighted. The design, color, and location(s) of hanging signs shall be reviewed and approved by the architectural review board prior to issuance of any sign permit.

- (e) Within the RS, RM, R-1, R-2, R-3, R-4, and R-5, ~~and R-6~~ Zoning Districts, decorative banners may be permitted as special exceptions in accordance with the restrictions set forth in subsection 23(a), above.

9. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 7, Section 5, regarding site plan review for certain uses, shall be amended to read in its entirety as follows:

Section 5. Site plan review required for certain uses.

5.1 For the purpose of ensuring good arrangement, appearance, function, harmony with surroundings and adjacent uses and the objectives of the Comprehensive Plan, and compliance with the requirements of these regulations, site plans for the uses specified in paragraphs a., b., and c. shall be submitted, reviewed, and approved prior to the issuance of any permits for construction.

- a. Plans for the following uses shall be reviewed by the Administrator, the Planning Commission, and the Board of Supervisors, in accordance with the requirements of this article and article 10:
- (1) Conditional uses, except that the application for approval shall be accompanied by a preliminary sketch as specified in section 7 of this article. Once the preliminary sketch plan has been approved, a final site plan shall be prepared in accordance with the requirements specified in section 6 of this article site plans shall be required for utility uses only when structures are above ground, except for minor appurtenances such as fire hydrant, and only for the tax parcel on which the structures shall be located. Compliance with the requirements specified in article 7, section 9, shall be required.
 - (2) Planned unit developments.
- b. Plans for the following uses shall be reviewed by the Administrator and the Planning Commission, in accordance with the requirements of this article and article 10:
- (1) Two-family, townhouse, and multiple-family dwelling development in the R-4 and R-5 districts ~~as specified in Article 5, Section 6.17 and Article 5, Section 7.12;~~
 - (2) ~~Residential development in the R-6 district.~~ In the RM district, where individual lots are not being created for each residential unit.
- c. Plans for the following uses shall be reviewed by the administrator, in accordance with the requirements of this article and the procedures of article 10:
- (1) All commercial and industrial uses.
 - (2) Site plans for approved conditional uses.
 - (3) Site plans for churches for which a floor area expansion of less than fifty (50) percent is requested and for which no conditional use permit has been approved.

10. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 10, Section 7, regarding amendments and additions to site plans, shall be amended to read in its entirety as follows:

Section 7. Amendments and additions to site plans.

The procedure for amendment of the boundaries of an approved R-3, R-4, or R-5 ~~or R-6~~ district or Planned Unit Development District or change of the extent of land use for an approved conditional use shall be the same as for a new application, except that minor amendments of an approved site plan and conditions attached to an approved R-2, R-3, R-4, R-5, and R-6RM (where individual lots are not being created for each residential unit). or PUD District, conditional use, or site plan, may be approved by the Administrator or Planning Commission, as specified in section 6. For those which must be reviewed and approved by the Planning Commission, such approval

may be granted at a regular meeting after written reports by the Administrator and without a public hearing, provided such change or amendment:

1. Does not alter a recorded plat.
2. Does not conflict with the specific requirements of this appendix.
3. Does not change the general character or content of an approved development plan or use.
4. Applies to an approved condition originating with the Planning Commission and not the Board of Supervisors.
5. Has no appreciable effect on adjoining or surrounding property.
6. Does not result in any substantial change of major external access points.
7. Does not increase the approved number of dwelling units or height of buildings.
8. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

11. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:

5-32a Privately maintained streets: ~~In the RC, Rural Conservation District, and in the RS, Single Family Residential District, streets~~ Streets otherwise required to be made public may be maintained privately in accordance with the following:

1. In the RS, Single-Family Residential District, the RC Rural Conservation District, and through roads and those serving detached dwellings in the RM Multi-Family Residential District, streets may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.
2. In the MX Mixed Use District, and the BP Business Park District, and all other roads in the RM Multi-Family Residential District, streets may be privately maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.

12. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, shall be amended by deleting the definition of "Mobile Home Park (Trailer Park)."
13. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8, titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.
14. That all R-4 and R-5 Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4 and R-5 Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
15. This ordinance shall be effective on the date of adoption.

ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 1, SECTION 3 TO UPDATE THE LIST OF AVAILABLE ZONING DISTRICTS; TO AMEND THE ZONING ORDINANCE, ARTICLE 2, SECTION 2 BY ADDING DEFINITIONS OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES" AND "STEEP SLOPES," AMENDING THE DEFINITIONS OF "MOBILE HOME" AND "NET ACREAGE," AND BY DELETING THE DEFINITION OF "MOBILE HOME PARK (TRAILER PARK)"; TO AMEND THE ZONING ORDINANCE, ARTICLE 4, SECTION 7, TO UPDATE THE PROVISIONS REGARDING IN WHICH ZONING DISTRICTS MANUFACTURED HOMES ARE PERMITTED; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, SECTION 12, TO PROVIDE THAT MANUFACTURED HOME COMMUNITIES AS PERMITTED IN THE RM DISTRICT IS A CONDITIONAL USE IN THE B-3 GENERAL BUSINESS DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5A, SECTION 3, TO PROVIDE THAT UNDERGROUND UTILITIES ARE REQUIRED IN THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5A, SECTION 6.4, TO UPDATE THE LIST OF PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES PERMITTED IN THE OVERLAY ROUTE 1 CORRIDOR DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 7, SECTION 3, SUBSECTIONS 22 AND 25, TO PROVIDE FOR SIGN REGULATIONS WITHIN THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 7, SECTION 5 AND ARTICLE 10, SECTION 7, TO PROVIDE FOR SITE PLAN REVIEW WITH THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY DELETING THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT REGULATIONS, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS REGULATIONS, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT REGULATIONS, CONSISTING OF SECTIONS 8.1 THROUGH 8.10; TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT PROVIDED CERTAIN STANDARDS ARE SATISFIED; AND TO PROVIDE THAT ALL R-4, R-5 AND R-6 DISTRICTS APPROVED BY ORDINANCES ADOPTED BY THE HANOVER COUNTY BOARD OF SUPERVISORS PRIOR TO THE DATE OF ADOPTION OF THIS ORDINANCE SHALL CONTINUE IN EFFECT AND BE SUBJECT TO THE CURRENT PROVISIONS OF THE R-4, R-5, AND R-6 DISTRICTS.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide

greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 3, Section 1, regarding the establishment of zoning districts, shall be amended to read in its entirety as follows:

Section 1. Establishment of districts.

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes; to regulate and restrict the location, height, and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population, the following zoning districts are hereby established:

- (a) Conventional Zoning Districts: A-1 Agricultural; RC Rural Conservation; AR-6 Agricultural Residential; RS Single-Family Residential; RM Multi-Family Residential; MX Mixed Use District; B-0 Business Office; B-1 Neighborhood Business; B-2 Community Business; B-3 General Business; OS Office/Service; BP Business Park; M-1 Limited Industrial; M-2 Light Industrial; M-3 Heavy Industrial.
 - (b) Overlay Zoning Districts: OAP Overlay Airport Protection; OUD Overlay Urban Development; OHP Overlay Historic Preservation; Crump Creek Reservoir Overlay Protection; Overlay Route 1 Corridor; Ashland Area Overlay District.
2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, shall be amended by amending the definition of "mobile home" and "net acreage" and adding definitions of "active recreation areas or active recreation facilities" and "steep slopes," which shall read in their entirety as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;
2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails) or bicycle paths;

3. Picnic areas (which shall include picnic tables, shelters, trash receptacles, or areas for outdoor cooking);
4. Playgrounds and tot-lots;
5. Swimming pools;
6. Tennis, basketball, and multi-purpose courts; and
7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).

* * *

Mobile home: A manufactured home placed within an RM Multi-Family Residential District, or which requires approval of a special exception for its use in the A-1, Agricultural District.

* * *

Net acreage: The gross acreage of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of steep slopes.

* * *

Steep Slopes: Slopes equal to or exceeding the following:

1. In the RC Rural Conservation district, a gradient of 25%;
 2. In the RS, Single Family Residential, and RM Multi-Family Residential Districts, a gradient of 35%.
3. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 4, Section 7, regarding manufactured home, shall be amended to read in its entirety as follows:

Section 7. Manufactured homes.

Manufactured homes that are placed on permanent foundations are permitted as a single-family residential dwelling in, and subject to the development standards for site-built single-family dwellings within, the A-1, Agricultural District. No other manufactured homes shall be permitted for use within the County unless located in the RM Multi-Family Residential District, or unless a special exception has been approved by the county board of supervisors for the temporary use of the manufactured home in accordance with the standards specified in article 5, section 2.6B. There shall be no manufactured homes permitted in the RS, R-1, R-2, R-3, R-4, R-5, or MX zoning districts.

4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. *Permitted uses.* A building or land shall be used for the following purposes only:
 - (a) Dwellings, including detached, attached, and multiple-family.

- (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of-way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
- (d) Assisted living facilities that house three or fewer persons, not including caregivers.

2. *Permitted accessory uses.*

- (a) Domestic storage in main building or in an accessory building
- (b) Garage, private.
- (c) Garage, located in central parking areas, for use by residents.
- (d) Home occupations in a main building, except for retail sales businesses.
- (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
- (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
- (g) Golf courses, accessory to dwellings in the district.
- (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- (i) Signs as regulated in article 7, section 3.
- (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.

- (k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
 - (l) The location of office or construction trailers for a period not to exceed one (1) year.
 - (m) Foster home.
 - (n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 1.3-17.
 - (o) Family day homes.
3. *Conditional uses.* The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:
- (a) Private clubs accessory to planned residential development.
 - (b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.
 - (c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
 - (d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
 - (e) Manufactured home communities.
4. *Special exceptions.* The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:
- (a) Special exceptions for a period of two (2) years or less for the following uses:
 - 1. Non-accessory tents for special purposes.
 - 2. Outdoor displays or promotional activities.
 - 3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
 - (b) Other special exceptions as follows:
 - 1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.
 - 2. Telecommunications towers and related facilities that exceed sixty (60) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.
 - 3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.
 - 4. Assisted living facilities that house four or more persons, not including caregivers.
 - 5. Children's residential facilities.

4.3. *Density; calculation.* The RM District provides for a range of density to permit flexibility for planning the most appropriate development for a property. The minimum density shall be four (4)

residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included.

4.4. *Common area and Active recreation area; calculation.* The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage; however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.

Density	Required Common Area	Required Active Recreation
8 units per gross acre or less	20% of net acreage	25% of required common area
More than 8 units per gross acre	25% of net acreage	25% of required common area

4.5. *Common Area Credits:* If the district is part of a larger, master planned community in which multiple residential districts are to be located, common area in another district within the master planned community may be used to satisfy the common area requirements of the RM district provided:

1. The common area, or portion thereof, to be used as credit is in excess of the requirements for the district in which it is located;
2. The portion of the common area to be used for credit shall not contain Chesapeake Bay Resource Protection Areas or steep slopes;
3. The portion of the common area to be used for credit shall not comprise more than 25% of the required common area within the RM district;
4. The portion of the common area to be used for credit shall be designed and located such that it is conveniently located and accessible to residents within the RM district; and
5. The portion of the Common Area to be used for credit shall be constructed or bonded prior to site plan or construction plan approval for the area in which the credit is to be utilized.

4.6 *Design Standards.*

1. *Street Buffers.* Street buffers shall be designed and maintained in accordance with the following:
 - (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;
 - (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;
 - (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the

required common area, or more than 25 (twenty-five) percent of the active recreation area.

- (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
 - (e) No buffer shall be located on an individual residential building lot.
 - (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located
2. Curb and gutter shall be provided throughout the district.
3. Street trees.
- (a) Street trees shall be planted as follows:
 - (i) Within a street median;
 - (ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or
 - (iii) Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.
 - (b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.
 - (c) For purposes of this section, "street length" shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is used, the "street length" shall include the entire perimeter of the temporary cul-de-sac or other turnaround.
4. Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and

commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross Chesapeake Bay Resource Protection Area wetlands.

5. Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.

4.7. *Lot area requirements.* There shall be no minimum lot size in the RM district.

4.8. *Yard requirements.*

1. Single Family Detached Dwellings: The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway. Corner lots shall provide the required front yard setback from all property lines contiguous with a road designed to state standards.
2. Single Family Attached Dwellings: The minimum setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway.
3. Multifamily Dwellings: The minimum setback for all structures shall be fifty feet (50') from existing external state-maintained highways. There shall be a twenty-five (25) foot setback from internal roads designed to state standards.
4. There shall be no minimum setback from any internal private road or drive aisle; however, the provisions of section 4.6 shall apply.

4.9. *Height restrictions.*

1. Telecommunications towers and related facilities:
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.
2. Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.

4.10. *Public utilities.* All development shall be served by public water and sewer systems.

4.11. *Parking.* Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network. Driveways located on individual lots shall be designed to prevent parked vehicles from encroaching into pedestrian paths, sidewalks, the public right of way, or private easements.

4.12. *Development standards and procedures.*

1. Conceptual plan. The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The

conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title II, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:

- (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
- (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.
- (c) Zoning and zoning district boundaries, both existing and proposed.
- (d) Vicinity sketch, at a scale no greater than 1":2000'.
- (e) Designation of common area with a description of proposed improvements and landscaping where appropriate, and active and passive recreation areas.
- (f) Proposed lot lines.
- (g) Topography, at an interval of two (2) feet.
- (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
- (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.
- (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
- (k) The location of ponds, streams, and natural drainage swales, mapped dam break inundation zones, and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and steep slopes.
- (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.
- (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a depiction of pedestrian paths, including a cross-section with dimension and specification of materials.
- (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.

- (o) Details of the berms to include location, cross sections, and profiles.
- (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
- (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.

2. Common Area. The plan shall provide for adherence to the following standards:

- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjointing lots shall be provided with safe and convenient pedestrian access to neighborhood common area.
- (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.
- (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.
- (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.
- (e) Ownership and maintenance.

Prior to or contemporaneous with final subdivision plat recordation for any property within an RM District, applicants shall record documents which create an owners' association, convey all common areas to the association at the time of recordation, require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below. The record plat shall show all areas to be conveyed to the owners association within the section or block to be recorded.

Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area, prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.

The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
2. That the conveyance will be beneficial to the future owners within the district and to the public; and
3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.13. Streets and roads. Streets or roads within the district that serve detached housing and all through roads shall be public. Streets, drive aisles, parking lots, and roads within the district that serve attached housing, multi-family structures, condominiums and all other permitted uses may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All streets and roads that provide access to properties outside the district shall be built to public road standards.

5. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 12, regarding Conditional Uses in the B-3 General Business District, shall be amended to read in its entirety as follows:

12.5 Conditional uses. The following uses may be permitted as conditional uses if approved by the Board of Supervisors in accordance with the procedures, guides, and standards of articles 7 and 10:

1. Any conditional use permitted in the A-1, Agricultural District, except home craft shops and agricultural and forestal support centers.
 2. Manufactured home communities, in accordance with the standards of the RM District, but not a manufactured home subdivision.
 3. Wholesale establishment or warehouse with up to fifteen thousand (15,000) square feet of floor area.
 4. Truck stop.
 5. Theaters and amusement places, including outdoor drive-in theaters, bowling alleys, dance halls subject to applicable county regulations, skating rinks, commercial swimming pools and waterslides, miniature golf, billiard or pool parlors, and more than two (2) electronic or video games, where otherwise not permitted.
 6. Adult uses, subject to the specific requirements of article 7, section 8.6.
 7. Self-storage warehouse facility, subject to the specific requirements of article 7, section 8.8.
 8. Used car and truck sales and storage lots. Truck sales shall be limited to pickup or panel trucks with a gross vehicle weight rating of ten thousand (10,000) pounds or less.
 9. Bakery, printshop, dry cleaner with work on premises, automobile repair (but not body or fender repair), furniture refinisher. Floor area of five thousand (5,000) square feet but less than ten thousand (10,000) square feet.
 10. Automobile body and fender repair.
 11. Convenience store with more than five thousand (5,000) square feet of floor area, in accordance with the standards specified in article 7, section 2B.3.
6. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5A, Section 3, regarding underground utilities, shall be amended to read in its entirety as follows:

3.3 Underground utilities required. In all Business zoning districts; OS, Office-Service; and M-1, Limited Industrial Zoning Districts, and within all residential projects located in the R-4 Residential Cluster District, R-5 Multiple Family Residential District, and the RM Multi-Family District which do not otherwise require subdivision approval, all utility lines, including, but not limited to, electric, CATV, telephone or other lines, constructed after May 26, 1993, shall be

placed underground. This requirement shall apply to lines serving individual sites as well as to utility lines providing service to the development. However, where aerial utility service is extended from lines existing on May 26, 1993, located across a major thoroughfare, such lines may be carried overhead to a terminal pole located along the thoroughfare right-of-way but within the project, where the lines shall be placed underground. All above-ground accessories shall be screened with appropriate landscaping of a height no less than that of the facility being screened, in accordance with the standards of article 7, section 2A. All existing and proposed utilities and accessories shall be shown on required site plans. The requirements of this section regarding underground placement shall not apply to electric transmission lines, the placement of which is regulated by the State Corporation Commission.

7. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5A, Section 6.4, regarding permitted uses, special exceptions and conditional uses permitted in the Overlay Route 1 Corridor District, shall be amended to read in its entirety as follows:

6.4 Permitted uses, special exceptions, and conditional uses. All uses permitted in the underlying zoning districts shall be permitted in the Overlay Route 1 Corridor District and shall be subject to the standards and regulations applicable in the underlying zoning districts, with the following exceptions:

- a. For properties zoned R-1, R-2, or R-3, the following shall be Conditional Uses:
 1. All uses listed in the underlying district regulations as Conditional Uses.
 2. Agricultural uses as specified in the underlying district regulations, and any references made to these sections.
 3. Raising for sale of birds, bees, fish, rabbits, and other small animals.
- b. In the R-4 zoning district, the following shall be Conditional Uses:
 1. All uses currently listed in the underlying district regulations as Conditional Uses.
 2. Agricultural uses incorporated by reference.
- c. In the R-5 zoning district, the following shall be Conditional Uses:
 1. All uses currently listed in the underlying district regulations as Conditional Uses.
 2. Raising for sale of birds, bees, fish, rabbits, and other small animals.
- d. In the M-2, Light Industrial District, the following uses shall be Conditional Uses:
 1. All uses specified in article 5, section 14.5, as Conditional Uses.
 2. Animal, poultry, and bird raising, commercial.
- e. For properties zoned M-3, Heavy Industrial District, the following uses shall be Conditional Uses:
 1. All uses specified in article 5, section 15.5, as Conditional Uses.
 2. Animal, poultry, and bird raising, commercial.
 3. Pulp, paper and paperboard.
 4. The manufacturing, compounding, processing, packaging, fabrication or treatment of:
 - (a) Asphalt or asphalt products, including batching and mixing.
 - (b) Fish curing and smoking, fish oils and meal.
 - (c) Leather and hide tanning and finishing.
 - (d) Meat or fish product manufacturing, including slaughtering or preparation for packaging.

8. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 7, Section 3, subsections 22 and 25, regarding general sign regulations applicable to residential districts and special sign regulations, shall be amended to read in their entirety as follows:

22. Agricultural/residential district requirements.

- (a) The following signs are permitted in the A-C, A-1, AR-2, AR-1, RC, AR-6, RS, R-1, R-2, R-3, R-4, R-5, and RM Zoning Districts:
 - (1) A name plate or directional sign, limited in area to two (2) square feet, to identify the owner or occupant of a dwelling or building or a permitted home occupation.
 - (2) "No trespassing" or "No Hunting" signs, without limitations on number or placement, limited in area to two (2) square feet each.
 - (3) A sign, limited in area to twenty (20) square feet, neatly constructed and maintained, advertising products raised on the premises.
 - (4) A sign, limited in area to ten (10) square feet, for identification of a farm or estate, or a sign, limited in area to twenty (20) square feet, for a subdivision or its occupants, with one (1) sign being permitted for each entrance. When two (2) single face signs are placed on either side of an entrance to a subdivision, each sign may comprise up to twenty (20) square feet.
 - (5) A sign for a church bulletin board or identification of permitted public and semipublic uses, recreational uses, or clubs. The sign shall conform to the size and location regulations contained in section 24(a), below.
 - (6) A temporary sign, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress, limited to thirty-two (32) square feet.
 - (7) Signs at locations on or off the premises, limited to the direction of the traveling public, truck deliveries, and employees to a subdivision or community, a construction site or excavation, airport, or other center of employment or visitor center or recreational facility, limited in area to six (6) square feet.
- (b) Except as provided in (c), below, in the RM, R-3, R-4, and R-5 Zoning Districts a sign, limited in area to ten (10) square feet, giving the name and/or address or management of a multiple-family dwelling or group of multiple-family dwellings shall be permitted in addition to those limited in section 22(a). If such sign is placed on a marquee, awning, or canopy, the height of letters shall not exceed one (1) foot.
- (c) In the RM District within which a manufactured home community is located, a sign, limited in area to thirty-two (32) square feet, giving the name and/or address of management of a manufactured home community shall be permitted in addition to those listed in sections 22(a) and 22(b).

* * *

25. Special regulations:

- (a) When theaters are included in shopping centers, an additional sign for the use of the theater in advertising its attractions may be permitted for each lot frontage. The sign shall not exceed one hundred (100) square feet in area.
- (b) Accessory signs, placed on fuel pumps and specifying the price of the fuel dispensed from the pump, other products for sale on the premises, or other services available on site (no larger than two (2) square feet of area per sign face), are permitted in addition to the signs permitted in the district in which the use is located and shall be considered wall signs.
- (c) Signs erected to be visible from Interstate highways may be permitted as special exceptions in accordance with the following standards:
 - (1) The subject property shall be contiguous with the Interstate highway right-of-way or with the right-of-way of a frontage road along the Interstate.

- (2) The signage shall be for identification of a national, regional, or statewide corporate headquarters or distribution facility, or for a unique facility such as King's Dominion.
 - (3) There shall be no more than one detached sign per such frontage.
 - (4) In general, no sign shall exceed the following sizes:
 - (i) For a facility with less than two hundred fifty thousand (250,000) square feet of floor area: One hundred (100) square feet.
 - (ii) For a facility with more than two hundred fifty thousand (250,000) square feet but less than five hundred thousand (500,000) square feet of floor area: Two hundred (200) square feet.
 - (iii) For a facility with more than five hundred thousand (500,000) square feet but less than seven hundred fifty thousand (750,000) square feet of floor area: Three hundred (300) square feet.
 - (iv) For a facility with more than seven hundred fifty thousand (750,000) square feet but less than one million (1,000,000) square feet of floor area: Four hundred (400) square feet.
 - (v) For a facility with more than one million (1,000,000) square feet of floor area: Five hundred (500) square feet

Sign area shall be as defined in section 3.2.
 - (5) Signs shall be designed to be harmonious with the surrounding neighborhood and with the facility located on the subject property. Materials to be used for the sign shall be approved by the board of supervisors.
 - (6) The siting of the sign shall incorporate appropriate landscaping.
 - (7) If the sign is externally lighted, the light source shall not be visible from the Interstate highway or any other public roadway, and the light shall be directed downward.
 - (8) The height of the sign shall be appropriate to the height of the facility located on site and to the surrounding topography, but in no case shall any sign height exceed forty (40) feet.
 - (d) Within designated historic districts, sign faces may be suspended below other sign faces provided that (1) the total area of all connected sign faces shall not exceed the permitted area for signs in the underlying zoning district; and (2) all such signs shall not be lighted. The design, color, and location(s) of hanging signs shall be reviewed and approved by the architectural review board prior to issuance of any sign permit.
 - (e) Within the RS, RM, R-1, R-2, R-3, R-4, and R-5 Zoning Districts, decorative banners may be permitted as special exceptions in accordance with the restrictions set forth in subsection 23(a), above.
9. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 7, Section 5, regarding site plan review for certain uses, shall be amended to read in its entirety as follows:

Section 5. Site plan review required for certain uses.

5.1 For the purpose of ensuring good arrangement, appearance, function, harmony with surroundings and adjacent uses and the objectives of the Comprehensive Plan, and compliance with the requirements of these regulations, site plans for the uses specified in paragraphs a., b., and c. shall be submitted, reviewed, and approved prior to the issuance of any permits for construction.

- a. Plans for the following uses shall be reviewed by the Administrator, the Planning Commission, and the Board of Supervisors, in accordance with the requirements of this article and article 10:

- (1) Conditional uses, except that the application for approval shall be accompanied by a preliminary sketch as specified in section 7 of this article. Once the preliminary sketch plan has been approved, a final site plan shall be prepared in accordance with the requirements specified in section 6 of this article site plans shall be required for utility uses only when structures are above ground, except for minor appurtenances such as fire hydrant, and only for the tax parcel on which the structures shall be located. Compliance with the requirements specified in article 7, section 9, shall be required.
 - (2) Planned unit developments.
 - b. Plans for the following uses shall be reviewed by the Administrator and the Planning Commission, in accordance with the requirements of this article and article 10:
 - (1) Two-family, townhouse, and multiple-family dwelling development in the R-4 and R-5 districts;
 - (2) In the RM district, where individual lots are not being created for each residential unit.
 - c. Plans for the following uses shall be reviewed by the administrator, in accordance with the requirements of this article and the procedures of article 10:
 - (1) All commercial and industrial uses.
 - (2) Site plans for approved conditional uses.
 - (3) Site plans for churches for which a floor area expansion of less than fifty (50) percent is requested and for which no conditional use permit has been approved.
10. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 10, Section 7, regarding amendments and additions to site plans, shall be amended to read in its entirety as follows:

Section 7. Amendments and additions to site plans.

The procedure for amendment of the boundaries of an approved R-3, R-4, or R-5 district or Planned Unit Development District or change of the extent of land use for an approved conditional use shall be the same as for a new application, except that minor amendments of an approved site plan and conditions attached to an approved R-2, R-3, R-4, R-5, RM (where individual lots are not being created for each residential unit), or PUD District, conditional use, or site plan, may be approved by the Administrator or Planning Commission, as specified in section 6. For those which must be reviewed and approved by the Planning Commission, such approval may be granted at a regular meeting after written reports by the Administrator and without a public hearing, provided such change or amendment:

1. Does not alter a recorded plat.
 2. Does not conflict with the specific requirements of this appendix.
 3. Does not change the general character or content of an approved development plan or use.
 4. Applies to an approved condition originating with the Planning Commission and not the Board of Supervisors.
 5. Has no appreciable effect on adjoining or surrounding property.
 6. Does not result in any substantial change of major external access points.
 7. Does not increase the approved number of dwelling units or height of buildings.
 8. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.
11. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:

5-32a Privately maintained streets: Streets otherwise required to be made public may be maintained privately in accordance with the following:

1. In the RS, Single-Family Residential District, the RC Rural Conservation District, and through roads and those serving detached dwellings in the RM Multi-Family Residential District, streets may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.
 2. In the MX Mixed Use District, the BP Business Park District, and all other roads in the RM Multi-Family Residential District, streets may be privately maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.
12. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, shall be amended by deleting the definition of "Mobile Home Park (Trailer Park)."
 13. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8, titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.
 14. That all R-4 and R-5 Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4 and R-5 Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
 15. This ordinance shall be effective on the date of adoption.

ORDINANCE AMENDMENT REPORT

DATE: January 13, 2010

ORDINANCE 09-26, RM MULTI-FAMILY RESIDENTIAL DISTRICT

ORD. 09-26

**RM MULTI-FAMILY
RESIDENTIAL
DISTRICT**

Agenda Item

REQUEST SUMMARY

Ordinance 09-26 to amend the Hanover County Code to add a definition of "active recreation areas or active recreation facilities"; to amend the Zoning Ordinance, Article 5, by the creation of a Section 4, consisting of Sections 4.1 through 4.11, to create the RM, Multi-Family Residential District and to provide regulations for uses within that district; to amend the Zoning Ordinance, Article 5, to delete Article 5, Section 6, consisting of Sections 6.1 through 6.18, Article 5, Section 7, consisting of Sections 7.1 through 7.14, and Article 5, Section 8, consisting of Sections 8.1 through 8.10, to repeal the R-4, Residential Cluster Development District, the R-5, Multiple-Family Residential District, and the R-6 Residential Mobile Homes District; and to amend the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a to provide that privately maintained streets may be constructed in the RC, Rural Conservation District, the RM, Multi-Family Residential District, the MX, Mixed Use District, and the BP, Business Park District, provided the streets are built to the standards specified on the conceptual plan for that district approved by the Board of Supervisors.

BOARD AUTHORIZATION

At their meeting of October 28, 2009, the Board of Supervisors authorized the Planning Commission to hold a public hearing on proposed amendment, Ordinance 09-26.

PLANNING ANALYSIS

As directed by the Board of Supervisors, staff has drafted the RM, Multi-Family Residential District. The purpose of the district is to replace the existing R-4, Residential Cluster Development District, the R-5, Multi-Family Residential District, and the R-6, Residential Mobile Home District. The overall approach taken with the draft RM district is similar to that of the RS district, which replaced three single family residential districts.

The purpose of the district is to consolidate three different zoning districts into a single flexible district which can accommodate a variety of densities ranging from four (4) to fifteen (15) units per acre in accordance with the General Land Use Plan Map designations, and which can also accommodate a variety of housing types in a single district including single family detached, single family attached, multi-family, and manufactured homes. The district can only be considered in the Suburban Service Area and would apply to areas designated for Suburban General (2-4 units per acre), Suburban High (4-8 units per acre), and Multi-Family (8-15 units per acre). With respect to the district's applicability within the Suburban General land use designation, only those applications in which the proposed density is equal to 4 units per acre or more would be considered as the base density of the district is 4 units per acre.

The district provides for minimum open space and recreation requirements and, like the RS district, those requirements are increased as proposed density increases. At densities of 8 units per acre or less, the RM district requires that a minimum of 20% of net acreage must be provided as common area; of which 25% must be improved for active recreation. At densities greater than 8 units per acre, 25% of net acreage must be common area; again, 25% of that must be designated for active recreation as well. (To improve the overall clarity of the zoning ordinance and eliminate conflicts in terminology, the ordinance also includes definitions for active recreation areas or active recreation facilities, net acreage, and steep slopes. These definitions will become uniform throughout the ordinance.)

The ordinance also places limits on the percentage of common area and/or recreation area that can be included within the required buffers. However, the ordinance does include a provision for projects which consist of multiple zoning districts (namely the RM and RS districts) that excess common area in the RS district may be used to satisfy up to 25% of the common area required within the RM district.

The draft regulations require submittal of a conceptual plan and also require development in substantial conformity with the conceptual plan. The ordinance sets forth the required detail to be included in the plan and establishes plan review criteria. In those instances in which the property is to be subdivided, the conceptual plan will also serve as the preliminary subdivision plat if approved by the Planning Commission and Board.

Roads within the district may be public or private. Appropriate amendments to the subdivision ordinance to allow for private streets have been included in the draft regulations.

With regard to the R-6, Mobile Home District, the ordinance does allow for manufactured home communities. Such communities would be required to meet all the design standards of the district including adherence to common area and recreation requirements as well as all buffers and required landscaping.

To facilitate the development of the district, staff assembled a group of individuals representing the residential development community including two residential developers, two engineers, an attorney, and a representative of the HABCC. The committee met on two occasions to review the draft regulations and a third draft was circulated prior to advertising for the Commission's public hearing.

Lastly, it should be noted that although the ordinance, if adopted, would replace the R-4, R-5, and R-6 districts and those districts would no longer be available for future projects. Those properties currently zoned R-4, and R-5 (there are no properties currently zoned R-6) would not be rendered non-conforming.

RECOMMENDATION

The staff recommends the Planning Commission forward Ordinance 09-26 to the Board of Supervisors with a recommendation for **ADOPTION**.

UPDATE FOLLOWING THE NOVEMBER 19, 2009 PLANNING COMMISSION MEETING

The Planning Commission referred the draft RM, Multi-family district regulations to subcommittee for further evaluation. The subcommittee (Mr. O'Connor, Mr. Trivett, and Mr. King) met on December 17, 2009. The topics of discussion included the appropriate height of telecommunications towers in the district and whether streets and roads within the district may be private. There was a discussion as to whether or not definitions for drive aisles, parking lots, and alleys should be included in the ordinance. Currently, the ordinance allows streets to be maintained publicly or privately; however, in the context of the ordinance as currently drafted, a "street" could include private drive aisles for single-family attached and multi-family structures. Staff has incorporated language into the draft ordinance which stipulates through roads and roads which serve single family detached dwellings shall be constructed to VDOT standards and specifications, but may be maintained privately (pages 12 and 17). Further, typical designs for roads which serve attached and multi-family dwellings must be included in the sketch plan.

Lastly, the subcommittee wanted the entire Commission to consider eliminating 'manufactured home communities' (the new term for mobile home park) as a conditional use in the B-3 District (it would remain as a CUP in RM). With respect to this issue, staff will be undertaking an update to the business districts similar to the process used for the industrial uses. Staff would recommend that this matter be deferred until such time as the County addresses the business districts comprehensively.

The staff continues to recommends the Planning Commission forward Ordinance 09-26 to the Board of Supervisors with a recommendation for **ADOPTION**.

DPM/sm/Ordinances 2009

Attachments:

☒ Draft "Redline" and "Clean" Ordinance

ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 1, SECTION 3 TO UPDATE THE LIST OF AVAILABLE ZONING DISTRICTS; TO AMEND THE ZONING ORDINANCE, ARTICLE 2, SECTION 2 BY ADDING DEFINITIONS OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES" AND "STEEP SLOPES," AMENDING THE DEFINITIONS OF "MOBILE HOME" AND "NET ACREAGE," AND BY DELETING THE DEFINITION OF "MOBILE HOME PARK (TRAILER PARK)"; TO AMEND THE ZONING ORDINANCE, ARTICLE 4, SECTION 7, TO UPDATE THE PROVISIONS REGARDING IN WHICH ZONING DISTRICTS MANUFACTURED HOMES ARE PERMITTED; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, SECTION 12, TO PROVIDE THAT MANUFACTURED HOME COMMUNITIES AS PERMITTED IN THE RM DISTRICT IS A CONDITIONAL USE IN THE B-3 GENERAL BUSINESS DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5A, SECTION 3, TO PROVIDE THAT UNDERGROUND UTILITIES ARE REQUIRED IN THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5A, SECTION 6.4, TO UPDATE THE LIST OF PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES PERMITTED IN THE OVERLAY ROUTE 1 CORRIDOR DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 7, SECTION 3, SUBSECTIONS 22 AND 25, TO PROVIDE FOR SIGN REGULATIONS WITHIN THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 7, SECTION 5 AND ARTICLE 10, SECTION 7, TO PROVIDE FOR SITE PLAN REVIEW WITH THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY DELETING THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT REGULATIONS, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS REGULATIONS, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT REGULATIONS, CONSISTING OF SECTIONS 8.1 THROUGH 8.10; TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT PROVIDED CERTAIN STANDARDS ARE SATISFIED; AND TO PROVIDE THAT ALL R-4, R-5 AND R-6 DISTRICTS APPROVED BY ORDINANCES ADOPTED BY THE HANOVER COUNTY BOARD OF SUPERVISORS PRIOR TO THE DATE OF ADOPTION OF THIS ORDINANCE SHALL CONTINUE IN EFFECT AND BE SUBJECT TO THE CURRENT PROVISIONS OF THE R-4, R-5, AND R-6 DISTRICTS.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide

greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 3, Section 1, regarding the establishment of zoning districts, shall be amended to read in its entirety as follows:

Section 1. Establishment of districts.

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes; to regulate and restrict the location, height, and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population, the following zoning districts are hereby established:

- (a) Conventional Zoning Districts: A-1 Agricultural; RC Rural Conservation; AR-6 Agricultural Residential; RS Single-Family Residential; ~~R-4 Residential Cluster Development; R-5 Multiple-Family Residential; R-6 Residential Mobile Home~~RM Multi-Family Residential; MX Mixed Use District; B-0 Business Office; B-1 Neighborhood Business; B-2 Community Business; B-3 General Business; OS Office/Service; ~~BP Business Park~~; M-1 Limited Industrial; M-2 Light Industrial; M-3 Heavy Industrial.
 - (b) Overlay Zoning Districts: OAP Overlay Airport Protection; OUD Overlay Urban Development; OHP Overlay Historic Preservation; Crump Creek Reservoir Overlay Protection; Overlay Route 1 Corridor; Ashland Area Overlay District.
2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, shall be amended by amending the definition of “mobile home” and “net acreage” and adding definitions of “active recreation areas or active recreation facilities” and “steep slopes,” which shall read in their entirety as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;

2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails) or bicycle paths;
3. Picnic areas (which shall include picnic tables, shelters, trash receptacles, or areas for outdoor cooking);
4. Playgrounds and tot-lots;
5. Swimming pools;
6. Tennis, basketball, and multi-purpose courts; and
7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).

* * *

Mobile home: A manufactured home placed within an RMR-6, Multi-Family Residential Mobile Home District, or which requires approval of a special exception for its use in the A-1, Agricultural District.

* * *

Net acreage: The gross acreage of the site district less minus the acreage total of public and private streets, group parking areas and floodplains Chesapeake Bay Resource Protection Areas and areas of steep slopes.

* * *

Steep Slopes: Slopes equal to or exceeding the following:

1. In the RC Rural Conservation district, a gradient of 25%;
2. In the RS, Single Family Residential, and RM Multi-Family Residential Districts, a gradient of 35%.

3. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 4, Section 7, regarding manufactured home, shall be amended to read in its entirety as follows:

Section 7. Manufactured homes.

~~When a manufactured~~ Manufactured homes is nineteen (19) or more feet in width and that are placed on a permanent foundations, it shall be are permitted as a single-family residential dwelling in, and subject to the development standards for site-built single-family dwellings within, the A-1, Agricultural District. No other manufactured homes shall be permitted for use within the County unless located in the R-6, RM Multi-Family Residential Mobile Home District, or unless a special exception has been approved by the county board of supervisors for the temporary use of the manufactured home in accordance with the standards specified in article 5, section 2.6B. There shall be no manufactured homes permitted in the RS, R-1, R-2, R-3, and R-4, R-5, or MX zoning districts.

4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible

lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. Permitted uses. A building or land shall be used for the following purposes only:

- (a) Dwellings, including detached, attached, and multiple-family.
- (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of-way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
- (d) Assisted living facilities that house three or fewer persons, not including caregivers.

2. Permitted accessory uses.

- (a) Domestic storage in main building or in an accessory building
- (b) Garage, private.
- (c) Garage, located in central parking areas, for use by residents.
- (d) Home occupations in a main building, except for retail sales businesses.
- (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
- (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
- (g) Golf courses, accessory to dwellings in the district.
- (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- (i) Signs as regulated in article 7, section 3.
- (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining

tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.

- (k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- (l) The location of office or construction trailers for a period not to exceed one (1) year.
- (m) Foster home.
- (n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 1.3-17.
- (o) Family day homes.
- 3. Conditional uses. The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:
 - (a) Private clubs accessory to planned residential development.
 - (b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.
 - (c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
 - (d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
 - (e) Manufactured home communities.
- 4. Special exceptions. The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:
 - (a) Special exceptions for a period of two (2) years or less for the following uses:
 - 1. Non-accessory tents for special purposes.
 - 2. Outdoor displays or promotional activities.
 - 3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
 - (b) Other special exceptions as follows:
 - 1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.
 - 2. Telecommunications towers and related facilities that exceed sixty (60) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.
 - 3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.
 - 4. Assisted living facilities that house four or more persons, not including caregivers.

5. Children's residential facilities.

4.3. Density; calculation. The RM District provides for a range of density to permit flexibility for planning the most appropriate development for a property. The minimum density shall be four (4) residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included.

4.4. Common area and Active recreation area; calculation. The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage; however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.

<u>Density</u>	<u>Required Common Area</u>	<u>Required Active Recreation</u>
<u>8 units per gross acre or less</u>	<u>20% of net acreage</u>	<u>25% of required common area</u>
<u>More than 8 units per gross acre</u>	<u>25% of net acreage</u>	<u>25% of required common area</u>

4.5. Common Area Credits: If the district is part of a larger, master planned community in which multiple residential districts are to be located, common area in another district within the master planned community may be used to satisfy the common area requirements of the RM district provided:

1. The common area, or portion thereof, to be used as credit is in excess of the requirements for the district in which it is located;
2. The portion of the common area to be used for credit shall not contain Chesapeake Bay Resource Protection Areas or steep slopes;
3. The portion of the common area to be used for credit shall not comprise more than 25% of the required common area within the RM district;
4. The portion of the common area to be used for credit shall be designed and located such that it is conveniently located and accessible to residents within the RM district; and
5. The portion of the Common Area to be used for credit shall be constructed or bonded prior to site plan or construction plan approval for the area in which the credit is to be utilized.

4.6 Design Standards.

1. Street Buffers. Street buffers shall be designed and maintained in accordance with the following:
 - (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;
 - (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;
 - (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped

sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the required common area, or more than 25 (twenty-five) percent of the active recreation area.

- (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
- (e) No buffer shall be located on an individual residential building lot.
- (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located
- 2. Curb and gutter shall be provided throughout the district.
- 3. Street trees.
 - (a) Street trees shall be planted as follows:
 - (i) Within a street median;
 - (ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or
 - (iii) Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.
 - (b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.
 - (c) For purposes of this section, "street length" shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is

used, the “street length” shall include the entire perimeter of the temporary cul-de-sac or other turnaround.

4. Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross Chesapeake Bay Resource Protection Area wetlands.

5. Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.

4.7. Lot area requirements. There shall be no minimum lot size in the RM district.

4.8. Yard requirements.

1. Single Family Detached Dwellings: The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway. Corner lots shall provide the required front yard setback from all property lines contiguous with a road designed to state standards.
2. Single Family Attached Dwellings: The minimum setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway.
3. Multifamily Dwellings: The minimum setback for all structures shall be fifty feet (50') from existing external state-maintained highways. There shall be a twenty-five (25) foot setback from internal roads designed to state standards.
4. There shall be no minimum setback from any internal private road or drive aisle; however, the provisions of section 4.6 shall apply.

4.9. Height restrictions.

1. Telecommunications towers and related facilities:
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.
2. Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.

4.10. Public utilities. All development shall be served by public water and sewer systems.

4.11. Parking. Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network. Driveways located on individual lots shall be designed to prevent parked vehicles from encroaching into pedestrian paths, sidewalks, the public right of way, or private easements.

4.12. Development standards and procedures.

1. Conceptual plan. The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title II, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:
 - (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
 - (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.
 - (c) Zoning and zoning district boundaries, both existing and proposed.
 - (d) Vicinity sketch, at a scale no greater than 1":2000'.
 - (e) Designation of common area with a description of proposed improvements and landscaping where appropriate, and active and passive recreation areas.
 - (f) Proposed lot lines.
 - (g) Topography, at an interval of two (2) feet.
 - (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
 - (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.
 - (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
 - (k) The location of ponds, streams, and natural drainage swales, mapped dam break inundation zones, and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and steep slopes.
 - (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.
 - (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a

depiction of pedestrian paths, including a cross-section with dimension and specification of materials.

- (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.
- (o) Details of the berms to include location, cross sections, and profiles.
- (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
- (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.

2. Common Area. The plan shall provide for adherence to the following standards:

- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjointing lots shall be provided with safe and convenient pedestrian access to neighborhood common area.
- (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.
- (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.
- (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.
- (e) Ownership and maintenance.

Prior to or contemporaneous with final subdivision plat recordation for any property within an RM District, applicants shall record documents which create an owners' association, convey all common areas to the association at the time of recordation, require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below. The record plat shall show all areas to be conveyed to the owners association within the section or block to be recorded.

Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area,

prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.

The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
2. That the conveyance will be beneficial to the future owners within the district and to the public; and
3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.13. Streets and roads. Streets or roads within the district that serve detached housing and all through roads shall be public. Streets, drive aisles, parking lots, and roads within the district that serve attached housing, multi-family structures, condominiums and all other permitted uses may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All easements and rights-of-way that provide access to residential properties outside the district shall be built to the same public road standards as the streets and roads within the district.

5. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 12, regarding Conditional Uses in the B-3 General Business District, shall be amended to read in its entirety as follows:

12.5 Conditional uses. The following uses may be permitted as conditional uses if approved by the Board of Supervisors in accordance with the procedures, guides, and standards of articles 7 and 10:

1. Any conditional use permitted in the A-1, Agricultural District, except home craft shops and agricultural and forestal support centers.
2. ~~Manufactured home communities~~ Mobile home park, in accordance with the standards of the R-6RM District, but not a ~~mobile manufactured~~ home subdivision.
3. ~~Reserved.~~
4. Wholesale establishment or warehouse with up to fifteen thousand (15,000) square feet of floor area.
5. ~~Reserved.~~
64. Truck stop.
75. Theaters and amusement places, including outdoor drive-in theaters, bowling alleys, dance halls subject to applicable county regulations, skating rinks, commercial swimming pools and waterslides, miniature golf, billiard or pool parlors, and more than two (2) electronic or video games, where otherwise not permitted.
86. Adult uses, subject to the specific requirements of article 7, section 8.6.
97. Self-storage warehouse facility, subject to the specific requirements of article 7, section 8.8.
- +08. Used car and truck sales and storage lots. Truck sales shall be limited to pickup or panel trucks with a gross vehicle weight rating of ten thousand (10,000) pounds or less.
- +11. ~~Reserved.~~
- +29. Bakery, printshop, dry cleaner with work on premises, automobile repair (but not body or fender repair), furniture refinisher. Floor area of five thousand (5,000) square feet but less than ten thousand (10,000) square feet.
- +310. Automobile body and fender repair.

411. Convenience store with more than five thousand (5,000) square feet of floor area, in accordance with the standards specified in article 7, section 2B.3.
6. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5A, Section 3, regarding underground utilities, shall be amended to read in its entirety as follows:

3.3 Underground utilities required. In all Business zoning districts; OS, Office-Service; and M-1, Limited Industrial Zoning Districts, and within all residential projects located in the R-4, Residential Cluster District, R-5, Multiple Family Residential District, and R-6, Residential Mobile Home Districts, and the RM Multi-Family District which do not otherwise require subdivision approval, all utility lines, including, but not limited to, electric, CATV, telephone or other lines, constructed after May 26, 1993, shall be placed underground. This requirement shall apply to lines serving individual sites as well as to utility lines providing service to the development. However, where aerial utility service is extended from lines existing on May 26, 1993, located across a major thoroughfare, such lines may be carried overhead to a terminal pole located along the thoroughfare right-of-way but within the project, where the lines shall be placed underground. All above-ground accessories shall be screened with appropriate landscaping of a height no less than that of the facility being screened, in accordance with the standards of article 7, section 2A. All existing and proposed utilities and accessories shall be shown on required site plans. The requirements of this section regarding underground placement shall not apply to electric transmission lines, the placement of which is regulated by the State Corporation Commission.

7. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5A, Section 6.4, regarding permitted uses, special exceptions and conditional uses permitted in the Overlay Route 1 Corridor District, shall be amended to read in its entirety as follows:

6.4 Permitted uses, special exceptions, and conditional uses. All uses permitted in the underlying zoning districts shall be permitted in the Overlay Route 1 Corridor District and shall be subject to the standards and regulations applicable in the underlying zoning districts, with the following exceptions:

- a. ~~For properties zoned in the R-1, R-2, or R-3, and or R-6 zoning districts, the following shall be Conditional Uses:~~
 1. All uses listed in ~~the underlying district regulations article 5, sections 3.5, 4.5, 5.5, and 8.5, as Conditional Uses.~~
 2. Agricultural uses as specified in ~~the underlying district regulations article 5, sections 3.2.2 and 4.2.2, and any references made to these sections.~~
 3. Raising for sale of birds, bees, fish, rabbits, and other small animals.
- b. In the R-4 zoning district, the following shall be Conditional Uses:
 1. All uses currently listed in ~~the underlying district regulations article 5, section 6.18, as Conditional Uses.~~
 2. Agricultural uses incorporated by reference.
- c. In the R-5 zoning district, the following shall be Conditional Uses:
 1. All uses currently listed in ~~article 5, section 7.5, the underlying district regulations as Conditional Uses.~~
 2. Raising for sale of birds, bees, fish, rabbits, and other small animals.
- d. In the M-2, Light Industrial District, the following uses shall be Conditional Uses:
 1. All uses specified in article 5, section 14.5, as Conditional Uses.
 2. Animal, poultry, and bird raising, commercial.
- e. ~~In the~~For properties zoned M-3, Heavy Industrial District, the following uses shall be Conditional Uses:
 1. All uses specified in article 5, section 15.5, as Conditional Uses.

2. Animal, poultry, and bird raising, commercial.
 3. Pulp, paper and paperboard mills.
 4. The manufacturing, compounding, processing, packaging, fabrication or treatment of:
 - (a) Asphalt or asphalt products, including batching and mixing.
 5. ~~(b) Fish curing and smoking, fish oils and meal.~~
 6. ~~(c) Leather and hide Glue, hides, and raw fur: Curing, tanning, dressing, dyeing, and finishing storage.~~
 7. ~~Leather tanning and curing.~~
 8. ~~(d) Meat or fish products, manufacturing, including slaughtering of animals or poultry or preparation of fish for packaging.~~
8. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 7, Section 3, subsections 22 and 25, regarding general sign regulations applicable to residential districts and special sign regulations, shall be amended to read in their entirety as follows:
22. Agricultural/residential district requirements.
 - (a) The following signs are permitted in the A-C, A-1, AR-2, AR-1, RC, AR-6, RS, R-1, R-2, R-3, R-4, R-5, and R-6, and RM Zoning Districts:
 - (1) A name plate or directional sign, limited in area to two (2) square feet, to identify the owner or occupant of a dwelling or building or a permitted home occupation.
 - (2) "No trespassing" or "No Hunting" signs, without limitations on number or placement, limited in area to two (2) square feet each.
 - (3) A sign, limited in area to twenty (20) square feet, neatly constructed and maintained, advertising products raised on the premises.
 - (4) A sign, limited in area to ten (10) square feet, for identification of a farm or estate, or a sign, limited in area to twenty (20) square feet, for a subdivision or its occupants, with one (1) sign being permitted for each entrance. When two (2) single face signs are placed on either side of an entrance to a subdivision, each sign may comprise up to twenty (20) square feet.
 - (5) A sign for a church bulletin board or identification of permitted public and semipublic uses, recreational uses, or clubs. The sign shall conform to the size and location regulations contained in section 24(a), below.
 - (6) A temporary sign, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress, limited to thirty-two (32) square feet.
 - (7) Signs at locations on or off the premises, limited to the direction of the traveling public, truck deliveries, and employees to a subdivision or community, a construction site or excavation, airport, or other center of employment or visitor center or recreational facility, limited in area to six (6) square feet.
 - (b) ~~Except as provided in (c), below, The following signs are permitted in the RM, R-3, R-4, and R-5 Zoning Districts in addition to those limited in section 22(a):~~
 - (1) ~~A a sign, limited in area to ten (10) square feet, giving the name and/or address or management of a multiple-family dwelling or group of multiple-family dwellings shall be permitted in addition to those limited in section 22(a). If such sign is placed on a marquee, awning, or canopy, the height of letters shall not exceed one (1) foot.~~
 - (c) ~~In the R-6 Zoning District or the RM District within which a manufactured home community is located, The following signs are permitted in the R-6 Zoning District in addition to those listed in sections 22(a) and 22(b):~~

- (+) ~~Aa~~ sign, limited in area to thirty-two (32) square feet, giving the name and/or address of management of a ~~mobile home park~~ manufactured home community shall be permitted in addition to those listed in sections 22(a) and 22(b).

* * *

25. Special regulations:

- (a) When theaters are included in shopping centers, an additional sign for the use of the theater in advertising its attractions may be permitted for each lot frontage. The sign shall not exceed one hundred (100) square feet in area.
- (b) Accessory signs, placed on fuel pumps and specifying the price of the fuel dispensed from the pump, other products for sale on the premises, or other services available on site (no larger than two (2) square feet of area per sign face), are permitted in addition to the signs permitted in the district in which the use is located and shall be considered wall signs.
- (c) Signs erected to be visible from Interstate highways may be permitted as special exceptions in accordance with the following standards:
 - (1) The subject property shall be contiguous with the Interstate highway right-of-way or with the right-of-way of a frontage road along the Interstate.
 - (2) The signage shall be for identification of a national, regional, or statewide corporate headquarters or distribution facility, or for a unique facility such as King's Dominion.
 - (3) There shall be no more than one detached sign per such frontage.
 - (4) In general, no sign shall exceed the following sizes:
 - (i) For a facility with less than two hundred fifty thousand (250,000) square feet of floor area: One hundred (100) square feet.
 - (ii) For a facility with more than two hundred fifty thousand (250,000) square feet but less than five hundred thousand (500,000) square feet of floor area: Two hundred (200) square feet.
 - (iii) For a facility with more than five hundred thousand (500,000) square feet but less than seven hundred fifty thousand (750,000) square feet of floor area: Three hundred (300) square feet.
 - (iv) For a facility with more than seven hundred fifty thousand (750,000) square feet but less than one million (1,000,000) square feet of floor area: Four hundred (400) square feet.
 - (v) For a facility with more than one million (1,000,000) square feet of floor area: Five hundred (500) square feet.
 - Sign area shall be as defined in section 3.2.
 - (5) Signs shall be designed to be harmonious with the surrounding neighborhood and with the facility located on the subject property. Materials to be used for the sign shall be approved by the board of supervisors.
 - (6) The siting of the sign shall incorporate appropriate landscaping.
 - (7) If the sign is externally lighted, the light source shall not be visible from the Interstate highway or any other public roadway, and the light shall be directed downward.
 - (8) The height of the sign shall be appropriate to the height of the facility located on site and to the surrounding topography, but in no case shall any sign height exceed forty (40) feet.
- (d) Within designated historic districts, sign faces may be suspended below other sign faces provided that (1) the total area of all connected sign faces shall not exceed the permitted area for signs in the underlying zoning district; and (2) all such signs shall not be lighted. The design, color, and location(s) of hanging signs shall be reviewed and approved by the architectural review board prior to issuance of any sign permit.

- (e) Within the RS, ~~RM~~, R-1, R-2, R-3, R-4, and ~~R-5, and R-6~~ Zoning Districts, decorative banners may be permitted as special exceptions in accordance with the restrictions set forth in subsection 23(a), above.
9. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 7, Section 5, regarding site plan review for certain uses, shall be amended to read in its entirety as follows:

Section 5. Site plan review required for certain uses.

5.1 For the purpose of ensuring good arrangement, appearance, function, harmony with surroundings and adjacent uses and the objectives of the Comprehensive Plan, and compliance with the requirements of these regulations, site plans for the uses specified in paragraphs a., b., and c. shall be submitted, reviewed, and approved prior to the issuance of any permits for construction.

- a. Plans for the following uses shall be reviewed by the Administrator, the Planning Commission, and the Board of Supervisors, in accordance with the requirements of this article and article 10:
 - (1) Conditional uses, except that the application for approval shall be accompanied by a preliminary sketch as specified in section 7 of this article. Once the preliminary sketch plan has been approved, a final site plan shall be prepared in accordance with the requirements specified in section 6 of this article site plans shall be required for utility uses only when structures are above ground, except for minor appurtenances such as fire hydrant, and only for the tax parcel on which the structures shall be located. Compliance with the requirements specified in article 7, section 9, shall be required.
 - (2) Planned unit developments.
 - b. Plans for the following uses shall be reviewed by the Administrator and the Planning Commission, in accordance with the requirements of this article and article 10:
 - (1) Two-family, townhouse, and multiple-family dwelling development in the R-4 and R-5 districts ~~as specified in Article 5, Section 6.17 and Article 5, Section 7.12;~~
 - (2) ~~Residential development in the R-6 district.~~
 - (3) ~~In the RM district, where individual lots are not being created for each residential unit.~~
 - c. Plans for the following uses shall be reviewed by the administrator, in accordance with the requirements of this article and the procedures of article 10:
 - (1) All commercial and industrial uses.
 - (2) Site plans for approved conditional uses.
 - (3) Site plans for churches for which a floor area expansion of less than fifty (50) percent is requested and for which no conditional use permit has been approved.
10. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 10, Section 7, regarding amendments and additions to site plans, shall be amended to read in its entirety as follows:

Section 7. Amendments and additions to site plans.

The procedure for amendment of the boundaries of an approved R-3, R-4, or R-5 or ~~R-6~~ district or Planned Unit Development District or change of the extent of land use for an approved conditional use shall be the same as for a new application, except that minor amendments of an approved site plan and conditions attached to an approved R-2, R-3, R-4, R-5, and ~~R-6, RM~~ (where individual lots are not being created for each residential unit), or PUD District, conditional use, or site plan, may be approved by the Administrator or Planning Commission, as specified in

section 6. For those which must be reviewed and approved by the Planning Commission, such approval may be granted at a regular meeting after written reports by the Administrator and without a public hearing, provided such change or amendment:

1. Does not alter a recorded plat.
2. Does not conflict with the specific requirements of this appendix.
3. Does not change the general character or content of an approved development plan or use.
4. Applies to an approved condition originating with the Planning Commission and not the Board of Supervisors.
5. Has no appreciable effect on adjoining or surrounding property.
6. Does not result in any substantial change of major external access points.
7. Does not increase the approved number of dwelling units or height of buildings.
8. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

11. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:

5-32a Privately maintained streets: ~~In the RC, Rural Conservation District, and in the RS, Single Family Residential District, streets~~ Streets otherwise required to be made public may be maintained privately in accordance with the following:

1. In the RS, Single-Family Residential District, the ~~and RC Rural Conservation District,~~ and through roads and those serving detached dwellings in the RM Multi-Family Residential District, streets may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.
2. In the ~~RC, Rural Conservation District, the RM Multi-Family Residential District, the~~ MX Mixed Use District, ~~and the BP Business Park District,~~ and all other roads in the RM Multi-Family Residential District, streets may be privately maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.

12. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, shall be amended by deleting the definition of "Mobile Home Park (Trailer Park)."
13. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8, titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.
14. That all R-4 ~~and, R-5 and R-6~~ Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4, ~~and R-5, and R-6~~ Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
15. This ordinance shall be effective on the date of adoption.

ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 1, SECTION 3 TO UPDATE THE LIST OF AVAILABLE ZONING DISTRICTS; TO AMEND THE ZONING ORDINANCE, ARTICLE 2, SECTION 2 BY ADDING DEFINITIONS OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES" AND "STEEP SLOPES," AMENDING THE DEFINITIONS OF "MOBILE HOME" AND "NET ACREAGE," AND BY DELETING THE DEFINITION OF "MOBILE HOME PARK (TRAILER PARK)"; TO AMEND THE ZONING ORDINANCE, ARTICLE 4, SECTION 7, TO UPDATE THE PROVISIONS REGARDING IN WHICH ZONING DISTRICTS MANUFACTURED HOMES ARE PERMITTED; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, SECTION 12, TO PROVIDE THAT MANUFACTURED HOME COMMUNITIES AS PERMITTED IN THE RM DISTRICT IS A CONDITIONAL USE IN THE B-3 GENERAL BUSINESS DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5A, SECTION 3, TO PROVIDE THAT UNDERGROUND UTILITIES ARE REQUIRED IN THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5A, SECTION 6.4, TO UPDATE THE LIST OF PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES PERMITTED IN THE OVERLAY ROUTE 1 CORRIDOR DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 7, SECTION 3, SUBSECTIONS 22 AND 25, TO PROVIDE FOR SIGN REGULATIONS WITHIN THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 7, SECTION 5 AND ARTICLE 10, SECTION 7, TO PROVIDE FOR SITE PLAN REVIEW WITH THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY DELETING THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT REGULATIONS, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS REGULATIONS, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT REGULATIONS, CONSISTING OF SECTIONS 8.1 THROUGH 8.10; TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT PROVIDED CERTAIN STANDARDS ARE SATISFIED; AND TO PROVIDE THAT ALL R-4, R-5 AND R-6 DISTRICTS APPROVED BY ORDINANCES ADOPTED BY THE HANOVER COUNTY BOARD OF SUPERVISORS PRIOR TO THE DATE OF ADOPTION OF THIS ORDINANCE SHALL CONTINUE IN EFFECT AND BE SUBJECT TO THE CURRENT PROVISIONS OF THE R-4, R-5, AND R-6 DISTRICTS.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide

greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 3, Section 1, regarding the establishment of zoning districts, shall be amended to read in its entirety as follows:

Section 1. Establishment of districts.

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes; to regulate and restrict the location, height, and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population, the following zoning districts are hereby established:

- (a) Conventional Zoning Districts: A-1 Agricultural; RC Rural Conservation; AR-6 Agricultural Residential; RS Single-Family Residential; RM Multi-Family Residential; MX Mixed Use District; B-0 Business Office; B-1 Neighborhood Business; B-2 Community Business; B-3 General Business; OS Office/Service; BP Business Park; M-1 Limited Industrial; M-2 Light Industrial; M-3 Heavy Industrial.
 - (b) Overlay Zoning Districts: OAP Overlay Airport Protection; OUD Overlay Urban Development; OHP Overlay Historic Preservation; Crump Creek Reservoir Overlay Protection; Overlay Route 1 Corridor; Ashland Area Overlay District.
2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, shall be amended by amending the definition of “mobile home” and “net acreage” and adding definitions of “active recreation areas or active recreation facilities” and “steep slopes,” which shall read in their entirety as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;
2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails) or bicycle paths;

3. Picnic areas (which shall include picnic tables, shelters, trash receptacles, or areas for outdoor cooking);
4. Playgrounds and tot-lots;
5. Swimming pools;
6. Tennis, basketball, and multi-purpose courts; and
7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).

* * *

Mobile home: A manufactured home placed within an RM Multi-Family Residential District, or which requires approval of a special exception for its use in the A-1, Agricultural District.

* * *

Net acreage: The gross acreage of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of steep slopes.

* * *

Steep Slopes: Slopes equal to or exceeding the following:

1. In the RC Rural Conservation district, a gradient of 25%;
 2. In the RS, Single Family Residential, and RM Multi-Family Residential Districts, a gradient of 35%.
3. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 4, Section 7, regarding manufactured home, shall be amended to read in its entirety as follows:

Section 7. Manufactured homes.

Manufactured homes that are placed on permanent foundations are permitted as a single-family residential dwelling in, and subject to the development standards for site-built single-family dwellings within, the A-1, Agricultural District. No other manufactured homes shall be permitted for use within the County unless located in the RM Multi-Family Residential District, or unless a special exception has been approved by the county board of supervisors for the temporary use of the manufactured home in accordance with the standards specified in article 5, section 2.6B. There shall be no manufactured homes permitted in the RS, R-1, R-2, R-3, R-4, R-5, or MX zoning districts.

4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. *Permitted uses.* A building or land shall be used for the following purposes only:
 - (a) Dwellings, including detached, attached, and multiple-family.

- (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of-way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
- (d) Assisted living facilities that house three or fewer persons, not including caregivers.

2. *Permitted accessory uses.*

- (a) Domestic storage in main building or in an accessory building
- (b) Garage, private.
- (c) Garage, located in central parking areas, for use by residents.
- (d) Home occupations in a main building, except for retail sales businesses.
- (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
- (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
- (g) Golf courses, accessory to dwellings in the district.
- (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- (i) Signs as regulated in article 7, section 3.
- (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.

- (k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
 - (l) The location of office or construction trailers for a period not to exceed one (1) year.
 - (m) Foster home.
 - (n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 1.3-17.
 - (o) Family day homes.
3. *Conditional uses.* The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:
- (a) Private clubs accessory to planned residential development.
 - (b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.
 - (c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
 - (d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
 - (e) Manufactured home communities.
4. *Special exceptions.* The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:
- (a) Special exceptions for a period of two (2) years or less for the following uses:
 - 1. Non-accessory tents for special purposes.
 - 2. Outdoor displays or promotional activities.
 - 3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
 - (b) Other special exceptions as follows:
 - 1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.
 - 2. Telecommunications towers and related facilities that exceed sixty (60) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.
 - 3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.
 - 4. Assisted living facilities that house four or more persons, not including caregivers.
 - 5. Children's residential facilities.

4.3. *Density; calculation.* The RM District provides for a range of density to permit flexibility for planning the most appropriate development for a property. The minimum density shall be four (4)

residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included.

4.4. Common area and Active recreation area; calculation. The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage; however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.

Density	Required Common Area	Required Active Recreation
8 units per gross acre or less	20% of net acreage	25% of required common area
More than 8 units per gross acre	25% of net acreage	25% of required common area

4.5. Common Area Credits: If the district is part of a larger, master planned community in which multiple residential districts are to be located, common area in another district within the master planned community may be used to satisfy the common area requirements of the RM district provided:

1. The common area, or portion thereof, to be used as credit is in excess of the requirements for the district in which it is located;
2. The portion of the common area to be used for credit shall not contain Chesapeake Bay Resource Protection Areas or steep slopes;
3. The portion of the common area to be used for credit shall not comprise more than 25% of the required common area within the RM district;
4. The portion of the common area to be used for credit shall be designed and located such that it is conveniently located and accessible to residents within the RM district; and
5. The portion of the Common Area to be used for credit shall be constructed or bonded prior to site plan or construction plan approval for the area in which the credit is to be utilized.

4.6 Design Standards.

1. **Street Buffers.** Street buffers shall be designed and maintained in accordance with the following:
 - (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;
 - (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;
 - (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the

- required common area, or more than 25 (twenty-five) percent of the active recreation area.
- (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
 - (e) No buffer shall be located on an individual residential building lot.
 - (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located
2. Curb and gutter shall be provided throughout the district.
 3. Street trees.
 - (a) Street trees shall be planted as follows:
 - (i) Within a street median;
 - (ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or
 - (iii) Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.
 - (b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.
 - (c) For purposes of this section, "street length" shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is used, the "street length" shall include the entire perimeter of the temporary cul-de-sac or other turnaround.
 4. Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and

commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross Chesapeake Bay Resource Protection Area wetlands.

5. Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.

4.7. *Lot area requirements.* There shall be no minimum lot size in the RM district.

4.8. *Yard requirements.*

1. Single Family Detached Dwellings: The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway. Corner lots shall provide the required front yard setback from all property lines contiguous with a road designed to state standards.
2. Single Family Attached Dwellings: The minimum setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway.
3. Multifamily Dwellings: The minimum setback for all structures shall be fifty feet (50') from existing external state-maintained highways. There shall be a twenty-five (25) foot setback from internal roads designed to state standards.
4. There shall be no minimum setback from any internal private road or drive aisle; however, the provisions of section 4.6 shall apply.

4.9. *Height restrictions.*

1. Telecommunications towers and related facilities:
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.
2. Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.

4.10. *Public utilities.* All development shall be served by public water and sewer systems.

4.11. *Parking.* Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network. Driveways located on individual lots shall be designed to prevent parked vehicles from encroaching into pedestrian paths, sidewalks, the public right of way, or private easements.

4.12. *Development standards and procedures.*

1. Conceptual plan. The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The

conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title II, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:

- (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
- (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.
- (c) Zoning and zoning district boundaries, both existing and proposed.
- (d) Vicinity sketch, at a scale no greater than 1":2000'.
- (e) Designation of common area with a description of proposed improvements and landscaping where appropriate, and active and passive recreation areas.
- (f) Proposed lot lines.
- (g) Topography, at an interval of two (2) feet.
- (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
- (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.
- (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
- (k) The location of ponds, streams, and natural drainage swales, mapped dam break inundation zones, and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and steep slopes.
- (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.
- (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a depiction of pedestrian paths, including a cross-section with dimension and specification of materials.
- (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.

- (o) Details of the berms to include location, cross sections, and profiles.
 - (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
 - (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.
2. Common Area. The plan shall provide for adherence to the following standards:
- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood common area.
 - (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.
 - (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.
 - (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.
 - (e) Ownership and maintenance.
 Prior to or contemporaneous with final subdivision plat recordation for any property within an RM District, applicants shall record documents which create an owners' association, convey all common areas to the association at the time of recordation, require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below. The record plat shall show all areas to be conveyed to the owners association within the section or block to be recorded.
 Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area, prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.
 The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
2. That the conveyance will be beneficial to the future owners within the district and to the public; and
3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.13. Streets and roads. Streets or roads within the district that serve detached housing and all through roads shall be public. Streets, drive aisles, parking lots, and roads within the district that serve attached housing, multi-family structures, condominiums and all other permitted uses may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All easements and rights-of-way that provide access to residential properties outside the district shall be built to public road standards.

5. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 12, regarding Conditional Uses in the B-3 General Business District, shall be amended to read in its entirety as follows:

12.5 Conditional uses. The following uses may be permitted as conditional uses if approved by the Board of Supervisors in accordance with the procedures, guides, and standards of articles 7 and 10:

1. Any conditional use permitted in the A-1, Agricultural District, except home craft shops and agricultural and forestal support centers.
 2. Manufactured home communities, in accordance with the standards of the RM District, but not a manufactured home subdivision.
 3. Wholesale establishment or warehouse with up to fifteen thousand (15,000) square feet of floor area.
 4. Truck stop.
 5. Theaters and amusement places, including outdoor drive-in theaters, bowling alleys, dance halls subject to applicable county regulations, skating rinks, commercial swimming pools and waterslides, miniature golf, billiard or pool parlors, and more than two (2) electronic or video games, where otherwise not permitted.
 6. Adult uses, subject to the specific requirements of article 7, section 8.6.
 7. Self-storage warehouse facility, subject to the specific requirements of article 7, section 8.8.
 8. Used car and truck sales and storage lots. Truck sales shall be limited to pickup or panel trucks with a gross vehicle weight rating of ten thousand (10,000) pounds or less.
 9. Bakery, printshop, dry cleaner with work on premises, automobile repair (but not body or fender repair), furniture refinisher. Floor area of five thousand (5,000) square feet but less than ten thousand (10,000) square feet.
 10. Automobile body and fender repair.
 11. Convenience store with more than five thousand (5,000) square feet of floor area, in accordance with the standards specified in article 7, section 2B.3.
6. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5A, Section 3, regarding underground utilities, shall be amended to read in its entirety as follows:

3.3 Underground utilities required. In all Business zoning districts; OS, Office-Service; and M-1, Limited Industrial Zoning Districts, and within all residential projects located in the R-4 Residential Cluster District, R-5 Multiple Family Residential District, and the RM Multi-Family District which do not otherwise require subdivision approval, all utility lines, including, but not limited to, electric, CATV, telephone or other lines, constructed after May 26, 1993, shall be

placed underground. This requirement shall apply to lines serving individual sites as well as to utility lines providing service to the development. However, where aerial utility service is extended from lines existing on May 26, 1993, located across a major thoroughfare, such lines may be carried overhead to a terminal pole located along the thoroughfare right-of-way but within the project, where the lines shall be placed underground. All above-ground accessories shall be screened with appropriate landscaping of a height no less than that of the facility being screened, in accordance with the standards of article 7, section 2A. All existing and proposed utilities and accessories shall be shown on required site plans. The requirements of this section regarding underground placement shall not apply to electric transmission lines, the placement of which is regulated by the State Corporation Commission.

7. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5A, Section 6.4, regarding permitted uses, special exceptions and conditional uses permitted in the Overlay Route 1 Corridor District, shall be amended to read in its entirety as follows:

6.4 Permitted uses, special exceptions, and conditional uses. All uses permitted in the underlying zoning districts shall be permitted in the Overlay Route 1 Corridor District and shall be subject to the standards and regulations applicable in the underlying zoning districts, with the following exceptions:

- a. For properties zoned R-1, R-2, or R-3, the following shall be Conditional Uses:
 1. All uses listed in the underlying district regulations as Conditional Uses.
 2. Agricultural uses as specified in the underlying district regulations, and any references made to these sections.
 3. Raising for sale of birds, bees, fish, rabbits, and other small animals.
- b. In the R-4 zoning district, the following shall be Conditional Uses:
 1. All uses currently listed in the underlying district regulations as Conditional Uses.
 2. Agricultural uses incorporated by reference.
- c. In the R-5 zoning district, the following shall be Conditional Uses:
 1. All uses currently listed in the underlying district regulations as Conditional Uses.
 2. Raising for sale of birds, bees, fish, rabbits, and other small animals.
- d. In the M-2, Light Industrial District, the following uses shall be Conditional Uses:
 1. All uses specified in article 5, section 14.5, as Conditional Uses.
 2. Animal, poultry, and bird raising, commercial.
- e. For properties zoned M-3, Heavy Industrial District, the following uses shall be Conditional Uses:
 1. All uses specified in article 5, section 15.5, as Conditional Uses.
 2. Animal, poultry, and bird raising, commercial.
 3. Pulp, paper and paperboard.
 4. The manufacturing, compounding, processing, packaging, fabrication or treatment of:
 - (a) Asphalt or asphalt products, including batching and mixing.
 - (b) Fish curing and smoking, fish oils and meal.
 - (c) Leather and hide tanning and finishing.
 - (d) Meat or fish product manufacturing, including slaughtering or preparation for packaging.

8. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 7, Section 3, subsections 22 and 25, regarding general sign regulations applicable to residential districts and special sign regulations, shall be amended to read in their entirety as follows:

22. Agricultural/residential district requirements.

- (a) The following signs are permitted in the A-C, A-1, AR-2, AR-1, RC, AR-6, RS, R-1, R-2, R-3, R-4, R-5, and RM Zoning Districts:
 - (1) A name plate or directional sign, limited in area to two (2) square feet, to identify the owner or occupant of a dwelling or building or a permitted home occupation.
 - (2) "No trespassing" or "No Hunting" signs, without limitations on number or placement, limited in area to two (2) square feet each.
 - (3) A sign, limited in area to twenty (20) square feet, neatly constructed and maintained, advertising products raised on the premises.
 - (4) A sign, limited in area to ten (10) square feet, for identification of a farm or estate, or a sign, limited in area to twenty (20) square feet, for a subdivision or its occupants, with one (1) sign being permitted for each entrance. When two (2) single face signs are placed on either side of an entrance to a subdivision, each sign may comprise up to twenty (20) square feet.
 - (5) A sign for a church bulletin board or identification of permitted public and semipublic uses, recreational uses, or clubs. The sign shall conform to the size and location regulations contained in section 24(a), below.
 - (6) A temporary sign, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress, limited to thirty-two (32) square feet.
 - (7) Signs at locations on or off the premises, limited to the direction of the traveling public, truck deliveries, and employees to a subdivision or community, a construction site or excavation, airport, or other center of employment or visitor center or recreational facility, limited in area to six (6) square feet.
- (b) Except as provided in (c), below, in the RM, R-3, R-4, and R-5 Zoning Districts a sign, limited in area to ten (10) square feet, giving the name and/or address or management of a multiple-family dwelling or group of multiple-family dwellings shall be permitted in addition to those limited in section 22(a). If such sign is placed on a marquee, awning, or canopy, the height of letters shall not exceed one (1) foot.
- (c) In the RM District within which a manufactured home community is located, a sign, limited in area to thirty-two (32) square feet, giving the name and/or address of management of a manufactured home community shall be permitted in addition to those listed in sections 22(a) and 22(b).

* * *

25. Special regulations:

- (a) When theaters are included in shopping centers, an additional sign for the use of the theater in advertising its attractions may be permitted for each lot frontage. The sign shall not exceed one hundred (100) square feet in area.
- (b) Accessory signs, placed on fuel pumps and specifying the price of the fuel dispensed from the pump, other products for sale on the premises, or other services available on site (no larger than two (2) square feet of area per sign face), are permitted in addition to the signs permitted in the district in which the use is located and shall be considered wall signs.
- (c) Signs erected to be visible from Interstate highways may be permitted as special exceptions in accordance with the following standards:
 - (1) The subject property shall be contiguous with the Interstate highway right-of-way or with the right-of-way of a frontage road along the Interstate.

- (2) The signage shall be for identification of a national, regional, or statewide corporate headquarters or distribution facility, or for a unique facility such as King's Dominion.
 - (3) There shall be no more than one detached sign per such frontage.
 - (4) In general, no sign shall exceed the following sizes:
 - (i) For a facility with less than two hundred fifty thousand (250,000) square feet of floor area: One hundred (100) square feet.
 - (ii) For a facility with more than two hundred fifty thousand (250,000) square feet but less than five hundred thousand (500,000) square feet of floor area: Two hundred (200) square feet.
 - (iii) For a facility with more than five hundred thousand (500,000) square feet but less than seven hundred fifty thousand (750,000) square feet of floor area: Three hundred (300) square feet.
 - (iv) For a facility with more than seven hundred fifty thousand (750,000) square feet but less than one million (1,000,000) square feet of floor area: Four hundred (400) square feet.
 - (v) For a facility with more than one million (1,000,000) square feet of floor area: Five hundred (500) square feet.

Sign area shall be as defined in section 3.2.
 - (5) Signs shall be designed to be harmonious with the surrounding neighborhood and with the facility located on the subject property. Materials to be used for the sign shall be approved by the board of supervisors.
 - (6) The siting of the sign shall incorporate appropriate landscaping.
 - (7) If the sign is externally lighted, the light source shall not be visible from the Interstate highway or any other public roadway, and the light shall be directed downward.
 - (8) The height of the sign shall be appropriate to the height of the facility located on site and to the surrounding topography, but in no case shall any sign height exceed forty (40) feet.
 - (d) Within designated historic districts, sign faces may be suspended below other sign faces provided that (1) the total area of all connected sign faces shall not exceed the permitted area for signs in the underlying zoning district; and (2) all such signs shall not be lighted. The design, color, and location(s) of hanging signs shall be reviewed and approved by the architectural review board prior to issuance of any sign permit.
 - (e) Within the RS, RM, R-1, R-2, R-3, R-4, and R-5 Zoning Districts, decorative banners may be permitted as special exceptions in accordance with the restrictions set forth in subsection 23(a), above.
9. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 7, Section 5, regarding site plan review for certain uses, shall be amended to read in its entirety as follows:

Section 5. Site plan review required for certain uses.

5.1 For the purpose of ensuring good arrangement, appearance, function, harmony with surroundings and adjacent uses and the objectives of the Comprehensive Plan, and compliance with the requirements of these regulations, site plans for the uses specified in paragraphs a., b., and c. shall be submitted, reviewed, and approved prior to the issuance of any permits for construction.

- a. Plans for the following uses shall be reviewed by the Administrator, the Planning Commission, and the Board of Supervisors, in accordance with the requirements of this article and article 10:

- (1) Conditional uses, except that the application for approval shall be accompanied by a preliminary sketch as specified in section 7 of this article. Once the preliminary sketch plan has been approved, a final site plan shall be prepared in accordance with the requirements specified in section 6 of this article site plans shall be required for utility uses only when structures are above ground, except for minor appurtenances such as fire hydrant, and only for the tax parcel on which the structures shall be located. Compliance with the requirements specified in article 7, section 9, shall be required.
 - (2) Planned unit developments.
 - b. Plans for the following uses shall be reviewed by the Administrator and the Planning Commission, in accordance with the requirements of this article and article 10:
 - (1) Two-family, townhouse, and multiple-family dwelling development in the R-4 and R-5 districts;
 - (2) In the RM district, where individual lots are not being created for each residential unit.
 - c. Plans for the following uses shall be reviewed by the administrator, in accordance with the requirements of this article and the procedures of article 10:
 - (1) All commercial and industrial uses.
 - (2) Site plans for approved conditional uses.
 - (3) Site plans for churches for which a floor area expansion of less than fifty (50) percent is requested and for which no conditional use permit has been approved.
10. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 10, Section 7, regarding amendments and additions to site plans, shall be amended to read in its entirety as follows:

Section 7. Amendments and additions to site plans.

The procedure for amendment of the boundaries of an approved R-3, R-4, or R-5 district or Planned Unit Development District or change of the extent of land use for an approved conditional use shall be the same as for a new application, except that minor amendments of an approved site plan and conditions attached to an approved R-2, R-3, R-4, R-5, RM (where individual lots are not being created for each residential unit), or PUD District, conditional use, or site plan, may be approved by the Administrator or Planning Commission, as specified in section 6. For those which must be reviewed and approved by the Planning Commission, such approval may be granted at a regular meeting after written reports by the Administrator and without a public hearing, provided such change or amendment:

- 1. Does not alter a recorded plat.
- 2. Does not conflict with the specific requirements of this appendix.
- 3. Does not change the general character or content of an approved development plan or use.
- 4. Applies to an approved condition originating with the Planning Commission and not the Board of Supervisors.
- 5. Has no appreciable effect on adjoining or surrounding property.
- 6. Does not result in any substantial change of major external access points.
- 7. Does not increase the approved number of dwelling units or height of buildings.
- 8. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

11. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:

5-32a Privately maintained streets: Streets otherwise required to be made public may be maintained privately in accordance with the following:

1. In the RS, Single-Family Residential District, the RC Rural Conservation District, and through roads and those serving detached dwellings in the RM Multi-Family Residential District, streets may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.
 2. In the MX Mixed Use District, the BP Business Park District, and all other roads in the RM Multi-Family Residential District, streets may be privately maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.
12. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, shall be amended by deleting the definition of "Mobile Home Park (Trailer Park)."
 13. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8, titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.
 14. That all R-4 and R-5 Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4 and R-5 Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
 15. This ordinance shall be effective on the date of adoption.

Planning Commission Sub-Committee (2) Meeting
Ordinance 09-26, RM, Multi-Family Residential District
December 17, 2009 - 9:00 A.M.

Attendees: Mr. Joseph P. O'Connor
Mr. Steven P. Trivett
Mr. T. Wade King (present at 9:40 a.m.)
Mr. David P. Maloney
Mr. Dennis A. Walter
Mr. John A. Bender
Mrs. Betty S. Gray

The meeting began at 9:10 A.M.

Mr. Maloney advised that much of this proposed district is taken from the RS, Single-Family District. There was discussion about why this district would be available in the entire Suburban Service Area. This proposed district will only allow four (4) units per acre in the Suburban Service Area and those will include single-family detached, attached and multi-family units.

There was discussion regarding Mobile Homes being in the A-1, Agricultural district. Mr. O'Connor said he did not want to open up the possibility of having certain zonings anywhere in the County.

Mr. Maloney said the R-4 and R-5 districts intend to provide density but there is really no guidance for these districts as there are technical issues and they are hard to interpret and administer. The intent with this district is to create greater flexibility and creativity.

The proposed RM district is to provide for higher density residential development and support amenities while preserving open space through the use of variable density and flexible lot sizing design standards. These districts are located within the designated suburban areas of the County where public utilities make sure a district is feasible.

There was discussion on the permitted accessory uses particularly the open storage of a boat, boat trailer or camper trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.

There was discussion on the density, the common areas and active recreation areas and calculation.

There was discussion regarding the *Design Standards: Street Buffers* – Page 5, Section 4.6.

There was discussion on trees being planted on private property. Mr. Maloney stated that developers will be encouraged to show common open space outside private buffers.

Mr. O'Connor wanted language added to the active recreation areas or active recreation facilities for bicycle paths. There was discussion. Mr. Walter said he would include bicycle paths in with the walking trails (page 2) *Active recreation areas or active recreation facilities*.

There was discussion regarding (Page 6) 4.8 *Yard Requirements*, minimum front yard setbacks for structures and internal roads; 3 setbacks being greater for multifamily dwellings; and 4.11 *Parking* and the need for a definition regarding drive isles or parking lot.

There was discussion regarding changing the references from R-6 district to RM district.

There was discussion regarding the Virginia Department of Transportation standards for all roads (private & public) and drive isles in the proposed RM zoning district. Mr. Maloney stated that the staff would want design flexibility on road designs and VDOT standards at accesses and interconnectivity.

Mr. Walter stated that he would add definitions for public and private roads.

The meeting concluded at 10:40 A.M.

² Dennis
Revised Ord.
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ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 1, SECTION 3 TO UPDATE THE LIST OF AVAILABLE ZONING DISTRICTS; TO AMEND THE ZONING ORDINANCE, ARTICLE 2, SECTION 2 BY ADDING DEFINITIONS OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES" AND "STEEP SLOPES," AMENDING THE DEFINITIONS OF "MOBILE HOME" AND "NET ACREAGE," AND BY DELETING THE DEFINITION OF "MOBILE HOME PARK (TRAILER PARK)"; TO AMEND THE ZONING ORDINANCE, ARTICLE 4, SECTION 7, TO UPDATE THE PROVISIONS REGARDING IN WHICH ZONING DISTRICTS MANUFACTURED HOMES ARE PERMITTED; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, SECTION 12, TO PROVIDE THAT MANUFACTURED HOME COMMUNITIES AS PERMITTED IN THE RM DISTRICT IS A CONDITIONAL USE IN THE B-3 GENERAL BUSINESS DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5A, SECTION 3, TO PROVIDE THAT UNDERGROUND UTILITIES ARE REQUIRED IN THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5A, SECTION 6.4, TO UPDATE THE LIST OF PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES PERMITTED IN THE OVERLAY ROUTE 1 CORRIDOR DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 7, SECTION 3, SUBSECTIONS 22 AND 25, TO PROVIDE FOR SIGN REGULATIONS WITHIN THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 7, SECTION 5 AND ARTICLE 10, SECTION 7, TO PROVIDE FOR SITE PLAN REVIEW WITH THE RM DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY DELETING THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT REGULATIONS, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS REGULATIONS, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT REGULATIONS, CONSISTING OF SECTIONS 8.1 THROUGH 8.10; TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT PROVIDED CERTAIN STANDARDS ARE SATISFIED; AND TO PROVIDE THAT ALL R-4, R-5 AND R-6 DISTRICTS APPROVED BY ORDINANCES ADOPTED BY THE HANOVER COUNTY BOARD OF SUPERVISORS PRIOR TO THE DATE OF ADOPTION OF THIS ORDINANCE SHALL CONTINUE IN EFFECT AND BE SUBJECT TO THE CURRENT PROVISIONS OF THE R-4, R-5, AND R-6 DISTRICTS.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide

greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 3, Section 1, regarding the establishment of zoning districts, shall be amended to read in its entirety as follows:

Section 1. Establishment of districts.

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes; to regulate and restrict the location, height, and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population, the following zoning districts are hereby established:

- (a) Conventional Zoning Districts: A-1 Agricultural; RC Rural Conservation; AR-6 Agricultural Residential; RS Single-Family Residential; ~~R-4 Residential Cluster Development; R-5 Multiple-Family Residential; R-6 Residential Mobile Home~~RM Multi-Family Residential; MX Mixed Use District; B-0 Business Office; B-1 Neighborhood Business; B-2 Community Business; B-3 General Business; OS Office/Service; ~~BP Business Park~~; M-1 Limited Industrial; M-2 Light Industrial; M-3 Heavy Industrial.
 - (b) Overlay Zoning Districts: OAP Overlay Airport Protection; OUD Overlay Urban Development; OHP Overlay Historic Preservation; Crump Creek Reservoir Overlay Protection; Overlay Route 1 Corridor; Ashland Area Overlay District.
2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, shall be amended by amending the definition of "mobile home" and "net acreage" and adding definitions of "active recreation areas or active recreation facilities" and "steep slopes," which shall read in their entirety as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;

2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails); ~~202 BICYCLE PATHS~~
3. Picnic areas (which shall include picnic tables, shelters, trash receptacles, or areas for outdoor cooking);
4. Playgrounds and tot-lots;
5. Swimming pools;
6. Tennis, basketball, and multi-purpose courts; and
7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).

* * *

Mobile home: A manufactured home placed within an RMR-6, Multi-Family Residential Mobile Home District, or which requires approval of a special exception for its use in the A-1, Agricultural District.

* * *

Net acreage: The gross acreage of the site district less minus the acreage total of public and private streets, group parking areas and floodplains Chesapeake Bay Resource Protection Areas and areas of steep slopes.

* * *

Steep Slopes: Slopes equal to or exceeding the following:

1. In the RC Rural Conservation district, a gradient of 25%;
2. In the RS, Single Family Residential, and RM Multi-Family Residential Districts, a gradient of 35%.

3. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 4, Section 7, regarding manufactured home, shall be amended to read in its entirety as follows:

Section 7. Manufactured homes.

~~When a manufactured Manufactured homes is nineteen (19) or more feet in width and that are placed on a permanent foundations, it shall be are permitted as a single-family residential dwelling in, and subject to the development standards for site-built single-family dwellings within, the A-1, Agricultural District. No other manufactured homes shall be permitted for use within the County unless located in the R-6, RM Multi-Family Residential Mobile Home District, or unless a special exception has been approved by the county board of supervisors for the temporary use of the manufactured home in accordance with the standards specified in article 5, section 2.6B. There shall be no manufactured homes permitted in the RS, R-1, R-2, R-3, and R-4, R-5, or MX zoning districts.~~

4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible

lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. Permitted uses. A building or land shall be used for the following purposes only:

- (a) Dwellings, including detached, attached, and multiple-family.
- (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
- (d) Assisted living facilities that house three or fewer persons, not including caregivers.

2. Permitted accessory uses.

- (a) Domestic storage in main building or in an accessory building
- (b) Garage, private.
- (c) Garage, located in central parking areas, for use by residents.
- (d) Home occupations in a main building, except for retail sales businesses.
- (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
- ✓ (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
- (g) Golf courses, accessory to dwellings in the district.
- (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- (i) Signs as regulated in article 7, section 3.
- (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining

tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.

(k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.

(l) The location of office or construction trailers for a period not to exceed one (1) year.

(m) Foster home.

(n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 13-17.

(o) Family day homes.

3. Conditional uses. The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:

(a) Private clubs accessory to planned residential development.

(b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.

(c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.

(d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.

(e) Manufactured home communities.

4. Special exceptions. The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:

(a) Special exceptions for a period of two (2) years or less for the following uses:

1. Non-accessory tents for special purposes.

2. Outdoor displays or promotional activities.

3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.

(b) Other special exceptions as follows:

1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.

2. Telecommunications towers and related facilities that exceed sixty (60) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.

3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.

4. Assisted living facilities that house four or more persons, not including caregivers.

5. Children's residential facilities.

4.3. Density calculation. The RM District provides for a range of density to permit flexibility for planning the most appropriate development for a property. The minimum density shall be four (4) residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included.

4.4. Common area and Active recreation area; calculation. The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage; however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.

<u>Density</u>	<u>Required Common Area</u>	<u>Required Active Recreation</u>
<u>8 units per gross acre or less</u>	<u>20% of net acreage</u>	<u>25% of required common area</u> ✓
<u>More than 8 units per gross acre</u>	<u>25% of net acreage</u>	<u>25% of required common area</u> ✓

4.5. Common Area Credits: If the district is part of a larger, master planned community in which multiple residential districts are to be located, common area in another district within the master planned community may be used to satisfy the common area requirements of the RM district provided:

1. The common area, or portion thereof, to be used as credit is in excess of the requirements for the district in which it is located;
2. The portion of the common area to be used for credit shall not contain Chesapeake Bay Resource Protection Areas or steep slopes;
3. The portion of the common area to be used for credit shall not comprise more than 25% of the required common area within the RM district;
4. The portion of the common area to be used for credit shall be designed and located such that it is conveniently located and accessible to residents within the RM district; and
5. The portion of the Common Area to be used for credit shall be constructed or bonded prior to site plan or construction plan approval for the area in which the credit is to be utilized.

4.6 Design Standards.

1. Street Buffers. Street buffers shall be designed and maintained in accordance with the following:
 - (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;
 - (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;
 - (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped

sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the required common area, or more than 25 (twenty-five) percent of the active recreation area.

- (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
- (e) No buffer shall be located on an individual residential building lot.
- (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located
- 2. Curb and gutter shall be provided throughout the district.
- 3. Street trees.
 - (a) Street trees shall be planted as follows:
 - (i) Within a street median;
 - (ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or
 - (iii) Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.
 - (b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived; ; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.
 - (c) For purposes of this section, "street length" shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is

used, the "street length" shall include the entire perimeter of the temporary cul-de-sac or other turnaround.

4. Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross Chesapeake Bay Resource Protection Area wetlands.

5. Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.

4.7. Lot area requirements. There shall be no minimum lot size in the RM district.

4.8. Yard requirements.

1. Single Family Detached Dwellings: The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway. Corner lots shall provide the required front yard setback from all property lines contiguous with a road designed to state standards.
2. Single Family Attached Dwellings: The minimum setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway.
3. Multifamily Dwellings: The minimum setback for all structures shall be fifty feet (50') from existing external state-maintained highways. There shall be a twenty-five (25) foot setback from internal roads designed to state standards.
4. There shall be no minimum setback from any internal private road or drive aisle; however, the provisions of section 4.6 shall apply.

4.9. Height restrictions.

1. Telecommunications towers and related facilities:
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.
2. Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.

4.10. Public utilities. All development shall be served by public water and sewer systems.

4.11. Parking. Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network. (Driveways located on individual lots shall be designed to prevent parked vehicles from encroaching into pedestrian paths, sidewalks, the public right of way, or private easements.)

4.12. Development standards and procedures.

1. Conceptual plan. The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title II, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:
 - (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
 - (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.
 - (c) Zoning and zoning district boundaries, both existing and proposed.
 - (d) Vicinity sketch, at a scale no greater than 1":2000'.
 - (e) Designation of common area with a description of proposed improvements and landscaping where appropriate, and active and passive recreation areas.
 - (f) Proposed lot lines.
 - (g) Topography, at an interval of two (2) feet.
 - (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
 - (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.
 - (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
 - (k) The location of ponds, streams, and natural drainage swales, mapped dam break inundation zones (DAWI), and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and steep slopes.
 - (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.
 - (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a

depiction of pedestrian paths, including a cross-section with dimension and specification of materials.

- (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.
- (o) Details of the berms to include location, cross sections, and profiles.
- (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
- (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.

2. Common Area. The plan shall provide for adherence to the following standards:

- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood common area.
- (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.
- (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.
- (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.
- (e) Ownership and maintenance.

Prior to or contemporaneous with final subdivision plat recordation for any property within an RM District, applicants shall record documents which create an owners' association, convey all common areas to the association at the time of recordation [DAW2], require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below. The record plat shall show all areas to be conveyed to the owners association within the section or block to be recorded.

Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area.

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prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.

The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
2. That the conveyance will be beneficial to the future owners within the district and to the public; and
3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.13. Streets and roads. Streets and roads within the district may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All easements and rights-of-way that provide access to residential properties outside the district shall be built to the same standard as the streets and roads within the district.

5. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 12, regarding Conditional Uses in the B-3 General Business District, shall be amended to read in its entirety as follows:

12.5 Conditional uses. The following uses may be permitted as conditional uses if approved by the Board of Supervisors in accordance with the procedures, guides, and standards of articles 7 and 10:

ELIMINATE
(2)

Any conditional use permitted in the A-1, Agricultural District, except home craft shops and agricultural and forestal support centers.

~~Manufactured home communities mobile home park, in accordance with the standards of the R-6RM District, but not a mobile manufactured home subdivision.~~

3. ~~Reserved.~~
4. Wholesale establishment or warehouse with up to fifteen thousand (15,000) square feet of floor area.
5. ~~Reserved.~~
64. Truck stop.
75. Theaters and amusement places, including outdoor drive-in theaters, bowling alleys, dance halls subject to applicable county regulations, skating rinks, commercial swimming pools and waterslides, miniature golf, billiard or pool parlors, and more than two (2) electronic or video games, where otherwise not permitted.
86. Adult uses, subject to the specific requirements of article 7, section 8.6.
97. Self-storage warehouse facility, subject to the specific requirements of article 7, section 8.8.
108. Used car and truck sales and storage lots. Truck sales shall be limited to pickup or panel trucks with a gross vehicle weight rating of ten thousand (10,000) pounds or less.
11. ~~Reserved.~~
129. Bakery, printshop, dry cleaner with work on premises, automobile repair (but not body or fender repair), furniture refinisher. Floor area of five thousand (5,000) square feet but less than ten thousand (10,000) square feet.
1310. Automobile body and fender repair.
1411. Convenience store with more than five thousand (5,000) square feet of floor area, in accordance with the standards specified in article 7, section 2B.3.

6. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5A, Section 3, regarding underground utilities, shall be amended to read in its entirety as follows:

3.3 Underground utilities required. In all Business zoning districts; OS, Office-Service; and M-1, Limited Industrial Zoning Districts, and within all residential projects located in the R-4, Residential Cluster District; R-5, Multiple Family Residential District; ~~and R-6, Residential Mobile Home Districts,~~ and the RM Multi-Family District which do not otherwise require subdivision approval, all utility lines, including, but not limited to, electric, CATV, telephone or other lines, constructed after May 26, 1993, shall be placed underground. This requirement shall apply to lines serving individual sites as well as to utility lines providing service to the development. However, where aerial utility service is extended from lines existing on May 26, 1993, located across a major thoroughfare, such lines may be carried overhead to a terminal pole located along the thoroughfare right-of-way but within the project, where the lines shall be placed underground. All above-ground accessories shall be screened with appropriate landscaping of a height no less than that of the facility being screened, in accordance with the standards of article 7, section 2A. All existing and proposed utilities and accessories shall be shown on required site plans. The requirements of this section regarding underground placement shall not apply to electric transmission lines, the placement of which is regulated by the State Corporation Commission.

7. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5A, Section 6.4, regarding permitted uses, special exceptions and conditional uses permitted in the Overlay Route 1 Corridor District, shall be amended to read in its entirety as follows:

6.4 Permitted uses, special exceptions, and conditional uses. All uses permitted in the underlying zoning districts shall be permitted in the Overlay Route 1 Corridor District and shall be subject to the standards and regulations applicable in the underlying zoning districts, with the following exceptions:

- a. ~~For properties zoned in the R-1, R-2, R-3, and or R-6 zoning districts,~~ the following shall be Conditional Uses:
 1. All uses listed in the underlying district regulations article 5, sections 3.5, 4.5, 5.5, and 8.5, as Conditional Uses.
 2. Agricultural uses as specified in the underlying district regulations article 5, sections 3.2.2 and 4.2.2, and any references made to these sections.
 3. Raising for sale of birds, bees, fish, rabbits, and other small animals.
- b. In the R-4 zoning district, the following shall be Conditional Uses:
 1. All uses currently listed in the underlying district regulations article 5, section 6.18, as Conditional Uses.
 2. Agricultural uses incorporated by reference.
- c. In the R-5 zoning district, the following shall be Conditional Uses:
 1. All uses currently listed in article 5, section 7.5, the underlying district regulations as Conditional Uses.
 2. Raising for sale of birds, bees, fish, rabbits, and other small animals.
- d. In the M-2, Light Industrial District, the following uses shall be Conditional Uses:
 1. All uses specified in article 5, section 14.5, as Conditional Uses.
 2. Animal, poultry, and bird raising, commercial.
- e. ~~In the~~ For properties zoned M-3, Heavy Industrial District, the following uses shall be Conditional Uses:
 1. All uses specified in article 5, section 15.5, as Conditional Uses.
 2. Animal, poultry, and bird raising, commercial.
 3. Pulp, paper and paperboard mills.
 4. The manufacturing, compounding, processing, packaging, fabrication or treatment of:

- (a) Asphalt or asphalt products, including batching and mixing.
- ~~5. (b) Fish curing and smoking, fish oils and meal.~~
- ~~6. (c) Leather and hide Glue, hides, and raw fur: Curing, tanning, dressing, dyeing, and finishing storage.~~
- ~~7. Leather tanning and curing.~~
- 8. (d) Meat or fish products, manufacturing, including slaughtering of animals or poultry or preparation of fish for packaging.

8. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 7, Section 3, subsections 22 and 25, regarding general sign regulations applicable to residential districts and special sign regulations, shall be amended to read in their entirety as follows:

22. Agricultural/residential district requirements.

(a) The following signs are permitted in the A-C, A-1, AR-2, AR-1, RC, AR-6, RS, R-1, R-2, R-3, R-4, R-5, ~~and R-6, and RM~~ Zoning Districts:

- (1) A name plate or directional sign, limited in area to two (2) square feet, to identify the owner or occupant of a dwelling or building or a permitted home occupation.
- (2) "No trespassing" or "No Hunting" signs, without limitations on number or placement, limited in area to two (2) square feet each.
- (3) A sign, limited in area to twenty (20) square feet, neatly constructed and maintained, advertising products raised on the premises.
- (4) A sign, limited in area to ten (10) square feet, for identification of a farm or estate, or a sign, limited in area to twenty (20) square feet, for a subdivision or its occupants, with one (1) sign being permitted for each entrance. When two (2) single face signs are placed on either side of an entrance to a subdivision, each sign may comprise up to twenty (20) square feet.
- (5) A sign for a church bulletin board or identification of permitted public and semipublic uses, recreational uses, or clubs. The sign shall conform to the size and location regulations contained in section 24(a), below.
- (6) A temporary sign, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress, limited to thirty-two (32) square feet.
- (7) Signs at locations on or off the premises, limited to the direction of the traveling public, truck deliveries, and employees to a subdivision or community, a construction site or excavation, airport, or other center of employment or visitor center or recreational facility, limited in area to six (6) square feet.

(b) Except as provided in (c), below, The following signs are permitted in the RM, R-3, R-4, and R-5 Zoning Districts in addition to those limited in section 22(a):

~~(1) A~~ a sign, limited in area to ten (10) square feet, giving the name and/or address or management of a multiple-family dwelling or group of multiple-family dwellings shall be permitted in addition to those limited in section 22(a). If such sign is placed on a marquee, awning, or canopy, the height of letters shall not exceed one (1) foot.

(c) In the R-6 Zoning District or the RM District within which a manufactured home community is located, The following signs are permitted in the R-6 Zoning District in addition to those listed in sections 22(a) and 22(b):

~~(1) A~~ a sign, limited in area to thirty-two (32) square feet, giving the name and/or address of management of a ~~mobile home park~~ manufactured home community shall be permitted in addition to those listed in sections 22(a) and 22(b).

* * *

25. Special regulations:

- (a) When theaters are included in shopping centers, an additional sign for the use of the theater in advertising its attractions may be permitted for each lot frontage. The sign shall not exceed one hundred (100) square feet in area.
- (b) Accessory signs, placed on fuel pumps and specifying the price of the fuel dispensed from the pump, other products for sale on the premises, or other services available on site (no larger than two (2) square feet of area per sign face), are permitted in addition to the signs permitted in the district in which the use is located and shall be considered wall signs.
- (c) Signs erected to be visible from Interstate highways may be permitted as special exceptions in accordance with the following standards:
 - (1) The subject property shall be contiguous with the Interstate highway right-of-way or with the right-of-way of a frontage road along the Interstate.
 - (2) The signage shall be for identification of a national, regional, or statewide corporate headquarters or distribution facility, or for a unique facility such as King's Dominion.
 - (3) There shall be no more than one detached sign per such frontage.
 - (4) In general, no sign shall exceed the following sizes:
 - (i) For a facility with less than two hundred fifty thousand (250,000) square feet of floor area: One hundred (100) square feet.
 - (ii) For a facility with more than two hundred fifty thousand (250,000) square feet but less than five hundred thousand (500,000) square feet of floor area: Two hundred (200) square feet.
 - (iii) For a facility with more than five hundred thousand (500,000) square feet but less than seven hundred fifty thousand (750,000) square feet of floor area: Three hundred (300) square feet.
 - (iv) For a facility with more than seven hundred fifty thousand (750,000) square feet but less than one million (1,000,000) square feet of floor area: Four hundred (400) square feet.
 - (v) For a facility with more than one million (1,000,000) square feet of floor area: Five hundred (500) square feetSign area shall be as defined in section 3.2.
 - (5) Signs shall be designed to be harmonious with the surrounding neighborhood and with the facility located on the subject property. Materials to be used for the sign shall be approved by the board of supervisors.
 - (6) The siting of the sign shall incorporate appropriate landscaping.
 - (7) If the sign is externally lighted, the light source shall not be visible from the Interstate highway or any other public roadway, and the light shall be directed downward.
 - (8) The height of the sign shall be appropriate to the height of the facility located on site and to the surrounding topography, but in no case shall any sign height exceed forty (40) feet.
- (d) Within designated historic districts, sign faces may be suspended below other sign faces provided that (1) the total area of all connected sign faces shall not exceed the permitted area for signs in the underlying zoning district; and (2) all such signs shall not be lighted. The design, color, and location(s) of hanging signs shall be reviewed and approved by the architectural review board prior to issuance of any sign permit.
- (e) Within the RS, RM, R-1, R-2, R-3, R-4, R-5, and R-6 Zoning Districts, decorative banners may be permitted as special exceptions in accordance with the restrictions set forth in subsection 23(a), above.

9. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 7, Section 5, regarding site plan review for certain uses, shall be amended to read in its entirety as follows:

Section 5. Site plan review required for certain uses.

5.1 For the purpose of ensuring good arrangement, appearance, function, harmony with surroundings and adjacent uses and the objectives of the Comprehensive Plan, and compliance with the requirements of these regulations, site plans for the uses specified in paragraphs a., b., and c. shall be submitted, reviewed, and approved prior to the issuance of any permits for construction.

- a. Plans for the following uses shall be reviewed by the Administrator, the Planning Commission, and the Board of Supervisors, in accordance with the requirements of this article and article 10:
 - (1) Conditional uses, except that the application for approval shall be accompanied by a preliminary sketch as specified in section 7 of this article. Once the preliminary sketch plan has been approved, a final site plan shall be prepared in accordance with the requirements specified in section 6 of this article site plans shall be required for utility uses only when structures are above ground, except for minor appurtenances such as fire hydrant, and only for the tax parcel on which the structures shall be located. Compliance with the requirements specified in article 7, section 9, shall be required.
 - (2) Planned unit developments.
- b. Plans for the following uses shall be reviewed by the Administrator and the Planning Commission, in accordance with the requirements of this article and article 10:
 - (1) Two-family, townhouse, and multiple-family dwelling development in the R-4 and R-5 districts ~~as specified in Article 5, Section 6.17 and Article 5, Section 7.12;~~
 - (2) ~~Residential development in the R-6 district.~~
 - (3) In the RM district, where individual lots are not being created for each residential unit.
- c. Plans for the following uses shall be reviewed by the administrator, in accordance with the requirements of this article and the procedures of article 10:
 - (1) All commercial and industrial uses.
 - (2) Site plans for approved conditional uses.
 - (3) Site plans for churches for which a floor area expansion of less than fifty (50) percent is requested and for which no conditional use permit has been approved.

10. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 10, Section 7, regarding amendments and additions to site plans, shall be amended to read in its entirety as follows:

Section 7. Amendments and additions to site plans.

The procedure for amendment of the boundaries of an approved R-3, R-4, R-5 or R-6 district or Planned Unit Development District or change of the extent of land use for an approved conditional use shall be the same as for a new application, except that minor amendments of an approved site plan and conditions attached to an approved R-2, R-3, R-4, R-5, ~~and R-6, RM~~ (where individual lots are not being created for each residential unit), or PUD District, conditional use, or site plan, may be approved by the Administrator or Planning Commission, as specified in section 6. For those which must be reviewed and approved by the Planning Commission, such approval may be granted at a regular meeting after written reports by the Administrator and without a public hearing, provided such change or amendment:

- 1. Does not alter a recorded plat.

2. Does not conflict with the specific requirements of this appendix.
 3. Does not change the general character or content of an approved development plan or use.
 4. Applies to an approved condition originating with the Planning Commission and not the Board of Supervisors.
 5. Has no appreciable effect on adjoining or surrounding property.
 6. Does not result in any substantial change of major external access points.
 7. Does not increase the approved number of dwelling units or height of buildings.
 8. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.
11. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:
- 5-32a Privately maintained streets: In the RC, Rural Conservation District, and in the RS, Single Family Residential District, streets otherwise required to be made public may be maintained privately in accordance with the following:*
1. In the RS, Single-Family Residential District, streets may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.
 2. In the RC, Rural Conservation District, the RM Multi-Family Residential District, the MX Mixed Use District, and the BP Business Park District, streets may be privately maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.
12. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, shall be amended by deleting the definition of "Mobile Home Park (Trailer Park)."
13. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8, titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.
14. That all R-4, R-5 and R-6 Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4, R-5, and ~~R-6~~ Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
15. This ordinance shall be effective on the date of adoption.

ORDINANCE AMENDMENT REPORT

DATE: November 10, 2009

ORDINANCE 09-26, RM MULTI-FAMILY RESIDENTIAL DISTRICT

Ordinance

09-26

Agenda Item

REQUEST SUMMARY

Ordinance 09-26 to amend the Hanover County Code to add a definition of "active recreation areas or active recreation facilities"; to amend the Zoning Ordinance, Article 5, by the creation of a Section 4, consisting of Sections 4.1 through 4.11, to create the RM, Multi-Family Residential District and to provide regulations for uses within that district; to amend the Zoning Ordinance, Article 5, to delete Article 5, Section 6, consisting of Sections 6.1 through 6.18, Article 5, Section 7, consisting of Sections 7.1 through 7.14, and Article 5, Section 8, consisting of Sections 8.1 through 8.10, to repeal the R-4, Residential Cluster Development District, the R-5, Multiple-Family Residential District, and the R-6 Residential Mobile Homes District; and to amend the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a to provide that privately maintained streets may be constructed in the RC, Rural Conservation District, the RM, Multi-Family Residential District, the MX, Mixed Use District, and the BP, Business Park District, provided the streets are built to the standards specified on the conceptual plan for that district approved by the Board of Supervisors.

BOARD AUTHORIZATION

At their meeting of October 28, 2009, the Board of Supervisors authorized the Planning Commission to hold a public hearing on proposed amendment, Ordinance 09-26.

PLANNING ANALYSIS

As directed by the Board of Supervisors, staff has drafted the RM, Multi-Family Residential District. The purpose of the district is to replace the existing R-4, Residential Cluster Development District, the R-5, Multi-Family Residential District, and the R-6, Residential Mobile Home District. The overall approach taken with the draft RM district is similar to that of the RS district, which replaced three single family residential districts.

The purpose of the district is to consolidate three different zoning districts into a single flexible district which can accommodate a variety of densities ranging from four (4) to fifteen (15) units per acre in accordance with the General Land Use Plan Map designations, and which can also accommodate a variety of housing types in a single district including single family detached, single family attached, multi-family, and manufactured homes. The district can only be considered in the Suburban Service Area and would apply to areas designated for Suburban General (2-4 units per acre), Suburban High (4-8 units per acre), and Multi-Family (8-15 units per acre). With respect to the district's applicability within the Suburban General land use designation, only those applications in which the proposed density is equal to 4 units per acre or more would be considered as the base density of the district is 4 units per acre.

The district provides for minimum open space and recreation requirements and, like the RS district, those requirements are increased as proposed density increases. At densities of 8 units per acre or less, the RM district requires that a minimum of 20% of net acreage must be provided as common area; of

which 25% must be improved for active recreation. At densities greater than 8 units per acre, 25% of net acreage must be common area; again, 25% of that must be designated for active recreation as well. (To improve the overall clarity of the zoning ordinance and eliminate conflicts in terminology, the ordinance also includes definitions for active recreation areas or active recreation facilities, net acreage, and steep slopes. These definitions will become uniform throughout the ordinance.)

The ordinance also places limits on the percentage of common area and/or recreation area that can be included within the required buffers. However, the ordinance does include a provision for projects which consist of multiple zoning districts (namely the RM and RS districts) that excess common area in the RS district may be used to satisfy up to 25% of the common area required within the RM district.

The draft regulations require submittal of a conceptual plan and also require development in substantial conformity with the conceptual plan. The ordinance sets forth the required detail to be included in the plan and establishes plan review criteria. In those instances in which the property is to be subdivided, the conceptual plan will also serve as the preliminary subdivision plat if approved by the Planning Commission and Board.

Roads within the district may be public or private. Appropriate amendments to the subdivision ordinance to allow for private streets have been included in the draft regulations.

With regard to the R-6, Mobile Home District, the ordinance does allow for manufactured home communities. Such communities would be required to meet all the design standards of the district including adherence to common area and recreation requirements as well as all buffers and required landscaping.

To facilitate the development of the district, staff assembled a group of individuals representing the residential development community including two residential developers, two engineers, an attorney, and a representative of the HABCC. The committee met on two occasions to review the draft regulations and a third draft was circulated prior to advertising for the Commission's public hearing.

Lastly, it should be noted that although the ordinance, if adopted, would replace the R-4, R-5, and R-6 districts and those districts would no longer be available for future projects. Those properties currently zoned R-4, and R-5 (there are no properties currently zoned R-6) would not be rendered non-conforming.

RECOMMENDATION

The staff recommends the Planning Commission forward Ordinance 09-26 to the Board of Supervisors with a recommendation for **ADOPTION**.

DPM/sm/Ordinances 2009

Attachments:

☒ Draft "Redline" and "Clean" Ordinance

ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 2, SECTION 2 TO ADD A DEFINITION OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES"; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, TO DELETE ARTICLE 5, SECTION 6, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, ARTICLE 5, SECTION 7, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND ARTICLE 5, SECTION 8, CONSISTING OF SECTIONS 8.1 THROUGH 8.10, TO REPEAL THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT; AND TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT, PROVIDED THE STREETS ARE BUILT TO THE STANDARDS SPECIFIED ON THE CONCEPTUAL PLAN APPROVED BY THE BOARD OF SUPERVISORS FOR THAT DISTRICT.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, is amended to provide a definition of "Active recreation areas or active recreation facilities" as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;
2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails);
3. Picnic areas (which shall include picnic tables, shelters, trash receptacles, or areas for outdoor cooking);
4. Playgrounds and tot-lots;
5. Swimming pools;
6. Tennis, ~~and basketball~~, and multi-purpose courts; and
7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).

Net acreage: The gross acreage of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of steep slopes.

Steep Slopes: Slopes equal to or exceeding a gradient of 25% in the RC, Rural Conservation zoning district or slopes equal to or exceeding a gradient of 35% in the RS, Single Family Residential, and RM Multi Family residential Districts.

2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. *Permitted uses.* A building or land shall be used for the following purposes only:
 - (a) Dwellings, including detached, attached, and multiple-family.
 - (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal

flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
- (d) Assisted Living Facilities that house three or fewer persons, not including caregivers.

2. *Permitted accessory uses.*

- (a) Domestic storage in main building or in an accessory building
- (b) Garage, private.
- (c) Garage, located in central parking areas for use by residents.
- (d) Home occupations in a main building, except for retail sales businesses.
- (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
- (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
- (g) Golf courses, accessory to dwellings in the district.
- (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- (i) Signs as regulated in article 7, section 3.
- (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.
- (k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- (l) The location of office or construction trailers for a period not to exceed one (1) year.
- (m) Foster home.
- (n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 1.3-17.
- (o) Family day homes.

3. *Conditional uses.* The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:

- (a) Private clubs accessory to planned residential development.
- (b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.

- (c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
 - (d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
 - (e) Manufactured home communities.
4. *Special exceptions.* The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:
- (a) Special exceptions for a period of two (2) years or less for the following uses:
 - 1. Non-accessory tents for special purposes.
 - 2. Outdoor displays or promotional activities.
 - 3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
 - (b) Other special exceptions as follows:
 - 1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.
 - 2. Telecommunications towers and related facilities that exceed fifty (60) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.
 - 3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.
 - 4. Assisted living facilities that house four or more persons, not including caregivers.
 - 5. Children's residential facilities.

4.3. *Density; calculation.* The RM District provides for a range of density to permit flexibility for planning the most appropriate development for a property. The minimum density shall be four (4) residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included. .

4.4. *Common area and Active recreation area; calculation.* The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas and slopes of thirty-five (35) percent or greater); however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.

Density	Required Common Area	Required Active Recreation
8 units per gross acre or less	20% of net acreage	25% of required common area
More than 8 units per gross acre	25% of net acreage	25% of required common area

4.5. *Common Area Credits:* If the district is part of a larger, master planned community in which multiple residential districts are to be located, Common Area in another district within the master planned community may be used to satisfy the Common Area requirements of the RM district provided:

1. The Common Area, or portion thereof, to be used as credit is in excess of the requirements for the district in which it is located; and,
2. The portion of the common area to be used for credit shall not contain RPA or steep slopes; and,
3. The portion of the common area to be used for credit shall not comprise more than 25% of the required common area within the RM district; and,
4. The portion of the Common Area to be used for credit must be designed and located such that it is conveniently located and accessible to residents within the RM district.

4.6 *Design Standards.*

1. **Street Buffers.** Street buffers shall be designed and maintained in accordance with the following:
 - (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;
 - (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;
 - (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the required common area, or more than 25 (twenty-five) percent of the active recreation area.
 - (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
 - (e) No buffer shall be located on an individual residential building lot.
 - (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located
2. Curb and gutter shall be provided throughout the district.
3. Street trees.

- (a) Street trees shall be planted as follows:
 - (i) Within a street median;
 - (ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or
 - (iii) Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.
 - (b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived (over sixty (60) years); have a mature height of at least fifty (50) feet; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.
 - (c) For purposes of this section, "street length" shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is used, the "street length" shall include the entire perimeter of the temporary cul-de-sac or other turnaround.
4. Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross RPA wetlands
5. Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.
- 4.7. *Lot area requirements.* There shall be no minimum lot size in the RM district.
- 4.8. *Yard requirements.*
- 1. Single Family Detached Dwellings: The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards.. No dwelling shall have frontage on an existing external state-maintained highway. . Corner

lots shall provide the required front yard setback from all property lines contiguous with a road designed to state standards.

2. Single Family Attached Dwellings: The minimum setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway.
3. Multifamily Dwellings: The minimum setback for all structures shall be fifty feet (50') from existing external state-maintained highways. There shall be a 25 foot setback from internal roads designed to state standards.
4. There shall be no minimum setback from any internal private road or drive aisle; however, the provisions of section 4.6 shall apply.

4.9. *Height restrictions.*

1. Telecommunications towers and related facilities:
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.
2. Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.

4.10. *Public utilities.* All development shall be served by public water and sewer systems.

- 4.11. *Parking.* Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network. Driveways located on individual lots shall be designed to prevent parked vehicles from encroaching into pedestrian paths, sidewalks, or the public right of way, or private easements.

4.12. *Development standards and procedures.*

1. Conceptual plan. The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title 2, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:
 - (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
 - (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.
 - (c) Zoning and zoning district boundaries, both existing and proposed.
 - (d) Vicinity sketch, at a scale no greater than 1":2000'.
 - (e) Designation of common area with a description of proposed improvements and landscaping where appropriate, and active and passive recreation areas.
 - (f) Proposed lot lines.

- (g) Topography, at an interval of two (2) feet.
 - (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
 - (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.
 - (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
 - (k) The location of ponds, streams, and natural drainage swales, and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five (35) percent or greater.
 - (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.
 - (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a depiction of pedestrian paths, including a cross-section with dimension and specification of materials.
 - (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.
 - (o) Details of the berms to include location, cross sections, and profiles.
 - (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
 - (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.
2. Common Area. The plan shall provide for adherence to the following standards:
- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjointing lots shall be provided with safe and convenient pedestrian access to neighborhood common area.
 - (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.
 - (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.
 - (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.

(e) Ownership and maintenance.

Prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents which create an owners' association, convey all common area to the association and require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below.

Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area, prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.

The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
2. That the conveyance will be beneficial to the future owners within the district and to the public; and
3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.13. Streets and roads. Streets and roads within the district may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All easements and rights-of-way that provide access to residential properties outside the district shall be built to the same standard as the streets and roads within the district.

3. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:

5-32a Privately maintained streets: Streets otherwise required to be made public may be maintained privately in accordance with the following:

1. In the RS, Single-Family Residential District, streets may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.
 2. In the RC, Rural Conservation District, the RM Multi-Family Residential District, the MX Mixed Use District, and the BP Business Park District, streets may be privately maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.
4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8,

titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.

5. That all R-4, R-5 and R-6 Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4, R-5, and R-6 Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
6. This ordinance shall be effective on the date of adoption.

ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 2, SECTION 2 TO ADD A DEFINITION OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES"; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, TO DELETE ARTICLE 5, SECTION 6, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, ARTICLE 5, SECTION 7, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND ARTICLE 5, SECTION 8, CONSISTING OF SECTIONS 8.1 THROUGH 8.10, TO REPEAL THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT; AND TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT, PROVIDED THE STREETS ARE BUILT TO THE STANDARDS SPECIFIED ON THE CONCEPTUAL PLAN APPROVED BY THE BOARD OF SUPERVISORS FOR THAT DISTRICT.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, is amended to provide a definition of "Active recreation areas or active recreation facilities" as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;
2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails);
3. Picnic areas (which shall include picnic tables, shelters, trash receptacles, or areas for outdoor cooking);
4. Playgrounds and tot-lots;
5. Swimming pools;
6. Tennis, basketball, and multi-purpose courts; and
7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).

Net acreage:. The gross acreage of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of steep slopes.

Steep Slopes: Slopes equal to or exceeding a gradient of 25% in the RC, Rural Conservation zoning district or slopes equal to or exceeding a gradient of 35% in the RS, Single Family Residential, and RM Multi Family residential Districts.

2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. *Permitted uses.* A building or land shall be used for the following purposes only:
 - (a) Dwellings, including detached, attached, and multiple-family.
 - (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal

flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
- (d) Assisted Living Facilities that house three or fewer persons, not including caregivers.

2. *Permitted accessory uses.*

- (a) Domestic storage in main building or in an accessory building
- (b) Garage, private.
- (c) Garage, located in central parking areas for use by residents.
- (d) Home occupations in a main building, except for retail sales businesses.
- (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
- (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
- (g) Golf courses, accessory to dwellings in the district.
- (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- (i) Signs as regulated in article 7, section 3.
- (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.
- (k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- (l) The location of office or construction trailers for a period not to exceed one (1) year.
- (m) Foster home.
- (n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 1.3-17.
- (o) Family day homes.

3. *Conditional uses.* The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:

- (a) Private clubs accessory to planned residential development.
- (b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.

- (c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
 - (d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
 - (e) Manufactured home communities.
4. *Special exceptions.* The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:
- (a) Special exceptions for a period of two (2) years or less for the following uses:
 - 1. Non-accessory tents for special purposes.
 - 2. Outdoor displays or promotional activities.
 - 3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
 - (b) Other special exceptions as follows:
 - 1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.
 - 2. Telecommunications towers and related facilities that exceed fifty (60) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.
 - 3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.
 - 4. Assisted living facilities that house four or more persons, not including caregivers.
 - 5. Children's residential facilities.

4.3. *Density; calculation.* The RM District provides for a range of density to permit flexibility for planning the most appropriate development for a property. The minimum density shall be four (4) residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included. .

4.4. *Common area and Active recreation area; calculation.* The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas and slopes of thirty-five (35) percent or greater); however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.

Density	Required Common Area	Required Active Recreation
8 units per gross acre or less	20% of net acreage	25% of required common area
More than 8 units per gross acre	25% of net acreage	25% of required common area

4.5. *Common Area Credits:* If the district is part of a larger, master planned community in which multiple residential districts are to be located, Common Area in another district within the master planned community may be used to satisfy the Common Area requirements of the RM district provided:

1. The Common Area, or portion thereof, to be used as credit is in excess of the requirements for the district in which it is located; and,
2. The portion of the common area to be used for credit shall not contain RPA or steep slopes; and,
3. The portion of the common area to be used for credit shall not comprise more than 25% of the required common area within the RM district; and,
4. The portion of the Common Area to be used for credit must be designed and located such that it is conveniently located and accessible to residents within the RM district.

4.6 *Design Standards.*

1. **Street Buffers.** Street buffers shall be designed and maintained in accordance with the following:
 - (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;
 - (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;
 - (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the required common area, or more than 25 (twenty-five) percent of the active recreation area.
 - (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
 - (e) No buffer shall be located on an individual residential building lot.
 - (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located
2. Curb and gutter shall be provided throughout the district.
3. Street trees.

- (a) Street trees shall be planted as follows:
 - (i) Within a street median;
 - (ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or
 - (iii) Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.
 - (b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived (over sixty (60) years); have a mature height of at least fifty (50) feet; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.
 - (c) For purposes of this section, "street length" shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is used, the "street length" shall include the entire perimeter of the temporary cul-de-sac or other turnaround.
4. Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross RPA wetlands
5. Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.
- 4.7. *Lot area requirements.* There shall be no minimum lot size in the RM district.
- 4.8. *Yard requirements.*
- 1. Single Family Detached Dwellings: The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards.. No dwelling shall have frontage on an existing external state-maintained highway. . Corner

lots shall provide the required front yard setback from all property lines contiguous with a road designed to state standards.

2. Single Family Attached Dwellings: The minimum setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway.
3. Multifamily Dwellings: The minimum setback for all structures shall be fifty feet (50') from existing external state-maintained highways. There shall be a 25 foot setback from internal roads designed to state standards.
4. There shall be no minimum setback from any internal private road or drive aisle; however, the provisions of section 4.6 shall apply.

4.9. Height restrictions.

1. Telecommunications towers and related facilities:
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.
- 2 Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.

4.10. Public utilities. All development shall be served by public water and sewer systems.

- #### 4.11. Parking.
- Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network. Driveways located on individual lots shall be designed to prevent parked vehicles from encroaching into pedestrian paths, sidewalks, or the public right of way, or private easements.

4.12. Development standards and procedures.

1. Conceptual plan. The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title 2, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:
 - (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
 - (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.
 - (c) Zoning and zoning district boundaries, both existing and proposed.
 - (d) Vicinity sketch, at a scale no greater than 1":2000'.
 - (e) Designation of common area with a description of proposed improvements and landscaping where appropriate, and active and passive recreation areas.
 - (f) Proposed lot lines.

- (g) Topography, at an interval of two (2) feet.
 - (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
 - (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.
 - (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
 - (k) The location of ponds, streams, and natural drainage swales, and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five (35) percent or greater.
 - (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.
 - (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a depiction of pedestrian paths, including a cross-section with dimension and specification of materials.
 - (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.
 - (o) Details of the berms to include location, cross sections, and profiles.
 - (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
 - (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.
2. Common Area. The plan shall provide for adherence to the following standards:
- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood common area.
 - (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.
 - (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.
 - (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.

(e) Ownership and maintenance.

Prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents which create an owners' association, convey all common area to the association and require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below.

Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area, prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.

The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
2. That the conveyance will be beneficial to the future owners within the district and to the public; and
3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.13. Streets and roads. Streets and roads within the district may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All easements and rights-of-way that provide access to residential properties outside the district shall be built to the same standard as the streets and roads within the district.

3. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:

5-32a Privately maintained streets: Streets otherwise required to be made public may be maintained privately in accordance with the following:

1. In the RS, Single-Family Residential District, streets may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.
 2. In the RC, Rural Conservation District, the RM Multi-Family Residential District, the MX Mixed Use District, and the BP Business Park District, streets may be privately maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.
4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8,

titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.

5. That all R-4, R-5 and R-6 Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4, R-5, and R-6 Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
6. This ordinance shall be effective on the date of adoption.



County of Hanover

Board Meeting: October 28, 2009

Posted 10/29/09



APPROVED by Hanover County
Board of Supervisors
Meeting of 10/28/09 CRH
Cecil R. Harris, Jr.
County Administrator/Clerk
to the Board of Supervisors

Subject: Authorization to Advertise Public Hearing - Ordinance 09-26, Hanover County Zoning Ordinance Amendment - RM Multi-Family Residential District

**Summary of
Agenda Item:**

As part of on-going efforts to update the Hanover County Zoning Ordinance, staff has prepared Ordinance 09-26 which would create the RM, Multi-Family Residential District. The intent of the district is to replace the R-4, R-5, and R-6 districts with a single district which would allow for a wide range of housing types including single family attached, single family detached, and multi-family dwellings at densities ranging from four to 15 units per acre. The district also allows for significant design flexibility while providing usable open space within the development. The approach used in creating the district is similar to that employed when the RS, Single Family Residential district was adopted. The RS district replaced the R-1, R-2, and R-3 Districts.

The draft RM district regulations were reviewed by the Board's Community Development Committee during its August 14, 2009 meeting. The Committee endorsed the creation of an informal review panel representing the residential development community. Staff invited two developers, two engineers, one attorney, and a representative from HABCC to serve on the committee. The committee met on September 18 and again on October 16 to review the draft ordinance. Comments from the committee are incorporated into the draft ordinance.

The Planning Department recommends authorization of the advertisement of a public hearing to be held by the Planning Commission on Ordinance 09-26 as proposed.

**County
Administrator's
Recommendation:**

Authorize Ordinance 09-26 to be advertised for Public Hearing

**Requested
Action:**

Motion to authorize Ordinance 09-26 to be advertised for Public Hearing

Via
Coats

ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 2, SECTION 2 TO ADD A DEFINITION OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES"; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, TO DELETE ARTICLE 5, SECTION 6, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, ARTICLE 5, SECTION 7, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND ARTICLE 5, SECTION 8, CONSISTING OF SECTIONS 8.1 THROUGH 8.10, TO REPEAL THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT; AND TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT, PROVIDED THE STREETS ARE BUILT TO THE STANDARDS SPECIFIED ON THE CONCEPTUAL PLAN APPROVED BY THE BOARD OF SUPERVISORS FOR THAT DISTRICT.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, is amended to provide a definition of "Active recreation areas or active recreation facilities" as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;
2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails);
3. Picnic areas (which shall include picnic tables, shelters, trash receptacles, or areas for outdoor cooking);
4. Playgrounds and tot-lots;
5. Swimming pools;
6. Tennis, ~~and basketball~~, and multi-purpose courts; and
7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).

Net acreage: The gross acreage of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of steep slopes.

Steep Slopes: Slopes equal to or exceeding a gradient of 25% in the RC, Rural Conservation zoning district or slopes equal to or exceeding a gradient of 35% in the RS, Single Family Residential, and RM Multi Family residential Districts.

2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. *Permitted uses.* A building or land shall be used for the following purposes only:
 - (a) Dwellings, including detached, attached, and multiple-family.
 - (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal

flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
- (d) Assisted Living Facilities that house three or fewer persons, not including caregivers.

2. *Permitted accessory uses.*

- (a) Domestic storage in main building or in an accessory building
- (b) Garage, private.
- (c) Garage, located in central parking areas for use by residents.
- (d) Home occupations in a main building, except for retail sales businesses.
- (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
- (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
- (g) Golf courses, accessory to dwellings in the district.
- (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- (i) Signs as regulated in article 7, section 3.
- (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.
- (k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- (l) The location of office or construction trailers for a period not to exceed one (1) year.
- (m) Foster home.
- (n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 1.3-17.
- (o) Family day homes.

3. *Conditional uses.* The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:

- (a) Private clubs accessory to planned residential development.
- (b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.

- (c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
 - (d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
 - (e) Manufactured home communities.
4. *Special exceptions.* The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:
- (a) Special exceptions for a period of two (2) years or less for the following uses:
 - 1. Non-accessory tents for special purposes.
 - 2. Outdoor displays or promotional activities.
 - 3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
 - (b) Other special exceptions as follows:
 - 1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.
 - 2. Telecommunications towers and related facilities that exceed fifty (60) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.
 - 3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.
 - 4. Assisted living facilities that house four or more persons, not including caregivers.
 - 5. Children's residential facilities.

4.3. *Density; calculation.* The RM District provides for a range of density to permit flexibility for planning the most appropriate development for a property. The minimum density shall be four (4) residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included. .

4.4. *Common area and Active recreation area; calculation.* The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas and slopes of thirty-five (35) percent or greater); however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.

Density	Required Common Area	Required Active Recreation
8 units per gross acre or less	20% of net acreage	25% of required common area
More than 8 units per gross acre	25% of net acreage	25% of required common area

4.5. *Common Area Credits:* If the district is part of a larger, master planned community in which multiple residential districts are to be located, Common Area in another district within the master planned community may be used to satisfy the Common Area requirements of the RM district provided:

1. The Common Area, or portion thereof, to be used as credit is in excess of the requirements for the district in which it is located; and,
2. The portion of the common area to be used for credit shall not contain RPA or steep slopes; and,
3. The portion of the common area to be used for credit shall not comprise more than 25% of the required common area within the RM district; and,
4. The portion of the Common Area to be used for credit ~~must~~ shall be designed and located such that it is conveniently located and accessible to residents within the RM district.
5. The portion of the Common Area to be used for credit shall be constructed or bonded prior to site plan or construction plan approval for the area in which the credit is to be utilized.

4.6 *Design Standards.*

1. **Street Buffers.** Street buffers shall be designed and maintained in accordance with the following:
 - (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;
 - (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;
 - (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the required common area, or more than 25 (twenty-five) percent of the active recreation area.
 - (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
 - (e) No buffer shall be located on an individual residential building lot.
 - (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located

2. Curb and gutter shall be provided throughout the district.
3. Street trees.
 - (a) Street trees shall be planted as follows:
 - (i) Within a street median;
 - (ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or
 - (iii) Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.
 - (b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived (~~over sixty (60) years~~); ~~have a mature height of at least fifty (50) feet~~; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.
 - (c) For purposes of this section, “street length” shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is used, the “street length” shall include the entire perimeter of the temporary cul-de-sac or other turnaround.
4. Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross RPA wetlands
5. Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.
- 4.7. *Lot area requirements.* There shall be no minimum lot size in the RM district.
- 4.8. *Yard requirements.*

1. Single Family Detached Dwellings: The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards.. No dwelling shall have frontage on an existing external state-maintained highway. . Corner lots shall provide the required front yard setback from all property lines contiguous with a road designed to state standards.
2. Single Family Attached Dwellings: The minimum setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway.
3. Multifamily Dwellings: The minimum setback for all structures shall be fifty feet (50') from existing external state-maintained highways. There shall be a 25 foot setback from internal roads designed to state standards.
4. There shall be no minimum setback from any internal private road or drive aisle; however, the provisions of section 4.6 shall apply.

4.9. Height restrictions.

1. Telecommunications towers and related facilities:
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.
- 2 Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.

4.10. Public utilities. All development shall be served by public water and sewer systems.

- 4.11. Parking.* Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network. Driveways located on individual lots shall be designed to prevent parked vehicles from encroaching into pedestrian paths, sidewalks, or the public right of way, or private easements.

4.12. Development standards and procedures.

1. Conceptual plan. The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title 2, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:
 - (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
 - (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.
 - (c) Zoning and zoning district boundaries, both existing and proposed.
 - (d) Vicinity sketch, at a scale no greater than 1":2000'.

- (e) Designation of common area with a description of proposed improvements and landscaping where appropriate, and active and passive recreation areas.
 - (f) Proposed lot lines.
 - (g) Topography, at an interval of two (2) feet.
 - (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
 - (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.
 - (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
 - (k) The location of ponds, streams, and natural drainage swales, and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five (35) percent or greater.
 - (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.
 - (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a depiction of pedestrian paths, including a cross-section with dimension and specification of materials.
 - (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.
 - (o) Details of the berms to include location, cross sections, and profiles.
 - (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
 - (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.
2. Common Area. The plan shall provide for adherence to the following standards:
- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood common area.
 - (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.
 - (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.

- (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.
- (e) Ownership and maintenance.

Prior to or contemporaneous with final subdivision plat recordation approval for any property within an RM District, applicants shall record documents which create an owners' association which, ~~convey all common area to the association~~ and require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below. The record plat shall show all are to be conveyed to the owners association within the section or block to be recorded.

Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area, prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.

The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
2. That the conveyance will be beneficial to the future owners within the district and to the public; and
3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.13. Streets and roads. Streets and roads within the district may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All easements and rights-of-way that provide access to residential properties outside the district shall be built to the same standard as the streets and roads within the district.

3. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:

5-32a Privately maintained streets: Streets otherwise required to be made public may be maintained privately in accordance with the following:

1. In the RS, Single-Family Residential District, streets may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.
2. In the RC, Rural Conservation District, the RM Multi-Family Residential District, the MX Mixed Use District, and the BP Business Park District, streets may be privately

maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.

4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8, titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.
5. That all R-4, R-5 and R-6 Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4, R-5, and R-6 Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
6. This ordinance shall be effective on the date of adoption.



Agenda Item

County of Hanover

Board Meeting: October 28, 2009

Subject: Authorization to Advertise Public Hearing - Ordinance 09-26, Hanover County Zoning Ordinance Amendment - RM Multi-Family Residential District

**Summary of
Agenda Item:**

As part of on-going efforts to update the Hanover County Zoning Ordinance, staff has prepared Ordinance 09-26 which would create the RM, Multi-Family Residential District. The intent of the district is to replace the R-4, R-5, and R-6 districts with a single district which would allow for a wide range of housing types including single family attached, single family detached, and multi-family dwellings at densities ranging from four to 15 units per acre. The district also allows for significant design flexibility while providing usable open space within the development. The approach used in creating the district is similar to that employed when the RS, Single Family Residential district was adopted. The RS district replaced the R-1, R-2, and R-3 Districts.

The draft RM district regulations were reviewed by the Board's Community Development Committee during its August 14, 2009 meeting. The Committee endorsed the creation of an informal review panel representing the residential development community. Staff invited two developers, two engineers, one attorney, and a representative from HABCC to serve on the committee. The committee met on September 18 and again on October 16 to review the draft ordinance. Comments from the committee are incorporated into the draft ordinance.

The Planning Department recommends authorization of the advertisement of a public hearing to be held by the Planning Commission on Ordinance 09-26 as proposed.

**County
Administrator's
Recommendation:**

Authorize Ordinance 09-26 to be advertised for Public Hearing

**Requested
Action:**

Motion to authorize Ordinance 09-26 to be advertised for Public Hearing

ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 2, SECTION 2 TO ADD A DEFINITION OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES"; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, TO DELETE ARTICLE 5, SECTION 6, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, ARTICLE 5, SECTION 7, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND ARTICLE 5, SECTION 8, CONSISTING OF SECTIONS 8.1 THROUGH 8.10, TO REPEAL THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT; AND TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT, PROVIDED THE STREETS ARE BUILT TO THE STANDARDS SPECIFIED ON THE CONCEPTUAL PLAN APPROVED BY THE BOARD OF SUPERVISORS FOR THAT DISTRICT.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, is amended to provide a definition of "Active recreation areas or active recreation facilities" as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;
2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails);
3. Picnic areas (which shall include picnic tables, shelters, trash receptacles, or areas for outdoor cooking);
4. Playgrounds and tot-lots;
5. Swimming pools;
6. Tennis, basketball, and multi-purpose courts; and
7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).

Net acreage: The gross acreage of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of steep slopes.

Steep Slopes: Slopes equal to or exceeding a gradient of 25% in the RC, Rural Conservation zoning district or slopes equal to or exceeding a gradient of 35% in the RS, Single Family Residential, and RM Multi Family residential Districts.

2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. *Permitted uses.* A building or land shall be used for the following purposes only:
 - (a) Dwellings, including detached, attached, and multiple-family.
 - (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal

flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
- (d) Assisted Living Facilities that house three or fewer persons, not including caregivers.

2. *Permitted accessory uses.*

- (a) Domestic storage in main building or in an accessory building
- (b) Garage, private.
- (c) Garage, located in central parking areas for use by residents.
- (d) Home occupations in a main building, except for retail sales businesses.
- (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
- (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
- (g) Golf courses, accessory to dwellings in the district.
- (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- (i) Signs as regulated in article 7, section 3.
- (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.
- (k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- (l) The location of office or construction trailers for a period not to exceed one (1) year.
- (m) Foster home.
- (n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 1.3-17.
- (o) Family day homes.

3. *Conditional uses.* The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:

- (a) Private clubs accessory to planned residential development.
- (b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.

- (c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
 - (d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
 - (e) Manufactured home communities.
4. *Special exceptions.* The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:
- (a) Special exceptions for a period of two (2) years or less for the following uses:
 - 1. Non-accessory tents for special purposes.
 - 2. Outdoor displays or promotional activities.
 - 3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
 - (b) Other special exceptions as follows:
 - 1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.
 - 2. Telecommunications towers and related facilities that exceed fifty (60) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.
 - 3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.
 - 4. Assisted living facilities that house four or more persons, not including caregivers.
 - 5. Children's residential facilities.

4.3. *Density; calculation.* The RM District provides for a range of density to permit flexibility for planning the most appropriate development for a property. The minimum density shall be four (4) residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included. .

4.4. *Common area and Active recreation area; calculation.* The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas and slopes of thirty-five (35) percent or greater); however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.

Density	Required Common Area	Required Active Recreation
8 units per gross acre or less	20% of net acreage	25% of required common area
More than 8 units per gross acre	25% of net acreage	25% of required common area

4.5. *Common Area Credits*: If the district is part of a larger, master planned community in which multiple residential districts are to be located, Common Area in another district within the master planned community may be used to satisfy the Common Area requirements of the RM district provided:

1. The Common Area, or portion thereof, to be used as credit is in excess of the requirements for the district in which it is located; and,
2. The portion of the common area to be used for credit shall not contain RPA or steep slopes; and,
3. The portion of the common area to be used for credit shall not comprise more than 25% of the required common area within the RM district; and,
4. The portion of the Common Area to be used for credit must be designed and located such that it is conveniently located and accessible to residents within the RM district.

4.6 *Design Standards.*

1. **Street Buffers.** Street buffers shall be designed and maintained in accordance with the following:
 - (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;
 - (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;
 - (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the required common area, or more than 25 (twenty-five) percent of the active recreation area.
 - (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
 - (e) No buffer shall be located on an individual residential building lot.
 - (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located
2. Curb and gutter shall be provided throughout the district.
3. Street trees.

- (a) Street trees shall be planted as follows:
 - (i) Within a street median;
 - (ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or
 - (iii) Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.
 - (b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived (over sixty (60) years); have a mature height of at least fifty (50) feet; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.
 - (c) For purposes of this section, "street length" shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is used, the "street length" shall include the entire perimeter of the temporary cul-de-sac or other turnaround.
4. Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross RPA wetlands
5. Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.
- 4.7. *Lot area requirements.* There shall be no minimum lot size in the RM district.
- 4.8. *Yard requirements.*
1. Single Family Detached Dwellings: The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards.. No dwelling shall have frontage on an existing external state-maintained highway. . Corner

lots shall provide the required front yard setback from all property lines contiguous with a road designed to state standards.

2. Single Family Attached Dwellings: The minimum setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway.
3. Multifamily Dwellings: The minimum setback for all structures shall be fifty feet (50') from existing external state-maintained highways. There shall be a 25 foot setback from internal roads designed to state standards.
4. There shall be no minimum setback from any internal private road or drive aisle; however, the provisions of section 4.6 shall apply.

4.9. Height restrictions.

1. Telecommunications towers and related facilities:
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.
2. Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.

4.10. Public utilities. All development shall be served by public water and sewer systems.

4.11. Parking. Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network. Driveways located on individual lots shall be designed to prevent parked vehicles from encroaching into pedestrian paths, sidewalks, or the public right of way, or private easements.

4.12. Development standards and procedures.

1. Conceptual plan. The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title 2, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:
 - (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
 - (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.
 - (c) Zoning and zoning district boundaries, both existing and proposed.
 - (d) Vicinity sketch, at a scale no greater than 1":2000'.
 - (e) Designation of common area with a description of proposed improvements and landscaping where appropriate, and active and passive recreation areas.
 - (f) Proposed lot lines.

- (g) Topography, at an interval of two (2) feet.
 - (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
 - (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.
 - (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
 - (k) The location of ponds, streams, and natural drainage swales, and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five (35) percent or greater.
 - (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.
 - (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a depiction of pedestrian paths, including a cross-section with dimension and specification of materials.
 - (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.
 - (o) Details of the berms to include location, cross sections, and profiles.
 - (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
 - (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.
2. Common Area. The plan shall provide for adherence to the following standards:
- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjointing lots shall be provided with safe and convenient pedestrian access to neighborhood common area.
 - (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.
 - (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.
 - (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.

(e) Ownership and maintenance.

Prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents which create an owners' association, convey all common area to the association and require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below.

Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area, prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.

The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
2. That the conveyance will be beneficial to the future owners within the district and to the public; and
3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.13. Streets and roads. Streets and roads within the district may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All easements and rights-of-way that provide access to residential properties outside the district shall be built to the same standard as the streets and roads within the district.

3. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:

5-32a Privately maintained streets: Streets otherwise required to be made public may be maintained privately in accordance with the following:

1. In the RS, Single-Family Residential District, streets may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.
 2. In the RC, Rural Conservation District, the RM Multi-Family Residential District, the MX Mixed Use District, and the BP Business Park District, streets may be privately maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.
4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8,

titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.

5. That all R-4, R-5 and R-6 Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4, R-5, and R-6 Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
6. This ordinance shall be effective on the date of adoption.



Agenda Item

County of Hanover

Board Meeting: October 28, 2009

Subject: Authorization to Advertise Public Hearing - Ordinance 09-26, Hanover County Zoning Ordinance Amendment - RM Multi-Family Residential District

Summary of Agenda Item: As part of on-going efforts to update the Hanover County Zoning Ordinance, staff has prepared Ordinance 09-26 which would create the RM, Multi-Family Residential District. The intent of the district is to replace the R-4, R-5, and R-6 districts with a single district which would allow for a wide range of housing types including single family attached, single family detached, and multi-family dwellings at densities ranging from four to 15 units per acre. The district also allows for significant design flexibility while providing usable open space within the development. The approach used in creating the district is similar to that employed when the RS, Single Family Residential district was adopted. The RS district replaced the R-1, R-2, and R-3 Districts.

The draft RM district regulations were reviewed by the Board's Community Development Committee during its August 14, 2009 meeting. The Committee endorsed the creation of an informal review panel representing the residential development community. Staff invited two developers, two engineers, one attorney, and a representative from HABCC to serve on the committee. The committee met on September 18 and again on October 16 to review the draft ordinance. Comments from the committee are incorporated into the draft ordinance.

The Planning Department recommends authorization of the advertisement of a public hearing to be held by the Planning Commission on Ordinance 09-26 as proposed.

County Administrator's Recommendation: Authorize Ordinance 09-26 to be advertised for Public Hearing

Requested Action: Motion to authorize Ordinance 09-26 to be advertised for Public Hearing

ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 2, SECTION 2 TO ADD A DEFINITION OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES"; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, TO DELETE ARTICLE 5, SECTION 6, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, ARTICLE 5, SECTION 7, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND ARTICLE 5, SECTION 8, CONSISTING OF SECTIONS 8.1 THROUGH 8.10, TO REPEAL THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT; AND TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT, PROVIDED THE STREETS ARE BUILT TO THE STANDARDS SPECIFIED ON THE CONCEPTUAL PLAN APPROVED BY THE BOARD OF SUPERVISORS FOR THAT DISTRICT.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, is amended to provide a definition of "Active recreation areas or active recreation facilities" as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;
2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails);
3. Picnic areas (which shall include picnic tables, shelters, trash receptacles, or areas for outdoor cooking);
4. Playgrounds and tot-lots;
5. Swimming pools;
6. Tennis, basketball, and multi-purpose courts; and
7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).

Net acreage: The gross acreage of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of steep slopes.

Steep Slopes: Slopes equal to or exceeding a gradient of 25% in the RC, Rural Conservation zoning district or slopes equal to or exceeding a gradient of 35% in the RS, Single Family Residential, and RM Multi Family residential Districts.

2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. *Permitted uses.* A building or land shall be used for the following purposes only:
 - (a) Dwellings, including detached, attached, and multiple-family.
 - (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal

flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
- (d) Assisted Living Facilities that house three or fewer persons, not including caregivers.

2. *Permitted accessory uses.*

- (a) Domestic storage in main building or in an accessory building
- (b) Garage, private.
- (c) Garage, located in central parking areas for use by residents.
- (d) Home occupations in a main building, except for retail sales businesses.
- (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
- (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
- (g) Golf courses, accessory to dwellings in the district.
- (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- (i) Signs as regulated in article 7, section 3.
- (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.
- (k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- (l) The location of office or construction trailers for a period not to exceed one (1) year.
- (m) Foster home.
- (n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 1.3-17.
- (o) Family day homes.

3. *Conditional uses.* The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:

- (a) Private clubs accessory to planned residential development.
- (b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.

- (c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
 - (d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
 - (e) Manufactured home communities.
4. *Special exceptions.* The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:
- (a) Special exceptions for a period of two (2) years or less for the following uses:
 - 1. Non-accessory tents for special purposes.
 - 2. Outdoor displays or promotional activities.
 - 3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
 - (b) Other special exceptions as follows:
 - 1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.
 - 2. Telecommunications towers and related facilities that exceed fifty (60) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.
 - 3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.
 - 4. Assisted living facilities that house four or more persons, not including caregivers.
 - 5. Children's residential facilities.

4.3. *Density; calculation.* The RM District provides for a range of density to permit flexibility for planning the most appropriate development for a property. The minimum density shall be four (4) residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included. .

4.4. *Common area and Active recreation area; calculation.* The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas and slopes of thirty-five (35) percent or greater); however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.

Density	Required Common Area	Required Active Recreation
8 units per gross acre or less	20% of net acreage	25% of required common area
More than 8 units per gross acre	25% of net acreage	25% of required common area

4.5. *Common Area Credits:* If the district is part of a larger, master planned community in which multiple residential districts are to be located, Common Area in another district within the master planned community may be used to satisfy the Common Area requirements of the RM district provided:

1. The Common Area, or portion thereof, to be used as credit is in excess of the requirements for the district in which it is located; and,
2. The portion of the common area to be used for credit shall not contain RPA or steep slopes; and,
3. The portion of the common area to be used for credit shall not comprise more than 25% of the required common area within the RM district; and,
4. The portion of the Common Area to be used for credit must be designed and located such that it is conveniently located and accessible to residents within the RM district.

4.6 *Design Standards.*

1. Street Buffers. Street buffers shall be designed and maintained in accordance with the following:
 - (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;
 - (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;
 - (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the required common area, or more than 25 (twenty-five) percent of the active recreation area.
 - (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
 - (e) No buffer shall be located on an individual residential building lot.
 - (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located
2. Curb and gutter shall be provided throughout the district.
3. Street trees.

- (a) Street trees shall be planted as follows:
 - (i) Within a street median;
 - (ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or
 - (iii) Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.
 - (b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived (over sixty (60) years); have a mature height of at least fifty (50) feet; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.
 - (c) For purposes of this section, "street length" shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is used, the "street length" shall include the entire perimeter of the temporary cul-de-sac or other turnaround.
4. Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross RPA wetlands
5. Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.
- 4.7. *Lot area requirements.* There shall be no minimum lot size in the RM district.
- 4.8. *Yard requirements.*
1. Single Family Detached Dwellings: The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards.. No dwelling shall have frontage on an existing external state-maintained highway. . Corner

lots shall provide the required front yard setback from all property lines contiguous with a road designed to state standards.

2. Single Family Attached Dwellings: The minimum setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway.
3. Multifamily Dwellings: The minimum setback for all structures shall be fifty feet (50') from existing external state-maintained highways. There shall be a 25 foot setback from internal roads designed to state standards.
4. There shall be no minimum setback from any internal private road or drive aisle; however, the provisions of section 4.6 shall apply.

4.9. Height restrictions.

1. Telecommunications towers and related facilities:
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.
- 2 Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.

4.10. Public utilities. All development shall be served by public water and sewer systems.

4.11. Parking. Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network. Driveways located on individual lots shall be designed to prevent parked vehicles from encroaching into pedestrian paths, sidewalks, or the public right of way, or private easements.

4.12. Development standards and procedures.

1. Conceptual plan. The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title 2, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:
 - (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
 - (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.
 - (c) Zoning and zoning district boundaries, both existing and proposed.
 - (d) Vicinity sketch, at a scale no greater than 1":2000'.
 - (e) Designation of common area with a description of proposed improvements and landscaping where appropriate, and active and passive recreation areas.
 - (f) Proposed lot lines.

- (g) Topography, at an interval of two (2) feet.
 - (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
 - (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.
 - (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
 - (k) The location of ponds, streams, and natural drainage swales, and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five (35) percent or greater.
 - (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.
 - (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a depiction of pedestrian paths, including a cross-section with dimension and specification of materials.
 - (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.
 - (o) Details of the berms to include location, cross sections, and profiles.
 - (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
 - (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.
2. Common Area. The plan shall provide for adherence to the following standards:
- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjointing lots shall be provided with safe and convenient pedestrian access to neighborhood common area.
 - (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.
 - (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.
 - (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.

(e) Ownership and maintenance.

Prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents which create an owners' association, convey all common area to the association and require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below.

Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area, prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.

The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
2. That the conveyance will be beneficial to the future owners within the district and to the public; and
3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.13. Streets and roads. Streets and roads within the district may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All easements and rights-of-way that provide access to residential properties outside the district shall be built to the same standard as the streets and roads within the district.

3. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:

5-32a Privately maintained streets: Streets otherwise required to be made public may be maintained privately in accordance with the following:

1. In the RS, Single-Family Residential District, streets may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.
2. In the RC, Rural Conservation District, the RM Multi-Family Residential District, the MX Mixed Use District, and the BP Business Park District, streets may be privately maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.
4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8,

titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.

5. That all R-4, R-5 and R-6 Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4, R-5, and R-6 Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
6. This ordinance shall be effective on the date of adoption.

RM District
From J 10-8-09
DRAFT - 10/5/2009

John Bender
Notes

ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 2, SECTION 2 TO ADD A DEFINITION OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES"; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, TO DELETE ARTICLE 5, SECTION 6, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, ARTICLE 5, SECTION 7, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND ARTICLE 5, SECTION 8, CONSISTING OF SECTIONS 8.1 THROUGH 8.10, TO REPEAL THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT; AND TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT, PROVIDED THE STREETS ARE BUILT TO THE STANDARDS SPECIFIED ON THE CONCEPTUAL PLAN APPROVED BY THE BOARD OF SUPERVISORS FOR THAT DISTRICT.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, is amended to provide a definition of "Active recreation areas or active recreation facilities" as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;
2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails);
3. Picnic areas (which shall include picnic tables, shelters, or areas for outdoor cooking);
4. Playgrounds and tot-lots;
5. Swimming pools;
6. Tennis and basketball courts; and
7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).

*discuss
w/ Dave*

Net acreage: ~~The acreage of the site less the acreage of public and private streets, group parking spaces, and floodplain. The gross acreage of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of steep slopes.~~

Steep Slopes: Slopes equal to or exceeding a gradient of 25% in the RC, Rural Conservation zoning district or slopes equal to or exceeding a gradient of 35% in the RS, Single Family Residential, and RM Multi Family residential Districts.

2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. **Permitted uses.** A building or land shall be used for the following purposes only:
 - (a) Dwellings, including detached, attached, and multiple-family.
 - (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal

flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
- (d) Assisted Living Facilities that house three or fewer persons, not including caregivers.

2. *Permitted accessory uses.*

- (a) Domestic storage in main building or in an accessory building
- (b) Garage, private.
- (c) Garage, located in central parking areas for use by residents.
- (d) Home occupations in a main building, except for retail sales businesses.
- (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
- (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
- (g) Golf courses, accessory to dwellings in the district.
- (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- (i) Signs as regulated in article 7, section 3.
- (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.
- (k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- (l) The location of office or construction trailers for a period not to exceed one (1) year.
- (m) Foster home.
- (n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 1.3-17.
- (o) Family day homes.

3. *Conditional uses.* The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:

- (a) Private clubs accessory to planned residential development.
- (b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.

- (c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
 - (d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
 - (e) Manufactured home communities.
4. *Special exceptions.* The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:
- (a) Special exceptions for a period of two (2) years or less for the following uses:
 - 1. Non-accessory tents for special purposes.
 - 2. Outdoor displays or promotional activities.
 - 3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
 - (b) Other special exceptions as follows:
 - 1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.
 - 2. Telecommunications towers and related facilities that exceed fifty (50) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.
 - 3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.
 - 4. Assisted living facilities that house four or more persons, not including caregivers.
 - 5. Children's residential facilities.

4.3. *Density; calculation.* The RM District provides for a range of density to permit flexibility for planning the most appropriate development for a property. The minimum density shall be four (4) residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included.

4.4. *Common area and Active recreation area; calculation.* The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas and slopes of ~~thirty-five (35) percent~~ or greater); however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.

Density	Required Common Area	Required Active Recreation
8 units per gross acre or less	20% of net acreage	25% of required common area
More than 8 units per gross acre	25% of net acreage	25% of required common area

4.5. Common Area Credits: If the district is part of a larger, master planned community in which multiple residential districts are to be located, Common Area in another district within the master planned community may be used to satisfy the Common Area requirements of the RM district provided:

1. The Common Area, or portion thereof, to be used as credit is in excess of the requirements for the district in which it is located; and,
2. The portion of the common area to be used for credit shall not contain RPA or steep slopes; and,
3. The portion of the common area to be used for credit shall not comprise more than 25% of the required common area within the RM district; and,
4. The portion of the Common Area to be used for credit must be designed and located such that it is conveniently located and accessible to residents within the RM district.

4.5.6 Design Standards.

Street Buffers. Street buffers shall be designed and maintained in accordance with the following:

- (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;
- (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;
- (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the required common area, or more than 25 (twenty-five) percent of the active recreation area.
- (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
- (e) No buffer shall be located on an individual residential building lot.
- (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located

2. Curb and gutter shall be provided throughout the district.

*Mary & Megan -
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3. Street trees.

(a) Street trees shall be planted as follows:

(i) Within a street median;

(ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or

(iii) Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.

(b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived (over sixty (60) years); have a mature height of at least fifty (50) feet; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.

(c) For purposes of this section, "street length" shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is used, the "street length" shall include the entire perimeter of the temporary cul-de-sac or other turnaround.

4. Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross RPA wetlands

5. Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.

4.57. *Lot area requirements.* There shall be no minimum lot size in the RM district.4.68. *Yard requirements.*

1. Single Family Detached Dwellings: The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. ~~(what about from parking insets?)~~. No dwelling lot or parcel in a recorded subdivision and upon

~~which a residential structure is constructed~~ shall have frontage on an existing external state-maintained highway.

2. Corner lots shall provide the required front yard setback from all property lines contiguous with a ~~road designed to state standards~~ public road.
2. Single Family Attached Dwellings: The minimum setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway.
3. Multifamily Dwellings: The minimum setback for all structures shall be fifty feet (50') from existing external state-maintained highways. There shall be a 25 foot setback from internal roads designed to state standards.
4. There shall be no minimum setback from any internal private road or drive isle; however, the provisions of section 4.6 shall apply.

4.79. Height restrictions.

1. Telecommunications towers and related facilities:
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.
- 2 Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.

4.810. Public utilities. All development shall be served by public water and sewer systems.

4.911. Parking. Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network. Driveways located on individual lots shall be designed to prevent parked vehicles from encroaching into pedestrian paths, sidewalks, or the public right of way, or private easements.

4.912. Development standards and procedures.

Conceptual plan. The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title 2, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:

- (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
- (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.
- (c) Zoning and zoning district boundaries, both existing and proposed.
- (d) Vicinity sketch, at a scale no greater than 1":2000'.
- (e) Designation of common area with a description of proposed improvements and landscaping where appropriate, and active and passive recreation areas.

Mega - Mary-
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- (f) Proposed lot lines.
 - (g) Topography, at an interval of two (2) feet.
 - (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
 - (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.
 - (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
 - (k) The location of ponds, streams, and natural drainage swales, and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five (35) percent or greater.
 - (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.
 - (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a depiction of pedestrian paths, including a cross-section with dimension and specification of materials.
 - (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.
 - (o) Details of the berms to include location, cross sections, and profiles.
 - (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
 - (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.
2. Common Area. The plan shall provide for adherence to the following standards:
- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjointing lots shall be provided with safe and convenient pedestrian access to neighborhood common area.
 - (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.
 - (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.

- (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.
- (e) Ownership and maintenance.

Prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents which create an owners' association, convey all common area to the association and require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below.

Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area, prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.

The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
2. That the conveyance will be beneficial to the future owners within the district and to the public; and
3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.4.13. Streets and roads. Streets and roads within the district may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All easements and rights-of-way that provide access to residential properties outside the district shall be built to the same standard as the streets and roads within the district.

3. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:

5-32a Privately maintained streets: Streets otherwise required to be made public may be maintained privately in accordance with the following:

1. In the RS, Single-Family Residential District, streets may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.
2. In the RC, Rural Conservation District, the RM Multi-Family Residential District, the MX Mixed Use District, and the BP Business Park District, streets may be privately maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.

4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8, titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.
5. That all R-4, R-5 and R-6 Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4, R-5, and R-6 Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
6. This ordinance shall be effective on the date of adoption.

Mills, Sharlee

From: Mills, Sharlee
Sent: Wednesday, October 14, 2009 10:38 AM
To: 'Cameron Palmore'; 'Jennifer Scott'; 'John Cochran'; 'Jonathan Ridout'; 'Mac Chenault'; 'Mike Melton'
Cc: Maloney, David P.
Subject: FW: Draft RM Ordinance
Attachments: Ord 09-26 - RM Multi-family district 10-5-09 revision.doc

Dear Members:

Attached please find a current Draft of the RM Ordinance for your review before the your Committee meeting on **Friday, October 16th at 1:30.**

See you All then,

*Sharlee K. D. Mills, Office Manager
Hanover County Planning Department
Hanover Courthouse
Hanover, VA 23069
Phone: 804-365-6169
Fax: 804-365-6232*

ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 2, SECTION 2 TO ADD A DEFINITION OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES"; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, TO DELETE ARTICLE 5, SECTION 6, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, ARTICLE 5, SECTION 7, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND ARTICLE 5, SECTION 8, CONSISTING OF SECTIONS 8.1 THROUGH 8.10, TO REPEAL THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT; AND TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT, PROVIDED THE STREETS ARE BUILT TO THE STANDARDS SPECIFIED ON THE CONCEPTUAL PLAN APPROVED BY THE BOARD OF SUPERVISORS FOR THAT DISTRICT.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, is amended to provide a definition of "Active recreation areas or active recreation facilities" as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;
2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails);
3. Picnic areas (which shall include picnic tables, shelters, or areas for outdoor cooking);
4. Playgrounds and tot-lots;
5. Swimming pools;
6. Tennis and basketball courts; and
7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).

Net acreage: The acreage of the site less the acreage of public and private streets, group parking spaces, and floodplain. The gross acreage of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of steep slopes.

Steep Slopes: Slopes equal to or exceeding a gradient of 25% in the RC, Rural Conservation zoning district or slopes equal to or exceeding a gradient of 35% in the RS, Single Family Residential, and RM Multi Family residential Districts.

2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. *Permitted uses.* A building or land shall be used for the following purposes only:
 - (a) Dwellings, including detached, attached, and multiple-family.
 - (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal

flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
- (d) Assisted Living Facilities that house three or fewer persons, not including caregivers.

2. *Permitted accessory uses.*

- (a) Domestic storage in main building or in an accessory building
- (b) Garage, private.
- (c) Garage, located in central parking areas for use by residents.
- (d) Home occupations in a main building, except for retail sales businesses.
- (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
- (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
- (g) Golf courses, accessory to dwellings in the district.
- (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- (i) Signs as regulated in article 7, section 3.
- (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.
- (k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- (l) The location of office or construction trailers for a period not to exceed one (1) year.
- (m) Foster home.
- (n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 1.3-17.
- (o) Family day homes.

3. *Conditional uses.* The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:

- (a) Private clubs accessory to planned residential development.
- (b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.

- (c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
 - (d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
 - (e) Manufactured home communities.
4. *Special exceptions.* The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:
- (a) Special exceptions for a period of two (2) years or less for the following uses:
 - 1. Non-accessory tents for special purposes.
 - 2. Outdoor displays or promotional activities.
 - 3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
 - (b) Other special exceptions as follows:
 - 1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.
 - 2. Telecommunications towers and related facilities that exceed fifty (60) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.
 - 3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.
 - 4. Assisted living facilities that house four or more persons, not including caregivers.
 - 5. Children's residential facilities.

4.3. *Density; calculation.* The RM District provides for a range of density to permit flexibility for planning the most appropriate development for a property. The minimum density shall be four (4) residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included.

4.4. *Common area and Active recreation area; calculation.* The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas and slopes of thirty-five (35) percent or greater); however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.

Density	Required Common Area	Required Active Recreation
8 units per gross acre or less	20% of net acreage	25% of required common area
More than 8 units per gross acre	25% of net acreage	25% of required common area

4.5. Common Area Credits: If the district is part of a larger, master planned community in which multiple residential districts are to be located, Common Area in another district within the master planned community may be used to satisfy the Common Area requirements of the RM district provided:

1. The Common Area, or portion thereof, to be used as credit is in excess of the requirements for the district in which it is located; and,
2. The portion of the common area to be used for credit shall not contain RPA or steep slopes; and,
3. The portion of the common area to be used for credit shall not comprise more than 25% of the required common area within the RM district; and,
4. The portion of the Common Area to be used for credit must be designed and located such that it is conveniently located and accessible to residents within the RM district.

4.56 Design Standards.

1. Street Buffers. Street buffers shall be designed and maintained in accordance with the following:
 - (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;
 - (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;
 - (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the required common area, or more than 25 (twenty-five) percent of the active recreation area.
 - (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
 - (e) No buffer shall be located on an individual residential building lot.
 - (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located
2. Curb and gutter shall be provided throughout the district.

3. Street trees.
 - (a) Street trees shall be planted as follows:
 - (i) Within a street median;
 - (ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or
 - (iii) Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.
 - (b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived (over sixty (60) years); have a mature height of at least fifty (50) feet; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.
 - (c) For purposes of this section, "street length" shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is used, the "street length" shall include the entire perimeter of the temporary cul-de-sac or other turnaround.
4. Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross RPA wetlands
5. Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.

4.57. Lot area requirements. There shall be no minimum lot size in the RM district.

4.68. Yard requirements.

1. Single Family Detached Dwellings: The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. ~~(what about from parking insets?). No dwelling lot or parcel in a recorded subdivision and upon~~

~~which a residential structure is constructed~~ shall have frontage on an existing external state-maintained highway.

2. Corner lots shall provide the required front yard setback from all property lines contiguous with a road designed to state standards~~public road~~.
2. Single Family Attached Dwellings: The minimum setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. No dwelling shall have frontage on an existing external state-maintained highway.
3. Multifamily Dwellings: The minimum setback for all structures shall be fifty feet (50') from existing external state-maintained highways. There shall be a 25 foot setback from internal roads designed to state standards.
4. There shall be no minimum setback from any internal private road or drive isle; however, the provisions of section 4.6 shall apply.

4.79. Height restrictions.

1. Telecommunications towers and related facilities:
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.
2. Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.

4.810. Public utilities. All development shall be served by public water and sewer systems.

4.911. Parking. Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network. Driveways located on individual lots shall be designed to prevent parked vehicles from encroaching into pedestrian paths, sidewalks, or the public right of way, or private easements.

4.1012. Development standards and procedures.

1. Conceptual plan. The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title 2, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:
 - (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
 - (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.
 - (c) Zoning and zoning district boundaries, both existing and proposed.
 - (d) Vicinity sketch, at a scale no greater than 1":2000'.
 - (e) Designation of common area with a description of proposed improvements and landscaping where appropriate, and active and passive recreation areas.

- (f) Proposed lot lines.
 - (g) Topography, at an interval of two (2) feet.
 - (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
 - (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.
 - (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
 - (k) The location of ponds, streams, and natural drainage swales, and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five (35) percent or greater.
 - (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.
 - (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a depiction of pedestrian paths, including a cross-section with dimension and specification of materials.
 - (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.
 - (o) Details of the berms to include location, cross sections, and profiles.
 - (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
 - (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.
2. Common Area. The plan shall provide for adherence to the following standards:
- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood common area.
 - (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.
 - (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.

- (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.
- (e) Ownership and maintenance.

Prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents which create an owners' association, convey all common area to the association and require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below.

Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area, prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.

The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
2. That the conveyance will be beneficial to the future owners within the district and to the public; and
3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.1113. Streets and roads. Streets and roads within the district may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All easements and rights-of-way that provide access to residential properties outside the district shall be built to the same standard as the streets and roads within the district.

3. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:

5-32a Privately maintained streets: Streets otherwise required to be made public may be maintained privately in accordance with the following:

1. In the RS, Single-Family Residential District, streets may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.
2. In the RC, Rural Conservation District, the RM Multi-Family Residential District, the MX Mixed Use District, and the BP Business Park District, streets may be privately maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.

4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8, titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.
5. That all R-4, R-5 and R-6 Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4, R-5, and R-6 Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
6. This ordinance shall be effective on the date of adoption.

ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 2, SECTION 2 TO ADD A DEFINITION OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES"; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, TO DELETE ARTICLE 5, SECTION 6, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, ARTICLE 5, SECTION 7, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND ARTICLE 5, SECTION 8, CONSISTING OF SECTIONS 8.1 THROUGH 8.10, TO REPEAL THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT; AND TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT, PROVIDED THE STREETS ARE BUILT TO THE STANDARDS SPECIFIED ON THE CONCEPTUAL PLAN APPROVED BY THE BOARD OF SUPERVISORS FOR THAT DISTRICT.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, is amended to provide a definition of "Active recreation areas or active recreation facilities" as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;
2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails);
3. Picnic areas (which shall include picnic tables, shelters, or areas for outdoor cooking);
4. Playgrounds and tot-lots;
5. Swimming pools;
6. Tennis and basketball courts; and
7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).

~~*Net acreage:* The acreage of the site less the acreage of public and private streets, group parking spaces, and floodplain. The total area of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of steep slopes.~~

~~*Steep Slopes:* Slopes equal to or exceeding a gradient of 25% in the RC. Rural Conservation zoning district or slopes equal to or exceeding a gradient of 35% in the RS. Single Family Residential, and RM Multi Family Residential Districts.~~

GREEN INFRASTRUCTURE :

2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. *Permitted uses.* A building or land shall be used for the following purposes only:
 - (a) Dwellings, including detached, attached, and multiple-family.
 - (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of-way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
- (d) Assisted Living Facilities that house three or fewer persons, not including caregivers.

2. *Permitted accessory uses.*

- (a) Domestic storage in main building or in an accessory building
- (b) Garage, private.
- (c) Garage, located in central parking areas for use by residents.
- (d) Home occupations in a main building, except for retail sales businesses.
- (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
- (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
- (g) Golf courses, accessory to dwellings in the district.
- (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
- (i) Signs as regulated in article 7, section 3.
- (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.
- (k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
- (l) The location of office or construction trailers for a period not to exceed one (1) year.
- (m) Foster home.
- (n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 1.3-17.
- (o) Family day homes.

3. *Conditional uses.* The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:

- (a) Private clubs accessory to planned residential development.

- (b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.
 - (c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
 - (d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
 - (e) Manufactured home communities.
4. *Special exceptions.* The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:
- (a) Special exceptions for a period of two (2) years or less for the following uses:
 - 1. Non-accessory tents for special purposes.
 - 2. Outdoor displays or promotional activities.
 - 3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
 - (b) Other special exceptions as follows:
 - 1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.
 - 2. Telecommunications towers and related facilities that exceed fifty (60) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.
 - 3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.
 - 4. Assisted living facilities that house four or more persons, not including caregivers.
 - 5. Children's residential facilities.

4.3. *Density; calculation.* The RM District provides for a range of density to permit flexibility for planning the most appropriate development for a property. The minimum density shall be four (4) residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included.

4.4 *Common area and Active recreation area; calculation.* The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas and slopes of thirty-five (35) percent or greater); however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.

Density	Required Common Area	Required Active Recreation
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→ CREDITS FOR GREEN INFR. / UP TO 10%?
FOR PHYSICAL SITE DESIGN

8 units per gross acre or less	20% of net acreage	25% of required common area
More than 8 units per gross acre	25% of net acreage	25% of required common area

4.5. If the district is part of a ~~master~~ master planned community in which multiple residential districts are to be located, Common Area in another district within the ~~development~~ MASTER P. COMM. may be used to satisfy the Common Area requirements of the RM district provided:

1. The Common Area, or portion thereof, to be used as credit must be in excess of the requirements for the district in which it is located:

4. ~~2.~~ The portion of the Common Area to be used for credit must be designed and located such that it is conveniently located and accessible to residents within the RM district

3. ~~Only those lands suitable for development and/or active recreation may be used to satisfy the provisions of this subsection.~~

THE PORTION OF THE COMMON AREA TO BE USED FOR CREDIT SHALL NOT CONTRAVENTE EPA/DEEP SURFS

4.56

Design Standards.

1. Street Buffers. Street buffers shall be designed and maintained in accordance with the following:

- (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan.
- (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads.
- (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the required common area, or more than 25 (twenty-five) percent of the active recreation area.
- (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
- (e) No buffer shall be located on an individual residential building lot.
- (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located.

2. Curb and gutter shall be provided throughout the district.

2.

AREA FOR CREDIT SHALL NOT CONTRAVENTE MORE THAN 75% OF THE OPEN COMMON AREA REQ.

3. Street trees.
 - (a) Street trees shall be planted as follows:
 - (i) Within a street median;
 - (ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or
 - (iii) Massed in appropriate locations within common space along streets to provide a terminal vista at an intersection.
 - (b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived (over sixty (60) years); have a mature height of at least fifty (50) feet; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.
 - (c) For purposes of this section, "street length" shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is used, the "street length" shall include the entire perimeter of the temporary cul-de-sac or other turnaround.
4. Pedestrian paths shall be provided throughout the district, providing access to common area and designed to be extended into all adjoining residential and commercial developments. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and any associated exercise equipment or amenities such as picnic areas and playgrounds may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross RPA wetlands
5. Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area.

4.57. *Lot area requirements.* There shall be no minimum lot size in the RM district.

4.68. *Yard requirements.*

1. Single Family Detached Dwellings: The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards. ~~(what about from parking insets?). No dwelling lot or parcel in a recorded subdivision and upon~~

which a residential structure is constructed shall have frontage on an existing external state-maintained highway.

Corner lots shall provide the required front yard setback from all property lines contiguous with a road designed to state standards; however, all garages shall be setback a minimum of twenty feet from the public right-of-way, pedestrian path or sidewalk, whichever is closer, ~~regardless of which road they front.~~

Single Family Attached Dwellings: The minimum setback for all structures shall be fifteen feet (15') from the internal roads designed to state standards; however, all garages shall be setback a minimum of twenty feet from the public right-of-way, pedestrian path or sidewalk, whichever is closer, ~~regardless of which road they front.~~ No dwelling shall have frontage on an existing external state-maintained highway.

Multifamily Dwellings: The minimum setback for all structures shall be fifty feet (50') from existing external state-maintained highways. There shall be a 25 foot setback from internal roads designed to state standards, ~~AND FROM INTERNAL PROPERTY LINES.~~

There shall be no minimum setback from any internal private road or drive isle; however, the provisions of section 4.6 shall apply, and all garages shall be setback a minimum of twenty feet (20') from the internal private road, drive isle, or parking space or sidewalk or pedestrian path, whichever is closer.

4.79. Height restrictions.

1. Telecommunications towers and related facilities:
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.
2. Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.

4.810. *Public utilities.* All development shall be served by public water and sewer systems.

4.911. *Parking.* Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network.

4.1012. *Development standards and procedures.*

1. Conceptual plan. The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title 2, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:
 - (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
 - (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall

be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.

- (c) Zoning and zoning district boundaries, both existing and proposed.
 - (d) Vicinity sketch, at a scale no greater than 1":2000'.
 - (e) Designation of common area with a description of proposed improvements and landscaping where appropriate, and active and passive recreation areas.
 - (f) Proposed lot lines.
 - (g) Topography, at an interval of two (2) feet.
 - (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
 - (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.
 - (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
 - (k) The location of ponds, streams, and natural drainage swales, and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five (35) percent or greater.
 - (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.
 - (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a depiction of pedestrian paths, including a cross-section with dimension and specification of materials.
 - (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.
 - (o) Details of the berms to include location, cross sections, and profiles.
 - (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
 - (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.
2. Common Area. The plan shall provide for adherence to the following standards:
- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjointing lots shall be provided with safe and convenient pedestrian access to neighborhood common area.
 - (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

- (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.
- (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.
- (e) Ownership and maintenance.

Prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents which create an owners' association, convey all common area to the association and require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below.

Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area, prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.

The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

- 1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
- 2. That the conveyance will be beneficial to the future owners within the district and to the public; and
- 3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.413. Streets and roads. Streets and roads within the district may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All easements and rights-of-way that provide access to residential properties outside the district shall be built to the same standard as the streets and roads within the district.

- 3. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:

5-32a Privately maintained streets: Streets otherwise required to be made public may be maintained privately in accordance with the following:

- 1. In the RS, Single-Family Residential District, streets may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.

2. In the RC, Rural Conservation District, the RM Multi-Family Residential District, the MX Mixed Use District, and the BP Business Park District, streets may be privately maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.
4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8, titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.
5. That all R-4, R-5 and R-6 Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4, R-5, and R-6 Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
6. This ordinance shall be effective on the date of adoption.

Mills, Sharlee

From: Mills, Sharlee
Sent: Monday, October 05, 2009 1:50 PM
To: 'Cameron Palmore'; 'Jennifer Scott'; 'John Cochran'; 'Jonathan Ridout'; 'Mac Chenault'; 'Mike Melton'
Cc: Maloney, David P.
Subject: Next Meeting
Importance: High

David just asked me to contact each of you about your next meeting. He said at the end of the last meeting a tentative next meeting date was set for this Friday, October 9th. Since that meeting, a Management Retreat has been scheduled for this same date that David will need to attend.

We would like to reschedule this meeting for **Friday, October 16th**. I would like for each of you to email me back confirming if this date is alright and a general time frame that will suit you best. I will then set up a meeting notice and send out to each of you.

If you have any questions, please give me a call.

Thanks,

*Sharlee K. D. Mills, Office Manager
Hanover County Planning Department
Hanover Courthouse
Hanover, VA 23069
Phone: 804-365-6169
Fax: 804-365-6232*

RM Committee

Members:

- ✓ Cameron Palmore
- ✓ Jennifer Scott
- ✓ John Cochran
- ✓ Jonathan Ridout
- ✓ Mac Chenault
- ✓ Mike Melton

cpalmore@balzer.cc
jennifer@touchpointspr.com
jcochran@youngblood-tyler.com
jridout@hhhunt.com
mchenault@chenaultlawoffices.com
mike@jmcommercialproperties.com

Committee Mtg

Friday - Oct. 11th

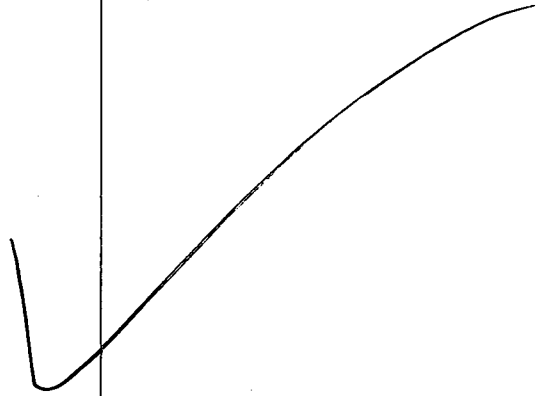
1:30 -

after lunch PCB-2
- afternoon

↓ would like update
version of ordinance

Others to Invite

- 1) John Hodges
- 2) Dennis Walster
- 3) Mike Crescenzo



Mills, Sharlee

From: Cameron Palmore [cpalmore@balzer.cc]
Sent: Monday, October 05, 2009 1:56 PM
To: Mills, Sharlee
Subject: RE: Next Meeting

I am free. Need to be done by 4:00

Cameron

From: Mills, Sharlee [mailto:sdmills@co.hanover.va.us]
Sent: Monday, October 05, 2009 1:50 PM
To: Cameron Palmore; Jennifer Scott; John Cochran; jonathan Ridout; Mac Chenault; Mike Melton
Cc: Maloney, David P.
Subject: Next Meeting
Importance: High

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Hanover Courthouse
Hanover, VA 23069
Phone: 804-365-6169
Fax: 804-365-6232*

Mills, Sharlee

From: Mac Chenault [MChenault@chenaultlawoffices.com]
Sent: Monday, October 05, 2009 1:54 PM
To: Mills, Sharlee
Subject: RE: Next Meeting

Sharlee,

October the 16th is fine with me. The earlier in the day the better.

Mac

L. McCauley Chenault, Esquire
Chenault Law Offices, PLC
9245 Shady Grove Road
Post Office Box 1810
Mechanicsville, Virginia 23116
Telephone: (804) 730-7175
Facsimile: (804) 730-1444
<http://www.chenaultlawoffices.com>

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From: Mills, Sharlee [mailto:sdmills@co.hanover.va.us]
Sent: Monday, October 05, 2009 1:50 PM
To: Cameron Palmore; Jennifer Scott; John Cochran; jonathan Ridout; Mac Chenault; Mike Melton
Cc: Maloney, David P.
Subject: Next Meeting
Importance: High

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Hanover County Planning Department
Hanover Courthouse
Hanover, VA 23069
Phone: 804-365-6169

Mills, Sharlee

From: Jennifer Y. Scott, APR [jennifer@touchpointspr.com]
Sent: Monday, October 05, 2009 2:07 PM
To: Mills, Sharlee
Subject: Re: Next Meeting

Importance: High

Greetings...

I can meet anytime before 3:30 pm. Thanks. Jennifer.

Jennifer Y. Scott, APR
President
Touch Points Public Relations
M. 804.994.1119
F. 804-227-9445
O. 804-227-9444

On 10/5/09 1:49 PM, "Mills, Sharlee" <sdmills@co.hanover.va.us> wrote:

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Thanks,

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Hanover County Planning Department
Hanover Courthouse
Hanover, VA 23069
Phone: 804-365-6169
Fax: 804-365-6232*

Mills, Sharlee

From: Mike Melton [mike@jmcommercialproperties.com]
Sent: Monday, October 05, 2009 2:38 PM
To: Mills, Sharlee
Subject: RE: Next Meeting

Sharlee –

The date is good for me, I would prefer anytime in the afternoon if possible.

Would it be possible to get an updated version of the ordinance with any changes that have been made since we last met?

Thanks

Mike Melton

JM Commercial Properties, LLC
10160 Staples Mill Road, Suite 102
Glen Allen, Virginia 23060
(804) 545-6220
(804) 545-6259 fax
www.jmcommercialproperties.com

From: Mills, Sharlee [mailto:sdmills@co.hanover.va.us]
Sent: Monday, October 05, 2009 1:50 PM
To: Cameron Palmore; Jennifer Scott; John Cochran; jonathan Ridout; Mac Chenault; Mike Melton
Cc: Maloney, David P.
Subject: Next Meeting
Importance: High

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Thanks,

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Hanover County Planning Department
Hanover Courthouse
Hanover, VA 23069
Phone: 804-365-6169
Fax: 804-365-6232*

Mills, Sharlee

From: Jonathan Ridout [JRidout@hhhunt.com]
Sent: Monday, October 05, 2009 4:10 PM
To: Mills, Sharlee
Subject: RE: Next Meeting

This date is fine with me, anytime after lunch.

From: Mills, Sharlee [mailto:sdmills@co.hanover.va.us]
Sent: Monday, October 05, 2009 1:50 PM
To: Cameron Palmore; Jennifer Scott; John Cochran; Jonathan Ridout; Mac Chenault; Mike Melton
Cc: Maloney, David P.
Subject: Next Meeting
Importance: High

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Hanover, VA 23069
Phone: 804-365-6169
Fax: 804-365-6232*

Mills, Sharlee

From: John Cochran [jcochran@youngblood-tyler.com]
Sent: Tuesday, October 06, 2009 2:21 PM
To: Mills, Sharlee
Subject: RE: Next Meeting

At the present time, I am open all day.

From: Mills, Sharlee [mailto:sdmills@co.hanover.va.us]
Sent: Monday, October 05, 2009 1:50 PM
To: Cameron Palmore; Jennifer Scott; John Cochran; jonathan Ridout; Mac Chenault; Mike Melton
Cc: Maloney, David P.
Subject: Next Meeting
Importance: High

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RMI STAFF DISCUSSION:

9/29/09

— CREATION OF OWNERS ASSOCIATION

— TESTING W/ RECOGNITION

— CHESTERFIELD/HENRICO

— OPEN SPACE/ OTHER DISTRICTS IN
MASTER PLANNED COMMUNITY

— DESIGNED AVAILABLE/ CONVENIENTLY
LOCATED TO SERVE ALL RESIDENTS

— OPEN SPACE EXCESS OF THAT

OTHER DISTRICT REQUIREMENTS

— UNUSABLE LAND/ IN EXCESS OF DIST
REQ., SHALL NOT COUNT FOR 15X

4.6.2 ^{FOR} STRUCTURES WHICH FRONT ON TWO INTERSECTING
ROADS, THE NARROW EXTENSION OF THE STRUCTURE
WILL BE NO LESS THAN (50%) OF THE
REQUIRED SETBACK

— — LARGE SETBACK 20' FROM

1) ROAD OR

2) SIDEWALK/ PEDESTRIAN

— AZIS SEC 6.6 - SEE PUBLIC

ROW DESCRIPTION/ ADD SIDEWALKS/
PATHS TO AMPLIFICES

— PARKING SPACE NOT INCLUDED IN
SETBACK? 50% ROW?

[illegible]

NOTES FROM THE 17th OF FEBRUARY 1970

2. THEY CAN BE CONTAINED AND

511229 2005-11-12 10:00 205

ORDINANCE 09 - 26

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE I, ZONING ORDINANCE, ARTICLE 2, SECTION 2 TO ADD A DEFINITION OF "ACTIVE RECREATION AREAS OR ACTIVE RECREATION FACILITIES"; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, BY THE CREATION OF A SECTION 4, CONSISTING OF SECTIONS 4.1 THROUGH 4.11, TO CREATE THE RM MULTI-FAMILY RESIDENTIAL DISTRICT AND TO PROVIDE REGULATIONS FOR USES WITHIN THAT DISTRICT; TO AMEND THE ZONING ORDINANCE, ARTICLE 5, TO DELETE ARTICLE 5, SECTION 6, CONSISTING OF SECTIONS 6.1 THROUGH 6.18, ARTICLE 5, SECTION 7, CONSISTING OF SECTIONS 7.1 THROUGH 7.14, AND ARTICLE 5, SECTION 8, CONSISTING OF SECTIONS 8.1 THROUGH 8.10, TO REPEAL THE R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT, THE R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, AND THE R-6 RESIDENTIAL MOBILE HOMES DISTRICT; AND TO AMEND THE HANOVER COUNTY CODE, APPENDIX, TITLE II, SUBDIVISION ORDINANCE, SECTION 5-32A TO PROVIDE THAT PRIVATELY MAINTAINED STREETS MAY BE CONSTRUCTED IN THE RC RURAL CONSERVATION DISTRICT, THE RM MULTI-FAMILY RESIDENTIAL DISTRICT, THE MX MIXED USE DISTRICT, AND THE BP BUSINESS PARK DISTRICT, PROVIDED THE STREETS ARE BUILT TO THE STANDARDS SPECIFIED ON THE CONCEPTUAL PLAN APPROVED BY THE BOARD OF SUPERVISORS FOR THAT DISTRICT.

WHEREAS, the Hanover County Board of Supervisors has determined that the provisions of the Hanover County Zoning Ordinance related to multi-family residential uses should be clarified to provide greater consistency with the other residential zoning districts and to provide increased flexibility for property owners who are looking to develop their property; and

WHEREAS, the Board of Supervisors has determined that the regulations governing multi-family residential uses in the R-4 Residential Cluster Development District, the R-5 Multiple-Family Residential Districts, and the R-6 Residential Mobile Homes District should be amended to provide for such clarification and increased flexibility; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulation;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 2, Section 2, is amended to provide a definition of "Active recreation areas or active recreation facilities" as follows:

Active recreation areas or active recreation facilities: Areas or facilities within a zoning district that are improved to provide physical and recreational opportunities to the residents of the district and their guests. Active recreation areas or active recreation facilities include, but are not limited to, the following:

1. Clubhouses;
 2. Walking trails (including sidewalks and pedestrian paths that are linked with trails to complete a defined circuit and any exercise equipment or stations adjacent to the walking trails);
 3. Picnic areas (which shall include picnic tables, shelters, or areas for outdoor cooking);
 4. Playgrounds and tot-lots;
 5. Swimming pools;
 6. Tennis and basketball courts; and
 7. Open space areas, including lakes and ponds, located and specifically designed to provide active recreation opportunities (such as playing fields specifically designated for a particular use or those that are designed as multi-use areas).
2. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 4, is amended by the addition of sections numbered 4.1 through 4.11, which shall read as follows:

Section 4. RM Multi-Family Residential District.

4.1. Purpose. The purpose of this district is to provide for higher density residential development and supporting amenities while preserving open space through the use of variable density and flexible lot sizing design standards. These districts are located within the designated suburban areas of the county where public utilities make such a district feasible.

4.2. Uses. The following uses are allowed within the RM District:

1. *Permitted uses.* A building or land shall be used for the following purposes only:
 - (a) Dwellings, including detached, attached, and multiple-family.
 - (b) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, utility cabinets and pedestals, and the like for normal electrical power distribution or communication service, pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses, and pipelines, conduits and transmission lines located within the Suburban Service Area as depicted on the Phased Suburban Development Plan in the Hanover County Comprehensive Plan and used to connect to the public water and sewer system owned by the County.

Where a utility cabinet or pedestal is located above ground and outside the public right-of-way, it shall be (1) located so that it does not interfere with the normal flow of pedestrian and motor vehicle traffic, and (2) screened from view from residences and public rights-of-way with evergreen plant material that is at least the height of the utility cabinet or pedestal. Screening shall not be required for (a) single stand-alone utility cabinets or pedestals that do not exceed four feet in height and do not have a footprint area in excess of six square feet, and (b) a single means of access to a utility cabinet or pedestal, provided the means of access is located so as to minimize visibility of the utility cabinet or pedestal from residences and public rights-of-way.

- (c) Telecommunications towers and related facilities that do not exceed sixty (60) feet in height, in accordance with the standards set forth in Article 7, Section 14.
 - (d) Assisted Living Facilities that house three or fewer persons, not including caregivers.
2. *Permitted accessory uses.*
- (a) Domestic storage in main building or in an accessory building
 - (b) Garage, private.
 - (c) Garage, located in central parking areas for use by residents.
 - (d) Home occupations, ~~other than in accessory building~~ in a main building, except for retail sales businesses.
 - (e) Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.
 - (f) Open storage of a boat, boat trailer, trailer, or camp trailer not exceeding thirty-two (32) feet in length, in parking areas specifically designated and designed for such use, but not in a front or side yard.
 - (g) Golf courses, accessory to dwellings in the district.
 - (h) Active and passive recreation facilities for the exclusive use of the homeowners and their guests.
 - (i) Signs as regulated in article 7, section 3.
 - (j) Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of the time of erection of such temporary buildings, whichever is sooner.
 - (k) Accessory off-street parking and loading spaces. Open or enclosed space for parking one (1) commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.
 - (l) The location of office or construction trailers for a period not to exceed one (1) year.
 - (m) Foster home.
 - (n) Telecommunications arrays, located on an existing structure, in accordance with the requirements in article 5, section 1.3-17.
 - (o) Family day homes.
3. *Conditional uses.* The following uses may be permitted as conditional uses if approved by the board of supervisors in accordance with the procedures set out in this appendix:
- (a) Private clubs accessory to planned residential development.
 - (b) Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.
 - (c) Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines not otherwise allowed as a permitted use.
 - (d) Churches, rectories, parish houses, convents and monasteries, temples, and synagogues, or the expansion of any existing church, temple, or synagogue by more than fifty (50) percent of its floor area.
 - (e) Manufactured home communities.

4. *Special exceptions.* The following uses may be permitted as special exceptions if approved by the board of supervisors in accordance with the procedures set out in this appendix:

(a) ~~Special exceptions~~ Temporary and conditional permits for a period of two (2) years or less for the following uses:

1. Non-accessory tents for special purposes.
2. Outdoor displays or promotional activities.
3. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.

(b) Other special ~~use~~ exceptions as follows:

1. Home occupations in an accessory building, except for home craft shops and retail sales businesses.
2. Telecommunications towers and related facilities that exceed fifty (60) feet but do not exceed one hundred (100) feet in height, in accordance with the standards set forth in article 7, section 14.
3. Any structure, other than a telecommunication tower and related facilities, exceeding the maximum height limit, except those structures specified in article 7, section 4.2.
4. Assisted living facilities that house four or more persons, not including caregivers.
5. Children's residential facilities.

4.3. *Density; calculation.* The RM District provides for a range of density; to permit flexibility for planning the most appropriate development for a property. The ~~base~~ minimum density shall be four (4) residential units per acre. Fractions of any units resulting from the density calculation shall be rounded down to the whole unit. Density calculations shall be based on the gross acreage for the district, provided that no more than fifty (50) percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included. ~~At least twenty five (25) percent of the common area provided in the district shall be improved with active recreation amenities. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.~~

4.4 Common area and Active recreation area; calculation. ~~shall be provided as follows: The minimum common area required shall be provided based on the requested density. The remainder shall be development area in which the residential lots are to be located. Common area shall also incorporate all lands deducted from gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas and slopes of thirty-five (35) percent or greater); however, the acreage of these areas shall not be included in the minimum acreage requirements for common area. At least 25% of the provided required common area shall be improved with active recreation areas. Internal roads, drive aisles, landscaping aisles, or parking spaces shall not be included within the common area.~~

1. ~~For densities less than or equal to eight (8) dwelling units per acre, a minimum of twenty (20) percent of the net acreage;~~
2. ~~For densities greater than eight (8) units per acre but less than or equal to fifteen (15) units per acre, at least twenty five (25) percent of the net acreage.~~

Density	Required Common Area	Required Active Recreation
8 units per gross acre or less	20% of net acreage	25% of required common area

More than ≤ 8 units per gross acre	25% of net acreage	25% of required common area
---	--------------------	-----------------------------

~~For purposes of this district, "net acreage" shall be the total area of the district minus the total of Chesapeake Bay Resource Protection Areas and all slopes of thirty-five (35) percent or greater.~~

4.45 *Design Standards.*

1. Street Buffers. ~~A perimeter Street~~ Buffers shall be designed and maintained in accordance with the following:
 - (a) A buffer no less than fifty feet (50') in width shall be required along the frontage on any existing or planned road designated as a "Major Thoroughfare" on the Hanover County Major Thoroughfare Plan;
 - (b) A buffer no less than twenty-five feet (25') in width shall be required along the frontage of all other existing public roads;
 - (c) All buffers shall retain healthy and mature vegetation where practical. Where necessary, the buffer shall also be supplemented with a combination of trees, shrubs, or berms. If a berm is to be utilized it shall be a landscaped sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low maintenance vegetation. The buffer shall be not be used to provide more than 50 (fifty) percent of the required common area, or more than 25 (twenty-five) percent of the active recreation area.
 - (d) Pedestrian paths shall be provided within the required buffer along public roads. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet (4') in width. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. Where paths intersect with public roads, the path shall be designed to Virginia Department of Transportation standards and specifications. Paths constructed within highway rights-of-way may be used to satisfy these requirements provided the paths are designed to so they may be maintained by the Virginia Department of Transportation. The path shall be separated from the back of the curb by a distance of no less than four feet (4').
 - (e) No buffer shall be located on an individual residential building lot.
 - (f) All buffers shall be measured from the ultimate right of way for the street or Major Thoroughfare upon which they are located
2. Curb and gutter shall be provided throughout the district.
3. Street trees.
 - (a) Street trees shall be planted as follows:
 - (i) Within a street median;
 - (ii) Along each side of a street on which houses front (i) in an easement no less than ten (10) feet wide designated for such plantings or (ii) within the right-of-way, if approved by the Virginia Department of Transportation, provided there is provision for the right-of-way and pedestrian paths to encompass an area no less than ten (10) feet from the curb; or
 - (iii) Massed in appropriate locations within common ~~or open~~ space along streets to provide a terminal vista at an intersection.

- (b) Trees planted to comply with this standard shall comprise at least three (3) different species appropriate to this area which will cast moderate to full shade in the summer; be long-lived (over sixty (60) years); have a mature height of at least fifty (50) feet; be tolerant of pollution and direct or reflected heat; require little maintenance; and be able to survive two (2) years with no irrigation after establishment. At least one (1) tree, a minimum of two (2) inches in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female ginkgo trees may be used to comply with this standard. Existing trees which meet the criteria specified in this section may be used to satisfy this requirement. Additional materials, such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided. All trees and additional materials shall be described on the conceptual plan.
 - (c) For purposes of this section, “street length” shall be the total amount of street frontage, whether public or private, within the RM, Multi-Family Residential District. For those areas where a temporary cul-de-sac or other turnaround is used, the “street length” shall include the entire perimeter of the temporary cul-de-sac or other turnaround.
- 4. Pedestrian paths shall be provided throughout the district, providing access to open space and common space area and designed to be extended into all adjoining residential and commercial developments, shall be provided throughout the district. Paths may be located within the common area and placed no closer than five (5) feet to any side or rear lot line. Common area Open space shall be landscaped between paths and lots, except where the path is located along a lot front. Only the area of the path, and (and any associated exercise equipment or amenities such as picnic areas and playgrounds) may be counted towards active recreation area. The paths shall be constructed of permanent materials such as pervious concrete, asphalt, brick, pavers, or other materials which are substantially similar, and shall be no less than four (4) feet in width, except where such paths cross RPA wetlands.
- 5. Entrance lighting for vehicles shall be provided on one or both corners at all intersections of external thoroughfares and roads (whether public or privately maintained) within the district. Lights shall be designed and mounted in compliance with all applicable regulations of the Virginia Department of Transportation. If the lighting cannot be constructed within the right-of-way, it shall be constructed within common area open space.
- 4.5. *Lot area requirements.* There shall be no minimum lot size in the RM district.
- 4.6. *Yard requirements.*
 - 1. The minimum front yard setback for all structures shall be fifteen feet (15') from the internal roads (what about from parking insets?). No lot or parcel in a recorded subdivision and upon which a residential structure is constructed shall have frontage on an existing external state-maintained highway.
 - 2. Corner lots shall provide the required front yard setback from all property lines contiguous with a public road.
- 4.7. *Height restrictions.*
 - 1. Telecommunications towers and related facilities:
 - (a) Permitted by right: shall not exceed sixty (60) feet.
 - (b) Permitted with a special exception: shall not exceed one hundred (100) feet.

- 2 Structures not specifically exempted in article 7 shall not exceed a height of five (5) stories or sixty (60) feet, whichever is less.
- 4.8. *Public utilities.* All development shall be served by public water and sewer systems.
- 4.9. *Parking.* Required parking shall be provided on individual lots; however, for districts where roads are privately maintained, parking spaces may be provided either on individual lots or in areas adjacent to the internal private road network.
- 4.10. *Development standards and procedures.*
 1. Conceptual plan. The property shall be developed and improvements including landscaping installed in substantial conformity with a conceptual plan (the "plan") approved by the board of supervisors as part of the approval of the district. The conceptual plan may be designated as the preliminary subdivision plat for the property if all preliminary plat requirements of Title 2, Section 6 are provided on the plan. Features designated on the plan for preservation shall be maintained in the condition existing on the date of the rezoning, to the extent practicable. The plan shall include the following information:
 - (a) The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.
 - (b) The northpoint, scale, and date. Plans for proposed districts of less than one hundred (100) acres shall be drawn to a scale of not less than 1":200', and shall include the area within one thousand (1,000) feet of the boundary of the proposed district. For proposed districts of one hundred (100) acres or more, the scale shall be not less than 1":400', and shall include the area within two thousand (2,000) feet of the proposed district.
 - (c) Zoning and zoning district boundaries, both existing and proposed.
 - (d) Vicinity sketch, at a scale no greater than 1":2000'.
 - (e) Designation of common area with a description of proposed —improvements and landscaping where appropriate, and active and passive recreation areas.
 - (f) Proposed lot lines.
 - (g) Topography, at an interval of two (2) feet.
 - (h) General location of proposed structures, with designation of the type(s) of housing proposed (detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district shall be shown. Proposed elevations for all structures shall be provided.
 - (i) Public and private roads and trails, utility and other easements and rights-of-way, pedestrian paths, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.
 - (j) Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the county).
 - (k) The location of ponds, streams, and natural drainage swales, and one hundred-year floodplains, as well as all resource protection areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five (35) percent or greater.
 - (l) Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Hanover County Historic Site Survey (including those on any contiguous tract), abandoned roads, cemeteries, and

military earthworks. All features to be preserved shall be shown and so noted on the plan.

- (m) Location and description of all proposed improvements, including those required in the District, and pedestrian paths, and entrance features. The descriptions shall include, in the case of structures, elevations with specification of materials, height and other dimensions. There shall be a depiction of pedestrian paths, including a cross-section with dimension and specification of materials.
- (n) Typical landscaping plans for the buffers, common area, and parking lots. The typical section(s) shall identify plant type and size at time of planting as well as existing vegetation which is to remain.
- (o) Details of the berms to include location, cross sections, and profiles, if applicable.
- (p) Existing natural features on the property, including tree masses, based on available published information (from County GIS maps or other sources approved by the County), and a depiction of any proposed alterations.
- (q) Where individual lots are not being created for each residential unit, site plan review shall be required as set forth in article 7.

2. Common Area. ~~The minimum area required in the district shall be provided based on the requested density for the district to be created. The remainder of the district shall be development area, in which the residential lots are to be located. Common Area shall also incorporate all lands deducted from the gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas, using the actual boundaries of resource protection areas, and slopes of thirty five (35) percent or greater), but the acreage of these areas shall not be included in the minimum acreage requirements for common areas. The plan shall provide for adherence to the following standards:~~

- (a) The common area shall be directly accessible to the largest practicable number of lots within the district. Non-adjointing lots shall be provided with safe and convenient pedestrian access to neighborhood common ~~area~~ and open space.
- (b) The common areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.
- (c) Historic features other than structures, when identified on the property, shall be incorporated into the common area and a preservation plan shall be provided for protection and maintenance of the features. If approved by the board, historic structures may be included in common space for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.
- (d) Streets shall generally be designed to minimize the area within the project devoted to vehicular travel, calm traffic speeds, promote pedestrian movement, and terminate in views of common area or other appropriate vista.
- (e) Ownership and maintenance.

Prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents which create an owners' association, convey all common area to the association and require that the association maintain all common area and amenities, including recreation facilities, street lights, street trees, alleys, and pedestrian paths, with mandatory membership of all lot owners and authority for the association to assess fees and impose liens on members' property for the cost of maintenance of those areas; provided that alternate arrangements for the open space may be approved by the board of supervisors, as described below.

FIN

Unless alternate arrangements are approved by the board of supervisors, prior to or contemporaneous with final subdivision approval for any property within an RM District, applicants shall record documents conveying open space easements applicable to the common area, to the county, with content approved by the county, requiring preservation of features so designated on the plan, requiring maintenance in perpetuity of the common area, prohibiting further division of those areas, and prohibiting any use not permitted by the zoning ordinance.

The board of supervisors may approve conveyance of the common area any applicable easement to a qualifying nonprofit or governmental entity other than the owners' association or the county, upon a finding:

1. That such a conveyance will achieve purposes of open space or historic preservation consistent with the character of the RM District;
2. That the conveyance will be beneficial to the future owners within the district and to the public; and
3. That the purposes and resources of the entity and the proposed conveyance are consistent with the perpetual preservation of the common area and significant features.

4.11. Streets and roads. Streets and roads within the district may be public or private. The design for all private streets shall be included as part of the conceptual plan and reviewed at the time of district approval. All easements and rights-of-way that provide access to residential properties outside the district shall be built to the same standard as the streets and roads within the district.

3. That the Hanover County Code, Appendix, Title II, Subdivision Ordinance, Section 5-32a, regarding privately maintained streets in certain zoning districts, shall be amended to provide as follows:

5-32a Privately maintained streets: Streets otherwise required to be made public may be maintained privately in accordance with the following:

1. In the RS, Single-Family Residential District, streets may be privately maintained provided that the streets are built to the standards of the Virginia Department of Transportation for public roads and would otherwise be eligible to be accepted into the State System of Highways for maintenance.
 2. In the RC, Rural Conservation District, the RM Multi-Family Residential District, the MX Mixed Use District, and the BP Business Park District, streets may be privately maintained provided the streets are built to the standards included as part of the conceptual plan approved by the Board of Supervisors for the district.
4. That the Hanover County Code, Appendix, Title I, Zoning Ordinance, Article 5, Section 6, titled R-4 Residential Cluster Development District and consisting of sections 6.1 through 6.18, Section 7, titled R-5 Multiple-Family Residential Districts and consisting of sections 7.1 through 7.14, and Section 8, titled R-6 Residential Mobile Homes District consisting of sections 8.1 through 8.10, are hereby repealed.
 5. That all R-4, R-5 and R-6 Districts approved by ordinance adopted by the Hanover County Board of Supervisors prior to the date of adoption of this ordinance shall continue in effect and be subject to the ordinance provisions of the R-4, R-5, and R-6 Districts in effect on the date of adoption of this ordinance. Copies of the district provisions shall be kept on file in the Hanover County Planning Department for reference.
 6. This ordinance shall be effective on the date of adoption.

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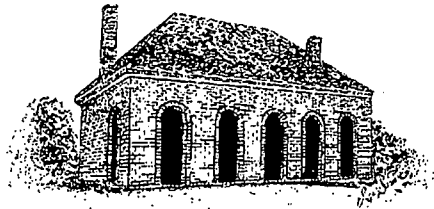
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September 1, 2009

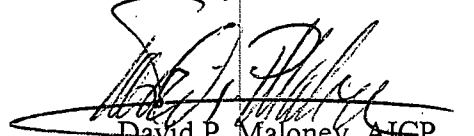
L. McCauley Chenault, Esquire
Chenault Law Offices
P.O. Box 1810
Mechanicsville, VA 23116

Dear Mac:

Thank you for agreeing to serve on the draft RM, Residential Multi-Family District Review Committee. It is expected that the committee will meet three to four times, although additional meetings may be scheduled as necessary! The names and phone numbers of all committee members are attached.

Sharlee Mills with the Planning Department will be contacting each of you in the next few days to schedule the first meeting which we will try to schedule for the week of September 14th. Again, thank you for agreeing to serve on the review committee, and I look forward to working with you. If you have any questions, please do not hesitate to call.

Sincerely,


David P. Maloney, AICP
Deputy Director of Planning

DPM/sm/s:rmcommittee

cc: John H. Hodges
Michael E. Crescenzo
Dennis A. Walter, Esquire

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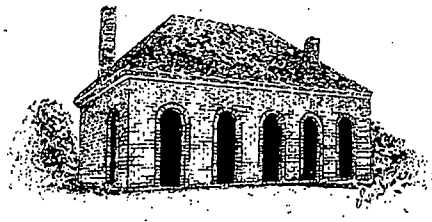
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John Cochrane
Youngblood-Tyler and Associates
Post Office Box 517
Mechanicsville, VA 23111

Dear John:

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Deputy Director of Planning

DPM/sm/s:rmcommittee

cc: John H. Hodges
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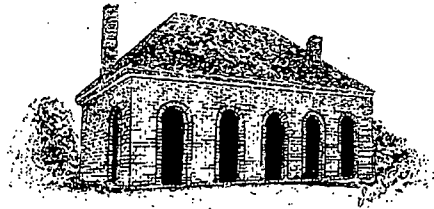
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Mike Melton
JM Commercial Properties
10160 Staples Mills Road – Suite 101
Glen Allen, VA 23060

Dear Mike:

Thank you for agreeing to serve on the draft RM, Residential Multi-Family District Review Committee. It is expected that the committee will meet three to four times, although additional meetings may be scheduled as necessary. The names and phone numbers of all committee members are attached.

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Sincerely,

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DPM/sm/s:rmcommittee

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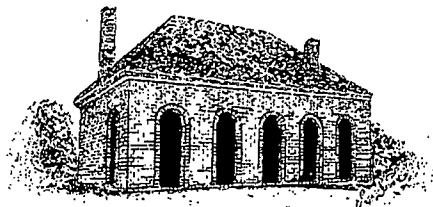
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Cameron Palmore
Balzer and Associates
15871 City View Drive – Suite 200
Midlothian, VA 23113

Dear Cameron:

Thank you for agreeing to serve on the draft RM, Residential Multi-Family District Review Committee. It is expected that the committee will meet three to four times, although additional meetings may be scheduled as necessary. The names and phone numbers of all committee members are attached.

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Sincerely,

David P. Maloney, AICP
Deputy Director of Planning

DPM/sm/s:rmcommittee

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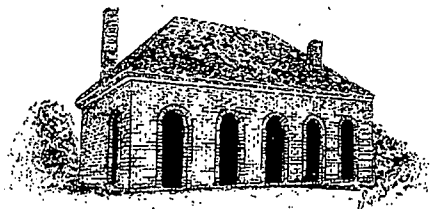
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FAX: 804-365-6232

Jonathan Rideout
HH Hunt
11237 Nuckols Road
Glen Allen, VA 23059

Dear Jonathan:

Thank you for agreeing to serve on the draft RM, Residential Multi-Family District Review Committee. It is expected that the committee will meet three to four times, although additional meetings may be scheduled as necessary. The names and phone numbers of all committee members are attached.

Sharlee Mills with the Planning Department will be contacting each of you in the next few days to schedule the first meeting which we will try to schedule for the week of September 14th. Again, thank you for agreeing to serve on the review committee; and I look forward to working with you. If you have any questions, please do not hesitate to call.

Sincerely,

David P. Maloney, AICP
Deputy Director of Planning

DPM/sm/s:rmcommittee

cc: John H. Hodges
Michael E. Crescenzo
Dennis A. Walter, Esquire

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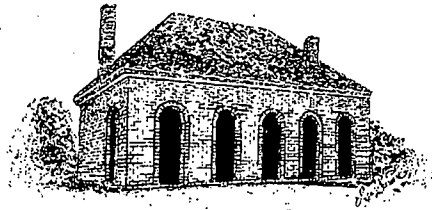
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PLANNING DEPARTMENT

MICHAEL E. CRESCENZO
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DAVID P. MALONEY, AICP
DEPUTY DIRECTOR OF PLANNING

JOHN A. BENDER
DEPUTY DIRECTOR OF PLANNING

J. KEITH THOMPSON
PRINCIPAL PLANNER

LEE W. GARMAN, AICP
PRINCIPAL PLANNER

P. O. BOX 470
HANOVER, VIRGINIA 23069

PHONE 804-365-6171
FAX: 804-365-6232

September 1, 2009

Jennifer Scott
HABCC
Post Office Box 16
Ashland, VA 23005

Dear Jennifer:

Thank you for agreeing to serve on the draft RM, Residential Multi-Family District Review Committee. It is expected that the committee will meet three to four times, although additional meetings may be scheduled as necessary. The names and phone numbers of all committee members are attached.

Sharlee Mills with the Planning Department will be contacting each of you in the next few days to schedule the first meeting which we will try to schedule for the week of September 14th. Again, thank you for agreeing to serve on the review committee, and I look forward to working with you. If you have any questions, please do not hesitate to call.

Sincerely,

David P. Maloney, AICP
Deputy Director of Planning

DPM/sm/s:rmcommittee

cc: John H. Hodges
Michael E. Crescenzo
Dennis A. Walter, Esquire

David Maloney
Planning

Dennis A. Walter, Esquire
County Attorney's Office

John H. Hodges
County Administration

Michael E. Crescenzo
Planning

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545-6222

Jm Commercial Properties
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Wen Allen, ~~23206~~ 23060

Cameron Palmore
Balzer and Associates
~~553-0132~~

Balzer & Associates
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Midlothian, Va. 23113

John Cochrane
Youngblood - Tyler and Associates
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Jennifer Scott

HABCC

994-1119

- P.O. Box 16
Ashland

- jennifer@touchpointspr.com

Dennis A. Walter, Esquire
Hanover County - Assistant Attorney
356-6005

HABC

September 18, 2009

Friday

September 2009

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October 2009

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

18 Friday		Notes
Keith & Claudia - OFF		Mike Melton : anytime after 9:00 Cameen : anytime John C. anytime Johadh anytime
Melissa - OFF		
Sharlee & Jeff - VAC		
7 am		
8 00		
9 00	SR. STAFF PCR-2 Crescenzo, Mike	
10 00	Dennis not available	
11 00		
12 pm		
1 00	1:30 -	
2 00		
3 00		
4 00		
5 00		
6 00		

September 22, 2009

Tuesday

September 2009

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October 2009

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

22

Tuesday

Janie - VAC

Melissa - OFF

Notes

7 am

8⁰⁰

9⁰⁰

10⁰⁰

11⁰⁰

12 pm

1⁰⁰

2⁰⁰

3⁰⁰

4⁰⁰

5⁰⁰

6⁰⁰

Dennis
Not
Available

-Mike Meltun
anytime

Cameron Palmore
anytime

John C.
anytime

~~Jonathan~~
afternoon open

September 23, 2009

Wednesday

September 2009

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October 2009

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

23 Wednesday		Notes	
BOS Mtg. Janie - VAC			
7 am			
8 00			
9 00			
10 00		BOS Power Point BOS Room Maloney, David P.	
11 00			Mike Meltun - anytime
12 pm			*Cameron Palmore afternoon only
1 00			
2 00			John C Anytime
3 00			
4 00			Jonathan R anytime
5 00			
6 00		Dennis Wood All Day	

Mills, Sharlee

From: Mac Chenault [m.chenault@chenaultlawoffices.com]
Sent: Wednesday, September 09, 2009 9:01 AM
To: Mills, Sharlee
Subject: RE: Dates and Times for RM Committee Meeting

Sharlee,

Friday the 18th after 2:30 will work for me. Wednesday the 23rd, I will be in court all day.

Mac

L. McCauley Chenault, Esquire
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9245 Shady Grove Road
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<http://www.chenaultlawoffices.com>

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From: Mills, Sharlee [mailto:sdmills@co.hanover.va.us]
Sent: Tuesday, September 08, 2009 4:10 PM
To: Mac Chenault
Subject: Dates and Times for RM Committee Meeting

Mac – here are the dates and times that I am working on:

- 1) Friday, September 18th - Afternoon – after 1:30
- 2) Wednesday, September 23rd - Afternoon – after 1:30

Thanks,

Sharlee K. D. Mills, Office Manager
Hanover County Planning Department
Hanover Courthouse
Hanover, VA 23069
Phone: 804-365-6169
Fax: 804-365-6232