

County of Hanover

VII

Board Meeting: May 9, 2001

Subject: Adoption of Easement Forms – RS and RC Districts

Summary of Agenda Item:

At the Board meeting on March 28, the staff presented draft easement forms for use in the RC, Residential Conservation District, and RS. Single-Family Residential District. These forms are necessary to assure the preservation and maintenance of the open spaces which are an integral part of each zoning district. The RC District was adopted in 1997 and the RS district in 1999, and rather than address easements on a case-by-case basis, there should be one adopted policy, based on prior experience in the County and other jurisdictions.

In the March 28th meeting, the staff incorporated minor changes in the language to accommodate recommendations made by the Planning Commission during their review of the documents late last year. One issue in particular – the issue of dumping on an agricultural site – was addressed with language presented at the Board meeting. Because of this late addition, the Board asked the staff to present the revised documents to the Planning Commission for comment. The Commission, however, scheduled a special workshop on April 19 to not only review the Staff recommendations but also reconsider the documents in their entirety. During this workshop, several other significant changes in the language were recommended by the Commission in an effort to address a perceived problem in dealing with farmers who may choose to request RC zoning for their property. The RS District Open Space Easement was recommended substantially as drafted by the Staff, as it involves opens space in a suburban setting.

The Board is presented with two different documents for Open Space Preservation in the RC district. As recommended by the Planning Commission, the proposed easement gives primacy to the owner or farmer of the open space over the residents in the RC. The Staff's alternative attempts to balance those interests. There is a delicate balance to be achieved in the RC district among agriculture, open space protection, and residential development. For this reason, the staff does not recommend the adoption of the documents forwarded by the Commission. Instead, we continue to recommend the use of the documents previously presented to the Board. Both drafts are attached for Board consideration.

County Administrator's Recommendation: Approve draft easement document forms for use in future RC and RS districts as recommended by the staff.

Requested Action: Motion to approve the staff's draft forms for Open Space easements in the RC and RS districts, with a new RC alternative for consideration from the Planning Commission .

Staff Rev. Version

GPIN _____

DEED
OPEN SPACE EASEMENT
Preservation Lot

THIS DEED OF EASEMENT is entered into _____, 2001 by _____ ("Grantor") and HANOVER COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County"); and _____ HOMEOWNERS' ASSOCIATION, INC. ("the Association"); [Insert Trustee & Noteholder].

WITNESSETH:

WHEREAS Grantor is the fee simple owner of the tract of land of ____ acres designated GPIN _____ located in _____ District, Hanover County, Virginia, ("the Property") conveyed to _____ by deed from _____, recorded in the Hanover County Circuit Court Clerk's Office, in Deed Book _____, page _____ a portion of which is designated as a Preservation Lot or Lots ("the Preservation Lot") on a plat titled "_____", by _____ dated _____ ("the Plat"); and on a Conceptual Plan titled "_____" dated _____ by _____ ("the Conceptual Plan") approved by the Board of Supervisors on _____ in rezoning Case No. C-_____ ("the Rezoning"); and

WHEREAS the Property owned by the Grantor has agricultural, scenic, natural and aesthetic value in its present state as a natural and rural area; and

WHEREAS in furtherance of the purposes of the Open Space Land Act, Title 10.1, Chapter 17 of the Virginia Code, and as required by the Hanover County Zoning Ordinance, the Grantor is willing to grant a perpetual Open Space Easement applicable to the Preservation Lot,

Prepared by:
_____

restricting and limiting the use of the land, on the terms and conditions and for the purposes set forth below, and the County is willing to accept the Easement; and

WHEREAS the Grantor and the County recognize the value of the Preservation Lot in its present state, and have a common purpose of conserving the Preservation Lot, preserving the dominant rural character of the Preservation Lot, and preventing the use or development of the Preservation Lot for any purpose or in any manner which would conflict with maintenance in accordance with purposes of the Open Space Land Act and the Hanover County Zoning Ordinance, and recognize this Easement as an easement appurtenant to land retained by the Association designated as Common Open Space; and

WHEREAS the County is authorized by the Open Space Land Act to accept, hold and administer the Open Space Easement, and the County and the Association possess the authority to accept and are willing to accept the Open Space Easement under the terms and conditions described below, and the Grantor, for itself, its successors and assigns waives any objection to the perpetual nature of this Easement.

NOW THEREFORE, for good and valuable consideration, receipt of which all parties acknowledge, and in consideration of the mutual covenants and restrictions set forth below, the Grantor conveys to the County and to the Association and their successors and assigns forever and in perpetuity an Open Space Easement of the nature and character and to the extent set forth below, applicable to the Preservation Lot for the purpose of preserving the important features of the Preservation Lot and maintaining permanently the rural, natural and scenic character of the Preservation Lot; and

The commitments, conditions and restrictions applicable to the Preservation Lot, for the purpose of achieving these goals are set forth below:

1. This Easement shall be perpetual. The Easement conveyed to the County is an easement in gross. The Easement interest of the Association benefits and is appurtenant to land retained by the Association. The Easement shall run with the land as an incorporeal interest in the Preservation Lot enforceable by the County and the Association, against the Grantor and its successors and assigns. The Grantor for itself, its successors and assigns waives any objection to the perpetual nature of the Easement.

2. There shall be no dumping of soil, trash, ashes, garbage, waste or offensive material. There shall be no dumping or filling in of any pond, wetland, waterway, or other area except as may be permitted by applicable laws for the purpose of combating erosion. Accumulation or application of trash, refuse, junk, sludge or other unsightly material is not permitted on the Preservation Lot. There shall be no dumping, storage or placement on the Preservation Lot of any stumps, brush, grass or other land clearing debris from off-site. This paragraph shall be reasonably interpreted so as to permit activities that are consistent with sound agricultural and silvicultural practices, such as the composting of vegetative materials grown or used on site, the amendment of soils to be used for agriculture by the incorporation of sand, topsoil or compost materials from off site, or the proper storage of inoperative machinery, fencing materials, etc. for repair, reuse or recycling. In addition, this paragraph shall not be deemed to prohibit reasonable activities ancillary to any residential use of the Preservation Lot, such as the incineration of household refuse produced on site, the disposal of ashes from the incinerator, fireplaces and wood stoves, the composting of vegetative household waste, etc.

3. Mining, dredging and removal of loam, gravel, soil, rock, sand, coal and other materials are prohibited, except as necessary for:

a. Application of good farming and forestry practices;

b. Maintenance of existing accesses; and

c. Construction and maintenance of accesses to uses and structures permitted within the provisions of this Deed of Easement. Accesses shall be designed and constructed to cause a minimum of interference with the existing topography, drainage, vegetation, wildlife, and conservation purposes of the Preservation Lot.

4. Removal, destruction and cutting of trees, shrubs, or other vegetation is prohibited except as indicated on the Conceptual Plan and for:

a. Reasonable maintenance of existing accesses or construction and maintenance of accesses permitted by this Deed of Easement; or

b. Application of good management practices including the prevention or treatment of disease; or

c. Periodic selective harvest of marketable timber under the supervision of a qualified forester; or

d. Furtherance and perpetuation of the agricultural, horticultural, silvicultural and naturalistic uses of the Preservation Lot; or

e. Removal of only such vegetation as is reasonably necessary for construction and improvements in substantial conformity with the Conceptual Plan and in accordance with this Deed of Easement.

All forestal management activities shall be in accordance with the sound forestry management guidelines promulgated by the Society of American Foresters or successor organization for natural forests and plantations. All forestry practices shall serve the dual purpose of :

(i) Protecting the soils, drainage and water quality of the Property; and

(ii) Enhancing the sustainable growth, and quality of the tree species suited to the Property.

5. There shall be no activities or uses detrimental or adverse to water conservation, erosion control, soil conservation and, subject to the permitted uses, the preservation of wildlife habitat.

6. Development of the Preservation Lot shall not be permitted except as provided in this Easement or as provided in the Hanover County Zoning Ordinance, and use of the Preservation Lot shall be permitted only in accordance with the Hanover County Zoning Ordinance. The Preservation Lot shall not be further divided, subdivided, or conveyed in fee except in the tracts described in the Plat and shall be maintained as open space.

7. There shall be no alteration of the topography of the Preservation Lot, except as required for the construction of structures, roads or other improvements in substantial conformity with the Conceptual Plan or reasonably necessary to provide for permitted uses.

8. The features designated on the Conceptual Plan for preservation, including all historic structures, woodlands, and historic sites shall be maintained and preserved by the Grantor, its successors or assigns substantially as shown on the Conceptual Plan, and in substantially the same condition as exists on the date of execution of this Deed.

9. The Grantor expressly reserves to itself, its successors and assigns the right to:

a. Continue the agricultural, forestry and naturalistic uses of the Preservation Lot.

b. Improve, repair, restore, alter, remodel or replace the permitted structures depicted in the Conceptual Plan with structures of similar size and purpose and construct any other improvements depicted on the Conceptual Plan provided that the changes are compatible with the conservation purposes of the Preservation Lot and all other provisions of this Easement.

c. Continue the use of the Preservation Lot for all purposes not inconsistent with this Easement.

10. The parties agree that monetary damages would not be an adequate remedy for the breach of any of the terms, conditions and restrictions of this Easement, and therefore, in the event that the Grantor, its heirs, successors or assigns, violate or breach any of these terms, conditions and restrictions, the County or the Association, or both, and their successors and assigns, individually or jointly, may institute a suit and shall be entitled to enjoin by ex parte temporary and/or permanent injunction such violation and to require the restoration of the Preservation Lot to a condition in compliance with this Easement. The County and the Association, their successors and assigns, by any prior failure to act do not waive or forfeit the right to take any action as may be necessary to insure compliance with the terms, conditions and purposes of this Easement.

11. The County and the Association, and their successors and assigns, have the right, with reasonable notice, to enter the Preservation Lot for the purpose of inspecting the Lot to determine whether the Grantor, or its successors or assigns, are complying with the terms, conditions and restrictions of this Easement. This right of inspection does not include the interior of any dwellings. Only authorized representatives of the Association may enter the Property.

12. The County may assign its rights under this Easement to any State or federal agency charged with the responsibility of conservation of natural or farm areas, or open space, or to any non-profit, tax-exempt organization engaged in promoting conservation of historic, rural or natural areas; and if such assignee shall be dissolved or shall abandon this Easement or the rights and duties of enforcement or if proceedings are instituted for condemnation of this Easement, the Easement and rights of enforcement shall revert to the County; and if the County shall be dissolved and if the terms of the dissolution fail to provide a successor, then the Hanover County Circuit Court shall appoint an appropriate successor.

13. The Grantor agrees for itself, its successors and assigns to give notice in writing to the County of the names and addresses of any parties to whom the Preservation Lot is to be transferred, at the time of transfer.

14. The County and the Association agree to hold this Easement exclusively for conservation purposes, and will not transfer the Easement in exchange for money, other property, or services, except as provided in and permitted by the Open Space Land Act.

15. This Easement shall be construed to promote the purposes of the Virginia Open Space Land Act, to promote the Comprehensive Plan of Hanover County, and to promote the conservation purposes of this Easement, including such purposes as are defined in the Internal Revenue Code.

16. Although this Easement in gross will benefit the public in ways recited above by encouraging and requiring elements of good land management, and the property retained by the Association will be benefited by this Easement, it shall not be construed to convey a right to the public of access or use of the Preservation Lot, and the Grantor, its successors and assigns shall retain exclusive right to access and use.

The covenants agreed to and the terms, conditions, restrictions and purposes imposed shall be binding not only upon the Grantor, but also its agents, personal representatives, heirs, assigns, and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the above described land, notwithstanding any restrictions at common law on the term of easements in gross, or their enforcement.

17. Notwithstanding any other provision of this Deed of Easement, the Hanover County Zoning Ordinance and other applicable statutes, ordinances and regulations shall apply to the Preservation Lot and shall take precedence over this Easement to the extent that those requirements are more restrictive than the terms of this Easement.

18. The invalidity or unenforceability of any provision of this Easement shall not affect the validity or enforceability of any provision of this Easement or any ancillary or supplementary agreement relating to the subject matter of this Easement.

The signatures and seals of the parties or their authorized representatives are set out below in acknowledgment of this conveyance.

GRANTOR

[NAME IN CAPS & BOLD]

_____
[Name printed]

[ASSOCIATION NAME - CAPS/BOLD]
HOMEOWNERS' ASSOCIATION, INC.

By: _____
Name: _____
Title: _____

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF HANOVER, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2001, by _____, Grantor.

My commission expires:_____

_____
Notary Public

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OFHANOVER, to-wit:

The foregoing instrument was acknowledged before me this ___ day of _____, 2001, by _____, on behalf of _____ Homeowners' Association, Inc.

My commission expires:_____

_____
Notary Public

Approved as to form:

_____
A. Lisa Barker
Senior Assistant County Attorney

Acceptance of this Deed by Hanover County, a political subdivision of the Commonwealth of Virginia, pursuant to Va. Code Section 15.2-1803, is evidenced by the signature below.

Date:_____ _____

Richard R. Johnson, County Administrator
Cecil R. Harris, Jr., Deputy County Administrator
John H. Hodges, Deputy County Administrator for
Community Development

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OFHANOVER, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2001, by _____, on behalf of Hanover County, Virginia.

My commission expires: _____

_____
Notary Public

GPIN _____

DEED
OPEN SPACE EASEMENT
Common Open Space

Staff Rev. Version

THIS DEED OF EASEMENT is entered into _____, 2_____ ("Grantor") and HANOVER COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County").

WITNESSETH:

WHEREAS Grantor is the fee simple owner of the tract or tracts of land of _____ acres designated GPIN _____ located in _____ District, Hanover County, Virginia, ("the Property") conveyed to _____ by deed from _____, recorded in the Hanover County Circuit Court Clerk's Office, in Deed Book _____, page _____ a portion of which is designated "Common Open Space" consisting of _____ parcels totaling _____ acres ("the Common Open Space") on a plat titled "_____," by _____ dated _____, ("the Plat"); and on a Conceptual Plan titled "_____" dated _____ by _____ ("the Conceptual Plan") approved by the Board of Supervisors on _____ in rezoning Case No. C- _____ ("the Rezoning"); and

WHEREAS the Common Open Space owned by the Grantor has agricultural, scenic, natural and aesthetic value in its present state as a natural and rural area; and

WHEREAS in furtherance of the purposes of the Open Space Land Act, Title 10.1, Chapter 17 of the Virginia Code, and as required by the Hanover County Zoning Ordinance, the Grantor is willing to grant a perpetual Open Space Easement applicable to the Common Open Space, restricting and limiting the use of the land, on the terms and conditions and for the purposes set forth below, and the County is willing to accept the Easement; and

Prepared by:
_____

WHEREAS the Grantor and the County recognize the value of the Common Open Space in its present state, and have a common purpose of conserving the Common Open Space, preserving the dominant rural character of the Common Open Space, and preventing the use or development of the Common Open Space for any purpose or in any manner which would conflict with maintenance in accordance with purposes of the Open Space Land Act and the Hanover County Zoning Ordinance; and

WHEREAS the County is authorized by the Open Space Land Act to accept, hold and administer the Open Space Easement, and the County possesses the authority to accept and is willing to accept the Open Space Easement under the terms and conditions described below, and the Grantor, for itself, its successors and assigns waives any objection to the perpetual nature of this easement.

NOW THEREFORE, for good and valuable consideration, receipt of which all parties acknowledge, and in consideration of the mutual covenants and restrictions set forth below, the Grantor conveys to the County and its successors and assigns forever and in perpetuity an Open Space Easement of the nature and character and to the extent set forth below, applicable to the Common Open Space more particularly described in the Plat and the Conceptual Plan, for the purposes of preserving the important features of the Common Open Space and maintaining permanently the rural, natural and scenic character of the Common Open Space; and

The commitments, conditions and restrictions applicable to the Common Open Space, for the purpose of achieving these goals are set forth below:

1. This Easement shall be perpetual. It is an easement in gross, and shall run with the land as an incorporeal interest in the Common Open Space enforceable by the County against

the Grantor and its heirs, successors and assigns. The Grantor for itself, its heirs, successors and assigns waives any objection to the perpetual nature of the Easement.

2. There shall be no dumping of soil, trash, ashes, garbage, waste or offensive material. There shall be no dumping or filling in of any pond, wetland, waterway, or other area except as may be permitted by applicable laws for the purpose of combating erosion. Accumulation or application of trash, refuse, junk, sludge or other unsightly material is not permitted on the Common Open Space. There shall be no dumping, storage or placement on the Common Open Space of any stumps, brush, grass or other land clearing debris from off-site. This paragraph shall be reasonably interpreted so as to permit activities that are consistent with sound agricultural and silvicultural practices, such as the composting of vegetative materials grown or used on site, the amendment of soils to be used for agriculture by the incorporation of sand, topsoil or compost materials from off site, or the proper storage of inoperative machinery, fencing materials, etc. for repair, reuse or recycling.

3. Mining, dredging and removal of loam, gravel, soil, rock, sand, coal and other materials are prohibited, except as necessary for:

a. Application of good farming and forestry practices;

b. Maintenance of existing accesses; and

c. Construction and maintenance of accesses to uses and structures permitted within the provisions of this Deed of Easement. Accesses shall be designed and constructed to cause a minimum of interference with the existing topography, drainage, vegetation, wildlife, and conservation purposes of the Common Open Space.

4. Removal, destruction and cutting of trees, shrubs, or other vegetation is prohibited except as indicated on the Conceptual Plan and for:

a. Reasonable maintenance of existing accesses or construction and maintenance of accesses permitted by this Deed of Easement; or

b. Application of good management practices including the prevention or treatment of disease; or

c. Periodic selective harvest of marketable timber under the supervision of a qualified forester; or

d. Furtherance and perpetuation of the agricultural, horticultural, silvicultural and naturalistic uses of the Common Open Space; or

e. Removal of only such vegetation as is reasonably necessary for construction and improvements in substantial conformity with the Conceptual Plan and in accordance with this Deed of Easement.

All forestal management activities shall be in accordance with the sound forestry management guidelines promulgated by the Society of American Foresters or successor organization for natural forests and plantations. All forestry practices shall serve the dual purpose of:

(i) Protecting the soils, drainage and water quality of the Common Open Space; and

(ii) Enhancing the sustainable growth, and quality of the tree species suited to the Common Open Space.

5. There shall be no activities or uses detrimental or adverse to water conservation, erosion control, soil conservation and, subject to the permitted uses, the preservation of wildlife habitat.

6. Use, development and improvement of the Common Open Space shall be permitted only in accordance with the Hanover County Zoning Ordinance and as depicted on the Conceptual Plan. The Common Open Space shall not be further divided, subdivided, or conveyed in fee except as depicted in the Conceptual Plan, and shall be maintained as open space.

7. There shall be no alteration of the topography of the Common Open Space, except as required for the construction of structures, roads or other improvements in substantial conformity with the Conceptual Plan or reasonably necessary to provide for permitted uses.

8. The features designated on the Conceptual Plan for preservation, including all historic structures, woodlands, and historic sites shall be maintained and preserved by the Grantor, its heirs, successors or assigns substantially as depicted on the Conceptual Plan, and in substantially the same condition as exists on the date of execution of this Deed.

9. The Grantor expressly reserves to itself, its successors and assigns the right to:

a. Continue the agricultural, forestry and naturalistic uses of the Common Open Space.

b. Improve, repair, restore, alter, remodel or replace the permitted structures depicted on the Conceptual Plan with structures of similar size and purpose and construct any other improvements depicted on the Conceptual Plan provided that the changes are compatible with the conservation purposes of the Common Open Space and all other provisions of this Easement.

c. Continue the use of the Common Open Space for all purposes not inconsistent with this Easement.

10. The parties agree that monetary damages would not be an adequate remedy for the breach of any of the terms, conditions and restrictions of this Easement, and therefore, in the event that the Grantor, its heirs, successors or assigns, violate or breach any of these terms, conditions and restrictions, the County and its successors and assigns, may institute a suit and shall be entitled to enjoin by ex parte temporary and/or permanent injunction such violation and to require the restoration of the Common Open Space to a condition in compliance with this Easement. The County, its successors and assigns, by any prior failure to act do not waive or forfeit the right to take any action as may be necessary to insure compliance with the terms, conditions and purposes of this Easement.

11. The County, its successors and assigns, have the right, with reasonable notice, to enter the Common Open Space for the purpose of inspection to determine whether the Grantor, or its successors or assigns, are complying with the terms, conditions and restrictions of this Easement. This right of inspection does not include the interior of any dwellings.

12. The County may assign its rights under this Easement to any State or federal agency charged with the responsibility of conservation of natural or farm areas, or open space, or to any non-profit, tax-exempt organization engaged in promoting conservation of historic, rural or natural areas; and if such assignee shall be dissolved or shall abandon this Easement or the rights and duties of enforcement or if proceedings are instituted for condemnation of this Easement, the Easement and rights of enforcement shall revert to the County; and if the County shall be dissolved and if the terms of the dissolution fail to provide a successor, then the Hanover County Circuit Court shall appoint an appropriate successor.

13. The Grantor agrees for itself, its heirs, successors and assigns to give notice in writing to the County of the names and addresses of any parties to whom the Common Open Space is to be transferred, at the time of transfer.

14. The County agrees to hold this Easement exclusively for conservation purposes, and will not transfer the Easement in exchange for money, other property, or services, except as provided in and permitted by the Open Space Land Act.

15. This Easement shall be construed to promote the purposes of the Virginia Open Space Land Act, to promote the Comprehensive Plan of Hanover County, and to promote the conservation purposes of this Easement, including such purposes as are defined in the Internal Revenue Code.

16. Although this Easement in gross will benefit the public in ways recited above by encouraging and requiring elements of good land management, it shall not be construed to convey a right to the public of access or use of the Common Open Space, and the Grantor, its heirs, successors and assigns shall retain exclusive right to access and use.

The covenants agreed to and the terms, conditions, restrictions and purposes imposed shall be binding not only upon the Grantor, but also its agents, personal representatives, heirs, assigns, and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the above described land, notwithstanding any restrictions at common law on the term of easements in gross, or their enforcement.

17. Notwithstanding any other provision of this Deed of Easement, the Hanover County Zoning Ordinance and other applicable statutes, ordinances and regulations shall apply to the Property and shall take precedence over this Easement to the extent that those requirements are more restrictive than the terms of this Easement.

18. The invalidity or unenforceability of any provision of this Easement shall not affect the validity or enforceability of any provision of this Easement or any ancillary or supplementary agreement relating to the subject matter of this Easement.

The signatures and seals of the parties or their authorized representatives are set out below in acknowledgment of this conveyance.

GRANTOR

[NAME IN BOLD & CAPS]_____

_____

[Name printed]

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OFHANOVER, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2001, by _____, Grantor.

My commission expires:_____

_____
Notary Public

Approved as to form:

_____
A. Lisa Barker
Senior Assistant County Attorney

Acceptance of this Deed by Hanover County, a political subdivision of the Commonwealth of Virginia, pursuant to Va. Code Section 15.2-1803, is evidenced by the signature below.

Date:_____ _____
Richard R. Johnson, County Administrator
Cecil R. Harris, Jr., Deputy County Administrator

John H. Hodges, Deputy County Administrator for
Community Development

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF HANOVER, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2001, by _____, on behalf of Hanover County, Virginia.

My commission expires: _____

_____
Notary Public

GPIN _____

DEED
OPEN SPACE EASEMENT
Preservation Lot
(Planning Commission Recommendation)

THIS DEED OF EASEMENT is entered into _____, 2001 by _____ ("Grantor") and HANOVER COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County"); and _____ HOMEOWNERS' ASSOCIATION, INC. ("the Association"); [Insert Trustee & Noteholder].

WITNESSETH:

WHEREAS Grantor is the fee simple owner of the tract of land of ____ acres designated GPIN _____ located in _____ District, Hanover County, Virginia, ("the Property") conveyed to _____ by deed from _____, recorded in the Hanover County Circuit Court Clerk's Office, in Deed Book _____, page _____ a portion of which is designated as a Preservation Lot or Lots ("the Preservation Lot") on a plat titled "_____", by _____ dated _____ ("the Plat"); and on a Conceptual Plan titled "_____" dated _____ by _____ ("the Conceptual Plan") approved by the Board of Supervisors on _____ in rezoning Case No. C-_____ ("the Rezoning"); and

WHEREAS the Property owned by the Grantor has agricultural, scenic, natural and aesthetic value in its present state as a natural and rural area; and

WHEREAS in furtherance of the purposes of the Open Space Land Act, Title 10.1, Chapter 17 of the Virginia Code, and as required by the Hanover County Zoning Ordinance, the Grantor is willing to grant a perpetual Open Space Easement applicable to the Preservation Lot,

Prepared by:
_____

restricting and limiting the use of the land, on the terms and conditions and for the purposes set forth below, and the County is willing to accept the Easement; and

WHEREAS the Grantor and the County recognize the value of the Preservation Lot in its present state, and have a common purpose of conserving the Preservation Lot, preserving the dominant rural character of the Preservation Lot, promoting and encouraging the preservation of farmland, promoting and enhancing agriculture as an important industry within the County, and preventing the use or development of the Preservation Lot for any purpose or in any manner which would conflict with maintenance in accordance with purposes of the Open Space Land Act and the Hanover County Zoning Ordinance, and recognize this Easement as an easement appurtenant to land retained by the Association designated as Common Open Space; and

WHEREAS the County is authorized by the Open Space Land Act to accept, hold and administer the Open Space Easement, and the County and the Association possess the authority to accept and are willing to accept the Open Space Easement under the terms and conditions described below, and the Grantor, for itself, its successors and assigns waives any objection to the perpetual nature of this Easement.

NOW THEREFORE, for good and valuable consideration, receipt of which all parties acknowledge, and in consideration of the mutual covenants and restrictions set forth below, the Grantor conveys to the County and to the Association and their successors and assigns forever and in perpetuity an Open Space Easement of the nature and character and to the extent set forth below, applicable to the Preservation Lot for the purpose of preserving the important features of the Preservation Lot and maintaining permanently the rural, natural and scenic character of the Preservation Lot; and

The commitments, conditions and restrictions applicable to the Preservation Lot, for the purpose of achieving these goals are set forth below:

1. This Easement shall be perpetual. The Easement conveyed to the County is an easement in gross. The Easement interest of the Association benefits and is appurtenant to land retained by the Association. The Easement shall run with the land as an incorporeal interest in the Preservation Lot enforceable by the County and the Association, against the Grantor and its successors and assigns. The Grantor for itself, its successors and assigns waives any objection to the perpetual nature of the Easement.

2. There shall be no dumping of soil, trash, ashes, garbage, waste or offensive material. There shall be no dumping or filling in of any pond, wetland, waterway, or other area except as may be permitted by applicable laws for the purpose of combating erosion. Accumulation or application of trash, refuse, junk, sludge or other unsightly material is not permitted on the Preservation Lot. There shall be no dumping, storage or placement on the Preservation Lot of any stumps, brush, grass or other land clearing debris from off-site. This paragraph shall be reasonably interpreted so as to permit activities that are consistent with sound agricultural and silvicultural practices, such as the composting of vegetative materials grown or used on site, the amendment of soils to be used for agriculture ~~by the incorporation of sand, topsoil or compost materials from off site, or~~ and the proper storage of inoperative machinery, fencing materials, etc. for repair, reuse or recycling. In addition, this paragraph shall not be deemed to prohibit reasonable activities ancillary to any residential use of the Preservation Lot, such as the incineration of household refuse produced on site, the disposal of ashes from the incinerator, fireplaces and wood stoves, the composting of vegetative household waste, etc.

3. Mining, dredging and removal of loam, gravel, soil, rock, sand, coal and other materials are prohibited, except as necessary for:

a. Application of good farming and forestry practices;

b. Maintenance of existing accesses; and

c. Construction and maintenance of accesses to uses and structures permitted within the provisions of this Deed of Easement. Accesses shall be designed and constructed to cause a minimum of interference with the existing topography, drainage, vegetation, wildlife, and conservation purposes of the Preservation Lot.

4. Removal, destruction and cutting of trees, shrubs, or other vegetation is prohibited except as indicated on the Conceptual Plan and for:

a. Reasonable maintenance of existing accesses or construction and maintenance of accesses permitted by this Deed of Easement; or

b. Application of good management practices including the prevention or treatment of disease; or

c. Periodic selective harvest of marketable timber under the supervision of a qualified forester; or

d. Furtherance and perpetuation of the agricultural, horticultural, silvicultural and naturalistic uses of the Preservation Lot; or

e. Removal of only such vegetation as is reasonably necessary for ~~construction and~~construction and improvements or good farming practices in substantial conformity with the Conceptual Plan and in accordance with this Deed of Easement.

All forestal management activities shall be in accordance with the sound forestry management guidelines promulgated by the Society of American Foresters or successor

organization for ~~natural~~ forests and plantations. All forestry practices shall serve the dual purpose ~~of :~~of:

(i) Protecting the soils, drainage and water quality of the Property; and

(ii) Enhancing the sustainable growth, and quality of the tree species suited to the Property.

5. There shall be no activities or uses detrimental or adverse to water conservation, erosion control, soil conservation and, subject to the permitted uses, the preservation of wildlife habitat. Agricultural activities conducted in accordance with practices and standards developed by state and federal agencies shall not constitute an activity detrimental or adverse to water conservation, erosion control, or soil conservation.

6. Development of the Preservation Lot shall not be permitted except as provided in this Easement or as provided in the Hanover County Zoning Ordinance, and use of the Preservation Lot shall be permitted only in accordance with the Hanover County Zoning Ordinance. The Preservation Lot shall not be further divided, subdivided, or conveyed in fee except in the tracts described in the Plat and shall be maintained as open space.

7. There shall be no alteration of the topography of the Preservation Lot, except as required for the construction of structures, roads, ponds, ~~,~~ or other improvements in substantial conformity with the Conceptual Plan or reasonably necessary to provide for permitted uses.

8. The features designated on the Conceptual Plan for preservation, including all historic structures, woodlands, and historic sites shall be maintained and preserved by the Grantor, its successors or assigns substantially as shown on the Conceptual Plan, and in substantially the same condition as exists on the date of execution of this Deed.

9. The Grantor expressly reserves to itself, its successors and assigns the right to:

a. Continue the agricultural, forestry and naturalistic uses of the Preservation Lot.

b. Improve, repair, restore, alter, remodel or replace the permitted structures depicted in the Conceptual Plan with structures of similar size and purpose and construct any other improvements in areas depicted on the Conceptual Plan provided that the changes are compatible with the conservation purposes of the Preservation Lot and all other provisions of this Easement.

c. Continue the use of the Preservation Lot for all purposes not inconsistent with this Easement and the Zoning Ordinance.~~.~~

10. The parties agree that monetary damages would not be an adequate remedy for the breach of any of the terms, conditions and restrictions of this Easement, and therefore, in the event that the Grantor, its heirs, successors or assigns, violate or breach any of these terms, conditions and restrictions, the County independently, or with the Association, ~~or both~~, and their successors and assigns, ~~individually or jointly~~, may institute a suit and shall be entitled to enjoin by ~~ex parte~~ temporary and/or permanent injunction such violation and to require the restoration of the Preservation Lot to a condition in compliance with this Easement. The County and the Association, their successors and assigns, by any prior failure to act do not waive or forfeit the right to take any action as may be necessary to insure compliance with the terms, conditions and purposes of this Easement.

11. The County and authorized representatives of the Association, and their successors and assigns, have the right, with with an appointment which shall be given in seven days~~reasonable notice~~, and with reasonable cause, to enter the Preservation Lot with the owner

for the purpose of inspecting the Lot to determine whether the Grantor, or its successors or assigns, are complying with the terms, conditions and restrictions of this Easement. These inspections are limited to two per calendar year. This right of inspection does not include the interior of any dwellings. Only three authorized representatives of the Association may enter the Property, and shall be accompanied by a representative of the County. The association representatives shall be elected by the homeowners, and their names shall be furnished to the grantor prior to an appointment.

12. The County may assign its rights under this Easement to any State or federal agency charged with the responsibility of conservation of natural or farm areas, or open space, or to any non-profit, tax-exempt organization engaged in promoting conservation of historic, rural or natural areas; and if such assignee shall be dissolved or shall abandon this Easement or the rights and duties of enforcement or if proceedings are instituted for condemnation of this Easement, the Easement and rights of enforcement shall revert to the County; and if the County shall be dissolved and if the terms of the dissolution fail to provide a successor, then the Hanover County Circuit Court shall appoint an appropriate successor.

13. The Grantor agrees for itself, its successors and assigns to give notice in writing to the County of the names and addresses of any parties to whom the Preservation Lot is to be transferred, at the time of transfer.

14. The County and the Association agree to hold this Easement exclusively for conservation purposes, and will not transfer the Easement in exchange for money, other property, or services, except as provided in and permitted by the Open Space Land Act.

15. This Easement shall be construed to promote the purposes of the Virginia Open Space Land Act, to promote the Comprehensive Plan of Hanover County, and to promote the

conservation purposes of this Easement, including such purposes as are defined in the Internal Revenue Code.

16. Although this Easement in gross will benefit the public in ways recited above by encouraging and requiring elements of good land management, and the property retained by the Association will be benefited by this Easement, it shall not be construed to convey a right to the public of access or use of the Preservation Lot, and the Grantor, its successors and assigns shall retain exclusive right to access and use.

The covenants agreed to and the terms, conditions, restrictions and purposes imposed shall be binding not only upon the Grantor, but also its agents, personal representatives, heirs, assigns, and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the above described land, notwithstanding any restrictions at common law on the term of easements in gross, or their enforcement.

17. ~~Notwithstanding any other provision of this Deed of Easement, the Hanover County Zoning Ordinance and other applicable statutes, ordinances and regulations shall apply to the Preservation Lot and shall take precedence over this Easement to the extent that those requirements are more restrictive than the terms of this Easement.~~

18. The invalidity or unenforceability of any provision of this Easement shall not affect the validity or enforceability of any provision of this Easement or any ancillary or supplementary agreement relating to the subject matter of this Easement.

The signatures and seals of the parties or their authorized representatives are set out below in acknowledgment of this conveyance.

GRANTOR

[NAME IN CAPS & BOLD]

_____
[Name printed]

[ASSOCIATION NAME - CAPS/BOLD]
HOMEOWNERS' ASSOCIATION, INC.

By: _____
Name: _____
Title: _____

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF HANOVER, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2001, by _____, Grantor.

My commission expires: _____

_____
Notary Public

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OFHANOVER, to-wit:

The foregoing instrument was acknowledged before me this ___ day of _____, 2001, by _____, on behalf of _____ Homeowners' Association, Inc.

My commission expires: _____

_____
Notary Public

Approved as to form:

_____
A. Lisa Barker
Senior Assistant County Attorney

Acceptance of this Deed by Hanover County, a political subdivision of the Commonwealth of Virginia, pursuant to Va. Code Section 15.2-1803, is evidenced by the signature below.

Date:_____

_____
Richard R. Johnson, County Administrator
Cecil R. Harris, Jr., Deputy County Administrator
John H. Hodges, Deputy County Administrator for
Community Development

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OFHANOVER, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2001, by _____, on behalf of Hanover County, Virginia.

My commission expires: _____

_____
Notary Public

PUBLIC NOTICE

Notice is hereby given that the Hanover County Board of Supervisors has set **Wednesday, June 8, 2005, at 7:00 P.M.,** in the Board Room of the Hanover County Government Building at Hanover Courthouse, Hanover, Virginia, as the day, date, time, and place for a public hearing to consider the following cases, at which public comments will be accepted:

SPECIAL EXCEPTIONS

SE-22-05 **DOROTHY BRUNETTI,** Requests a Special Exception Permit in accordance with Title I, Article 5, Section 1.6-1(r)(2), of the Hanover County Zoning Ordinance to permit a mobile home in the case of a medical hardship on GPIN 7811-86-3421, consisting of approximately 3.36 acres, currently zoned A-1, Agricultural District, located on the east side of Bethany Church Road (State Route 810) approximately 2,350 feet south of Canterbury Road (State Route 691) in the **BEAVERDAM MAGISTERIAL DISTRICT**. (PUBLIC HEARING)

Withdrawn

SE-23-05 **ST. PETER'S UNITED METHODIST CHURCH,** Requests a Special Exception Permit in accordance with Title I, Article 7, Section 3.2.8(b), of the Hanover County Zoning Ordinance to allow a sign larger than permitted on GPIN 7830-19-5791, consisting of approximately 14.7 acres, currently zoned A-1, Agricultural District, located on the southwest quadrant of the intersection of St. Peter's Church Road (State Route 611) and Mountain Road (U.S. Route 33) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. (PUBLIC HEARING)

Approved

Copies of the above cases may be reviewed in the Planning Office, Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m.

DO NOT PRINT BELOW THIS LINE

Received: _____

Advertised: May 26, 2005 and June 2, 2005

Date: May 24, 2005

Requested by: _____

ORDINANCE 99-04

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 Districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3.a. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended by the addition of the following definitions:

...

Communications tower: A tower of any type which supports or is intended to support communications (broadcast and/or receiving) equipment and accessory equipment utilized by commercial, governmental or other public and quasi-public users, not to include home use of radio and television antennas and support structures, satellite dishes, or antennas and support structures, satellite dishes, or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission.

...

Dwelling, detached: A building designed for or occupied by one family, with no walls in common with another dwelling unit.

Dwelling, attached: A building designed for or occupied exclusively by two (2) or more families living independently of each other, with each unit being separated by a vertical party wall and having a separate exterior entrance.

Dwelling, multiple family: A building designed for or occupied exclusively by two (2) or more families living independently of each

other with units separated horizontally, or with five (5) or more units in one building.

Dwelling unit: A room or group of rooms occupied or designed to be occupied as separate living quarters.

...

Party wall: A separating barrier common to two (2) or more adjacent dwellings consisting of a common wall designed, used, or adapted for joint service. Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

3.b. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended by the deletion of the following definition:

Townhouse: A single family dwelling forming one of a group or series of three (3) or more units in a structure separated from one another by solid common walls.

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. The purpose of this District is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These Districts are located within the designated suburban areas of the County where public utilities make such a District feasible.

3.2 Criteria for review. Development proposals for this District shall not be approved by the Board of Supervisors, for either the base density or higher densities described below, unless the Board finds that the development and density are consistent with the public necessity, convenience, general welfare, and good zoning practice, with the purposes

of zoning ordinances set out in Title 15.2 of the Virginia Code, and with the Hanover County Comprehensive Plan; and that the development proposal and amenities are appropriate for the intended density.

3.3 Uses. The uses permitted within the RS District, whether by right or as Conditional Uses or Special Exceptions, are as specified below.

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

1. Dwellings, both detached and attached. No more than four (4) separate dwelling units may be incorporated into any residential structure. In the case of attached units, each unit shall be separated by vertical party walls and each unit shall have a separate exterior entrance.

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Public and private forests, wildlife reservations, and similar conservation projects.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front or side yard.

6. Swimming pool and game courts, lighted or unlighted, and community buildings or clubhouses, for use of residents or their guests.

7. Signs as regulated in article 7, section 3.

8. 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.

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

10. The location of office or construction trailers for a period not to exceed one year.

11. Foster care and adult family care.

c. 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:

1. Camps, day or boarding, private or commercial.

2. Institutions, educational or philanthropic, including museums, art galleries and libraries.

3. Private clubs.

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

5. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, transmission lines, and communications towers.

6. Swimming or tennis club or other recreational facility, private, nonprofit, or commercially operated.

7. 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.

8. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such

building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

9. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Convalescent homes, nursing homes, or homes for the aged.

   (c) Day nurseries or child or adult day care centers.

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

3. Any structure exceeding the maximum height limit, except those structures specified in Article 7, Section 4.2, of the Zoning Ordinance.

3.4 Density; calculation. The RS District provides for a range of density, to permit flexibility for planning the most appropriate

development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. Density calculations shall be based on the gross acreage for the District, provided that no more than fifty percent (50%) of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included. To be eligible for consideration of density higher than one and one-quarter (1¼) units per acre within the District, a minimum of fifteen percent (15%) of the net acreage shall be provided as common space (improved with amenities accessory to residential uses or landscaped) and/or open space (unimproved natural areas or buffers). 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 percent (35%) or greater.

a) For densities greater than one (1) unit per acre, but less than or equal to one and one-quarter (1¼) units per acre: if curb and gutter are provided throughout the District, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of one and one-quarter (1¼) units/acre.

b) For densities greater than one and one-quarter (1¼) unit per acre, but less than or equal to two (2) units per acre: If at least 15% of the net acreage is left in open and/or common space, and if the following improvements are included in the District, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of two (2) units/acre.

1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement no less than ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection. 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 inches (2") 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.

2) pedestrian paths, providing access to open space and common space and designed to be extended into adjoining developments, both residential and commercial. Paths may be located within the common or open space and placed no closer than ten (10) feet to any side or rear lot line. Open space shall be landscaped between paths and lots, except where the path is located along a lot front.

c) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre: If the improvements specified below are provided in addition to the improvements listed in subsection (b) above, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of three (3) units/acre.

1) An additional five percent (5%) of the net acreage set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the District fronts at intervals no greater than one hundred (100) feet apart, for a distance of at least one hundred (100) feet in either direction from any entrance intersection constructed within the District. The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

d) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (b) and (c) above are included, and the additional improvements specified below are provided, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of four (4) units/acre.

1) An additional five percent (5%) of the net acreage set aside as common or open space, for a total of no less than twenty-five percent (25%).

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the

District. A "single-loaded street" shall be a street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots, fronting common or open space along the other side.

3.5 Lot area requirements.

1. Detached dwellings: When a District is developed at a density less than two (2) units per acre, the minimum lot size for detached dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this District shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this Zoning Ordinance.

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. Dwelling units:				
Base density:	50	10	25	25
Higher densities:	15	0	0	0

2. When detached garages are constructed in the rear yard on any lot in a District where the density exceeds one and one-quarter (1¼) unit per acre, and access is provided through use of an alley, there shall be no minimum side yard. The minimum rear yard shall be five (5) feet.

3. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as otherwise specified in the Zoning Ordinance.

4. Corner lots shall provide the required front yard setback from all property lines contiguous with a public road.

3.7 Height requirements. Structures not specifically exempted in Article 7 shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less; provided that communications towers may exceed forty-five (45) feet if approved in conjunction with a Conditional Use Permit, in accordance with the procedures set out in the Zoning Ordinance.

3.8 Public utilities required. All buildings shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply within the RS District.

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. 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 be submitted with each application for rezoning for a density higher than one and one-quarter (1¼) units per acre, and 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 1,000 feet of the boundary of the proposed District. For proposed Districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, 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 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five percent (35%) 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(s) of all proposed improvements, including those required in the District. A general description of landscaping and pedestrian paths shall also be provided. In addition, entrance features, such as signs, landscaping, fences, gate structures, lighting, or other appropriate amenities, shall be shown on the Plan.

n. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas.* When a proposed District includes the creation of open and/or common space, the minimum areas 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. Open and/or common space areas 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 percent (35%) or greater), but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas.

3. *Conceptual Plan; standards for review.* The Conceptual Plan shall provide for adherence to the following standards:

a. The open and common space areas 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 and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.

f. 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 open or common space or other appropriate vista.

4. *Ownership and maintenance*. Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common and open space to the association, and shall provide for maintenance of all open and common areas and amenities, including street lights, street trees, alleys, and pedestrian paths. Easements applying to the common and/or open space shall be conveyed 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 and open space, prohibiting further division of those areas, and prohibiting any use not permitted by the Zoning Ordinance. The Board of Supervisors may convey the easement to a qualifying non-profit or governmental agency, or may allow such conveyance in lieu of conveyance to the County.

5. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 6, R-4, Residential Cluster Development District,

Subsection 6.2, shall be amended to read in its entirety as follows:

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

1. Dwellings, both attached and detached.

2. Any other use as regulated in the RS District.

6. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 7, R-5 Multiple-family Residential District, Subsection 7.2, shall be amended to read in its entirety as follows:

7.2 Permitted uses. A building or land shall be used only for multiple-family dwellings.

7. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 8, R-6 Residential Mobile Home District, Subsection 8.2, shall be amended to read in its entirety as follows:

8.2 Permitted uses. A building or land shall be used only for the following purpose:

1.1. Mobile home park, provided:

(a) That the mobile home park shall comply with all sanitary and other requirements prescribed by law or regulation.

(b) That access to the mobile home park shall not be from a minor residential street, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, that no mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lighted and at least thirty (30) feet in width, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable county specifications and ordinances.

(c) That the topography of the site be such as to facilitate rapid drainage and that adequate drainage facilities be provided.

(d) That the design evidences a reasonable effort to preserve the natural amenities of the site.

(e) The minimum width and/or depth of the mobile home park shall be two hundred (200) feet and a minimum total area of the park shall be five (5) acres, including one-half the width of bordering streets, except that minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five (5) acres or more.

(f) No mobile home sites shall be offered for sale or sold.

(g) All utility lines shall be underground, including electrical wiring and telephone lines.

(h) The mobile home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along the street frontage with an arterial street or major highway and at least twenty-five (25) feet wide along all other lot lines or street frontage.

(i) Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems. Such water and sewer facilities shall be subject to approval and inspection by the health official and may be either public facilities or privately owned sewer and water systems, but in either case shall be designed to serve the entire mobile home park.

(j) Each mobile home site shall be provided with electrical outlets installed in accordance with the National Electrical Code.

(k) The open space beneath the unit shall be skirted with approved material in accordance with the requirements of the Administrator.

1.2. No existing mobile home park shall be enlarged or extended unless the entire park is made to conform substantially to all requirements for a new mobile home park.

8. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 10, B-1 Neighborhood Business District, Subsections 10.2-1 and 10.3-1, shall be amended to read as follows:

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

1. Any use permitted in the RS, Residential Single-Family District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same

building or on the same premises for use by the proprietor or an employee of said business.

...

10.3 Permitted accessory uses.

1. Any accessory use permitted in the RS, Residential Single-Family District

...

9. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 11, B-2 Community Business District, Subsections 11.2-1 and 11.3-1, shall be amended to read as follows:

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

1. Any use permitted in the RS, Residential Single-Family District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

11.3 Permitted accessory uses.

1. Any accessory use permitted in the RS, Residential Single-Family District

...

10. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 13, B-3 General Business District, Subsection 12.3-1, shall be amended to read as follows:

12.3 Permitted accessory uses.

1. Any accessory use permitted in the RS, Residential Single-Family District

...

11. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 1.1, Specific requirements by use, shall be amended to read as follows:

Use or use category	Off-street Parking Spaces Required
Attached or detached Dwelling	2 per dwelling unit
Multiple-family dwelling	2¼ per dwelling unit

...

12. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.2-1, shall be amended to read as follows:

4.2 Modification of height regulations. Subject to the following specific modifications, no structure may exceed the height limit provided under the applicable zoning District:

1. Except within an OAP Overlay Airport Protection District, the height limitations of this ordinance shall not apply to the following structures when such structures do not exceed a height of one hundred twenty-five (125) feet:

   (a) Belfries.

   (b) Chimneys.

   (c) Church spires.

   (d) Water towers and standpipes.

   (e) Conveyors.

   (f) Cooling towers.

   (g) Elevator bulkheads.

   (h) Fire towers.

   (i) Public monuments.

   (j) Ornamental towers and spires.

   (k) Commercial radio and television towers, television antennas and support structures for home use, and amateur radio broadcasting and receiving antennas and support structures.

   (l) Silos and grain driers.

(m) Smoke stacks.

(n) Stage towers or scenery lofts.

(o) Tanks.

13. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.10, Special regulations for two-family dwellings, shall be repealed.

14. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and type of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used, the location(s) of the materials, and the proposed location(s) of each tree and shrub to be planted. Where existing plantings are to be retained, specifics as to materials and location(s), as well as proposed methods for protection during construction, shall be included in the plans. Landscaping shall be secured pursuant to this Ordinance.

15. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-6.1(d), shall be adopted and shall read in its entirety as follows:

(d) The term "Improvement" shall include landscaping, which shall be installed prior to acceptance of any roads into the Virginia State System of Highways for maintenance. If the time of year or environmental circumstance would jeopardize any planting, an extension may be granted for a period not to exceed six (6) months. At the time of acceptance of roads within the subdivision, or at the end of the extension of time granted, surety equal to twenty-five percent (25%) of the cost of materials and installation of landscaping shall be provided to the County to ensure the landscaping was installed properly and remains healthy. This surety may be released at the end of one (1) year, if an inspection shows the landscaping remains healthy. Maintenance of all required landscaping is the responsibility of the property owner(s), and all plants damaged by insects, disease, vehicular traffic, acts of God, or vandalism shall be replaced.

16. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): Buffers along existing and planned public roads. For all subdivisions developed in R-S, R-4, R-5, and R-6 residential Districts, a buffer shall be located along all public roads (not within subdivisions) existing on the date of final subdivision approval and all roads designated on the Major Thoroughfare Plan on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low-maintenance vegetation. No more than fifty percent (50%) of the required open or common space shall comprise the area of the buffer along existing public roads.

5-21-1(b): Pedestrian paths. For all residential subdivisions developed in the Suburban Service Area, pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. 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 roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to Virginia Department of Transportation standards and can be accepted by the Department for maintenance. If curb and gutter are used along a major thoroughfare, the path located within the right-of-way shall be separated from the curb and gutter by a distance of no less than four (4) feet.

17. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. Alleys may be permitted within subdivisions in all R-S Residential Districts. Alleys shall be no less than eighteen (18) feet in width, with travelways no less than twelve (12) feet in width. There shall be an all-weather surface provided, constructed to a standard equal to or greater than the private road requirements specified in the Title II. Subdivision Ordinance. Detailed construction plans for all alleys shall be included in construction plans for the subdivision in which the alleys shall be constructed. All alleys shall be maintained by the homeowners' association, and shall be owned by the association. When an alley is

designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space. Common space containing alleys shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. Alleys shall not be considered as frontage for a lot.

18. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

19. This Ordinance shall be effective upon adoption.

On a motion by Mr. Giles, seconded by Mr. Gordon, the members of the Board of Supervisors voted to approve Ordinance Number 99-04, as follows:

	Vote:
J. T. "Jack" Ward	Aye
John E. Gordon, Jr.	Aye
Timothy E. Ernst	Aye
Thomas F. Giles, Jr.	Aye
Charles D. McGhee	Aye
Aubrey M. Stanley, Jr.	Aye
Elton J. Wade, Sr.	Aye

Public Hearing: February 9, 2000

Adopted: February 9, 2000

Richard R. Johnson

Richard R. Johnson, Clerk
Hanover County Board of Supervisors

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capitalize "District" throughout

justify right margin

ORDINANCE 99-04
Revised December 10, 1999

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

***Communications tower:** A tower of any type which supports or is intended to support communications (broadcast and/or receiving) equipment and accessory equipment utilized by commercial, governmental or other public and quasi-public users, not to include home use of radio and television antennas and support structures, satellite dishes, or antennas and support structures, satellite dishes, or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission.*

...

Dwelling, **detached** ~~single family~~: A building designed for or occupied ~~exclusively~~ by one family, **with no walls in common with another dwelling unit.**

Dwelling, ***attached*** ~~two family~~: A building designed for or occupied exclusively by two (2) ***or more*** families living independently of each other, ~~***and having one or more exterior walls vertically separating one dwelling unit from another***~~, ***with each unit having a separate exterior entrance.***

being separated vertically and

Dwelling, multiple family: A building designed for or occupied exclusively by ~~three (3)~~ ***two (2)*** or more families living independently

of each other ***with units separated horizontally, or with five (5) or more units in one building.***

Dwelling unit: A room or group of rooms occupied or ~~intended~~ **designed** to be occupied as separate living quarters.

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed, used, or adapted for joint service**. Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

...

~~*Townhouse: A single family dwelling forming one of a group or series of three (3) or more units in a structure separated from one another by solid common walls.*~~

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. **The purpose of this district is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These districts are located within the designated suburban areas of the County where public utilities make such a district feasible.**

3.2 Criteria for review. Development proposals for this District shall not be approved by the Board of Supervisors, for either the base density or higher densities described below, unless the Board finds that the development and density are consistent with the public necessity, convenience, general welfare, and good zoning practice, with the purposes of zoning ordinances set out in Title 15.2 of the Virginia Code, and with the Hanover County Comprehensive Plan; and that the development proposal and amenities are appropriate for the intended density.

3.3 Uses. The uses permitted within the RS district, whether by right or as Conditional Uses or Special Exceptions, are as specified below.

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

1. Dwellings, both detached and attached. No more than four (4) separate dwelling units may be incorporated into any residential structure. *In the case of attached units, each unit shall be separated by vertical walls and each unit shall have a separate exterior entrance.*

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Public and private forests, wildlife reservations, and similar conservation projects.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front or side yard.

6. Swimming pool and game courts, lighted or unlighted, and community buildings or clubhouses, for use of ~~occupants~~ residents or their guests.

7. Signs as regulated in article 7, section 3.

8. 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.

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

10. The location of office or construction trailers for a period not to exceed one year.

11. Foster care and adult family care.

c. 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:

1. Camps, day or boarding, private or commercial.

2. Institutions, educational or philanthropic, including museums, art galleries and libraries.

3. Private clubs.

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

5. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, transmission lines, *and communications towers*.

6. Swimming or tennis club or other recreational facility, private, nonprofit, or commercially operated.

7. 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.

8. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

9. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Convalescent homes, nursing homes, or homes for the aged.

   (c) Day nurseries or child or adult day care centers.

   (d) Home occupations in an accessory buildings, except for home craft shops and retail sales businesses.

3. Any structure exceeding the maximum height limit, *except those structures specified in Article 7, Section 4.2, of the Zoning Ordinance.*

3.4 Density; calculation. The RS district provides for a *range of* density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. *Density calculations shall be based on the gross acreage for the district, provided that no more than fifty percent (50%) of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included. To be eligible for consideration of density higher than one and one-quarter (1 1/4) units*

The info
came from
DO Allen Homes -
the guys who want
to build an age-restricted
community ASAP

per acre within the district, a minimum of fifteen percent (15%) of the net acreage shall be provided as common space (improved with amenities accessory to residential uses or landscaped) and/or open space (unimproved natural areas or buffers). 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 percent (35%) or greater.

a) *For densities greater than one (1) unit per acre, but less than or equal to one and one-quarter (1 1/4) units per acre: if curb and gutter are provided throughout the district, and the application is determined to be consistent in all respects with Section 3.2 above, the Board of Supervisors may approve increased density to a maximum of one and one-quarter (1 1/4) units/acre.*

b) For densities greater than one and one-quarter (1 1/4) unit per acre, but less than or equal to two (2) units per acre: *If at least 15% of the net acreage is left in open and/or common space,* and if the following improvements are included in the district, *and the application is determined to be consistent in all respects with Section 3.2 above,* the Board of Supervisors may approve increased density to a maximum of *two* (2) units/acre.

1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement *no less than* ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection. 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 inches (2") 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.*

2) pedestrian paths, providing access to open space and common space and designed to be extended into adjoining developments, both residential and commercial. Paths

may be located within the common or open space and placed no closer than ten (10) feet to any *side or rear* lot line. Open space shall be landscaped between paths and lots, *except where the path is located along a lot front*.

c) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre: If the improvements specified below are provided in addition to the improvements listed in section (*b*) above, *and the application is determined to be consistent in all respects with Section 3.2 above,* the Board of Supervisors may approve increased density to a maximum of *three* (3) units/acre.

1) An additional five percent (5%) of the net acreage set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the district fronts at intervals no greater than one hundred (100) feet apart, for a distance of at least one hundred (100) feet in either direction *from any entrance intersection constructed within the district*. The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

d) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (*b*) and (*c*) above are included, and the additional improvements specified below are provided, *and the application is determined to be consistent in all respects with Section 3.2 above,* the Board of Supervisors may approve increased density to a maximum of *four* (4) units/acre.

1) An additional five percent (5%) of the net acreage set aside as common or open space, for a total of no less than twenty-five percent (25%)

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the district. A "single-loaded street" shall be a street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots, *fronting common or open space along the other side*.

3.5 Lot area requirements.

1. *Detached* dwellings: When a district is developed at a *density*

less than two (2) units per acre, the minimum lot size for *detached* dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this district shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this *Zoning Ordinance.*

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. *Dwelling units:*				
Base density:	50	10	25	25
Higher densities:	15	0	0	*0*

2. *When detached garages are constructed in the rear yard on any lot in a district where the density exceeds one and one-quarter (1¼) unit per acre, and access is provided through use of an alley, there shall be no minimum side yard. The minimum rear yard shall be five (5) feet.*

3. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as *otherwise* specified in *the Zoning Ordinance.*

4. *Corner lots shall provide the required front yard setback from all property lines contiguous with a public road.*

3.7 Height requirements. Structures not specifically exempted in article 7 shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less; *provided that communications towers may exceed forty-five (45) feet if approved in conjunction with a Conditional Use Permit, in accordance with the procedures set out in the Zoning Ordinance.*

3.8 Public utilities required. All *buildings* shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply within the RS district.

revise

1. *Conceptual Plan.* The property shall be developed in substantial conformity with a *Conceptual Plan (the "Plan")* approved by the Board of Supervisors as part of the approval of the development. *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 be submitted with each application for rezoning *for* a density *higher than the base density,* and 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, 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* ~~reference to the use of~~ *(detached dwellings, attached dwellings, or both). If attached, the number of units in each structure within the district. 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 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay ~~Protection~~ requirements *and slopes of thirty-five percent (35%) 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 ~~abutting~~ tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the *Plan*.

m. Location(s) of all proposed improvements, ~~as defined in Section 3.3 above~~, ~~including~~ A *general description* of landscaping and pedestrian paths. In addition, entrance features, such as signs, landscaping, fences, gate structures, lighting, or other appropriate amenities, shall be shown on the *Plan*.

n. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas*. When a proposed district includes the creation of open and/or common space, the minimum areas ~~specified~~ in ~~Section 3.4 above~~ 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. Open and/or common space areas 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 percent (35%) or greater)*, but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas.

3. *Conceptual Plan; standards for review*. The *Conceptual Plan* shall provide for adherence to the following standards, ~~to the extent practicable~~:

a. The open and common space areas 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 and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways.

Pedestrian paths may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.

f. 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 open or common space *or other appropriate vista*.

4. *Ownership and maintenance*. Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common and open space to the association, and shall provide for maintenance of all open and common areas and amenities, including street lights, street trees, alleys, and pedestrian paths. *Easements applying to the common and/or open space shall be conveyed 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 and open space, prohibiting further division of those areas, and prohibiting any use not permitted by the Zoning Ordinance*. The Board of Supervisors may *convey* the easement to a *qualifying* non-profit or *governmental* agency, or may *allow such* conveyance in lieu of *conveyance to the County*.

See 6-R-4 Rev Clark, Smt

5. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 6.2, shall be amended to read in its entirety as follows:

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

1. ~~Any use as regulated in the R-3 district.~~ **Dwellings, both attached and detached.**

2. ~~Two-family dwelling.~~ **Any other use as regulated in the RS district.**

~~3. Townhouses.~~

6. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 7.2, shall be amended to read in its entirety as follows:

7.2 Permitted uses. A building or land shall be used only for ***multiple-family dwellings.*** ~~the following purposes:~~

~~1. Two-family dwelling, subject to the special regulations of Article 7.~~

~~2. Multiple family dwellings.~~

7. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 8.2, shall be amended to read in its entirety as follows:

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

~~1. Any use permitted in the R-2 Single Family Residential District subject to the lot size, yard, height, and other requirements of that district.~~

2.1. Mobile home park, provided:

(a) That the mobile home park shall comply with all sanitary and other requirements prescribed by law or regulation.

(b) That access to the mobile home park shall not be from a minor residential street, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, that no mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lighted and at least thirty (30) feet in width, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable county specifications and ordinances.

(c) That the topography of the site be such as to facilitate rapid drainage and that adequate drainage facilities be provided.

(d) That the design evidences a reasonable effort to preserve the natural amenities of the site.

(e) The minimum width and/or depth of the mobile home park shall be two hundred (200) feet and a minimum total area of the park shall be five (5) acres, including one-half the width

of bordering streets, except that minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five (5) acres or more.

(f) No mobile home sites shall be offered for sale or sold.

(g) All utility lines shall be underground, including electrical wiring and telephone lines.

(h) The mobile home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along the street frontage with an arterial street or major highway and at least twenty-five (25) feet wide along all other lot lines or street frontage.

(i) Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems. Such water and sewer facilities shall be subject to approval and inspection by the health official and may be either public facilities or privately owned sewer and water systems, but in either case shall be designed to serve the entire mobile home park.

(j) Each mobile home site shall be provided with electrical outlets installed in accordance with the National Electrical Code.

(k) The open space beneath the unit shall be skirted with approved material in accordance with the requirements of the Administrator.

3.2. No existing mobile home park shall be enlarged or extended unless the entire park is made to conform substantially to all requirements for a new mobile home park.

B-1 Neighborhood

8. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Sections 10.2-1 and 10.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

10.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District

...

B.2

9. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Sections 11.2-1 and 11.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

11.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District

...

B.3

10. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 12.3-1, shall be amended to read as follows:

12.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District

...

Parking (Art 7 Sec 1.1

11/12. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.2-1, shall be amended to read as follows:

4.2 Modification of height regulations. Subject to the following specific modifications, no structure may exceed the height limit provided under the applicable zoning district:

1. Except within an OAP Overlay Airport Protection District, the height limitations of this ordinance shall not apply to the

following structures when such structures do not exceed a height of one hundred twenty-five (125) feet:

(a) Belfries.

(b) Chimneys.

(c) Church spires.

(d) Water towers and standpipes.

(e) Conveyors.

(f) Cooling towers.

(g) Elevator bulkheads.

(h) Fire towers.

(i) Public monuments.

(j) Ornamental towers and spires.

(k) Commercial radio and television towers, **television antennas and support structures for home use, and amateur radio broadcasting and receiving antennas and support structures.**

(l) Silos and grain driers.

(m) Smoke stacks.

(n) Stage towers or scenery lofts.

(o) Tanks.

...

13

12. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: ~~Reserved~~. **Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and** ~~range~~ **of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used and the proposed location(s) of each tree and shrub to be planted.**

type

Where existing plantings are to be retained, proposed methods for protection during construction shall be included in the plans. Landscaping shall be ~~covered by any surety provided for completion of improvements~~ secured pursuant to this Ordinance.

13. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-6.1(d), shall be adopted and shall read in its entirety as follows:

> *(d) Improvement shall also include landscaping, which shall be installed prior to acceptance of any roads into the Virginia State System of Highways for maintenance. If the time of year or environmental circumstance would jeopardize any planting, an extension may be granted for a period not to exceed six (6) months. At the time of acceptance of roads within the subdivision, or at the end of the extension of time granted, surety equal to twenty-five percent (25%) of the cost of materials and installation of landscaping shall be provided to the County to ensure the landscaping was installed properly and remains healthy. This surety may be released at the end of one (1) year, if an inspection shows the landscaping remains healthy. Maintenance of all required landscaping is the responsibility of the property owner(s), and all plants damaged by insects, disease, vehicular traffic, acts of God, or vandalism shall be replaced.* ~~*Failure to maintain required landscaping, or to replace dead or damaged plants, shall be regarded as a violation of the Zoning Ordinance.*~~

14. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): *Buffers along existing and planned public roads.* For all subdivisions developed in R-S, R-4, R-5, and R-6 Residential districts, a buffer shall be located along all public roads (not within subdivisions) *existing on the date of final subdivision approval* and all roads designated on the Major Thoroughfare Plan on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, sculpted, non-linear undulating landform with an average height of ~~four~~ three (43) feet. The landform shall be landscaped with low-maintenance vegetation. No more than fifty percent (50%) of the required open or common space shall comprise the area of the buffer along existing public roads.

5-21-1(b): Pedestrian paths. For all residential subdivisions developed in ~~R-S, R-4, R-5, and R-6 Residential districts within~~ the Suburban Service Area,

pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. 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 roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to Virginia Department of Transportation standards and can be accepted by the Department for maintenance. *If curb and gutter are used along a major thoroughfare, the path located within the right-of-way shall be separated from the curb and gutter by a distance of no less than four (4) feet.*

15. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. ~~Alleys should be avoided wherever possible.~~ Alleys may be permitted within subdivisions in all R-S Residential districts. Alleys shall be no less than eighteen (18) feet in width, with travelways no less than twelve (12) feet in width. There shall be an all-weather surface provided, constructed to a standard equal to or greater than the private road requirements specified in the Title II. Subdivision Ordinance. Detailed construction plans for all alleys shall be included in construction plans for the subdivision in which the alleys shall be constructed. All alleys shall be *maintained by the homeowners' association, and shall be owned by the association*. When an alley is designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space. Common space containing alleys shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. Alleys shall not be considered as frontage for a lot.

16. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

17. This Ordinance shall be effective upon adoption.

Planning Commission Public Hearing: _____

Action by Board of Supervisors:

On a motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance Number 99- , as follows:

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []
Mr. WARD:	Aye []	Nay []	Absent []	Abstain []

Public Hearing: _____

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

- Planning Department: _____

A 7 [redacted] - park
A 7, Sec 4.10 - repeal

~~Fy/Farm~~ dwelling, all ag dist - 2
dwelling, multiple fam - 2/4

File 99-04

ORDINANCE 99-04
Revised December 8, 1999

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

Communications tower: ***A tower of any type which supports or is intended to support communications (broadcast and/or receiving) equipment and accessory equipment utilized by commercial, governmental or other public and quasi-public users, not to include home use of radio and television antennas and support structures, satellite dishes, or antennas and support structures, satellite dishes, or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission.***

...

Dwelling, ***detached*** ~~*single family*~~*:* *A building designed for or occupied* ~~*exclusively*~~ *by one family,* ***with no walls in common with another dwelling unit.***

~~Dwelling, two family: A building designed for or occupied exclusively by two (2) families living independently of each other.~~

Dwelling, ***attached*** ~~*multiple family*~~*:* *A building designed for or occupied* ~~*exclusively*~~ *by* ~~*three (3)*~~ ***two (2)*** *or more families living independently of each other*~~, and having one or more exterior walls vertically separating one dwelling unit from another. Each unit shall have a separate exterior entrance.~~

leave in law

redefine "dwelling, multiple family" - individual units separated horizontally, ~~or~~ or five or more units.

Dwelling unit: *A room or group of rooms occupied or ~~intended~~* ***designed to be*** *occupied as separate living quarters.* ***Dwelling units may be either detached (having no common or party wall with another dwelling unit) or attached (having one or more exterior walls in common with another dwelling unit).***

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed, used, or adapted for joint service.** Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

...

~~*Townhouse: A single-family dwelling forming one of a group or series of three (3) or more units in a structure separated from one another by solid common walls.*~~

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. **The purpose of this district is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These districts are located within the designated suburban~~urban~~ areas of the County where public utilities make such a district feasible. Development proposals for this district shall not be approved by the Board of Supervisors, for either the base density or higher densities described below, unless the Board finds that the development and density are consistent with the public necessity, convenience, general welfare, and good zoning practice, with the purposes of zoning ordinances set out in Title 15.2 of the Virginia Code, and with the Hanover County Comprehensive Plan, and that the development proposal and amenities are appropriate for the intended density.**

3.2 Criteria for Review

3

3.2 *Uses.* The uses permitted within the RS district, whether by right or as Conditional Uses or Special Exceptions, are as specified below.

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

1. *Dwellings, both detached and attached. No more than four (4) separate dwelling units may be incorporated into any residential structure. In the case of attached units, each unit shall be separated by vertical walls and each unit shall have a separate exterior entrance.*

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Public and private forests, wildlife reservations, and similar conservation projects.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front *or side* yard.

6. Swimming pool and game courts, lighted or unlighted, *and community buildings or clubhouses,* for use of ~~occupants~~ *residents* or their guests.

7. Signs as regulated in article 7, section 3.

8. 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.

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

10. The location of office or construction trailers for a period not to exceed one year.

11. Foster care and adult family care.

c. 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:

1. Camps, day or boarding, private or commercial.

2. Institutions, educational or philanthropic, including museums, art galleries and libraries.

3. Private clubs.

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

5. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, transmission lines, *and communications towers*.

6. Swimming or tennis club or other recreational facility, private, nonprofit, or commercially operated.

7. 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.

8. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

9. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Convalescent homes, nursing homes, or homes for the aged.

   (c) Day nurseries or child or adult day care centers.

   (d) Home occupations in an accessory buildings, except for home craft shops and retail sales businesses.

3. Any structure exceeding the maximum height limit, *except those structures specified in Article 7, Section 4.2, of the Zoning Ordinance.*

3.8 Density; calculation. The RS district provides for a *range of* density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. *Density*

calculations shall be based on the gross acreage for the district; provided that no more than fifty percent (50%) of the acreage ~~determined to be in Chesapeake Bay Resource Protection Areas~~ may be included. ~~To be eligible for consideration of density higher than one and one-quarter (1 1/4) units per acre within the district, a minimum of fifteen percent (15%) of the net acreage shall be provided as common space (improved with amenities accessory to residential uses or landscaped) and/or open space (unimproved natural areas or buffers).~~ 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 percent (35%) or greater. ~~The Board of Supervisors may approve increased density after consideration of the criteria set out below, and if the improvements and design standards proposed are deemed to be appropriate for the density requested and the request is consistent with the Comprehensive Plan.~~

a) *For densities greater than one (1) unit per acre, but less than or equal to one and one-quarter (1 1/4) units per acre: If ~~the following improvement is included in~~ curb and gutter are provided throughout the district, and the application is determined to be consistent in all respects with Section 3.1 above, the Board of Supervisors may approve increased density to a maximum of one and one-quarter (1 1/4) units/acre. ~~if the improvements and design standards proposed are deemed to be appropriate for the density requested and the request is consistent with the Comprehensive Plan:~~*

~~*1) the use of curb and gutter on all roads within the district*~~

b) For densities greater than one and one-quarter (1 1/4) unit per acre, but less than or equal to two (2) units per acre: *If at least 15% of the net acreage is left in open and/or common space*, and if the following improvements are included in the district, and the application is determined to be consistent in all respects with Section 3.1 above, the Board of Supervisors may approve increased density to a maximum of *two* (2) units/acre; ~~if the improvements and design standards proposed are deemed to be appropriate for the density requested and the request is consistent with the Comprehensive Plan:~~

1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement *no less than* ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection. 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 inches (2") 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.*

2) pedestrian paths, providing access to open space and common space and designed to be extended into adjoining developments, both residential and commercial. Paths may be located within the common or open space and placed no closer than ten (10) feet to any *side or rear* lot line. Open space shall be landscaped between paths and lots, *except where the path is located along a lot front.*

3.2

c) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre, If the improvements specified below are provided in addition to the improvements listed in section b(a) above, and the application is determined to be consistent in all respects with Section 3.1 above, the Board of Supervisors may approve increased density to a maximum of *three* (3) units/acre., ~~if the improvements and design standards proposed are deemed to be appropriate for the density requested and the request is consistent with in the Comprehensive Plan:~~

1) An additional five percent (5%) of the net acreage set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the district fronts at intervals no greater than one hundred (100) feet apart, for a distance of at least one hundred (100) feet in either direction *from any entrance intersection constructed within the district.* The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

d) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (b)(a) and (b) above are included, and the additional improvements specified below are provided, and the application is determined to be

3.2

consistent in all respects with Section 3.1 above, the Board of Supervisors may approve increased density to a maximum of *four (4)* units/acre~~, if the design standards are deemed to be appropriate for the density requested and the request is consistent with the Comprehensive Plan:~~

1) An additional five percent (5%) of the net acreage set aside as common or open space, for a total of no less than twenty-five percent (25%)

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the district. A "single-loaded street" shall be a street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots, *fronting common or open space along the other side.*

5

3.~~4~~ Lot area requirements.

1. *Detached* dwellings: When a district is developed at *a density less than two (2) units per acre,* the minimum lot size for *detached* dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this district shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this *Zoning Ordinance.*

6

3.~~5~~ Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. *Dwelling units*:				
Base density:	50	10	25	25
Higher densities:	15	0	0	*0*

(1 1/4)

2. *When detached garages are constructed in the rear yard on any lot in a district where the density exceeds one and one quarter~~1 and 1~~ unit per acre, and access is provided through use of an alley, there shall be no minimum side yard. The minimum rear yard shall be five (5) feet.*

3. All other structures and uses shall meet the requirements specified in

the A-1, Agricultural District or as *otherwise* specified in *the Zoning Ordinance.*

4. *Corner lots shall provide the required front yard setback from all property lines contiguous with a public road.*

7
3.6 *Height requirements.* Structures not specifically exempted in article 7 shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less; *provided that* ~~*utility transmission lines and*~~ *communications towers may exceed forty-five (45) feet if approved in conjunction with a Conditional Use Permit, in accordance with the procedures set out in the Zoning Ordinance.*

8
3.7 *Public utilities required.* All *buildings* shall be served by public water and sewer systems.

9
3.8 *Development standards and procedures.* The following requirements and procedures shall apply within the RS district.

1. *Conceptual Plan.* The property shall be developed and improvements including landscaping shall be installed & maintained in substantial conformity with a *Conceptual Plan (the "Plan")* approved by the Board of Supervisors as part of the approval of the ~~development~~district. *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 be submitted with each application for rezoning *for* a density *higher than one and one quarter units per acre*~~*the base density*~~, and 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, 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 ~~reference to~~* designation of *the use of detached dwellings, attached dwellings, or both. If attached, the number of units in each structure within the district. Proposed elevations for all structures shall be provided.* shall be specified

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 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Protection requirements *and slopes of thirty-five percent (35%) or greater.* Preservation

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 ~~abutting~~ tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the *Plan.* Include Contiguous

m. Location(s) of all proposed improvements ~~as defined in Section 3.3 above~~, including *a general description* of landscaping and pedestrian paths. In addition, entrance features, such as signs, landscaping, fences, gate structures, lighting, or other appropriate amenities, shall be shown on the *Plan.* required in this District

n. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas.* When a proposed district includes the creation of open and/or common space, the minimum areas ~~specified in Section 3.4 above~~ 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. Open and/or common space areas 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 percent (35%) or greater*~~)~~, but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas. required in this District

development is

3. *Conceptual Plan; standards for review.* The *Conceptual Plan* shall provide for adherence to the following standards~~, to the extent practicable:~~

a. The open and common space areas 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 and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.

f. 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 open or common space *or other appropriate vista.*

4. *Ownership and maintenance.* Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common and open space to the association, and shall provide for maintenance of all open and common areas and amenities, including street lights, street trees, alleys, and pedestrian paths. *Easements applying to the common and/or open space shall be conveyed 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 and open space, prohibiting further division of those areas,*

and prohibiting any use not permitted by the Zoning Ordinance. **The Board of Supervisors may *convey* the easement to a *qualifying* non-profit or *governmental* agency, or may *allow such* conveyance in lieu of *conveyance to the County*.**

5. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 6. R-4 Residential Cluster Development District, Section 6.2, shall be amended to read in its entirety as follows:

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

1. ~~Any use as regulated in the R-3 district.~~ **Dwellings, both attached and detached.**

2. ~~Two-family dwelling.~~ **Any other use as regulated in the RS district.**

~~3. Townhouses.~~

6. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 7. R-5 Multiple-Family Residential Districts, Section 7.2, shall be amended to read in its entirety as follows:

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

1. ~~Two-family dwelling, subject to the special regulations of Article 7.~~ **Attached dwellings.**

~~2. Multiple-family dwellings.~~

7. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 8. R-6 Residential Mobile Homes District, Section 8.2, shall be amended to read in its entirety as follows:

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

~~1. Any use permitted in the R-2 Single-Family Residential District subject to the lot size, yard, height, and other requirements of that district.~~

~~1.~~ 1. Mobile home park, provided:

(a) That the mobile home park shall comply with all sanitary and other requirements prescribed by law or regulation.

(b) That access to the mobile home park shall not be from a minor residential street, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, that no mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lighted and at least thirty (30) feet in width, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable county specifications and ordinances.

(c) That the topography of the site be such as to facilitate rapid drainage and that adequate drainage facilities be provided.

(d) That the design evidences a reasonable effort to preserve the natural amenities of the site.

(e) The minimum width and/or depth of the mobile home park shall be two hundred (200) feet and a minimum total area of the park shall be five (5) acres, including one-half the width of bordering streets, except that minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five (5) acres or more.

(f) No mobile home sites shall be offered for sale or sold.

(g) All utility lines shall be underground, including electrical wiring and telephone lines.

(h) The mobile home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along the street frontage with an arterial street or major highway and at least twenty-five (25) feet wide along all other lot lines or street frontage.

(i) Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems. Such water and sewer facilities shall be subject to approval and inspection by the health official and may be either public facilities or privately owned sewer and water systems, but in either case shall be designed to serve the entire mobile home park.

(j) Each mobile home site shall be provided with electrical outlets installed in accordance with the National Electrical Code.

(k) The open space beneath the unit shall be skirted with

approved material in accordance with the requirements of the Administrator.

~~1.2.~~2. No existing mobile home park shall be enlarged or extended unless the entire park is made to conform substantially to all requirements for a new mobile home park.

8. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Sections 10.2-1 and 10.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

10.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS,** **R**esidential **Single-Family** District

...

9. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Sections 11.2-1 and 11.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

11.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS,** **R**esidential **Single-Family** District

...

Dwelling unit: A room or group of rooms occupied or ~~intended~~ ***designed to be occupied as separate living quarters. Dwelling units may be either detached (having no common or party wall with another dwelling unit) or attached (having one or more exterior walls in common with another dwelling unit).***

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed, used, or adapted for joint service.** Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

...

~~*Townhouse: A single-family dwelling forming one of a group or series of three (3) or more units in a structure separated from one another by solid common walls.*~~

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. **The purpose of this district is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These districts are located within the designated suburban~~urban~~ areas of the County where public utilities make such a district feasible. Development proposals for this district shall not be approved by the Board of Supervisors, for either the base density or higher densities described below, unless the Board finds that the development and density are consistent with the public necessity, convenience, general welfare, and good zoning practice, with the purposes of zoning ordinances set out in Title 15.2 of the Virginia Code, and with the Hanover County Comprehensive Plan; and that the development proposal and amenities are appropriate for the intended density.**

10. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 12.3-1, shall be amended to read as follows:

12.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS**, **R**esidential **Single-Family** District

...

11. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.2-1, shall be amended to read as follows:

4.2 Modification of height regulations. Subject to the following specific modifications, no structure may exceed the height limit provided under the applicable zoning district:

1. Except within an OAP Overlay Airport Protection District ~~and an RS Residential Single Family District~~, the height limitations of this ordinance shall not apply to the following structures when such structures do not exceed a height of one hundred twenty-five (125) feet:

   (a) Belfries.

   (b) Chimneys.

   (c) Church spires.

   (d) Water towers and standpipes.

   (e) Conveyors.

   (f) Cooling towers.

   (g) Elevator bulkheads.

   (h) Fire towers.

   (i) Public monuments.

   (j) Ornamental towers and spires.

   (k) Commercial radio and television towers, **television antennas and support structures for home use, and amateur radio broadcasting and receiving antennas and support structures.**

   (l) Silos and grain driers.

(m) Smoke stacks.

(n) Stage towers or scenery lofts.

(o) Tanks.

...

12. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: ~~Reserved~~. **Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and range of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used, the locations of the materials, and the proposed location(s) of each tree and shrub to be planted. Where existing plantings are to be retained, specifics as to materials and loations, as well as proposed methods for protection during construction shall be included in the plans. Landscaping shall be secured pursuant to this Ordinance~~covered by any surety~~ provided for completion of improvements.**

13. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-6.1(d), shall be adopted and shall read in its entirety as follows:

(d) The term "Improvement" shall ~~also~~ include landscaping, which shall be installed prior to acceptance of any roads into the Virginia State System of Highways for maintenance. If the time of year or environmental circumstance would jeopardize any planting, an extension may be granted for a period not to exceed six (6) months. At the time of acceptance of roads within the subdivision, or at the end of the extension of time granted, surety equal to twenty-five percent (25%) of the cost of materials and installation of landscaping shall be provided to the County to ensure the landscaping was installed properly and remains healthy. This surety may be released at the end of one (1) year, if an inspection shows the landscaping remains healthy. Maintenance of all required landscaping is the responsibility of the property owner(s), and all plants damaged by insects, disease, vehicular traffic, acts of God, or vandalism shall be replaced. ~~Failure to maintain required landscaping, or to replace dead or damaged plants, shall be regarded as a violation~~

~~*of the Zoning Ordinance.*~~

14. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): *Buffers along existing and planned public roads.* For all subdivisions developed in the RS, R-4 ~~and~~ R-5 residential districts, ~~Residential districts,~~ a buffer shall be located along all public roads (not within subdivisions) *existing on the date of final subdivision approval* and all roads designated on the Major Thoroughfare Plan on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, sculpted, non-linear undulating landform with an average height of ~~four~~ three (43) feet. The landform shall be landscaped with low-maintenance vegetation. No more than fifty percent (50%) of the required open or common space shall comprise the area of the buffer along existing public roads.

5-21-1(b): Pedestrian paths. For all subdivisions developed in ~~Residential districts~~ within the Suburban Service Area, pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. 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 roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to Virginia Department of Transportation standards and can be accepted by the Department for maintenance. *If curb and gutter are used along a major thoroughfare, the path located within the right-of-way shall be separated from the curb and gutter by a distance of no less than four (4) feet.*

15. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. ~~Alleys should be avoided wherever possible.~~ **Alleys may be permitted within subdivisions in ~~Residential~~ districts. Alleys shall be no less than eighteen (18) feet in width, with travelways no less than twelve (12) feet in width. There shall be an all-weather surface provided, constructed to a standard equal to or greater than the private road requirements specified in the Title II. Subdivision Ordinance. Detailed**

construction plans for all alleys shall be included in construction plans for the subdivision in which the alleys shall be constructed. All alleys shall be *maintained by the homeowners' association, and shall be owned by the association.* When an alley is designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space. Common space containing alleys shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. Alleys shall not be considered as frontage for a lot.

16. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

17. This Ordinance shall be effective upon adoption.

Planning Commission Public Hearing: _____

Action by Board of Supervisors:

On a motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance Number 99- , as follows:

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []
Mr. WARD:	Aye []	Nay []	Absent []	Abstain []

Public Hearing: _____

Adopted: _____

_____

Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

- Planning Department: _____

John Bender — Call committee w/ time for RS presentation to Bd - 11/23

794-6836 (w)

Comm. Dev. (FAX) 794-0837

ORDINANCE 99-04

Revised November 9, 1999

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

Communications tower: ***A tower of any type which supports or is intended to support communications (broadcast and/or receiving) equipment and accessory equipment utilized by commercial, governmental or other public and quasi-public users, not to include home use of radio and television antennas and support structures, satellite dishes, or antennas and support structures, satellite dishes, or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission.***

...

Dwelling, ***detached*** ~~*single family*~~*:* *A building designed for or occupied* ~~*exclusively*~~ *by one family,* ***with no walls in common with another dwelling unit.***

~~Dwelling, two family: A building designed for or occupied exclusively by two (2) families living independently of each other.~~

Dwelling, ***attached*** ~~*multiple family*~~*:* *A building designed for or occupied* ~~*exclusively*~~ *by* ~~*three (3)*~~ ***two (2)*** *or more families living independently of each other,* ***and having one or more exterior walls in common with another dwelling unit.***

*Dwelling unit: A room or group of rooms occupied or ~~intended~~ **designed** to be occupied as separate living quarters. **Dwelling units may be either detached (having no common or party wall with another dwelling unit) or attached (having one or more exterior walls in common with another dwelling unit).***

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed, used, or adapted for joint service**. Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

...

~~*Townhouse: A single-family dwelling forming one of a group or series of three (3) or more units in a structure separated from one another by solid common walls.*~~

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. **The purpose of this district is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These districts are located within the designated urban areas of the County where public utilities make such a district feasible.**

3.2 Uses. **The uses permitted within the RS district, whether by right or as Conditional Uses or Special Exceptions, are as specified below.**

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

1. ***Dwellings, both detached and attached.*** ***No more than four***

(4) separate dwelling units may be incorporated into any residential structure.

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Public and private forests, wildlife reservations, similar conservation projects.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front yard.

6. Swimming pool and game courts, lighted or unlighted, for use of occupants or their guests.

7. Signs as regulated in article 7, section 3.

8. 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.

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

10. The location of office or construction trailers for a period not to exceed one year.

11. Foster care and adult family care.

c. 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:

1. Camps, day or boarding, private or commercial.

2. Institutions, educational or philanthropic, including museums, art galleries and libraries.

3. Private clubs.

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

5. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, transmission lines, and communications towers.

6. Swimming or tennis club or other recreational facility, private, nonprofit, or commercially operated.

7. 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.

8. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

9. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Convalescent homes, nursing homes, or homes for the aged.

   (c) Day nurseries or child or adult day care centers.

3. Any structure exceeding the maximum height limit, except television antennas and support structures for home use and amateur radio broadcasting and receiving antennas and support structures.

3.3 Density; calculation. The RS district provides for a range of density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. *To be eligible for consideration of density higher than one and one-quarter (1 1/4) unit per acre within the district, a minimum of fifteen percent (15%) of the net acreage shall be provided as common space (improved with amenities accessory to residential uses or landscaped) and/or open space (unimproved natural areas or buffers). "Net acreage" shall be the total area of the district minus the total of Chesapeake Bay Resource Protection Areas.* The Board of Supervisors may approve increased density *after consideration of the criteria set out below, and* if the improvements and design standards proposed are deemed to be appropriate *for* the density requested and the request is consistent with the Comprehensive Plan.

a) For densities greater than one and one-quarter (1 1/4) unit per acre, but less than or equal to two (2) units per acre: *If at least*

15% of the net acreage is left in open and/or common space, and if the following improvements are included in the district, the Board of Supervisors may approve increased density to a maximum of *two (2)* units/acre if the improvements and design standards proposed are deemed to be appropriate *for* the density requested and the request is consistent with the Comprehensive Plan:

1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement *no less than* ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection. Trees planted to comply with this standard shall comprise at least three (3) different species native 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 inches (2") 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.*

2) pedestrian paths, providing access to open space and common space and designed to be extended into adjoining developments, both residential and commercial. Paths may be located within the common or open space and placed no closer than ten (10) feet to any lot line. Open space shall be landscaped between paths and lots.

b) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre: If the improvements specified below are provided in addition to the improvements listed in section (a) above, the Board of Supervisors may approve increased density to a maximum of *three (3)* units/acre, if the improvements and design standards proposed are deemed to be appropriate *for* the density requested and the request is consistent with in the Comprehensive Plan:

1) An additional five percent (5%) of the net acreage set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the district fronts at intervals no greater than one hundred (100) feet apart, for a distance of at least one hundred (100) feet in either direction. The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

c) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (a) and (b) above are included, and the additional improvements specified below are provided, the Board of Supervisors may approve increased density to a maximum of *four (4)* units/acre if the design standards are deemed to be appropriate *for* the density requested and the request is consistent with the Comprehensive Plan:

1) An additional five percent (5%) of the net acreage set aside as common or open space, for a total of no less than twenty-five percent (25%)

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the district. A "single-loaded street" shall be a street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots.

3.4 Lot area requirements.

1. *Detached* dwellings: When a district is developed at the base density, the minimum lot size for *detached* dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this district shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this *Zoning Ordinance*.

3.5 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. *Dwelling units:*				
Base density:	50	10	25	25
Higher densities:	15	0	0	*0*

2. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as *otherwise* specified in *the Zoning Ordinance.*

3. *Corner lots shall provide the required front yard setback from all property lines contiguous with a public road.*

3.6 Height requirements. Structures not specifically exempted in article 7 shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less, provided that "public uses" may exceed forty-five feet if approved as a conditional use permit in accordance with the procedures

3.7 Public utilities required. All *buildings* shall be served by public water and sewer systems.

3.8 Development standards and procedures. The following requirements and procedures shall apply within the RS district.

1. *Conceptual Plan.* The property shall be developed in substantial conformity with a *Conceptual Plan (the "Plan")* approved by the Board of Supervisors as part of the approval of the development. *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 be submitted with each application for rezoning *for* a density *higher than the base density,* and 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, 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. *Location of proposed structures, with reference to the use of detached dwellings, attached dwellings, or both. If attached, the number of units in each structure within the district. 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 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Protection requirements.

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 abutting tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the *Plan*.

m. Location(s) of all proposed improvements as defined in Section 3.3 above, including details for development of landscaping and pedestrian paths, including cross-sections. In addition, entrance features, such as signs, landscaping, fences, gate structures, lighting, or other appropriate amenities, shall be shown on the *Plan*.

n. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas.* When a proposed district includes the

creation of open and/or common space, the minimum areas specified in Section 3.4 above 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. Open and/or common space areas 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, but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas.

3. *Conceptual Plan; standards for review.* The *Conceptual Plan* shall provide for adherence to the following standards, to the extent practicable:

a. The open and common space areas 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 and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.

f. 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 open or common space.

4. *Ownership and maintenance.* Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for

the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common and open space to the association, and shall provide for maintenance of all open and common areas and amenities, including street lights, street trees, alleys, and pedestrian paths. *Easements applying to the common and/or open space shall be conveyed to the association and the County, with content approved by the County, requiring preservation of features so designated on the Plan, requiring maintenance in perpetuity of the common and open space, prohibiting further division of those areas, and prohibiting any use not permitted by the Zoning Ordinance.* The Board of Supervisors may *convey* the easement to a *qualifying* non-profit or *governmental* agency, or may *allow such* conveyance in lieu of *conveyance to the County.*

5. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 6.2, shall be amended to read in its entirety as follows:

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

1. ~~Any use as regulated in the R-3 district.~~ **Dwellings, both attached and detached.**

2. ~~Two-family dwelling.~~ **Any other use as regulated in the RS district.**

~~3. Townhouses.~~

6. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 7.2, shall be amended to read in its entirety as follows:

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

1. ~~Two-family dwelling, subject to the special regulations of Article 7.~~ **Attached dwellings.**

~~2. Multiple family dwellings.~~

7. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 8.2, shall be amended to read in its entirety as follows:

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

~~1. Any use permitted in the R-2 Single Family Residential District subject to the lot size, yard, height, and other requirements of that district.~~

2.1. Mobile home park, provided:

(a) That the mobile home park shall comply with all sanitary and other requirements prescribed by law or regulation.

(b) That access to the mobile home park shall not be from a minor residential street, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, that no mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lighted and at least thirty (30) feet in width, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable county specifications and ordinances.

(c) That the topography of the site be such as to facilitate rapid drainage and that adequate drainage facilities be provided.

(d) That the design evidences a reasonable effort to preserve the natural amenities of the site.

(e) The minimum width and/or depth of the mobile home park shall be two hundred (200) feet and a minimum total area of the park shall be five (5) acres, including one-half the width of bordering streets, except that minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five (5) acres or more.

(f) No mobile home sites shall be offered for sale or sold.

(g) All utility lines shall be underground, including electrical wiring and telephone lines.

(h) The mobile home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along the street frontage with an arterial street or major highway and at least twenty-five (25) feet wide along all other lot lines or street frontage.

(i) Each mobile home site shall be provided with individual water and sewer connections to central sewer and water

systems. Such water and sewer facilities shall be subject to approval and inspection by the health official and may be either public facilities or privately owned sewer and water systems, but in either case shall be designed to serve the entire mobile home park.

(j) Each mobile home site shall be provided with electrical outlets installed in accordance with the National Electrical Code.

(k) The open space beneath the unit shall be skirted with approved material in accordance with the requirements of the Administrator.

3.2. No existing mobile home park shall be enlarged or extended unless the entire park is made to conform substantially to all requirements for a new mobile home park.

8. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Sections 10.2-1 and 10.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

10.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS,** Residential **Single-Family** District

...

9. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Sections 11.2-1 and 11.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use

by the proprietor or an employee of said business.

...

11.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single family~~ **RS, Residential Single-Family** District

...

10. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 12.3-1, shall be amended to read as follows:

12.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single family~~ **RS, Residential Single-Family** District

... add Art 7 Sec 4 - RS reference

11. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: ~~Reserved~~. **Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and range of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used and the location(s) of each plant within the subdivision. Where existing plantings are to be retained, proposed methods for protection during construction shall be included in the plans. Landscaping shall be covered by any surety provided for completion of improvements.**

12. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-6.1(d), shall be adopted and shall read in its entirety as follows:

(d) Improvement shall also include landscaping, which shall be installed prior to acceptance of any roads into the Virginia State System of Highways for maintenance. If the time of year or environmental circumstance would jeopardize any planting, an extension may be granted for a period not to exceed six (6) months. At the time of acceptance of roads within the

subdivision, or at the end of the extension of time granted, surety equal to twenty-five percent (25%) of the cost of materials and installation of landscaping shall be provided to the County to ensure the landscaping was installed properly and remains healthy. This surety may be released at the end of one (1) year, if an inspection shows the landscaping remains healthy. Maintenance of all required landscaping is the responsibility of the property owner(s), and all plants damaged by insects, disease, vehicular traffic, acts of God, or vandalism shall be replaced. Failure to maintain required landscaping, or to replace dead or damaged plants, shall be regarded as a violation of the Zoning Ordinance.

13. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): *Buffers along existing and planned public roads.* For all subdivisions developed in Residential districts, a buffer shall be located along all public roads (not within subdivisions) *existing on the date of final subdivision approval* and all roads designated on the Major Thoroughfare Plan on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, sculpted, non-linear undulating landform with an average height of ~~four~~ three (43) feet. The landform shall be landscaped with low-maintenance vegetation. No more than fifty percent (50%) of the required open or common space shall comprise the area of the buffer along existing public.5

5-21-1(b): Pedestrian paths. For all subdivisions developed in Residential districts within the Suburban Service Area, pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. 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 roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to Virginia Department of Transportation standards and can be accepted by the Department for maintenance.

14. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. ~~Alleys should be avoided wherever possible.~~ **Alleys may be permitted within subdivisions in Residential districts. Alleys shall be no less than eighteen (18) feet in width, with travelways no less than twelve (12) feet in width. There shall be an all-weather surface provided, constructed to a standard equal to or greater than the private road requirements specified in the Title II. Subdivision Ordinance. Detailed construction plans for all alleys shall be included in construction plans for the subdivision in which the alleys shall be constructed. All alleys shall be *maintained by the homeowners' association, and shall be owned by the association*. When an alley is designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space. Common space containing alleys shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. Alleys shall not be considered as frontage for a lot.**

15. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

16. This Ordinance shall be effective upon adoption.

Planning Commission Public Hearing: _____

Action by Board of Supervisors:

On a motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance Number 99- , as follows:

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []
Mr. WARD:	Aye []	Nay []	Absent []	Abstain []

Public Hearing: _____

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

- Planning Department: _____

ORDINANCE 99-04
Revised October 28, 1999

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

Dwelling, ~~single family~~: A building designed for or occupied ~~exclusively~~ by one family. ~~Single-family~~ **Dwellings may be either detached (having no common or party wall with another dwelling unit) or attached (having one or more exterior walls in common with another ~~single family~~ dwelling unit).**

~~Dwelling, two family: A building designed for or occupied exclusively by two (2) families living independently of each other.~~

Dwelling, ~~multiple family~~: A building designed for or occupied ~~exclusively~~ by ~~three (3)~~ **five (5)** or more families living independently of each other.

Dwelling unit: A room or group of rooms occupied or ~~intended~~ **designed** to be occupied as separate living quarters. ~~**Single-family dwellings may include up to four (4) separate dwelling units within one structure.**~~

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed, used, or adapted for joint service**. Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

...

Townhouse: A ~~single~~ **multiple**-family dwelling forming one of a group or series of ~~three (3)~~ **five (5)** or more units in a structure separated from one another by solid common walls.

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Residential Suburban

Section 3. RS, ~~Single-Family Residential~~ District.

3.1 Purpose. **The purpose of this district is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These districts are located within the designated ~~urban~~ areas of the County where public utilities make such a district feasible.** Suburban

3.2 Uses. **The uses permitted within the RS district, whether by right or as Conditional Uses or Special Exceptions, are as specified below.**

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

1. ~~Residential Structures~~ ~~Dwelling units.~~ Dwelling units may be ~~Single-family dwellings,~~ ~~detached, attached~~ detached, attached, ~~up to~~ containing no more than four (4) separate units per structure
2. **Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission**

a) detached
b) attached

lines which are permitted as conditional uses.

3. Military bases and appurtenances and parks operated by the United States Government or agencies of the Commonwealth of Virginia.

4. Public and private forests, wildlife reservations, similar conservation projects.

5. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Servants' quarters.

6. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front yard.

7. Swimming pool and game courts, lighted or unlighted, for use of occupants or their guests.

8. Signs as regulated in article 7, section 3.

9. 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.

10. Accessory off-street parking and loading spaces. Open or enclosed space for parking one commercial vehicle of not more than one ton capacity and used by the occupant of a

dwelling shall be permitted as accessory.

11. The location of office or construction trailers for a period not to exceed one year.

12. Foster care and adult family care.

c. 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:

1. Airports and landing fields, provided they shall comply with the recommendations of the Federal Aviation Agency.

2. Camps, day or boarding, private or commercial.

3. Cemetery, including a crematorium.

4. Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel, or stone, stripping of top soil (but not including stripping of sod), and other major excavations, other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision, or planned residential development.

5. Hospitals and sanitariums, but not animal hospitals.

6. Institutions, educational or philanthropic, including museums, art galleries and libraries.

7. Private clubs.

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

9. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines.

10. Recreation facility, privately or commercially operated, such as fishing or boating lake, picnic grounds, or dude ranch, and accessory facilities, including sale of food, beverages, bait, supplies and equipment.

11. Swimming or tennis club, private, nonprofit, or commercially operated.

12. Radio or television broadcasting station or tower more than one hundred twenty-five (125) feet in height, provided

construction and safety features are approved by the Administrator in accordance with applicable regulations and provided no hazard is created in an Airport Approach Zone.

13. 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.

14. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

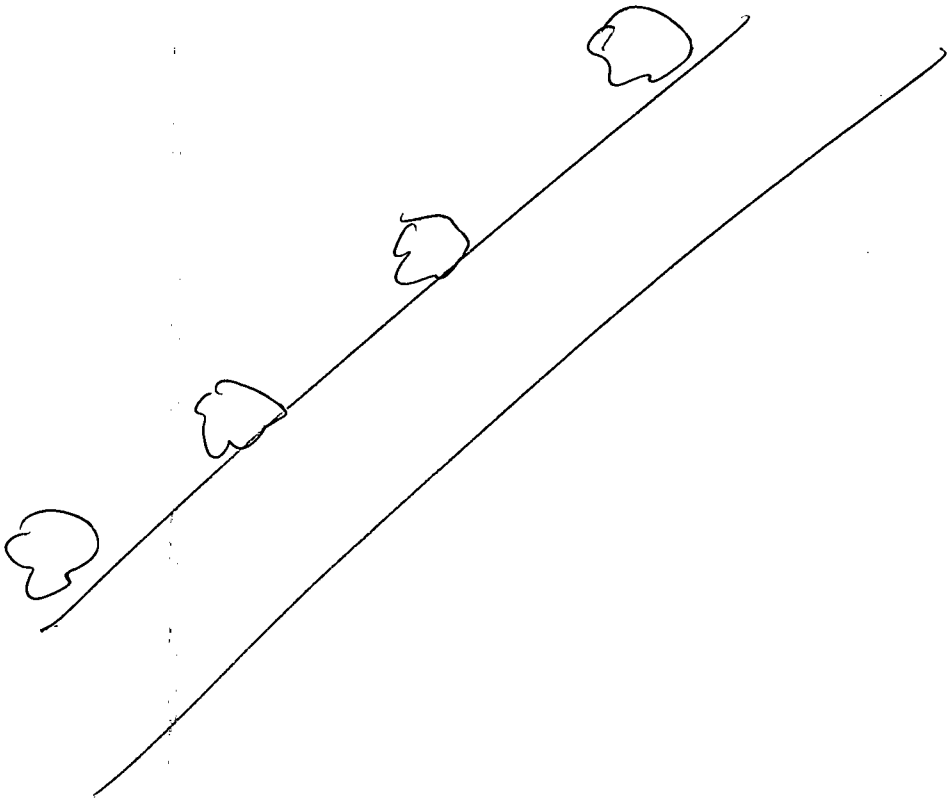
   (a) A private garage for more than four (4) automobiles.

   (b) Cemetery for pets.

   (c) Commercial greenhouses, wholesale or retail.

   (d) Convalescent homes, nursing homes, or homes for the aged.

   (e) Day nurseries or child or adult day care centers.



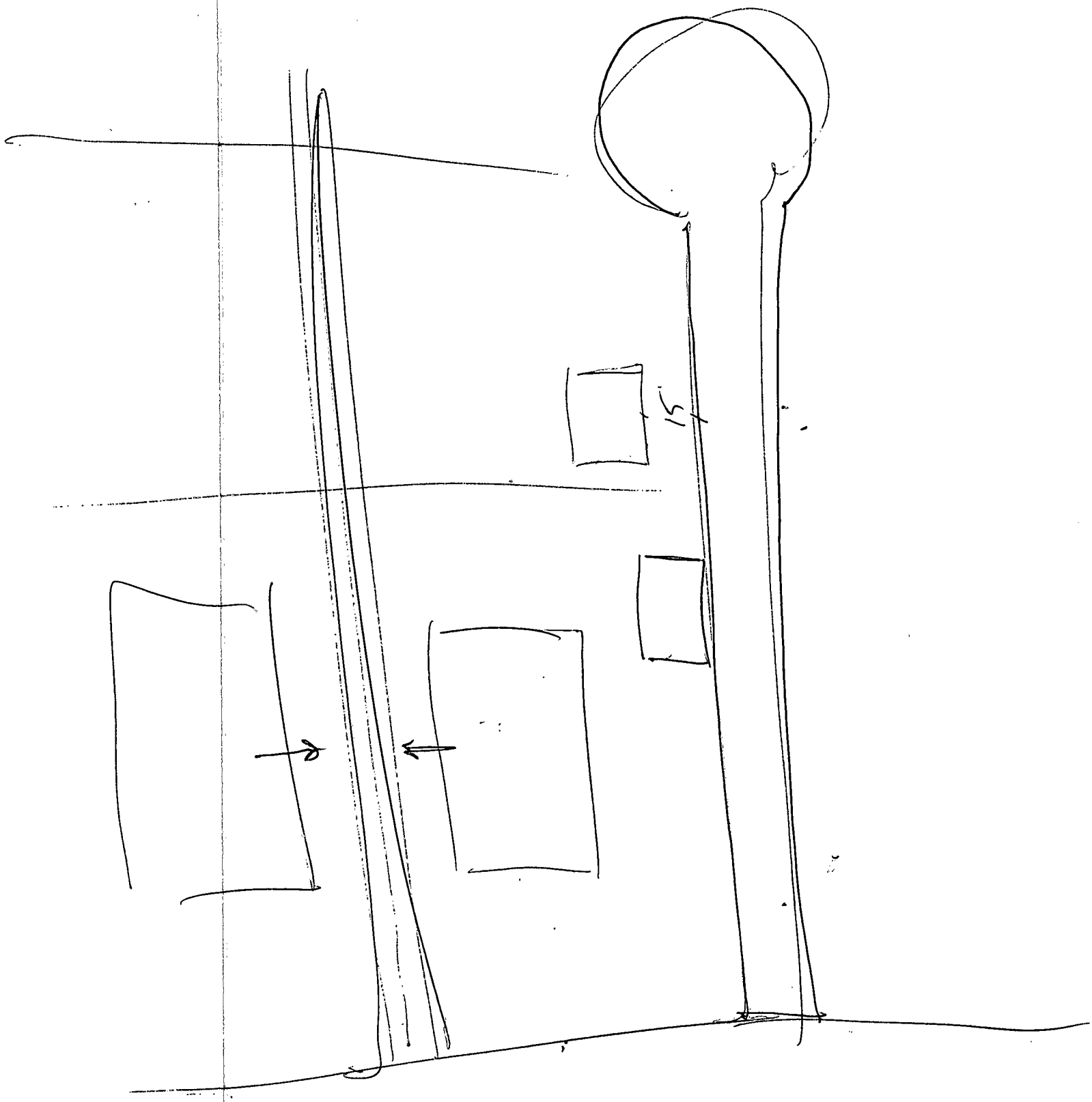
(f) Nurseries for growing of plants, trees, and shrubs, including a building for sale of products produced on the premises.

3.3 Density; calculation. The RS district provides for ~~variable~~ density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. The Board of Supervisors may approve increased density ~~through provision of the specified improvements if the improvements~~ and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan.

a) For densities greater than one and one-quarter (1 1/4) unit per acre, but less than or equal to two (2) units per acre: If at least 15% of the net acreage is left in either open space (unimproved natural areas or buffers) or common space (improved with amenities or landscaped), and if the following improvements are included in the development, the Board of Supervisors may approve increased density to a maximum of 2 units/acre if the improvements and design standards proposed are deemed to be appropriate ~~to support~~ the density requested and the request is consistent with the Comprehensive Plan:

1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection. Trees planted to comply with this standard shall comprise at least three (3) different species native 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 inches (2") 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 and shall be ~~shown~~ on the ~~landscaping~~ plan.

2) pedestrian paths, providing access to open space and common space and designed to be extended into adjoining developments, both residential and commercial. Paths



may be located within the common or open space and placed no closer than ten (10) feet to any lot line. Open space shall be landscaped between paths and lots.

b) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre: If the ~~additional~~ improvements specified below are provided in addition to the improvements listed in section (a) above, the Board of Supervisors may approve increased density to a maximum of 3 units/acre, if the improvements and design standards proposed are deemed to be appropriate ~~to support~~ for the density requested and the request is consistent with in the Comprehensive Plan:

without

1) An additional five percent (5%) of the property set aside as open or common space, for a total of no less than twenty percent (20%)

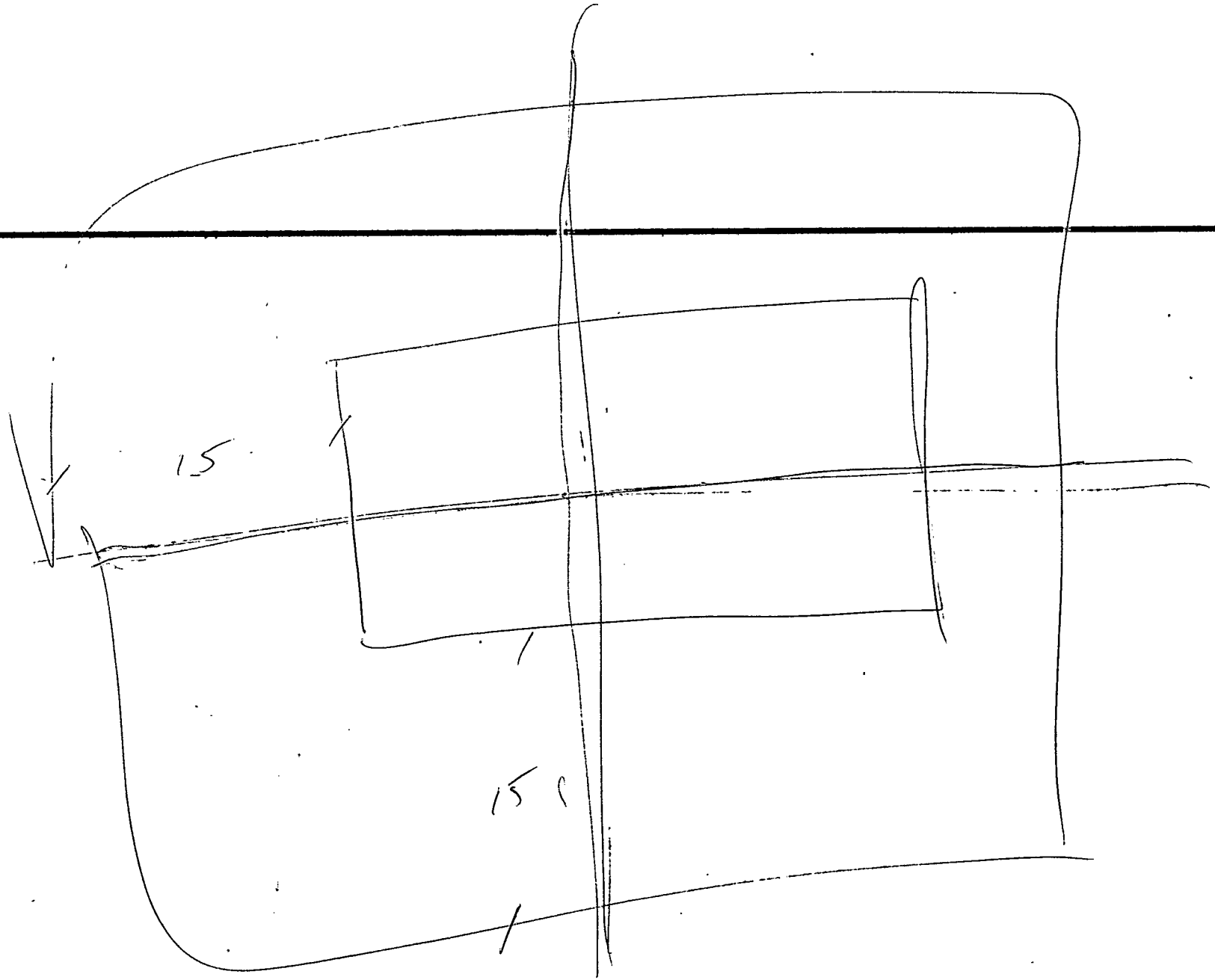
2) Street lights, placed along the existing thoroughfare along which the subdivision fronts at intervals no less than fifty (50) feet apart, for a distance of at least one hundred (100) feet in either direction. The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

c) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (a) and (b) above are included, and the additional improvements specified below are provided, the Board of Supervisors may approve increased density to a maximum of 4 units/acre if the design standards are deemed to be appropriate ~~to support~~ for the density requested and the request is consistent with the Comprehensive Plan:

1) An additional five percent (5%) of the property set aside as common or open space, for a total of no less than twenty-five percent (25%)

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the subdivision. A "single-loaded street" shall be a street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots.

3.4 Common and/or Open space. To be eligible for consideration of density higher than one and one-quarter (1 1/4) unit per acre within the district, a minimum of fifteen percent (15%) of the net acreage of a district shall be provided as common and/or open space. Net acreage shall be the total area of the district minus the total of Chesapeake Bay


15
15

Resource Protection Areas.

3.5 Lot area requirements.

1. ~~Single family~~ dwellings: When a district is developed at the base density, the minimum lot size for ~~single family~~ dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this district shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this ~~Appendix~~.

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. ~~Single family~~ dwelling: ~~20,000 sq.ft lot~~:	50	10	25	25
~~No minimum lot size~~:	15	0	0	~~20~~

2. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as specified in ~~district regulations.~~

3.7 Height requirements. Structures, ~~including single family dwellings and all other structures~~ not specifically exempted in article 7, shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less.

3.8 Public utilities required. All ~~lots~~ shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply ~~for developments~~ within the RS district.

1. *Conceptual Plan.* The property shall be developed in substantial conformity with a Conceptual Plan approved by the Board of Supervisors as part of the approval of the development. The Plan shall be submitted with each application for rezoning ~~when~~ a density ~~increase is requested~~, and 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, with proposed improvements and landscaping where appropriate, and active and passive recreation areas.

f. Proposed lot lines, ~~road rights-of-way, and pedestrian paths.~~

g. Topography, at an interval of two (2) feet.

h. Public and private roads and trails, pedestrian paths, utility and other easements and rights-of-way, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.

i. Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the County).

j. The location of ponds, streams, and natural drainage swales, and 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Protection requirements.

k. 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 abutting tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.

l. Location(s) of all proposed improvements as defined in Section 3.3 above, including details for development of landscaping and pedestrian paths (including cross-sections. In addition, entrance features, such as signs, landscaping, fences,

gate structures, lighting, or other appropriate amenities, shall be shown on the plan.

m. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas.* When a proposed district includes the creation of open and/or common space, the minimum areas specified in Section 3.4 above 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. Open and/or common space areas 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, but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas.

3. *Conceptual plan; standards for review.* The conceptual site plan shall provide for adherence to the following standards, to the extent practicable:

a. The open and common space areas shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood common and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.

f. 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 open or common space.

4. *Ownership and maintenance*. Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common and open space to the association, and shall provide for maintenance of all open and common areas and amenities, including street lights, street trees, alleys, and pedestrian paths. The easement shall also specify that all historic structures, woodlands, historic sites, and other features identified on the conceptual site plan as being significant shall remain substantially as shown on the plan, and that the common and open space areas shall not be further divided and shall be maintained in perpetuity as common and open space, and with only those uses permitted by the underlying zoning district for the common and open space areas. The Board of Supervisors may approve conveyance of the easement to a non-profit organization or government agency for the purpose of preservation of the open space and the significant features identified therein, or may approve conveyance of the open space to a non-profit organization or government agency in lieu of such an easement.

5. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: ~~Reserved~~. **Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and range of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used and the location(s) of each plant within the subdivision. Where existing plantings are to be retained, proposed methods for protection during construction shall be included in the plans. Landscaping shall be covered by any surety provided for completion of improvements.**

5-6(d) - add landscaping reference / add maintenance bond - (1) yr

6. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): *Buffers along existing and planned public roads.* For all subdivisions developed in Residential districts, a buffer shall be located

(add bonding / maintenance yrs - final Board acceptance)

Security provided by developer shall include - 1 yr maintenance

along all existing public roads (not within subdivisions) and all roads designated on the Major Thoroughfare Plan on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, sculpted, non-linear undulating landform with an average height of ~~four~~ three (43) feet. The landform shall be landscaped with low-maintenance vegetation. No more than fifty percent (50%) of the required open or common space shall comprise the area of the buffer along existing public.5

5-21-1(b): Pedestrian paths. For all subdivisions developed in Residential districts within the Suburban Service Area, pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. When a material has been used for paths within a contiguous subdivision, the same material shall be used for continuation into the new subdivision. Where paths intersect with roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to Virginia Department of Transportation standards and can be accepted by the Department for maintenance.

7. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. ~~Alleys should be avoided wherever possible.~~ Alleys may be permitted within subdivisions in Residential districts. Alleys shall be no less than eighteen (18) feet in width, with travelways no less than twelve (12) feet in width. There shall be an all-weather surface provided, constructed to a standard equal to or greater than the private road requirements specified in the Title II. Subdivision Ordinance. Detailed construction plans for all alleys shall be included in construction plans for the subdivision in which the alleys shall be constructed. All alleys shall be privately maintained. When an alley is designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space, although the alleys shall be conveyed to the Homeowners' Association. Common space containing alleys shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. Alleys shall not be considered as frontage for a lot.

8. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

9. This Ordinance shall be effective upon adoption.

Planning Commission Public Hearing: _____

Action by Board of Supervisors:

On a motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance Number 99- , as follows:

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []
Mr. WARD:	Aye []	Nay []	Absent []	Abstain []

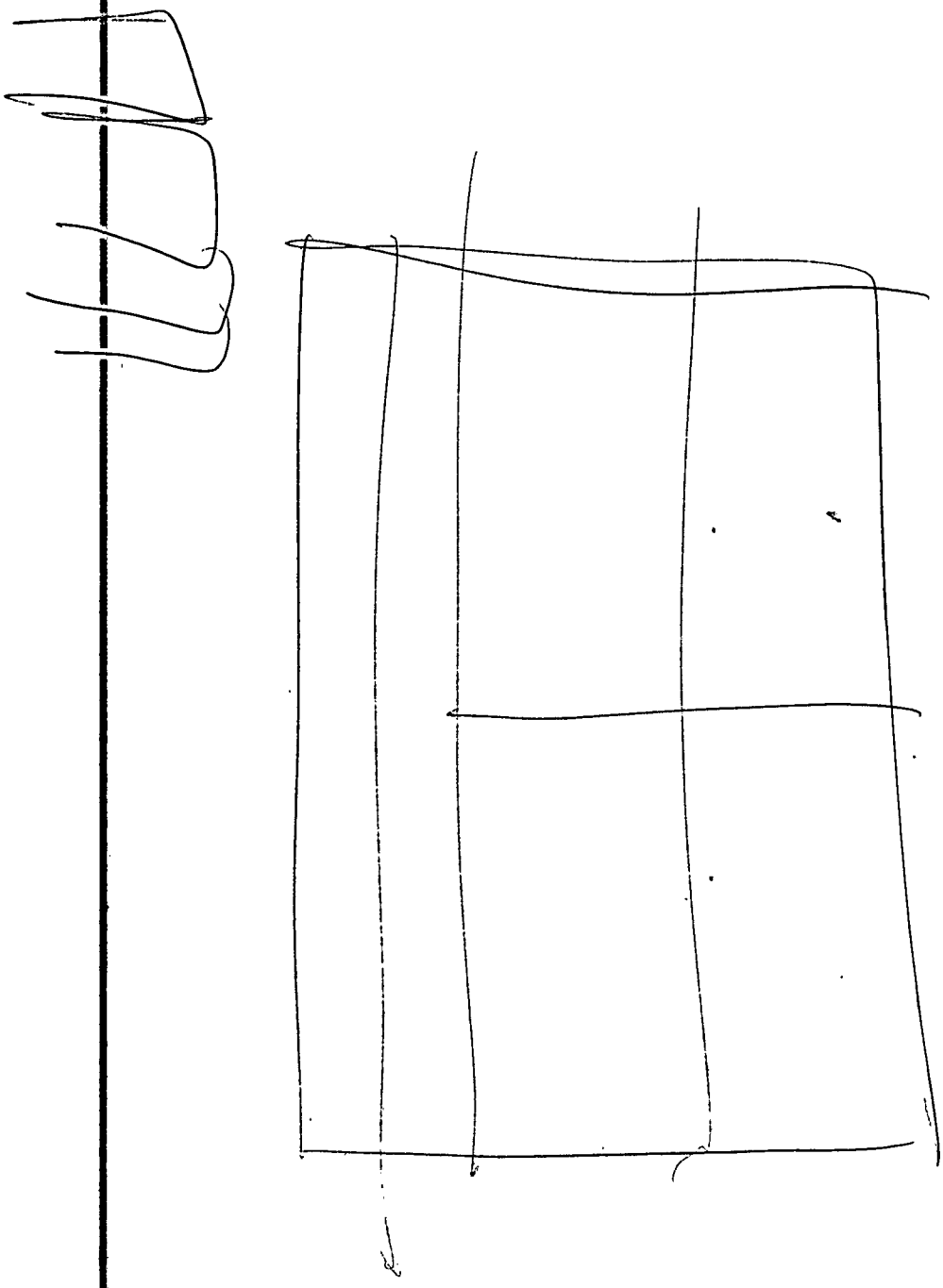
Public Hearing: _____

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

- Planning Department: _____



File
Ord 99-04

MEETING NOTICE

RS SUB-COMMITTEE

Henry Taylor Wickham Building
Room 112 (Board Meeting Room)
Hanover, Virginia

October 25, 1999, 3:30 P.M.

AGENDA

3:30 P.M.	I.	Call to Order
	II.	Final Review of Ordinance 99-04, RS District
	III.	Adjournment

ORDINANCE 99-04
Revised October 20, 1999

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

Dwelling, single-family: A building designed for or occupied ~~exclusively~~ by one family. **Single-family dwellings may be either detached (having no common or party wall with another dwelling unit) or attached (having one or more exterior walls in common with another single-family dwelling unit).**

~~Dwelling, two family: A building designed for or occupied exclusively by two (2) families living independently of each other.~~

Dwelling, multiple family: A building designed for or occupied ~~exclusively~~ by ~~three (3)~~ **five (5)** or more families living independently of each other.

Dwelling unit: A room or group of rooms occupied or ~~intended~~ **designed** to be occupied as separate living quarters. **Single-family dwellings may include up to four (4) separate dwelling units within one structure.**

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed, used, or adapted for joint service**. Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

...

Townhouse: A ~~single-~~ **multiple**-family dwelling forming one of a group or series of ~~three (3)~~ **five (5)** or more units in a structure separated from one another by solid common walls.

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. The purpose of this district is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These districts are located within the designated urban areas of the County where public utilities make such a district feasible.

3.2 Uses. The uses permitted within the RS district, whether by right or as Conditional Uses or Special Exceptions, are as specified below.

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

1. Single-family dwellings.

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission

lines which are permitted as conditional uses.

3. Military bases and appurtenances and parks operated by the United States Government or agencies of the Commonwealth of Virginia.

4. Public and private forests, wildlife reservations, similar conservation projects.

5. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Servants' quarters.

6. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front yard.

7. Swimming pool and game courts, lighted or unlighted, for use of occupants or their guests.

8. Signs as regulated in article 7, section 3.

9. 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.

10. Accessory off-street parking and loading spaces. Open or enclosed space for parking one commercial vehicle of not more than one ton capacity and used by the occupant of a

dwelling shall be permitted as accessory.

11. The location of office or construction trailers for a period not to exceed one year.

12. Foster care and adult family care.

c. 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:

1. Airports and landing fields, provided they shall comply with the recommendations of the Federal Aviation Agency.

2. Camps, day or boarding, private or commercial.

3. Cemetery, including a crematorium.

4. Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel, or stone, stripping of top soil (but not including stripping of sod), and other major excavations, other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision, or planned residential development.

5. Hospitals and sanitariums, but not animal hospitals.

6. Institutions, educational or philanthropic, including museums, art galleries and libraries.

7. Private clubs.

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

9. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines.

10. Recreation facility, privately or commercially operated, such as fishing or boating lake, picnic grounds, or dude ranch, and accessory facilities, including sale of food, beverages, bait, supplies and equipment.

11. Swimming or tennis club, private, nonprofit, or commercially operated.

12. Radio or television broadcasting station or tower more than one hundred twenty-five (125) feet in height, provided

construction and safety features are approved by the Administrator in accordance with applicable regulations and provided no hazard is created in an Airport Approach Zone.

13. 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.

14. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Cemetery for pets.

   (c) Commercial greenhouses, wholesale or retail.

   (d) Convalescent homes, nursing homes, or homes for the aged.

   (e) Day nurseries or child or adult day care centers.

(f) Nurseries for growing of plants, trees, and shrubs, including a building for sale of products produced on the premises.

3.3 Density; calculation. The RS district provides for variable density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. The Board of Supervisors may approve increased density through provision of the specified improvements if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan.

a) For densities greater than one and one-quarter (1 1/4) unit per acre, but ~~no greater~~ **less** than **or equal to** two (2) units per acre: If at least 15% of the net acreage is left in **either** open space **(unimproved natural areas or buffers) or common space (improved with amenities or landscaped)**, and if the following improvements are included in the development, the Board of Supervisors may approve increased density to a maximum of 2 units/acre if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan:

~~1) paved driveways for each house, providing a minimum of two (2) off-street parking spaces/house~~

~~2~~1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within **common or** open space along streets to provide a terminal vista at an intersection. Trees planted to comply with this standard shall comprise at least three (3) different species native 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 inches (2") 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**

and shall be shown on the landscaping plan.

~~3~~2) pedestrian **paths,** providing access to open space and **common space** and designed to be extended into adjoining developments, both residential and commercial. **Paths may be located within the common or open space and placed no closer than ten (10) feet to any lot line. Open space shall be landscaped between paths and lots.**

b) For densities ~~up~~ **greater than two (2) units per acre but less than or equal** to three (3) units per acre: If the additional improvements specified below are provided in addition to the improvements listed in section (a) above, the Board of Supervisors may approve increased density to a maximum of 3 units/acre, if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with in the Comprehensive Plan:

1) An additional five percent (5%) of the property set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the subdivision fronts at intervals no less than fifty (50) feet apart, for a distance of at least one hundred (100) feet in either direction. **The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.**

c) For densities ~~up~~ **greater than three (3) units per acre but less than or equal** to four (4) units per acre: If all improvements specified in (a) and (b) above are included, and the additional improvements specified below are provided, the Board of Supervisors may approve increased density to a maximum of 4 units/acre if the design standards are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan:

1) An additional five percent (5%) of the property set aside as common or open space, for a total of no less than twenty-five percent (25%)

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the subdivision. **A "single-loaded street" shall be a street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots.**

3.4 Common and/or Open space. To be eligible for consideration of density higher than one **and one-quarter** (1 **1/4**) unit per acre within the district, a minimum of fifteen percent (15%) of the net acreage of a district shall be provided as common and/or open space. Net acreage shall be the total area of the district minus the total of Chesapeake Bay Resource Protection Areas.

3.5 Lot area requirements.

1. Single-family dwellings: When a district is developed at the base density, the minimum lot size for single-family dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this district shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this Appendix.

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. Single-family dwelling:				
20,000 sq.ft lot:	50	10	25	25
No minimum lot size:	15	0	0	20

2. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as specified in district regulations.

3.7 Height requirements. Structures, including single-family dwellings and all other structures not specifically exempted in article 7, shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less.

3.8 Public utilities required. All lots shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply for developments within the RS district.

1. *Conceptual plan.* The property shall be developed in substantial conformity with a conceptual plan approved by the Board of Supervisors as part of the approval of the development. The plan shall be submitted with each application for rezoning when a density increase is requested, and 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common **and/or** open space, with proposed improvements and landscaping where appropriate, and active and passive recreation areas.

f. Proposed lot lines, road rights-of-way, and pedestrian paths.

g. Topography, at an interval of two (2) feet, with slopes exceeding 25 percent clearly indicated on the plan.

h. Public and private roads and trails, utility and other easements and rights-of-way, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.

i. Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the County).

j. The location of ponds, streams, and natural drainage swales, and 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Protection requirements.

k. 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 abutting tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.

l. Location(s) of all proposed improvements as defined in Section 3.3 above, including details for development of **landscaping** and pedestrian paths (including cross-sections) ~~and details and elevation(s) for community buildings, structures, and other amenities~~. In addition, entrance features, such as signs, landscaping, fences, gate structures, **lighting,** or other appropriate amenities, shall be shown on the plan.

m. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas.* When a proposed district includes the creation of open **and/or common** space, the minimum areas specified in Section 3.4 above 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. Open and/or common space areas shall also incorporate all lands deducted from the gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas ~~and all slopes over 25 percent~~), using the actual boundaries of Resource Protection Areas ~~and steep slopes~~, but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas. ~~When a proposed district is located on property contiguous with a residential development of lower density, a portion of the open space shall be located along the common boundary as a buffer to a minimum depth of twenty five (25) feet. The buffer shall be maintained in its natural state, if vegetated, or improved with trees and/or shrubbery planted in accordance with the standards of Article 7, Section 2A. Alternatively, a screen fence may be constructed along the common boundary. The design of the fence shall be included on the conceptual plan, and shall be approved with the plan for the district.~~

3. *Conceptual plan; standards for review.* The conceptual site plan shall provide for adherence to the following standards, to the extent practicable:

a. The open and common space areas shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood common and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without

interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.

f. 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 open **or common** space.

4. *Ownership and maintenance.* Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common **and** open space to the association, and shall provide for maintenance of all **open and** common areas and amenities, including street lights, street trees, and pedestrian paths. The easement shall also specify that all historic structures, woodlands, historic sites, and other features identified on the conceptual site plan as being significant shall remain substantially as shown on the plan, and that the common and open space areas shall not be further divided and shall be maintained in perpetuity as common and open space, and with only those uses permitted by the underlying zoning district for the common and open space areas. The Board of Supervisors may approve conveyance of the easement to a non-profit organization or government agency for the purpose of preservation of the open space and the significant features identified therein, or may approve conveyance of the open space to a non-profit organization or government agency in lieu of such an easement.

5. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety

as follows:

5-5-7: ~~Reserved~~. **Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and range of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used and the location(s) of each plant within the subdivision. Where existing plantings are to be retained, proposed methods for protection during construction shall be included in the plans. Landscaping shall be covered by any surety provided for completion of improvements.**

6. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): *Buffers along existing* ***and planned*** *public roads*. For all subdivisions developed in Residential districts, a buffer shall be located along all existing public roads (not within subdivisions) **and all roads designated on the Major Thoroughfare Plan** on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, **sculpted, non-linear** undulating landform with an average height of ~~four~~ **three** (~~4~~3) feet. ~~No portion of the landform may be lower than three (3) feet in height, and~~ The landform shall be landscaped with low-maintenance vegetation. **No more than** fifty percent (50%) of the **required open or common space shall comprise the area of the buffer along existing public roads** ~~area comprising the buffers may be counted as common and/or open space in districts where such space(s) are required~~.

5-21-1(b): Pedestrian paths. For all subdivisions developed in Residential districts within the Suburban Service Area, pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. When a material has been used for paths within a contiguous subdivision, the same material shall be used for continuation into the new subdivision. Where paths intersect with roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to

Virginia Department of Transportation standards and can be accepted by the Department for maintenance.

7. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. ~~Alleys should be avoided wherever possible.~~ **Alleys may be permitted within subdivisions in Residential districts. Alleys shall be no less than eighteen (18) feet in width, and shall be privately maintained. When an alley is designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space, although the alleys shall be conveyed to the Homeowners' Association. Common space containing alleys shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley.**

standards? gravel, min.

8. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

12' min travelway

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

9. This Ordinance shall be effective upon adoption.

Planning Commission Public Hearing: _____

Action by Board of Supervisors:

On a motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance Number 99- , as follows:

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []

Mr. WARD: Aye [] Nay [] Absent [] Abstain []

Public Hearing: _____

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

- Planning Department: _____

Section 3.C. Evaluation Criteria

...

1. Residential Areas

a. While other single-family dwelling types would be permitted and encouraged throughout the Suburban Service Area, **multi-family dwellings should be located near interchanges and in close proximity to commercial centers as a means of providing appropriate transition from high density residential development to medium and low density residential areas. The use of buffers and open space should also be used to provide appropriate transitions between commercial and high-density residential uses.** ~~those areas developed exclusively for detached single family dwellings would be preserved for that use~~. As long as the preference for **single family detached** ~~this~~ dwellings ~~type~~ remains as strong as it is, the right to live in a single-family area should be vigorously protected. **However, the introduction of new dwelling types in appropriate areas is desirable to help provide a broad range of housing for all citizens.**

b. ~~The neighborhood development concept should be applied in planning residential areas. Emphasis on proper relation to physical features, focal points, transportation facilities, and place names would tend to encourage community interest, neighborhood pride, and civic participation.~~

Decisions concerning development proposals will be based on existing and planned conditions, including residential density, topography, woods, tree lines, pastures, fields, hydrology, and other environmental conditions, the availability of public utilities, proximity to existing and proposed business and commercial uses, the existing and proposed transportation network, site access, and other factors specific to the site.

Special emphasis will be placed on assuring compatibility with existing residential densities within the surrounding community, and measures contained within the development proposal to appropriately transition from planned higher density communities to existing lower density neighborhoods.

c. ~~While recognizing the need to preserve single family areas, variety of choice in housing types should also be encouraged in Hanover County. This would include acceptance of apartments and townhouses as appropriate uses when meeting certain basic standards, and when well designed for the landscape.~~ **The County recognizes** ~~(~~many factors, economic and social, indicate that a greater number of apartments, townhouses, and the like will be required in the future. Such factors include increasing numbers of young families and individuals who cannot afford detached houses, a greater number of older persons who no longer desire to maintain a detached house and a yard, and increasing numbers of families who will prefer to spend for a second house and accept an apartment instead of a single family dwelling as the primary place of residence. ~~In addition, there is a growing ability of apartment developers to build projects which include such attractive features that they may be preferred by families, with or without children, who~~

~~might otherwise have purchased a single family home.)~~

d. **All development proposals** ~~Apartment projects~~ should meet definite criteria, **including provisions for appropriate** ~~regarding~~ access, public services, location with respect to shopping and employment, open space, and effects on adjoining or nearby development.

e. ~~Preliminary considerations indicate that~~ **Suburban** residential development should be placed in three basic categories: low, ~~low-medium, and~~ medium, **and high density**. ~~The first two~~ **While all three** residential categories ~~are~~ **provide** for single family dwellings, **both attached and detached,** the last includes apartments ~~and townhouses~~. ~~A fourth category might include those outlying areas best characterized as "rural".~~ **The general land use pattern should reflect high density residential development along thoroughfares (as depicted on the thoroughfare plan map) or radiating from commercial centers outward, transitioning to medium density in areas currently developed for single family detached homes, and finally to low density in the areas located outside the Suburban Service Area.**

f. **The density of the proposed development shall be consistent with those densities specified on the General Land Use Plan.**

ORDINANCE 99-04
Revised October 7, 1999

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

Dwelling, single-family: A building designed for or occupied ~~exclusively~~ by one family. **Single-family dwellings may be either detached (having no common or party wall with another dwelling unit) or attached (having one or more exterior walls in common with another single-family dwelling unit).**

~~Dwelling, two family: A building designed for or occupied exclusively by two (2) families living independently of each other.~~

Dwelling, multiple family: A building designed for or occupied ~~exclusively~~ by ~~three (3)~~ **five (5)** or more families living independently of each other.

Dwelling unit: A room or group of rooms occupied or ~~intended~~ **designed** to be occupied as separate living quarters. **Single-family dwellings may include up to four (4) separate dwelling units within one structure.**

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed, used, or adapted for joint service**. Projection above the roofline may be eliminated.

...

Townhouse: A ~~single~~ **multiple**-family dwelling forming one of a group or series of ~~three (3)~~ **five (5)** or more units in a structure separated from one another by solid common walls.

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. The purpose of this district is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These districts are located within the designated urban areas of the County where public utilities make such a district feasible.

3.2 Uses. The uses permitted within the RS district, whether by right or as Conditional Uses or Special Exceptions, are as specified below.

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

1. Single-family dwellings.

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Military bases and appurtenances and parks operated by the United States Government or agencies of the Commonwealth of Virginia.

4. Public and private forests, wildlife reservations, similar conservation projects.

5. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Servants' quarters.

6. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front yard.

7. Swimming pool and game courts, lighted or unlighted, for use of occupants or their guests.

8. Signs as regulated in article 7, section 3.

9. 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.

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

11. The location of office or construction trailers for a period not to exceed one year.

12. Foster care and adult family care.

c. 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:

1. Airports and landing fields, provided they shall comply with the recommendations of the Federal Aviation Agency.

2. Camps, day or boarding, private or commercial.

3. Cemetery, including a crematorium.

4. Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel, or stone, stripping of top soil (but not including stripping of sod), and other major excavations, other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision, or planned residential development.

5. Hospitals and sanitariums, but not animal hospitals.

6. Institutions, educational or philanthropic, including museums, art galleries and libraries.

7. Private clubs.

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

9. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines.

10. Recreation facility, privately or commercially operated, such as fishing or boating lake, picnic grounds, or dude ranch, and accessory facilities, including sale of food, beverages, bait, supplies and equipment.

11. Swimming or tennis club, private, nonprofit, or commercially operated.

12. Radio or television broadcasting station or tower more than one hundred twenty-five (125) feet in height, provided construction and safety features are approved by the Administrator in accordance with applicable regulations and provided no hazard is created in an Airport Approach Zone.

13. 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.

14. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Cemetery for pets.

   (c) Commercial greenhouses, wholesale or retail.

   (d) Convalescent homes, nursing homes, or homes for the aged.

   (e) Day nurseries or child or adult day care centers.

   (f) Nurseries for growing of plants, trees, and shrubs, including a building for sale of products produced on the premises.

3.3 Density; calculation. The RS district provides for variable density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. The Board of Supervisors may approve increased density through provision of the specified improvements if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan.

a) For densities greater than one and one-quarter (1 1/4) unit per acre, but ~~no greater~~ **less** than **or equal to** two (2) units per acre: If at least 15% of the net acreage is left in **either** open space **(unimproved natural areas or buffers) or common space (improved with amenities or landscaped)**, and if the following improvements are included in the development, the Board of Supervisors may approve

increased density to a maximum of 2 units/acre if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan:

~~1) paved driveways for each house, providing a minimum of two (2) off-street parking spaces/house~~

~~2~~1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within **common or** open space along streets to provide a terminal vista at an intersection. Trees planted to comply with this standard shall comprise at least three (3) different species native 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 inches (2") 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 and shall be shown on the landscaping plan.**

~~3~~2) pedestrian ~~walkways~~ **pathways, or sidewalks designed to Virginia Department of Transportation standards,** providing access to open space and **common space** and designed to be extended into adjoining developments, both residential and commercial. **Pathways may be located within the common or open space and placed no closer than ten (10) feet to any lot line. Open space shall be landscaped between pathways and lots.**

b) For densities ~~up~~ **greater than two (2) units per acre but less than or equal** to three (3) units per acre: If the additional improvements specified below are provided in addition to the improvements listed in section (a) above, the Board of Supervisors may approve increased density to a maximum of 3 units/acre, if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with in the Comprehensive Plan:

1) An additional five percent (5%) of the property set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the subdivision fronts at intervals no less than fifty (50) feet apart, for a distance of at least one hundred (100) feet in either direction. **The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.**

c) For densities ~~up~~ **greater than three (3) units per acre but less than or equal** to four (4) units per acre: If all improvements specified in (a) and (b) above are included, and the additional improvements specified below are provided, the Board of Supervisors may approve increased density to a maximum of 4 units/acre if the design standards are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan:

1) An additional five percent (5%) of the property set aside as common or open space, for a total of no less than twenty-five percent (25%)

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the subdivision

3.4 Common and/or Open space. To be eligible for consideration of density higher than one **and one-quarter** (1 **1/4**) unit per acre within the district, a minimum of fifteen percent (15%) of the net acreage of a district shall be provided as common and/or open space. Net acreage shall be the total area of the district minus the total of Chesapeake Bay Resource Protection Areas.

3.5 Lot area requirements.

1. Single-family dwellings: When a district is developed at the base density, the minimum lot size for single-family dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this district shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this Appendix.

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. Single-family dwelling:				
20,000 sq.ft lot:	50	10	25	25
No minimum lot size:	15	0	0	20

2. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as specified in district regulations.

3.7 Height requirements. Structures, including single-family dwellings and all other structures not specifically exempted in article 7, shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less.

3.8 Public utilities required. All lots shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply for developments within the RS district.

1. *Conceptual plan.* The property shall be developed in substantial conformity with a conceptual plan approved by the Board of Supervisors as part of the approval of the development. The plan shall be submitted with each application for rezoning when a density increase is requested, and 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common **and/or** open space, with proposed improvements and landscaping where appropriate, and active and passive recreation areas.

f. Proposed lot lines, road rights-of-way, and sidewalks or pedestrian trails.

g. Topography, at an interval of two (2) feet, with slopes exceeding 25 percent clearly indicated on the plan.

h. Public and private roads and trails, utility and other easements and rights-of-way, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.

i. Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the County).

j. The location of ponds, streams, and natural drainage swales, and 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Protection requirements.

k. 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 abutting tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.

l. Location(s) of all proposed improvements as defined in Section 3.3 above, including details for development of **landscaping,** pedestrian ways, and sidewalks (including cross-sections) ~~and details and elevation(s) for community buildings, structures, and other amenities~~. In addition, entrance features, such as signs, landscaping, fences, gate structures, **lighting,** or other appropriate amenities, shall be shown on the plan.

m. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas.* When a proposed district includes the creation of open **and/or common** space, the minimum areas specified in Section 3.4 above 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.

Open and/or common space areas shall also incorporate all lands deducted from the gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas ~~and all slopes over 25 percent~~), using the actual boundaries of Resource Protection Areas ~~and steep slopes~~, but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas. ~~When a proposed district is located on property contiguous with a residential development of lower density, a portion of the open space shall be located along the common boundary as a buffer to a minimum depth of twenty five (25) feet. The buffer shall be maintained in its natural state, if vegetated, or improved with trees and/or shrubbery planted in accordance with the standards of Article 7, Section 2A. Alternatively, a screen fence may be constructed along the common boundary. The design of the fence shall be included on the conceptual plan, and shall be approved with the plan for the district.~~

3. *Conceptual plan; standards for review.* The conceptual site plan shall provide for adherence to the following standards, to the extent practicable:

a. The open and common space areas shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood common and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian walkways may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.

f. 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 open **or common** space.

4. *Ownership and maintenance.* Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common **and** open space to the association, and shall provide for maintenance of all **open and** common areas and amenities, including street lights, street trees, and pedestrian walkways. The easement shall also specify that all historic structures, woodlands, historic sites, and other features identified on the conceptual site plan as being significant shall remain substantially as shown on the plan, and that the common and open space areas shall not be further divided and shall be maintained in perpetuity as common and open space, and with only those uses permitted by the underlying zoning district for the common and open space areas. The Board of Supervisors may approve conveyance of the easement to a non-profit organization or government agency for the purpose of preservation of the open space and the significant features identified therein, or may approve conveyance of the open space to a non-profit organization or government agency in lieu of such an easement.

5. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: ~~Reserved~~. **Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and range of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used and the location(s) of each plant within the subdivision. Where existing plantings are to be retained, proposed methods for protection during construction shall be included in the plans. Landscaping shall be covered by any surety provided for completion of improvements.**

6. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): *Buffers along existing and planned public roads.* For all subdivisions developed in Residential districts, a buffer shall be located along all existing public roads (not within subdivisions) **and all roads designated on the Major Thoroughfare Plan** on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a

caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, **sculpted, non-linear** undulating landform with an average height of ~~four~~ **three** (43) feet. ~~No portion of the landform may be lower than three (3) feet in height, and~~ The landform shall be landscaped with low-maintenance vegetation. **No more than** fifty percent (50%) of the **required open or common space shall comprise the area of the buffer along existing public roads** ~~area comprising the buffers may be counted as common and/or open space in districts where such space(s) are required~~.

5-21-1(b): Sidewalks. For all subdivisions developed in Residential districts within the Suburban Service Area, sidewalks shall be provided within the required buffer along the public road. The sidewalks shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. The sidewalks shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. When a material has been used for sidewalks within a contiguous subdivision, the same material shall be used for continuation into the new subdivision.

7. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. ~~Alleys should be avoided wherever possible.~~ **Alleys may be permitted within subdivisions in Residential districts. Alleys shall be no less than eighteen (18) feet in width, and shall be privately maintained. When an alley is designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. Easements in which alleys are located shall not be counted toward satisfying the area requirements for common or open space, although the easements shall be conveyed to the Homeowners' Association. Easements containing alleys shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. When alleys are provided, all required off-street parking shall only be accessible from the alley, including access to garages.**

8. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

9. This Ordinance shall be effective upon adoption.

Planning Commission Public Hearing: _____

Action by Board of Supervisors:

On a motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance Number 99- , as follows:

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []
Mr. WARD:	Aye []	Nay []	Absent []	Abstain []

Public Hearing: _____

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

- Planning Department: _____

Exhibit
Ord 99-04

RS DISTRICT - REVISIONS (AUGUST 13, 1999)

3.3 Density; calculation. The RS district provides for variable density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. The Board of Supervisors may approve increased density through provision of the specified improvements if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan.

a) For densities **greater than one and one-quarter (1 1/4) unit per acre, but no greater than** ~~up to~~ two (2) units per acre: If at least 25% of the net acreage is left in **either** open space **(unimproved natural areas or buffers) or common space (improved with amenities or landscaped)** ~~with at least fifty percent (50%) remaining unimproved)~~, and if the following improvements are included in the development, the Board of Supervisors may approve increased density to a maximum of 2 units/acre if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan:

1) paved driveways for each house, providing a minimum of two (2) off-street parking spaces/house

2) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within **common** or open space along streets to provide a terminal vista at an intersection. Trees planted to comply with this standard shall comprise at least three (3) different species native 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 inches (2") in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female gingko 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.

3) pedestrian walkways, providing access to open space and **common space** ~~recreation areas~~ and designed to be extended into adjoining developments, both residential and commercial, **located within the common or open space and placed no closer than twenty-five (25) feet to any lot line.**

4) areas designated for both passive and active recreation within the ~~open~~ **common** space, with improvements for active recreation.

b) For densities up to three (3) units per acre: If the additional improvements specified below are provided in addition to the improvements listed in section (a) above, the Board of Supervisors may approve increased density to a maximum of 3 units/acre, if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with in the Comprehensive Plan:

1) sidewalks, designed and constructed to VDOT standards and provided on one side of all streets on which houses front, if applicable~~, or pedestrian walkways, as described above, paved and lighted with low-intensity lighting for the full length of the walkway~~

2) *open space, centrally located, of at least one (1) acre for every fifty (50) homes or fraction thereof (in addition to the 25% open space already provided)*

3) *community building*

4) *swimming pool, tennis courts, or other appropriate active recreational amenity, in an appropriate size or number to serve the proposed development, but not including tot lots*

c) For densities up to four (4) units per acre: If all improvements specified in (a) and (b) above are included, and **either the first three or the fourth of** the additional improvements specified below are provided, the Board of Supervisors may approve increased density to a maximum of 4 units/acre if the design standards are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan:

1) **street lights, placed along the existing thoroughfare along which the subdivision fronts at intervals no less than fifty (50) feet apart, for a distance of at least one hundred (100) feet in either direction**

2) **single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the subdivision**

3) swimming pool, tennis courts, and other appropriate active recreational amenities, sized appropriately to serve the proposed development

4) an additional fifteen percent (15%) of the net acreage left in **common or** open space (in addition to the 25%

common and/or open space ~~and central open space~~ already provided)

3.4 Common and/or Open space. To be eligible for consideration of density higher than one **and one-quarter** (1 1/4) unit per acre within the district, a minimum of twenty-five percent (25%) of the net acreage of a district shall be provided as **common and/or** open space. Net acreage shall be the total area of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of slopes greater than twenty-five percent (25%).

3.5 Lot area requirements.

1. Single-family dwellings: When a district is developed at the base density, the minimum lot size for single-family dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this district shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this Appendix.

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. Single-family dwelling:				
20,000 sq.ft lot:	50	10	25	25
No minimum lot size:	15	0	0	20

2. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as specified in district regulations.

3.7 Height requirements. Structures, including single-family dwellings and all other structures not specifically exempted in article 7, shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less.

3.8 Public utilities required. All lots shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply for developments within the RS district.

1. *Conceptual plan.* The property shall be developed in substantial conformity with a conceptual plan approved by the Board of Supervisors as part of the approval of the development. The plan shall be submitted with each application for rezoning when a density increase is requested, and 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common **and/or** open space, with proposed improvements and landscaping where appropriate, and active and passive recreation areas.

f. Proposed lot lines, road rights-of-way, and sidewalks or pedestrian trails.

g. Topography, at an interval of two (2) feet, with slopes exceeding 25 percent clearly indicated on the plan.

h. Public and private roads and trails, utility and other easements and rights-of-way, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.

i. Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the County).

j. The location of ponds, streams, and natural drainage swales, and 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Protection requirements.

k. Locations of all historic structures, features, and sites on

plan, and shall be approved with the plan for the district.

3. *Conceptual plan; standards for review*. The conceptual site plan shall provide for adherence to the following standards, to the extent practicable:

a. The open **and common** space areas shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood **common and** open space.

b. The **common and** open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open **and common** space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. ~~Except for the centrally-located open space, as described in section 3.3 above, and those areas improved for active recreation, the~~ Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian walkways may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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 ~~improved recreation areas~~ **common space** for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.

f. 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 open **or common** space ~~(either improved common areas or natural areas)~~.

4. *Ownership and maintenance*. Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common **and** open space to the association, and shall provide for maintenance of all **open and** common areas and amenities, including street lights, street trees, and pedestrian walkways. The easement shall also specify that

all historic structures, woodlands, historic sites, and other features identified on the conceptual site plan as being significant shall remain substantially as shown on the plan, and that the **common and** open space areas shall not be further divided and shall be maintained in perpetuity as **common and** open space, and with only those uses permitted by the underlying zoning district for the **common and** open space areas. The Board of Supervisors may approve conveyance of the easement to a non-profit organization or government agency for the purpose of preservation of the open space and the significant features identified therein, or may approve conveyance of the open space to a non-profit organization or government agency in lieu of such an easement.

5. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

5-21-1(a): *Buffers along existing public roads*. A buffer shall be located along the thoroughfare on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with an undulating landform with an average height of four (4) feet. No portion of the landform may be lower than three (3) feet in height, and the landform shall be landscaped with low-maintenance vegetation. The buffers may be counted as common and/or open space in districts where such space(s) are required.

5-11-1: *Lots along existing public roads*. Lots which abut the buffer along the subdivision frontage shall be oriented to face the buffer, with frontage on a subdivision road contiguous with, and parallel to, the buffer. Dwellings constructed on such lots shall face the road. Where the buffer is at least one hundred (100) feet wide, this requirement shall not apply.

ELIMINATES R-1, R-2, R-3,
& DEFINITION of SINGLE-FAMILY

RS, SINGLE-FAMILY RESIDENTIAL DISTRICT
Revised February 17, 1999

Section 3. RS, Single-Family Residential District.

3.1 Purpose. The purpose of this district is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These districts are located within the designated urban areas of the County where public utilities make such a district feasible.

3.2 Uses. The uses permitted within the RS district, whether by right or as Conditional Uses or Special Exceptions, are as specified below.

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

1. ~~Detached~~ Single-family dwellings, **either attached or detached.**

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Military bases and appurtenances and parks operated by the United States Government or agencies of the Commonwealth of Virginia.

4. Public and private forests, wildlife reservations, similar conservation projects.

5. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

8. Private clubs.

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

10. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines.

11. Recreation facility, privately or commercially operated, such as fishing or boating lake, picnic grounds, or dude ranch, and accessory facilities, including sale of food, beverages, bait, supplies and equipment.

12. Swimming or tennis club, private, nonprofit, or commercially operated.

13. Radio or television broadcasting station or tower more than one hundred twenty-five (125) feet in height, provided construction and safety features are approved by the Administrator in accordance with applicable regulations and provided no hazard is created in an Airport Approach Zone.

14. 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.

15. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) ~~Pony rings~~.

(e) ~~Raising for sale of birds, bees, fish, rabbits and other small animals~~.

(f) Riding academies, public stables, private stables.

(g) ~~Rifle or pistol ranges, trap or skeet shooting~~.

(h) ~~Sawmill for cutting timber not grown on the premises~~.

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

2. Other special use exceptions as follows:

(a) A private garage for more than four (4) automobiles.

(b) Cemetery for pets.

(c) Commercial greenhouses, wholesale or retail.

(d) Convalescent homes, nursing homes, or homes for the aged.

(e) Day nurseries or child or adult day care centers.

(f) Nurseries for growing of plants, trees, and shrubs, including a building for sale of products produced on the premises.

* *3.3 Density; calculation.* The RS district provides for variable density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. Density may be increased through provision of the following improvements: THE BOARD MAY APPROVE INCREASED DENSITY OF UP TO 2 UNITS/ACRE IF PLAN

a) If at least 25% of the net acreage is left in open space (improved or unimproved), and if **any four (4) of** the following improvements are included in the development, density can be increased to a maximum of 2 units/acre:

MIN.? REQ.. ?

1) sidewalks, constructed to VDOT standards and provided along any street on which houses front

(HC REQ UNDER SD. IN ALL OPEN SPACE AREAS.

2) ~~curb and gutter, including roll face curbing, along all streets~~ **areas for passive and active recreation within the open space, including playgrounds and picnic areas**

3) paved driveways for each house, providing a minimum of two (2) off-street parking spaces/house

4) street lights

5) street trees **comprising at least three (3) different species**, planted either within a street median or along

each side of a street on which houses front in an easement ten (10) feet wide designated for such plantings, with at least one (1) tree, a minimum of two inches (2") in caliper when planted, for every fifty (50) feet of street length

6) pedestrian walkways, providing access to open space and recreation areas **and designed to be extended into adjoining developments, both residential and commercial**

b) If all six improvements are included, **and at least three (3) of the additional five (5) improvements are provided,** ~~and at least 40% of the net acreage is improved and dedicated as public recreation area, located within the project in such a way as to provide public accessibility without adversely impacting the residential community in which it is located,~~ the density may be increased to a maximum of [illegible] units/acre.

1) ~~central~~ common area of at least one (1) acre for every fifty (50) homes or fraction thereof

2) single-loaded streets

3) community building with playground

4) ~~recreation area with swimming pool or at least two (2) tennis courts~~

5) an additional fifteen percent (15%) of the net acreage left in open space

3.4 Open space. To be eligible for consideration of ~~higher~~ density **higher than one (1) unit per acre** within the district, a minimum of twenty-five percent (25%) of the net acreage of a district ~~shall~~ **must** be **provided as** open space. Net acreage shall be the total area of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of slopes greater than twenty-five percent (25%).

3.5 Lot area requirements.

1. Single-family ~~detached~~ dwellings: When a district is developed at the base density, the minimum lot size for single-family detached dwelling units shall be twenty thousand (20,000) square feet. ~~When developed with private open space and specified improvements, the minimum lot size may be reduced to ten thousand (10,000) square feet~~. There shall be no minimum lot area when the district is developed with specified improvements and ~~public~~ open space, as specified herein.

2. All other structures: All other structures permitted in this ~~district shall comply with~~ the area requirements specified in the A-1, Agricultural District or with the requirements specified ~~elsewhere within this~~ Appendix.

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. Single-family dwelling:				
~~With base density~~: **20,000 sq.ft lot:**	50	10	25	25
~~With 50% increase:~~	~~35~~	~~10~~	~~25~~	~~25~~
~~With 100% increase~~: **No minimum lot size:**	15	~~5~~ 0	~~10~~ 0	20

WHY AC?

2. All other structures shall meet the requirements specified in the A-1, Agricultural District or as specified in district regulations.

3.7 Height requirements. Structures, including single-family dwellings and all other structures not specifically exempted in article 7, shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less.

3.8 Public utilities required. All lots shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply for developments within the RS district.

1. *Conceptual plan.* The property shall be developed in substantial conformity with a conceptual plan approved by the Board of Supervisors as part of the approval of the development. The plan shall be submitted with each application for rezoning when a density increase is requested, and 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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'.

ELEVATIONS / RENDERINGS ALSO NEEDED FOR PROPOSED STRUCTURES

e. Designation of areas of common open space, with proposed improvements and landscaping, **if appropriate.**

f. Proposed lot lines, road rights-of-way, and **sidewalks or** pedestrian trails.

g. Topography, at an interval of two (2) feet, with slopes exceeding 25 percent clearly indicated on the plan.

h. Public and private roads and trails, utility and other easements and rights-of-way, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.

i. Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the County).

j. The location of ponds, streams, and natural drainage swales, and 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Protection requirements.

k. 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 abutting tract), abandoned roads, cemeteries, and military earthworks.

l. Location(s) of all proposed amenities as defined in Section 3.3 above.

2. *Open space areas.* When a proposed district includes the creation of open space, the minimum areas specified in Section 3.4 above 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. Open space areas shall also incorporate all lands deducted from the gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas and all slopes over 25 percent), using the actual boundaries of Resource Protection Areas and steep slopes, but the acreage of these areas shall not be included in the minimum acreage requirements for open space areas.

3. *Conceptual plan; standards for review.* The conceptual site plan shall provide for adherence to the following standards, to the extent practicable:

a. The open space areas shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood open space.

b. The open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. ~~When dedicated for public use and~~ Where practical, the open space areas shall be interconnected to provide a network of recreation areas within and adjoining the subdivision.

d. The open space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

e. Except for those areas improved for active recreation, the open space areas shall be ~~landscaped, and landscaping plans provided with the conceptual plan. The use of native species shall predominate on landscaping plans~~ **left in their natural state to the maximum practicable extent. Historic features and structures, when identified on the property, shall be incorporated into the open space areas. If appropriate, and when recommended by the ~~Historical Commission~~, historic structures may be included in improved recreation areas for use by the homeowners,** IF APPROVED BY BOARD

4. *Ownership and maintenance.* ~~Applicants shall~~ provide documents to be recorded prior to final subdivision approval which create a ~~homeowners' association with mandatory membership and~~ authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common open space to the association, and shall provide for maintenance of all common areas and amenities, including street lights, street trees, and pedestrian walkways. When open space is to be dedicated for public use, such dedication shall be provided in its entirety on the record plat of the first section of the subdivision in which it is located.

DRAFT W/APPLICATION?

Section 3. RS, Single-Family Residential District.

3.1 Purpose. The purpose of this district is to provide for variable-density single-family residential development, together with such other uses as may be necessary or are normally compatible with residential surroundings and, at the same time, to preserve open spaces through flexible lot sizing. These districts are located within the designated urban areas of the County where public utilities make such a district feasible.

3.2 Uses. The uses permitted within the RS district, whether by right or as Conditional Uses or Special Exceptions, are as specified below.

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

1. Detached single-family dwellings.

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Military bases and appurtenances and parks operated by the United States Government or agencies of the Commonwealth of Virginia.

4. Public and private forests, wildlife reservations, similar conservation projects.

5. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Servants' quarters.

6. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front yard.

7. Swimming pool and game courts, lighted or unlighted, for use of occupants or their guests.

8. Signs as regulated in article 7, section 3.

9. 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.

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

11. The location of office or construction trailers for a period not to exceed one year.

12. Foster care and adult family care.

c. 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:

1. Airports and landing fields, provided they shall comply with the recommendations of the Federal Aviation Agency.

2. Camps, day or boarding, private or commercial.

3. Cemetery, including a crematorium.

4. Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel, or stone, stripping of top soil (but not including stripping of sod), and other major excavations, other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision, or planned residential development.

5. Heliport or helistop.

6. Hospitals and sanitariums, but not animal hospitals.

7. Institutions, educational or philanthropic, including museums, art galleries and libraries.

8. Private clubs.

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

10. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines.

11. Recreation facility, privately or commercially operated, such as fishing or boating lake, picnic grounds, or dude ranch, and accessory facilities, including sale of food, beverages, bait, supplies and equipment.

12. Swimming or tennis club, private, nonprofit, or commercially operated.

13. Radio or television broadcasting station or tower more than one hundred twenty-five (125) feet in height, provided construction and safety features are approved by the Administrator in accordance with applicable regulations and provided no hazard is created in an Airport Approach Zone.

14. 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.

15. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Pony rings.

   (e) Raising for sale of birds, bees, fish, rabbits and other small animals.

(f) Riding academies, public stables, private stables.

(g) Rifle or pistol ranges, trap or skeet shooting.

(h) Sawmill for cutting timber not grown on the premises.

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

2. Other special use exceptions as follows:

(a) A private garage for more than four (4) automobiles.

(b) Cemetery for pets.

(c) Commercial greenhouses, wholesale or retail.

(d) Convalescent homes, nursing homes, or homes for the aged.

(e) Day nurseries or child or adult day care centers.

(f) Nurseries for growing of plants, trees, and shrubs, including a building for sale of products produced on the premises.

3.3 Density; calculation. The RS district provides for variable density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. Density may be increased through provision of the following improvements:

a) If at least 25% of the net acreage is left in open space (improved or unimproved), and if the following improvements are included in the development, density can be increased to 1 1/2 units/acre:

1) sidewalks, constructed to VDOT standards and provided along any street on which houses front

2) curb and gutter, including roll face curbing, along all streets

3) paved driveways for each house, providing a minimum of two (2) off-street parking spaces/house

4) street lights

5) street trees, planted either within a street median or along each side of a street on which houses front in an easement ten (10) feet wide designated for such plantings, with at least one (1) tree, a minimum of two inches (2") in caliper when planted, for every fifty (50) feet of street length

b) If all five improvements are included and at least 40% of the net acreage is improved and dedicated as public recreation area, located within the project in such a way as to provide public accessibility without adversely impacting the residential community in which it is located, the density may be increased to 2 units/acre.

3.4 Open space. To be eligible for consideration of higher density within the district, a minimum of twenty-five percent (25%) of the net acreage of a district shall be open space. Net acreage shall be the total area of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of slopes greater than twenty-five percent (25%).

3.5 Conceptual plan. The property shall be developed in substantial conformity with the conceptual plan approved by the Board of Supervisors as part of the approval of the development.

3.6 Lot area requirements.

1. Single-family detached dwellings: When a district is developed at the base density, the minimum lot size for single-family detached dwelling units shall be twenty thousand (20,000) square feet. When developed with private open space and specified improvements, the minimum lot size may be reduced to ten thousand (10,000) square feet. There shall be no minimum lot area when the district is developed with specified improvements and public open space, as specified herein.

2. All other structures: All other structures permitted in this district shall comply with the area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this Appendix.

3.7 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. Single-family dwelling:				
With base density:	50	10	25	25
With 50% increase:	35	10	25	25
With 100% increase:	15	5	15	20

2. All other structures shall meet the requirements specified in the A-1, Agricultural District or as specified in district regulations.

3.8 Height requirements. Structures, including single-family dwellings and all other structures not specifically exempted in article 7, shall not

exceed a height of 3 stories or forty-five (45) feet, whichever is less.

3.9 Public utilities required. Regardless of the lot sizes used when developing an RS district, all lots shall be served by public water and sewer systems.

3.10 Development standards and procedures. The following requirements and procedures shall apply for developments within the RS district.

1. *Conceptual Plan.* A plan shall be submitted with each application for rezoning when a density increase is requested. 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common or public open space.

f. Proposed lot lines, road rights-of-way, and pedestrian trails.

g. Topography, at an interval of two (2) feet, with slopes exceeding 25 percent clearly indicated on the plan.

h. Public and private roads and trails, utility and other easements and rights-of-way, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.

i. Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the County).

j. The location of ponds, streams, and natural drainage swales, and 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Protection requirements.

k. 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 abutting tract), abandoned roads, cemeteries, and military earthworks.

2. *Open space areas.* When a proposed district includes the creation of open space, the minimum areas specified in Section 3.4 above 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. Open space areas shall also incorporate all lands deducted from the gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas and all slopes over 25 percent), using the actual boundaries of Resource Protection Areas and steep slopes, but the acreage of these areas shall not be included in the minimum acreage requirements for open space areas.

3. *Conceptual plan; standards for review.* The conceptual site plan shall provide for adherence to the following standards, to the extent practicable:

a. The open space areas shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood open space.

b. The open space areas shall be suitable for active recreational uses without interfering with adjacent dwelling units, parking, driveways, and roads.

c. When dedicated for public use and where practical, the open space areas shall be interconnected to provide a network of recreation areas within and adjoining the subdivision.

d. The open space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

e. Except for those areas improved for active recreation, the open space areas shall be landscaped, and landscaping plans provided with the conceptual plan. The use of native species shall predominate on landscaping plans.

4. *Ownership and maintenance.* Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common open space to the association. When open space is to be dedicated for public use, such dedication shall be provided in its entirety on the record plat of the first section of the subdivision in which it is located.

Community Builders Handbook Series

RESIDENTIAL DEVELOPMENT HANDBOOK

Second Edition

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Members
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Residential Development Councils
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1990

ULI–the Urban Land Institute, Washington, D.C.

private green space all around it—even if it means a longer commute and a smaller lot. Most buyers are willing to squeeze themselves financially for a detached house. This long-term trend just does not seem to reverse itself." Several factors arose during the 1980s, however, that have made this American dream increasingly difficult to obtain. The most significant has been the lack of affordably priced houses in many major urban markets—New York, Los Angeles, Boston, San Francisco, and Washington, D.C., to name a few. Affordability has been affected by rising land costs, increased development fees, shortages of infrastructure, and generally higher financing costs. And the crunch came at a time of strong demand for first houses, as baby boomers moved into their homebuying years.

Despite the overall preference for detached houses, demand has also remained strong for attached housing. For some, a single-family attached house—a townhouse or condominium—is simply a matter of financial compromise. Others prefer attached housing because it is more convenient or secure or closer to employment or urban services than single-family detached development.

Whatever direction individual tastes run, the escalating cost of all types of housing and the desire to create a good living environment will continue to tax the imagination of designers and developers. The following paragraphs discuss the range of specific housing designs available in single-family housing—detached and attached—as well as in multifamily buildings.

Single-Family Detached

Single-family detached housing includes a wide range of densities and configurations. By definition, a single-family detached house is a freestanding structure that occupies its own lot. Conventional subdivisions rigidly prescribe setbacks for front yards, side yards, and rear yards.

In developing single-family detached housing, it is important to ensure that lotting and placement of houses respond to the site's natural features. Rigid adherence to preset specifications for lots can produce a uniform and monotonous pattern of development. A better neighborhood, net savings in site development costs, greater marketability of the product, and a greater benefit to purchasers will result from close attention to the relationships between houses and sites and to the provision of privacy and good orientation for each house.

Single-family detached units are generally arranged in a linear or curvilinear fashion, closely following the street pattern. A strong image and sense of place can be achieved in a neighborhood of detached housing if a consistent relationship between the houses themselves and between the houses and the site's features can be maintained in the site plan.

The identity of each single-family unit can be enhanced by providing some variety in building style and configuration. The front entrance to each house should be visible from the street, and garage doors should be placed or treated so as to minimize their street presence. On linear streets, blocks should be short to minimize long views of housefronts and driveways. Houses should be sited in groups with the same basic setback from and orientation to the street. Within the same neighborhood, these setbacks should reinforce the hierarchy of the street system—deeper on collector streets and shallower on minor residential streets like culs-de-sac. On corner lots, houses should usually be oriented to the lower-hierarchy street.

It might be appropriate to vary the size of lots within a project by as much as 25 percent to accommodate a site's natural features and to provide some variety in site planning and unit design. Price range, the intended character of the development, house design, and local custom are all important factors in determining the size of lots.

The strong demand for conventional single-family housing coupled with reduced affordability has brought major changes to the design of single-family houses. Overall, single-family lots have become smaller and more complicated in their configuration. And with smaller lots, designers need to consider issues related to privacy, usable yard area, entries, and streetscapes during the project's planning and execution. Developers must understand these issues and the potential pitfalls. The decision about which single-family concept to build will be determined after carefully considering the target market, the economics of the project, and the capacity of the land. Some of the single-family detached concepts that were popular in the 1980s are discussed in the following paragraphs.[16]

Conventional Lots

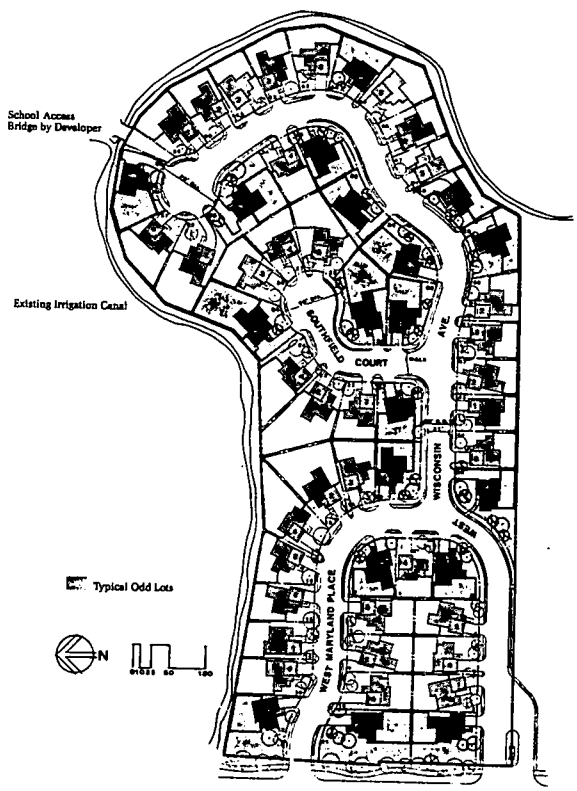
The typical residential lot in a conventional subdivision is square or slightly rectangular and may range from 10,000 to 12,000 square feet. A 12,000-square-

[16] A more detailed description of these and other single-family detached lots can be found in James W. Wentling and Lloyd W. Bookout, eds., *Density by Design* (Washington, D.C.: ULI–the Urban Land Institute, 1988). See also Debra Bassert, "What Shape Is Your Lot In?" *Land Development*, January 1988, pp. 22–23.

4-19 TEN IMPORTANT CONSIDERATIONS IN SUCCESSFULLY DEVELOPING SMALL-LOT, HIGH-DENSITY HOUSING

1. The site must fit the concept. Narrow or "Z" lots do not work well on hillside sites with slopes of more than 3 or 4 percent. Conversely, the concept must fit the site; forced solutions are seldom successful.
2. Small lots are incompatible with scattered-lot or land sales involving multiple builders; the relationship between houses and adjacent lots must be carefully coordinated.
3. Land planning and plotting individual lots must be done concurrently and integrated with the design of unit floor plans. Floor plans must be specifically designed for the chosen lot configuration; seldom can existing single-family or townhouse plans be modified successfully for a zero-lot-line house.
4. Careful planning among architect/planner, civil engineer, and landscape architect is essential.
5. Sight lines into neighboring houses should be avoided. Orientation of second-floor windows should not compromise yard privacy.
6. Requirements for drainage must be carefully studied. Swales can inhibit the usability of narrow side yards.
7. Major rooms must be oriented toward outdoor patio areas to give each unit the appearance of spaciousness and to strengthen the relationship between indoors and outdoors.
8. The streetscape should be varied, with side and front entrances wherever possible. Any fences or walls visible from the street must be designed to enhance the streetscape. Front yards and streetscapes must be fully landscaped.
9. Any unusual approach may work only in selected target markets. Concepts involving use easements may appeal only to sophisticated buyers.
10. Complicated use easements needed for some lot configurations may not be legally feasible in many jurisdictions.

Source: Walter J. Richardson, "Designing High-Density Single-Family Housing: Variations on the Zero-Lot-Line Theme," *Urban Land*, February 1988, pp. 15–20.



4-20 Typical odd lots and houses. *Source:* Site plan for Palomino Hill, Kephart Architects, Denver, Colorado.

ing specific floor plans to specific lots in particular must be considered. The alternate-width approach is versatile, however, and can be applied successfully in markets where other nontraditional lotting programs might fail.

Single-Family Attached

No question exists in the definition of single-family detached housing: a house that stands apart from others on its own lot with three or four yard areas that is intended for occupancy by a single family.[19] Other residential product types are less easily defined, however. Single-family attached housing and multifamily housing have been classified in various ways: by the number of dwelling units per building, by the scale of

[19] The definition of family varies among zoning ordinances, but typically the definition refers to one or more persons related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit. In some instances, two unrelated persons performing the same functions may qualify as a family, but in cases of larger groups, the U.S. Supreme Court has determined that the designation of "family" should not be applied [see *Village of Belle Terre* v. *Boraas*, 416 U.S. 1, 94 S.Ct. 1536, 39 L.Ed. 2d 797 (1974)]. Since that decision, however, several state courts have ruled that certain group homes for mentally retarded persons do function as a family and should be considered a family for purposes of zoning.

the building (such as the number of stories), by some generic name (such as townhouse, garden apartment, or patio house), or by relating structures to one another (such as detached, attached, or row).

The use of generic names alone can cause confusion because terminology varies among regions. For example, a townhouse in some areas refers to a specific, identifiable design. In others, it is used to describe an individual dwelling unit within another entity, for example, a two-story unit within a midrise structure. In still other instances, it is used to distinguish for-sale housing from other units intended as rentals. This variation in terminology is perpetuated by marketing professionals, who often use such terms liberally to suggest more positive images about the product being marketed.

Generally, a single-family attached house is one where only one family is intended to reside within the building structure. Buildings (or individual houses) are attached to one or more other buildings (or houses), such as in the case of townhouses, which is still the most prevalent form of single-family attached housing.

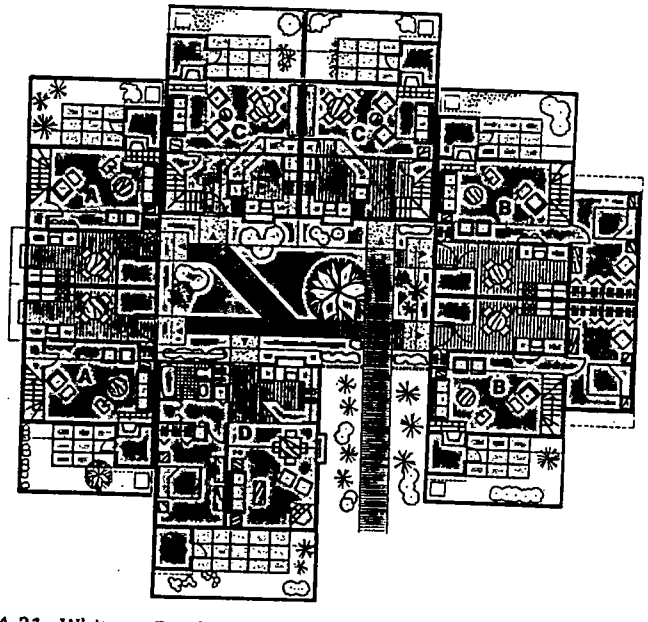
Townhouses

Townhouses, once known as row houses, are single-family attached units with common (or "party") walls. Narrow lots are the rule in townhouse developments; widths generally range from 22 to 32 feet. Each unit has its own front door opening to the outdoors (usually to the street), and typically each house is a complete entity with its own utility connections. Although townhouses have no side yards, they can have front and rear yards. In most instances, the land on which the townhouse is built—and any front and rear yard—is owned in fee by the resident; however, townhouses can also be structured as condominiums. For decades, townhouses have proven to be popular housing options for urban dwellers.

More recently, townhouses have been adapted to suburban sites, because they usually are more affordable than detached houses. Townhouses have remained the most popular type of housing between single-family detached houses and various forms of multifamily dwellings. They may be offered for sale or rental, and how the unit is financed or owned (whether rental, straight sale, cooperative, or condominium) has nothing to do with its being called a "townhouse." Townhouses offer several advantages over single-family detached houses: lower costs for construction and land development, conservation of the land by using less land for a given number of houses and preserving open space, lower long-term maintenance costs, energy efficiency, and increased security for both the house and the neighborhood.

Townhouses are characteristically built as individual units in a series of five to 10 houses laid out in a linear configuration. Only the end units have side yards. A unit may have one, two, three, or more stories, depending upon siting, room arrangement, internal stairways, whether a basement is included or slab construction is used, and whether a built-in garage is part of the unit. Like all housing forms, townhouses must be designed to fit a particular piece of land, its location, and the price range of the market. While rigid linear configurations work well in very urban settings, they can seem out of character for most suburban sites—especially sites with rolling topography. To reestablish the townhouse in a nongrid subdivision, the building form and site plan must be reconsidered.

Two of the most popular suburban adaptations of townhouses are the cluster and mews configurations. In a cluster, the units are arranged around a central courtyard that provides access to each townhouse. The clusters usually contain four to 10 units, which can then be sited to create minimal disturbance to natural landforms and sensitive site features. In a mews configuration, rows of townhouses are organized in pairs and are placed either facing each other or back to back. Front-to-front arrangements create a linear, landscaped courtyard that provides access to each unit's front door; back-to-back arrangements



4-21 Whitman Pond in Weymouth, Massachusetts, includes 11 seven-unit clusters of townhouses like the one pictured above. Modular and prefabricated sections were used to maintain affordable prices, while the small clusters allowed the architect to work around rock outcroppings and mature trees.

allow for a shared driveway between the buildings to garages or carports.

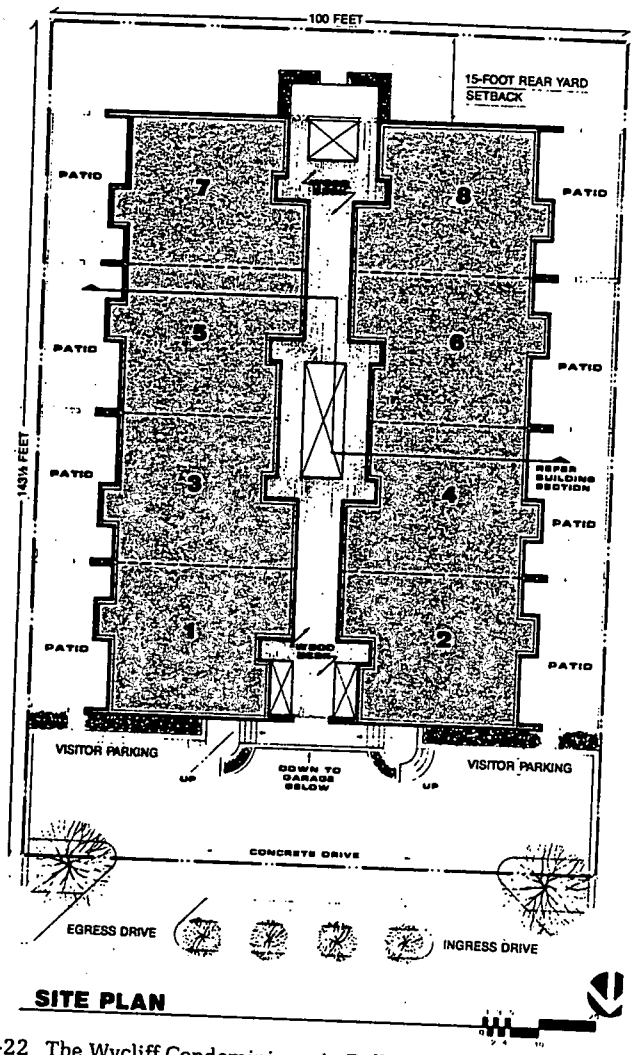
Besides varying the layout of the units, designers and developers have begun to mix townhouses with other unit types in recent years. This mix of product types can effectively diversify the market range (by increasing unit sizes and price range) and provide for more varied architecture and design. For example, a row of townhouses can be anchored on each end by stacked flats; the flats help to increase the overall density and provide exposure to open space for four units at the ends of the building instead of the standard two units. Another widely used technique is to place a single-level flat either below or above a more conventional two-level townhouse or a two-level townhouse over another two-level townhouse. Stacking units in this fashion can be particularly effective on sloping sites where the natural grade permits both upper and lower units to have a walk-out patio at grade.

Privacy is a paramount consideration of design in all townhouse developments. Visual and auditory privacy can be enhanced through proper site design. Distances between buildings and the physical relation of one unit to another should be studied carefully.

The proper location of entrances, bedroom windows, patios, and decks is particularly important for visual privacy. Townhouse units can be staggered to solve the problem of second-floor views into adjoining ground-level patios. Privacy screens and heavy landscaping can also be used, but it is important for reasons of security that entrance doors be visible from other units and if possible from the street.

For acoustical privacy, party walls must be adequately soundproofed. In the construction of townhouses, the only completely soundproof party wall is made up of two separately constructed walls with at least two inches of air space between the walls, drywall on both sides of each wall, and insulation in each wall. This separation must begin at the footing at separate mud sills and continue all the way to the roof sheeting. No penetrations are allowed through the interior drywall barriers. Without such a separation, sound will be transmitted. The density, stiffness, and thickness of material used in party walls determine their efficiency. Nothing kills referral business faster than noisy townhouses.

The overall density that can be achieved with a suburban townhouse project varies with natural site conditions, with the size of the units and building clusters, and with the requirements for parking. Generally, eight to 12 units per acre is normal, but densities can be as high as 20 units per acre when building clusters are closely spaced, as in some townhouse mews projects. Providing attached garages for each unit is a particular design challenge, especially when achieving a high density is a concurrent objective.



4-22 The Wycliff Condominiums in Dallas, Texas, are arranged in the typical mews design. Units front each other and onto the linear central courtyard. Each unit has direct access to the underground parking garage.

Patio Houses

The patio house is derived from the atrium house, which was tremendously popular in California during the 1950s. Atrium houses are characterized by an open court within the interior of the lot around which rooms are located and oriented. Although internally focused, atrium houses were most often placed on conventional lots with conventional side yards; thus, they were single-family detached designs.[20]

[20] For a historical overview of atrium houses, see Jack B.W. Ken, "From Bungalows to Atrium Homes," in Wentling and Bookout, eds., *Density by Design*, pp. 26–29.



4-23 The Patio Homes of New Seabury on Massachusetts's Cape Cod feature attached units with a strong relationship to the outdoors. Instead of being internally oriented to an interior atrium, these houses are oriented to the outside, with patios and decks to view the adjacent golf course and wooded open space.

A patio house usually retains a central atrium but uses the entire area of the lot by building up to at least two, and sometimes three, of the property lines. The customary side yards (and sometimes rear yard) are consolidated into one or more garden courts, either partially or completely bordered by rooms or walls. The outdoor and indoor areas become one secluded space for living, with no openings on two or more exterior side walls. This inward-directed house provides privacy yet allows increased density.

Patio lots are usually square and range from about 2,000 to 3,500 square feet, providing for a density of up to seven units per acre. Usually the houses are single level and are built without basements. Each patio house is attached to one or more other houses, yet privacy—from the street and from neighboring houses—is well protected.

The patio house has been used throughout the country but has been frequently modified to meet regional housing preferences. Today, the term "patio house" is often used to describe any housing type characterized by a strong orientation to the outdoors—even houses that are clearly detached.

Multifamily

The third primary type of housing design is generally known as "multifamily." Based purely on design, a multifamily unit is one contained within a single building that clearly houses several units. In most instances, units in a multifamily building are stacked atop each other and therefore are physically attached to three or more other units. Mid- and high-rise buildings are distinguished as multifamily buildings; garden apartments and other forms of mid-density housing (10 to 20 units per acre) also generally fall into the category "multifamily."

The term "multifamily" is particularly confusing, because to many residential developers it is used to refer generally to all forms of rental housing. While most rental units are in fact contained in multifamily buildings, the ownership of the units is not necessarily related to the size or design of the buildings. During the 1980s, a myriad of multifamily building types emerged specifically to house for-sale units. Again, residential developers should be aware of the dual meaning the term "multifamily" can imply.

Multifamily buildings can be categorized into three basic types based on the size and height of the buildings: garden density (sometimes called garden apartments), midrise, and high rise.

Garden Density

Garden density multifamily housing has come to encompass numerous housing types over the past two decades. The historical precedent for this form of housing was the garden apartment, which was built widely in suburban areas during the postwar housing boom. Still built today, typical garden apartment buildings are two or three stories, do not contain an elevator, and have 10 or more units within a single building. Buildings are placed around a site to allow generous areas for landscaping and surface parking lots, yet they still achieve densities of 10 to 20 units per acre.

Garden apartments are still a viable housing option for many developers. The design appeals to several markets—singles, young couples, empty nesters, and the elderly. Increasingly, they also appeal to families who may not be able to afford to purchase or rent a single-family house in an area with high housing costs. Council member David Lewis believes that rental communities for working families represent a major untapped market opportunity for the 1990s: "The number of middle- and upper-income renter families is large and growing—significantly outnumbering single renters at the same income level. These families have special needs, and rental communities designed to meet those needs are virtually nonexistent."

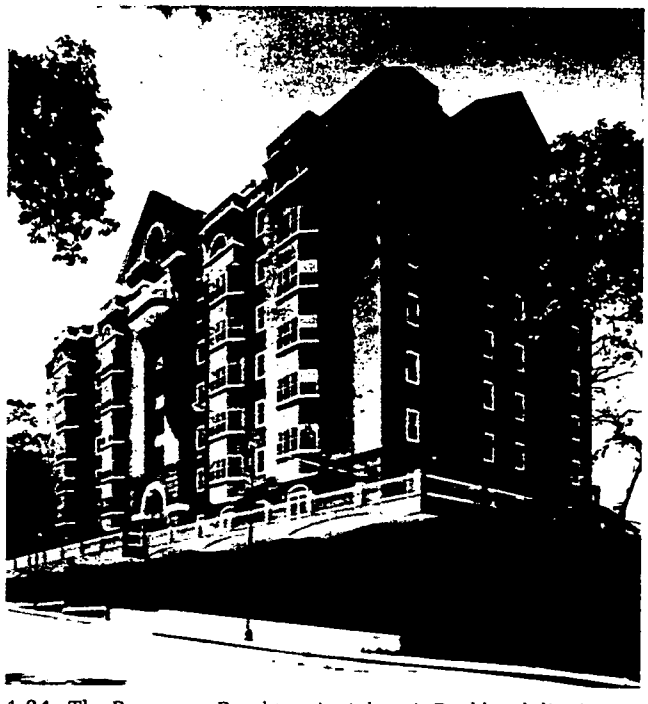
Garden apartments have evolved over the years to more closely resemble for-sale housing. Many projects have been built with carports instead of open parking spaces, for example, and some developers have begun to experiment with individual garages for tenants. Greater emphasis is being placed on amenities like swimming pools, exercise rooms, and spas. And more money is being spent initially to install lush landscaping and to provide higher-quality finishes. These changes have come about in part because of increased competition between apartment developers—but also because a growing number of apartment dwellers can afford to pay considerable rent but cannot afford to purchase a house. Such tenants want many of the same design features that historically have been associated primarily with for-sale housing.

Because of the increasing lack of affordable housing and the change in contemporary lifestyles, garden apartments have been adapted to numerous for-sale housing options, and, almost always, these units are sold as condominiums. While the density and overall site planning are similar to garden apartments, most condominium versions feature a higher level of amenities, finishes, and architectural character.

Mid- and High-Rise Buildings

A midrise multifamily building is generally from four to eight stories. In some markets with a tradition of living in high rises (New York City, for example), buildings up to 12 stories may still be considered midrise, although as a rule of thumb, any building over eight floors can be classified as a high rise. Mid- and high-rise buildings are now always equipped with elevators; the number of elevators is a function of the building's height, the level of sales or rent the developer has targeted, and local building codes. Luxury buildings are often equipped with more than the minimum number of elevators.

While garden density units are typically of wood frame or brick construction, taller buildings are required to meet higher building and fire protection standards. As a rule, buildings over six floors are constructed of steel frame or reinforced concrete, and buildings over three floors are typically required by state and local building codes to install a sprinkler system throughout the building. Because of the cost

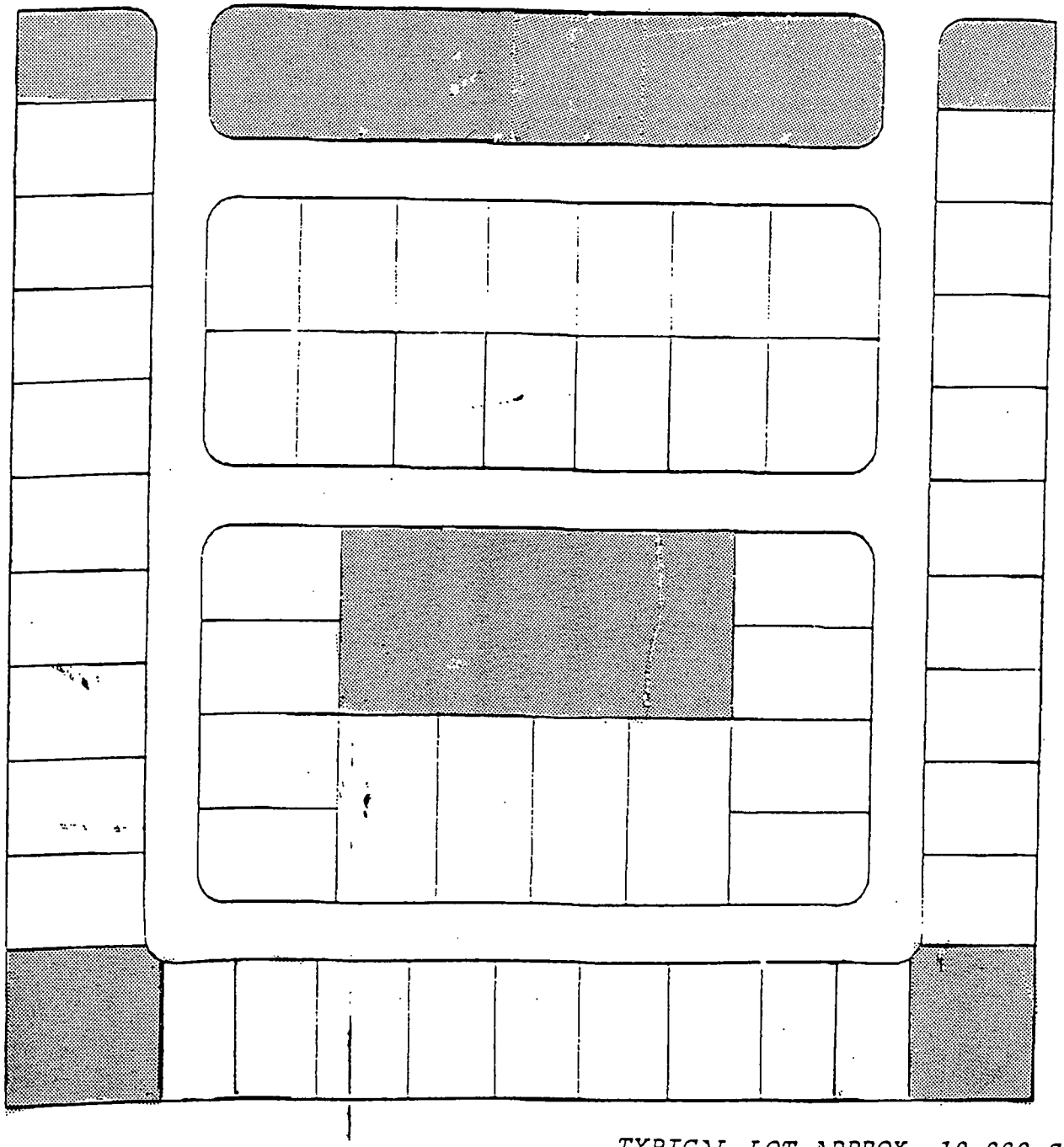


4-24 The Barony on Peachtree in Atlanta's Buckhead district depicts two of the trends occurring in midrise residential development—an articulated roofline and parking located below a pedestrian platform.

SUBDIVISION ILLUSTRATIVE

ZONED RS

Main Street



40 Lots
2.00 UNITS PER ACRE
20 Gross Acres
0% STEEP SLOPES
0% WETLANDS
15% OPEN SPACE (APPROX. 3.00 ACRES)
STREET TREES AND PEDESTRIAL PATHS REQUIRED

TYPICAL LOT APPROX. 10,000 SQ FT

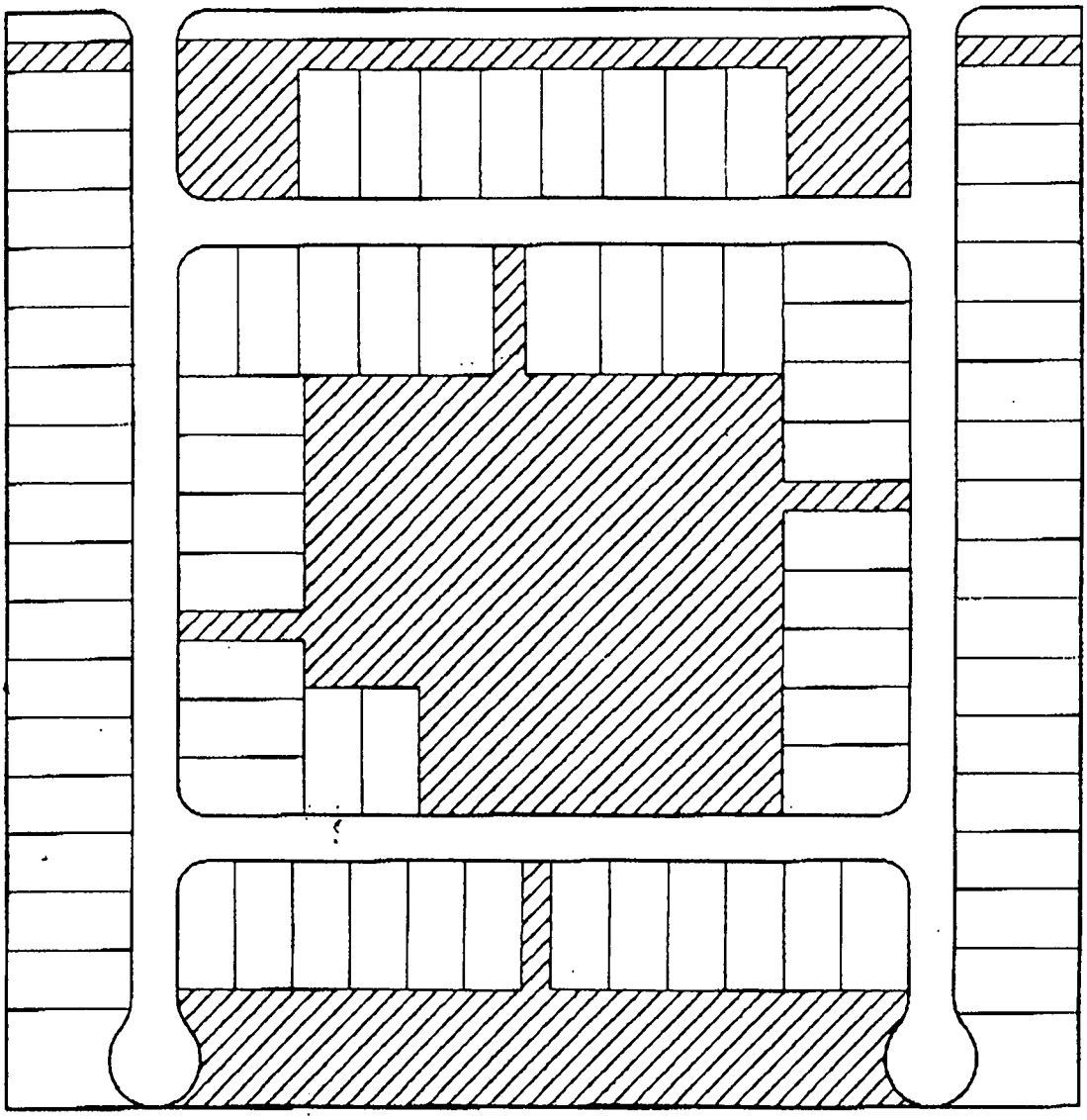
REQUIRED SETBACKS:

FRONT	15 FT
SIDE	0
REAR	0

HYPOTHETICAL PARCEL

ZONED RS

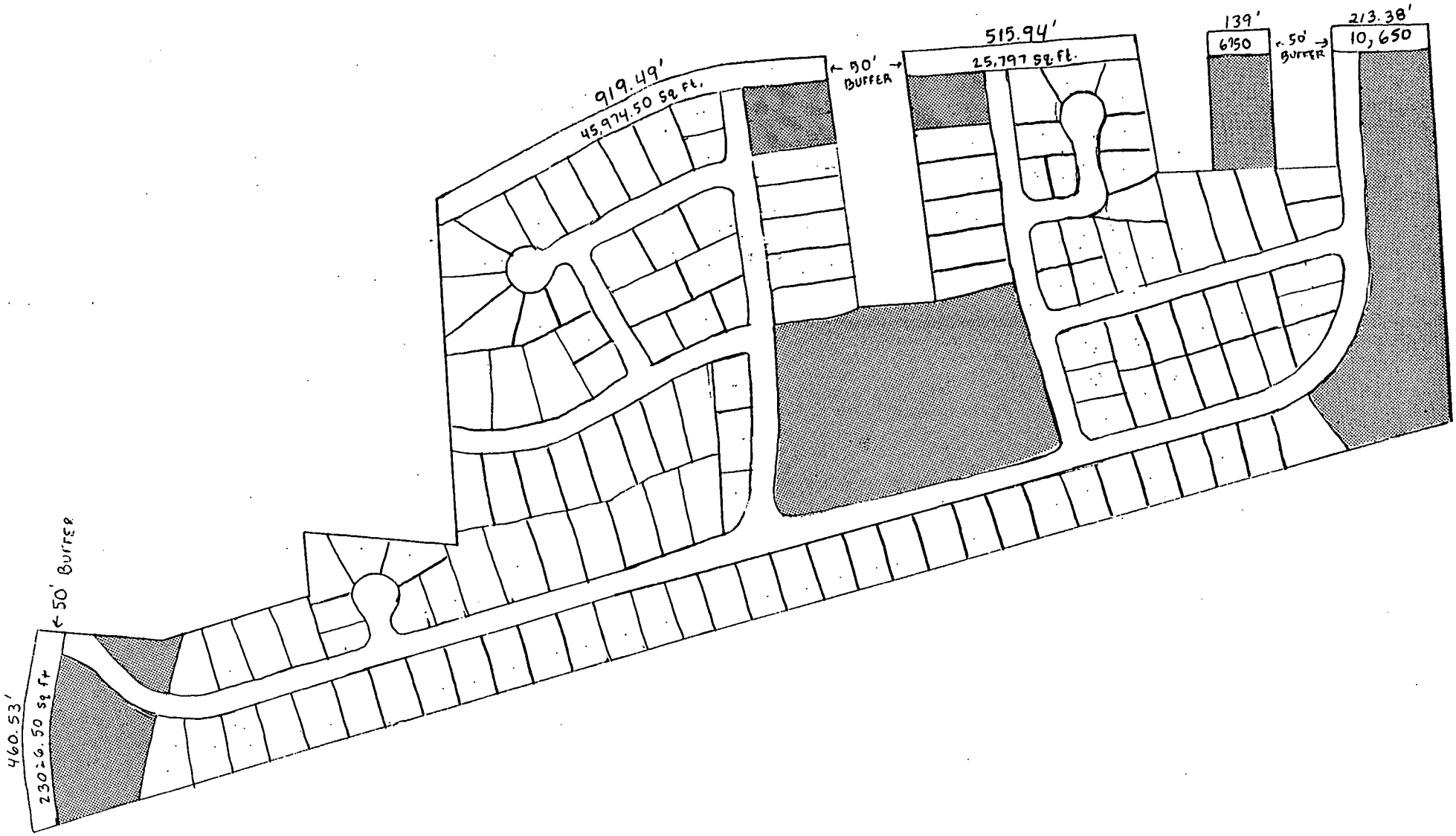
MAIN STREET



80 LOTS
20 GROSS ACRES
30% OPEN SPACE
50' BUFFER ALONG MAIN ROAD
40' R.O.W.'S (2.98 AC)
10 % LOTS FRONT OPEN SPACE FOR SINGLE LOADED STREET REQ.
0% WETLANDS
0% STEEEP SLOPES
TYPICAL LOT SIZE=110'X50'(5500SF)
4.00 UNITS PER ACRE

SETBACKS:
FRONT=15'
REAR=20'
SIDE=0'

STRUCTURE ENVELOPE:
WIDTH=40'
DEPTH=75'

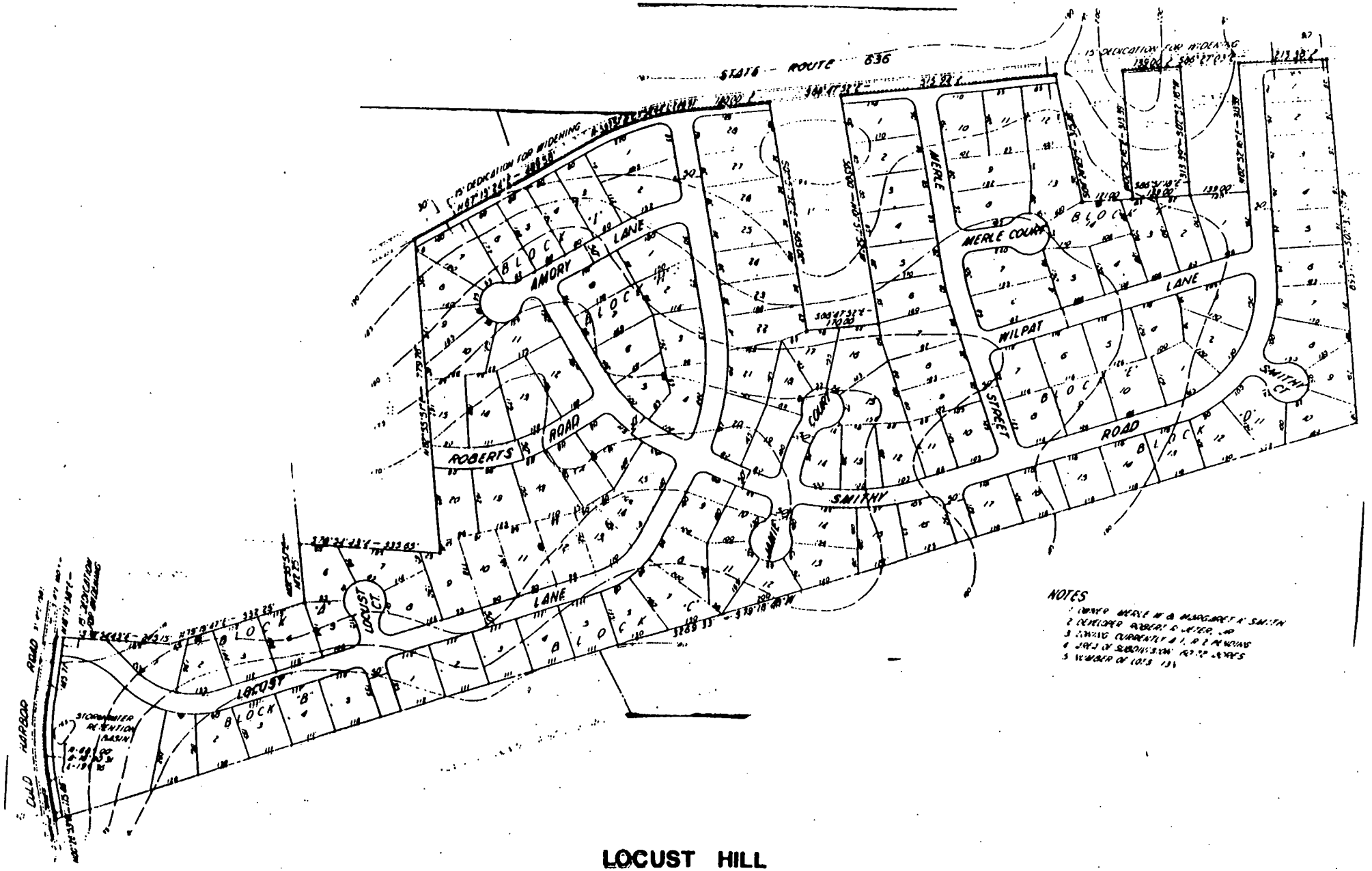


AREA SUBDIVISION: 60.72 acres

133 lots

13.59 AC = 20%

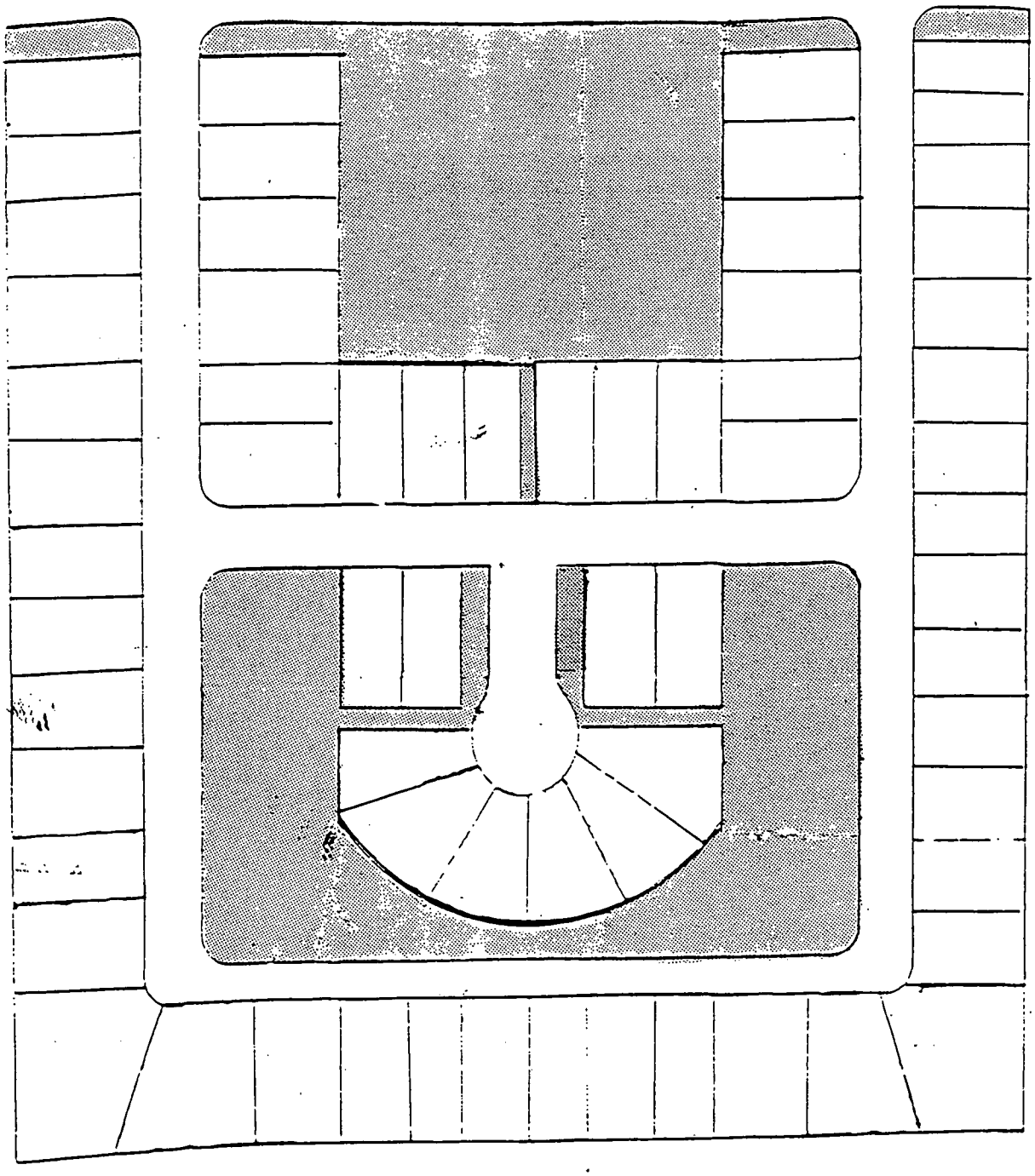
1" = 30'


STATE - ROUTE 636
AMORY LANE
ROBERTS ROAD
LOCUST
LOCUST CT.
LANE
MERLE
MERLE COURT
WILPAT
STREET
COURT
SMITHY
SMITHY CT.
ROAD
OLD HARBOR ROAD
STORMWATER RETENTION BASIN
NOTES

LOCUST HILL

SUBDIVISION ILLUSTRATIVE

ZONED RS



66 Lots
3.3 UNITS PER ACRE
20 Gross Acres
0% STEEP SLOPES
0% WETLANDS
25% OPEN SPACE (APPROX. 5 ACRES)

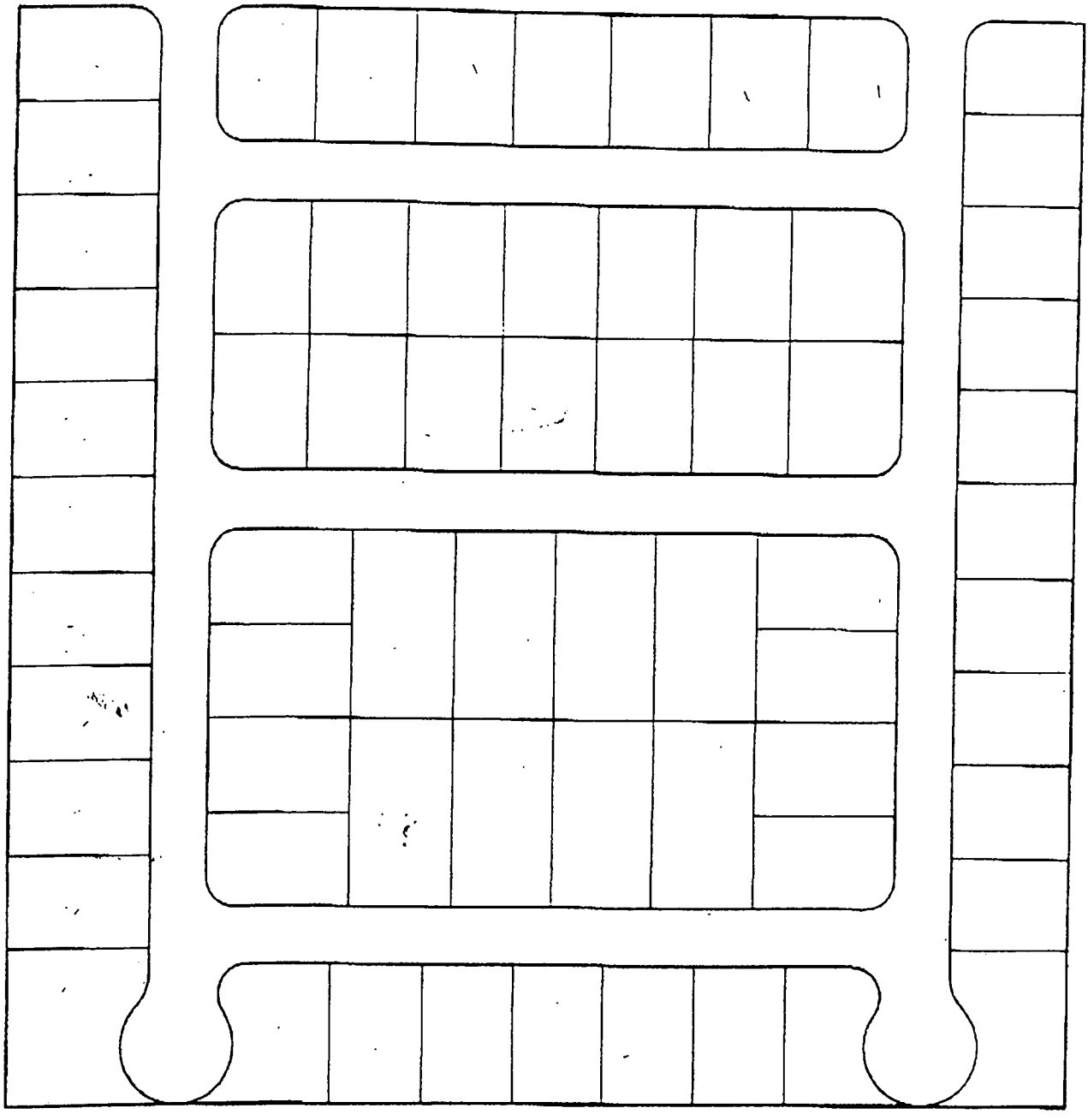
ADDITIONAL AMENITIES REQUIRED
SMALLEST LOT APPROX. 6,000 SQ FT
LARGEST LOT APPROX. 17,000 SQ. FT.

REQUIRED SETBACKS:

FRONT	15 FT
SIDE	0
REAR	0

HYPOTHETICAL PARCEL
ZONED R-3

MAIN STREET



66 LOTS
20 GROSS ACRES
0% OPEN SPACE
50' R.O.W.'S (4.40 AC)
0% WETLANDS
0% STEEEP SLOPES
TYPICAL LOT SIZE=80'x125'(10,000 SF)
3.33 UNITS PER ACRE

SETBACKS:
FRONT=30'
REAR=25'
SIDE=10'
SIDE AGG.=25'

STRUCTURE ENVELOPE:
WIDTH=40'
DEPTH=75'

COMPARISON OF RESIDENTIAL ZONING DISTRICTS – EXISTING VS. RS

Feature	R-1 District	R-2 District	R-3 District	RS District
Minimum lot size	18,000 square feet	13,000 square feet	8,000 square feet	**No minimum**
Min. average lot size	20,000 square feet	15,000 square feet	10,000 square feet	**No minimum**
Density[1]	1.9 units/acre	2.5 units/acre	3.6 units/acre[2]	**1 – 4 units/acre**
Yard requirements	Front: 45 Side: 10 (25 aggregate) Rear: 25	Front: 35 Side: 10 (25 aggregate) Rear: 25	Front: 30 Side: 10 (25 aggregate) Rear: 25	**For up to 1 ¼ units/acre:** **Front: 50** **Side: 10 (25 aggregate)** **Rear: 25** **For more than 1 ¼ units/acre:** **Front: 15** **Side, Rear: 0**
Residential uses	Single-family detached	Same	Same	**Single-family, both attached and detached; up to 4 units per building**
Chesapeake Bay areas and wetlands protected?	No; may be included in lot area and conveyed	Same	Same	**Yes (w/more than 1 ¼ units/acre); must be included in open space**
Steep slopes (35% or greater) protected?	No; may be developed	Same	Same	**Yes (w/more than 1 ¼ units/acre); must be included in open space**
Open space	**None required**	**Same**	**Same**	**Up to 1 ¼ units/ac: 0** **Up to 2 units/ac: 15%** **Up to 3 units/ac: 20%** **Up to 4 units/ac: 25%**
Buffers	None required	Same	Same	**Minimum 50 feet along public roads**
Sidewalks/pathways	None required	Same	Same	**Required in buffer; optional in open space, 2 units/ac or more**
Entrance lights	None required	Same	Same	**Required at all entrances, 3 units/ac or more**
Street trees	None required	Same	Same	**Required along internal roads, 2 units/ac or more**
Single-loaded streets	None required	Same	Same	**Required for at least 10% of internal roads, up to 4 units/ac**
Curb and gutter	None required; sometimes requested	Same	Same	**Required for all projects with lots less than 80 feet wide**
Conceptual plan	None required; most often requested	Same	Required (site plan)	**Required**

Notes:

[1] Calculated as acreage x .85 (representing an average of 15% of a site for roads), divided by the minimum average lot size for each district

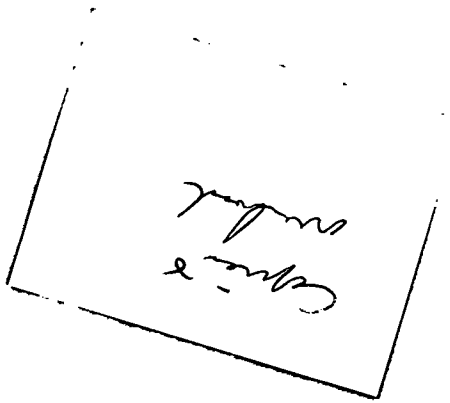
[2] With the available density bonuses in the R-3 district, this figure can increase by 25%, up to a density of 4.5 units/acre, at the discretion of the Planning Commission

About ULI–the Urban Land Institute

ULI–the Urban Land Institute is an independent, nonprofit research and educational organization incorporated in 1936 to improve the quality and standards of land use and development.

The Institute is committed to conducting practical research in the various fields of real estate knowledge: identifying and interpreting land use trends in relation to the changing economic, social, and civic needs of the people; and disseminating pertinent information leading to the orderly and more efficient use and development of land.

ULI receives its financial support from membership dues, sale of publications, and contributions for research and panel services.



CALCULATION FOR RS DISTRICT APPLICATION

Assume **100 acre** parcel with **10 acres of Chesapeake Bay Resource Protection Area(s) and/or steep slopes (35% or greater)**

100 acres x (requested density) = number of permitted units (1 to 4 per acre)

Developable area (net acreage): **100 acres – 10 acres (RPAs) = 90 acres**

Average area for roads: 12 – 15%

90 acres – (15%) = **76.5 net acres for development (13.5 acres open space)**

Assuming 2 units/acre (average Suburban Service Area density), average lot size would be **16,600 square feet** (R-2 lot size)

Assuming 3 units/acre, avg lot size would be **10,400 square feet w/18 acres open space**

Assuming 4 units/acre, avg lot size would be **7,300 square feet w/22.5 acres open space**

STAFF RECOMMENDED REVISION

Deduct 50% of area of RPAs from gross acreage before calculation for units

Example: 100 acres w/10 acres of RPAs

100 acres –(50% of RPAs) = 95 acres
95 acres x (density) = permitted units

Assuming 2 units/acre, 190 units permitted (instead of 200)
Assuming 3 units/acre, 285 units (instead of 300)
Assuming 4 units/acre, 380 units (instead of 400)

Resolution approved.

Combined Public Hearing

Comprehensive Plan Amendment - CPA 99-05

Ordinance Amendment - Ordinance 99-04, RS District

The Director of Planning presented for a combined public hearing the following requests:

> **Comprehensive Plan Amendment - CPA 99-05 - Single Family Residential Development Criteria** - an amendment to "Vision 2017," the Hanover County Comprehensive Plan, adopted September 28, 1998, to provide criteria for the consideration and application of the RS, Single-Family Residential District, within the Suburban Service Area.
>
> **Ordinance Amendment - Ordinance 99-04, RS District** - an ordinance to amend the Hanover County Code, Appendix, Zoning Ordinance, to repeal the R-1, R-2, and R-3, Single Family Residential Districts, to adopt the RS, Single Family Residential District, a district to require the provision of open spaces within certain residential developments and to allow both detached and attached residential units with a density no greater than four units per acre; and to amend the Hanover County Subdivision Ordinance to require the installation of curb and gutter, sidewalks, landscaping, and buffers in certain subdivisions.

A copy of the Staff Report is filed with the Board's papers. (Planning Exhibit No. 1)

Mr. Crescenzo explained that the ordinance provides opportunities for increases in density based on the following provisions and conformity with the Comprehensive Land Use Plan designation:

- open space and thoroughfare buffers
- pedestrian walkways and access
- compatibility with existing neighborhoods adjoining or near proposed development
- street lights, street trees and single loaded streets

The Director of Planning stated that the RS District would replace the R-1, R-2., and R-3 Districts, provide a range of density from 1-4 units/acre making application appropriate throughout the Suburban Service Area, provides for virtual elimination of conventional subdivision development in the Suburban Service Area, allows for a range of housing types (detached, duplex, triplex, quadraplex) not currently available in this County outside of the high density designations on the Comprehensive Plan Map, and there was no minimum acreage for application of this District. Mr. Crescenzo pointed out that higher densities could only be considered when accompanied by a plan that included open space, pedestrian ways, buffers and/or the other amenities identified in this District, the density cannot exceed four (4) units per acre, at maximum density no less than 25 percent of the net acreage must remain open space, and the Planning Commission and the Board are provided discretion in recommending and granting increases based on the standards established in the proposed Comprehensive Plan Amendment Text.

Mr. Crescenzo advised that the Comprehensive Plan Text Amendment which accompanied the Ordinance was recommended for approval, and provided the context for the Commission and Board consideration of the application of this District. It also provided the necessary language for limiting the density of an application in accordance with the existing development that surround the site. The Director of Planning stated that this was the way the RS District was incorporated into the Suburban Service Area without adverse impacts on the established neighborhoods.

Mr. Crescenzo stated that based on the recommendation of the Planning Commission, the Staff was continuing to recommend adoption of both the RS Ordinance and the Comprehensive Plan Text Amendment before the Board. Board Members had been provided with a Planning Commission recommended Text Amendment and the Staff's recommended Text, and the Director of Planning stated that both were before the Board. The only difference between the two was the density calculation that the Staff had recommended after review of this Ordinance subsequent to the Planning Commission's consideration.

The Chairman asked if there was anyone present who wished to speak to Ordinance No. 99-04 or CPA-99-05.

Mr. Thomas Vicroy, a resident of the Chickahominy Magisterial District, stated that broadly he thought it was a good plan. He questioned Page 8, under 3.6, yard requirements, Item 1, dwelling units, higher densities, front yards - 15 feet, side yards - 0, side yard aggregate - 0, rear yard - 0. He thought the words needed to be revised as it was not workable.

Mr. David Foree, a resident of the Henry Magisterial District and a member of the subcommittee that worked with and for the Planning Commission, spoke in support of CPA-99-05 and Ordinance No. 99-04.

Mr. Steve Lampmann, representing D. O. Allen Homes, spoke in favor of the RS District as well as the Comprehensive Plan Amendment as outlined in his letter and attachments provided to the Board. (Planning Exhibit No. 2)

Ms. Catherine Patterson, speaking for the Hanover Citizens for Quality of Life and a resident of Henry Magisterial District, urged the Board to not take action on this Ordinance at this time since it did not control growth and she thought it had a major potential for increasing growth in the County as a whole.

Mrs. B. J. Ostergren, a resident of the Ashland Magisterial District, expressed concern that if the Board adopted the RS District then accessory apartments could be anywhere in the County.

Mr. Todd Rogers, a resident of the Henry Magisterial District and a member of the subcommittee representing the Hanover Association of Businesses, spoke in support of the Planning Commission recommendation to look back at this Ordinance in 12 to 18 months to see the practical use of it and to see how it is being used. Mr. Rogers expressed concern about the slight change in density recently which he did not believe the Planning Commission had reviewed He stated that he did not think his group would support 50 percent of the Chesapeake Bay areas being excluded from the density calculations as the current Ordinance was written as recommended by the Staff.

Mr. John Combs, a resident of the Henry Magisterial District and a member of the Accessible Housing Committee representing them in their recommendation to adopt this Ordinance, spoke in support of the Planning Commission version, because it stood the test of the process and the public review input.

Ms. Joan Branch, a resident of the South Anna Magisterial District, urged the Board to deny as is.

Mr. Cameron Wood, Executive Director for the Hanover Association of Businesses, spoke in support of the Ordinance as presented by the Planning Commission and the Committee.

Mr. Bob Branner, President of the Patrick Henry Concerned Citizens Association, stated that their Executive Committee did not reach a consensus on this, but he expressed concern about the RS District.

Since no one else came forward, the Chairman closed the public hearing.

The Director of Planning and the County Attorney responded to comments made during the public hearing. Mr. Wade generally discussed the proposed Ordinance with Mr. Crescenzo.

Mr. Giles moved that the Board approve the Staff version of Ordinance No. 99-04 and CPA 99-05 and this Board get a review of this Ordinance in twelve (12) months as a requirement and that in the meantime continue to work on it.

Mr. Gordon seconded the motion and suggested a friendly amendment that the Board ask the Planning Commission to review this Ordinance in three (3) months.

Mr. Giles accepted and Mr. Gordon accepted the friendly amendment.

The County Attorney stated that he understood that direction not to mandate that the Planning Commission do it in any particular process but to allow the Planning Commission to use whatever process it deems necessary and appropriate to hear the concerns of the people, maybe in a workshop format as opposed to a public hearing, which it would then compile and bring back to the Board.

Mr. McGhee asked the County Attorney if it would be acceptable to change the wording of the Staff recommendation from using the 50 percent standard to 0 percent use of Chesapeake Bay areas for density calculations. Mr. Rives stated that if that were a motion to amend he thought that goal could be accomplished by amending the language on Page 5 currently providing "density calculations shall be based on the gross acreage for the district, provided that no more than 50 percent of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included". The County Attorney stated that if the words "more than 50 percent of the..." were deleted then the last clause would read "provided that no acreage determined to be in the Chesapeake Bay Resource Protection Area may be included". Mr. McGhee offered this as an amendment to the motion.

Mr. Giles stated that he did not accept the amendment, because the current language already allowed that.

Mr. McGhee stated that he hoped the Board could and would ask for more open space where appropriate.

The Chairman then called for the vote on the original motion, as amended.

ORDINANCE 99-04

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 Districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3.a. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended by the addition of the following definitions:

...

Communications tower: A tower of any type which supports or is intended to support communications (broadcast and/or receiving) equipment and accessory equipment utilized by commercial, governmental or other public and quasi-public users, not to include home use of radio and television antennas and support structures, satellite dishes, or antennas and support structures, satellite dishes, or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission.

...

Dwelling, detached: A building designed for or occupied by one family, with no walls in common with another dwelling unit.

Dwelling, attached: A building designed for or occupied exclusively by two (2) or more families living independently of each other, with each unit being separated by a vertical party wall and having a separate exterior entrance.

Dwelling, multiple family: A building designed for or occupied exclusively by two (2) or more families living independently of each other with units separated horizontally, or with five (5) or more units in one building.

Dwelling unit: A room or group of rooms occupied or designed to be occupied as separate living quarters.

...

Party wall: A separating barrier common to two (2) or more adjacent dwellings consisting of a common wall designed, used, or adapted for joint service. Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

3.b. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended by the deletion of the following definition:

Townhouse: A single family dwelling forming one of a group or series of three (3) or more units in a structure separated from one another by solid common walls.

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. The purpose of this District is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These Districts are located within the designated suburban areas of the County where public utilities make such a District feasible.

3.2 Criteria for review. Development proposals for this District shall not be approved by the Board of Supervisors, for either the base density or higher densities described below, unless the Board finds that the development and density are consistent with the public necessity, convenience, general welfare, and good zoning practice, with the purposes of zoning ordinances set out in Title 15.2 of the Virginia Code, and with the Hanover County Comprehensive Plan; and that the development proposal and amenities are appropriate for the intended density.

3.3 Uses. The uses permitted within the RS District, whether by right or as Conditional Uses or Special Exceptions, are as specified below.

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

1. Dwellings, both detached and attached. No more than four (4) separate dwelling units may be incorporated into any residential structure. In the case of attached units, each unit shall be separated by vertical party walls and each unit shall have a separate exterior entrance.

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Public and private forests, wildlife reservations, and similar conservation projects.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front or side yard.

6. Swimming pool and game courts, lighted or unlighted, and community buildings or clubhouses, for use of residents or their guests.

7. Signs as regulated in article 7, section 3.

8. 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.

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

10. The location of office or construction trailers for a period not to exceed one year.

11. Foster care and adult family care.

c. 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:

1. Camps, day or boarding, private or commercial.

2. Institutions, educational or philanthropic, including museums, art galleries and libraries.

3. Private clubs.

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

5. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, transmission lines, and communications towers.

6. Swimming or tennis club or other recreational facility, private, nonprofit, or commercially operated.

7. 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.

8. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

9. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Convalescent homes, nursing homes, or homes for the aged.

   (c) Day nurseries or child or adult day care centers.

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

3. Any structure exceeding the maximum height limit, except those structures specified in Article 7, Section 4.2, of the Zoning Ordinance.

3.4 Density; calculation. The RS District provides for a range of density, to permit flexibility for planning the most appropriate development for a property. The base density shall

be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. Density calculations shall be based on the gross acreage for the District, provided that no more than fifty percent (50%) of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included. To be eligible for consideration of density higher than one and one-quarter (1¼) units per acre within the District, a minimum of fifteen percent (15%) of the net acreage shall be provided as common space (improved with amenities accessory to residential uses or landscaped) and/or open space (unimproved natural areas or buffers). 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 percent (35%) or greater.

a) For densities greater than one (1) unit per acre, but less than or equal to one and one-quarter (1¼) units per acre: if curb and gutter are provided throughout the District, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of one and one-quarter (1¼) units/acre.

b) For densities greater than one and one-quarter (1¼) unit per acre, but less than or equal to two (2) units per acre: If at least 15% of the net acreage is left in open and/or common space, and if the following improvements are included in the District, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of two (2) units/acre.

1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement no less than ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection. 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 inches (2") 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.

2) pedestrian paths, providing access to open space and common space and designed to be extended into adjoining developments, both residential and commercial. Paths may be located within the common or open space and placed no closer than ten (10) feet to any side or rear lot line. Open space shall be landscaped between paths and lots, except where the path is located along a lot front.

c) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre: If the improvements specified below are provided in addition to the improvements listed in subsection (b) above, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of three (3) units/acre.

1) An additional five percent (5%) of the net acreage set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the District fronts at intervals no greater than one hundred (100) feet apart, for a distance of at least one hundred (100) feet in either direction from

any entrance intersection constructed within the District. The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

d) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (b) and (c) above are included, and the additional improvements specified below are provided, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of four (4) units/acre.

1) An additional five percent (5%) of the net acreage set aside as common or open space, for a total of no less than twenty-five percent (25%).

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the District. A "single-loaded street" shall be a street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots, fronting common or open space along the other side.

3.5 Lot area requirements.

1. Detached dwellings: When a District is developed at a density less than two (2) units per acre, the minimum lot size for detached dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this District shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this Zoning Ordinance.

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. Dwelling units:				
Base density:	50	10	25	25
Higher densities:	15	0	0	0

2. When detached garages are constructed in the rear yard on any lot in a District where the density exceeds one and one-quarter (1¼) unit per acre, and access is provided through use of an alley, there shall be no minimum side yard. The minimum rear yard shall be five (5) feet.

3. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as otherwise specified in the Zoning Ordinance.

4. Corner lots shall provide the required front yard setback from all property lines contiguous with a public road.

3.7 Height requirements. Structures not specifically exempted in Article 7 shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less; provided that communications towers may exceed forty-five (45) feet if approved in conjunction with a Conditional Use Permit, in accordance with the procedures set out in the Zoning Ordinance.

3.8 Public utilities required. All buildings shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply within the RS District.

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. 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 be submitted with each application for rezoning for a density higher than one and one-quarter (1¼) units per acre, and 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 1,000 feet of the boundary of the proposed District. For proposed Districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, 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 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five percent (35%) 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(s) of all proposed improvements, including those required in the District. A general description of landscaping and pedestrian paths shall also be provided. In addition, entrance features, such as signs, landscaping, fences, gate structures, lighting, or other appropriate amenities, shall be shown on the Plan.

n. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas.* When a proposed District includes the creation of open and/or common space, the minimum areas 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. Open and/or common space areas 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 percent (35%) or greater), but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas.

3. *Conceptual Plan; standards for review.* The Conceptual Plan shall provide for adherence to the following standards:

a. The open and common space areas 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 and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.

f. 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 open or common space or other appropriate vista.

4. *Ownership and maintenance.* Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common and open space to the association, and shall provide for maintenance of all open and common areas and amenities, including street lights, street trees, alleys, and pedestrian paths. Easements applying to the common and/or open space shall be conveyed 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 and open space, prohibiting further division of those areas, and prohibiting any use not permitted by the Zoning Ordinance. The Board of Supervisors may convey the easement to a qualifying non-profit or governmental agency, or may allow such conveyance in lieu of conveyance to the County.

5. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 6, R-4, Residential Cluster Development District, Subsection 6.2, shall be amended to read in its

entirety as follows:

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

1. Dwellings, both attached and detached.

2. Any other use as regulated in the RS District.

6. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 7, R-5 Multiple-family Residential District, Subsection 7.2, shall be amended to read in its entirety as follows:

7.2 Permitted uses. A building or land shall be used only for multiple-family dwellings.

7. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 8, R-6 Residential Mobile Home District, Subsection 8.2, shall be amended to read in its entirety as follows:

8.2 Permitted uses. A building or land shall be used only for the following purpose:

1.1. Mobile home park, provided:

(a) That the mobile home park shall comply with all sanitary and other requirements prescribed by law or regulation.

(b) That access to the mobile home park shall not be from a minor residential street, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, that no mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lighted and at least thirty (30) feet in width, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable county specifications and ordinances.

(c) That the topography of the site be such as to facilitate rapid drainage and that adequate drainage facilities be provided.

(d) That the design evidences a reasonable effort to preserve the natural amenities of the site.

(e) The minimum width and/or depth of the mobile home park shall be two hundred (200) feet and a minimum total area of the park shall be five (5) acres, including one-half the width of bordering streets, except that minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five (5) acres or more.

(f) No mobile home sites shall be offered for sale or sold.

(g) All utility lines shall be underground, including electrical wiring and telephone lines.

(h) The mobile home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along the street frontage with an arterial street or major highway and at least twenty-five (25) feet wide along all other lot lines or street frontage.

(i) Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems. Such water and sewer facilities shall be subject to approval and inspection by the health official and may be either public facilities or privately owned sewer and water

systems, but in either case shall be designed to serve the entire mobile home park.

(j) Each mobile home site shall be provided with electrical outlets installed in accordance with the National Electrical Code.

(k) The open space beneath the unit shall be skirted with approved material in accordance with the requirements of the Administrator.

1.2. No existing mobile home park shall be enlarged or extended unless the entire park is made to conform substantially to all requirements for a new mobile home park.

8. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 10, B-1 Neighborhood Business District, Subsections 10.2-1 and 10.3-1, shall be amended to read as follows:

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

1. Any use permitted in the RS, Residential Single-Family District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

10.3 Permitted accessory uses.

1. Any accessory use permitted in the RS, Residential Single-Family District

...

9. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 11, B-2 Community Business District, Subsections 11.2-1 and 11.3-1, shall be amended to read as follows:

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

1. Any use permitted in the RS, Residential Single-Family District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

11.3 Permitted accessory uses.

1. Any accessory use permitted in the RS, Residential Single-Family District

...

10. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 13, B-3 General Business District, Subsection 12.3-1, shall be amended to read as follows:

12.3 Permitted accessory uses.

1. Any accessory use permitted in the RS, Residential Single-Family District

...

11. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 1.1, Specific requirements by use, shall be amended to read as follows:

Use or use category	Off-street Parking Spaces Required
Attached or detached Dwelling	2 per dwelling unit
Multiple-family dwelling	2¼ per dwelling unit

12. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.2-1, shall be amended to read as follows:

4.2 Modification of height regulations. Subject to the following specific modifications, no structure may exceed the height limit provided under the applicable zoning District:

1. Except within an OAP Overlay Airport Protection District, the height limitations of this ordinance shall not apply to the following structures when such structures do not exceed a height of one hundred twenty-five (125) feet:

   (a) Belfries.

   (b) Chimneys.

   (c) Church spires.

   (d) Water towers and standpipes.

   (e) Conveyors.

   (f) Cooling towers.

   (g) Elevator bulkheads.

   (h) Fire towers.

   (i) Public monuments.

   (j) Ornamental towers and spires.

   (k) Commercial radio and television towers, television antennas and support structures for home use, and amateur radio broadcasting and receiving antennas and support structures.

   (l) Silos and grain driers.

   (m) Smoke stacks.

   (n) Stage towers or scenery lofts.

   (o) Tanks.

13. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.10, Special regulations for two-family dwellings, shall be repealed.

14. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and type of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used, the location(s) of the materials, and the proposed location(s) of each tree and shrub to be planted. Where existing plantings are to be retained, specifics as to materials and location(s), as well as proposed methods for protection during construction, shall be included in the plans. Landscaping shall be secured pursuant to this Ordinance.

15. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-6.1(d), shall be adopted and shall read in its entirety as follows:

(d) The term "Improvement" shall include landscaping, which shall be installed prior to acceptance of any roads into the Virginia State System of Highways for maintenance. If the time of year or environmental circumstance would jeopardize any planting, an extension may be granted for a period not to exceed six (6) months. At the time of acceptance of roads within the subdivision, or at the end of the extension of time granted, surety equal to twenty-five percent (25%) of the cost of materials and installation of landscaping shall be provided to the County to ensure the landscaping was installed properly and remains healthy. This surety may be released at the end of one (1) year, if an inspection shows the landscaping remains healthy. Maintenance of all required landscaping is the responsibility of the property owner(s), and all plants damaged by insects, disease, vehicular traffic, acts of God, or vandalism shall be replaced.

16. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): Buffers along existing and planned public roads. For all subdivisions developed in R-S, R-4, R-5, and R-6 residential Districts, a buffer shall be located along all public roads (not within subdivisions) existing on the date of final subdivision approval and all roads designated on the Major Thoroughfare Plan on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low-maintenance vegetation. No more than fifty percent (50%) of the required open or common space shall comprise the area of the buffer along existing public roads.

5-21-1(b): Pedestrian paths. For all residential subdivisions developed in the Suburban Service Area, pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. 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 roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to Virginia Department of Transportation standards and can be accepted by the Department for maintenance. If curb and gutter are used along a major thoroughfare, the path located within the right-of-way shall be separated from the curb and gutter by a distance of no less than four (4) feet.

17. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. Alleys may be permitted within subdivisions in all R-S Residential Districts. Alleys shall be no less than eighteen (18) feet in width, with travelways no less than twelve (12) feet in width. There shall be an all-weather surface provided, constructed to a standard equal to or greater than the private road requirements specified in the Title II. Subdivision Ordinance. Detailed construction plans for all alleys shall be included in construction plans for the subdivision in which the alleys shall be constructed. All alleys shall be maintained by the homeowners' association, and shall be owned by the association. When an alley is designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space. Common space containing alleys shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. Alleys shall not be considered as frontage for a lot.

18. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

19. . This Ordinance shall be effective upon adoption.

The members of the Board of Supervisors voted to approve Ordinance Number 99-04, as follows:

	Vote:
J. T. "Jack" Ward	Aye
John E. Gordon, Jr.	Aye
Timothy E. Ernst	Aye
Thomas F. Giles, Jr.	Aye
Charles D. McGhee	Aye
Aubrey M. Stanley, Jr.	Aye
Elton J. Wade, Sr.	Aye

Ordinance approved.

The Board of Supervisors approved the following language which would amend the Comprehensive Plan to provide criteria for the consideration and application of the RS District within the Suburban Service Area:.

Section 3.C. Evaluation Criteria

...

1. Residential Areas

a. Those areas developed exclusively for detached single-family dwellings should be protected through the appropriate use and location of buffering and open space within subsequent developments. Other dwelling types should also be permitted and encouraged throughout the Suburban Service Area. As long as the preference for detached dwellings remains as strong as it is, the option to live in a single-family area should be vigorously protected. However, the introduction of new dwelling types, such as apartments, cluster homes, condominiums, and townhouses is desirable to help provide a broad range of housing for all citizens.

b. The neighborhood development concept should be applied in planning residential areas, especially with the introduction of new and different housing types into the community, so that various types of development are compatible. Review of applications should include consideration of existing site conditions such as topography, woods, tree lines, pastures, fields, and other environmental conditions, existing and proposed residential types within the surrounding community, the availability of public utilities, proximity to existing and proposed business and commercial uses, the existing and proposed transportation network, and other factors specific to the site. Proposed residential development should not be approved unless it is determined to be appropriate with regard to density, provision of open space and amenities, adequate parking areas and traffic circulation, preservation of significant natural features and topography, availability of public services and utilities, compatibility with existing and proposed development, transitions among nearby planned and existing uses and densities, appropriate proximity to employment and retail areas, consistency of the purposes of zoning ordinances set out in Title 15.2 of the Virginia Code and with the Comprehensive Plan, and other site-specific factors deemed relevant by the Planning Commission and Board of Supervisors.

BOARD OF SUPERVISORS

J. T. "JACK" WARD, CHAIRMAN
MECHANICSVILLE DISTRICT

JOHN E. GORDON, JR., VICE-CHAIRMAN
SOUTH ANNA DISTRICT

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ASHLAND DISTRICT

THOMAS F. GILES, JR.
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COLD HARBOR DISTRICT

CHARLES D. MCGHEE
HENRY DISTRICT



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RICHARD R. JOHNSON
COUNTY ADMINISTRATOR

CECIL R. HARRIS, JR.
DEPUTY COUNTY
ADMINISTRATOR

JOHN H. HODGES
DEPUTY COUNTY ADMINISTRATOR

STERLING E. RIVES, III
COUNTY ATTORNEY

July 12, 2000

PLANNING OFFICE
PHONE 804-365-6171
FAX 804-365-6232

Mr. Joe D. O'Connor, Chairman
Hanover County Planning Commission
3551 Parsley Mill Road
Mechanicsville, Virginia 23111

RE: Approval of Ordinance Amendment 99-04, RS District

Dear Mr. O'Connor:

At their meeting of February 9, 2000, the Hanover County Board of Supervisors, on a motion by Mr. Giles, seconded by Mr. Gordon, voted to APPROVE the above captioned Ordinance Amendment. 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

JKT/jds/ord 2
Attachment

cc: The Honorable Thomas F. Giles, Jr.
Hanover County Planning Commission
A. Lisa Barker, Esq.
William R. Johnson, Jr.
Jenni Pendergrass
Richard Paul
Elizabeth H. Daniel
Peggy Sparks
Carol Martin

ORDINANCE 99-04

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 Districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3.a. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended by the addition of the following definitions:

...

Communications tower: A tower of any type which supports or is intended to support communications (broadcast and/or receiving) equipment and accessory equipment utilized by commercial, governmental or other public and quasi-public users, not to include home use of radio and television antennas and support structures, satellite dishes, or antennas and support structures, satellite dishes, or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission.

...

Dwelling, detached: A building designed for or occupied by one family, with no walls in common with another dwelling unit.

Dwelling, attached: A building designed for or occupied exclusively by two (2) or more families living independently of each other, with each unit being separated by a vertical party wall and having a separate exterior entrance.

Dwelling, multiple family: A building designed for or occupied exclusively by two (2) or more families living independently of each

other with units separated horizontally, or with five (5) or more units in one building.

Dwelling unit: A room or group of rooms occupied or designed to be occupied as separate living quarters.

...

Party wall: A separating barrier common to two (2) or more adjacent dwellings consisting of a common wall designed, used, or adapted for joint service. Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

3.b. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended by the deletion of the following definition:

Townhouse: A single family dwelling forming one of a group or series of three (3) or more units in a structure separated from one another by solid common walls.

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. The purpose of this District is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These Districts are located within the designated suburban areas of the County where public utilities make such a District feasible.

3.2 Criteria for review. Development proposals for this District shall not be approved by the Board of Supervisors, for either the base density or higher densities described below, unless the Board finds that the development and density are consistent with the public necessity, convenience, general welfare, and good zoning practice, with the purposes

of zoning ordinances set out in Title 15.2 of the Virginia Code, and with the Hanover County Comprehensive Plan; and that the development proposal and amenities are appropriate for the intended density.

3.3 Uses. The uses permitted within the RS District, whether by right or as Conditional Uses or Special Exceptions, are as specified below.

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

1. Dwellings, both detached and attached. No more than four (4) separate dwelling units may be incorporated into any residential structure. In the case of attached units, each unit shall be separated by vertical party walls and each unit shall have a separate exterior entrance.

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Public and private forests, wildlife reservations, and similar conservation projects.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front or side yard.

6. Swimming pool and game courts, lighted or unlighted, and community buildings or clubhouses, for use of residents or their guests.

7. Signs as regulated in article 7, section 3.

8. 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.

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

10. The location of office or construction trailers for a period not to exceed one year.

11. Foster care and adult family care.

c. 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:

1. Camps, day or boarding, private or commercial.

2. Institutions, educational or philanthropic, including museums, art galleries and libraries.

3. Private clubs.

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

5. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, transmission lines, and communications towers.

6. Swimming or tennis club or other recreational facility, private, nonprofit, or commercially operated.

7. 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.

8. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such

building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

9. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Convalescent homes, nursing homes, or homes for the aged.

   (c) Day nurseries or child or adult day care centers.

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

3. Any structure exceeding the maximum height limit, except those structures specified in Article 7, Section 4.2, of the Zoning Ordinance.

3.4 Density; calculation. The RS District provides for a range of density, to permit flexibility for planning the most appropriate

development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. Density calculations shall be based on the gross acreage for the District, provided that no more than fifty percent (50%) of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included. To be eligible for consideration of density higher than one and one-quarter (1¼) units per acre within the District, a minimum of fifteen percent (15%) of the net acreage shall be provided as common space (improved with amenities accessory to residential uses or landscaped) and/or open space (unimproved natural areas or buffers). 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 percent (35%) or greater.

a) For densities greater than one (1) unit per acre, but less than or equal to one and one-quarter (1¼) units per acre: if curb and gutter are provided throughout the District, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of one and one-quarter (1¼) units/acre.

b) For densities greater than one and one-quarter (1¼) unit per acre, but less than or equal to two (2) units per acre: If at least 15% of the net acreage is left in open and/or common space, and if the following improvements are included in the District, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of two (2) units/acre.

1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement no less than ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection. 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 inches (2") 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.

2) pedestrian paths, providing access to open space and common space and designed to be extended into adjoining developments, both residential and commercial. Paths may be located within the common or open space and placed no closer than ten (10) feet to any side or rear lot line. Open space shall be landscaped between paths and lots, except where the path is located along a lot front.

c) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre: If the improvements specified below are provided in addition to the improvements listed in subsection (b) above, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of three (3) units/acre.

1) An additional five percent (5%) of the net acreage set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the District fronts at intervals no greater than one hundred (100) feet apart, for a distance of at least one hundred (100) feet in either direction from any entrance intersection constructed within the District. The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

d) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (b) and (c) above are included, and the additional improvements specified below are provided, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of four (4) units/acre.

1) An additional five percent (5%) of the net acreage set aside as common or open space, for a total of no less than twenty-five percent (25%).

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the

District. A "single-loaded street" shall be a street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots, fronting common or open space along the other side.

3.5 Lot area requirements.

1. Detached dwellings: When a District is developed at a density less than two (2) units per acre, the minimum lot size for detached dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this District shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this Zoning Ordinance.

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. Dwelling units:				
Base density:	50	10	25	25
Higher densities:	15	0	0	0

2. When detached garages are constructed in the rear yard on any lot in a District where the density exceeds one and one-quarter (1¼) unit per acre, and access is provided through use of an alley, there shall be no minimum side yard. The minimum rear yard shall be five (5) feet.

3. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as otherwise specified in the Zoning Ordinance.

4. Corner lots shall provide the required front yard setback from all property lines contiguous with a public road.

3.7 Height requirements. Structures not specifically exempted in Article 7 shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less; provided that communications towers may exceed forty-five (45) feet if approved in conjunction with a Conditional Use Permit, in accordance with the procedures set out in the Zoning Ordinance.

3.8 Public utilities required. All buildings shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply within the RS District.

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. 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 be submitted with each application for rezoning for a density higher than one and one-quarter (1¼) units per acre, and 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 1,000 feet of the boundary of the proposed District. For proposed Districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, 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 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five percent (35%) 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(s) of all proposed improvements, including those required in the District. A general description of landscaping and pedestrian paths shall also be provided. In addition, entrance features, such as signs, landscaping, fences, gate structures, lighting, or other appropriate amenities, shall be shown on the Plan.

n. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas.* When a proposed District includes the creation of open and/or common space, the minimum areas 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. Open and/or common space areas 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 percent (35%) or greater), but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas.

3. *Conceptual Plan; standards for review.* The Conceptual Plan shall provide for adherence to the following standards:

a. The open and common space areas 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 and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.

f. 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 open or common space or other appropriate vista.

4. *Ownership and maintenance.* Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common and open space to the association, and shall provide for maintenance of all open and common areas and amenities, including street lights, street trees, alleys, and pedestrian paths. Easements applying to the common and/or open space shall be conveyed 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 and open space, prohibiting further division of those areas, and prohibiting any use not permitted by the Zoning Ordinance. The Board of Supervisors may convey the easement to a qualifying non-profit or governmental agency, or may allow such conveyance in lieu of conveyance to the County.

5. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 6, R-4, Residential Cluster Development District,

Subsection 6.2, shall be amended to read in its entirety as follows:

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

1. Dwellings, both attached and detached.

2. Any other use as regulated in the RS District.

6. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 7, R-5 Multiple-family Residential District, Subsection 7.2, shall be amended to read in its entirety as follows:

7.2 Permitted uses. A building or land shall be used only for multiple-family dwellings.

7. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 8, R-6 Residential Mobile Home District, Subsection 8.2, shall be amended to read in its entirety as follows:

8.2 Permitted uses. A building or land shall be used only for the following purpose:

1.1. Mobile home park, provided:

(a) That the mobile home park shall comply with all sanitary and other requirements prescribed by law or regulation.

(b) That access to the mobile home park shall not be from a minor residential street, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, that no mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lighted and at least thirty (30) feet in width, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable county specifications and ordinances.

(c) That the topography of the site be such as to facilitate rapid drainage and that adequate drainage facilities be provided.

(d) That the design evidences a reasonable effort to preserve the natural amenities of the site.

(e) The minimum width and/or depth of the mobile home park shall be two hundred (200) feet and a minimum total area of the park shall be five (5) acres, including one-half the width of bordering streets, except that minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five (5) acres or more.

(f) No mobile home sites shall be offered for sale or sold.

(g) All utility lines shall be underground, including electrical wiring and telephone lines.

(h) The mobile home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along the street frontage with an arterial street or major highway and at least twenty-five (25) feet wide along all other lot lines or street frontage.

(i) Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems. Such water and sewer facilities shall be subject to approval and inspection by the health official and may be either public facilities or privately owned sewer and water systems, but in either case shall be designed to serve the entire mobile home park.

(j) Each mobile home site shall be provided with electrical outlets installed in accordance with the National Electrical Code.

(k) The open space beneath the unit shall be skirted with approved material in accordance with the requirements of the Administrator.

1.2. No existing mobile home park shall be enlarged or extended unless the entire park is made to conform substantially to all requirements for a new mobile home park.

8. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 10, B-1 Neighborhood Business District, Subsections 10.2-1 and 10.3-1, shall be amended to read as follows:

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

1. Any use permitted in the RS, Residential Single-Family District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same

building or on the same premises for use by the proprietor or an employee of said business.

...

10.3 Permitted accessory uses.

1. Any accessory use permitted in the RS, Residential Single-Family District

...

9. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 11, B-2 Community Business District, Subsections 11.2-1 and 11.3-1, shall be amended to read as follows:

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

1. Any use permitted in the RS, Residential Single-Family District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

11.3 Permitted accessory uses.

1. Any accessory use permitted in the RS, Residential Single-Family District

...

10. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 13, B-3 General Business District, Subsection 12.3-1, shall be amended to read as follows:

12.3 Permitted accessory uses.

1. Any accessory use permitted in the RS, Residential Single-Family District

...

11. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 1.1, Specific requirements by use, shall be amended to read as follows:

Use or use category	Off-street Parking Spaces Required
Attached or detached Dwelling	2 per dwelling unit
Multiple-family dwelling	2¼ per dwelling unit

...

12. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.2-1, shall be amended to read as follows:

4.2 Modification of height regulations. Subject to the following specific modifications, no structure may exceed the height limit provided under the applicable zoning District:

1. Except within an OAP Overlay Airport Protection District, the height limitations of this ordinance shall not apply to the following structures when such structures do not exceed a height of one hundred twenty-five (125) feet:

   (a) Belfries.

   (b) Chimneys.

   (c) Church spires.

   (d) Water towers and standpipes.

   (e) Conveyors.

   (f) Cooling towers.

   (g) Elevator bulkheads.

   (h) Fire towers.

   (i) Public monuments.

   (j) Ornamental towers and spires.

   (k) Commercial radio and television towers, television antennas and support structures for home use, and amateur radio broadcasting and receiving antennas and support structures.

   (l) Silos and grain driers.

(m) Smoke stacks.

(n) Stage towers or scenery lofts.

(o) Tanks.

13. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.10, Special regulations for two-family dwellings, shall be repealed.

14. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and type of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used, the location(s) of the materials, and the proposed location(s) of each tree and shrub to be planted. Where existing plantings are to be retained, specifics as to materials and location(s), as well as proposed methods for protection during construction, shall be included in the plans. Landscaping shall be secured pursuant to this Ordinance.

15. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-6.1(d), shall be adopted and shall read in its entirety as follows:

(d) The term "Improvement" shall include landscaping, which shall be installed prior to acceptance of any roads into the Virginia State System of Highways for maintenance. If the time of year or environmental circumstance would jeopardize any planting, an extension may be granted for a period not to exceed six (6) months. At the time of acceptance of roads within the subdivision, or at the end of the extension of time granted, surety equal to twenty-five percent (25%) of the cost of materials and installation of landscaping shall be provided to the County to ensure the landscaping was installed properly and remains healthy. This surety may be released at the end of one (1) year, if an inspection shows the landscaping remains healthy. Maintenance of all required landscaping is the responsibility of the property owner(s), and all plants damaged by insects, disease, vehicular traffic, acts of God, or vandalism shall be replaced.

16. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): Buffers along existing and planned public roads. For all subdivisions developed in R-S, R-4, R-5, and R-6 residential Districts, a buffer shall be located along all public roads (not within subdivisions) existing on the date of final subdivision approval and all roads designated on the Major Thoroughfare Plan on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low-maintenance vegetation. No more than fifty percent (50%) of the required open or common space shall comprise the area of the buffer along existing public roads.

5-21-1(b): Pedestrian paths. For all residential subdivisions developed in the Suburban Service Area, pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. 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 roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to Virginia Department of Transportation standards and can be accepted by the Department for maintenance. If curb and gutter are used along a major thoroughfare, the path located within the right-of-way shall be separated from the curb and gutter by a distance of no less than four (4) feet.

17. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. Alleys may be permitted within subdivisions in all R-S Residential Districts. Alleys shall be no less than eighteen (18) feet in width, with travelways no less than twelve (12) feet in width. There shall be an all-weather surface provided, constructed to a standard equal to or greater than the private road requirements specified in the Title II. Subdivision Ordinance. Detailed construction plans for all alleys shall be included in construction plans for the subdivision in which the alleys shall be constructed. All alleys shall be maintained by the homeowners' association, and shall be owned by the association. When an alley is

designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space. Common space containing alleys shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. Alleys shall not be considered as frontage for a lot.

18. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

19. This Ordinance shall be effective upon adoption.

On a motion by Mr. Giles, seconded by Mr. Gordon, the members of the Board of Supervisors voted to approve Ordinance Number 99-04, as follows:

	Vote:
J. T. "Jack" Ward	Aye
John E. Gordon, Jr.	Aye
Timothy E. Ernst	Aye
Thomas F. Giles, Jr.	Aye
Charles D. McGhee	Aye
Aubrey M. Stanley, Jr.	Aye
Elton J. Wade, Sr.	Aye

Public Hearing: February 9, 2000

Adopted: February 9, 2000

Richard R. Johnson

Richard R. Johnson, Clerk
Hanover County Board of Supervisors

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PLANNING OFFICE

VAPA

Virginia Chapter
American Planning Association

March 7, 2000

Hanover County Board of Supervisors
P. O. Box 470
Hanover, Virginia 23069

Attention: Michael E. Crescenzo, Planning Director

RE: "RS - Single Family Residential District" - Hanover County

Dear Nominee:

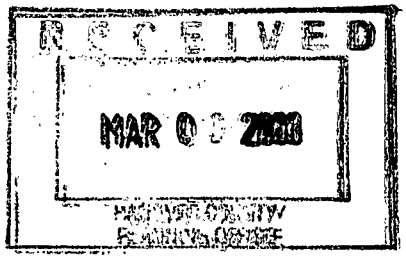
I am writing concerning your Virginia Chapter of the American Planning Association awards nomination. We had another outstanding turnout this year with over 20 award submissions. The Awards Committee had an extremely difficult time in selecting the award winning entries.

The Committee regrets to inform you that your entry did not receive an award. We do hope that you will consider submitting this nomination as part of next year's program. Entries for awards in 2001 will be open to any individual or organization involved in a planning or related activity undertaken in Virginia between January 1, 1999 and December 31, 2000.

Sincerely,

Douglas P. Stanley

Douglas P. Stanley, AICP
Awards Committee Chair



CHAPTER OFFICE: 13813 Village Mill Drive • Midlothian, VA 23113 • Tel: (804) 794-6225 • Fax: (804) 379-5262

February 9, 2000

Chuck:

A few questions have occurred to me for your meeting with Mike today:

1) No one seems to want to approve subdivisions of greater total density that 2 homes per acre. Why not just abolish the 3-4 density option?

2) If denials in the Hill and Martin cases have sparked lawsuits (when all the Comp plan supported these denials), how can we not expect lawsuits if we deny rezonings of 3-4 homes per acre, when everything in the plan and this ordinance seems to support allowing these densities?

3) I think citizens will be upset by the fact that this ordinance allows attached housing and no minimum lot size. Don't you?

4) Ms. Patterson says Randall Arent was hired as a consultant for this ordinance. Has he seen and commented on the final version?

5) What do we gain with this ordinance that we don't already gain through proffers?

Good luck with your meeting! Thank you for calling to talk about the ordinance with me. See you this evening.

Sincerely,

Catherine Patterson

BOARD OF SUPERVISORS

J. T. "JACK" WARD, CHAIRMAN
MECHANICSVILLE DISTRICT

JOHN E. GORDON, JR., VICE-CHAIRMAN
SOUTH ANNA DISTRICT

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HENRY DISTRICT



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RICHARD R. JOHNSON
COUNTY ADMINISTRATOR

CECIL R. HARRIS, JR.
DEPUTY COUNTY ADMINISTRATOR

JOHN H. HODGES
DEPUTY COUNTY ADMINISTRATOR

STERLING E. RIVES, III
COUNTY ATTORNEY

Ordinance 99-04
RS District
& CPA 99-05

Agenda Item

PLANNING OFFICE
PHONE 804-365-6171
FAX 804-365-6232

MEMORANDUM

To: Hanover County Board of Supervisors

From: Michael E. Crescenzo, Director of Planning MC

Subject: Ordinance 99-04: RS District and CPA 99-05: Single-Family Residential Development Criteria Additional Information

Date: January 21, 2000

Copies: Hanover County Planning Commission
Todd Rogers
John Bender
David Fauri
Catherine Patterson

At the Board's meeting on December 15, 1999, a public hearing was held on the proposed RS, Single-Family Residential District and the accompanying Comprehensive Plan text amendments. At that time, the staff presented the ordinance and the plan language, including alternative language proposed by the staff to address an issue which was noted late in the process.

BACKGROUND

The RS ordinance is the last part of the Board's Growth Management Strategy, most of which was accomplished during the last two years. The RS district began as the "suburban cluster" proposal, an idea which was intended to reintroduce into the more densely-populated areas of the County those attributes – open space, rural character, protected vistas from the roadways – which attracted people to move to Hanover County. At first, two alternatives were explored: one proposal for an additional district, and one for a replacement district. The Board recognized early that any additional district would have to provide incentives to encourage its use, and these incentives generally translate to density bonuses. This would have run directly counter to the intent of the Board with its management strategy, so the decision was made early to make the district a replacement for the conventional districts already in place.

The proposed ordinance allows for flexibility in return for better design and incorporation of open spaces, thoroughfare buffers, pedestrian walkways, and landscaping. In addition, the ordinance reintroduces the use of alleys into the suburban service area – a feature not permitted for years.

The ordinance also includes provision for consideration of single-family attached dwellings – duplexes, triplexes, and quadraplexes. These dwelling types provide the opportunity for significant cost savings, which begins to address the County's need for affordable housing (as noted in the presentation of the Board's Accessible Housing Committee Report). While there has been some opposition to the proposal, in general, the speakers have been supportive of the ordinance.

ALTERNATIVES

The staff provided two drafts of the ordinance in the Board packet: one represents the recommended language from the Planning Commission (including some clarifying language discussed at the Commissions' public hearing), and one from the staff, which includes a revision to the method of calculating density when Chesapeake Bay Resource Protection Areas are located on the property which is the subject of the rezoning request. The staff's proposal is to only permit ½ of the RPA area to be used in calculating density. This is suggested to address the possibility of an applicant taking advantage of the ordinance's provision for no minimum lot size to try to overdevelop a parcel with significant RPAs on the site. For example – if a 100 acre parcel has 50 acres of RPAs, the density (which could range from 100 units to 400 units, depending on location) would be clustered on the "good" land. This rewards someone who finds a property which would otherwise be marginally developable. The staff's revision would cut the density in the example by 25% (half of the RPA area).

However, the staff also understands the Board may be reluctant to adopt the staff's recommendation without Commission review. Since the Commission's recommendation included a proposal to revisit the ordinance in 12 – 18 months to see if revisions are necessary, the staff is comfortable with Board consideration of the Commission's recommended ordinance. If there is a need to change the language regarding density calculation, it can be accomplished during this review period.

RECOMMENDATION

During the public hearing on this ordinance at the Board meeting in December, several representatives of community groups and organizations commented. Many of these were endorsements of the proposal, including the Hanover Association of Businesses, the Hanover Business Council, the Richmond Homebuilders Association, and the County's own Accessible Housing Committee, which recommended adoption of the ordinance because of its potential to address the County's outstanding housing issues (see attached text from their report). Based on these endorsements and the recommendation of the Planning Commission, the staff is continuing to recommend ADOPTION of the RS ordinance and the Comprehensive Plan text amendments. Both drafts (Commission and staff) are attached, along with the Comprehensive Plan text.

Proposed RS District Ordinance

The Committee reviewed drafts of the County's proposed RS district ordinance (Ordinance 99-04) and the proposed comprehensive plan amendment (CPA 99-05). The Committee realizes the purpose of the proposed district is not centered on housing type, but rather open space preservation within the Suburban Service Area. The district would have the secondary benefit of allowing housing types other than traditional single family detached dwelling units. As such, citizens would have a broader range of housing choices from which to choose. It is the Committee's belief that variety and choice are essential components in providing accessible housing to Hanover County residents.

Recommendation

The Committee supports the proposed RS District ordinance. Although the purpose of the ordinance is not housing based, the Committee supports this policy change that allows for diversification of Hanover's housing stock. The Committee, therefore, recommends the Board of Supervisors look favorably upon this ordinance amendment.

Excerpt from ***Hanover County Accessible Housing Committee: Final Report*** approved by the Accessible Housing Committee November 9, 1999 and accepted by the Board of Supervisors December 15, 1999.

ORDINANCE 99-04

Revised December 10, 1999 (Staff Recommendation)

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 Districts in effect on [the date of adoption of this ordinance]. Copies of the District provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

Communications tower: A tower of any type which supports or is intended to support communications (broadcast and/or receiving) equipment and accessory equipment utilized by commercial, governmental or other public and quasi-public users, not to include home use of radio and television antennas and support structures, satellite dishes, or antennas and support structures, satellite dishes, or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission.

...

Dwelling, **detached** ~~single family~~: A building designed for or occupied ~~exclusively~~ by one family, **with no walls in common with another dwelling unit.**

Dwelling, ***attached*** ~~two family~~: A building designed for or occupied exclusively by two (2) ***or more*** families living independently of each other, ***with each unit being separated by a vertical party wall and having a separate exterior entrance.***

Dwelling, multiple family: A building designed for or occupied exclusively by ~~three (3)~~ ***two (2)*** or more families living independently of each other ***with units separated horizontally, or with five (5) or more units in one building.***

Dwelling unit: A room or group of rooms occupied or ~~intended~~ **designed** to be occupied as separate living quarters.

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed, used, or adapted for joint service**. Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

...

~~Townhouse: A single family dwelling forming one of a group or series of three (3) or more units in a structure separated from one another by solid common walls.~~

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. **The purpose of this District is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These Districts are located within the designated suburban areas of the County where public utilities make such a District feasible.**

3.2 Criteria for review. Development proposals for this District shall not be approved by the Board of Supervisors, for either the base density or higher densities described below, unless the Board finds that the development and density are consistent with the public necessity, convenience, general welfare, and good zoning practice, with the purposes of zoning ordinances set out in Title 15.2 of the Virginia Code, and with the Hanover County Comprehensive Plan; and that the development proposal and amenities are appropriate for the intended density.

3.3 Uses. **The uses permitted within the RS District, whether by right or as Conditional Uses or Special Exceptions, are as specified below.**

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

1. Dwellings, both detached and attached. No more than four (4) separate dwelling units may be incorporated into any residential structure. *In the case of attached units, each unit shall be separated by vertical party walls and each unit shall have a separate exterior entrance.*

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Public and private forests, wildlife reservations, and similar conservation projects.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front or side yard.

6. Swimming pool and game courts, lighted or unlighted, and community buildings or clubhouses, for use of ~~occupants~~ residents or their guests.

7. Signs as regulated in article 7, section 3.

8. 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.

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

10. The location of office or construction trailers for a period not to exceed one year.

11. Foster care and adult family care.

c. 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:

1. Camps, day or boarding, private or commercial.

2. Institutions, educational or philanthropic, including museums, art galleries and libraries.

3. Private clubs.

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

5. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, transmission lines, and communications towers.

6. Swimming or tennis club or other recreational facility, private, nonprofit, or commercially operated.

7. 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.

8. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

9. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals,

switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Convalescent homes, nursing homes, or homes for the aged.

   (c) Day nurseries or child or adult day care centers.

   (d) Home occupations in an accessory buildings, except for home craft shops and retail sales businesses.

3. Any structure exceeding the maximum height limit, except those structures specified in Article 7, Section 4.2, of the Zoning Ordinance.

3.4 Density; calculation. The RS District provides for a range of density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. *Density calculations shall be based on the gross acreage for the District, provided that no more than fifty percent (50%) of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included.* To be eligible for consideration of density higher than one and one-quarter (1¼) units per acre within the District, a minimum of fifteen percent (15%) of the net acreage shall be provided as common space (improved with amenities accessory to residential uses or landscaped) and/or open space (unimproved

natural areas or buffers). *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 percent (35%) or greater.*

a) *For densities greater than one (1) unit per acre, but less than or equal to one and one-quarter (1¼) units per acre: if curb and gutter are provided throughout the District, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of one and one-quarter (1¼) units/acre.*

b) For densities greater than one and one-quarter (1¼) unit per acre, but less than or equal to two (2) units per acre: If at least 15% of the net acreage is left in open and/or common space, and if the following improvements are included in the District, *and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above,* the Board of Supervisors may approve increased density to a maximum of two (2) units/acre.

1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement no less than ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection. 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 inches (2") 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.

2) pedestrian paths, providing access to open space and common space and designed to be extended into adjoining developments, both residential and commercial. Paths may be located within the common or open space and placed no closer than ten (10) feet to any side or rear lot line. Open space shall be landscaped between paths

and lots, except where the path is located along a lot front.

c) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre: If the improvements specified below are provided in addition to the improvements listed in subsection (*b*) above, *and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above,* the Board of Supervisors may approve increased density to a maximum of three (3) units/acre.

1) An additional five percent (5%) of the net acreage set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the District fronts at intervals no greater than one hundred (100) feet apart, for a distance of at least one hundred (100) feet in either direction from any entrance intersection constructed within the District. The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

d) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (*b*) and (*c*) above are included, and the additional improvements specified below are provided, *and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above,* the Board of Supervisors may approve increased density to a maximum of four (4) units/acre.

1) An additional five percent (5%) of the net acreage set aside as common or open space, for a total of no less than twenty-five percent (25%).

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the District. A "single-loaded street" shall be a street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots, fronting common or open space along the other side.

3.5 Lot area requirements.

1. Detached dwellings: When a District is developed at a density less than two (2) units per acre, the minimum lot size for detached dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is

approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this District shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this Zoning Ordinance.

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. Dwelling units:				
Base density:	50	10	25	25
Higher densities:	15	0	0	0

2. When detached garages are constructed in the rear yard on any lot in a District where the density exceeds one and one-quarter (1¼) unit per acre, and access is provided through use of an alley, there shall be no minimum side yard. The minimum rear yard shall be five (5) feet.

3. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as otherwise specified in the Zoning Ordinance.

4. Corner lots shall provide the required front yard setback from all property lines contiguous with a public road.

3.7 Height requirements. Structures not specifically exempted in Article 7 shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less; provided that communications towers may exceed forty-five (45) feet if approved in conjunction with a Conditional Use Permit, in accordance with the procedures set out in the Zoning Ordinance.

3.8 Public utilities required. All buildings shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply within the RS District.

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. 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 be submitted with each application for rezoning for a density higher than

one and one-quarter (1¼) units per acre, and 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 1,000 feet of the boundary of the proposed District. For proposed Districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, 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 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five percent (35%) 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(s) of all proposed improvements, including those required in the District. A general description of landscaping and pedestrian paths shall also be provided. In addition, entrance features, such as signs, landscaping, fences, gate structures, lighting, or other appropriate amenities, shall be shown on the Plan.

n. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas*. When a proposed District includes the creation of open and/or common space, the minimum areas 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. Open and/or common space areas 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 percent (35%) or greater), but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas.

3. *Conceptual Plan; standards for review*. The Conceptual Plan shall provide for adherence to the following standards:

a. The open and common space areas 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 and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.

f. 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 open or common space or other appropriate vista.

4. *Ownership and maintenance*. Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common and open space to the association, and shall provide for maintenance of all open and common areas and amenities, including street lights, street trees, alleys, and pedestrian paths. Easements applying to the common and/or open space shall be conveyed 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 and open space, prohibiting further division of those areas, and prohibiting any use not permitted by the Zoning Ordinance. The Board of Supervisors may convey the easement to a qualifying non-profit or governmental agency, or may allow such conveyance in lieu of conveyance to the County.

5. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 6, R-4, Residential Cluster Development District, Subsection 6.2, shall be amended to read in its entirety as follows:

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

1. ~~Any use as regulated in the R-3 District.~~ **Dwellings, both attached and detached.**

2. ~~Two-family dwelling.~~ **Any other use as regulated in the RS District.**

~~3. Townhouses.~~

6. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 7, R-5 Multiple-family Residential District, Subsection 7.2, shall be amended to read in its entirety as follows:

7.2 Permitted uses. A building or land shall be used only for ***multiple-family dwellings.*** ~~the following purposes:~~

~~1. Two family dwelling, subject to the special regulations of Article 7.~~

~~2. Multiple family dwellings.~~

7. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 8, R-6 Residential Mobile Home District, Subsection 8.2, shall be amended to read in its entirety as follows:

8.2 Permitted uses. A building or land shall be used only for the following purpose~~s~~:

~~1. Any use permitted in the R-2 Single-Family Residential District subject to the lot size, yard, height, and other requirements of that District.~~

2.1. Mobile home park, provided:

(a) That the mobile home park shall comply with all sanitary and other requirements prescribed by law or regulation.

(b) That access to the mobile home park shall not be from a minor residential street, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, that no mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lighted and at least thirty (30) feet in width, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable county specifications and ordinances.

(c) That the topography of the site be such as to facilitate rapid drainage and that adequate drainage facilities be provided.

(d) That the design evidences a reasonable effort to preserve the natural amenities of the site.

(e) The minimum width and/or depth of the mobile home park shall be two hundred (200) feet and a minimum total area of the park shall be five (5) acres, including one-half the width of bordering streets, except that minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five

(5) acres or more.

(f) No mobile home sites shall be offered for sale or sold.

(g) All utility lines shall be underground, including electrical wiring and telephone lines.

(h) The mobile home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along the street frontage with an arterial street or major highway and at least twenty-five (25) feet wide along all other lot lines or street frontage.

(i) Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems. Such water and sewer facilities shall be subject to approval and inspection by the health official and may be either public facilities or privately owned sewer and water systems, but in either case shall be designed to serve the entire mobile home park.

(j) Each mobile home site shall be provided with electrical outlets installed in accordance with the National Electrical Code.

(k) The open space beneath the unit shall be skirted with approved material in accordance with the requirements of the Administrator.

3.2. No existing mobile home park shall be enlarged or extended unless the entire park is made to conform substantially to all requirements for a new mobile home park.

8. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 10, B-1 Neighborhood Business District, Subsections 10.2-1 and 10.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

10.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District

...

9. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 11, B-2 Community Business District, Subsections 11.2-1 and 11.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

11.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District

...

10. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 13, B-3 General Business District, Subsection 12.3-1, shall be amended to read as follows:

12.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District

...

11. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 1.1, Specific requirements by use, shall be amended to read as follows:

Use or use category	Off-street Parking Spaces Required
~~One-, two-, or three family~~ **Attached or detached** Dwelling	2 per dwelling unit

~~Townhouse or~~
Multiple-family dwelling, ~~more than 3 dwelling units~~ 2¼ per dwelling unit

...

12. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.2-1, shall be amended to read as follows:

4.2 Modification of height regulations. Subject to the following specific modifications, no structure may exceed the height limit provided under the applicable zoning District:

1. Except within an OAP Overlay Airport Protection District, the height limitations of this ordinance shall not apply to the following structures when such structures do not exceed a height of one hundred twenty-five (125) feet:

   (a) Belfries.

   (b) Chimneys.

   (c) Church spires.

   (d) Water towers and standpipes.

   (e) Conveyors.

   (f) Cooling towers.

   (g) Elevator bulkheads.

   (h) Fire towers.

   (i) Public monuments.

   (j) Ornamental towers and spires.

   (k) Commercial radio and television towers, **television antennas and support structures for home use, and amateur radio broadcasting and receiving antennas and support structures.**

   (l) Silos and grain driers.

   (m) Smoke stacks.

   (n) Stage towers or scenery lofts.

   (o) Tanks.

13. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.10, Special regulations for two-family dwellings, shall be repealed.

14. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: ~~Reserved~~. **Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and type of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used, *the location(s) of the materials,* and the proposed location(s) of each tree and shrub to be planted. Where existing plantings are to be retained, *specifics as to materials and location(s), as well as* proposed methods for protection during construction, shall be included in the plans. Landscaping shall be secured pursuant to this Ordinance.**

15. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-6.1(d), shall be adopted and shall read in its entirety as follows:

> *(d) The term "Improvement" shall include landscaping, which shall be installed prior to acceptance of any roads into the Virginia State System of Highways for maintenance. If the time of year or environmental circumstance would jeopardize any planting, an extension may be granted for a period not to exceed six (6) months. At the time of acceptance of roads within the subdivision, or at the end of the extension of time granted, surety equal to twenty-five percent (25%) of the cost of materials and installation of landscaping shall be provided to the County to ensure the landscaping was installed properly and remains healthy. This surety may be released at the end of one (1) year, if an inspection shows the landscaping remains healthy. Maintenance of all required landscaping is the responsibility of the property owner(s), and all plants damaged by insects, disease, vehicular traffic, acts of God, or vandalism shall be replaced.*

16. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): *Buffers along existing and planned public roads.* For all subdivisions developed in R-S, R-4, R-5, and R-6 residential Districts, a buffer shall be located along all public roads (not within subdivisions) existing on the date of final subdivision approval and all roads designated on the Major Thoroughfare Plan on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low-maintenance vegetation. No more than fifty percent (50%) of the required open or common space shall comprise the area of the buffer along existing public roads.

5-21-1(b): Pedestrian paths. For all residential subdivisions developed in the Suburban Service Area, pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. 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 roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to Virginia Department of Transportation standards and can be accepted by the Department for maintenance. If curb and gutter are used along a major thoroughfare, the path located within the right-of-way shall be separated from the curb and gutter by a distance of no less than four (4) feet.

17. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. ~~Alleys should be avoided wherever possible.~~ Alleys may be permitted within subdivisions in all R-S Residential Districts. Alleys shall be no less than eighteen (18) feet in width, with travelways no less than twelve (12) feet in width. There shall be an all-weather surface provided, constructed to a standard equal to or greater than the private road requirements specified in the Title II. Subdivision Ordinance. Detailed construction plans for all alleys shall be included in construction plans for the subdivision in which the alleys shall be constructed. All alleys shall be maintained by the homeowners' association, and shall be owned by the association. When an alley is designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space. Common space containing alleys

shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. Alleys shall not be considered as frontage for a lot.

18. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

19. This Ordinance shall be effective upon adoption.

Planning Commission Public Hearing: _____

Action by Board of Supervisors:

On a motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance Number 99- , as follows:

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []
Mr. WARD:	Aye []	Nay []	Absent []	Abstain []

Public Hearing: _____

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

- Planning Department: _____

File - Ord 99-04

BOARD OF SUPERVISORS

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RICHARD R. JOHNSON
COUNTY ADMINISTRATOR

CECIL R. HARRIS, JR.
DEPUTY COUNTY ADMINISTRATOR

JOHN H. HODGES
DEPUTY COUNTY ADMINISTRATOR

STERLING E. RIVES, III
COUNTY ATTORNEY

Ordinance 99-04
RS District
& CPA 99-05

Agenda Item

PLANNING OFFICE
PHONE 804-365-6171
FAX 804-365-6232

MEMORANDUM

To: Hanover County Board of Supervisors

From: Michael E. Crescenzo, Director of Planning MC

Subject: Ordinance 99-04: RS District and CPA 99-05: Single-Family Residential Development Criteria Additional Information

Date: January 21, 2000

Copies: Hanover County Planning Commission
Todd Rogers
John Bender
David Fauri
Catherine Patterson

At the Board's meeting on December 15, 1999, a public hearing was held on the proposed RS, Single-Family Residential District and the accompanying Comprehensive Plan text amendments. At that time, the staff presented the ordinance and the plan language, including alternative language proposed by the staff to address an issue which was noted late in the process.

BACKGROUND

The RS ordinance is the last part of the Board's Growth Management Strategy, most of which was accomplished during the last two years. The RS district began as the "suburban cluster" proposal, an idea which was intended to reintroduce into the more densely-populated areas of the County those attributes – open space, rural character, protected vistas from the roadways – which attracted people to move to Hanover County. At first, two alternatives were explored: one proposal for an additional district, and one for a replacement district. The Board recognized early that any additional district would have to provide incentives to encourage its use, and these incentives generally translate to density bonuses. This would have run directly counter to the intent of the Board with its management strategy, so the decision was made early to make the district a replacement for the conventional districts already in place.

The proposed ordinance allows for flexibility in return for better design and incorporation of open spaces, thoroughfare buffers, pedestrian walkways, and landscaping. In addition, the ordinance reintroduces the use of alleys into the suburban service area – a feature not permitted for years.

The ordinance also includes provision for consideration of single-family attached dwellings – duplexes, triplexes, and quadraplexes. These dwelling types provide the opportunity for significant cost savings, which begins to address the County's need for affordable housing (as noted in the presentation of the Board's Accessible Housing Committee Report). While there has been some opposition to the proposal, in general, the speakers have been supportive of the ordinance.

ALTERNATIVES

The staff provided two drafts of the ordinance in the Board packet: one represents the recommended language from the Planning Commission (including some clarifying language discussed at the Commissions' public hearing), and one from the staff, which includes a revision to the method of calculating density when Chesapeake Bay Resource Protection Areas are located on the property which is the subject of the rezoning request. The staff's proposal is to only permit ½ of the RPA area to be used in calculating density. This is suggested to address the possibility of an applicant taking advantage of the ordinance's provision for no minimum lot size to try to overdevelop a parcel with significant RPAs on the site. For example – if a 100 acre parcel has 50 acres of RPAs, the density (which could range from 100 units to 400 units, depending on location) would be clustered on the "good" land. This rewards someone who finds a property which would otherwise be marginally developable. The staff's revision would cut the density in the example by 25% (half of the RPA area).

However, the staff also understands the Board may be reluctant to adopt the staff's recommendation without Commission review. Since the Commission's recommendation included a proposal to revisit the ordinance in 12 – 18 months to see if revisions are necessary, the staff is comfortable with Board consideration of the Commission's recommended ordinance. If there is a need to change the language regarding density calculation, it can be accomplished during this review period.

RECOMMENDATION

During the public hearing on this ordinance at the Board meeting in December, several representatives of community groups and organizations commented. Many of these were endorsements of the proposal, including the Hanover Association of Businesses, the Hanover Business Council, the Richmond Homebuilders Association, and the County's own Accessible Housing Committee, which recommended adoption of the ordinance because of its potential to address the County's outstanding housing issues (see attached text from their report). Based on these endorsements and the recommendation of the Planning Commission, the staff is continuing to recommend ADOPTION of the RS ordinance and the Comprehensive Plan text amendments. Both drafts (Commission and staff) are attached, along with the Comprehensive Plan text.

Proposed RS District Ordinance

The Committee reviewed drafts of the County's proposed RS district ordinance (Ordinance 99-04) and the proposed comprehensive plan amendment (CPA 99-05). The Committee realizes the purpose of the proposed district is not centered on housing type, but rather open space preservation within the Suburban Service Area. The district would have the secondary benefit of allowing housing types other than traditional single family detached dwelling units. As such, citizens would have a broader range of housing choices from which to choose. It is the Committee's belief that variety and choice are essential components in providing accessible housing to Hanover County residents.

Recommendation

The Committee supports the proposed RS District ordinance. Although the purpose of the ordinance is not housing based, the Committee supports this policy change that allows for diversification of Hanover's housing stock. The Committee, therefore, recommends the Board of Supervisors look favorably upon this ordinance amendment.

Excerpt from ***Hanover County Accessible Housing Committee: Final Report*** approved by the Accessible Housing Committee November 9, 1999 and accepted by the Board of Supervisors December 15, 1999.

ORDINANCE 99-04

Revised December 10, 1999 (Staff Recommendation)

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 Districts in effect on [the date of adoption of this ordinance]. Copies of the District provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

Communications tower: A tower of any type which supports or is intended to support communications (broadcast and/or receiving) equipment and accessory equipment utilized by commercial, governmental or other public and quasi-public users, not to include home use of radio and television antennas and support structures, satellite dishes, or antennas and support structures, satellite dishes, or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission.

...

Dwelling, **detached** ~~single family~~: A building designed for or occupied ~~exclusively~~ by one family, **with no walls in common with another dwelling unit.**

Dwelling, ***attached*** ~~two family~~: A building designed for or occupied exclusively by two (2) ***or more*** families living independently of each other, ***with each unit being separated by a vertical party wall and having a separate exterior entrance.***

Dwelling, multiple family: A building designed for or occupied exclusively by ~~three (3)~~ ***two (2)*** or more families living independently of each other ***with units separated horizontally, or with five (5) or more units in one building.***

Dwelling unit: A room or group of rooms occupied or ~~intended~~ **designed** to be occupied as separate living quarters.

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed, used, or adapted for joint service**. Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

...

~~Townhouse: A single-family dwelling forming one of a group or series of three (3) or more units in a structure separated from one another by solid common walls.~~

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. **The purpose of this District is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These Districts are located within the designated suburban areas of the County where public utilities make such a District feasible.**

3.2 Criteria for review. Development proposals for this District shall not be approved by the Board of Supervisors, for either the base density or higher densities described below, unless the Board finds that the development and density are consistent with the public necessity, convenience, general welfare, and good zoning practice, with the purposes of zoning ordinances set out in Title 15.2 of the Virginia Code, and with the Hanover County Comprehensive Plan; and that the development proposal and amenities are appropriate for the intended density.

3.3 Uses. **The uses permitted within the RS District, whether by right or as Conditional Uses or Special Exceptions, are as specified below.**

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

1. Dwellings, both detached and attached. No more than four (4) separate dwelling units may be incorporated into any residential structure. *In the case of attached units, each unit shall be separated by vertical party walls and each unit shall have a separate exterior entrance.*

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Public and private forests, wildlife reservations, and similar conservation projects.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front or side yard.

6. Swimming pool and game courts, lighted or unlighted, and community buildings or clubhouses, for use of ~~occupants~~ residents or their guests.

7. Signs as regulated in article 7, section 3.

8. 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.

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

10. The location of office or construction trailers for a period not to exceed one year.

11. Foster care and adult family care.

c. 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:

1. Camps, day or boarding, private or commercial.

2. Institutions, educational or philanthropic, including museums, art galleries and libraries.

3. Private clubs.

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

5. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, transmission lines, and communications towers.

6. Swimming or tennis club or other recreational facility, private, nonprofit, or commercially operated.

7. 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.

8. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

9. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals,

switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Convalescent homes, nursing homes, or homes for the aged.

   (c) Day nurseries or child or adult day care centers.

   (d) Home occupations in an accessory buildings, except for home craft shops and retail sales businesses.

3. Any structure exceeding the maximum height limit, except those structures specified in Article 7, Section 4.2, of the Zoning Ordinance.

3.4 Density; calculation. The RS District provides for a range of density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. *Density calculations shall be based on the gross acreage for the District, provided that no more than fifty percent (50%) of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included.* To be eligible for consideration of density higher than one and one-quarter (1¼) units per acre within the District, a minimum of fifteen percent (15%) of the net acreage shall be provided as common space (improved with amenities accessory to residential uses or landscaped) and/or open space (unimproved

natural areas or buffers). *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 percent (35%) or greater.*

a) *For densities greater than one (1) unit per acre, but less than or equal to one and one-quarter (1¼) units per acre: if curb and gutter are provided throughout the District, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of one and one-quarter (1¼) units/acre.*

b) For densities greater than one and one-quarter (1¼) unit per acre, but less than or equal to two (2) units per acre: If at least 15% of the net acreage is left in open and/or common space, and if the following improvements are included in the District, *and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above,* the Board of Supervisors may approve increased density to a maximum of two (2) units/acre.

1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement no less than ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection. 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 inches (2") 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.

2) pedestrian paths, providing access to open space and common space and designed to be extended into adjoining developments, both residential and commercial. Paths may be located within the common or open space and placed no closer than ten (10) feet to any side or rear lot line. Open space shall be landscaped between paths

and lots, except where the path is located along a lot front.

c) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre: If the improvements specified below are provided in addition to the improvements listed in subsection (*b*) above, *and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above,* the Board of Supervisors may approve increased density to a maximum of three (3) units/acre.

1) An additional five percent (5%) of the net acreage set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the District fronts at intervals no greater than one hundred (100) feet apart, for a distance of at least one hundred (100) feet in either direction from any entrance intersection constructed within the District. The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

d) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (*b*) and (*c*) above are included, and the additional improvements specified below are provided, *and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above,* the Board of Supervisors may approve increased density to a maximum of four (4) units/acre.

1) An additional five percent (5%) of the net acreage set aside as common or open space, for a total of no less than twenty-five percent (25%).

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the District. A "single-loaded street" shall be a street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots, fronting common or open space along the other side.

3.5 Lot area requirements.

1. Detached dwellings: When a District is developed at a density less than two (2) units per acre, the minimum lot size for detached dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is

one and one-quarter (1¼) units per acre, and 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 1,000 feet of the boundary of the proposed District. For proposed Districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, 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 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five percent (35%) 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(s) of all proposed improvements, including those required in the District. A general description of landscaping and pedestrian paths shall also be provided. In addition, entrance features, such as signs, landscaping, fences, gate structures, lighting, or other appropriate amenities, shall be shown on the Plan.

n. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas*. When a proposed District includes the creation of open and/or common space, the minimum areas 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. Open and/or common space areas 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 percent (35%) or greater), but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas.

3. *Conceptual Plan; standards for review*. The Conceptual Plan shall provide for adherence to the following standards:

a. The open and common space areas 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 and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.

f. 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 open or common space or other appropriate vista.

4. *Ownership and maintenance*. Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common and open space to the association, and shall provide for maintenance of all open and common areas and amenities, including street lights, street trees, alleys, and pedestrian paths. Easements applying to the common and/or open space shall be conveyed 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 and open space, prohibiting further division of those areas, and prohibiting any use not permitted by the Zoning Ordinance. The Board of Supervisors may convey the easement to a qualifying non-profit or governmental agency, or may allow such conveyance in lieu of conveyance to the County.

5. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 6, R-4, Residential Cluster Development District, Subsection 6.2, shall be amended to read in its entirety as follows:

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

1. ~~Any use as regulated in the R-3 District.~~ **Dwellings, both attached and detached.**

2. ~~Two-family dwelling.~~ **Any other use as regulated in the RS District.**

~~3. Townhouses.~~

6. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 7, R-5 Multiple-family Residential District, Subsection 7.2, shall be amended to read in its entirety as follows:

7.2 Permitted uses. A building or land shall be used only for ***multiple-family dwellings.*** ~~the following purposes:~~

~~1. Two family dwelling, subject to the special regulations of Article 7.~~

~~2. Multiple family dwellings.~~

7. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 8, R-6 Residential Mobile Home District, Subsection 8.2, shall be amended to read in its entirety as follows:

8.2 Permitted uses. A building or land shall be used only for the following purpose~~s~~:

~~1. Any use permitted in the R-2 Single Family Residential District subject to the lot size, yard, height, and other requirements of that District.~~

2.1. Mobile home park, provided:

(a) That the mobile home park shall comply with all sanitary and other requirements prescribed by law or regulation.

(b) That access to the mobile home park shall not be from a minor residential street, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, that no mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lighted and at least thirty (30) feet in width, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable county specifications and ordinances.

(c) That the topography of the site be such as to facilitate rapid drainage and that adequate drainage facilities be provided.

(d) That the design evidences a reasonable effort to preserve the natural amenities of the site.

(e) The minimum width and/or depth of the mobile home park shall be two hundred (200) feet and a minimum total area of the park shall be five (5) acres, including one-half the width of bordering streets, except that minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five

(5) acres or more.

(f) No mobile home sites shall be offered for sale or sold.

(g) All utility lines shall be underground, including electrical wiring and telephone lines.

(h) The mobile home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along the street frontage with an arterial street or major highway and at least twenty-five (25) feet wide along all other lot lines or street frontage.

(i) Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems. Such water and sewer facilities shall be subject to approval and inspection by the health official and may be either public facilities or privately owned sewer and water systems, but in either case shall be designed to serve the entire mobile home park.

(j) Each mobile home site shall be provided with electrical outlets installed in accordance with the National Electrical Code.

(k) The open space beneath the unit shall be skirted with approved material in accordance with the requirements of the Administrator.

3.2. No existing mobile home park shall be enlarged or extended unless the entire park is made to conform substantially to all requirements for a new mobile home park.

8. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 10, B-1 Neighborhood Business District, Subsections 10.2-1 and 10.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

10.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS, Residential Single-Family** District

...

9. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 11, B-2 Community Business District, Subsections 11.2-1 and 11.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, Residential Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

11.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS, Residential Single-Family** District

...

10. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 13, B-3 General Business District, Subsection 12.3-1, shall be amended to read as follows:

12.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS, Residential Single-Family** District

...

11. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 1.1, Specific requirements by use, shall be amended to read as follows:

Use or use category	Off-street Parking Spaces Required
~~One-, two-, or three-family~~ **Attached or detached** Dwelling	2 per dwelling unit

~~Townhouse or~~
Multiple-family dwelling, ~~more than 3 dwelling units~~ 2¼ per dwelling unit

...

12. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.2-1, shall be amended to read as follows:

4.2 Modification of height regulations. Subject to the following specific modifications, no structure may exceed the height limit provided under the applicable zoning District:

1. Except within an OAP Overlay Airport Protection District, the height limitations of this ordinance shall not apply to the following structures when such structures do not exceed a height of one hundred twenty-five (125) feet:

   (a) Belfries.

   (b) Chimneys.

   (c) Church spires.

   (d) Water towers and standpipes.

   (e) Conveyors.

   (f) Cooling towers.

   (g) Elevator bulkheads.

   (h) Fire towers.

   (i) Public monuments.

   (j) Ornamental towers and spires.

   (k) Commercial radio and television towers, **television antennas and support structures for home use, and amateur radio broadcasting and receiving antennas and support structures.**

   (l) Silos and grain driers.

   (m) Smoke stacks.

   (n) Stage towers or scenery lofts.

   (o) Tanks.

13. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.10, Special regulations for two-family dwellings, shall be repealed.

14. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: ~~Reserved~~. **Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and type of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used, *the location(s) of the materials,* and the proposed location(s) of each tree and shrub to be planted. Where existing plantings are to be retained, *specifics as to materials and location(s), as well as* proposed methods for protection during construction, shall be included in the plans. Landscaping shall be secured pursuant to this Ordinance.**

15. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-6.1(d), shall be adopted and shall read in its entirety as follows:

> *(d) **The term "Improvement" shall include landscaping, which shall be installed prior to acceptance of any roads into the Virginia State System of Highways for maintenance. If the time of year or environmental circumstance would jeopardize any planting, an extension may be granted for a period not to exceed six (6) months. At the time of acceptance of roads within the subdivision, or at the end of the extension of time granted, surety equal to twenty-five percent (25%) of the cost of materials and installation of landscaping shall be provided to the County to ensure the landscaping was installed properly and remains healthy. This surety may be released at the end of one (1) year, if an inspection shows the landscaping remains healthy. Maintenance of all required landscaping is the responsibility of the property owner(s), and all plants damaged by insects, disease, vehicular traffic, acts of God, or vandalism shall be replaced.***

16. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): *Buffers along existing and planned public roads.* For all subdivisions developed in R-S, R-4, R-5, and R-6 residential Districts, a buffer shall be located along all public roads (not within subdivisions) existing on the date of final subdivision approval and all roads designated on the Major Thoroughfare Plan on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low-maintenance vegetation. No more than fifty percent (50%) of the required open or common space shall comprise the area of the buffer along existing public roads.

5-21-1(b): Pedestrian paths. For all residential subdivisions developed in the Suburban Service Area, pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. 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 roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to Virginia Department of Transportation standards and can be accepted by the Department for maintenance. If curb and gutter are used along a major thoroughfare, the path located within the right-of-way shall be separated from the curb and gutter by a distance of no less than four (4) feet.

17. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. ~~Alleys should be avoided wherever possible.~~ Alleys may be permitted within subdivisions in all R-S Residential Districts. Alleys shall be no less than eighteen (18) feet in width, with travelways no less than twelve (12) feet in width. There shall be an all-weather surface provided, constructed to a standard equal to or greater than the private road requirements specified in the Title II. Subdivision Ordinance. Detailed construction plans for all alleys shall be included in construction plans for the subdivision in which the alleys shall be constructed. All alleys shall be maintained by the homeowners' association, and shall be owned by the association. When an alley is designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space. Common space containing alleys

shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. Alleys shall not be considered as frontage for a lot.

18. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

19. This Ordinance shall be effective upon adoption.

Planning Commission Public Hearing: _____

Action by Board of Supervisors:

On a motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance Number 99- , as follows:

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []
Mr. WARD:	Aye []	Nay []	Absent []	Abstain []

Public Hearing: _____

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

Planning Department: _____

ORDINANCE 99-04

Revised January 21, 2000 (Planning Commission Recommendation)

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 Districts in effect on [the date of adoption of this ordinance]. Copies of the District provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

Communications tower: A tower of any type which supports or is intended to support communications (broadcast and/or receiving) equipment and accessory equipment utilized by commercial, governmental or other public and quasi-public users, not to include home use of radio and television antennas and support structures, satellite dishes, or antennas and support structures, satellite dishes, or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission.

...

Dwelling, **detached** ~~single family~~: A building designed for or occupied ~~exclusively~~ by one family, **with no walls in common with another dwelling unit.**

Dwelling, ***attached*** ~~two family~~: A building designed for or occupied exclusively by two (2) ***or more*** families living independently of each other, ***with each unit being separated by a vertical party wall and having a separate exterior entrance.***

Dwelling, multiple family: A building designed for or occupied exclusively by ~~three (3)~~ ***two (2)*** or more families living independently of each other ***with units separated horizontally, or with five (5) or more units in one building.***

Dwelling unit: A room or group of rooms occupied or ~~intended~~ **designed** to be occupied as separate living quarters.

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed, used, or adapted for joint service**. Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

...

~~Townhouse: A single-family dwelling forming one of a group or series of three (3) or more units in a structure separated from one another by solid common walls.~~

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. **The purpose of this District is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These Districts are located within the designated suburban areas of the County where public utilities make such a District feasible.**

3.2 Criteria for review. Development proposals for this District shall not be approved by the Board of Supervisors, for either the base density or higher densities described below, unless the Board finds that the development and density are consistent with the public necessity, convenience, general welfare, and good zoning practice, with the purposes of zoning ordinances set out in Title 15.2 of the Virginia Code, and with the Hanover County Comprehensive Plan; and that the development proposal and amenities are appropriate for the intended density.

3.3 Uses. **The uses permitted within the RS District, whether by right or as Conditional Uses or Special Exceptions, are as specified below.**

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

1. Dwellings, both detached and attached. No more than four (4) separate dwelling units may be incorporated into any residential structure. *In the case of attached units, each unit shall be separated by vertical party walls and each unit shall have a separate exterior entrance.*

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Public and private forests, wildlife reservations, and similar conservation projects.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front or side yard.

6. Swimming pool and game courts, lighted or unlighted, and community buildings or clubhouses, for use of ~~occupants~~ residents or their guests.

7. Signs as regulated in article 7, section 3.

8. 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.

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

10. The location of office or construction trailers for a period not to exceed one year.

11. Foster care and adult family care.

c. 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:

1. Camps, day or boarding, private or commercial.

2. Institutions, educational or philanthropic, including museums, art galleries and libraries.

3. Private clubs.

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

5. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, transmission lines, and communications towers.

6. Swimming or tennis club or other recreational facility, private, nonprofit, or commercially operated.

7. 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.

8. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

9. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals,

switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Convalescent homes, nursing homes, or homes for the aged.

   (c) Day nurseries or child or adult day care centers.

   (d) Home occupations in an accessory buildings, except for home craft shops and retail sales businesses.

3. Any structure exceeding the maximum height limit, except those structures specified in Article 7, Section 4.2, of the Zoning Ordinance.

3.4 Density; calculation. The RS District provides for a range of density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. *Density calculations shall be based on the gross acreage for the District.* To be eligible for consideration of density higher than one and one-quarter (1¼) units per acre within the District, a minimum of fifteen percent (15%) of the net acreage shall be provided as common space (improved with amenities accessory to residential uses or landscaped) and/or open space (unimproved natural areas or buffers). *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 percent (35%) or greater.

a) *For densities greater than one (1) unit per acre, but less than or equal to one and one-quarter (1¼) units per acre: if curb and gutter are provided throughout the District, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of one and one-quarter (1¼) units/acre.*

b) For densities greater than one and one-quarter (1¼) unit per acre, but less than or equal to two (2) units per acre: If at least 15% of the net acreage is left in open and/or common space, and if the following improvements are included in the District, *and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above,* the Board of Supervisors may approve increased density to a maximum of two (2) units/acre.

1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement no less than ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection. 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 inches (2") 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.

2) pedestrian paths, providing access to open space and common space and designed to be extended into adjoining developments, both residential and commercial. Paths may be located within the common or open space and placed no closer than ten (10) feet to any side or rear lot line. Open space shall be landscaped between paths and lots, except where the path is located along a lot front.

c) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre: If the improvements specified below are provided in addition to the improvements listed in subsection (*b*) above, *and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above,* the Board of Supervisors may approve increased density to a maximum of three (3) units/acre.

1) An additional five percent (5%) of the net acreage set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the District fronts at intervals no greater than one hundred (100) feet apart, for a distance of at least one hundred (100) feet in either direction from any entrance intersection constructed within the District. The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

d) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (*b*) and (*c*) above are included, and the additional improvements specified below are provided, *and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above,* the Board of Supervisors may approve increased density to a maximum of four (4) units/acre.

1) An additional five percent (5%) of the net acreage set aside as common or open space, for a total of no less than twenty-five percent (25%).

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the District. A "single-loaded street" shall be a street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots, fronting common or open space along the other side.

3.5 Lot area requirements.

1. Detached dwellings: When a District is developed at a density less than two (2) units per acre, the minimum lot size for detached dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this District shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this Zoning Ordinance.

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. Dwelling units:				
Base density:	50	10	25	25
Higher densities:	15	0	0	0

2. When detached garages are constructed in the rear yard on any lot in a District where the density exceeds one and one-quarter (1¼) unit per acre, and access is provided through use of an alley, there shall be no minimum side yard. The minimum rear yard shall be five (5) feet.

3. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as otherwise specified in the Zoning Ordinance.

4. Corner lots shall provide the required front yard setback from all property lines contiguous with a public road.

3.7 Height requirements. Structures not specifically exempted in Article 7 shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less; provided that communications towers may exceed forty-five (45) feet if approved in conjunction with a Conditional Use Permit, in accordance with the procedures set out in the Zoning Ordinance.

3.8 Public utilities required. All buildings shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply within the RS District.

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. 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 be submitted with each application for rezoning for a density higher than one and one-quarter (1¼) units per acre, and 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 1,000 feet of the boundary of the proposed District. For proposed Districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, 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 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five percent (35%) 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(s) of all proposed improvements, including those required in the District. A general description of landscaping and pedestrian paths shall also be provided. In addition, entrance features, such as signs, landscaping, fences, gate structures, lighting, or other appropriate amenities, shall be shown on the Plan.

n. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas*. When a proposed District includes the creation of open and/or common space, the minimum areas 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. Open and/or common space areas 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 percent (35%) or greater), but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas.

3. *Conceptual Plan; standards for review*. The Conceptual Plan shall provide for adherence to the following standards:

a. The open and common space areas 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 and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space

areas 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.

f. 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 open or common space or other appropriate vista.

4. *Ownership and maintenance*. Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common and open space to the association, and shall provide for maintenance of all open and common areas and amenities, including street lights, street trees, alleys, and pedestrian paths. Easements applying to the common and/or open space shall be conveyed 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 and open space, prohibiting further division of those areas, and prohibiting any use not permitted by the Zoning Ordinance. The Board of Supervisors may convey the easement to a qualifying non-profit or governmental agency, or may allow such conveyance in lieu of conveyance to the County.

5. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 6, R-4, Residential Cluster Development District, Subsection 6.2, shall be amended to read in its entirety as follows:

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

1. ~~Any use as regulated in the R-3 District.~~ **Dwellings, both attached and detached.**

2. ~~Two-family dwelling.~~ **Any other use as regulated in the RS District.**

~~3. Townhouses.~~

6. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 7, R-5 Multiple-family Residential District, Subsection 7.2, shall be amended to read in its entirety as follows:

7.2 Permitted uses. A building or land shall be used only for

multiple-family dwellings. ~~the following purposes:~~

~~1. Two family dwelling, subject to the special regulations of Article 7.~~

~~2. Multiple family dwellings.~~

7. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 8, R-6 Residential Mobile Home District, Subsection 8.2, shall be amended to read in its entirety as follows:

8.2 Permitted uses. A building or land shall be used only for the following purpose~~s~~:

~~1. Any use permitted in the R-2 Single-Family Residential District subject to the lot size, yard, height, and other requirements of that District.~~

2.1. Mobile home park, provided:

(a) That the mobile home park shall comply with all sanitary and other requirements prescribed by law or regulation.

(b) That access to the mobile home park shall not be from a minor residential street, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, that no mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lighted and at least thirty (30) feet in width, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable county specifications and ordinances.

(c) That the topography of the site be such as to facilitate rapid drainage and that adequate drainage facilities be provided.

(d) That the design evidences a reasonable effort to preserve the natural amenities of the site.

(e) The minimum width and/or depth of the mobile home park shall be two hundred (200) feet and a minimum total area of the park shall be five (5) acres, including one-half the width of bordering streets, except that minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five (5) acres or more.

(f) No mobile home sites shall be offered for sale or sold.

(g) All utility lines shall be underground, including electrical wiring and telephone lines.

(h) The mobile home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along the street frontage with an arterial street or major highway and at least twenty-five (25) feet wide along all other lot lines or street frontage.

(i) Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems. Such water and sewer facilities shall be subject to approval and inspection by the health official and may be either public facilities or privately owned sewer and water systems, but in either case shall be designed to serve the entire mobile home park.

(j) Each mobile home site shall be provided with electrical outlets installed in accordance with the National Electrical Code.

(k) The open space beneath the unit shall be skirted with approved material in accordance with the requirements of the Administrator.

3.2. No existing mobile home park shall be enlarged or extended unless the entire park is made to conform substantially to all requirements for a new mobile home park.

8. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 10, B-1 Neighborhood Business District, Subsections 10.2-1 and 10.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

10.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS,** Residential **Single-Family** District

...

9. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 11, B-2 Community Business District, Subsections 11.2-1 and 11.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

11.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS,** Residential **Single-Family** District

...

10. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 13, B-3 General Business District, Subsection 12.3-1, shall be amended to read as follows:

12.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS,** Residential **Single-Family** District

...

11. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 1.1, Specific requirements by use, shall be amended to read as follows:

Use or use category	Off-street Parking Spaces Required
~~One , two , or three family~~ **Attached or detached** Dwelling	2 per dwelling unit
~~Townhouse or~~ Multiple-family dwelling, ~~more~~	

~~than 3 dwelling units~~ 2¼ per dwelling unit

...

12. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.2-1, shall be amended to read as follows:

4.2 Modification of height regulations. Subject to the following specific modifications, no structure may exceed the height limit provided under the applicable zoning District:

1. Except within an OAP Overlay Airport Protection District, the height limitations of this ordinance shall not apply to the following structures when such structures do not exceed a height of one hundred twenty-five (125) feet:

   (a) Belfries.

   (b) Chimneys.

   (c) Church spires.

   (d) Water towers and standpipes.

   (e) Conveyors.

   (f) Cooling towers.

   (g) Elevator bulkheads.

   (h) Fire towers.

   (i) Public monuments.

   (j) Ornamental towers and spires.

   (k) Commercial radio and television towers, **television antennas and support structures for home use, and amateur radio broadcasting and receiving antennas and support structures.**

   (l) Silos and grain driers.

   (m) Smoke stacks.

   (n) Stage towers or scenery lofts.

   (o) Tanks.

13. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.10, Special regulations for two-family dwellings,

shall be repealed.

14. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: ~~Reserved~~. **Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and type of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used, *the location(s) of the materials,* and the proposed location(s) of each tree and shrub to be planted. Where existing plantings are to be retained, *specifics as to materials and location(s), as well as* proposed methods for protection during construction, shall be included in the plans. Landscaping shall be secured pursuant to this Ordinance.**

15. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-6.1(d), shall be adopted and shall read in its entirety as follows:

> ***(d) The term "Improvement" shall include landscaping, which shall be installed prior to acceptance of any roads into the Virginia State System of Highways for maintenance. If the time of year or environmental circumstance would jeopardize any planting, an extension may be granted for a period not to exceed six (6) months. At the time of acceptance of roads within the subdivision, or at the end of the extension of time granted, surety equal to twenty-five percent (25%) of the cost of materials and installation of landscaping shall be provided to the County to ensure the landscaping was installed properly and remains healthy. This surety may be released at the end of one (1) year, if an inspection shows the landscaping remains healthy. Maintenance of all required landscaping is the responsibility of the property owner(s), and all plants damaged by insects, disease, vehicular traffic, acts of God, or vandalism shall be replaced.***

16. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): *Buffers along existing and planned public roads.* For all subdivisions developed in R-S, R-4, R-5, and R-6 residential Districts, a

buffer shall be located along all public roads (not within subdivisions) existing on the date of final subdivision approval and all roads designated on the Major Thoroughfare Plan on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low-maintenance vegetation. No more than fifty percent (50%) of the required open or common space shall comprise the area of the buffer along existing public roads.

5-21-1(b): Pedestrian paths. For all residential subdivisions developed in the Suburban Service Area, pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. 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 roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to Virginia Department of Transportation standards and can be accepted by the Department for maintenance. If curb and gutter are used along a major thoroughfare, the path located within the right-of-way shall be separated from the curb and gutter by a distance of no less than four (4) feet.

17. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. ~~Alleys should be avoided wherever possible.~~ Alleys may be permitted within subdivisions in all R-S Residential Districts. Alleys shall be no less than eighteen (18) feet in width, with travelways no less than twelve (12) feet in width. There shall be an all-weather surface provided, constructed to a standard equal to or greater than the private road requirements specified in the Title II. Subdivision Ordinance. Detailed construction plans for all alleys shall be included in construction plans for the subdivision in which the alleys shall be constructed. All alleys shall be maintained by the homeowners' association, and shall be owned by the association. When an alley is designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space. Common space containing alleys shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. Alleys shall not be considered as

frontage for a lot.

18. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

19. This Ordinance shall be effective upon adoption.

Planning Commission Public Hearing: _____

Action by Board of Supervisors:

On a motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance Number 99- , as follows:

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []
Mr. WARD:	Aye []	Nay []	Absent []	Abstain []

Public Hearing: _____

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

Planning Department: _____

Statement in Support of Ordinance 99-04

I am pleased to have participated in the development of the proposed RS Ordinance (Ordinance 99-04). It offers major improvements, such as:

1) for the new RS District, the Ordinance enhances the quality of new development,
and
2) encourages preservation of open space,
and
3) it also helps us to maintain a rural environment in other parts of the county

With denser growth being focused in the RS district, the quality of new development in the District becomes even more critical. Proposed Ordinance 99-04 makes major strides in that direction by including landscaped buffers between thoroughfares and new developments, by requiring pedestrian pathways as sidewalks or walking/biking paths at higher densities, and by introducing lighting and landscaping standards.

Previous requirements for obtaining higher density tended to force the addition of amenities (such as clubhouses and swimming pools) to be within new subdivisions without much consideration of integration with or contribution to the larger, surrounding community. This could result in increased values within new sub-divisions but contributed little to the larger community. In contrast, buffers along thoroughfares, landscaping of the buffers to enhance views and absorb noise, entrance lighting, and interconnecting, uniform pathways contribute to both new sub-divisions and the surrounding community. // Thank you for the opportunity to speak.

David P. Fauri, 7036 Rotherham Road, Mechanicsville, VA. 23116, Phone 746-4239

Rcvd 12/15/99
Board of Supervisors
Meeting - Public Hearing

D.O. ALLEN HOMES INC

Building Quality Homes Since 1975

TO: MICHAEL CRESCENZO

FAX: 537-6232 PHONE: _____

DATE: 12/13/99 TIME: _____

NUMBER OF PAGES (Including this cover sheet): 5

HARD COPY TO FOLLOW: YES X NO _____

FROM: **Steve Lampmann**

RE: "RS" ZONING DISTRICT

MESSAGE:

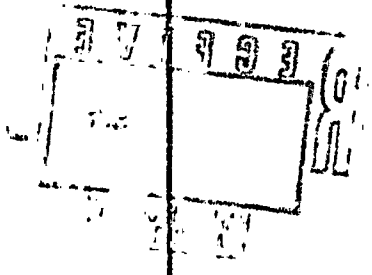
AS DISCUSSED CALL WITH QUESTIONS!

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DEC 14 1999
HANOVER COUNTY
PLANNING OFFICE

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812 Moorefield Park Drive • Suite 304 • Richmond, Virginia 23236
(804) 323-1362 • fax 323-0570



D.O. ALLEN HOMES INC.

Building Quality Homes Since 1975

December 13,1999

Michael E. Crescenzo, Director of Planning
Hanover County
P. O. Box 470
Hanover, VA 23069-0470

Re.: "RS" District and Housing Affordability

Dear Michael,

Included for your review and use are two "Land Use Study" plans indicating the density yields when applying the current conditions of the "R–3" and "RS" zoning districts. I have also included a retail housing costs analysis and adult housing statistics for your comment.

I am sure arguments can be made as to land price, improvement costs etc. on the cost analysis, but I believe I have utilized sound rational for applying the costs as shown.

I undertook this exercise not only to showcase the differences of the districts but to also demonstrate the impact on affordability if the yield is reduced from 4 homes to an acre down to 3.4. To achieve the desired affordability of Adult Housing when any land use issues i.e. Wet Lands, Steep Slopes, challenging property line geometry, exist, it becomes highly improbable that the conditions will allow for affordable Adult Housing.

I again ask that you recognize the needs of the 55+ population in that the requirements of single level living and reduced impact on the county's school system, warrants a 10% reduction in the open space provided when the community is Age Restricted.

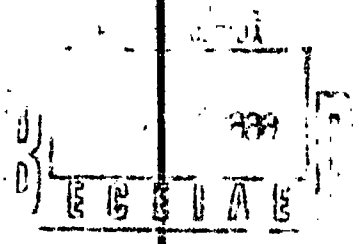
I would be happy to discuss these issues at greater length should you so desire.

Sincerely,

Stephen F. Lampmann
President

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- In 1995, persons 65 years or older numbered 33.5 million – 12% of the U. S. population

- In 1998, persons 55 years or older numbered 13,031 ~ 21% of the Hanover population.

- Between 1990 & 1995 the 65+ population increased by 11.5% in Virginia.

- Between 1990 & 1998 the 65+ population increased by 9.2% in Hanover County.

- In 1998, the Household Income for 50% of the 65+ population of Hanover County was less than $ 25,000.

- In 1998, the average Hanover County home sales price was $ 159,431

- A household with an income of $ 25,000 can afford a home with a Sales price of $73,500 mortgaging 75% (or $ 55,000).

- 6000 U. S. citizens celebrated their 65th birthday each day in 1995.

- Why the Move? 38% of the 60+ population want a smaller, easier home to maintain.

- 46% will move less than 10 miles from their present home.

- 86% of the 65+ population want a detached single level home.

Sources of Information: A profile of older Americans – by AARP
Builder Magazine
U. S. Bureau of the Census
Richmond Multiple Listing Service

Comparing "R - 3" and "RS" Zoning District's

Housing Affordability

	"R - 3" Zoning (per attached plan)		"RS" Zoning (per attached plan)		"RS" Zoning (reduced yield due to restricted la		
	Total Cost	Per Unit Cost	Total Cost	Per Unit Cost	Total Cost	Per Unit Cost	
	Homesites	66	Homesites	80	Homesites	68	
	Homesite density	3.33 units	Homesite density	4 units	Homesite density	3.4 units	
Land (20 acres @ $ 50,000 per acre)	$1,000,000	$15,152	$1,000,000	$12,500	$1,000,000	$14,706	
Land Development	$895,000	$13,561	765,000	$9,563	765,000	$11,250	
Road length times price per foot "R - 3"; 3580 ft @ $250.00 "RS"; 3060 ft @ $250.00**							
Club House and Pool	$0	$0	$260,000	$3,250	$260,000	$3,824	
Total Land and Land Development Costs	$1,895,000	$28,712	$2,025,000	$25,313	$2,025,000	$29,779	
Required Sales Price Based on Total Costs being 20% of Sales Price		$143,561		$126,563		$148,897	
Monthly mortgage cost 75% financed at 8% for 30 years ($7.34 per thousand)		$790		$697		$820	per month
Association Dues for Maintainence of the exterior of the homes and Club House/Pool Costs		$0		$150		$176	per month
Total Monthly Cost		**$790**		**$847**		**$996**	**per month**

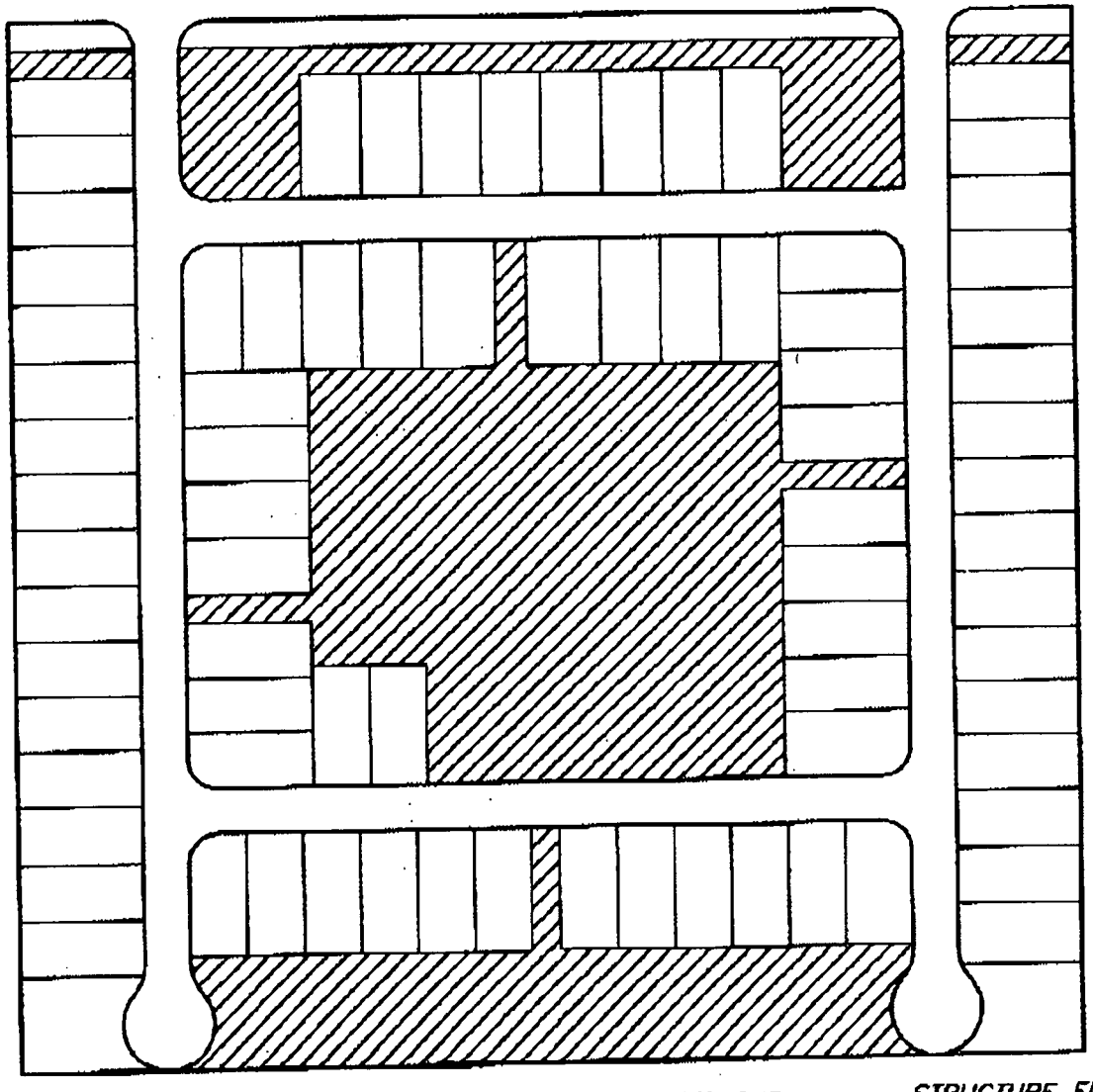
In 1998, the Household Income for 50% of the 65+ population of Hanover County was less than $25,000**

'** Estimates based on U. S. Bureau of the Census data by Danter Co.

HYPOTHETICAL PARCEL

ZONED RS

MAIN STREET



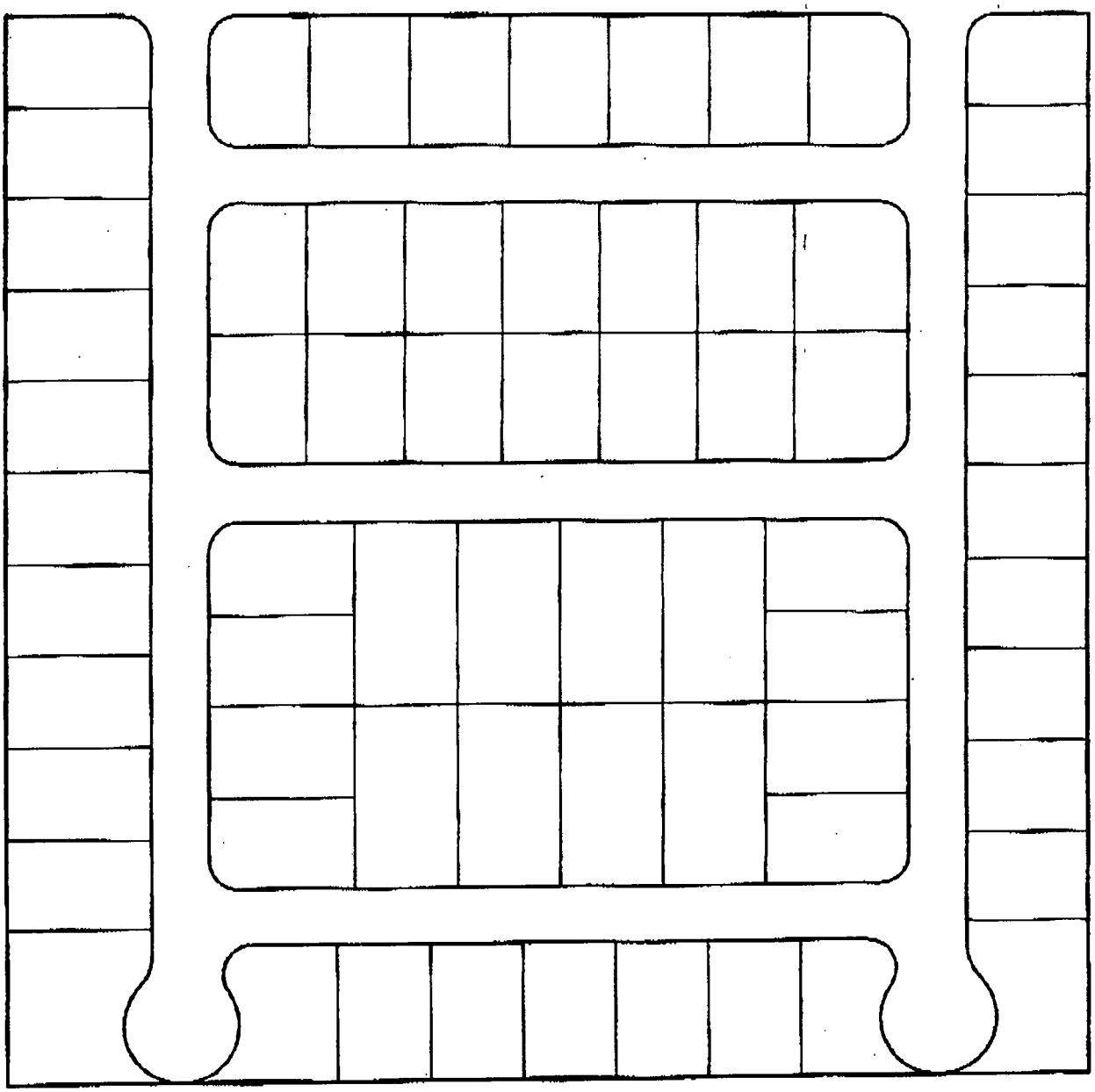
SETBACKS:
FRONT=15'
REAR=20'
SIDE=0'

STRUCTURE ENVELOPE:
WIDTH=40'
DEPTH=75'

80 LOTS
20 GROSS ACRES
30% OPEN SPACE
50' BUFFER ALONG MAIN ROAD
40' R.O.W.'S (2.98 AC)
10 ~~X~~ LOTS FRONT OPEN SPACE FOR SINGLE LOADED STREET REQ.
0% WETLANDS
0% STEEEP SLOPES
TYPICAL LOT SIZE=110'X50'(5500SF)
4.00 UNITS PER ACRE

HYPOTHETICAL PARCEL
ZONED R-3

MAIN STREET



66 LOTS
20 GROSS ACRES
0% OPEN SPACE
50' R.O.W.'S (4.40 AC)
0% WETLANDS
0% STEEEP SLOPES
TYPICAL LOT SIZE=80'x125'(10,000 SF)
3.33 UNITS PER ACRE

SETBACKS:
FRONT=30'
REAR=25'
SIDE=10'
SIDE AGG.=25'

STRUCTURE ENVELOPE:
WIDTH=40'
DEPTH=75'

D.O. ALLEN HOMES

Building Quality Homes Since 1975

December 13,1999

Aubrey M. Stanley, Jr.
Hanover County Supervisors
18029 Beaver Dam Road
Beaverdam, VA 23015

Dear Mr. Stanley,

On Wednesday night a very important zoning ordinance will be presented to the board, the "RS" Ordinance #99-04. I support the ordinance as written but ask that you consider an additional provision that will allow builders to provide a more affordable home for the growing number of 55 and better residents. The below statistics showcase my advocacy of Adult Housing in that a very large percentage of Hanover County residences currently do not have any solution for their desire to "stay and downsize".

A key ingredient to achieve affordability is to allow densities of 4 homes to the acre. As written the current "RS" Ordinance provisions will now provide a zoning class for this use however it falls short of the ability to do so affordably. I ask that you consider the reduction of the open space requirement from 25% down to 15%, when a builder agrees to "Age Restrict" the community. This request would allow builders to provide an affordable single level home, with a footprint that is 10% larger than a conventional two level home, which will accommodate the Adult Housing lifestyle. An Age Restricted community will also have minimal impact on the county's budget for education and additional schools.

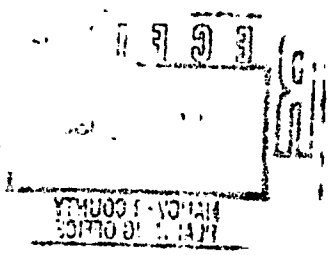
I would be happy to discuss these issues at greater length should you so desire.

Sincerely,

Stephen F. Lampmann
President

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HANOVER COUNTY
PLANNING OFFICE

812 Moorefield Park Drive • Suite 304 • Richmond, Virginia 23236
(804) 323-1362 • fax 323-0570



D.O. ALLEN HOMES

Building Quality Homes Since 1975

December 13,1999

Thomas F. Giles, Jr.
Hanover County Supervisor
9568 Kings Charter Drive
Suite 202
Ashland, VA 23005

Dear Mr. Giles,

On Wednesday night a very important zoning ordinance will be presented to the board, the "RS" Ordinance #99-04. I support the ordinance as written but ask that you consider an additional provision that will allow builders to provide a more affordable home for the growing number of 55 and better residents. The below statistics showcase my advocacy of Adult Housing in that a very large percentage of Hanover County residences currently do not have any solution for their desire to "stay and downsize".

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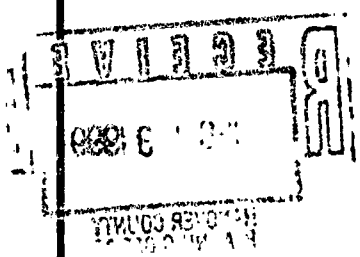
I would be happy to discuss these issues at greater length should you so desire.

Sincerely,

Stephen F. Lampmann
President

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DEC 13 1999
HANOVER COUNTY
PLANNING OFFICE

812 Moorefield Park Drive • Suite 304 • Richmond, Virginia 23236
(804) 323-1362 • fax 323-0570



- In 1995, persons 65 years or older numbered 33.5 million – 12% of the U. S. population

- In 1998, persons 55 years or older numbered 13,031 – 21% of the Hanover population.

- Between 1990 & 1995 the 65+ population increased by 11.5% in Virginia.

- Between 1990 & 1998 the 65+ population increased by 9.2% in Hanover County.

- In 1998, the Household Income for 50% of the 65+ population of Hanover County was less than $ 25,000.

- In 1998, the average Hanover County home sales price was $ 159,431

- A household with an income of $ 25,000 can afford a home with a Sales price of $73,500 mortgaging 75% (or $ 55,000).

- 6000 U. S. citizens celebrated their 65th birthday each day in 1995.

- Why the Move? 38% of the 60+ population want a smaller, easier home to maintain.

- 46% will move less than 10 miles from their present home.

- 86% of the 65+ population want a detached single level home.

Sources of Information: A profile of older Americans – by AARP
Builder Magazine
U. S. Bureau of the Census
Richmond Multiple Listing Service

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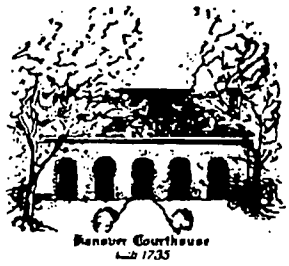
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STERLING E. RIVES, III
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PLANNING OFFICE
PHONE 804-365-6171
FAX 804-365-6232

Ordinance 99-04
RS District
&
CPA 99-05
Single Family
Residential Dev.

Agenda Item

MEMORANDUM

To: Hanover County Board of Supervisors

From: Michael E. Crescenzo, Director of Planning MC

Subject: Ordinance 99-04: RS District – Additional Comments and Revisions

Date: December 10, 1999

Copies: Hanover County Planning Commission
Catherine Patterson
David Fauri
Todd Rogers
John Bender

While you have already received the packet with the draft ordinance as recommended by the Commission, the staff has had an opportunity to consider some clarifications to the language in an effort to make the ordinance easier to understand. In addition, we are recommending some minor modifications to address possible concerns with the language in your packet.

The staff noted that the current residential districts do not generally derive any benefit from having wetlands or Chesapeake Bay Resource Protection Areas on site. While the presence of these areas does not directly affect density, it does indirectly: required minimum lot areas cannot include areas of inundation. Consequently, it becomes more difficult to create lots which meet the County's standards, and the number of lots may have to be reduced from what would otherwise be available in a given zoning district. In the new RS district, wetlands/RPAs are protected, but the area comprising the wetlands and RPAs can be used in calculating density for the project. Since there are no minimum lot sizes when density exceeds 1 ¼ units/acre, the overall density requested can be achieved without loss of lots to wetlands. This also means some property which would otherwise be considered marginal for development (with significant areas of wetlands, for example) become developable, clustering the lots onto the fast land on site. The staff is suggesting a change to the method of calculating density: On page 6, rather than including 100% of the area on site which comprise RPAs, the staff is recommending only including no more than 50%. This does mean a minimal increase in density over the current standards, but not as high as would be permitted with inclusion of the entire area of RPAs. Additionally, as mentioned previously, this is in return for both protection of RPAs and provision of open space (in addition to the RPAs and slopes).

We have also included a revised definition of "attached dwelling" and "multiple-family dwelling", to address questions raised during the Planning Commission's hearings. The new definitions stipulate that an "attached dwelling" is limited to a building with 2, 3, or 4 units divided by vertical common walls, while a "multiple-family dwelling" may be a building with 5 or more units or a building with 2 or more units divided horizontally (one unit above another). Such a configuration is much harder to design to resemble a detached residence, which is the intent of the ordinance with regard to attached units.

Other minor language changes are included in the draft. Those which are substantive appear as ***bold italicized type*** for ease of identification.

The staff has also prepared a chart in response to the most frequently asked questions in the workshops and public hearings before the Commission regarding the comparison of the existing districts to the proposed RS district. We have also prepared exhibits that illustrate the options for development under the new district in comparison to conventional development design. Some of the illustrations are hypothetical. One, however, is based on a comparison of Locust Hill's original conceptual plan, a plan for 133 lots on approximately 67 acres in Mechanicsville. The illustration shows how the development could have been designed using the standards of the RS district, including a 50 foot thoroughfare buffer, no lots with direct access to Walnut Grove Road, and 20% of the site set aside as open space and common area for the residents of the development. The average lot size is reduced minimally, from approximately 15,000 square feet per lot to 12,000 square feet per lot (still well over the average size for an R-3 subdivision). Note that the buildings could also be 2, 3, or 4 unit buildings instead of the common single unit; this would generally also increase the amount of open space within a project.

Also attached is the Planning Commission's recommendation letter, including a request for the ordinance to be reviewed in 12 to 18 months to see if any revisions or changes are necessary.

Should you have any questions regarding the revised draft, the illustrations, or the chart, please contact the staff.

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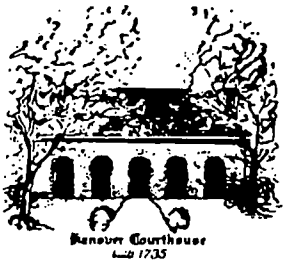
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COUNTY ATTORNEY

MEMORANDUM

PLANNING OFFICE
PHONE 804-365-6171
FAX 804-365-6232

TO: Hanover County Board of Supervisors

FROM: Michael E. Crescenzo, Director of Planning

SUBJECT: Planning Commission Recommendation
CPA 99-05, Single Family Residential Development Criteria
Ordinance 99-04, RS District

DATE: December 10, 1999

COPIES: Robert R. Setliff
Mr. Don G. Morgan
J. Keith Thompson
Betty Gray

At the Planning Commission meeting of November 29, 1999, on a motion by Mr. Setliff, seconded by Mr. Morgan, the Commission voted to recommend **APPROVAL** of Ordinance 99-04, to amend the Hanover County Zoning Ordinance to repeal the R-1, R-2, and R-3 Single-Family Residential Districts; to adopt the RS, Single-Family Residential District; and to amend the Hanover County Subdivision Ordinance to require improvements in certain subdivisions.

On a subsequent motion by Mr. Setliff, seconded by Mr. Morgan, the Commission recommended **APPROVAL** of CPA 99-05, adopting text changes to implement the new ordinance.

Finally, on a motion by Mr. Setliff, seconded by Mr. Swann, the Commission also voted to request that the Board of Supervisors review this ordinance in eighteen months to determine whether any necessary revisions may have become apparent.

Should you have any questions, please contact the staff.

GJW\PC Action Letters c:Ord 99-04

ORDINANCE 99-04
Revised December 10, 1999

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 Districts in effect on [the date of adoption of this ordinance]. Copies of the District provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

Communications tower: A tower of any type which supports or is intended to support communications (broadcast and/or receiving) equipment and accessory equipment utilized by commercial, governmental or other public and quasi-public users, not to include home use of radio and television antennas and support structures, satellite dishes, or antennas and support structures, satellite dishes, or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission.

...

Dwelling, **detached** ~~single family~~: A building designed for or occupied ~~exclusively~~ by one family, **with no walls in common with another dwelling unit.**

Dwelling, ***attached*** ~~two family~~: A building designed for or occupied exclusively by two (2) ***or more*** families living independently of each other, ***with each unit being separated by a vertical party wall and having a separate exterior entrance.***

Dwelling, multiple family: A building designed for or occupied exclusively by ~~three (3)~~ ***two (2)*** or more families living independently of each other ***with units separated horizontally, or with five (5) or more units in one building.***

Dwelling unit: A room or group of rooms occupied or ~~intended~~ **designed** to be occupied as separate living quarters.

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed, used, or adapted for joint service**. Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

...

~~Townhouse: A single family dwelling forming one of a group or series of three (3) or more units in a structure separated from one another by solid common walls.~~

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. **The purpose of this District is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These Districts are located within the designated suburban areas of the County where public utilities make such a District feasible.**

3.2 Criteria for review. Development proposals for this District shall not be approved by the Board of Supervisors, for either the base density or higher densities described below, unless the Board finds that the development and density are consistent with the public necessity, convenience, general welfare, and good zoning practice, with the purposes of zoning ordinances set out in Title 15.2 of the Virginia Code, and with the Hanover County Comprehensive Plan; and that the development proposal and amenities are appropriate for the intended density.

3.3 Uses. **The uses permitted within the RS District, whether by right or as Conditional Uses or Special Exceptions, are as specified below.**

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

1. Dwellings, both detached and attached. No more than four (4) separate dwelling units may be incorporated into any residential structure. *In the case of attached units, each unit shall be separated by vertical party walls and each unit shall have a separate exterior entrance.*

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Public and private forests, wildlife reservations, and similar conservation projects.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front or side yard.

6. Swimming pool and game courts, lighted or unlighted, and community buildings or clubhouses, for use of ~~occupants~~ residents or their guests.

7. Signs as regulated in article 7, section 3.

8. 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.

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

10. The location of office or construction trailers for a period not to exceed one year.

11. Foster care and adult family care.

c. 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:

1. Camps, day or boarding, private or commercial.

2. Institutions, educational or philanthropic, including museums, art galleries and libraries.

3. Private clubs.

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

5. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, transmission lines, and communications towers.

6. Swimming or tennis club or other recreational facility, private, nonprofit, or commercially operated.

7. 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.

8. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

9. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals,

switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Convalescent homes, nursing homes, or homes for the aged.

   (c) Day nurseries or child or adult day care centers.

   (d) Home occupations in an accessory buildings, except for home craft shops and retail sales businesses.

3. Any structure exceeding the maximum height limit, except those structures specified in Article 7, Section 4.2, of the Zoning Ordinance.

3.4 Density; calculation. The RS District provides for a range of density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. *Density calculations shall be based on the gross acreage for the District, provided that no more than fifty percent (50%) of the acreage determined to be in Chesapeake Bay Resource Protection Areas may be included.* To be eligible for consideration of density higher than one and one-quarter (1¼) units per acre within the District, a minimum of fifteen percent (15%) of the net acreage shall be provided as common space (improved with amenities accessory to residential uses or landscaped) and/or open space (unimproved

natural areas or buffers). *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 percent (35%) or greater.*

a) *For densities greater than one (1) unit per acre, but less than or equal to one and one-quarter (1¼) units per acre: if curb and gutter are provided throughout the District, and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above, the Board of Supervisors may approve increased density to a maximum of one and one-quarter (1¼) units/acre.*

b) For densities greater than one and one-quarter (1¼) unit per acre, but less than or equal to two (2) units per acre: If at least 15% of the net acreage is left in open and/or common space, and if the following improvements are included in the District, *and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above,* the Board of Supervisors may approve increased density to a maximum of two (2) units/acre.

1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement no less than ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection. 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 inches (2") 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.

2) pedestrian paths, providing access to open space and common space and designed to be extended into adjoining developments, both residential and commercial. Paths may be located within the common or open space and placed no closer than ten (10) feet to any side or rear lot line. Open space shall be landscaped between paths

and lots, except where the path is located along a lot front.

c) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre: If the improvements specified below are provided in addition to the improvements listed in subsection (*b*) above, *and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above,* the Board of Supervisors may approve increased density to a maximum of three (3) units/acre.

1) An additional five percent (5%) of the net acreage set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the District fronts at intervals no greater than one hundred (100) feet apart, for a distance of at least one hundred (100) feet in either direction from any entrance intersection constructed within the District. The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

d) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (*b*) and (*c*) above are included, and the additional improvements specified below are provided, *and the application is determined to be consistent in all respects with Sections 3.1 and 3.2 above,* the Board of Supervisors may approve increased density to a maximum of four (4) units/acre.

1) An additional five percent (5%) of the net acreage set aside as common or open space, for a total of no less than twenty-five percent (25%).

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the District. A "single-loaded street" shall be a street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots, fronting common or open space along the other side.

3.5 Lot area requirements.

1. Detached dwellings: When a District is developed at a density less than two (2) units per acre, the minimum lot size for detached dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is

approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this District shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this Zoning Ordinance.

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. Dwelling units:				
Base density:	50	10	25	25
Higher densities:	15	0	0	0

2. When detached garages are constructed in the rear yard on any lot in a District where the density exceeds one and one-quarter (1¼) unit per acre, and access is provided through use of an alley, there shall be no minimum side yard. The minimum rear yard shall be five (5) feet.

3. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as otherwise specified in the Zoning Ordinance.

4. Corner lots shall provide the required front yard setback from all property lines contiguous with a public road.

3.7 Height requirements. Structures not specifically exempted in Article 7 shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less; provided that communications towers may exceed forty-five (45) feet if approved in conjunction with a Conditional Use Permit, in accordance with the procedures set out in the Zoning Ordinance.

3.8 Public utilities required. All buildings shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply within the RS District.

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. 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 be submitted with each application for rezoning for a density higher than

one and one-quarter (1¼) units per acre, and 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 1,000 feet of the boundary of the proposed District. For proposed Districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, 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 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Preservation requirements and slopes of thirty-five percent (35%) 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(s) of all proposed improvements, including those required in the District. A general description of landscaping and pedestrian paths shall also be provided. In addition, entrance features, such as signs, landscaping, fences, gate structures, lighting, or other appropriate amenities, shall be shown on the Plan.

n. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas*. When a proposed District includes the creation of open and/or common space, the minimum areas 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. Open and/or common space areas 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 percent (35%) or greater), but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas.

3. *Conceptual Plan; standards for review*. The Conceptual Plan shall provide for adherence to the following standards:

a. The open and common space areas 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 and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.

e. **Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.**

f. **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 open or common space or other appropriate vista.**

4. *Ownership and maintenance*. Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common and open space to the association, and shall provide for maintenance of all open and common areas and amenities, including street lights, street trees, alleys, and pedestrian paths. Easements applying to the common and/or open space shall be conveyed 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 and open space, prohibiting further division of those areas, and prohibiting any use not permitted by the Zoning Ordinance. The Board of Supervisors may convey the easement to a qualifying non-profit or governmental agency, or may allow such conveyance in lieu of conveyance to the County.

5. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 6, R-4, Residential Cluster Development District, Subsection 6.2, shall be amended to read in its entirety as follows:

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

1. ~~Any use as regulated in the R-3 District.~~ **Dwellings, both attached and detached.**

2. ~~Two-family dwelling.~~ **Any other use as regulated in the RS District.**

~~3. Townhouses.~~

6. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 7, R-5 Multiple-family Residential District, Subsection 7.2, shall be amended to read in its entirety as follows:

7.2 Permitted uses. A building or land shall be used only for ***multiple-family dwellings.*** ~~the following purposes:~~

~~1. Two family dwelling, subject to the special regulations of Article 7.~~

~~2. Multiple family dwellings.~~

7. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 8, R-6 Residential Mobile Home District, Subsection 8.2, shall be amended to read in its entirety as follows:

8.2 Permitted uses. A building or land shall be used only for the following purpose~~s~~:

~~1. Any use permitted in the R-2 Single-Family Residential District subject to the lot size, yard, height, and other requirements of that District.~~

2.1. Mobile home park, provided:

(a) That the mobile home park shall comply with all sanitary and other requirements prescribed by law or regulation.

(b) That access to the mobile home park shall not be from a minor residential street, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, that no mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lighted and at least thirty (30) feet in width, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable county specifications and ordinances.

(c) That the topography of the site be such as to facilitate rapid drainage and that adequate drainage facilities be provided.

(d) That the design evidences a reasonable effort to preserve the natural amenities of the site.

(e) The minimum width and/or depth of the mobile home park shall be two hundred (200) feet and a minimum total area of the park shall be five (5) acres, including one-half the width of bordering streets, except that minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five

(5) acres or more.

(f) No mobile home sites shall be offered for sale or sold.

(g) All utility lines shall be underground, including electrical wiring and telephone lines.

(h) The mobile home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along the street frontage with an arterial street or major highway and at least twenty-five (25) feet wide along all other lot lines or street frontage.

(i) Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems. Such water and sewer facilities shall be subject to approval and inspection by the health official and may be either public facilities or privately owned sewer and water systems, but in either case shall be designed to serve the entire mobile home park.

(j) Each mobile home site shall be provided with electrical outlets installed in accordance with the National Electrical Code.

(k) The open space beneath the unit shall be skirted with approved material in accordance with the requirements of the Administrator.

3.2. No existing mobile home park shall be enlarged or extended unless the entire park is made to conform substantially to all requirements for a new mobile home park.

8. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 10, B-1 Neighborhood Business District, Subsections 10.2-1 and 10.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

10.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS,** Residential **Single-Family** District

...

9. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 11, B-2 Community Business District, Subsections 11.2-1 and 11.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS,** Residential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

11.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS,** Residential **Single-Family** District

...

10. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 13, B-3 General Business District, Subsection 12.3-1, shall be amended to read as follows:

12.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS,** Residential **Single-Family** District

...

11. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 1.1, Specific requirements by use, shall be amended to read as follows:

Use or use category	Off-street Parking Spaces Required
~~One-, two-, or three-family~~ **Attached or detached** Dwelling	2 per dwelling unit

~~Townhouse or~~
Multiple-family dwelling, ~~more than 3 dwelling units~~ 2¼ per dwelling unit

...

12. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.2-1, shall be amended to read as follows:

4.2 Modification of height regulations. Subject to the following specific modifications, no structure may exceed the height limit provided under the applicable zoning District:

1. Except within an OAP Overlay Airport Protection District, the height limitations of this ordinance shall not apply to the following structures when such structures do not exceed a height of one hundred twenty-five (125) feet:

   (a) Belfries.

   (b) Chimneys.

   (c) Church spires.

   (d) Water towers and standpipes.

   (e) Conveyors.

   (f) Cooling towers.

   (g) Elevator bulkheads.

   (h) Fire towers.

   (i) Public monuments.

   (j) Ornamental towers and spires.

   (k) Commercial radio and television towers, **television antennas and support structures for home use, and amateur radio broadcasting and receiving antennas and support structures.**

   (l) Silos and grain driers.

   (m) Smoke stacks.

   (n) Stage towers or scenery lofts.

   (o) Tanks.

13. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.10, Special regulations for two-family dwellings, shall be repealed.

14. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: ~~Reserved~~. **Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and type of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used, *the location(s) of the materials,* and the proposed location(s) of each tree and shrub to be planted. Where existing plantings are to be retained, *specifics as to materials and location(s), as well as* proposed methods for protection during construction, shall be included in the plans. Landscaping shall be secured pursuant to this Ordinance.**

15. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-6.1(d), shall be adopted and shall read in its entirety as follows:

> *(d) The term "Improvement" shall include landscaping, which shall be installed prior to acceptance of any roads into the Virginia State System of Highways for maintenance. If the time of year or environmental circumstance would jeopardize any planting, an extension may be granted for a period not to exceed six (6) months. At the time of acceptance of roads within the subdivision, or at the end of the extension of time granted, surety equal to twenty-five percent (25%) of the cost of materials and installation of landscaping shall be provided to the County to ensure the landscaping was installed properly and remains healthy. This surety may be released at the end of one (1) year, if an inspection shows the landscaping remains healthy. Maintenance of all required landscaping is the responsibility of the property owner(s), and all plants damaged by insects, disease, vehicular traffic, acts of God, or vandalism shall be replaced.*

16. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): *Buffers along existing and planned public roads.* For all subdivisions developed in R-S, R-4, R-5, and R-6 residential Districts, a buffer shall be located along all public roads (not within subdivisions) existing on the date of final subdivision approval and all roads designated on the Major Thoroughfare Plan on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, sculpted, non-linear undulating landform with an average height of three (3) feet. The landform shall be landscaped with low-maintenance vegetation. No more than fifty percent (50%) of the required open or common space shall comprise the area of the buffer along existing public roads.

5-21-1(b): Pedestrian paths. For all residential subdivisions developed in the Suburban Service Area, pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. 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 roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to Virginia Department of Transportation standards and can be accepted by the Department for maintenance. If curb and gutter are used along a major thoroughfare, the path located within the right-of-way shall be separated from the curb and gutter by a distance of no less than four (4) feet.

17. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. ~~Alleys should be avoided wherever possible.~~ Alleys may be permitted within subdivisions in all R-S Residential Districts. Alleys shall be no less than eighteen (18) feet in width, with travelways no less than twelve (12) feet in width. There shall be an all-weather surface provided, constructed to a standard equal to or greater than the private road requirements specified in the Title II. Subdivision Ordinance. Detailed construction plans for all alleys shall be included in construction plans for the subdivision in which the alleys shall be constructed. All alleys shall be maintained by the homeowners' association, and shall be owned by the association. When an alley is designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space. Common space containing alleys

shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. Alleys shall not be considered as frontage for a lot.

18. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

19. This Ordinance shall be effective upon adoption.

Planning Commission Public Hearing: _____

Action by Board of Supervisors:

On a motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance Number 99- , as follows:

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []
Mr. WARD:	Aye []	Nay []	Absent []	Abstain []

Public Hearing: _____

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

- Planning Department: _____

Section 3.C. Evaluation Criteria

...

1. Residential Areas

a. Those areas developed exclusively for detached single-family dwellings ~~prior to the adoption date of this amendment would~~ **should** be protected through the appropriate use and location of buffering and open space **within subsequent developments.** ~~while~~ **O**ther ~~single-family~~ dwelling types **should also** ~~would~~ be permitted and encouraged throughout the Suburban Service Area. As long as the preference for detached dwellings remains as strong as it is, the ~~right to~~ **option to** live in a single-family area should be vigorously protected. However, the introduction of new dwelling types, such as apartments, cluster homes, condominiums, and townhouses is desirable to help provide a broad range of housing for all citizens.

b. The neighborhood development concept should be applied in planning residential areas, especially with the introduction of new and different housing types into the community, so that various types of development are compatible. Review **of applications should** ~~criteria for the proposed housing type will be based on~~ **include consideration of** existing site conditions such as topography, woods, tree lines, pastures, fields, and other environmental conditions, existing and proposed residential types within the surrounding community, the availability of public utilities, proximity to existing and proposed business and commercial uses, the existing and proposed transportation network, and other factors specific to the site. **Proposed residential development should not be approved unless it is determined to be appropriate with regard to density, provision of open space and amenities, adequate parking areas and traffic circulation, preservation of significant natural features and topography, availability of public services and utilities, compatibility with existing and proposed development, transitions among nearby planned and existing uses and densities, appropriate proximity to employment and retail areas, consistency of the purposes of zoning ordinances set out in Title 15.2 of the Virginia Code and with the Comprehensive Plan, and other site-specific factors deemed relevant by the Planning Commission and Board of Supervisors.**

c. While recognizing the need to preserve **existing** single-family **detached housing** areas, variety of choice in housing types should also be encouraged in Hanover County. This would include acceptance of apartments and townhouses as appropriate uses when **proposed development is determined to be appropriate.** ~~meeting certain basic standards, especially appropriate density, and when well designed for the landscape.~~ (Many factors, economic and social, indicate that a greater number of apartments, townhouses, and the like will be required in the future. Such factors include increasing numbers of young families and individuals who cannot afford detached houses, a greater number of older persons who no longer desire to maintain a detached house and a yard, and increasing numbers of families who will prefer to spend for a second house and accept an apartment instead of a single-family dwelling as the primary place of residence. In addition, there is a growing ability of apartment developers to build projects that include such attractive features that they may be preferred by families, with or without children, who might otherwise have purchased a single-family home.)

d. ~~Single-family detached~~ **Residential structures including no more than four dwelling units per acre are appropriate for consideration in areas planned for low and medium density, only if the density of the proposed development is consistent with designations on the Land Use Plan Map. Structures including more than four dwelling units ~~per acre~~ are appropriate for consideration only in areas planned for high-density residential development.**

e. ~~Apartment projects should meet definite criteria regarding access, public services, location with respect to shopping and employment, open space, and effects on adjoining or nearby development.~~

f. ~~Preliminary considerations indicate that~~ Suburban residential development should be placed in **one of** three ~~basic~~ categories: low, medium**,** ~~and~~ **or** high density. While all three residential categories provide for single-family dwellings, both attached and detached, ~~and~~ the ~~last~~ **high-density category** also includes apartments. ~~A fourth category might include those outlying areas best characterized as "rural."~~

g. The area outside of the Suburban Service Area is characterized as "rural," and is intended for agricultural uses with lower residential densities than the Suburban Service Areas.

COMPARISON OF RESIDENTIAL ZONING DISTRICTS – EXISTING VS. RS

Feature	R-1 District	R-2 District	R-3 District	RS District
Minimum lot size	18,000 square feet	13,000 square feet	8,000 square feet	**No minimum**
Min. average lot size	20,000 square feet	15,000 square feet	10,000 square feet	**No minimum**
Density[1]	1.9 units/acre	2.5 units/acre	3.6 units/acre[2]	**1 – 4 units/acre**
Yard requirements	Front: 45 Side: 10 (25 aggregate) Rear: 25	Front: 35 Side: 10 (25 aggregate) Rear: 25	Front: 30 Side: 10 (25 aggregate) Rear: 25	**For up to 1 ¼ units/acre:** **Front: 50** **Side: 10 (25 aggregate)** **Rear: 25** **For more than 1 ¼ units/acre:** **Front: 15** **Side, Rear: 0**
Residential uses	Single-family detached	Same	Same	**Single-family, both attached and detached; up to 4 units per building**
Chesapeake Bay areas and wetlands protected?	No; may be included in lot area and conveyed	Same	Same	**Yes (w/more than 1 ¼ units/acre); must be included in open space**
Steep slopes (35% or greater) protected?	No; may be developed	Same	Same	**Yes (w/more than 1 ¼ units/acre); must be included in open space**
Open space	**None required**	**Same**	**Same**	**Up to 1 ¼ units/ac: 0** **Up to 2 units/ac: 15%** **Up to 3 units/ac: 20%** **Up to 4 units/ac: 25%**
Buffers	None required	Same	Same	**Minimum 50 feet along public roads**
Sidewalks/pathways	None required	Same	Same	**Required in buffer; optional in open space, 2 units/ac or more**
Entrance lights	None required	Same	Same	**Required at all entrances, 3 units/ac or more**
Street trees	None required	Same	Same	**Required along internal roads, 2 units/ac or more**
Single-loaded streets	None required	Same	Same	**Required for at least 10% of internal roads, up to 4 units/ac**
Curb and gutter	None required; sometimes requested	Same	Same	**Required for all projects with lots less than 80 feet wide**
Conceptual plan	None required; most often requested	Same	Required (site plan)	**Required**

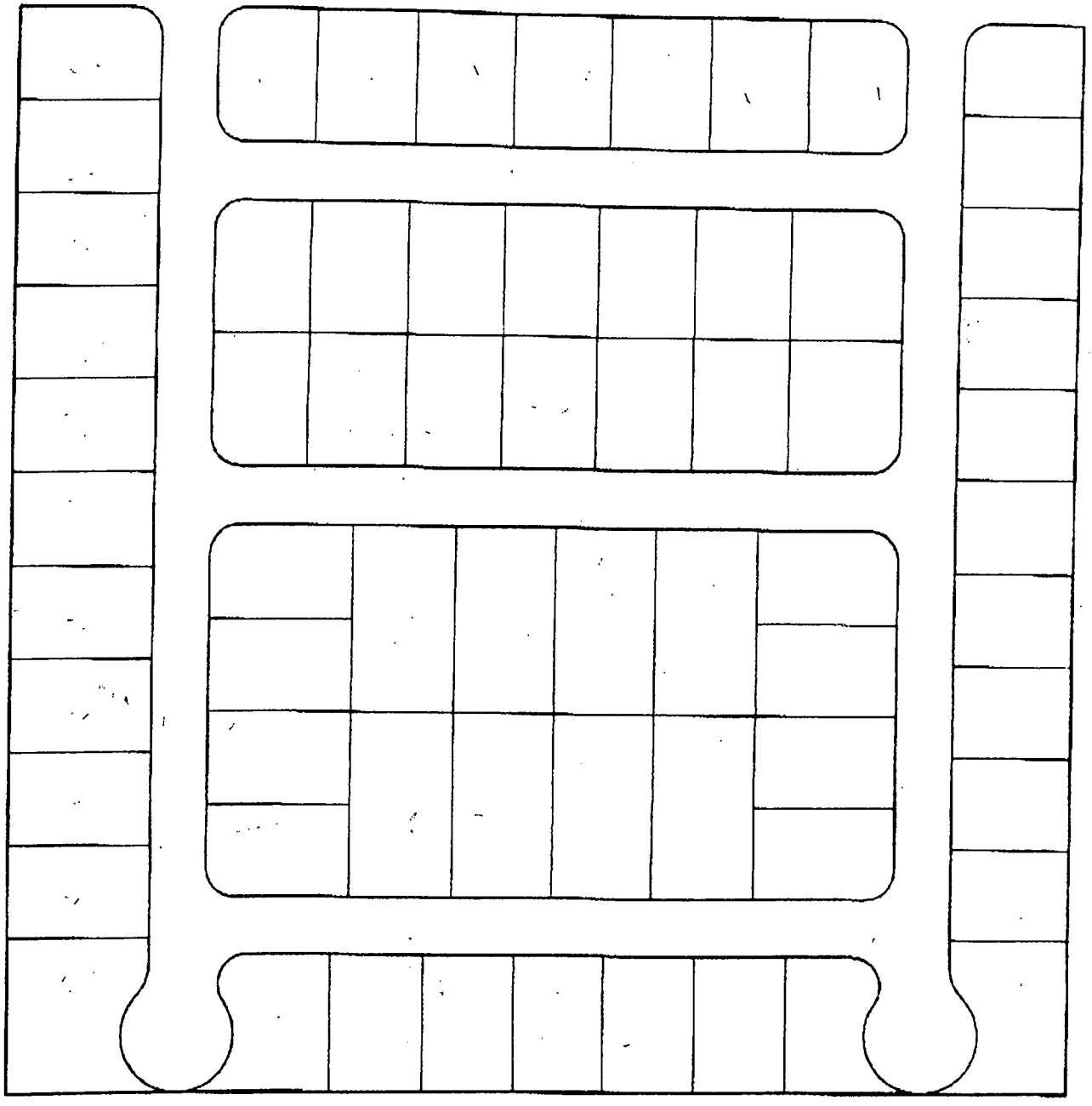
Notes:

[1] Calculated as acreage x .85 (representing an average of 15% of a site for roads), divided by the minimum average lot size for each district

[2] With the available density bonuses in the R-3 district, this figure can increase by 25%, up to a density of 4.5 units/acre, at the discretion of the Planning Commission

HYPOTHETICAL PARCEL
ZONED R-3

MAIN STREET



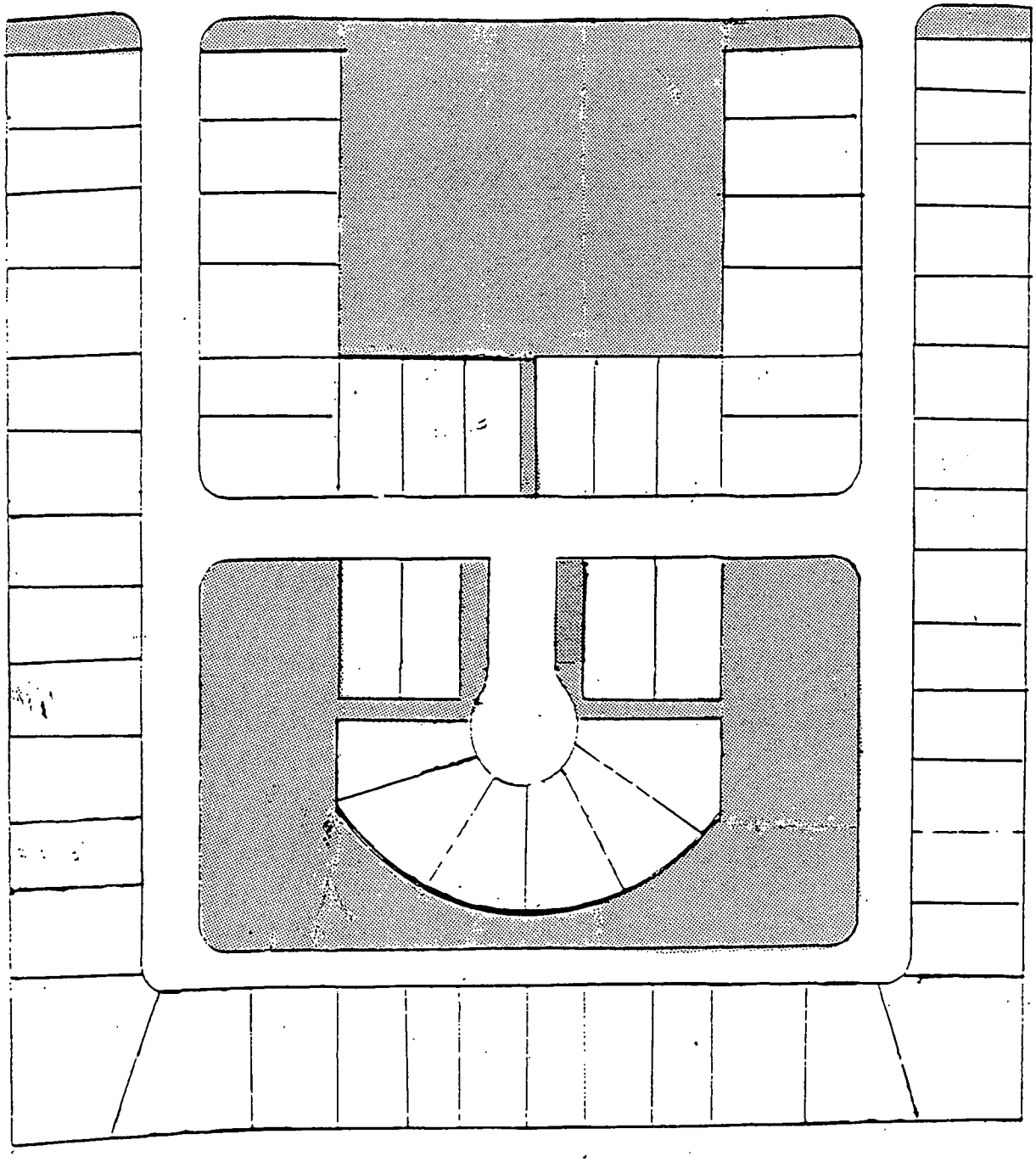
66 LOTS
20 GROSS ACRES
0% OPEN SPACE
50' R.O.W.'S (4.40 AC)
0% WETLANDS
0% STEEEP SLOPES
TYPICAL LOT SIZE=80'x125'(10,000 SF)
3.33 UNITS PER ACRE

SETBACKS:
FRONT=30'
REAR=25'
SIDE=10'
SIDE AGG.=25'

STRUCTURE ENVELOPE:
WIDTH=40'
DEPTH=75'

SUBDIVISION ILLUSTRATIVE

ZONED RS



66 Lots
3.3 UNITS PER ACRE
20 Gross Acres
0% STEEP SLOPES
0% WETLANDS
25% OPEN SPACE (APPROX. 5 ACRES)

ADDITIONAL AMENITIES REQUIRED
SMALLEST LOT APPROX. 6,000 SQ FT
LARGEST LOT APPROX. 17,000 SQ. FT.

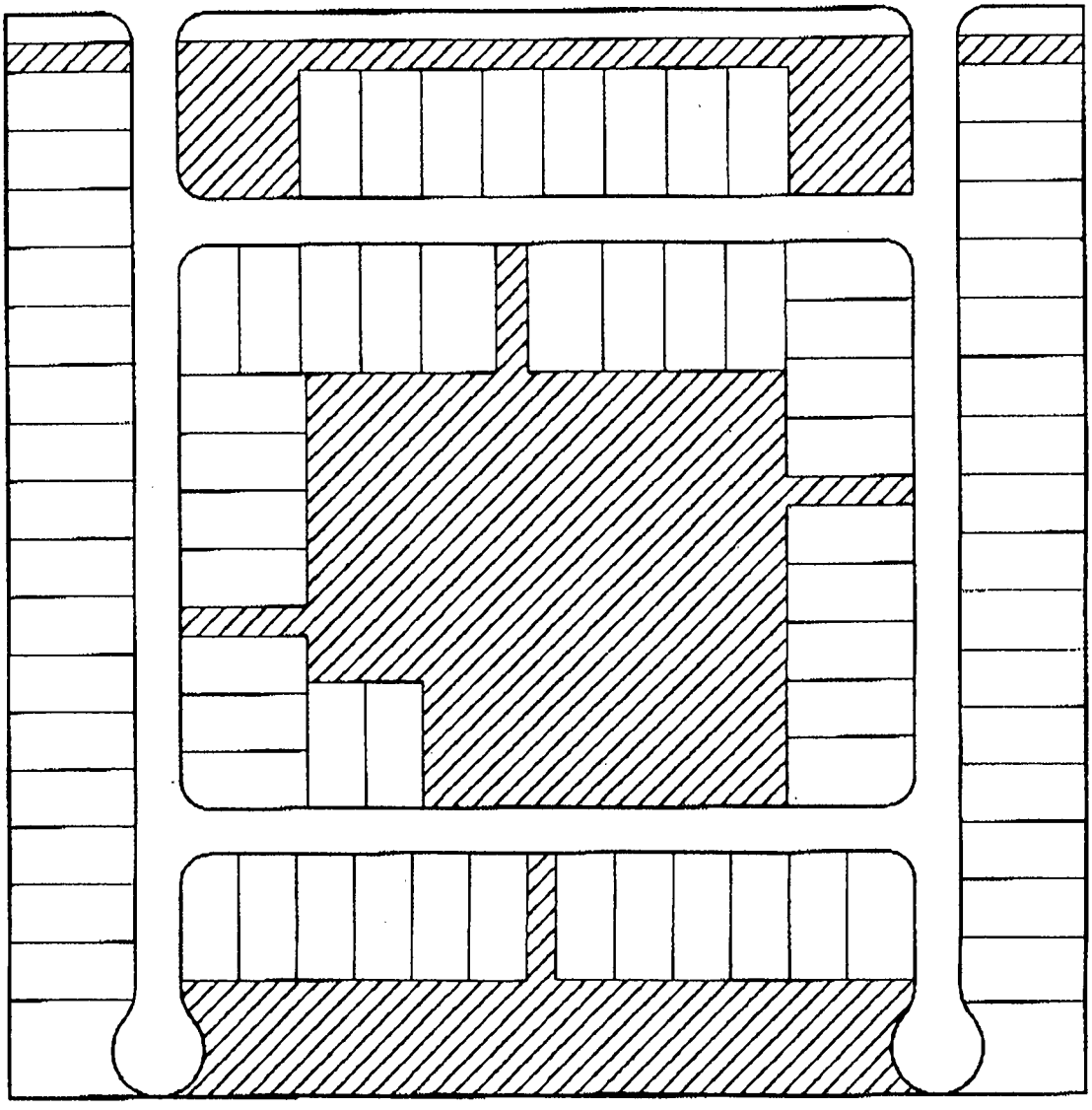
REQUIRED SETBACKS:

FRONT	15 FT
SIDE	0
REAR	0

HYPOTHETICAL PARCEL

ZONED RS

MAIN STREET



80 LOTS
20 GROSS ACRES
30% OPEN SPACE
50' BUFFER ALONG MAIN ROAD
40' R.O.W.'S (2.98 AC)
10 % LOTS FRONT OPEN SPACE FOR SINGLE LOADED STREET REQ.
0% WETLANDS
0% STEEEP SLOPES
TYPICAL LOT SIZE=110'X50'(5500SF)
4.00 UNITS PER ACRE

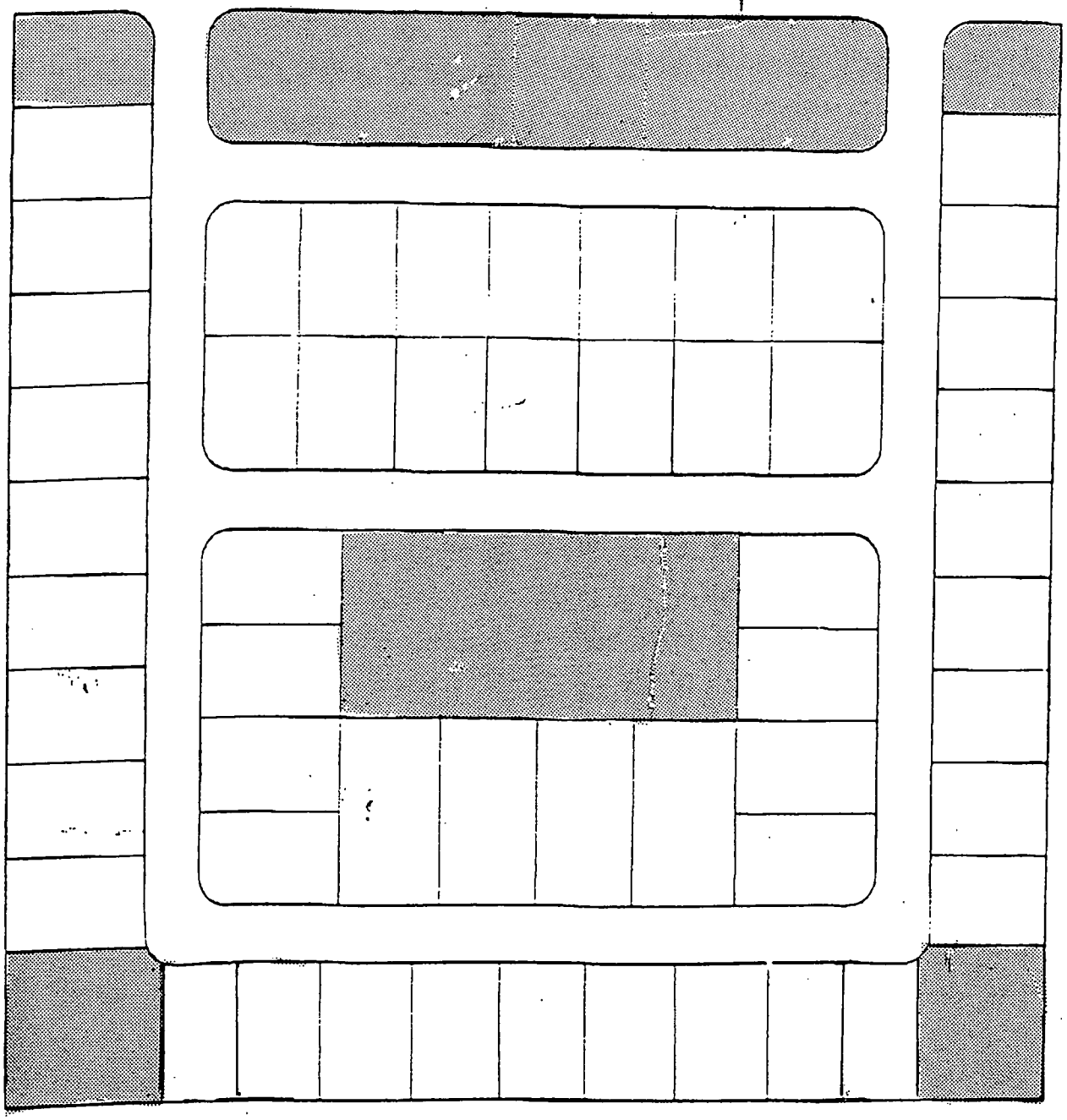
SETBACKS:
FRONT=15'
REAR=20'
SIDE=0'

STRUCTURE ENVELOPE:
WIDTH=40'
DEPTH=75'

SUBDIVISION ILLUSTRATIVE

ZONED RS

Main Street



40 Lots
2.00 UNITS PER ACRE
20 Gross Acres
0% STEEP SLOPES
0% WETLANDS
15% OPEN SPACE (APPROX. 3.00 ACRES)
STREET TREES AND PEDESTRIAL PATHS REQUIRED

TYPICAL LOT APPROX. 10,000 SQ FT

REQUIRED SETBACKS:

FRONT	15 FT
SIDE	0
REAR	0

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ADMINISTRATOR

JOHN H. HODGES
DEPUTY COUNTY ADMINISTRATOR

STERLING E. RIVES, III
COUNTY ATTORNEY

PLANNING OFFICE
PHONE 804-365-6171
FAX 804-365-6232

MEMORANDUM

To: Hanover County Board of Supervisors

From: Michael E. Crescenzo, Director of Planning

Subject: Ordinance 99-04: RS District; and
CPA 99-05: Single Family Residential Development Criteria

Date: December 3, 1999

Copies: Interested Parties
Catherine Patterson
David Fauri
John Bender
Todd Rogers

Attached is the proposed RS, Single Family Residential District ordinance as revised through the efforts of the Planning Commission of over the course of the past year, since it was directed to the Commission by the Board. Also attached is draft Comprehensive Plan text which incorporates standards for application of the RS district throughout the suburban service area.

BACKGROUND

As part of the Board of Supervisors' effort regarding growth management forwarded to the Commission last October, the idea for a "suburban cluster" district has been discussed for some time. Initially, the Board considered two options: an alternative ordinance to the existing residential districts which would replace those districts, and a supplemental ordinance which could be used with the existing districts. After consideration, the Board directed the replacement ordinance to the Planning Commission for its review and recommendation.

This district is based on the RC, Rural Conservation district ordinance adopted three years ago. It provides for a base level of development for any applicant who chooses not to request a density greater than 1 ¼ dwelling units per acre, with the base density for the district being 1 unit per acre, the minimum density throughout the Suburban Service Area for both low and medium density proposals. The ordinance provides opportunities for

increases in density based on provision of open space and thoroughfare buffers, pedestrian walkways and access, conformity with the Comprehensive Land Use Plan designation, compatibility with existing neighborhoods adjoining or near the proposed development, and adherence to standards for design of the project described in the ordinance. Such criteria as use of "traffic-calming" roadway design, retention and maintenance of open space, and provision of buffers, pathways, street trees, and street lights form the bases for approval of additional density, up to a maximum of four units per acre.

The ordinance is generally designed to be applied much the same as the Rural Conservation District is applied: density is calculated on gross acreage for a site, and the Chesapeake Bay Resource Protection Areas and the steep slopes are removed from the acreage. This figure, the *net acreage*, is the basis for calculation of required open space. The open space increase with density, so that a minimum of fifteen percent (15%) of the net acreage is set aside for a density of 2 units/acre, increasing to 25% for the maximum density (4 units/acre). No more than half of the buffer along the thoroughfare can be counted toward satisfying the open space requirement, necessitating provision of some usable open space within the development for the use of the residents.

The ordinance also provides for both detached and attached housing (duplexes, triplexes, and quadraplexes would be permitted in this district, as long as the maximum approved density is not exceeded). This option provides significant design flexibility and helps to assure the applicant that the requested density can be achieved, even with the buffer and open/common space requirements of the ordinance. In doing so, the ordinance allows use of subdivision designs heretofore impossible under the current zoning districts, including "neo-traditional" grid layouts. By definition, "townhouses" become a "multiple-family dwelling" type rather than a single-family dwelling, but only due to the number of attached units permitted within one structure. Consequently, a development proposal may make use of several different dwelling types (one unit, two unit, three unit, or four unit structures) within the project as long as the density is maintained. Additionally, use of structures with more than one dwelling unit within the building generally results in more open space being retained throughout the project, one of the objectives of this amendment.

The ordinance furthers this objective by eliminating any minimum lot size requirements when density is approved for two dwellings/acre or greater. Setback requirements are also minimized, to encourage the location of homes nearer to the street. Note that, with the ability to build structures in which there may be two separate dwelling units, a builder is able to address the issue of "accessory apartments" while still complying with the density for the project. This provides additional flexibility for the developer to address multiple market opportunities which cannot currently be addressed.

During the several months of work by the Planning Commission on this amendment, it became apparent that compromises would be necessary in order to achieve agreement on the ordinance. Consequently, the Commission appointed a subcommittee, consisting of two Commissioners, two representatives of the development community, two citizens, and the Planning staff, to discuss alternatives. The subcommittee submitted its recommended draft to the Commission in a public hearing on November 4, 1999. It became immediately apparent that additional work would be necessary; many speakers voiced concerns over portions of the draft. Comments made included:

1. The ordinance did not include enough open space to warrant the higher densities offered. In addition, the ordinance needed to include steep slopes in the areas set aside for protection, rather than allow them to be developed.

2. The ordinance was allowing "multi-family dwellings" throughout the suburban service area, rather than concentrating on the development of detached dwellings.

3. The consideration of provision of housing for all segments of Hanover County's population was not necessary, since adequate housing was available in neighboring counties for those who could not afford to buy a home in Hanover.

4. The amount of required open space was too high, forcing developers to have to ask for higher densities just to be able to make a profit, given the high cost of raw land in Hanover County.

5. The lists of permitted, conditional, and accessory uses, and the list of uses allowed through special exceptions, needed to be reviewed with an eye toward elimination of inappropriate and unacceptable uses.

Based on these comments, the Commission deferred action one more time to provide an opportunity for the subcommittee to discuss the newly-raised issues and to address them, if appropriate. The subcommittee met and revised the ordinance to include steep slopes (35% or greater) as undevelopable land. It also eliminated several uses from the RS district, including archaic references to military bases, public and private forests, servants' quarters, airports, filling and borrow operations, hospitals, commercial greenhouses, pet cemeteries, and nurseries for growing plants. In addition, some uses were revised; boat storage, for example, was changed to require placement in a rear yard only (rather than in either the side or rear), since the district provides for little or no side yard.

Some of the subcommittee's other recommendations include:

1. Inclusion of a requirement for buffering along public roads as a requirement of subdivision; this means ALL subdivisions of R-zoned

property will require buffers regardless of when the property was zoned.

2. Incorporation of requirements for pedestrian paths (including sidewalks, where appropriate) as a subdivision requirement. The paths must be designed and located to facilitate interconnection among developments.

3. Inclusion of provisions to allow alleys within subdivisions. These would be designed to be rear access to lots, located within common space (but not counted toward the minimum space required for density increases) and would be private, owned and maintained by the homeowners. The alleys cannot be considered frontage.

4. Requirements for detailed landscaping plans to be included in construction plans submitted for review and approval. These plans must be prepared by certified landscape architects and the landscaping will be bonded along with all other public improvements within a subdivision.

The subcommittee endorsed the draft ordinance 5-1; the two citizens split in their support for the compromise.

Some of the issues raised cannot be addressed in the ordinance. The concern, for example, that the ordinance will not be "growth-neutral" can only be addressed by the Commission and Board. The district is density-neutral in its replacement of the R-1, -2, and -3 districts, and is written for application throughout the suburban service area (which specified a density range of 1 - 4 units/acre, averaging 2 units/acre). The notion that the attractiveness of the ordinance will somehow lead the Board to begin approving requests with higher density limits than are currently being approved is unsupportable. The ordinance contemplates NO change in Board policy, and only assures that those projects approved by the Board will adhere to higher development standards while preserving some of those attributes for which people move to Hanover County (rural character, open space, attractive vistas along the County's thoroughfares). While the amount of open space proposed in the ordinance is too small to some, it must be noted that currently NO open space is being created. The conventional developments which have dominated the County's suburban area to date will become a small portion of the development which will occur in the future.

The ordinance is drafted to provide the Commission and Board with criteria for consideration of proposals, including a requirement that a conceptual plan accompany all applications for density greater than one unit per acre. The plan would also include, among other items, provision of elevations for any community buildings or other structures (entrance features, for example). All historic features (buildings or otherwise) would be shown on the plan and included into the area designated as open space, for transfer to the homeowners' association for preservation and

f. ~~Preliminary considerations indicate~~ that **S**uburban residential development should be placed in three basic categories: low, medium, and high density. While all three residential categories provide for single family dwellings, both attached and detached, ~~and~~ the ~~last~~ **high-density** also includes apartments. A fourth category might include those outlying areas best characterized as "rural".

ORDINANCE 99-04
Revised November 17, 1999

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

***Communications tower:** A tower of any type which supports or is intended to support communications (broadcast and/or receiving) equipment and accessory equipment utilized by commercial, governmental or other public and quasi-public users, not to include home use of radio and television antennas and support structures, satellite dishes, or antennas and support structures, satellite dishes, or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission.*

...

*Dwelling, **detached** ~~single-family~~: A building designed for or occupied ~~exclusively~~ by one family, **with no walls in common with another dwelling unit.***

~~Dwelling, two family: A building designed for or occupied exclusively by two (2) families living independently of each other.~~

*Dwelling, **attached** ~~multiple family~~: A building designed for or occupied ~~exclusively~~ by ~~three (3)~~ **two (2)** or more families living independently of each other, **and having one or more exterior walls in common with another dwelling unit.***

*Dwelling unit: A room or group of rooms occupied or ~~intended~~ **designed** to be occupied as separate living quarters.* ***Dwelling units may be either detached (having no common or party wall with another dwelling unit) or attached (having one or more exterior walls in common with another dwelling unit).***

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed, used, or adapted for joint service**. Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

...

~~*Townhouse: A single-family dwelling forming one of a group or series of three (3) or more units in a structure separated from one another by solid common walls.*~~

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. **The purpose of this district is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These districts are located within the designated urban areas of the County where public utilities make such a district feasible.**

3.2 Uses. **The uses permitted within the RS district, whether by right or as Conditional Uses or Special Exceptions, are as specified below.**

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

1. ***Dwellings, both detached and attached. No more than four***

(4) separate dwelling units may be incorporated into any residential structure.

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Public and private forests, wildlife reservations, and similar conservation projects.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front *or side* yard.

6. Swimming pool and game courts, lighted or unlighted, *and community buildings or clubhouses,* for use of ~~occupants~~ *residents* or their guests.

7. Signs as regulated in article 7, section 3.

8. 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.

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

10. The location of office or construction trailers for a period not to exceed one year.

11. Foster care and adult family care.

c. 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:

1. Camps, day or boarding, private or commercial.

2. Institutions, educational or philanthropic, including museums, art galleries and libraries.

3. Private clubs.

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

5. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, transmission lines, *and communications towers*.

6. Swimming or tennis club or other recreational facility, private, nonprofit, or commercially operated.

7. 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.

8. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

9. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Convalescent homes, nursing homes, or homes for the aged.

   (c) Day nurseries or child or adult day care centers.

   (d) Home occupations in an accessory buildings, except for home craft shops and retail sales businesses.

3. Any structure exceeding the maximum height limit, *except those structures specified in Article 7, Section 4.2, of the Zoning Ordinance.*

3.3 Density; calculation. The RS district provides for a *range of* density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. *To be eligible for consideration of density higher than one and one-quarter (1 1/4) units per acre within the district, a minimum of fifteen percent (15%) of the net acreage shall be provided as common space (improved with amenities accessory to residential uses or landscaped) and/or open space (unimproved natural areas or buffers). "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 percent (35%) or greater.* The Board of Supervisors may approve increased density *after consideration of the criteria set out below, and* if the improvements and design standards

proposed are deemed to be appropriate *for* the density requested and the request is consistent with the Comprehensive Plan.

a) *For densities greater than one (1) unit per acre, but less than or equal to one and one-quarter (1 1/4) units per acre: If the following improvement is included in the district, the Board of Supervisors may approve increased density to a maximum of one and one-quarter (1 1/4) units/acre if the improvements and design standards proposed are deemed to be appropriate for the density requested and the request is consistent with the Comprehensive Plan:*

1) the use of curb and gutter on all roads within the district

b) For densities greater than one and one-quarter (1 1/4) unit per acre, but less than or equal to two (2) units per acre: *If at least 15% of the net acreage is left in open and/or common space,* and if the following improvements are included in the district, the Board of Supervisors may approve increased density to a maximum of *two (2)* units/acre if the improvements and design standards proposed are deemed to be appropriate *for* the density requested and the request is consistent with the Comprehensive Plan:

1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement *no less than* ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection. 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 inches (2") 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.*

2) pedestrian paths, providing access to open space and common space and designed to be extended into adjoining developments, both residential and commercial. Paths

may be located within the common or open space and placed no closer than ten (10) feet to any lot line. Open space shall be landscaped between paths and lots.

c) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre: If the improvements specified below are provided in addition to the improvements listed in section (a) above, the Board of Supervisors may approve increased density to a maximum of *three (3)* units/acre, if the improvements and design standards proposed are deemed to be appropriate *for* the density requested and the request is consistent with in the Comprehensive Plan:

1) An additional five percent (5%) of the net acreage set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the district fronts at intervals no greater than one hundred (100) feet apart, for a distance of at least one hundred (100) feet in either direction. The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

d) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (a) and (b) above are included, and the additional improvements specified below are provided, the Board of Supervisors may approve increased density to a maximum of *four (4)* units/acre if the design standards are deemed to be appropriate *for* the density requested and the request is consistent with the Comprehensive Plan:

1) An additional five percent (5%) of the net acreage set aside as common or open space, for a total of no less than twenty-five percent (25%)

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the district. A "single-loaded street" shall be a street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots.

3.4 Lot area requirements.

1. *Detached* dwellings: When a district is developed at a *density less than two (2) units per acre,* the minimum lot size for *detached* dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is

approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this district shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this *Zoning Ordinance*.

3.5 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. *Dwelling units:*				
Base density:	50	10	25	25
Higher densities:	15	0	0	*0*

2. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as *otherwise* specified in *the Zoning Ordinance*.

3. *Corner lots shall provide the required front yard setback from all property lines contiguous with a public road.*

3.6 Height requirements. Structures not specifically exempted in article 7 shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less; *provided that communications towers may exceed forty-five (45) feet if approved in conjunction with a Conditional Use Permit, in accordance with the procedures set out in the Zoning Ordinance.*

3.7 Public utilities required. All *buildings* shall be served by public water and sewer systems.

3.8 Development standards and procedures. The following requirements and procedures shall apply within the RS district.

1. *Conceptual Plan.* The property shall be developed in substantial conformity with a *Conceptual Plan (the "Plan")* approved by the Board of Supervisors as part of the approval of the development. *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 be submitted with each application for rezoning *for* a density *higher than the base density,* and 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, 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. *Location of proposed structures, with reference to the use of detached dwellings, attached dwellings, or both. If attached, the number of units in each structure within the district. 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 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Protection requirements *and slopes of thirty-five percent (35%) 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 abutting tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the *Plan.*

m. Location(s) of all proposed improvements as defined in Section 3.3 above, including details for development of landscaping and pedestrian paths, including cross-sections. In

addition, entrance features, such as signs, landscaping, fences, gate structures, lighting, or other appropriate amenities, shall be shown on the *Plan*.

n. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas*. When a proposed district includes the creation of open and/or common space, the minimum areas specified in Section 3.4 above 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. Open and/or common space areas 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 percent (35%) or greater)*, but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas.

3. *Conceptual Plan; standards for review*. The *Conceptual Plan* shall provide for adherence to the following standards, to the extent practicable:

a. The open and common space areas 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 and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.

f. 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 open or common space.

4. *Ownership and maintenance.* Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common and open space to the association, and shall provide for maintenance of all open and common areas and amenities, including street lights, street trees, alleys, and pedestrian paths. *Easements applying to the common and/or open space shall be conveyed 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 and open space, prohibiting further division of those areas, and prohibiting any use not permitted by the Zoning Ordinance.* The Board of Supervisors may *convey* the easement to a *qualifying* non-profit or *governmental* agency, or may *allow such* conveyance in lieu of *conveyance to the County.*

5. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 6.2, shall be amended to read in its entirety as follows:

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

1. ~~Any use as regulated in the R-3 district.~~ **Dwellings, both attached and detached.**

2. ~~Two-family dwelling.~~ **Any other use as regulated in the RS district.**

~~3. Townhouses.~~

6. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 7.2, shall be amended to read in its entirety as follows:

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

1. ~~Two family dwelling, subject to the special regulations of Article 7.~~ **Attached dwellings.**

~~2. Multiple family dwellings.~~

7. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 8.2, shall be amended to read in its entirety as follows:

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

~~1. Any use permitted in the R-2 Single Family Residential District subject to the lot size, yard, height, and other requirements of that district.~~

2.1. Mobile home park, provided:

(a) That the mobile home park shall comply with all sanitary and other requirements prescribed by law or regulation.

(b) That access to the mobile home park shall not be from a minor residential street, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, that no mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lighted and at least thirty (30) feet in width, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable county specifications and ordinances.

(c) That the topography of the site be such as to facilitate rapid drainage and that adequate drainage facilities be provided.

(d) That the design evidences a reasonable effort to preserve the natural amenities of the site.

(e) The minimum width and/or depth of the mobile home park shall be two hundred (200) feet and a minimum total area of the park shall be five (5) acres, including one-half the width of bordering streets, except that minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five (5) acres or more.

(f) No mobile home sites shall be offered for sale or sold.

(g) All utility lines shall be underground, including electrical wiring and telephone lines.

(h) The mobile home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along the street frontage with an arterial street or major highway and at least twenty-five (25) feet wide along all other lot lines or street frontage.

(i) Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems. Such water and sewer facilities shall be subject to approval and inspection by the health official and may be either public facilities or privately owned sewer and water systems, but in either case shall be designed to serve the entire mobile home park.

(j) Each mobile home site shall be provided with electrical outlets installed in accordance with the National Electrical Code.

(k) The open space beneath the unit shall be skirted with approved material in accordance with the requirements of the Administrator.

3.2. No existing mobile home park shall be enlarged or extended unless the entire park is made to conform substantially to all requirements for a new mobile home park.

8. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Sections 10.2-1 and 10.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

10.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS,** Residential **Single-Family** District

...

9. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Sections 11.2-1 and 11.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-Family~~ RS, Residential Single-Family District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

11.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-Family~~ RS, Residential Single-Family District

10. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 12.3-1, shall be amended to read as follows:

12.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-Family~~ RS, Residential Single-Family District

11. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.2-1, shall be amended to read as follows:

4.2 Modification of height regulations. Subject to the following specific modifications, no structure may exceed the height limit provided under the applicable zoning district:

1. Except within an OAP Overlay Airport Protection District or and on RS Residential Single-Family District, the height limitations of this ordinance shall not apply to the following structures when such structures do not exceed a height of one hundred twenty-five (125) feet:

(a) Belfries.

(b) Chimneys.

(c) Church spires.

(d) Water towers and standpipes.

(e) Conveyors.

(f) Cooling towers.

(g) Elevator bulkheads.

(h) Fire towers.

(i) Public monuments.

(j) Ornamental towers and spires.

(k) Commercial radio and television towers, **television antennas and support structures for home use, and amateur radio broadcasting and receiving antennas and support structures.**

(l) Silos and grain driers.

(m) Smoke stacks.

(n) Stage towers or scenery lofts.

(o) Tanks.

...

12. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: ~~Reserved~~. **Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and range of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used and the location(s) of each plant within the subdivision. Where existing plantings are to be retained, proposed methods for protection during construction shall be included in the plans. Landscaping shall be covered by any surety provided for completion of improvements.**

13. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-6.1(d), shall be adopted and shall read in its entirety as follows:

(d) Improvement shall also include landscaping, which shall be installed prior to acceptance of any roads into the Virginia State System of Highways for maintenance. If the time of year or environmental circumstance would jeopardize any planting, an extension may be granted for a period not to exceed six (6) months. At the time of acceptance of roads within the subdivision, or at the end of the extension of time granted, surety equal to twenty-five percent (25%) of the cost of materials and installation of landscaping shall be provided to the County to ensure the landscaping was installed properly and remains healthy. This surety may be released at the end of one (1) year, if an inspection shows the landscaping remains healthy. Maintenance of all required landscaping is the responsibility of the property owner(s), and all plants damaged by insects, disease, vehicular traffic, acts of God, or vandalism shall be replaced. Failure to maintain required landscaping, or to replace dead or damaged plants, shall be regarded as a violation of the Zoning Ordinance.

14. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): *Buffers along existing and planned public roads.* For all subdivisions developed in Residential districts, a buffer shall be located along all public roads (not within subdivisions) *existing on the date of final subdivision approval* and all roads designated on the Major Thoroughfare Plan on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, sculpted, non-linear undulating landform with an average height of ~~four~~ three (43) feet. The landform shall be landscaped with low-maintenance vegetation. No more than fifty percent (50%) of the required open or common space shall comprise the area of the buffer along existing public.5

5-21-1(b): Pedestrian paths. For all subdivisions developed in Residential districts within the Suburban Service Area, pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. 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 roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to

Virginia Department of Transportation standards and can be accepted by the Department for maintenance.

15. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. ~~Alleys should be avoided wherever possible.~~ **Alleys may be permitted within subdivisions in Residential districts. Alleys shall be no less than eighteen (18) feet in width, with travelways no less than twelve (12) feet in width. There shall be an all-weather surface provided, constructed to a standard equal to or greater than the private road requirements specified in the Title II. Subdivision Ordinance. Detailed construction plans for all alleys shall be included in construction plans for the subdivision in which the alleys shall be constructed. All alleys shall be *maintained by the homeowners' association, and shall be owned by the association*. When an alley is designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space. Common space containing alleys shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. Alleys shall not be considered as frontage for a lot.**

16. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

17. This Ordinance shall be effective upon adoption.

Planning Commission Public Hearing: _____

Action by Board of Supervisors:

On a motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance Number 99- , as follows:

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []
Mr. WARD:	Aye []	Nay []	Absent []	Abstain []

Public Hearing: _____

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

- Planning Department: _____

Cienzo

AGENDA

Hanover County Planning Commission
Henry Taylor Wickham Building
Room 112

November 29, 1999 - 7:00 P. M.

Meeting Called to Order at 7:00 P. M.

1. **Public Hearings Scheduled for 7:00 P. M.**

ORDINANCE AMENDMENT

M Setliff
S Morgan
APPROVED
6-1
(O'Connor opposed)

ORDINANCE 99-04, RS District

AN ORDINANCE to amend the Hanover County Code, Appendix, Zoning Ordinance, to repeal the R-1, R-2, and R-3 Single-Family Residential Districts; to adopt the RS, Single-Family Residential District; and to amend the Hanover County Subdivision Ordinance to require the installation of curb and gutter, sidewalks, landscaping, and buffers in certain subdivisions. (PUBLIC HEARING)

COMPREHENSIVE PLAN AMENDMENT

M Setliff
S Morgan
APPROVED
6 - 1
(O'Connor opposed)

CPA 99-05: Single Family Residential Development Criteria

AN AMENDMENT to "Vision 2017," the Hanover County Comprehensive Plan, adopted September 23, 1998, to provide criteria for the consideration and application of the RS, Single-Family Residential District, within the Suburban Service Area. (PUBLIC HEARING)

M: Setliff
S: Swann
- motion to review and w/in 18 mos for necessary revisions / return to PC

(Swann - add language on p 10 'Cles Bay' — ".. but no greater than that area as designated on Nov 30, 1999"

D.O. ALLEN HOMES

Building Quality Homes Since 1975

November 24, 1999

Mr. Michael E. Crescenzo
Director of Planning
Hanover County
Post Office Box 470
Hanover, Virginia 23069

Dear Mike:

There is a very important zoning ordinance coming up for vote in the next session of the Planning Commission, the "RS" Ordinance #99-04. We have been assisting the county in the development of this ordinance that will serve growing needs of the county and its constituents. Like all political endeavors, this ordinance has gone through many revisions. We are happy to support the final product, but we ask that you consider adding a provision that will support the growth of senior housing.

Our request is that the commission modify the open space requirement from 25% down to 15% for age restricted (age 55 and older) communities with densities of 3 to 4 homes per acre. Please consider that this allows for builders/developers to provide an affordable solution to our aging American neighbors. Density is an important ingredient in achieving affordability. The attached example illustrates that on a typical site it will be impossible to achieve anywhere close to the allowed 4 units per acre without some relief from the open space requirement.

Providing for the future of our aging population is not only social obligation, it is a sensible land use alternative for the county. There is a positive impact on the county from the spending provided by this segment of the population, and the burden added to the county is minimized without the need for additional schools.

If we can answer any questions, please feel free to give us a call. We hope that you will support our request and we look forward to seeing you on November 29, 1999.

D. O. Allen Homes, Inc.

Stephen F. Lampmann

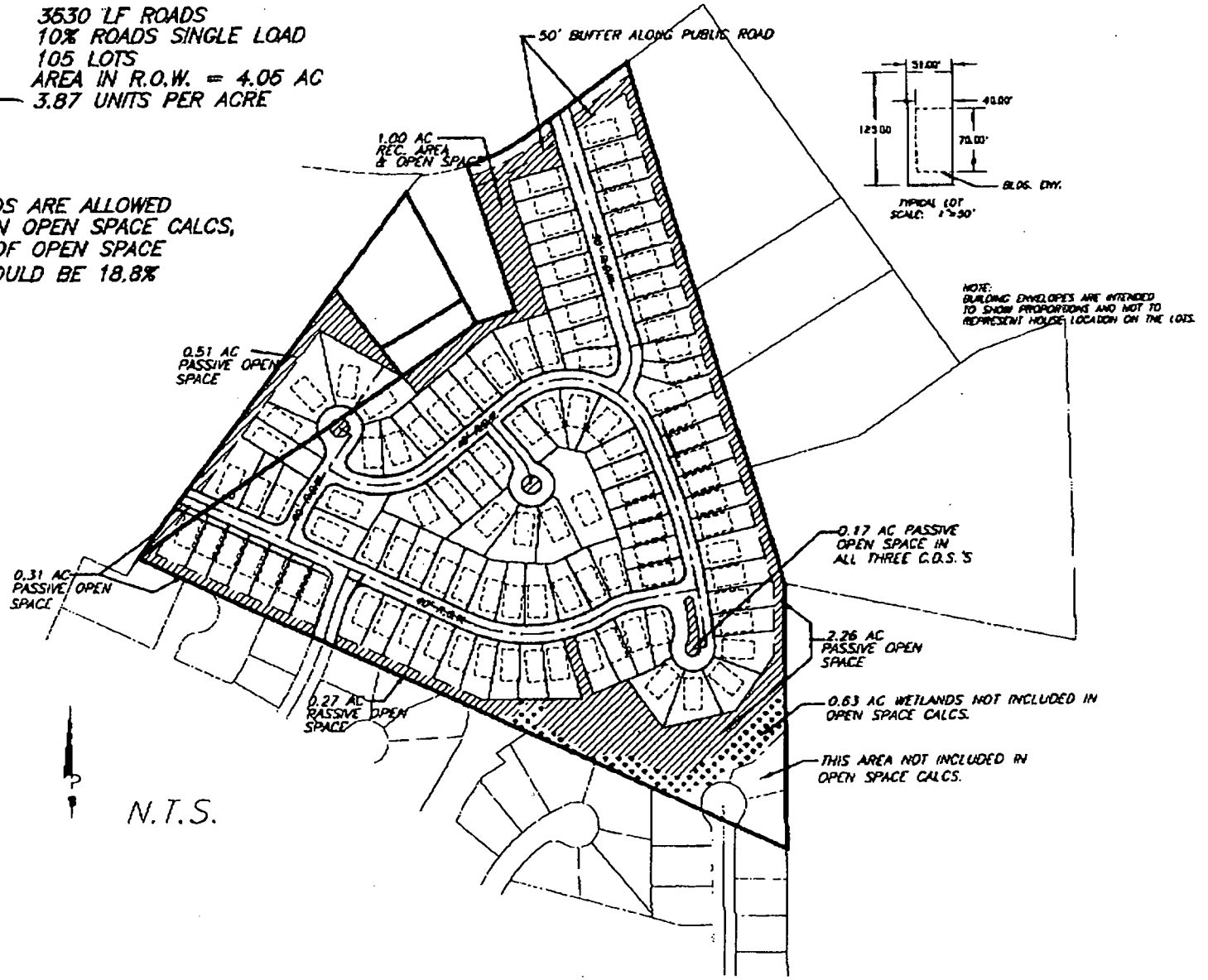
Stephen F. Lampmann
President

RECEIVED
NOV 24 1999
HANOVER COUNTY
PLANNING OFFICE

812 Moorefield Park Drive • Suite 304 • Richmond, Virginia 23236
(804) 323-1362 • fax 323-0570

11/22/99
TOTAL AREA = 27.43AC. (EXCLUDES CORNER ADJ. TO LAUREL MEADOWS)
16.5% OPEN AREA
15.0% IN ROADS
66.2% IN LOTS
2.3% IN WETLANDS
3530 LF ROADS
10% ROADS SINGLE LOAD
105 LOTS
AREA IN R.O.W. = 4.05 AC
3.87 UNITS PER ACRE

NOTE: IF WETLANDS ARE ALLOWED TO BE INCLUDED IN OPEN SPACE CALCS, THE PERCENTAGE OF OPEN SPACE IN THIS LAYOUT WOULD BE 18.8%



BOARD OF SUPERVISORS

JOHN E. GORDON, JR., CHAIRMAN
SOUTH ANNA DISTRICT

ELTON J. WADE, SR., VICE-CHAIRMAN
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BEAVERDAM DISTRICT

J. T. "JACK" WARD
MECHANICSVILLE DISTRICT



HANOVER COUNTY
P. O. BOX 470
HANOVER, VIRGINIA 23069-0470
WEB SITE WWW.CO.HANOVER.VA.US

RICHARD R. JOHNSON
COUNTY ADMINISTRATOR

CECIL R. HARRIS, JR.
DEPUTY COUNTY ADMINISTRATOR

JOHN H. HODGES
DEPUTY COUNTY ADMINISTRATOR

STERLING E. RIVES, III
COUNTY ATTORNEY

MEMORANDUM

PLANNING OFFICE
PHONE 804-365-6171
FAX 804-365-6232

To: Hanover County Planning Commission

From: Michael E. Crescenzo, Director of Planning

Subject: Ordinance 99-04: RS District

Date: November 24, 1999

Copies: RS Subcommittee

At the public hearing for the RS district, held on November 4, 1999, the Commission heard several speakers make comments on the draft ordinance. Issues raised included the definition of "attached single-family dwellings", density vs. growth rates; use of slopes for construction; use of the thoroughfare buffer as open space; and the amount of open space required in the ordinance. While some of these issues were addressed in the meeting, the Commission found it necessary to defer action until all of the outstanding comments could be addressed.

Subsequent to the public hearing, the subcommittee met one more time to try to craft a compromise which would convince the sole remaining member of the subcommittee to endorse the draft ordinance, providing unanimity among the members. Even with the changes made to the draft, only five of the six subcommittee members agreed on its contents.

The latest revision to the ordinance is attached. It incorporates changes based on recommendations from the subcommittee, as well as additional corrections and clarifications made by the staff. Finally, the staff provided a copy of the draft to McKinney and Company, the County's planning consultant, for their review and comment. Some of their observations have also been included. The source of the change is identified in the list below. The following changes were made to the draft:

On page 1: Addition of a definition for "communications tower", in conjunction with additions to the list of conditional uses within the proposed district (staff).

On pages 2 through 5: All of the lists of uses - permitted, accessory, conditional, and special exceptions - have been significantly revised. Several have been omitted based on the Commission's discussion at the public

hearing (Commission, subcommittee, staff).

On page 5: Language has been included in the section regarding "density" to clarify that the density is based on the gross acreage of the property (McKinney). In addition, the sentence defining "net acreage" has been modified to include not only Chesapeake Bay Protection Areas, but also slopes of 35% or greater (subcommittee). This latter change was an attempt to address the concerns expressed by speakers at the public hearing regarding environmental impacts of building on slopes.

On page 6: One issue raised by the staff involved the 1 unit per acre density vs. the 1 ¼ units/acre density permitted in the ordinance. The subcommittee talked about ways to address the issue, but did not make any decision. The staff has suggested language that provides some means by which the higher density can be achieved based on an additional development standard: the provision of curb and gutter. This amenity would not necessarily be required in the base density subdivision, since it is based on lot widths. Incorporating it into the ordinance as an elective amenity provides some basis for the density increase from 1 to 1 ¼ to be considered.

On page 6: Within the description of "street trees", the word "native" in the eighth line from the beginning has been changed to "appropriate", which is not quite as limiting as requiring trees native to the area (staff).

On page 7: In the section regarding pedestrian paths, it was brought to the staff's attention that paths can be located along lot fronts as well as within open/common space along the sides and/or rears of lots. That made the ten foot separation requirement a problem, so the language was revised to exempt paths along lot fronts from the setback requirement, as well as the landscaping requirement (there is no need to buffer the front of a house from the path) (McKinney).

On page 7: In the description of street light location, it was noted that the 100 foot requirement didn't refer to a point from which the measurement would be taken. Language was inserted to note that lights should be provided for at least one hundred feet on either side of any entrance to the project (McKinney).

On page 7: The section defining "single-loaded streets" has been revised to include a provision that the houses fronting a single-loaded street will overlook common or open space on the other side of the street (McKinney).

On page 8: Since garages are considered accessory structures in all districts for the purpose of setback requirements, the minimum setbacks for a garage constructed behind (and detached from) a dwelling are 3 feet for the side, and 5 feet for the rear. While the rear setback is appropriate for a garage located on an alley (to provide sufficient room to enter and

exit the building), there needed to be a way to allow garages attached along property lines to be permitted. The new provision (number 2, Yard Requirements) provides for garages to be attached along the side lot line (McKinney).

On page 8: Under "Height Requirements", language has been inserted to address the issue of telecommunications towers (which require issuance of a Conditional Use Permit).

On page 9: One of the requirements for the conceptual plan - "h" - has been modified to reinforce the idea that the conceptual plan is not a surveyed, engineered plan, but one which provides general information for consideration during the zoning process. The word "general" was inserted at the beginning of the first sentence (McKinney).

On pages 9 and 10: In item "k", the inclusion of the steep slopes onto the conceptual plan has been noted (subcommittee).

On page 10: In item "m", the words "details for development" and "including cross-sections" have been deleted and replaced with "general description". This reflects more of the intent of the subcommittee in discussing the need to provide some information regarding proposed landscaping and pathways, with the higher level of detail being provided after rezoning, with the submittal of subdivision construction plans (McKinney, staff).

On page 11: In "f", the last line has been revised to permit streets to terminate in views of "other appropriate vistas" as well as the on-site open space, since buildings or views on adjoining property may be considered appropriate as well (McKinney).

On page 15: Provision has been made for private television antennas and radio antennas to be permitted to exceed the height limits in the district (staff).

On page 17: While the draft ordinance permits the use of sidewalks adhering to VDOT standards within the rights-of-way of major thoroughfares (to satisfy the pedestrian path requirement), use of the VDOT standard for sidewalks attached to the curb line where curb and gutter are used would not be appropriate. Consequently, new language prohibits this type of sidewalk from being used to comply with this standard (McKinney).

With these revisions, the staff is recommending approval of the draft as attached. Should you have any questions, please contact the staff.

ORDINANCE 99-04
Revised November 17, 1999

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

***Communications tower:** A tower of any type which supports or is intended to support communications (broadcast and/or receiving) equipment and accessory equipment utilized by commercial, governmental or other public and quasi-public users, not to include home use of radio and television antennas and support structures, satellite dishes, or antennas and support structures, satellite dishes, or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission.*

...

*Dwelling, **detached** ~~single family~~: A building designed for or occupied ~~exclusively~~ by one family, **with no walls in common with another dwelling unit.***

~~Dwelling, two family: A building designed for or occupied exclusively by two (2) families living independently of each other.~~

revise

*Dwelling, **attached** ~~multiple family~~: A building designed for or occupied ~~exclusively~~ by ~~three (3)~~ **two** ~~(2)~~ or more families living independently of each other, **and having one or more exterior walls in common with another dwelling unit.***

one (1) family,

separate exterior access

*Dwelling unit: A room or group of rooms occupied or ~~intended~~ **designed** to be occupied as separate living quarters.* ***Dwelling units may be either detached (having no common or party wall with another dwelling unit) or attached (having one or more exterior walls in common with another dwelling unit).***

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed, used, or adapted for joint service.** Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

...

~~*Townhouse: A single-family dwelling forming one of a group or series of three (3) or more units in a structure separated from one another by solid common walls.*~~

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. **The purpose of this district is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These districts are located within the designated urban areas of the County where public utilities make such a district feasible.**

3.2 Uses. **The uses permitted within the RS district, whether by right or as Conditional Uses or Special Exceptions, are as specified below.**

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

1. *Dwellings, both detached and attached. No more than four*

(4) separate dwelling units may be incorporated into any residential structure.

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Public and private forests, wildlife reservations, and similar conservation projects.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front *or side* yard.

6. Swimming pool and game courts, lighted or unlighted, *and community buildings or clubhouses,* for use of ~~occupants~~ *residents* or their guests.

7. Signs as regulated in article 7, section 3.

8. 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.

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

10. The location of office or construction trailers for a period not to exceed one year.

11. Foster care and adult family care.

c. 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:

1. Camps, day or boarding, private or commercial.

2. Institutions, educational or philanthropic, including museums, art galleries and libraries.

3. Private clubs.

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

5. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, transmission lines, *and communications towers*.

6. Swimming or tennis club or other recreational facility, private, nonprofit, or commercially operated.

7. 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.

8. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

9. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Convalescent homes, nursing homes, or homes for the aged.

   (c) Day nurseries or child or adult day care centers.

   (d) Home occupations in an accessory buildings, except for home craft shops and retail sales businesses.

3. Any structure exceeding the maximum height limit, *except those structures specified in Article 7, Section 4.2, of the Zoning Ordinance.*

3.3 Density; calculation. The RS district provides for a *range of* density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. *Density calculations shall be based on the gross acreage for the district. To be eligible for consideration of density higher than one and one-quarter (1 1/4) units per acre within the district, a minimum of fifteen percent (15%) of the net acreage shall be provided as common space (improved with amenities accessory to residential uses or landscaped) and/or open space (unimproved natural areas or buffers). "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 percent (35%) or greater.* The Board of Supervisors may approve increased density *after consideration of the*

criteria set out below, and if the improvements and design standards proposed are deemed to be appropriate *for* the density requested and the request is consistent with the Comprehensive Plan.

a) *For densities greater than one (1) unit per acre, but less than or equal to one and one-quarter (1 1/4) units per acre: If the following improvement is included in the district, the Board of Supervisors may approve increased density to a maximum of one and one-quarter (1 1/4) units/acre if the improvements and design standards proposed are deemed to be appropriate for the density requested and the request is consistent with the Comprehensive Plan:*

1) the use of curb and gutter on all roads within the district

b) For densities greater than one and one-quarter (1 1/4) unit per acre, but less than or equal to two (2) units per acre: *If at least 15% of the net acreage is left in open and/or common space,* and if the following improvements are included in the district, the Board of Supervisors may approve increased density to a maximum of *two* (2) units/acre if the improvements and design standards proposed are deemed to be appropriate *for* the density requested and the request is consistent with the Comprehensive Plan:

1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement *no less than* ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection. 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 inches (2") 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.*

2) pedestrian paths, providing access to open space and common space and designed to be extended into adjoining

developments, both residential and commercial. Paths may be located within the common or open space and placed no closer than ten (10) feet to any *side or rear* lot line. Open space shall be landscaped between paths and lots, *except where the path is located along a lot front*.

c) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre: If the improvements specified below are provided in addition to the improvements listed in section (a) above, the Board of Supervisors may approve increased density to a maximum of *three (3)* units/acre, if the improvements and design standards proposed are deemed to be appropriate *for* the density requested and the request is consistent with in the Comprehensive Plan:

1) An additional five percent (5%) of the net acreage set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the district fronts at intervals no greater than one hundred (100) feet apart, for a distance of at least one hundred (100) feet in either direction *from any entrance intersection constructed within the district*. The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

d) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (a) and (b) above are included, and the additional improvements specified below are provided, the Board of Supervisors may approve increased density to a maximum of *four (4)* units/acre if the design standards are deemed to be appropriate *for* the density requested and the request is consistent with the Comprehensive Plan:

1) An additional five percent (5%) of the net acreage set aside as common or open space, for a total of no less than twenty-five percent (25%)

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the district. A "single-loaded street" shall be a street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots, *fronting common or open space along the other side*.

3.4 Lot area requirements.

1. *Detached* dwellings: When a district is developed at a *density less than two (2) units per acre,* the minimum lot size for *detached* dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this district shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this *Zoning Ordinance.*

3.5 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. *Dwelling units:*				
Base density:	50	10	25	25
Higher densities:	15	0	0	*0*

2. *When detached garages are constructed in the rear yard on any lot in a district where the density exceeds 1 and ½ unit per acre, and access is provided through use of an alley, there shall be no minimum side yard. The minimum rear yard shall be five (5) feet.*

3. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as *otherwise* specified in *the Zoning Ordinance.*

4. *Corner lots shall provide the required front yard setback from all property lines contiguous with a public road.*

3.6 Height requirements. Structures not specifically exempted in article 7 shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less; *provided that communications towers may exceed forty-five (45) feet if approved in conjunction with a Conditional Use Permit, in accordance with the procedures set out in the Zoning Ordinance.*

3.7 Public utilities required. All *buildings* shall be served by public water and sewer systems.

3.8 Development standards and procedures. The following requirements and procedures shall apply within the RS district.

1. *Conceptual Plan.* The property shall be developed in substantial

conformity with a *Conceptual Plan (the "Plan")* approved by the Board of Supervisors as part of the approval of the development. *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 be submitted with each application for rezoning *for* a density *higher than the base density,* and 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, 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 reference to the use of detached dwellings, attached dwellings, or both. If attached, the number of units in each structure within the district. 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 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Protection requirements

and slopes of thirty-five percent (35%) 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 abutting tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the *Plan*.

m. Location(s) of all proposed improvements as defined in Section 3.3 above, including *a general description* of landscaping and pedestrian paths. In addition, entrance features, such as signs, landscaping, fences, gate structures, lighting, or other appropriate amenities, shall be shown on the *Plan*.

n. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas.* When a proposed district includes the creation of open and/or common space, the minimum areas specified in Section 3.4 above 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. Open and/or common space areas 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 percent (35%) or greater),* but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas.

3. *Conceptual Plan; standards for review.* The *Conceptual Plan* shall provide for adherence to the following standards, to the extent practicable:

a. The open and common space areas 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 and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the

maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.

f. 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 open or common space *or other appropriate vista*.

4. *Ownership and maintenance*. Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common and open space to the association, and shall provide for maintenance of all open and common areas and amenities, including street lights, street trees, alleys, and pedestrian paths. *Easements applying to the common and/or open space shall be conveyed 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 and open space, prohibiting further division of those areas, and prohibiting any use not permitted by the Zoning Ordinance*. The Board of Supervisors may *convey* the easement to a *qualifying* non-profit or *governmental* agency, or may *allow such* conveyance in lieu of *conveyance to the County*.

5. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 6.2, shall be amended to read in its entirety as follows:

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

1. ~~Any use as regulated in the R-3 district.~~ **Dwellings, both attached and detached.**

2. ~~Two-family dwelling.~~ **Any other use as regulated in the RS district.**

~~3. Townhouses.~~

6. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 7.2, shall be amended to read in its entirety as follows:

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

1. ~~Two family dwelling, subject to the special regulations of Article 7.~~ **Attached dwellings.**

~~2. Multiple family dwellings.~~

7. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 8.2, shall be amended to read in its entirety as follows:

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

~~1. Any use permitted in the R-2 Single Family Residential District subject to the lot size, yard, height, and other requirements of that district.~~

2.1. Mobile home park, provided:

(a) That the mobile home park shall comply with all sanitary and other requirements prescribed by law or regulation.

(b) That access to the mobile home park shall not be from a minor residential street, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, that no mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lighted and at least thirty (30) feet in width, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable county specifications and ordinances.

(c) That the topography of the site be such as to facilitate rapid drainage and that adequate drainage facilities be provided.

(d) That the design evidences a reasonable effort to preserve the natural amenities of the site.

(e) The minimum width and/or depth of the mobile home park shall

be two hundred (200) feet and a minimum total area of the park shall be five (5) acres, including one-half the width of bordering streets, except that minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five (5) acres or more.

(f) No mobile home sites shall be offered for sale or sold.

(g) All utility lines shall be underground, including electrical wiring and telephone lines.

(h) The mobile home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along the street frontage with an arterial street or major highway and at least twenty-five (25) feet wide along all other lot lines or street frontage.

(i) Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems. Such water and sewer facilities shall be subject to approval and inspection by the health official and may be either public facilities or privately owned sewer and water systems, but in either case shall be designed to serve the entire mobile home park.

(j) Each mobile home site shall be provided with electrical outlets installed in accordance with the National Electrical Code.

(k) The open space beneath the unit shall be skirted with approved material in accordance with the requirements of the Administrator.

3.2. No existing mobile home park shall be enlarged or extended unless the entire park is made to conform substantially to all requirements for a new mobile home park.

8. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Sections 10.2-1 and 10.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

10.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS, Residential Single-Family** District

...

9. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Sections 11.2-1 and 11.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, Residential Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

11.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS, Residential Single-Family** District

...

10. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 12.3-1, shall be amended to read as follows:

12.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS, Residential Single-Family** District

...

11. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 7, Section 4.2-1, shall be amended to read as follows:

4.2 Modification of height regulations. Subject to the following specific modifications, no structure may exceed the height limit provided under the applicable zoning district:

1. Except within an OAP Overlay Airport Protection District **and an RS Residential Single-Family District,** the height limitations of this ordinance shall not apply to the following structures when such structures do not exceed a height of one hundred twenty-five (125) feet:

(a) Belfries.

(b) Chimneys.

(c) Church spires.

(d) Water towers and standpipes.

(e) Conveyors.

(f) Cooling towers.

(g) Elevator bulkheads.

(h) Fire towers.

(i) Public monuments.

(j) Ornamental towers and spires.

(k) Commercial radio and television towers, **television antennas and support structures for home use, and amateur radio broadcasting and receiving antennas and support structures.**

(l) Silos and grain driers.

(m) Smoke stacks.

(n) Stage towers or scenery lofts.

(o) Tanks.

...

12. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: ~~Reserved~~. **Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and range of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans**

and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used and the location(s) of each plant within the subdivision. Where existing plantings are to be retained, proposed methods for protection during construction shall be included in the plans. Landscaping shall be covered by any surety provided for completion of improvements.

13. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-6.1(d), shall be adopted and shall read in its entirety as follows:

> *(d) Improvement shall also include landscaping, which shall be installed prior to acceptance of any roads into the Virginia State System of Highways for maintenance. If the time of year or environmental circumstance would jeopardize any planting, an extension may be granted for a period not to exceed six (6) months. At the time of acceptance of roads within the subdivision, or at the end of the extension of time granted, surety equal to twenty-five percent (25%) of the cost of materials and installation of landscaping shall be provided to the County to ensure the landscaping was installed properly and remains healthy. This surety may be released at the end of one (1) year, if an inspection shows the landscaping remains healthy. Maintenance of all required landscaping is the responsibility of the property owner(s), and all plants damaged by insects, disease, vehicular traffic, acts of God, or vandalism shall be replaced. Failure to maintain required landscaping, or to replace dead or damaged plants, shall be regarded as a violation of the Zoning Ordinance.*

14. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): *Buffers along existing and planned public roads.* For all subdivisions developed in Residential districts, a buffer shall be located along all public roads (not within subdivisions) *existing on the date of final subdivision approval* and all roads designated on the Major Thoroughfare Plan on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, sculpted, non-linear undulating landform with an average height of ~~four~~ three (43) feet. The landform shall be landscaped with low-maintenance vegetation. No more than fifty percent (50%) of the required open or common space shall comprise the area of the buffer along existing public roads.

5-21-1(b): Pedestrian paths. For all subdivisions developed in Residential districts within the Suburban Service Area, pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. 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 roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to Virginia Department of Transportation standards and can be accepted by the Department for maintenance. *If curb and gutter are used along a major thoroughfare, the path located within the right-of-way shall be separated from the curb and gutter by a distance of no less than four (4) feet.*

15. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. ~~Alleys should be avoided wherever possible.~~ **Alleys may be permitted within subdivisions in Residential districts. Alleys shall be no less than eighteen (18) feet in width, with travelways no less than twelve (12) feet in width. There shall be an all-weather surface provided, constructed to a standard equal to or greater than the private road requirements specified in the Title II. Subdivision Ordinance. Detailed construction plans for all alleys shall be included in construction plans for the subdivision in which the alleys shall be constructed. All alleys shall be *maintained by the homeowners' association, and shall be owned by the association*. When an alley is designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space. Common space containing alleys shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. Alleys shall not be considered as frontage for a lot.**

16. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

17. This Ordinance shall be effective upon adoption.

Planning Commission Public Hearing: _____

Action by Board of Supervisors:

On a motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance Number 99- , as follows:

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []
Mr. WARD:	Aye []	Nay []	Absent []	Abstain []

Public Hearing: _____

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

- Planning Department: _____

Section 3.C. Evaluation Criteria

...

1. Residential Areas

a. Those areas developed exclusively for detached single family dwellings **prior to the adoption date of this amendment,** would be ~~preserved for that use~~ **protected through the appropriate use and location of buffering and open space, while other single-family dwelling types would be permitted and encouraged throughout the Suburban Service Area.** As long as the preference for ~~this~~ **detached** dwellings ~~type~~ remains as strong as it is, the right to live in a single-family area should be vigorously protected. **However, the introduction of new dwelling types, such as apartments, cluster homes, condominiums, and townhouses is desirable to help provide a broad range of housing for all citizens.**

b. The neighborhood development concept should be applied in planning residential areas, **especially with the introduction of new and different housing types into the community. Review criteria for the proposed housing type will be based on existing site conditions such as topography, woods, tree lines, pastures, fields, and other environmental conditions, existing and proposed residential types within the surrounding community, the availability of public utilities, proximity to existing and proposed business and commercial uses, the existing and proposed transportation network, and other factors specific to the site.** ~~Emphasis on proper relation to physical features, focal points, transportation facilities, and place names would tend to encourage community interest, neighborhood pride, and civic participation.~~

c. While recognizing the need to preserve single-family areas, variety of choice in housing types should also be encouraged in Hanover County. This would include acceptance of apartments and townhouses as appropriate uses when meeting certain basic standards, **especially appropriate density,** and when well designed for the landscape. (Many factors, economic and social, indicate that a greater number of apartments, townhouses, and the like will be required in the future. Such factors include increasing numbers of young families and individuals who cannot afford detached houses, a greater number of older persons who no longer desire to maintain a detached house and a yard, and increasing numbers of families who will prefer to spend for a second house and accept an apartment instead of a single family dwelling as the primary place of residence. In addition, there is a growing ability of apartment developers to build projects which include such attractive features that they may be preferred by families, with or without children, who might otherwise have purchased a single-family home.)

d. Apartment projects should meet definite criteria regarding access, public services, location with respect to shopping and employment, open space, and effects on adjoining or nearby development.

e. Preliminary considerations indicate that suburban residential development should be placed in three basic categories: low, ~~low-~~

~~medium, and~~ medium, **and high density.** ~~The first two~~ **While all three** residential categories ~~are~~ **provide** for single ~~families~~ **family dwellings, both attached and detached,** ~~and~~ the last **also** includes apartments ~~and townhouses~~. A fourth category might include those outlying areas best characterized as "rural".

1) Bruce Hart - Ace. Hom[redacted] Comm. — supports rev[redacted] draft -
allows housing diversification w/ buffers & open space

2) Catherine Patterson - HCQL - opposed to draft - ~~needs more~~
original densities w/ open spaces (25-40%) were too low
to buffer - orig range was minimum acceptable -
revised draft doesn't have enough open space (Arndt
⇒ suggested min 35%) - open space is not protected -
⇒ ord isn't density-neutral -

3) George Haw - opposes slope change - worried about access
to open/common area -

4) Bob Brauer - ordinance is good - provides variety/housing -
* { density-neutral? - doesn't believe any "growth control initiatives
have been enacted (none that work)

* 5) Donald Allen - DO Allen Homes - request a break in open
space req't for age-restricted housing - to achieve 4 units/acre,
attached units are necessary - would like to see a limit of
15% for open space for age-restricted housing

6) John Combs - agrees w/ Haw + Allen - recommends sending it forward
w/ favorable recommendation

⇒ 7) Ron Green - agrees w/ Allen - (sidewalk issue) -
also - "re traditional design"

8) Steve Lamp[redacted]en - resident (also DO Allen Homes) - has 3 suggestions -
→ 35% slope is not a negative for open space * (is still part of open space)
(age restriction break - FHA allows 20% to be 18-55)

For the Ord 99-04

D.O. ALLEN HOMES INC

Building Quality Homes Since 1975

TO: Michael E. Crescenzo

FAX: 537-6232 PHONE: _____

DATE: 11/24 TIME: _____

NUMBER OF PAGES (Including this cover sheet): 3

HARD COPY TO FOLLOW: YES _____ NO _____

FROM: Donald O. Allen

RE: _____

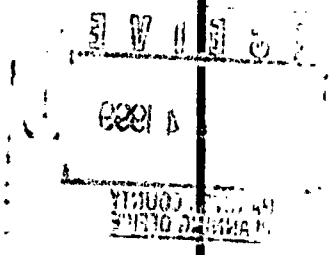
MESSAGE:

RECEIVED
NOV 24 1999
HANOVER COUNTY
PLANNING OFFICE

If this facsimile is illegible please call Debbie at (804) 323-1362.

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812 Moorefield Park Drive • Suite 304 • Richmond, Virginia 23236
(804) 323-1362 • fax 323-0570



D.O. ALLEN HOMES

Building Quality Homes Since 1975

November 24, 1999

Mr. Michael E. Crescenzo
Director of Planning
Hanover County
Post Office Box 470
Hanover, Virginia 23069

Dear Mike:

There is a very important zoning ordinance coming up for vote in the next session of the Planning Commission, the "RS" Ordinance #99-04. We have been assisting the county in the development of this ordinance that will serve growing needs of the county and its constituents. Like all political endeavors, this ordinance has gone through many revisions. We are happy to support the final product, but we ask that you consider adding a provision that will support the growth of senior housing.

Our request is that the commission modify the open space requirement from 25% down to 15% for age restricted (age 55 and older) communities with densities of 3 to 4 homes per acre. Please consider that this allows for builders/developers to provide an affordable solution to our aging American neighbors. Density is an important ingredient in achieving affordability. The attached example illustrates that on a typical site it will be impossible to achieve anywhere close to the allowed 4 units per acre without some relief from the open space requirement.

Providing for the future of our aging population is not only social obligation, it is a sensible land use alternative for the county. There is a positive impact on the county from the spending provided by this segment of the population, and the burden added to the county is minimized without the need for additional schools.

If we can answer any questions, please feel free to give us a call. We hope that you will support our request and we look forward to seeing you on November 29, 1999.

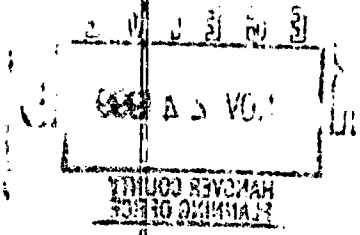
D. O. Allen Homes, Inc.

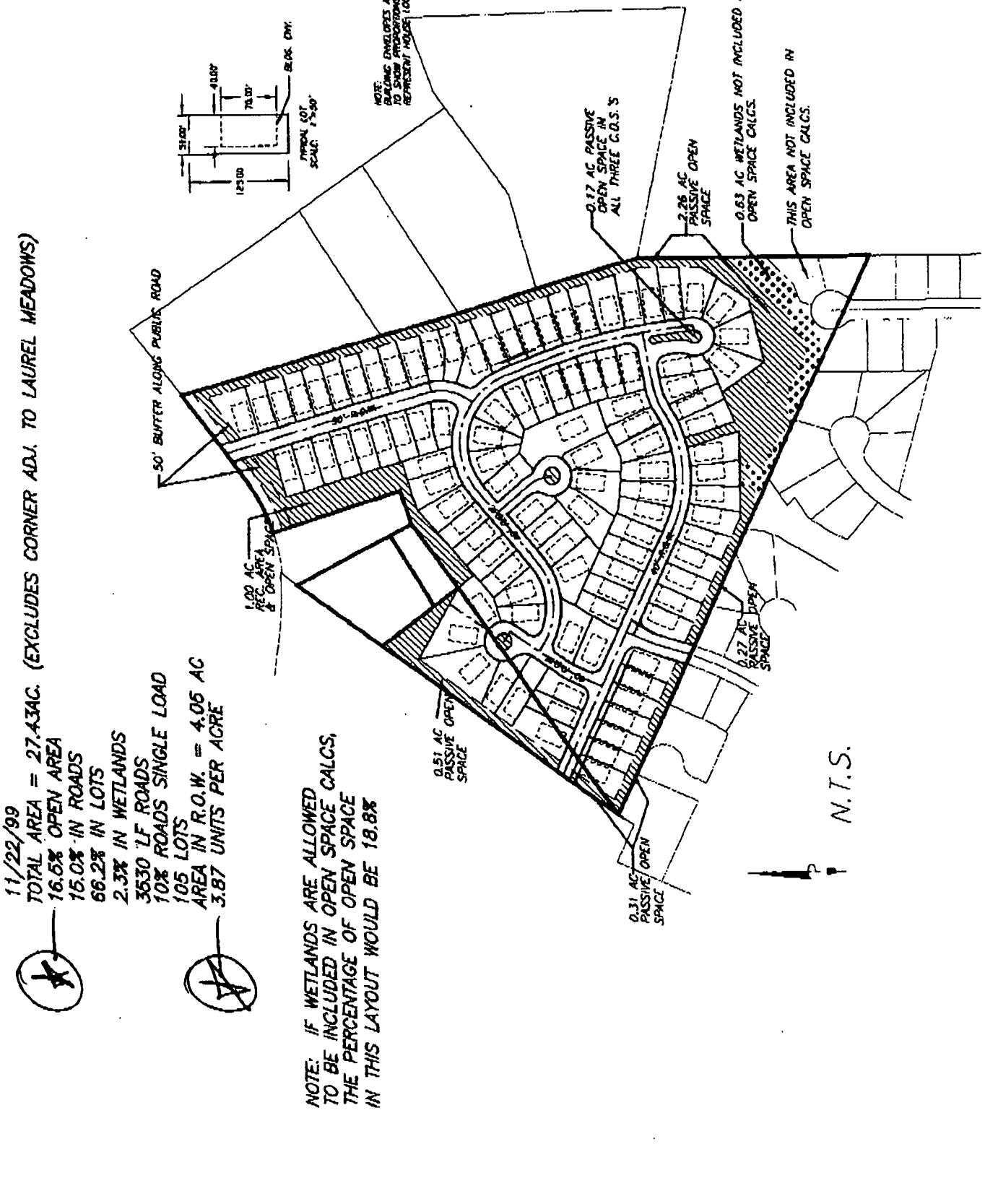
Stephen F. Lampmann

Stephen F. Lampmann
President

RECEIVED
NOV 24 1999
HANOVER COUNTY
PLANNING OFFICE

812 Moorefield Park Drive • Suite 304 • Richmond, Virginia 23236
(804) 323-1362 • fax 323-0570


HANOVER COUNTY
PLANNING OFFICE


11/22/99
TOTAL AREA = 27.43AC. (EXCLUDES CORNER ADJ. TO LAUREL MEADOWS)
16.6% OPEN AREA
15.0% IN ROADS
66.2% IN LOTS
2.3% IN WETLANDS
3530 LF ROADS
10% ROADS SINGLE LOAD
105 LOTS
AREA IN R.O.W. = 4.06 AC
3.87 UNITS PER ACRE
NOTE: IF WETLANDS ARE ALLOWED TO BE INCLUDED IN OPEN SPACE CALCS, THE PERCENTAGE OF OPEN SPACE IN THIS LAYOUT WOULD BE 18.8%
50' BUFFER ALONG PUBLIC ROAD
1.00 AC REC. AREA & OPEN SPACE
0.51 AC PASSIVE OPEN SPACE
0.31 AC PASSIVE OPEN SPACE
0.27 AC PASSIVE OPEN SPACE
0.17 AC PASSIVE OPEN SPACE IN ALL THREE C.O.S.'S
2.26 AC PASSIVE OPEN SPACE
0.63 AC WETLANDS NOT INCLUDED IN OPEN SPACE CALCS.
THIS AREA NOT INCLUDED IN OPEN SPACE CALCS.
NOTE: BUILDING ENVELOPES ARE INTENDED TO SHOW PROPORTIONS AND NOT TO REPRESENT HOUSE LOCATION ON THE LOT.
TYPICAL LOT SCALE: 1"=50'
N.T.S.

Crescenzo, Mike

From: James A. Garlick [maral@richmond.infi.net]
Sent: Wednesday, November 10, 1999 11:37 AM
To: Michael E. Crescenzo
Subject: New table and visit
Follow Up Flag: Follow up
Flag Status: Flagged

Mike,

Table!! ta da!

% of Land Unbuildable	Proposed Ordinance Open Space	Al's Gross Proposal Note 1
0	15%	30%
5%	19.25%	30%
10%	23.5%	30%
15%	27.75%	30%
20%	32%	30%
25%	36.25%	34%
30%	40.5%	39%
35%	44.75%	44%
40%	49%	49%

Note 1 - This is the 30-30 table. 30% open space of which 30% must be good buildable land.

Went to see Hampton Park. The property was bi-sected by a wet weather stream with a pond impoundment. I could not tell if there were pedestrian paths in this. The other major open space was a very nice park and would be a nice amenity for those who like that sort of thing. There were plenty of moms behind strollers heading that way. Other open space included a small cemetery, some islands in little street
cutouts, a tree preservation area (Robin Hood would never elude the Sheriff in there), and thoroughfare buffers.

The thoroughfare buffers were very nice. I paced off 100' from the privacy fence behind the lots to the thoroughfare drainage ditch. After viewing the buffer my awe for our ordinance's 50' is somewhat diminished. The buffer was very nice open space that they ruined by painting the privacy fence white. You couldn't hide that sucker in a jungle. All they had to do was go over to Brandermill to see how to blend a fence into its environment.

I paced off a lot with house under construction. It was 75' x 155'; just a hair over 1/4 acre. if the map layout I picked up at the office was to scale, all lots were close to this one.

The home design and layout was a standard cul-de-sac cookie cutter design. I saw not one thing that would entice Randall to add Hampton Park to his slide show. There was nothing innovative. The houses were large and I suppose the park is the big draw. I really think your proposed ordinance will cause things much better than this to happen.

One thing stood out; the streets; they take up a lot of space. What % of a development is normally consumed by streets? Seems to me that the (percentage of land for homes could be 1/4 acre x density / total acreage) + a land percentage for streets leaving everything else for open space. This would be a lot of open space. A good designer could really create something great. I am going to guess that streets will consume 12% of the land. Then for a 100 acre parcel with 15% unbuildable, density of 2 per acre then (open space under Al's 30-30 rule would be 30 acres; streets would be 12 acres leaving .29 acres per house.) The current draft ordinance would leave .30 acres per house. unless my street estimate is way off, this just emphasizes to me that the draft ordinance does not create enough open space on totally buildable land or near totally buildable land.

Do you know the following for Hampton Park?
1. Gross Density
2. open space
3. open space in buffers
4. street space
5. project acreage

I am really curious.

Well, I have detained you long enough. Its time for you dash into the phone booth, emerging as Captain Planner, to wreak havoc and destruction on unimaginative developers.

Let me know what you think

Al

① Swann: concern for smaller parcels & homeowners' association

② Berdan: - if 4 units/~~acre limit~~/bldg is excessive, change it; don't lose ord over 4 units – open space % is too high

ORDINANCE 99-04

Revised November 4, 1999

(check CUP/SE uses for elimination)

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

Comm tower

Dwelling, ***detached*** ~~*single-family*~~*:* *A building designed for or occupied* ~~*exclusively*~~ *by one family,* ***with no walls in common with another dwelling unit.***

~~Dwelling, two family: A building designed for or occupied exclusively by two (2) families living independently of each other.~~

Dwelling, ***attached*** ~~*multiple family*~~*:* *A building designed for or occupied* ~~*exclusively*~~ *by* ~~*three (3)*~~ ***two (2)*** *or more families living independently of each other,* ***and having one or more exterior walls in common with another dwelling unit.***

Dwelling unit: A room or group of rooms occupied or ~~*intended*~~ ***designed*** *to be occupied as separate living quarters.* ***Dwelling units may be either detached (having no common or party wall with another dwelling unit) or attached (having one or more exterior walls in common with another dwelling unit).***

...

12. Radio or television broadcasting station or tower more than one hundred twenty-five (125) feet in height, provided construction and safety features are approved by the Administrator in accordance with applicable regulations and provided no hazard is created in an Airport Approach Zone.

13. 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.

14. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Cemetery for pets.

   (c) Commercial greenhouses, wholesale or retail.

   (d) Convalescent homes, nursing homes, or homes for the aged.

3. Any structure exceeding the maximum height limit, except ~~radio and television towers~~ television ~~towers~~ antennas and support structures for home use and amateur radio broadcasting & receiving antennas & support structures

(e) Day nurseries or child or adult day care centers.

(f) Nurseries for growing of plants, trees, and shrubs, including a building for sale of products produced on the premises.

~~3. *Density calculation.* The RS district provides for a range of~~ density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. ~~*To be eligible for consideration of density higher than one and one-quarter (1 1/4) unit per acre within the district, a minimum of fifteen percent (15%) of the net acreage shall be provided as common space (improved with amenities accessory to residential uses or landscaped) and/or open space (unimproved natural areas or buffers). "Net acreage" shall be the total area of the district minus the total of Chesapeake Bay Resource Protection Areas.*~~ The Board of Supervisors may approve increased density *after consideration of the criteria set out below, and* if the improvements and design standards proposed are deemed to be appropriate *for* the density requested and the request is consistent with the Comprehensive Plan.

a) For densities greater than one and one-quarter (1 1/4) unit per acre, but less than or equal to two (2) units per acre: ~~*If at least 15% of the net acreage is left in open and/or common space, and*~~ if the following improvements are included in the ~~development~~, the Board of Supervisors may approve increased density to a maximum of *two* (2) units/acre if the improvements and design standards proposed are deemed to be appropriate *for* the density requested and the request is consistent with the Comprehensive Plan:

1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement *no less than* ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection. Trees planted to comply with this standard shall comprise at least three (3) different species native 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 inches (2") 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.*

2) pedestrian paths, providing access to open space and common space and designed to be extended into adjoining developments, both residential and commercial. Paths may be located within the common or open space and placed no closer than ten (10) feet to any lot line. Open space shall be landscaped between paths and lots.

b) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre: If the improvements specified below are provided in addition to the improvements listed in section (a) above, the Board of Supervisors may approve increased density to a maximum of *three (*3) units/acre, if the improvements and design standards proposed are deemed to be appropriate *for* the density requested and the request is consistent with in the Comprehensive Plan:

1) An additional five percent (5%) of the ~~property~~ set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the ~~subdivision~~ fronts at intervals no ~~less~~ than ~~fifty (50)~~ feet apart, for a distance of at least one hundred (100) feet in either direction. The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

c) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (a) and (b) above are included, and the additional improvements specified below are provided, the Board of Supervisors may approve increased density to a maximum of *four (4)* units/acre if the design standards are deemed to be appropriate *for* the density requested and the request is consistent with the Comprehensive Plan:

1) An additional five percent (5%) of the ~~property~~ set aside as common or open space, for a total of no less than twenty-five percent (25%)

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the ~~subdivision.~~ A "single-loaded street" shall be a

street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots, ~~with~~ common ~~&~~ open space along the other side.

3.4 Lot area requirements.

1. *Detached* dwellings: When a district is developed at the base density, the minimum lot size for *detached* dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this district shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this *Zoning Ordinance*.

3.5 Yard requirements.

Garage - 5' off of alley

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. *Dwelling units*:				
Base density:	50	10	25	25
Higher densities:	15	0	0	*0*

2. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as *otherwise* specified in *the Zoning Ordinance*.

3. *Corner lots shall provide the required front yard setback from all property lines contiguous with a public road.*

3.6 Height requirements. Structures not specifically exempted in article 7 shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less.

3.7 Public utilities required. All *buildings* shall be served by public water and sewer systems.

3.8 Development standards and procedures. The following requirements and procedures shall apply within the RS district.

1. *Conceptual Plan.* The property shall be developed in substantial conformity with a *Conceptual Plan (the "Plan")* approved by the Board of Supervisors as part of the approval of the development. *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 be submitted with each application for rezoning *for* a density *higher than the base density*, and 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, 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, w/ ~~*Reference to the use of detached dwellings, attached dwellings, or both; if attached, the number of units in each structure within the development*~~ district. Proposed elevation for all structures shall be provided.

i. Existing 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.

(w/in 200' of parcel)

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 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Protection requirements.

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 abutting tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be ~~shown and~~ so noted on the *Plan*.

m. Location(s) of all proposed improvements as defined in Section 3.3 above, including ~~details for development of~~ landscaping and pedestrian paths, ~~including cross-sections~~. In addition, entrance features, such as ~~signs, landscaping, fences~~, gate structures, lighting, or other appropriate amenities, shall be shown on the *Plan*.

n. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas*. When a proposed district includes the creation of open and/or common space, the minimum areas specified in Section 3.4 above 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. Open and/or common space areas 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, but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas.

3. *Conceptual Plan; standards for review*. The *Conceptual Plan* shall provide for adherence to the following standards, to the extent practicable:

a. The open and common space areas shall be directly accessible to the largest practicable number of lots within the ~~subdivision~~. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood common and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.

f. 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 open or common space, or other appropriate vista.

4. *Ownership and maintenance.* Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common and open space to the association, and shall provide for maintenance of all open and common areas and amenities, including street lights, street trees, alleys, and pedestrian paths. *Easements applying to the common and/or open space shall be conveyed to the association and the County, with content approved by the County, requiring preservation of features so designated on the Plan, requiring maintenance in perpetuity of the common and open space, prohibiting further division of those areas, and prohibiting any use not permitted by the Zoning Ordinance.* The Board of Supervisors may *convey* the easement to a *qualifying* non-profit or *governmental* agency, or may *allow such* conveyance in lieu of *conveyance to the County.*

5. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 6.2, shall be amended to read in its entirety as follows:

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

1. ~~Any use as regulated in the R-3 district.~~ **Dwellings, both attached and detached.**

2. ~~Two-family dwelling.~~ **Any other use as regulated in the RS district.**

~~3. Townhouses.~~

6. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 7.2, shall be amended to read in its entirety as follows:

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

1. ~~Two-family dwelling, subject to the special regulations of Article 7.~~ **Attached dwellings.**

~~2. Multiple-family dwellings.~~

7. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 8.2, shall be amended to read in its entirety as follows:

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

~~1. Any use permitted in the R-2 Single-Family Residential District subject to the lot size, yard, height, and other requirements of that district.~~

2.1. Mobile home park, provided:

(a) That the mobile home park shall comply with all sanitary and other requirements prescribed by law or regulation.

(b) That access to the mobile home park shall not be from a minor residential street, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, that no mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lighted and at least thirty (30) feet in width, hard surfaced and maintained at least twenty (20) feet in width in accord with applicable county specifications and ordinances.

(c) That the topography of the site be such as to facilitate rapid drainage and that adequate drainage facilities be provided.

(d) That the design evidences a reasonable effort to preserve the natural amenities of the site.

(e) The minimum width and/or depth of the mobile home park shall be two hundred (200) feet and a minimum total area of the park shall be five (5) acres, including one-half the width

of bordering streets, except that minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five (5) acres or more.

(f) No mobile home sites shall be offered for sale or sold.

(g) All utility lines shall be underground, including electrical wiring and telephone lines.

(h) The mobile home park shall be surrounded by a landscaped or wooded strip of open space at least fifty (50) feet wide along the street frontage with an arterial street or major highway and at least twenty-five (25) feet wide along all other lot lines or street frontage.

(i) Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems. Such water and sewer facilities shall be subject to approval and inspection by the health official and may be either public facilities or privately owned sewer and water systems, but in either case shall be designed to serve the entire mobile home park.

(j) Each mobile home site shall be provided with electrical outlets installed in accordance with the National Electrical Code.

(k) The open space beneath the unit shall be skirted with approved material in accordance with the requirements of the Administrator.

3.2. No existing mobile home park shall be enlarged or extended unless the entire park is made to conform substantially to all requirements for a new mobile home park.

8. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Sections 10.2-1 and 10.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

10.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District

...

9. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Sections 11.2-1 and 11.3-1, shall be amended to read as follows:

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

1. Any use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District, except dwellings. A single-family dwelling is permitted in association with a permitted use or business use in the same building or on the same premises for use by the proprietor or an employee of said business.

...

11.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District

...

10. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 12.3-1, shall be amended to read as follows:

12.3 Permitted accessory uses.

1. Any accessory use permitted in the ~~R-1 Single-family~~ **RS, R**esidential **Single-Family** District

...

Art 7, Sec 4.2 - add (RS zone) -

11. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: ~~Reserved~~. **Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and range of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans**

and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used and the location(s) of each plant within the subdivision. Where existing plantings are to be retained, proposed methods for protection during construction shall be included in the plans. Landscaping shall be covered by any surety provided for completion of improvements.

12. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-6.1(d), shall be adopted and shall read in its entirety as follows:

> *(d) Improvement shall also include landscaping, which shall be installed prior to acceptance of any roads into the Virginia State System of Highways for maintenance. If the time of year or environmental circumstance would jeopardize any planting, an extension may be granted for a period not to exceed six (6) months. At the time of acceptance of roads within the subdivision, or at the end of the extension of time granted, surety equal to twenty-five percent (25%) of the cost of materials and installation of landscaping shall be provided to the County to ensure the landscaping was installed properly and remains healthy. This surety may be released at the end of one (1) year, if an inspection shows the landscaping remains healthy. Maintenance of all required landscaping is the responsibility of the property owner(s), and all plants damaged by insects, disease, vehicular traffic, acts of God, or vandalism shall be replaced. Failure to maintain required landscaping, or to replace dead or damaged plants, shall be regarded as a violation of the Zoning Ordinance.*

13. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): *Buffers along existing and planned public roads.* For all subdivisions developed in Residential districts, a buffer shall be located along all public roads (not within subdivisions) *existing on the date of final subdivision approval* and all roads designated on the Major Thoroughfare Plan on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, sculpted, non-linear undulating landform with an average height of ~~four~~ three (43) feet. The landform shall be landscaped with low-maintenance vegetation. No more than fifty percent (50%) of the required open or common space shall comprise the area of the buffer along existing public.5

5-21-1(b): Pedestrian paths. For all subdivisions developed in Residential districts within the Suburban Service Area, pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. ~~When a material has been used for paths within a contiguous subdivision, the same material shall be used for continuation into the new subdivision~~. Where paths intersect with roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to Virginia Department of Transportation standards and can be accepted by the Department for maintenance. ~~Paths~~ Paths may not be contiguous with curb along a Major Thoroughfare.

14. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. ~~Alleys should be avoided wherever possible.~~ **Alleys may be permitted within subdivisions in Residential districts. Alleys shall be no less than eighteen (18) feet in width, with travelways no less than twelve (12) feet in width. There shall be an all-weather surface provided, constructed to a standard equal to or greater than the private road requirements specified in the Title II. Subdivision Ordinance. Detailed construction plans for all alleys shall be included in construction plans for the subdivision in which the alleys shall be constructed. All alleys shall be *maintained by the homeowners' association, and shall be owned by the association*. When an alley is designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space. Common space containing alleys shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. Alleys shall not be considered as frontage for a lot.**

15. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

8) Janet Nolan - comp plan density
(density - getting 4/acre ? -) - can't be
"growth neutral" - R-3 w/ density bonus could
exceed 4 unit/acre

16. This Ordinance shall be effective upon adoption.

Planning Commission Public Hearing: _____

Action by Board of Supervisors:

On a motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance Number 99- , as follows:

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []
Mr. WARD:	Aye []	Nay []	Absent []	Abstain []

Public Hearing: _____

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

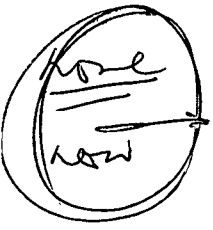
Final copy reviewed by:

- Planning Department: _____

1) Clarice Warren (see notes)

2) JoAn Bender - recommends ordinance (needs changes) - consider revisiting it a one year to review

3) Patty Jackson - HCAC (on behalf of Catherine) needs improvement - increasing density could increase ~~app~~ growth rate - trade-off is insufficient - comm benefits don't equal developer benefits - (1 overstated open space protection - "significantly" - started @ 25-40% - w/o slopes - now 15-25% w/ slopes (but note buffer req't - not there before) - Concern over ets problems w/ building on slopes - RMAs not included (RMAs are ~~bad~~ desirable under CleoBay) ((~~*~~ open space should be usable) = buffering for motorists - not good as open space - ~~(Emphasized~~ - increase open space req't basis



4) Kevin Damian - agrees w/ Catherine - "apartments don't affect community" - never said - said impact was lower - not talking about apts - ~~affordable~~ can't address quality of building -

5) Bob Brenner - PH Com. Citizen - question of density

6) Al Garlick - disappointed about decrease in open space - should consider inclusion of ~~single loaded~~ slopes - agree w/ single loaded streets - send it forward for Bd review

clerks → 7) Don Allen - supportive - (also addresses zoning for deputies/Healing graduates etc

(over)

AGENDA

Hanover County Planning Commission
Henry Taylor Wickham Building
Room 112

November 4, 1998 - 7:00 P. M.

Meeting Called to Order at 7:00 P. M.

1. **Public Hearings Scheduled for 7:00 P. M.**

ORDINANCE AMENDMENT

ORDINANCE 99-04, RS District

M Setliff
S Morgan

AN ORDINANCE to amend the Hanover County Code, Appendix, Zoning Ordinance, to repeal the R-1, R-2, and R-3 Single-Family Residential Districts; to adopt the RS, Single-Family Residential District, and to amend the Hanover County Subdivision Ordinance to require the installation of curb and gutter, sidewalks, landscaping, and buffers in certain subdivisions. (PUBLIC HEARING)

DEFERRED to 11/29 (Mon) — 7 pm

COMPREHENSIVE PLAN AMENDMENT

CPA 99-05: Single Family Residential Development Criteria

M Setliff
S Morgan

AN AMENDMENT to "Vision 2017," the Hanover County Comprehensive Plan, adopted September 23, 1998, to provide criteria for the consideration and application of the RS, Single-Family Residential District, within the Suburban Service Area. (PUBLIC HEARING)

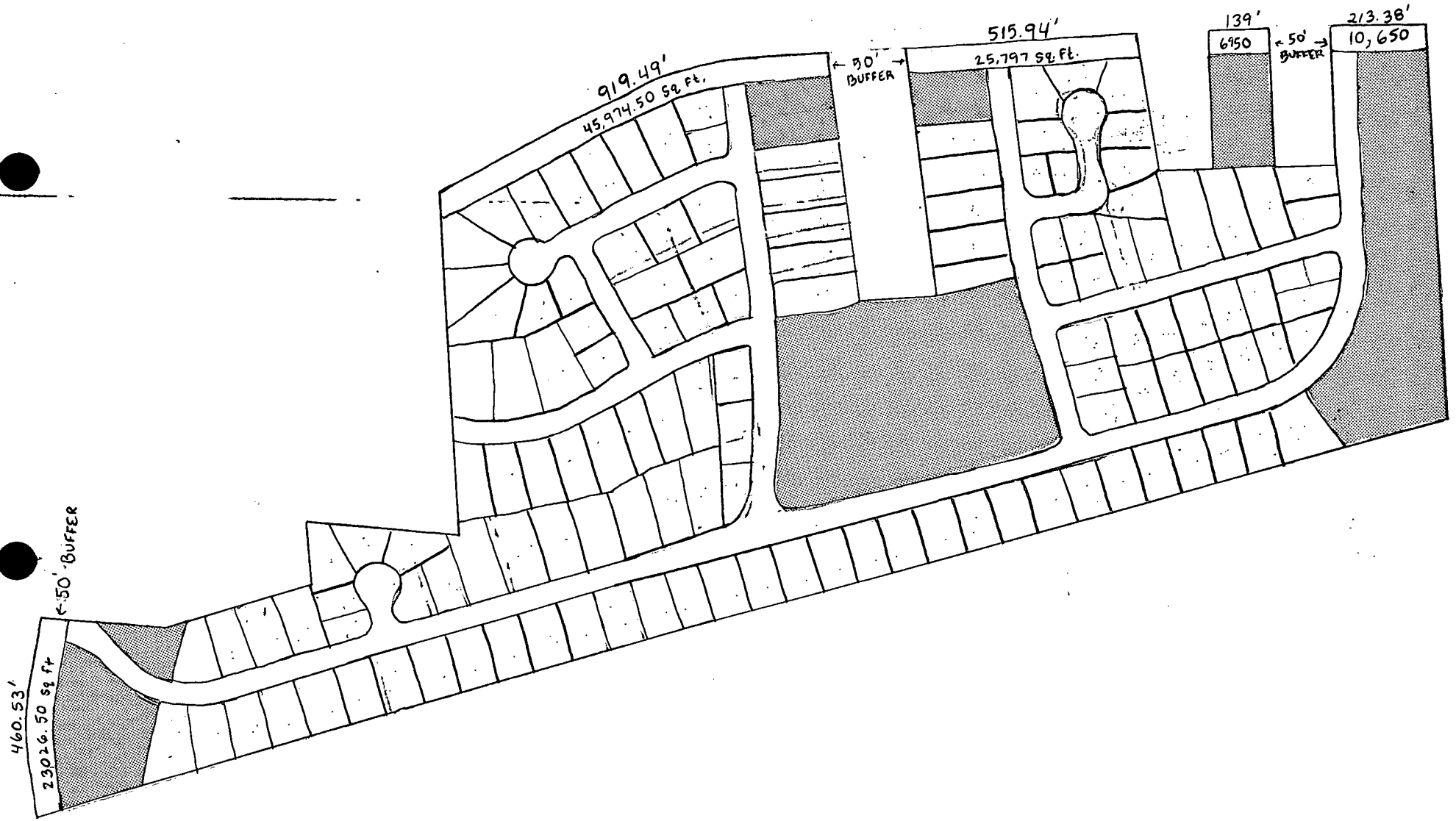
2. **Miscellaneous Matters**

A. **Appointment (2) to Economic Development Strategic Plan Committee**

- Earle Hobbs
- Don Morgan

Points:

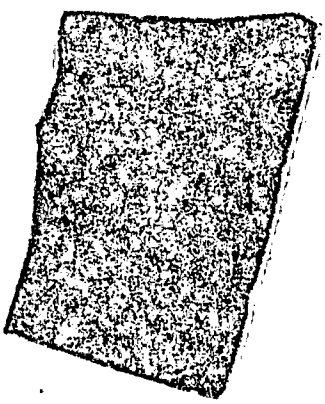
- no greater density than currently permitted (R-3 can be as high as 3.5-3.6/ac)
- adds open space where none was provided previously
- protects vistas from road – buffers homes from thoroughfare
- creates pedestrian opportunities w/in and among projects
- provides flexibility for development, including opportunities for acc apts –



AREA SUBDIVISION = 60.72 acres 133 lots 13.59 AC = 20% 1" = 30'

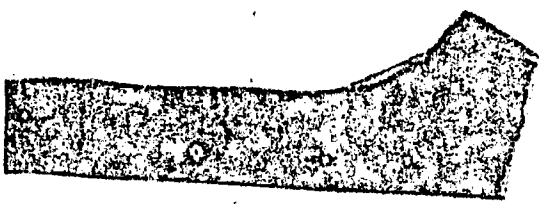












- In 1995, persons 65 years or older numbered 33.5 million – 12% of the U. S. population

- In 1998, persons 55 years or older numbered 13,031 – 21% of the Hanover population.

- Between 1990 & 1995 the 65+ population increased by 11.5% in Virginia.

- Between 1990 & 1998 the 65+ population increased by 9.2% in Hanover County.

- In 1998, the Household Income for 50% of the 65+ population of Hanover County was less than $ 25,000.

- In 1998, the average Hanover County home sales price was $ 159,431

- A household with an income of $ 25,000 can afford a home with a Sales price of $73,500 mortgaging 75% (or $ 55,000).

- 6000 U. S. citizens celebrated their 65th birthday each day in 1995.

- Why the Move? 38% of the 60+ population want a smaller, easier home to maintain.

- 46% will move less than 10 miles from their present home.

- 86% of the 65+ population want a detached single level home.

Sources of Information: A profile of older Americans – by AARP
Builder Magazine
U. S. Bureau of the Census
Richmond Multiple Listing Service

CHARLES R. WARREN
7413 STRAWHORN DRIVE
MECHANICSVILLE, VIRGINIA 23116
746-7396

November 4, 1999

Mike Crescenzo
Director of Planning
Hanover County
P.O. Box 470
Hanover, Virginia 23069-0470

Dear Mike;

Enclosed are some of my thoughts and concerns regarding the proposed RS ordinance dated October 28, 1999..

MAJOR CONCERNS

- The revised definitions of single family dwelling, multiple family dwelling, and dwelling unit are **totally unacceptable.**
  - **A single family unit SHOULD be a detached unit.**
  - **There is no difference between the definition for single family dwelling and multiple family dwelling except the number of units that are permitted to be attached.**
  - **Four [4] attached units is not a single family dwelling. It is a multiple family dwelling.**
  - **All references to attached single family dwellings [a contradiction in terms] should be deleted from the ordinance.**
- Section 3.3 –
  - Density should be calculated on the total acreage of a parcel, not rounded down or up.
  - There seems to be a discrepancy in the density definitions, jumping from 1 to 1 ¼ units per acre.
- 3.3, a), 1)
  - Street trees or lot trees, where no trees exist are a good idea. **They should not be put in an easement which implies government maintenance/control**.
  - The sentence "Additional materials such as ground covers, ornamental grasses, perennials, annuals, and shrubbery, shall be provided and shall be shown on the landscape plan" should be deleted in its entirety. **This is a given, is not known at subdivision approval and, most importantly, is grossly intrusive. Is Big Brother going to tell me I have to plant an English Boxwood rather than an Azalea on a residential lot?**

- 3.3, b), 2) Street lights along the thoroughfare along which the subdivision fronts is questionable. Should this be a requirement, and I don't agree that it should, **50 foot spacing is entirely to close. My lot is 140 feet wide, and three [3] street lights along a thoroughfare in that distance is ridiculous. I don't believe even city streets have that density of street lights, and it would be totally unacceptable in Hanover.** A 250-300 foot spacing is more realistic, if required. Perhaps a street light at each subdivision road intersection with the thoroughfare would be more sensible. It would illuminate the intersection for easier identification.

- 3.3, c), 2) This section requires at least 25 % open space. To further require single loaded subdivision streets restricts effective design of open space and mandates inefficient street utilization. I understand some of the rational based on the definition proposed for single family dwelling [which is totally wrong]. However, the ordinance cannot, nor should it, address every aspect of subdivision land planning and design. The design professionals need flexibility, plus, have the responsibility for esthetic, pleasing and efficient design, which can be reviewed by County staff to assure compliance with the ordinance. Excessive street construction is costly in initial construction and is an increased ongoing public maintenance cost.

- 3.6-1.
    - The front yard setbacks from public right of ways should be redefined. 15 feet is not adequate on public right of ways in a suburban setting.
    - Zero aggregate side yard is inconsistent with a correct single family dwelling definition.

- 4. Ownership and Maintenance- This section provides, subject to Board of Supervisors' approval, conveyance of open space to a governmental agency. This may bring requests from developers and homeowners associations for the County to take over the responsibilities of the open space.

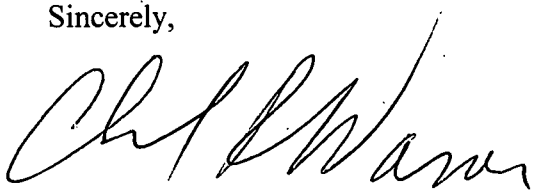
- 5-21-1(a) – The way I read this section, a 50 foot buffer is required along all existing public roads and the buffer can be up to 50% of the required open space. It is not proper planning to put such open space adjoining higher traffic roadways, nor is it necessary to have a 50 foot buffer adjoining a secondary collector road. A more appropriate buffer would be a 15 foot well landscaped buffer, including the 4 foot pedestrian path.
- 5-21-1(b) – The requirement that paths of contiguous subdivisions be of the same material needs readdressing. Should the first subdivision install asphalt paths it precludes the contiguous subdivision from having brick pavers or vice versa.

I like the flexibility of not having a minimum lot size. It should be noted that this flexibility will require the designer and the County to give proper thought to the shape of the lot for adequate use and enjoyment. This would require looking at what is planned adjacent to and in the proximity of the lot.

In keeping with environmental concerns and open space concepts, the pavement widths should be minimized.

Thank you for the opportunity to provide my comments on this proposal. Please feel free to call me with any questions or comments.

Sincerely,



Charles R. Warren

Rogers - Chenault, Inc.

DATE: November 4, 1999

TO: Commissioners:

Otis Hall	(Fax: 828-1008)
Albert Hobbs, Jr.	(Fax: 965-0460)
Edmonia Iverson	
Don Morgan	(Fax: 752-6333)
Joe O'Conner	(Fax: 779-2396)
Bob Setliff	(Fax: 746-9209)
Harris Swann	

Director of Planning: Michael E. Crescenzo

FROM: Todd D. Rogers

RE: Proposed RS District comments from the Hanover Association of Businesses

---

Attached please find a copy of a letter addressed to the Planning Commission on behalf of the Hanover Association of Businesses for your review prior to tonight's meeting.

Thank you for your time in this matter.

RECEIVED
NOV 4 1999
HANOVER COUNTY
PLANNING OFFICE

7240 Lee Davis Road, Suite 100 • Mechanicsville, Virginia 23111 • (804) 730-1475

Rogers - Chenault, Inc.

November 4, 1999

Hanover County Planning Commission
P.O. Box 470
Hanover, Virginia 23069

Re: Proposed RS district

Dear Commissioners:

Thank you for allowing me to participate on behalf of the Hanover Association of Businesses in the process of formalizing the new RS zoning ordinance. I regret that I am unable to attend tonight's meeting and deliver the Association's thoughts on this matter personally; however, due to a prior engagement, I will be out of town. We believe that the ordinance, as currently written, will provide much more open space and more flexibility in the design than the existing ordinances. It is for these reasons that we support the adoption of this ordinance.

This ordinance provides an opportunity for the urban area to grow with mixed densities and protects the vistas along existing roads through thoroughfare buffers. It also provides for interconnecting pathways along the thoroughfare that will enable pedestrian access between neighborhoods as well as to retail and other areas that are complimentary to residential development. In this light, properties that used to be "piece meal" can now participate in an overall planned area, and be in harmony with adjacent developments.

As we are sure this ordinance will need amendments and updates as developments are brought forward, we would like to offer some potential concerns about the ordinance as written. Our concerns involve the smaller parcels, e.g. 15 acres or less. To comply with the ordinance as written, all parcels, including the smaller ones, will require the creation of a homeowners association. Our observations and experience show that unless there is a "reason for being", e.g. roads to maintain, pools to maintain or similar, these associations are allowed to dissolve. A smaller development is less likely to have some improvement providing an Association a "reason for being". Thus they are likely to dissolve leaving room to maintain the area in question. It is thus our suggestion that when the development is smaller, that the open space area be buffers or similar on individual lots, with easements to other property owners where appropriate. In this case, there would always be someone with the responsibility of maintaining the area. Our investigation reveals this to be the practice in some of our adjoining neighbors.

Thanks again for allowing us the opportunity to participate in the process.

Sincerely,

Todd D. Rogers

TDR/km

7240 Lee Davis Road, Suite 100 • Mechanicsville, Virginia 23111 • (804) 730-1475



JAMES RIVER ASSOCIATION
P.O. BOX 110
RICHMOND, VIRGINIA 23218-0110
(804) 730-2898
(804) 730-8297 (FAX)

FAX TRANSMITTAL

TO Mike Crescengo

FAX 365-6232

FROM Catherine Patterson

DATE 11/4/99

 # OF PAGES (INCLUDES COVER SHEET) 2

NOTE: Re-FAX - Sorry it didn't go through completely earlier.

If there are any problems with this transmittal, please call 730-2898.

From: Catherine Patterson, Member RS Subcommittee
To: Michael Crescenzo, Director of Planning

In Re: Ordinance 99-04; Single Family Residential District (RS) ordinance

I do not support Ordinance 99-04 as revised by the RS Subcommittee of which I was a member.

This ordinance has the potential to significantly increase overall county growth rates by setting out criteria for approval of residential projects with densities of 3 and 4 houses per acre in the suburban service area. The county's 20-year utility phasing plan is based on a 1-2 house per acre calculation.

The ordinance does not provide community benefits significant enough to outweigh its adverse impact on growth and on quality of life within the suburban service area. When the RS subcommittee began its work, the draft ordinance required a long list of improvements from land-owners and developers in return for extra density. These included construction of amenities such as swimming pools and club houses. They also included substantial provisions for open space, ranging from 25% (2 homes per acre) up to 40% (4 homes per acre). Chesapeake Bay Resources areas and steep slope areas of 25% or greater were excluded from the open space calculation.

The ordinance before you now, as revised by the subcommittee, requires very little from landowners and developers to achieve greater density. All amenities have been deleted. Pedestrian pathways and street trees are still required, but open space requirements have been slashed. Not only has the percentage been cut (the range is now 15-25%, as opposed to the original range of 25-40%), but steep slopes can now be included in the open space calculation. In neither version of the ordinance is open space protected by a permanent easement. To say, as Mr. Crescenzo does in his summary, that amenities requirements have been reduced "in favor of emphasis on open space" is ridiculous.

I am not opposed to density *per se* in the suburban service area; but greater densities entail greater stress on existing communities--their roads, their schools, and their environment. The design and landscaping improvements suggested in the ordinance are not sufficient to counterbalance the ill effects of the increased densities which the ordinance makes possible.

Nov 3, 1999

Please confirm Receipt of the attached single page letter to Mike Crescenzo regarding the RS ordinance by either faxing to 746-4239 or calling 746-4239.

Thank you,

RECEIVED
NOV 3 1999
HANOVER COUNTY
PLANNING OFFICE

David P. Fauri
7036 Rotherham Road
Mechanicsville, VA 23116

November 3, 1999

Mr. Michael E. Crescenzo
Director of Planning
Hanover County
P.O. Box 470
Hanover, VA 23069-0407

Dear Mr. Crescenzo:

After reviewing what I believe is the fourth draft the RS Sub-Committee's work on the new RS Ordinance (ordinance 99-04, RS, Single Family Residential District), I am pleased to indicate my agreement with the draft forwarded to the Planning Commission for action. As a member of the Sub-Committee, I hoped the Ordinance would result in enhancing the quality of new development while preserving open space and as much of the rural nature of the county as possible.

With denser growth in the county being focused in the RS district, the quality of new developments becomes critical. Proposed Ordinance 99-04 makes major strides in that direction by including landscaped buffers between thoroughfares and new developments, pedestrian pathways that include sidewalks and walking/biking paths and landscaping standards.

Previously, additional requirements (such as clubhouses and swimming pools) for obtaining higher density in a development tended to force amenities to be added within a new subdivision without much consideration of integration with the larger, surrounding community. This may raise values within these sub-divisions, but may not contribute to the general community. Buffers along thoroughfares, landscaping of the buffers to enhance views and absorb noise, entrance lighting, and interconnecting, uniform pathways do contribute to and connect new sub-divisions with the surrounding community

It has been a pleasure working with you and the Sub-Committee members. Thank you for the opportunity to further the land use planning efforts in our county.

Sincerely,

David P. Fauri

RECEIVED
NOV 3 1999
HANOVER COUNTY
PLANNING OFFICE

BOARD OF SUPERVISORS

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ELTON J. WADE, SR., VICE-CHAIRMAN
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J. T. "JACK" WARD
MECHANICSVILLE DISTRICT



HANOVER COUNTY
P. O. BOX 470
HANOVER, VIRGINIA 23069-0470

WEB SITE WWW.CO.HANOVER.VA.US

RICHARD R. JOHNSON
COUNTY ADMINISTRATOR

CECIL R. HARRIS, JR.
DEPUTY COUNTY
ADMINISTRATOR

JOHN H. HODGES
DEPUTY COUNTY ADMINISTRATOR

STERLING E. RIVES, III
COUNTY ATTORNEY

MEMORANDUM

PLANNING OFFICE
PHONE 804-365-6171
FAX 804-365-6232

To: Hanover County Planning Commission

From: Michael E. Crescenzo, Director of Planning MC

Subject: Ordinance 99-04: RS District; and
CPA 99-05: Single Family Residential Development Criteria

Date: October 28, 1999

Copies: Interested Parties
Catherine Patterson
John Bender

Attached is the latest version of the proposed RS, Single Family Residential District ordinance as revised through the efforts of the subcommittee appointed by the Commission to try to address outstanding issues.

BACKGROUND

As part of the Board of Supervisors' effort regarding growth management forwarded to the Commission last October, the idea for a "suburban cluster" district has been discussed for some time. Initially, the Board considered two options: an alternative ordinance to the existing residential districts which would replace those districts, and a supplemental ordinance which could be used with the existing districts. After consideration, the Commission directed its concentration on the replacement ordinance.

This district is based on the RC, Rural Conservation district ordinance adopted two years ago. It provides for a base level of development for any applicant which chooses not to request a density greater than one dwelling unit per acre, the minimum density throughout the Suburban Service Area for both low and medium density proposals. The ordinance provides opportunities for increases in density based on provision of open space and thoroughfare buffers, higher development standards, conformity with the Comprehensive Land Use Plan designation, compatibility with existing neighborhoods adjoining or near the proposed development, and adherence to standards for design of the project described in the ordinance. Such criteria as provision of pedestrian paths (including sidewalks) throughout the project,

use of "traffic-calming" roadway design, retention and maintenance of open space, and provision of buffers, pathways, street trees, and street lights form the bases for approval of additional density, up to a maximum of four units per acre.

As previously mentioned, the ordinance also redefines "single family dwelling" to allow both detached and attached housing (duplexes, triplexes, and quadraplexes would be permitted in this district, as long as the maximum approved density is not exceeded). By definition, "townhouses" become a "multiple-family dwelling" type rather than a single-family dwelling, but only due to the number of attached units permitted within one structure. Consequently, a development proposal may make use of several different dwelling types (one unit, two unit, three unit, or four unit structures) within the project as long as the density is maintained. Additionally, use of structures with more than one dwelling unit within the building generally results in more open space being retained throughout the project, one of the objectives of this amendment.

The ordinance furthers this objective by eliminating any minimum lot size requirements when density is approved for two dwellings/acre or greater. Setback requirements are also minimized, to encourage the location of homes nearer to the street. Note that, with the ability to build structures in which there may be two separate dwelling units, a builder is able to address the issue of "accessory apartments" while still complying with the density for the project. This provides additional flexibility for the developer to address multiple market opportunities which cannot currently be addressed.

The subcommittee formed by the Commission after the last public hearing on the draft ordinance made several major changes to the draft. Included among these are:

1. Elimination of amenities (such as pools and tennis courts) as a means of obtaining higher density in favor of emphasis on open space.
2. Inclusion of a requirement for buffering along public roads as a requirement of subdivision; this means ALL subdivisions of R-zoned property will require buffers regardless of when the property was zoned.
3. Incorporation of requirements for pedestrian paths (including sidewalks, where appropriate) as a subdivision requirement. The paths must be designed and located to facilitate interconnection among developments.
4. Inclusion of provisions to allow alleys within subdivisions. These would be designed to be rear access to lots, located within common space (but not counted toward the minimum space required for density increases) and would be private, owned and maintained by the homeowners. The alleys cannot be considered frontage.

5. Requirements for detailed landscaping plans to be included in construction plans submitted for review and approval. These plans must be prepared by certified landscape architects and the landscaping will be bonded along with all other public improvements within a subdivision.

The ordinance is drafted to provide the Commission and Board with criteria for consideration of proposals, including a requirement that a conceptual plan accompany all applications for density greater than one unit per acre. In addition, the proposed text changes for the Comprehensive Plan provide other criteria, including mandatory compliance with the land use plan density limits (for example, a request for density of four units per acre in an area shown on the Land Use Plan for low density development (no more than two units/acre) would not be appropriate and could be denied).

The plan would also include, among other items, provision of elevations for any community buildings or other structures (entrance features, for example). All historic features (buildings or otherwise) would be shown on the plan and included into the area designated as open space, for transfer to the homeowners' association for preservation and maintenance. Use of historic buildings as community amenities is permitted.

The staff would note that, as a result of some of the mandatory inclusions into the new ordinance (such as the thoroughfare buffer), the minimum set-asides of open space for each density threshold have been reduced: the minimum for 2 units per acre, for example, is recommended to be 15% (as opposed to the original 25% without the buffer). Only 50% of the area of the thoroughfare buffer can be counted toward satisfying the open space requirement. Additionally, the slopes originally omitted from the developable space within a proposed project have been changed to be buildable (allowing more developable area, especially when the density is increased).

RECOMMENDATION

With the amendments made in the draft ordinance, the staff is recommending **APPROVAL** of the ordinance as submitted. This draft is the result of several work sessions in which both the Commission and interested citizens provided guidance and criticism to the staff, and of the staff working with the citizen and business representatives appointed as a subcommittee to consider major issues identified during the Commission work sessions. There are already at least two requests for the new district ready for submittal to the County for review, and many meetings have been held with interested applicants to explain the ordinance and provide guidance for a proposed development. The staff believes this ordinance will be a significant step toward preservation of open spaces within the County's Suburban Service Area, and will result in a major change in the County's development patterns.

Should you have any questions on the draft ordinance or proposed changes to the Comprehensive Plan text, please contact the staff.

ORDINANCE 99-04
Revised October 28, 1999

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER, SIDEWALKS, LANDSCAPING, AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

Dwelling, single-family: A building designed for or occupied ~~exclusively~~ by one family. **Single-family dwellings may be either detached (having no common or party wall with another dwelling unit) or attached (having one or more exterior walls in common with another single-family dwelling unit).**

~~Dwelling, two family: A building designed for or occupied exclusively by two (2) families living independently of each other.~~

Dwelling, multiple family: A building designed for or occupied ~~exclusively~~ by ~~three (3)~~ **five (5)** or more families living independently of each other.

Dwelling unit: A room or group of rooms occupied or ~~intended~~ **designed** to be occupied as separate living quarters. **Single-family dwellings may include up to four (4) separate dwelling units within one structure.**

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed, used, or adapted for joint service**. Projection above the roofline may be eliminated.

...

Pedestrian path: A walkway located within common or open space or within a highway right-of-way, provided for pedestrian circulation within and among developments. The term "pedestrian path" shall also include sidewalks.

...

Sidewalk: A pedestrian path located within a highway right-of-way, either public or private.

...

Townhouse: A ~~single-~~ **multiple**-family dwelling forming one of a group or series of ~~three (3)~~ **five (5)** or more units in a structure separated from one another by solid common walls.

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 *Purpose*. The purpose of this district is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These districts are located within the designated urban areas of the County where public utilities make such a district feasible.

3.2 *Uses*. The uses permitted within the RS district, whether by right or as Conditional Uses or Special Exceptions, are as specified below.

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

1. Single-family dwellings.

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission

lines which are permitted as conditional uses.

3. Military bases and appurtenances and parks operated by the United States Government or agencies of the Commonwealth of Virginia.

4. Public and private forests, wildlife reservations, similar conservation projects.

5. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Servants' quarters.

6. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front yard.

7. Swimming pool and game courts, lighted or unlighted, for use of occupants or their guests.

8. Signs as regulated in article 7, section 3.

9. 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.

10. Accessory off-street parking and loading spaces. Open or enclosed space for parking one commercial vehicle of not more than one ton capacity and used by the occupant of a

dwelling shall be permitted as accessory.

11. The location of office or construction trailers for a period not to exceed one year.

12. Foster care and adult family care.

c. 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:

1. Airports and landing fields, provided they shall comply with the recommendations of the Federal Aviation Agency.

2. Camps, day or boarding, private or commercial.

3. Cemetery, including a crematorium.

4. Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel, or stone, stripping of top soil (but not including stripping of sod), and other major excavations, other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision, or planned residential development.

5. Hospitals and sanitariums, but not animal hospitals.

6. Institutions, educational or philanthropic, including museums, art galleries and libraries.

7. Private clubs.

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

9. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines.

10. Recreation facility, privately or commercially operated, such as fishing or boating lake, picnic grounds, or dude ranch, and accessory facilities, including sale of food, beverages, bait, supplies and equipment.

11. Swimming or tennis club, private, nonprofit, or commercially operated.

12. Radio or television broadcasting station or tower more than one hundred twenty-five (125) feet in height, provided

construction and safety features are approved by the Administrator in accordance with applicable regulations and provided no hazard is created in an Airport Approach Zone.

13. 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.

14. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Cemetery for pets.

   (c) Commercial greenhouses, wholesale or retail.

   (d) Convalescent homes, nursing homes, or homes for the aged.

   (e) Day nurseries or child or adult day care centers.

(f) Nurseries for growing of plants, trees, and shrubs, including a building for sale of products produced on the premises.

3.3 Density; calculation. The RS district provides for variable density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. The Board of Supervisors may approve increased density through provision of the specified improvements if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan.

a) For densities greater than one and one-quarter (1 1/4) unit per acre, but less than or equal to two (2) units per acre: If at least 15% of the net acreage is left in either open space (unimproved natural areas or buffers) or common space (improved with amenities or landscaped), and if the following improvements are included in the development, the Board of Supervisors may approve increased density to a maximum of 2 units/acre if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan:

1) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within common or open space along streets to provide a terminal vista at an intersection. Trees planted to comply with this standard shall comprise at least three (3) different species native 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 inches (2") 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 and shall be shown on the landscaping plan.

2) pedestrian paths, providing access to open space and common space and designed to be extended into adjoining developments, both residential and commercial. Paths

may be located within the common or open space and placed no closer than ten (10) feet to any lot line. Open space shall be landscaped between paths and lots.

b) For densities greater than two (2) units per acre but less than or equal to three (3) units per acre: If the additional improvements specified below are provided in addition to the improvements listed in section (a) above, the Board of Supervisors may approve increased density to a maximum of 3 units/acre, if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with in the Comprehensive Plan:

1) An additional five percent (5%) of the property set aside as open or common space, for a total of no less than twenty percent (20%)

2) Street lights, placed along the existing thoroughfare along which the subdivision fronts at intervals no less than fifty (50) feet apart, for a distance of at least one hundred (100) feet in either direction. The light poles shall not exceed twenty-five (25) feet in height, and the light source shall be directional and shielded from direct view. The general standard regarding light measurement at the property line (0.5 footcandle) shall not apply.

c) For densities greater than three (3) units per acre but less than or equal to four (4) units per acre: If all improvements specified in (a) and (b) above are included, and the additional improvements specified below are provided, the Board of Supervisors may approve increased density to a maximum of 4 units/acre if the design standards are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan:

1) An additional five percent (5%) of the property set aside as common or open space, for a total of no less than twenty-five percent (25%)

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the subdivision. A "single-loaded street" shall be a street along which only one side has houses, for a length equal to the frontage of no fewer than three (3) lots.

3.4 Common and/or Open space. To be eligible for consideration of density higher than one and one-quarter (1 1/4) unit per acre within the district, a minimum of fifteen percent (15%) of the net acreage of a district shall be provided as common and/or open space. Net acreage shall be the total area of the district minus the total of Chesapeake Bay

Resource Protection Areas.

3.5 Lot area requirements.

1. Single-family dwellings: When a district is developed at the base density, the minimum lot size for single-family dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this district shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this Appendix.

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. Single-family dwelling:				
20,000 sq.ft lot:	50	10	25	25
No minimum lot size:	15	0	0	20

2. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as specified in district regulations.

3.7 Height requirements. Structures, including single-family dwellings and all other structures not specifically exempted in article 7, shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less.

3.8 Public utilities required. All lots shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply for developments within the RS district.

1. *Conceptual plan.* The property shall be developed in substantial conformity with a conceptual plan approved by the Board of Supervisors as part of the approval of the development. The plan shall be submitted with each application for rezoning when a density increase is requested, and 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, with proposed improvements and landscaping where appropriate, and active and passive recreation areas.

f. Proposed lot lines, road rights-of-way, and pedestrian paths.

g. Topography, at an interval of two (2) feet.

h. Public and private roads and trails, utility and other easements and rights-of-way, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.

i. Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the County).

j. The location of ponds, streams, and natural drainage swales, and 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Protection requirements.

k. 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 abutting tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.

l. Location(s) of all proposed improvements as defined in Section 3.3 above, including details for development of landscaping and pedestrian paths (including cross-sections. In addition, entrance features, such as signs, landscaping, fences,

gate structures, lighting, or other appropriate amenities, shall be shown on the plan.

m. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas*. When a proposed district includes the creation of open and/or common space, the minimum areas specified in Section 3.4 above 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. Open and/or common space areas 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, but the acreage of these areas shall not be included in the minimum acreage requirements for common or open space areas.

3. *Conceptual plan; standards for review*. The conceptual site plan shall provide for adherence to the following standards, to the extent practicable:

a. The open and common space areas shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood common and open space.

b. The common and open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open and common space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian paths may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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.

f. 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 open or common space.

4. *Ownership and maintenance.* Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common and open space to the association, and shall provide for maintenance of all open and common areas and amenities, including street lights, street trees, alleys, and pedestrian paths. The easement shall also specify that all historic structures, woodlands, historic sites, and other features identified on the conceptual site plan as being significant shall remain substantially as shown on the plan, and that the common and open space areas shall not be further divided and shall be maintained in perpetuity as common and open space, and with only those uses permitted by the underlying zoning district for the common and open space areas. The Board of Supervisors may approve conveyance of the easement to a non-profit organization or government agency for the purpose of preservation of the open space and the significant features identified therein, or may approve conveyance of the open space to a non-profit organization or government agency in lieu of such an easement.

5. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-5-7, shall be adopted and shall read in its entirety as follows:

5-5-7: ~~Reserved~~. **Landscaping. For all subdivisions in which landscaping is either proposed or required, plans showing the general location(s) and range of materials to be used shall be provided with the preliminary plat. After approval of the preliminary plat by the Agent, a landscape plan shall be prepared by a certified landscape architect and included in the plans and specifications for all required physical improvements to be installed in the subdivision, with detailed and specific lists of all materials to be used and the location(s) of each plant within the subdivision. Where existing plantings are to be retained, proposed methods for protection during construction shall be included in the plans. Landscaping shall be covered by any surety provided for completion of improvements.**

6. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Sections 5-21-1(a) and 5-21-1(b), shall be adopted and shall read in their entirety as follows:

5-21-1(a): *Buffers along existing and planned public roads.* For all subdivisions developed in Residential districts, a buffer shall be located

along all existing public roads (not within subdivisions) and all roads designated on the Major Thoroughfare Plan on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with a landscaped, sculpted, non-linear undulating landform with an average height of ~~four~~ three (43) feet. The landform shall be landscaped with low-maintenance vegetation. No more than fifty percent (50%) of the required open or common space shall comprise the area of the buffer along existing public.5

5-21-1(b): Pedestrian paths. For all subdivisions developed in Residential districts within the Suburban Service Area, pedestrian paths shall be provided within the required buffer along the public road. The paths shall be constructed of permanent materials such as concrete, asphalt, brick, pavers, or materials which are substantially similar, and shall be no less than four (4) feet wide. The paths shall be constructed from property line to property line and shall be designed to permit extension onto adjoining properties. When a material has been used for paths within a contiguous subdivision, the same material shall be used for continuation into the new subdivision. Where paths intersect with roads, the path shall be designed to comply with Virginia Department of Transportation standards regarding handicapped access. Paths constructed within highway rights-of-way may be used to satisfy this requirement so long as the paths are constructed to Virginia Department of Transportation standards and can be accepted by the Department for maintenance.

7. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-25, shall be amended and shall read in its entirety as follows:

5-25. Alleys. ~~Alleys should be avoided wherever possible.~~ Alleys may be permitted within subdivisions in Residential districts. Alleys shall be no less than eighteen (18) feet in width, with travelways no less than twelve (12) feet in width. There shall be an all-weather surface provided, constructed to a standard equal to or greater than the private road requirements specified in the Title II. Subdivision Ordinance. Detailed construction plans for all alleys shall be included in construction plans for the subdivision in which the alleys shall be constructed. All alleys shall be privately maintained. When an alley is designed with only one intersection to a public road, the terminus shall be designed to provide adequate space for vehicles to turn around. The area comprising alleys shall not be counted toward satisfying the area requirements for common or open space, although the alleys shall be conveyed to the Homeowners' Association. Common space containing alleys shall not be considered roads for the purpose of determining setbacks for structures constructed along the alley. Alleys shall not be considered as frontage for a lot.

8. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

9. This Ordinance shall be effective upon adoption.

Planning Commission Public Hearing: _____

Action by Board of Supervisors:

On a motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance Number 99- , as follows:

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []
Mr. WARD:	Aye []	Nay []	Absent []	Abstain []

Public Hearing: _____

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

- Planning Department: _____

FAX TRANSMITTAL

File 99-04

NATURAL LANDS TRUST

HILDACY FARM
1031 PALMERS MILL ROAD
MEDIA, PA 19063

TEL: (610) 353-5587
FAX: (610) 353-0517

To: Mike Crescenzo Fax #:
Planning

From: Ran

Date: 22 Sep

Total number of pages, including this transmittal:

If there is a problem with this transmission, please call us immediately.

Message: Here's an updated copy of my August memo.

The only real changes are in #5, where my first memo contained some wording that I wanted to clarify, upon re-reading it last weekend.

How did my revised plan for Calmswood look to you?

RECEIVED
SEP 30 1999
HANOVER COUNTY
PLANNING OFFICE

Randall Arendt
226 Monument Avenue
Malvern, PA 19355
(610) 640-9753



Memo

To: Michael Crescenzo
Hanover County Planning Dept.

From: Randall Arendt

Date: September 25, 1999

Subject: Comments on Draft Ordinance Language

As requested, I have examined the June 17th draft of Ordinance 99-04, and have the following observations and recommendations:

1. Definitions.

a. Dwellings. It appears that there is little distinction, if any, between detached and attached "single-family dwellings". Other communities I have worked with have found it useful to make that distinction stronger, at times to ensure separation and at other times to encourage mixtures. As it stands now, one developer could build entirely attached singles (even in situations where it might not be appropriate) while another could build entirely detached singles (even in situations where the County wanted to encourage diversity within the development).

I am also puzzled by the deletion of the two-family definition, and by the increase of multi-family from three or more families to five or more families. (It is not clear to me how a three- or four-family dwelling would be classified.)

RS Single -Family Residential District

2. **Purpose**. I would suggest that the County consider augmenting the wording with respect to "open space", such as "while preserving *usable* open space *suitable for both active and passive recreation, plus traditional resource uses such as agriculture, horticulture, and equestrian facilities, in a manner that creates a linked network of such greenways between neighborhoods, wherever practicable,* through the use of variable density and flexible lot sizing *and flexibility in other dimensional requirements.*" (Italics indicate possible new wording.)

3. Allowing"single-family dwellings" on a by-right basis could prove to be problematical, given the extremely broad definition of that term in the revised ordinance. As written, there appears to be no limit on the number of dwellings that may be attached to each other and located in a nominally "single-family" residential district or established neighborhood. I would be inclined to express concern as to how very large "single-family" dwellings containing 8 to 12 dwellings might fit comfortably in the same streetscape as single-family detached homes, *even with* architectural standards (which the ordinance does not include).

With such design criteria it is certainly possible to blend attached dwellings having up to three or four units in a building with detached single-family homes, but again, such standards are not part of this ordinance proposal. The way I have handled that issue in the past is to offer attached dwellings only as Conditional Uses and available only with a density bonus. Because this dwelling type (attached units) would be an option, proposals to build them would represent voluntary choices by developers who could otherwise construct the standard (lower) number of units, in a detached fashion, on a by-right basis without the CU process. And because this would be a voluntary option offering increased density as in incentive, architectural design standards for such attached dwellings would be an appropriate *quid pro quo* that the County could require in exchange for the larger unit count. That is the legal rationale. One of the appendices at the end of *Rural by Design* provides a fuller discussion of this approach.

4. **Density Calculation.** The "base density" of "one residential unit per full acre" appears to allow units to be counted for wetland or floodplain acreage that is presumably unbuildable. The problem with this approach is that it essentially encourages developers to seek out cheaper parcels with extensive areas of unbuildable land and then to build more houses there than could otherwise be constructed. For this and other reasons, I have for many years favored offering developers two alternative methods for determining density. One is a "Yield Plan" (a realistic sketch showing the maximum build-out with full-sized conventional lots), and the other involves an arithmetical calculation of "Adjusted Tract Acreage". The latter approach applies certain "density factors" to different kinds of land, depending on their inherent suitability or unsuitability for the intended development. A fuller description of these two approaches is given in Chapter 4 of *Growing Greener*, particularly in Section 4.4.

5. **Density Bonus:** Under the proposed ordinance, a 100% density bonus (allowing two dwellings/acre in the one- acre district) is available when 25% of the net acreage is left as open space. I did not see a definition or explanation of the term "net acreage" until later in the ordinance (Section 3.9.2), where it is described in terms of the Chespapeake Bay Act. I would recommend that this key phrase be clarified in the definitions section.

   The rather huge100% bonus for a relatively modest 25% open space designation misses a real opportunity to accomplish more land preservation. If both percentage figures were set instead at 50%, for example, the ordinance would better serve the stated purposes of this proposed regulation. This is how the revised clustering would work, contrasted with the standard non-cluster approach. On 100 buildable acres (located within a typical 125-acre tract, for example), a cluster developer would build 150 houses (50 more than the standard 100, and 50 fewer than the 200 possible under the proposed ordinance). Through clustering, as I would recommend it be structured, half the 100 buildable acres would remain open, and the remaining 50 buildable acres would accommodate the 150 homes -- typically on 13,000 sq.... ft. lots. Half of the100 buildable acres would remain open, as would all 25 unbuildable acres, for a total of 75 acres open space on the 125-acre parcel , producing an open space ratio of 60%. The above percentage figures are provided by way of example, and are not intended to be a specific recommendation, at this time.

   By way of contrast, in a non-cluster "sprawl" pattern, the developer would receive no density bonus and would instead build only 100 homes, occupying 100

one-acre lots, filling up the entire 100 buildable acres. Only the 25 acres of unbuildable land would remain as "open space", typically included in back portions of these lots.

The second density bonus in the County's draft ordinance, allowing developers not one or two but *three* dwellings per acre, requires relatively little additional open space in exchange for this very substantial increase in dwelling yield. The extra open space is just one acre per 50 dwellings, roughly 870 sq..... ft. per dwelling, or about 375 sq.... ft. of land per resident (assuming an average household size of 2.3 persons). I presume the reason for this very small additional land dedication is that the proposed ordinance would require developers to provide a "community building" in exchange for the extra density. However, I see several problems with this approach. First, the term "community building" is very vague, in terms of floorspace and amenity package. What size community building would the County think appropriate for a 300-lot development as opposed to a 100-lot development or a 10-lot development? Without any standards, this requirement could become a point of long discussion on a case-by-case basis, a practice I would not strongly recommend. Also, to relieve homeowners of the financial burden of maintaining such a building over time, I routinely recommend that the ordinance be structured to allow the County to award a certain number of additional bonus dwellings to be built, with 75% of the net proceeds becoming an endowment from the developer to the homeowner association. You will find wording for this unusual kind of density bonus in Section 108 of the model zoning ordinance in the *Growing Greener* workbook. However, it might be altogether simpler and nearly as satisfactory if the "community building" factor were removed from the equation, and if the third du/acre were subject to a substantially larger percentage of project open space, or a public access agreement enabling others outside the subdivision to use the trails, for example.

6. Minimum Setbacks: Under the 20,000 sq.... ft. lot option in this one-acre district, there is less flexibility than would be desirable, in my view. I have always been puzzled by deep front setbacks, except along state highways, where 100 or more feet would seem to be appropriate for new homes. The 50-foot front yard ensures that homes on opposite sides of a neighborhood street will be no closer then 150 feet from front-to-front. Such an arrangement dilutes the sense of traditional streetscape that is becoming increasingly popular today, and needlessly reduces the available lot depth in back where most people spend most of their outdoor time. I would also focus more on building separation through aggregate side yard setbacks rather than on individual side setbacks, to encourage off-center positioning of homes on lots, a practice that can produce one usable "double" side yard instead of two skinny and useless side yards. The rear setback could also be reduced to five feet for small accessory buildings less than 250 sq.... ft., such as tool sheds.

Under the other option ("no minimum lot size"), the front yard setback of 15 feet is fine if front steps and unenclosed porches can penetrate that by five feet. I presume the reasons there are no minimum side yard setbacks is so as not to cause problems for attached dwellings. If that is the case, detached dwellings should be subject to some sort of aggregate setback, or minimum distance across side lot lines from each other. A figure I would tend to use in such cases would be 20-25 feet.

7. Development Standards and Procedures. Under 3.9.1.d, I would like the

Vicinity Sketch to show physical features that are easily picked off existing published maps or aerial photos, such as roads, utility lines, watercourses, wetlands, floodplains, tree and field patterns, existing buildings, and topo (20-foot contour intervals are fine). Such information helps everyone gain a fuller understanding of the true context of the land surrounding the proposed project.

Under 3.9.1.l, requiring "details and elevations of community buildings and other amenities" is a bit pre-mature at this early stage, in my view.

Under 3.9.1.m, in addition to tree masses, I would like the concept plan to show hedgerows and individual free-standing trees over 10" dbh. Within wooded areas, I recommend that individual trees over 15" dbh should be identified, as they add great value to any real estate project, and could become a significant asset if they could be designed around from the get-go. With new GPS technology, pinpointing the location of such giants in the forest is neither time-consuming nor expensive. It is the same methodology commonly used to identify locations of military earthworks, required in item "k" on the same list.

8. Open Space Areas. Under Section 3.9.2, the nonrecreational land component of the minimum required open space must be "left in its natural state or landscaped as a screening buffer". I would amend the phrase to say "maintained in accordance with the *Conservation Areas Management Plan* submitted by the applicant, and consistent with Section ___ of this ordinance. I would refer you to Section 603 of the *Growing Greener* model subdivision ordinance, "Greenway Design Review Standards". In addition to it being a very sound idea to have a management plan in the first place, the ordinance provisions should allow for maintenance of open land as a conservation meadow (for example), which does not happen automatically if vacant land is "left in its natural state" (it typically grows into a thicket full of saplings and vines, and eventually progresses to woodland, thickly infested with those same vines, at least in my area).

The requirement for low, undulating berms should be amplified with wording clarifying that these berms should be tapered very gradually into the surrounding landscape, and not be abrupt undulating mounds that are instantly recognizable as having been artificially created. Again, the phrase "in its natural state"appears with regard to buffer management. Because "natural state" can mean "wild and unkempt", a clarification regarding the need for some minimal maintenance to control invasive plant species would be appropriate here.

9. Conceptual Plan: Standards for Review. Under 3.9.3.b, the wording is unintentionally very broad, when saying that "the open space areas shall be suitable for recreational uses". Not all of the open space needs to be prepared or maintained to that standard. Some of that open space might be "noncommon", used as an orchard, a strawberry field (pick-your own), an equestrian facility, or a wetland wildlife refuge, for example. A third reference to open space areas "left in their natural state" needs similar attention.

10. Ownership and Maintenance. The proposed regulation allows for only one kind of ownership of the open space. Bearing in mind the more suburban character of development in this district, I would not absolutely rule out the other three options described in *Growing Greener*, at the end of Chapter 4. Those include "noncommon" ownership (perhaps a large "estate lot" or a small resource use), county ownership (as a park or trail segment), and land trusts. Model ordinance wording to this effect can be found in Section 109 of the zoning

ordinance contained in the *Growing Greener* workbook.

I trust that the above comments will be helpful. Please call me at 610/353-5587 with any questions or concerns.

File - RS Ord

MEETING NOTICE

RS SUB-COMMITTEE

Henry Taylor Wickham Building
Room 112 (Board Meeting Room)
Hanover, Virginia

September 29, 1999, 9:30 a.m.

AGENDA

9:30 a.m.	I.	Call to Order
	II.	Discussion of Proposed Standards
		- Draft RS Ordinance
11:30 a.m.	III.	Adjournment (next meeting to be determined)

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RICHARD R. JOHNSON
COUNTY ADMINISTRATOR

CECIL R. HARRIS, JR.
DEPUTY COUNTY
ADMINISTRATOR

JOHN H. HODGES
DEPUTY COUNTY ADMINISTRATOR

STERLING E. RIVES, III
COUNTY ATTORNEY

PLANNING OFFICE
PHONE 804-365-6171
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MEMORANDUM

To: RS Subcommittee

From: Michael E. Crescenzo, Director of Planning

Subject: Next Meeting - Wednesday, September 29, 1999

Date: September 23, 1999

The next meeting of the RS Subcommittee will be held on Wednesday, September 29, 1999, at 9:30 a.m., in the Board Room at the Wickham Building at the Courthouse Complex. We will continue our discussions on the proposed district, with the revisions from the last meeting having been incorporated into the latest draft. A copy of the draft, dated 9/22/99, is attached.

Also attached is a copy of correspondence sent to me by Rick Melchor, who works for Atack Properties, the developer of AshCreek subdivision on Ashcake Road. His comments lend support to our effort, and tend to corroborate comments from both John Bender and Todd Rogers in one of our previous meetings regarding the cost of appurtenances. Interestingly, the subcommittee arrived at the conclusions mentioned by Mr. Melchor already, and the references to improvements have been deleted from this draft.

Please contact me if there are any questions on the draft. Otherwise, I look forward to seeing all of you on Wednesday.

ORDINANCE 99-04
Revised September 22, 1999

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER AND BUFFERS IN CERTAIN SUBDIVISIONS.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

Dwelling, single-family: A building designed for or occupied ~~exclusively~~ by one family. **Single-family dwellings may be either detached (having no common or party wall with another dwelling unit) or attached (having one or more exterior walls in common with another single-family dwelling unit).**

~~Dwelling, two family: A building designed for or occupied exclusively by two (2) families living independently of each other.~~

Dwelling, multiple family: A building designed for or occupied ~~exclusively~~ by ~~three (3)~~ **five (5)** or more families living independently of each other.

Dwelling unit: A room or group of rooms occupied or ~~intended~~ **designed** to be occupied as separate living quarters. **Single-family dwellings may include up to four (4) separate dwelling units within one structure.**

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed,**

used, or adapted for joint service. Projection above the roofline may be eliminated.

...

Townhouse: A ~~single-~~ **multiple-**family dwelling forming one of a group or series of ~~three (3)~~ **five (5)** or more units in a structure separated from one another by solid common walls.

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. The purpose of this district is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These districts are located within the designated urban areas of the County where public utilities make such a district feasible.

3.2 Uses. The uses permitted within the RS district, whether by right or as Conditional Uses or Special Exceptions, are as specified below.

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

1. Single-family dwellings.

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Military bases and appurtenances and parks operated by the United States Government or agencies of the Commonwealth of Virginia.

4. Public and private forests, wildlife reservations, similar conservation projects.

5. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Servants' quarters.

6. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front yard.

7. Swimming pool and game courts, lighted or unlighted, for use of occupants or their guests.

8. Signs as regulated in article 7, section 3.

9. 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.

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

11. The location of office or construction trailers for a period not to exceed one year.

12. Foster care and adult family care.

c. 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:

1. Airports and landing fields, provided they shall comply with the recommendations of the Federal Aviation Agency.

2. Camps, day or boarding, private or commercial.

3. Cemetery, including a crematorium.

4. Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel, or stone, stripping of top soil (but not including stripping of sod), and other major excavations, other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision, or planned residential development.

5. Hospitals and sanitariums, but not animal hospitals.

6. Institutions, educational or philanthropic, including museums, art galleries and libraries.

7. Private clubs.

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

9. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines.

10. Recreation facility, privately or commercially operated, such as fishing or boating lake, picnic grounds, or dude ranch, and accessory facilities, including sale of food, beverages, bait, supplies and equipment.

11. Swimming or tennis club, private, nonprofit, or commercially operated.

12. Radio or television broadcasting station or tower more than one hundred twenty-five (125) feet in height, provided construction and safety features are approved by the Administrator in accordance with applicable regulations and provided no hazard is created in an Airport Approach Zone.

13. 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.

14. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) Riding academies, public stables, private stables.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Cemetery for pets.

   (c) Commercial greenhouses, wholesale or retail.

   (d) Convalescent homes, nursing homes, or homes for the aged.

   (e) Day nurseries or child or adult day care centers.

   (f) Nurseries for growing of plants, trees, and shrubs, including a building for sale of products produced on the premises.

3.3 Density; calculation. The RS district provides for variable density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. The Board of Supervisors may approve increased density through provision of the specified improvements if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan.

a) For densities **greater than one and one-quarter (1 1/4) unit per acre, but no greater than** two (2) units per acre: If at least 25% of the net acreage is left in **either** open space **(unimproved natural areas or buffers) or common space (improved with amenities or landscaped)**, and if the following improvements are included in the development, the Board of Supervisors may approve increased density to a maximum of 2

units/acre if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan:

1) paved driveways for each house, providing a minimum of two (2) off-street parking spaces/house

2) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within **common or** open space along streets to provide a terminal vista at an intersection. Trees planted to comply with this standard shall comprise at least three (3) different species native 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 inches (2") in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female gingko 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.

3) pedestrian ~~walkways~~ **pathways, or sidewalks designed to Virginia Department of Transportation standards,** providing access to open space and **common space** and designed to be extended into adjoining developments, both residential and commercial. **Pathways may be located within the common or open space and placed no closer than ten (10) feet to any lot line. Open space shall be landscaped between pathways and lots.**

~~4) areas designated for both passive and active recreation within the common space, with improvements for active recreation.~~

b) For densities up to three (3) units per acre: If the additional improvements specified below are provided in addition to the improvements listed in section (a) above, the Board of Supervisors may approve increased density to a maximum of 3 units/acre, if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with in the Comprehensive Plan:

1) ~~sidewalks, designed and constructed to VDOT standards and provided on one side of all streets on which houses front, if applicable~~ **An additional five percent (5%) of**

the property set aside as open or common space, for a total of no less than twenty percent (20%)

2) ~~open space, centrally located, of at least one (1) acre for every fifty (50) homes or fraction thereof (in addition to the 25% open space already provided)~~ **Street lights, placed along the existing thoroughfare along which the subdivision fronts at intervals no less than fifty (50) feet apart, for a distance of at least one hundred (100) feet in either direction**

~~3) community building~~

~~4) swimming pool, tennis courts, or other appropriate active recreational amenity, in an appropriate size or number to serve the proposed development, but not including tot lots~~

c) For densities up to four (4) units per acre: If all improvements specified in (a) and (b) above are included, and the additional improvements specified below are provided, the Board of Supervisors may approve increased density to a maximum of 4 units/acre if the design standards are deemed to be appropriate to support the density requested and the request is consistent with the Comprehensive Plan:

1) ~~street lights, placed along the existing thoroughfare along which the subdivision fronts at intervals no less than fifty (50) feet apart, for a distance of at least one hundred (100) feet in either direction~~ **An additional five percent (5%) of of the property set aside as common or open space, for a total of no less than twenty-five percent (25%)**

2) single-loaded streets, comprising at least ten percent (10%) of the total length of the streets within the subdivision

~~3) swimming pool, tennis courts, and other appropriate active recreational amenities, sized appropriately to serve the proposed development~~

~~4) an additional fifteen percent (15%) of the net acreage left in common or open space (in addition to the 25% common and/or open space already provided)~~

3.4 Common and/or Open space. To be eligible for consideration of density higher than one **and one-quarter (1 1/4)** unit per acre within the district, a minimum of ~~twenty-five percent (25%)~~ **fifteen percent (15%)** of the net acreage of a district shall be provided as **common and/or** open space. Net acreage shall be the total area of the district minus the total of Chesapeake Bay Resource Protection Areas ~~and areas of slopes greater than twenty-five percent (25%)~~.

3.5 Lot area requirements.

1. Single-family dwellings: When a district is developed at the base density, the minimum lot size for single-family dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when higher density is approved by the Board of Supervisors.

2. All other structures: All other uses and structures permitted in this district shall comply with the lot area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this Appendix.

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. Single-family dwelling:				
20,000 sq.ft lot:	50	10	25	25
No minimum lot size:	15	0	0	20

2. All other structures and uses shall meet the requirements specified in the A-1, Agricultural District or as specified in district regulations.

3.7 Height requirements. Structures, including single-family dwellings and all other structures not specifically exempted in article 7, shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less.

3.8 Public utilities required. All lots shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply for developments within the RS district.

1. *Conceptual plan.* The property shall be developed in substantial conformity with a conceptual plan approved by the Board of Supervisors as part of the approval of the development. The plan shall be submitted with each application for rezoning when a density increase is requested, and 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common and/or open space, with proposed improvements and landscaping where appropriate, and active and passive recreation areas.

f. Proposed lot lines, road rights-of-way, and sidewalks or pedestrian trails.

g. Topography, at an interval of two (2) feet, with slopes exceeding 25 percent clearly indicated on the plan.

h. Public and private roads and trails, utility and other easements and rights-of-way, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.

i. Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the County).

j. The location of ponds, streams, and natural drainage swales, and 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Protection requirements.

k. 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 abutting tract), abandoned roads, cemeteries, and military earthworks. All features to be preserved shall be shown and so noted on the plan.

l. Location(s) of all proposed improvements as defined in Section 3.3 above, including details for development of pedestrian ways and sidewalks (including cross-sections) and details and elevation(s) for community buildings, structures, and other amenities. In addition, entrance features, such as signs, landscaping, fences, gate structures, lighting, or other appropriate amenities, shall be shown on the plan.

m. Existing tree masses to be preserved on the property, based on available published information (from County GIS maps or other sources approved by the County).

2. *Open and common space areas.* When a proposed district includes the creation of open **and/or common** space, the minimum areas specified in Section 3.4 above 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. Open **and/or common** space areas shall also incorporate all lands deducted from the gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas and all slopes over 25 percent), using the actual boundaries of Resource Protection Areas and steep slopes, but the acreage of these areas shall not be included in the minimum acreage requirements for **common or** open space areas. When a proposed district is located on property contiguous with a residential development of lower density, a portion of the open space shall be located along the common boundary as a buffer to a minimum depth of twenty-five (25) feet. The buffer shall be maintained in its natural state, if vegetated, or improved with trees and/or shrubbery planted in accordance with the standards of Article 7, Section 2A. Alternatively, a screen fence may be constructed along the common boundary. The design of the fence shall be included on the conceptual plan, and shall be approved with the plan for the district.

3. *Conceptual plan; standards for review.* The conceptual site plan shall provide for adherence to the following standards, to the extent practicable:

a. The open **and common** space areas shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood **common and** open space.

b. The **common and** open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open **and common** space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Pedestrian walkways may be located within the open space, including the buffer areas.

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space

areas 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.

f. 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 open **or common** space.

4. *Ownership and maintenance.* Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common **and** open space to the association, and shall provide for maintenance of all **open and** common areas and amenities, including street lights, street trees, and pedestrian walkways. The easement shall also specify that all historic structures, woodlands, historic sites, and other features identified on the conceptual site plan as being significant shall remain substantially as shown on the plan, and that the **common and** open space areas shall not be further divided and shall be maintained in perpetuity as **common and** open space, and with only those uses permitted by the underlying zoning district for the **common and** open space areas. The Board of Supervisors may approve conveyance of the easement to a non-profit organization or government agency for the purpose of preservation of the open space and the significant features identified therein, or may approve conveyance of the open space to a non-profit organization or government agency in lieu of such an easement.

5. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-21-1(a), shall be adopted and shall read in its entirety as follows:

5-21-1(a): *Buffers along existing public roads.* **For all subdivisions developed in Residential districts,** a buffer shall be located along ~~the thoroughfare~~ **all existing public roads (not within subdivisions)** on which the subdivision fronts, to a minimum depth of fifty (50) feet. Existing deciduous trees with a caliper of 2" or greater, and coniferous trees four (4) feet or greater in height, shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with **a landscaped** ~~an~~ undulating landform with an average height of four (4) feet. No portion of the landform may be lower than three (3) feet in height, and the landform shall be landscaped with low-maintenance vegetation. **Fifty percent (50%) of the area comprising** the buffers may be counted as common and/or open space in districts where such space(s) are required.

6. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

~~5-11-1: *Lots along existing public roads.* Lots which abut the buffer along the subdivision frontage shall be oriented to face the buffer, with frontage on a subdivision road contiguous with, and parallel to, the buffer. Dwellings constructed on such lots shall face the road. Where the buffer is at least one hundred (100) feet wide, this requirement shall not apply.~~

7. This Ordinance shall be effective upon adoption.

Planning Commission Public Hearing: _____

Action by Board of Supervisors:

On a motion by _____, seconded by _____, the members of the Board of Supervisors voted to approve Ordinance Number 99- , as follows:

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []
Mr. WARD:	Aye []	Nay []	Absent []	Abstain []

Public Hearing: _____

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

- Planning Department: _____

ATACK PROPERTIES

DEVELOPERS & BUILDERS

RECEIVED
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HANOVER COUNTY
PLANNING OFFICE

September 21, 1999

Michael E. Crescenzo, Director
Hanover County Planning Department
P.O. Box 470
Hanover, Virginia 23069-0470

Subject: Proposed Ordinance 99-04: RS District and CPA 99-05: Single Family Residential Development Criteria

Dear Mr. Crescenzo:

I have watched, with great interest, the progress of the proposed RS district and the associated Development Criteria. Now as the ordinance, in some form, approaches approval, I find it necessary to address several issues of concern as both a residential real estate developer and a Hanover County resident. The views expressed in this letter are my own and do not necessarily mirror those of Bob Atack and Atack Properties.

First I would like to outline my credentials:

- Fifteen years experience as a Real Estate Developer and Land Use Consultant (twelve years as co-owner and vice president of PMA Properties, Inc. and three years as project/development manager with Atack Properties, Inc.).
- Managed or developed projects in ten different localities in Virginia and consulted on projects as far away as New Hampshire.
- Played an advisory role in subdivision and zoning ordinance revisions in Charles City County in 1993 with several PMA Properties subdivisions used as model communities for the new ordinances.
- Hanover County resident, taxpayer, and voter since October 1989 and related, by marriage, to prominent Hanover family with business and land ownership in the county for over a century.

I believe the proposed switch to a cluster/open-space ordinance in the Suburban Service area is a good growth management tool and generally agree with the provisions found in the June 9, 1999 draft. However, I have specific concerns with several parts of the ordinance and how it would affect the environment, the finances of future homeowners, and the ability of the professional developer to make community design decisions based on aesthetics, market desires and economics. I will address each area of concern below.

Innsbrook Corporate Center
4435 Waterfront Drive
Suite 406 • Glen Allen, VA 23060
(804) 346-3800
FAX # (804) 346-9840

The Planning Staff, Planning Commission, and Board of Supervisors should be applauded for taking such a bold step to ensure the quality of development and management of growth in the Suburban Areas of Hanover; however, please take some of my concerns, and others you may have received from the development community and public, under advisement before passing a final version of the RS ordinance. I would hate to see a Hanover full of look-alike, homogenized neighborhoods with unused recreation facilities and bankrupt homeowners associations. We need Ash Creeks, Pebble Creeks, and King's Charters, but we also need true suburban versions of rural open-space communities with walking trails, ponds, trees, and wildlife. All parties are valiantly trying to keep growth in the central service areas, increase the quality of development, and offer more choices – do not allow the ordinance to take away some of those choices or to water down the goals.

I would be glad to discuss my thoughts and concerns on the proposed RS ordinance with you or any Commission or Board member. I may reached at my office (346-3800) or at home (730-3659).

Sincerely,

Rick Melchor
Project Manager

Cc: Hanover Board of Supervisors (via fax or email)
John E. Gordon, Jr., Chairman
Elton J. Wde, Sr., Vice-Chairman
Timothy E. Ernst
R.J. "Buddy" Klotz, Jr.
Thomas F. Giles, Jr.
Aubrey M. Stanley, Jr.
J.T. "Jack" Ward
Hanover Planning Commission (via mail)
Otis Hall
Albert Hobbs
Edmonia Iverson
Don Morgan
Joe D. O'Conner
Robert R. Setliff
Harris K. Swann
John Bender, D.O. Allen Homes

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SOUTH ANNA DISTRICT

ELTON J. WADE, SR., VICE-CHAIRMAN
COLD HARBOR DISTRICT

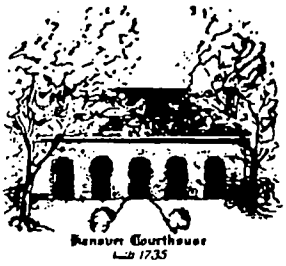
TIMOTHY E. ERNST
ASHLAND DISTRICT

THOMAS F. GILES, JR.
CHICKAHOMINY DISTRICT

R. J. KLOTZ, JR.
HENRY DISTRICT

AUBREY M. STANLEY, JR.
BEAVERDAM DISTRICT

J. T. "JACK" WARD
MECHANICSVILLE DISTRICT



HANOVER COUNTY
P. O. BOX 470
HANOVER, VIRGINIA 23069-0470

WEB SITE WWW.CO.HANOVER.VA.US

RICHARD R. JOHNSON
COUNTY ADMINISTRATOR

CECIL R. HARRIS, JR.
DEPUTY COUNTY
ADMINISTRATOR

JOHN H. HODGES
DEPUTY COUNTY ADMINISTRATOR

STERLING E. RIVES, III
COUNTY ATTORNEY

MEMORANDUM

PLANNING OFFICE
PHONE 804-365-6171
FAX 804-365-6232

TO: Hanover County Planning Commission

FROM: J. Keith Thompson, Principal Planner

SUBJECT: Ordinance Amendment 99-04, RS District

DATE: August 26, 1999

COPIES: A. Lisa Barker, Esq.
Michael E. Crescenzo
David P. Maloney
RS Subcommittee

The RS Subcommittee is continuing to review and revise the language for the above referenced ordinance amendment. The Staff requests that the Commission defer action on Amendment 99-04 until the October 7th Agenda.

If you have questions or comments, please contact the Staff at your convenience.

/jds/JKT

FAX TRANSMITTAL

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Randall Arendt
226 Monument Avenue
Malvern, PA 19355
(610) 640-9753

Memo

To: Mike Crescenzo
Hanover County Planning Dept.
PO Box 470
Hanover, VA23069

From: Randall Arendt

Date: August 22, 1999

Subject: Comments on Proposed Ordinance

As requested, I have examined the June 17th draft of Ordinance 99-04, and have the following observations and recommendations:

1. Definitions.

a. Dwellings. It appears that there is little distinction, if any, between detached and attached "single-family dwellings". Other communities I have worked with have found it useful to make that distinction stronger, at times to ensure separation and at other times to encourage mixtures. As it stands now, one developer could build entirely attached singles (even in situations where it might not be appropriate) while another could build entirely detached singles (even in situations where the County wanted to encourage diversity within the development).

I am also puzzled by the deletion of the two-family definition, and by the increase of multi-family from three or more families to five or more families. (It is not clear to me how a three- or four-family dwelling would be classified.)

RS Single -Family Residential District

2. **Purpose**. I would suggest that the County consider augmenting the wording with respect to "open space", such as "while preserving *usable* open space *suitable for both active and passive recreation, plus traditional resource uses such as agriculture, horticulture, and equestrian facilities, in a manner that creates a linked network of such greenways between neighborhoods, wherever practicable,* through the use of variable density and flexible lot sizing *and flexibility in other dimensional requirements."* (Italics indicate possible new wording.)

3. Allowing"single-family dwellings" on a by-right basis could prove to be problematical, given the extremely broad definition of that term in the revised ordinance. As written, there appears to be no limit on the number of dwellings that may be attached to each other and located in a nominally "single-family" residential district or established neighborhood. I would be inclined to express concern as to how very large "single-family" dwellings containing 8 to 12

dwellings might fit comfortably in the same streetscape as single-family detached homes, *even with* architectural standards (which the ordinance does not include). With such design criteria it is certainly possible to blend attached dwellings having up to three or four units in a building with detached single-family homes, but again, such standards are not part of this ordinance proposal. The way I have handled that issue in the past is to offer attached dwellings only as Conditional Uses and available only with a density bonus. Because this dwelling type (attached units) would be an option, proposals to build them would represent voluntary choices by developers who could otherwise construct the standard (lower) number of units, in a detached fashion, on a by-right basis without the CU process. And because this would be a voluntary option offering increased density as in incentive, architectural design standards for such attached dwellings would be an appropriate *quid pro quo* that the County could require in exchange for the larger unit count. That is the legal rationale. One of the appendices at the end of *Rural by Design* provides a fuller discussion of this approach.

4. **Density Calculation.** The "base density" of "one residential unit per full acre" appears to allow units to be counted for wetland or floodplain acreage that is presumably unbuildable. The problem with this approach is that it essentially encourages developers to seek out cheaper parcels with extensive areas of unbuildable land and then to build more houses there than could otherwise be constructed. For this and other reasons, I have for many years favored offering developers two alternative methods for determining density. One is a "Yield Plan" (a realistic sketch showing the maximum build-out with full-sized conventional lots), and the other involves an arithmetical calculation of "Adjusted Tract Acreage". The latter approach applies certain "density factors" to different kinds of land, depending on their inherent suitability or unsuitability for the intended development. A fuller description of these two approaches is given in Chapter 4 of *Growing Greener,* particularly in Section 4.4.

5. **Density Bonus:** Under the proposed ordinance, a 100% density bonus (allowing two dwellings/acre in the one- acre district) is available when 25% of the net acreage is left as open space. I did not see a definition or explanation of the term "net acreage" until later in the ordinance (Section 3.9.2), where it is described in terms of the Chespapeake Bay Act. I would recommend that this key phrase be clarified in the definitions section.

   The rather huge100% bonus for a relatively modest 25% open space designation misses a real opportunity to accomplish more land preservation. If both percentage figures were set instead at 50%, for example, the ordinance would better serve the stated purposes of this proposed regulation. On 100 buildable acres (located within a typical 125-acre tract, for example), a developer would build 150 houses (50 more than the standard 100, and 50 fewer than the 200 possible under the proposed ordinance). In a "sprawl" pattern, they would occupy 150 lots of about 29,000 sq.. ft. each, filling up the entire 100 buildable acres. Only the 25 acres of unbuildable land would remain as open space. Under the cluster option, as I would recommend it be structured, half the 100 buildable acres would remain open, and the remaining 50 buildable acres would accommodate the 150 homes – typically on 13,000 sq.. ft. lots. Half the100 buildable acres would remain open, as would all 25 unbuildable acres, for a total of 75 acres open space on the 125-acre parcel , producing an open space ratio of 60%. The above percentage figures are provided by way of example, and are not intended to be a specific recommendation, at this time.

The second density bonus, allowing developers not one or two but *three* dwellings per acre, requires relatively little additional open space in exchange for this very substantial increase in dwelling yield. The extra open space is just one acre per 50 dwellings, roughly 870 sq.. ft. per dwelling, or about 375 sq.. ft. of land per resident (assuming an average household size of 2.3 persons). I presume the reason for this very small additional land dedication is that the proposed ordinance would require developers to provide a "community building" in exchange for the extra density. However, I see several problems with this approach. First, the term "community building" is very vague, in terms of floorspace and amenity package. What size community building would the County think appropriate for a 300-lot development as opposed to a 100-lot development or a 10-lot development? Without any standards, this requirement could become a point of long discussion on a case-by-case basis, a practice In would not strongly recommend.Also, to relieve homeowners of the financial burden of maintaining such a building over time, I routinely recommend that the ordinance be structured to allow the County to award a certain number of additional bonus dwellings to be built, with 75% of the net proceeds becoming an endowment from the developer to the homeowner association. You will find wording for this unusual kind of density bonus in Section 108 of the model zoning ordinance in the *Growing Greener* workbook. However, it might be altogether simpler and nearly as satisfactory if the "community building" factor were removed from the equation, and if the third du/acre were subject to a substantially larger percentage of project open space, or a public access agreement enabling others outside the subdivision to use the trails, for example.

6. Minimum Setbacks: Under the 20,000 sq.. ft. lot option in this one-acre district, there is less flexibility than would be desirable, in my view. I have always been puzzled by deep front setbacks, except along state highways, where 100 or more feet would seem to be appropriate for new homes. The 50-foot front yard ensures that homes on opposite sides of a neighborhood street will be no closer then 150 feet from front-to-front. Such an arrangement dilutes the sense of traditional streetscape that is becoming increasingly popular today, and needlessly reduces the available lot depth in back where most people spend most of their outdoor time. I would also focus more on building separation through aggregate side yard setbacks rather than on individual side setbacks, to encourage off-center positioning of homes on lots, a practice that can produce one usable "double" side yard instead of two skinny and useless side yards. The rear setback could also be reduced to five feet for small accessory buildings less than 250 sq.. ft., such as tool sheds.

Under the other option ("no minimum lot size"), the front yard setback of 15 feet is fine if front steps and unenclosed porches can penetrate that by five feet. I presume the reasons there are no minimum side yard setbacks is so as not to cause problems for attached dwellings. If that is the case, detached dwellings should be subject to some sort of aggregate setback, or minimum distance across side lot lines from each other. A figure I would tend to use in such cases would be 20-25 feet.

7. Development Standards and Procedures. Under 3.9.1.d, I like the Vicinity Sketch to show physical features that are easily picked off existing published maps or aerial photos, such as roads, utility lines, watercourses, wetlands, floodplains, tree and field patterns, existing buildings, and topo (20-foot contour intervals are fine). Such information helps everyone gain a fuller understanding of

the true context of the land surrounding the proposed project.

Under 3.9.1.l, requiring "details and elevations of community buildings and other amenities" is a bit pre-mature at this early stage, in my view.

Under 3.9.1.m, in addition to tree masses, I would like the concept plan to show hedgerows and individual free-standing trees over 10" dbh. Within wooded areas, I recommend that individual trees over 15" dbh should be identified, as they add great value to any real estate project, and could become a significant asset if they could be designed around from the get-go. With new GPS technology, pinpointing the location of such giants in the forest is neither time-consuming nor expensive. It is the same methodology commonly used to identify locations of military earthworks, required in item "k" on the same list.

8. Open Space Areas. Under Section 3.9.2, the nonrecreational land component of the minimum required open space must be "left in its natural state or landscaped as a screening buffer". I would amend the phrase to say "maintained in accordance with the *Conservation Areas Management Plan* submitted by the applicant, and consistent with Section ___ of this ordinance.I would refer you to Section 603 of the *Growing Greener* model subdivision ordinance, "Greenway Design Review Standards". In addition to it being a very sound idea to have a management plan in the first place, the ordinance provisions should allow for maintenance of open land as a conservation meadow (for example), which does not happen automatically if vacant land is "left in its natural state" (it typically grows into a thicket full of saplings and vines, and eventually progresses to woodland, thickly infested with those same vines, at least in my area).

The requirement for low, undulating berms should be amplified with wording clarifying that these berms should be tapered very gradually into the surrounding landscape, and not be abrupt undulating mounds that are instantly recognizable as having been artificially created. Again, the phrase "in its natural state"appears with regard to buffer management. Because "natural state" can mean "wild and unkempt", a clarification regarding the need for some minimal maintenance to control invasive plant species would be appropriate here.

9. Conceptual Plan: Standards for Review. Under 3.9.3.b, the wording is unintentionally very broad, when saying that "the open space areas shall be suitable for recreational uses". Not all of the open space needs to be prepared or maintained to that standard. Some of that open space might be "noncommon", used as an orchard, a strawberry field (pick-your own), an equestrian facility, or a wetland wildlife refuge, for example. A third reference to open space areas "left in their natural state" needs similar attention.

10. Ownership and Maintenance. The proposed regulation allows for only one kind of ownership for the open space. Bearing in mind the more suburban character of development in this district, I would not absolutely rule out the other three options described in *Growing Greener*, at the end of Chapter 4. Those include "noncommon" ownership (perhaps a large "estate lot" or a small resource use), county ownership (as a park or trail segment), and land trusts. Model ordinance wording to this effect can be found in Section 109 of the zoning ordinance contained in the *Growing Greener* workbook.

I trust that the above comments will be helpful. Please call me at 610/353-5587 with any questions or concerns.

Virginia Commonwealth University

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FAX TRANSMITTAL

TO: Michael Cresceuzo
Hanover County Planning Department

FAX NO. 537-6232

FROM: David Fauti

DATE: 8/18/99

RE: RS District Draft Revision

Total Pages including this one: 4

MESSAGE:

This is a better quality copy of the material faxed to you yesterday.

SIGNATURE

RECEIVED
AUG 19 1999
HANOVER COUNTY
PLANNING OFFICE

To: Michael Crescenzo, Director of Planning
From: David Fauri, RS Sub-Committee
Re: Response to RS Rough Draft
Date: August 17, 1999

Thank you for forwarding the revised RS Ordinance material. I am sorry not to be able to attend the rescheduled meeting. Below you will find my comments on the August 13, 1999 redraft of sections of the RS Ordinance. I would ask you to share copies with the Committee members.

If another meeting is to be scheduled, my strong preference is for a Friday, morning or afternoon. Many Monday's and Wednesdays I can be available also. Generally, Tuesday and Thursdays do not work well for me.

Response

The assumptions behind my response to the the RS Ordinance are:

1. It is generally agreed that Hanover County will continue to grow, but there is preference at this time for greater control and oversight of growth.

2. Proffers are both a way to meet certain public/county costs of development and a way to lift the quality of new development to benefit the entire community.

3. Controlled growth and quality development will have benefits for many future generations of Hanover residents.

4. New housing in Hanover County should be affordable.

RECEIVED
AUG 19 1999
HANOVER COUNTY
PLANNING OFFICE

Concerns

New subdivisions developed separately and independently of surrounding subdivisions or the larger community (without connecting foot paths, bike paths, neighborhood road connections, or shared common facilities) results in increased auto traffic between subdivisions requiring use of main connector roads to reach other contiguous subdivisions.

Poffer policy may result in duplication of facilities (swimming pools, tennis courts, recreational/play lots, community meeting buildings) in the same area and may detract from the use and support of existing community facilities (clubs, pools, tennis courts).

The ability to maintain and agree upon use of open space and common facilities within subdivisions has been questioned in relation to smaller neighborhood associations possible financial viability and organizational ability to manage such spaces and facilities.

Alternative to meet concerns

Put emphasis on non-automobile access to nearby neighborhoods, encourage attractive and spacious presentation of the subdivision to the outside community, such as attractive landscaping and setback along roads bordering the subdivision, noise barriers such as berms landscaped with sound absorbing greenery, additional lighting of entrances and architectural features to entrances and borders that are in keeping with the themes of the surrounding area and community. De-emphasize or provide viable alternatives to proffer requirements that are oriented primarily internally to the sub-division, including swimming pools and tennis courts.

Hanover County Planning Commission
Growth Management Initiatives

RS, Single-Family Residential District

Public Hearing

Thursday, June 17, 1999

Schedule - Meetings to date

- December 10, 1998 - Workshop
- January 20, 1999 - Workshop
- February 18, 1999 - Workshop
- March 11, 1999 - Workshop
- April 22, 1999 - Public Hearing

Proposed Ordinance Amendment

RS, Single-Family Residential District

- replaces R-1, R-2, and R-3 districts
- provides a range of density from 1 - 4 units/acre
- appropriate throughout Suburban Service Area
- allows range of housing types (detached, duplex, triplex, quadraplex)
- townhouses have been redefined to be "multi-family" (5 or more units/structure)

RS - Single Family Residential District

- no minimum acreage
- base density = 1 unit/acre with a 20,000 sq. ft. minimum lot size.
- higher densities may be considered when accompanied by amenities such as open space, recreational facilities, pedestrianways, buffers and other improvements.

RS - Single Family Residential District

- density cannot exceed 4 units/acre
- at maximum density, an additional 15% of the net acreage shall remain in open space
- The Planning Commission and Board are provided discretion in recommending and granting density increases based on standards established in the proposed Comprehensive Plan Amendment.

RS - Single Family Residential District

- concerns raised in workshops include:
  - maintenance of open space
  - options for housing types
  - additional amenities from which to choose
  - requirements for additional open space: some still believe it should be optional
  - buffering along road frontages
  - minimum parcel size for application

RS - Single Family Residential District

Revisions made to the Ordinance since the April 22, 1999, public hearing include:

- Language referencing decisions to increase density shall be based on criteria specified in the Comprehensive Plan.
- Changed standards for ascending density include:
  - A reduction in the number of improvements to increase density to 2 units/acre.
  - Addition of a requirement to construct sidewalks to VDOT standards, elimination of the requirement for single loaded streets, and a reduction in the minimum open space set aside for a density of 3 units/acre

RS - Single Family Residential District

- Additional required improvements for densities up to 4 units/acre.
- Elimination of the requirement of the County to become party to the easement agreement.

RS - Single Family Residential District

- Changes to the Comprehensive Plan Amendment include the addition of language specifying the criteria upon which approval or denial of RS District requests will be based.
- Alternative Comprehensive Plan Amendment language generally describes the locational criteria for densities above 3 units/acre.

Recommendation

- Staff recommends APPROVAL of the proposed Ordinance and Comprehensive Plan Amendment language as distributed in the Public Hearing Packet.

CHARLES R. WARREN
7413 STRAWHORN DRIVE
MECHANICSVILLE, VIRGINIA 23116
746-7396 fax746-1309

June 16, 1999

Mike Crescenzo
Director of Planning
Hanover County
PO Box 470
Hanover, Virginia 23069-0470

Re: Proposed RS ordinance

Dear Mike:

I will not be able to attend the public hearing on the proposed RS ordinance, however, I would like to present some of my thoughts herein for inclusion in the public comments/discussion on the ordinance.

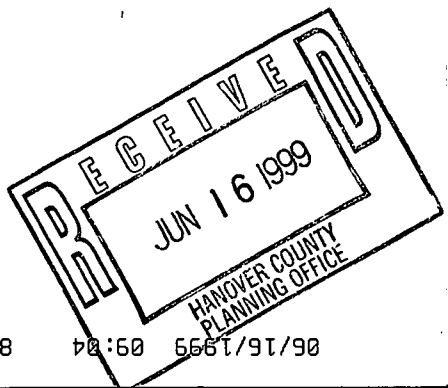
Questions that need to be addressed:

- What is the objective of the ordinance?
  More open space
  Control of density
  More development requirements [curb & gutter/sidewalks/street lights/recreation facilities etc.]
  More flexibility in development

- What will be the impact of this ordinance versus current ordinances/policies/requirements?

- Will this change meet the stated objectives?

- What impact will the required improvements have on future quality of life?
  What are the desired results?
  Will they create the desired results?
  What impact will the future maintenance of these facilities have on the taxpayer [curb & gutter/sidewalks/street trees all become taxpayer maintenance responsibilities]?



06/16/1999 09:04 8047461309 C R WARREN PAGE 01

Some of my thoughts on these:

- If the objective is creation/saving open space or controlling density, these should be addressed in the comprehensive plan and in the zoning process
- Development requirements and flexibility of development plan options should be addressed through standards, policies and thoughtful planning oversight.
- Open space, density, development requirements, once a vision is adopted in the form of the comprehensive plan, can be addressed in the proffered zoning concept where a site specific, well thought out development vision can be presented, discussed between the owner, developer, staff, Planning Commission, Board of Supervisors and the public. This is a fundamental purpose and objective of proffered zoning legislation.
- The development requirements required, to increase density above 1 per acre, are expensive, require ongoing maintenance, management and cost for the homeowners association, and do not necessarily meet the objectives of improving quality of life.
- In low density designations [1-2 lots per acre], most of the requirements, which will not permit any increased density over 2 lots, but require the improvements in order to allow more than 1 lot, are inconsistent with the low density concept [street lights, sidewalks].
- In medium density areas [2 - 4 lots per acre], this proposed ordinance relegates medium density designations of the comprehensive plan to the low end of low density [1 lot per acre], and requires the owner to proffer, without benefit of zoning process, "improvements" that may not in reality be improvements [rather , they become requirements], to get 2-4 lots.
- In reality, a density of 4 marketable lots is not achievable with the requirements imposed by the ordinance. [An owner with a perfectly shaped property, good topography, no wetlands, no flood plain, no slopes over 25%, no resource protection areas, would have lots 5000 square feet in area [50'x 100']. That is if the property is configured perfectly for the layout and I haven't found that piece of property in the 34 years I have been dealing with subdivision development.

I think we would be better served to keep the existing ordinances and modify them, establish development standards and work within the comprehensive planning and zoning processes than to implement this ordinance.

Thank you for your consideration, and as always, I would like to discuss this in more detail at our mutual convenience.

Sincerely,

Charles R. Warren

cc: Bob Setliff

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ELTON J. WADE, SR., VICE-CHAIRMAN
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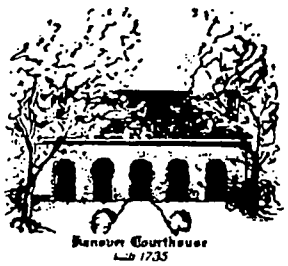
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RICHARD R. JOHNSON
COUNTY ADMINISTRATOR

CECIL R. HARRIS, JR.
DEPUTY COUNTY
ADMINISTRATOR

JOHN H. HODGES
DEPUTY COUNTY ADMINISTRATOR

STERLING E. RIVES, III
COUNTY ATTORNEY

PLANNING OFFICE
PHONE 804-365-6171
FAX 804-365-6232

MEMORANDUM

To: Hanover County Planning Commission

From: Michael E. Crescenzo, Director of Planning MC

Subject: Ordinance 99-04: RS District; and
CPA 99-05: Single Family Residential Development Criteria

Date: June 9, 1999

Copies: Interested Parties
Catherine Patterson
John Bender

Attached is the latest version of the proposed RS, Single Family Residential District ordinance with revisions based on comments provided over the several workshops held by the Commission.

BACKGROUND

As part of the Board of Supervisors' effort regarding growth management forwarded to the Commission last October, the idea for a "suburban cluster" district has been discussed for some time. Initially, the Board considered two options: an alternative ordinance to the existing residential districts which would replace those districts, and a supplemental ordinance which could be used with the existing districts. After consideration, the Commission directed its concentration on the replacement ordinance.

This district is based on the RC, Rural Conservation district ordinance adopted two years ago. It provides for a base level of development for any applicant which chooses not to request a density greater than one dwelling unit per acre, the minimum density throughout the Suburban Service Area for both low and medium density proposals. The ordinance provides opportunities for increases in density based on several factors, including provision of significantly higher development standards (through inclusion of specified design criteria and amenities), conformity with the Comprehensive Land Use Plan designation, compatibility with existing neighborhoods adjoining or near the proposed development, and adherence to standards for design of the project described in the ordinance. Such criteria as provision of sidewalks or pedestrian walkways throughout the project, planting of street trees, use

of "traffic-calming" roadway design, retention and maintenance of open space, and provision of recreational amenities form the bases for approval of additional density, up to a maximum of four units per acre.

It is important to note that the ordinance also redefines "single family dwelling" to allow both detached and attached housing (duplexes, triplexes, and quadraplexes would be permitted in this district, as long as the maximum approved density is not exceeded). By definition, "townhouses" become a "multiple-family dwelling" type rather than a single-family dwelling, but only due to the number of attached units permitted within one structure. Consequently, a development proposal may make use of several different dwelling types (one unit, two unit, three unit, or four unit structures) within the project as long as the density is maintained. Additionally, use of structures with more than one dwelling unit within the building generally result in more open space being retained throughout the project, one of the objectives of this amendment.

The ordinance furthers this objective by eliminating any minimum lot size requirements when density is approved for two dwellings/acre or greater. Setback requirements are also minimized, to encourage the location of homes nearer to the street. Note that, with the ability to build structures in which there may be two separate dwelling units, a builder is able to address the issue of "accessory apartments" while still complying with the density for the project. This provides additional flexibility for the developer to address multiple market opportunities which cannot currently be addressed.

Changes made to the ordinance to address citizen comments include:

1. Inclusion of a requirement to use some of the open space as a buffer along major thoroughfares. This begins to address the concern of citizens that the homes being constructed will be the most visible aspect of the project from the road providing access. The buffer must either be maintained in its natural state (if vegetated), landscaped in accordance with the County's screening requirements, or improved with undulating landforms landscaped with low-maintenance vegetation. This requirement will help to maintain the views along the County's roadways.

2. Inclusion of provisions for appropriate transitions between adjoining projects. This may include additional buffering along the project's periphery, reductions in density to assure compatibility, and/or extensions of pedestrian walkways to common property lines to allow for future extensions.

3. Incorporation of design review criteria which encourages minimization of dependency on vehicles in favor of pedestrian movement. Higher density requires provision of either pedestrian walkways, sidewalks, or both, in order to create opportunities for walking to open space, recreation, or neighbors' homes. In

addition, with no minimum lot sizes, opportunities to reduce the lengths of required public improvements (roads, drainageways, utility lines) also enhance pedestrian opportunities.

4. Encouragement toward different types of development. Although there have been trends in the recent past toward developments which mimic the older, "grid" subdivisions or other "neo-traditional" designs, the Hanover County Code discouraged this type of design outside of a Planned Unit Development. The new ordinance encourages the use of new design types by giving greater density when certain design elements (central open space, pedestrian walkways, recreation) are included.

5. Incorporation of amenities for community enhancement. While some may argue that amenities provided for residents of a development do nothing for the community at large, the staff would argue otherwise. By providing recreational opportunities within the development, traffic movements into and out of the development will be reduced, as will impacts on nearby County facilities such as parks. In addition, provision of a community building which can be used for various purposes, including an informal meeting place for young adults, creates a focal point for a development which can enhance the quality of life.

6. Inclusion of an amendment to the subdivision ordinance to require curb and gutter within certain subdivisions. This change eliminates the original proposal to include use of curb and gutter as an amenity on which density increases could be based.

The ordinance is drafted to provide the Commission and Board with criteria for consideration of proposals, including a requirement that a conceptual plan accompany all applications for density greater than one unit per acre. In addition, the proposed text changes for the Comprehensive Plan provide other criteria, including mandatory compliance with the land use plan density limits (for example, a request for density of four units per acre in an area shown on the Land Use Plan for low density development (no more than two units/acre) would not be appropriate and could be denied).

The plan would also include, among other items, provision of elevations for any community buildings or other structures (entrance features, for example). All historic features (buildings or otherwise) would be shown on the plan and included into the area designated as open space, for transfer to the homeowners' association for preservation and maintenance. Use of historic buildings as community amenities is permitted.

RECOMMENDATION

With the amendments made in the draft ordinance, the staff is recommending **APPROVAL** of the ordinance as submitted. This draft is the

result of several work sessions in which both the Commission and interested citizens provided guidance and criticism to the staff, and the staff believes the draft has addressed the major issues identified during these sessions. There are already at least two requests for the new district ready for submittal to the County for review, and many meetings have been held with interested applicants to explain the ordinance and provide guidance for a proposed development. The staff believes this ordinance will be a significant step toward preservation of open spaces within the County's Suburban Service Area, and will result in a major change in the County's development patterns.

Attached is a copy of an article which ran in the Richmond *Times-Dispatch* a couple of Sundays back. It discusses the issue of planning for young adults, something which is generally not considered when developments are proposed. The staff believes the RS district will provide greater opportunities for this issue to be addressed.

The staff also notes that we have been given copies of VDOT's Residential Traffic Calming Guide, a pilot program for which Hanover County has been selected. If this is of interest, copies can be provided for Commission review.

Finally, the staff has obtained a copy of a model ordinance from Randall Arendt which provides some additional guidance for design criteria for open space projects, some of which have been incorporated into this latest draft. Mr. Arendt has been invited to present a program on suburban open space development to the Board of Supervisors at their meeting on July 28, 1999 (the most acceptable date for the presentation). Mr. Arendt has a slide program which displays many different approaches to open space development with higher densities, and the staff believes that the ordinance as currently presented, with the flexibility incorporated into this draft, would accommodate almost all of the designs presented. This is the presentation to which the staff referred at the last Planning Commission meeting, and the Commission is invited to attend the presentation at the Board meeting in July.

Should you have any questions on the draft ordinance, please contact the staff.

ORDINANCE 99-04
June 8, 1999

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER IN CERTAIN SUBDIVISIONS WITHIN THE SUBURBAN SERVICE AREA.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 2, Section 2, Definitions, shall be amended to read as follows:

...

Dwelling, single-family: A building designed for or occupied ~~exclusively~~ by one family. **Single-family dwellings may be either detached (having no common or party wall with another dwelling unit) or attached (having one or more exterior walls in common with another single-family dwelling unit).**

~~Dwelling, two family: A building designed for or occupied exclusively by two (2) families living independently of each other.~~

Dwelling, multiple family: A building designed for or occupied ~~exclusively~~ by ~~three (3)~~ **five (5)** or more families living independently of each other.

Dwelling unit: A room or group of rooms occupied or ~~intended~~ **designed** to be occupied as separate living quarters. **Single-family dwellings may include up to four (4) separate dwelling units within one structure.**

...

Party wall: A separating barrier common to two (2) or more adjacent ~~townhouses~~ **dwellings** consisting of a ~~masonry~~ **common** wall **designed,**

used, or adapted for joint service. Projection above the roofline may be eliminated.

...

Townhouse: A ~~single-~~ **multiple-**family dwelling forming one of a group or series of ~~three (3)~~ **five (5)** or more units in a structure separated from one another by solid common walls.

4. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. The purpose of this district is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These districts are located within the designated urban areas of the County where public utilities make such a district feasible.

3.2 Uses. The uses permitted within the RS district, whether by right or as Conditional Uses or Special Exceptions, are as specified below.

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

1. ~~Detached~~ Single-family dwellings.

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Military bases and appurtenances and parks operated by the United States Government or agencies of the Commonwealth of Virginia.

4. Public and private forests, wildlife reservations, similar conservation projects.

5. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Servants' quarters.

6. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front yard.

7. Swimming pool and game courts, lighted or unlighted, for use of occupants or their guests.

8. Signs as regulated in article 7, section 3.

9. 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.

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

11. The location of office or construction trailers for a period not to exceed one year.

12. Foster care and adult family care.

c. 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:

1. Airports and landing fields, provided they shall comply with the recommendations of the Federal Aviation Agency.

2. Camps, day or boarding, private or commercial.

3. Cemetery, including a crematorium.

4. Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel, or stone, stripping of top soil (but not including stripping of sod), and other major excavations, other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision, or planned residential development.

5. ~~Heliport or helistop~~.

6. Hospitals and sanitariums, but not animal hospitals.

7. Institutions, educational or philanthropic, including museums, art galleries and libraries.

8. Private clubs.

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

10. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines.

11. Recreation facility, privately or commercially operated, such as fishing or boating lake, picnic grounds, or dude ranch, and accessory facilities, including sale of food, beverages, bait, supplies and equipment.

12. Swimming or tennis club, private, nonprofit, or commercially operated.

13. Radio or television broadcasting station or tower more than one hundred twenty-five (125) feet in height, provided construction and safety features are approved by the Administrator in accordance with applicable regulations and provided no hazard is created in an Airport Approach Zone.

14. 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.

15. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to

adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) ~~Pony rings~~.

   (e) ~~Raising for sale of birds, bees, fish, rabbits and other small animals~~.

   (f) Riding academies, public stables, private stables.

   (g) ~~Rifle or pistol ranges, trap or skeet shooting~~.

   (h) ~~Sawmill for cutting timber not grown on the premises~~.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Cemetery for pets.

   (c) Commercial greenhouses, wholesale or retail.

   (d) Convalescent homes, nursing homes, or homes for the aged.

   (e) Day nurseries or child or adult day care centers.

   (f) Nurseries for growing of plants, trees, and shrubs, including a building for sale of products produced on the premises.

3.3 Density; calculation. **The RS district provides for variable density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential**

unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. The Board of Supervisors may approve increased density through provision of the specified improvements if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with criteria specified in the Comprehensive Plan.

a) For densities up to two (2) units per acre: If at least 25% of the net acreage is left in open space (with at least fifty percent (50%) remaining unimproved), and if the following improvements are included in the development, the Board of Supervisors may approve increased density to a maximum of 2 units/acre if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with criteria specified in the Comprehensive Plan:

1) paved driveways for each house, providing a minimum of two (2) off-street parking spaces/house

2) street trees, planted either a) within a street median; b) along each side of a street on which houses front in an easement ten (10) feet wide designated for such plantings; or c) massed in appropriate locations within open space along streets to provide a terminal vista at an intersection. Trees planted to comply with this standard shall comprise at least three (3) different species native 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 inches (2") in caliper when planted, shall be provided for every fifty (50) feet of street length. No Bradford pear, Norway maple, or female gingko trees may be used to comply with this standard.

3) pedestrian walkways, providing access to open space and recreation areas and designed to be extended into adjoining developments, both residential and commercial

4) areas for passive and active recreation within the open space, such as playgrounds and picnic areas

b) For densities up to three (3) units per acre: If the additional improvements specified below are provided in addition to the improvements listed in section (a) above, the Board of Supervisors may approve increased density to a maximum of 3 units/acre, if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with criteria specified in the Comprehensive Plan:

1) sidewalks, designed and constructed to VDOT standards and provided on one side of all streets on which houses front, if applicable, or pedestrian walkways, as described above, paved and lighted with low-intensity lighting for the full length of the walkway

2) open space, centrally located, of at least one (1) acre for every fifty (50) homes or fraction thereof (in addition to the 25% open space already provided)

3) community building

4) swimming pool, tennis courts, or other appropriate active recreational amenity, in an appropriate size or number to serve the proposed development, but not including tot lots

c) For densities up to four (4) units per acre: If all improvements specified in (a) and (b) above are included, and the additional improvements specified below are provided, the Board of Supervisors may approve increased density to a maximum of 4 units/acre if the design standards are deemed to be appropriate to support the density requested and the request is consistent with criteria specified in the Comprehensive Plan:

1) street lights

2) single-loaded streets

3) swimming pool, appropriately sized to accommodate competetive meets, and tennis courts or other appropriate active recreational amenities

4) an additional fifteen percent (15%) of the net acreage left in open space

3.4 Open space. To be eligible for consideration of density higher than one (1) unit per acre within the district, a minimum of twenty-five percent (25%) of the net acreage of a district shall be provided as open space. Net acreage shall be the total area of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of slopes greater than twenty-five percent (25%). No more than fifty percent (50%) of the open space may be developed with recreational amenities. The remainder may be either left in its natural state or landscaped as a screening buffer to adjoining property or roadways. Such screening shall be in accordance with the requirements specified in Article 7, Section 2A, and shall be shown on the conceptual plan.

3.5 Lot area requirements.

1. Single-family dwellings: When a district is developed at the

base density, the minimum lot size for single-family ~~detached~~ dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when the district is developed with specified improvements and open space, as specified herein.

2. All other structures: All other **uses and** structures permitted in this district shall comply with the **lot** area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this Appendix.

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. Single-family dwelling:				
20,000 sq.ft lot:	50	10	25	25
No minimum lot size:	15	0	0	20

2. All other structures shall meet the requirements specified in the A-1, Agricultural District or as specified in district regulations.

3.7 Height requirements. Structures, including single-family dwellings and all other structures not specifically exempted in article 7, shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less.

3.8 Public utilities required. All lots shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply for developments within the RS district.

1. *Conceptual plan.* The property shall be developed in substantial conformity with a conceptual plan approved by the Board of Supervisors as part of the approval of the development. The plan shall be submitted with each application for rezoning when a density increase is requested, and 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common open space, with proposed improvements and landscaping where appropriate.

f. Proposed lot lines, road rights-of-way, and sidewalks or pedestrian trails.

g. Topography, at an interval of two (2) feet, with slopes exceeding 25 percent clearly indicated on the plan.

h. Public and private roads and trails, utility and other easements and rights-of-way, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.

i. Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the County).

j. The location of ponds, streams, and natural drainage swales, and 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Protection requirements.

k. 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 abutting tract), abandoned roads, cemeteries, and military earthworks. **All features to be preserved shall be shown and so noted on the plan.**

l. Location(s) of all proposed improvements as defined in Section 3.3 above, including details for development of pedestrian ways **and sidewalks** (including cross-sections) and **details and** elevation(s) for community buildings, structures, **and other amenities. In addition, entrance features, such as signs, landscaping, fences, gate structures, or other appropriate amenities, shall be shown on the plan.**

2. *Open space areas.* When a proposed district includes the creation of open space, the minimum areas specified in Section 3.4 above 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. Open space areas shall

also incorporate all lands deducted from the gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas and all slopes over 25 percent), using the actual boundaries of Resource Protection Areas and steep slopes, but the acreage of these areas shall not be included in the minimum acreage requirements for open space areas. **A portion of the open space shall be located to provide a buffer along the thoroughfare on which the property fronts, to a minimum depth of twenty-five (25) feet. Existing trees with a caliper of 2" or greater shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with an undulating landform with an average height of four (4) feet. No portion of the landform may be lower than three (3) feet in height, and the landform shall be landscaped with low-maintenance vegetation. When a proposed district is located on property contiguous with a residential development of lower density, a portion of the open space shall be located along the common boundary as a buffer to a minimum depth of twenty-five (25) feet. The buffer shall be maintained in its natural state, if vegetated, or improved with trees and/or shrubbery planted in accordance with the standards of Article 7, Section 2A. Alternatively, a screen fence may be constructed along the common boundary. The design of the fence shall be included on the conceptual plan, and shall be approved with the plan for the district.**

3. *Conceptual plan; standards for review.* The conceptual site plan shall provide for adherence to the following standards, to the extent practicable:

a. The open space areas shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood open space.

b. The open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. The open space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

d. Except for **the centrally-located open space, as described in section 3.3 above, and** those areas improved for active recreation, the open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. **Pedestrian walkways may be located within the open space, including the buffer areas.**

e. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas 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 improved recreation areas for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.

f. 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 open space (either improved common areas or natural areas).

4. *Ownership and maintenance.* Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common open space to the association, and shall provide for maintenance of all common areas and amenities, including street lights, street trees, and pedestrian walkways. ~~An~~ **The** easement ~~applying to the open space areas~~ shall also ~~be conveyed to the Hanover County Board of Supervisors~~ specify~~ing~~ that all historic structures, woodlands, historic sites, and other features identified on the conceptual site plan as being significant shall remain substantially as shown on the plan, and that the open space areas shall not be further divided and shall be maintained in perpetuity as open space, and with only those uses permitted by the underlying zoning district for the open space areas. The Board of Supervisors may approve conveyance of the easement to a non-profit organization or government agency for the purpose of preservation of the open space and the significant features identified therein, or may approve conveyance of the open space to a non-profit organization or government agency in lieu of such an easement.

5. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

6. This Ordinance shall be effective upon adoption.

Public Hearing: _____

Mr. STANLEY:	Aye []	Nay []	Absent []	Abstain []
Mr. GORDON:	Aye []	Nay []	Absent []	Abstain []
Mr. ERNST:	Aye []	Nay []	Absent []	Abstain []
Mr. GILES:	Aye []	Nay []	Absent []	Abstain []
Mr. KLOTZ:	Aye []	Nay []	Absent []	Abstain []
Mr. WADE:	Aye []	Nay []	Absent []	Abstain []

Mr. WARD: Aye [] Nay [] Absent [] Abstain []

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

- Planning Department: _____

Title - 99:04

AGENDA

HANOVER COUNTY PLANNING COMMISSION

April 22, 1999 - 7:00 P. M.

Henry Taylor Wickham Building
Room 112

Meeting Called to Order at 7:00 P. M.

1. **Citizens Time**

2. **Public Hearings Scheduled for 7:00 P. M.**

m: Swam
s: Schlitt
Defeated for 60 days (6/17)

Ordinance 99-04: RS – Single-Family Residential District

AN ORDINANCE to amend the Hanover County Zoning Ordinance to repeal the R-1, R-2, and R-3 Single-Family Residential Districts; to adopt the RS, Single-Family Residential District; and to amend the Hanover County Subdivision Ordinance to require the installation of curb and gutter in certain subdivisions within the Suburban Service Area.

CPA 99-05: Single Family Residential Development Criteria

AN AMENDMENT to "Vision 2017," the Hanover County Comprehensive Plan, adopted September 23, 1998, to provide criteria for the consideration and application of the RS, Single-Family Residential District, within the Suburban Service Area.

3. **Miscellaneous Matters**

O'Connor -
- calculate impact on growth rate ?
- Concern re townhouses – more text / Comp plan –
(assume everyone knows about units)

Hanover County Planning Commission
Growth Management Initiatives

RS, Single-Family Residential District

Public Hearing

Thursday, April 22, 1999

Purpose

- Board Workshop on Implementing Growth Management Ordinances
- Board Directed Several Ordinances to Planning Commission for Review and Recommendation

Schedule - Meetings to date

- December 10, 1998 - Workshop
- January 20, 1999 - Workshop
- February 18, 1999 - Workshop
- March 11, 1999 - Workshop

Proposed Ordinance Amendment

RS, Single-Family Residential District

- replaces R-1, R-2, and R-3 districts
- provides a range of density from 1 - 4 units/acre
- appropriate throughout Suburban Service Area
- allows range of housing types (detached, duplex, triplex, quadraplex, townhouse)

RS - Single Family Residential District

- no minimum acreage
- base density = 1 unit/acre
- minimum lot size = 20,000 sqft. (at base density)
  - no minimum lot size at higher densities with open space

RS - Single Family Residential District

- higher densities may be considered when accompanied by amenities such as open space, recreational facilities, pedestrianways, buffers
- density cannot exceed 4 units/acre
- at maximum density, 40% of the property must be in open space

RS - Single Family Residential District

- concerns raised in workshops include:
  - maintenance of open space
  - options for housing types
  - additional amenities from which to choose
  - requirements for additional open space; should be optional
  - buffering along road frontages
  - minimum parcel size for application

RS - Single Family Residential District

Revisions made to date:

- Changed standards for ascending density
  - added a requirement for additional open space for density above 3 units/acre
  - provided standards for location of open space, including buffering along frontage and boundaries
  - specified standards for pedestrianways to encourage interconnection among projects
  - limited townhouses to highest density projects

RS - Single Family Residential District

Revisions made to date:

- added text to Comprehensive Plan for use in considering appropriateness of application (including housing types and density)
- changed curb and gutter standard from zoning standard to subdivision requirement

Recommendation

- Staff recommends DEFERRAL of action on the ordinance amendments in order to further address issues raised regarding standards and application

CHARLES R. WARREN
7413 STRAWHORN DRIVE
MECHANICSVILLE, VIRGINIA 23116
746-7396 fax746-1309

April 22, 1999

Mike Crescenzo
Director of Planning
Hanover County
PO Box 470
Hanover, Virginia 23069-0470

Re: Proposed RS ordinance

Dear Mike:

We have our annual stockholders meeting today and tonight and I will not be able to attend the public hearing on the proposed RS ordinance. I would like to present some of my thoughts herein for inclusion in the public comments/discussion on the ordinance.

Questions that need to be addressed:

- What is the objective of the ordinance?
  - More open space
  - Control of density
  - More development requirements [curb & gutter/sidewalks/street lights/recreation facilities etc.]
  - More flexibility in development

- What will be the impact of this ordinance versus current ordinances/policies/requirements?

- Will this change meet the stated objectives?

- What impact will the required improvements have on future quality of life?
  - What are the desired results?
  - Will they create the desired results?
  - What impact will the future maintenance of these facilities have on the taxpayer [curb & gutter/sidewalks/street trees all become taxpayer maintenance responsibilities]?

RECEIVED
APR 22 1999
HANOVER COUNTY
PLANNING OFFICE

Some of my thoughts on these:

- If the objective is creation/saving open space or controlling density, these should be addressed in the comprehensive plan and in the zoning process
- Development requirements and flexibility of development plan options should be addressed through standards, policies and thoughtful planning oversight.
- Open space, density, development requirements, once a vision is adopted in the form of the comprehensive plan, can be addressed in the proffered zoning concept where a site specific, well thought out development vision can be presented, discussed between the owner, developer, staff, Planning Commission, Board of Supervisors and the public. This is a fundamental purpose and objective of proffered zoning legislation.
- The development requirements required, to increase density above 1 per acre, are expensive, require ongoing maintenance, and do not necessarily meet the objectives of improving quality of life.
- In low density designations [1-2 lots per acre], most of the requirements, which will not permit any increased density over 2 lots, but require the improvements in order to allow more than 1 lot, are inconsistent with the low density concept.
- In medium density areas [2 - 4 lots per acre], the ordinance relegates medium density designations of the comprehensive plan to the low end of low density [1 lot per acre], and requires the owner to proffer, without benefit of zoning process, "improvements" that may not in reality be improvements, to get 2-4 lots, which the comprehensive plan designates.
- In reality, a density of 4 marketable lots is not achievable with the requirements imposed by the ordinance. [An owner with a perfectly shaped property, good topography, no wetlands, no flood plain, no slopes over 25%, no resource protection areas, would have lots 5000 square feet in area [50'x 100']. That is if the property is configured perfectly for the layout and I haven't found that piece of property in the 34 years I have been dealing with subdivision development.

I think we would be better served to keep the existing ordinances and modify them, establish development standards and work within the comprehensive planning and zoning processes than to implement this ordinance.

Thank you for your consideration, and as always, I would like to discuss this in more detail at our mutuat convenience.

Sincerely,

Charles R. Warren

cc: Bob Setliff

BOARD OF SUPERVISORS

JOHN E. GORDON, JR., CHAIRMAN
SOUTH ANNA DISTRICT

ELTON J. WADE, SR., VICE-CHAIRMAN
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J. T. "JACK" WARD
MECHANICSVILLE DISTRICT



HANOVER COUNTY
P. O. BOX 470
HANOVER, VIRGINIA 23069-0470
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RICHARD R. JOHNSON
COUNTY ADMINISTRATOR

CECIL R. HARRIS, JR.
DEPUTY COUNTY ADMINISTRATOR

JOHN H. HODGES
DEPUTY COUNTY ADMINISTRATOR

STERLING E. RIVES, III
COUNTY ATTORNEY

MEMORANDUM

PLANNING OFFICE
PHONE 804-365-6171
FAX 804-365-6232

To: Hanover County Board of Supervisors

From: Michael E. Crescenzo, Director of Planning MC

Subject: Ordinance 99-04: Suburban Cluster Ordinance and
CPA 99-05: Single Family Residential Development Criteria

Date: April 16, 1999

This ordinance amendment is designed to eliminate the single family residential district currently in place in Hanover County and replace them with a single district with variable density and increasing development standards. The Comprehensive Plan Amendment provides the text in the plan which establishes the standards by which rezoning requests will be considered.

BACKGROUND

In September, 1998, the Board adopted the latest Comprehensive Plan update. At that time, the Board also directed the staff to provide ideas on the implementation of the growth strategies incorporated in the plan. In October, the staff presented what are referred to as the Growth Management Initiatives. The Commission has held several workshops on these ordinances, including the Corridor Overlay district, the "suburban cluster" ordinances, and the rural development ordinances. The ordinance which is the subject of this public hearing, the "suburban cluster" ordinance, addresses the issue of retention of open space and woodlands within the Suburban Service Area, while providing significant design flexibility for residential development.

ANALYSIS

The issue of elimination of the single-family R districts (R-1, R-2, and R-3 in their entirety) and replacement with a district patterned after the County's Rural Conservation District has been discussed in several workshops before the Commission. During these workshops, many suggestions have been made to enhance the district and clarify both the intent and the standards for application. The ordinance before the Commission incorporates the requested changes, although there may be additional clarification necessary. The ordinance needs to be as specific as possible in order to enhance its

effectiveness and facilitate its application.

The revised ordinance further differentiates among the densities available within the district. It is designed to be appropriate anywhere within the suburban service area regardless of the Land Use Plan designation (whether low density - 1 to 2 units/acre - or medium density - 1 to 4 units/acre). The district provides for development to occur at all density levels, from 1 unit/acre (base density) to 4 units/acre (with significant development standards). These standards range from the provision of sidewalks up to and including construction of swimming pools, tennis courts, and other recreation. Pedestrianways, if provided, should be designed for continuation among contiguous developments, encouraging less vehicular traffic. Any density above the base level requires provision of open space on site, with a minimum of 25% of the net acreage being specified (net acreage is gross acreage minus steep slopes and Chesapeake Bay Resource Protection Areas, the same as specified in the RC district).

The text recommended for inclusion into the Comprehensive Plan provides a level of review for applications for RS zoning, and includes references to criteria for review of the applications. These criteria provide the basis for site-specific consideration of applications, and assist in identification of issues which may be appropriately addressed through proffers at the time of zoning approval.

RECOMMENDATION

The staff has spent considerable time on the amendments currently before the Commission; however, based on citizen comments to the staff, we are recommending that the amendments be **DEFERRED** for at least one more month in order to meet with interested citizens to discuss further refinement. The deferral will also provide time to review the language for clarity and comprehensiveness. If additional issues are identified at the hearing, they may also be considered for inclusion in the final documents.

The texts provided are the latest drafts of the two amendments. Additional comments may be provided at the hearing.

attachments

ORDINANCE 99-04
April 15, 1999

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, APPENDIX, ZONING ORDINANCE, TO REPEAL THE R-1, R-2, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS; TO ADOPT THE RS, SINGLE-FAMILY RESIDENTIAL DISTRICT; AND TO AMEND THE HANOVER COUNTY SUBDIVISION ORDINANCE TO REQUIRE THE INSTALLATION OF CURB AND GUTTER IN CERTAIN SUBDIVISIONS WITHIN THE SUBURBAN SERVICE AREA.

BE IT ORDAINED BY THE HANOVER COUNTY BOARD OF SUPERVISORS:

1. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, R-1 Single-Family Residential District; Section 4, R-2 Single-Family Residential District; and Section 5, R-3 Single-Family Residential District, shall be and are hereby repealed.

2. That all R-1, R-2, and R-3 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-1, R-2, and R-3 districts in effect on [the date of adoption of this ordinance]. Copies of the district provisions shall be on file in the Hanover County Planning Office for reference.

3. That the Hanover County Code, Appendix, Title I: Zoning Ordinance, Article 5, Section 3, shall be adopted and shall read in its entirety as follows:

ARTICLE 5. DISTRICT REGULATIONS

Section 3. RS, Single-Family Residential District.

3.1 Purpose. The purpose of this district is to provide for high-quality residential development while preserving open space through the use of variable density and flexible lot sizing. These districts are located within the designated urban areas of the County where public utilities make such a district feasible.

3.2 Uses. The uses permitted within the RS district, whether by right or as Conditional Uses or Special Exceptions, are as specified below.

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

1. ~~Detached~~ Single-family dwellings, **either attached or detached, including townhouses.**

2. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone

booths, and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical buildings, treatment plants, pumping or regulator stations, substations and power transmission lines which are permitted as conditional uses.

3. Military bases and appurtenances and parks operated by the United States Government or agencies of the Commonwealth of Virginia.

4. Public and private forests, wildlife reservations, similar conservation projects.

5. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, round houses, power houses, interlocking towers, and fueling, sanding and watering stations.

b. Permitted accessory uses.

1. Domestic storage in main building or in an accessory building.

2. Garage, private.

3. Home occupations in a main building.

4. Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use, and not as a business.

5. Servants' quarters.

6. Storage of a boat trailer or camp trailer or a boat not exceeding thirty-two (32) feet in length, but not in a front yard.

7. Swimming pool and game courts, lighted or unlighted, for use of occupants or their guests.

8. Signs as regulated in article 7, section 3.

9. 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.

10. Accessory off-street parking and loading spaces. Open or enclosed space for parking one commercial vehicle of not

more than one ton capacity and used by the occupant of a dwelling shall be permitted as accessory.

11. The location of office or construction trailers for a period not to exceed one year.

12. Foster care and adult family care.

c. 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:

1. Airports and landing fields, provided they shall comply with the recommendations of the Federal Aviation Agency.

2. Camps, day or boarding, private or commercial.

3. Cemetery, including a crematorium.

4. Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel, or stone, stripping of top soil (but not including stripping of sod), and other major excavations, other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision, or planned residential development.

5. ~~Heliport or helistop~~.

6. Hospitals and sanitariums, but not animal hospitals.

7. Institutions, educational or philanthropic, including museums, art galleries and libraries.

8. Private clubs.

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

10. Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations, and transmission lines.

11. Recreation facility, privately or commercially operated, such as fishing or boating lake, picnic grounds, or dude ranch, and accessory facilities, including sale of food, beverages, bait, supplies and equipment.

12. Swimming or tennis club, private, nonprofit, or commercially operated.

13. Radio or television broadcasting station or tower more than one hundred twenty-five (125) feet in height, provided

construction and safety features are approved by the Administrator in accordance with applicable regulations and provided no hazard is created in an Airport Approach Zone.

14. 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.

15. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course, providing no such building is located closer than one hundred (100) feet to adjoining property lines. Practice greens and tees may accompany a standard nine (9) hole or eighteen (18) hole golf course occupying at least seventy-five (75) acres.

d. Uses permitted as 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:

1. Temporary and conditional permits for a period of two (2) years or less for the following uses:

   (a) Archery ranges.

   (b) Nonaccessory tents for special purposes.

   (c) Outdoor displays or promotional activities.

   (d) ~~Pony rings~~.

   (e) ~~Raising for sale of birds, bees, fish, rabbits and other small animals~~.

   (f) Riding academies, public stables, private stables.

   (g) ~~Rifle or pistol ranges, trap or skeet shooting~~.

   (h) ~~Sawmill for cutting timber not grown on the premises~~.

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

2. Other special use exceptions as follows:

   (a) A private garage for more than four (4) automobiles.

   (b) Cemetery for pets.

   (c) Commercial greenhouses, wholesale or retail.

(d) Convalescent homes, nursing homes, or homes for the aged.

(e) Day nurseries or child or adult day care centers.

(f) Nurseries for growing of plants, trees, and shrubs, including a building for sale of products produced on the premises.

3.3 Density; calculation. The RS district provides for variable density, to permit flexibility for planning the most appropriate development for a property. The base density shall be one (1) residential unit per full acre. Fractions of any acres shall be rounded down to the whole acre prior to multiplying for density calculation. **The Board of Supervisors** ~~Density~~ may ~~be~~ **approve** increased **density** through provision of the following improvements **if the improvements and design standards proposed are deemed to be appropriate to support the density requested and the request is consistent with criteria specified in the Comprehensive Plan:**

a) **For densities up to two (2) units per acre:** If at least 25% of the net acreage is left in open space (**with at least fifty percent (50%) remaining** ~~improved or~~ unimproved), and if **any four (4) of** the following improvements are included in the development, density ~~can~~ **may** be increased to a maximum of 2 units/acre:

1) sidewalks, constructed to VDOT standards and provided **on one side of** ~~along any~~ **all** streets on which houses front

2) areas for passive and active recreation within the open space**, such as playgrounds and picnic areas**

3) paved driveways for each house, providing a minimum of two (2) off-street parking spaces/house

4) street lights

5) street trees **comprising at least three (3) different species**, planted either within a street median or along each side of a street on which houses front in an easement ten (10) feet wide designated for such plantings, with at least one (1) tree, a minimum of two inches (2") in caliper when planted, for every fifty (50) feet of street length

6) pedestrian walkways, providing access to open space and recreation areas **and designed to be extended into adjoining developments, both residential and commercial**

b) **For densities up to three (3) units per acre:** If all six improvements are included**, and at least three (3) of the additional five (5) improvements are provided,** the density may be increased to a maximum of 3 4 units/acre.

1) **common area, centrally located, of at least one (1) acre for every fifty (50) homes or fraction thereof (in addition to the 25% open space already provided)**

2) **single-loaded streets**

3) **community building**

4) **swimming pool, tennis courts, or other appropriate active recreational amenity**

5) **an additional fifteen percent (15%) of the net acreage left in open space**

c) For densities up to four (4) units per acre: If all improvements specified in (a) and (b) above are included, the density may be increased to a maximum of 4 units/acre if the design standards are deemed to be appropriate to support the density requested. Requests for density which exceeds 3 units per acre may incorporate townhouse units in the project.

3.4 Open space. To be eligible for consideration of density higher than one (1) unit per acre within the district, a minimum of twenty-five percent (25%) of the net acreage of a district shall be provided as open space. Net acreage shall be the total area of the district minus the total of Chesapeake Bay Resource Protection Areas and areas of slopes greater than twenty-five percent (25%). No more than fifty percent (50%) of the open space may be developed with recreational amenities. The remainder may be either left in its natural state or landscaped as a screening buffer to adjoining property or roadways. Such screening shall be in accordance with the requirements specified in Article 7, Section 2A, and shall be shown on the conceptual plan.

3.5 Lot area requirements.

1. Single-family dwellings: When a district is developed at the base density, the minimum lot size for single-family detached dwelling units shall be twenty thousand (20,000) square feet. There shall be no minimum lot area when the district is developed with specified improvements and open space, as specified herein.

2. All other structures: All other structures permitted in this district shall comply with the area requirements specified in the A-1, Agricultural District or with the requirements specified elsewhere within this Appendix.

3.6 Yard requirements.

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
1. Single-family				

dwelling:

~~With base density~~:				
20,000 sq.ft lot:	50	10	25	25
~~With 50% increase:~~	~~35~~	~~10~~	~~25~~	~~25~~
~~With 100% increase~~:				
No minimum lot size:	15	0	0	20

2. All other structures shall meet the requirements specified in the A-1, Agricultural District or as specified in district regulations.

3.7 Height requirements. Structures, including single-family dwellings and all other structures not specifically exempted in article 7, shall not exceed a height of 3 stories or forty-five (45) feet, whichever is less.

3.8 Public utilities required. All lots shall be served by public water and sewer systems.

3.9 Development standards and procedures. The following requirements and procedures shall apply for developments within the RS district.

1. *Conceptual plan.* The property shall be developed in substantial conformity with a conceptual plan approved by the Board of Supervisors as part of the approval of the development. The plan shall be submitted with each application for rezoning when a density increase is requested, and 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 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale shall be not less than 1":400', and shall include the area within 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 areas of common open space, with proposed improvements and landscaping where appropriate.

f. Proposed lot lines, road rights-of-way, and sidewalks or pedestrian trails.

g. Topography, at an interval of two (2) feet, with slopes

exceeding 25 percent clearly indicated on the plan.

h. Public and private roads and trails, utility and other easements and rights-of-way, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other man-made improvements.

i. Aquifer recharge areas, based on available published information (from USGS maps or other sources approved by the County).

j. The location of ponds, streams, and natural drainage swales, and 100-year floodplains, as well as all Resource Protection Areas as defined under the Chesapeake Bay Protection requirements.

k. 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 abutting tract), abandoned roads, cemeteries, and military earthworks.

l. Location(s) of all proposed ~~amenities~~ **improvements** as defined in Section 3.3 above, **including details for development of pedestrian ways (including cross-sections) and elevation(s) for community buildings and structures.**

2. *Open space areas.* When a proposed district includes the creation of open space, the minimum areas specified in Section 3.4 above 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. Open space areas shall also incorporate all lands deducted from the gross acreage to determine net acreage (Chesapeake Bay Resource Protection Areas and all slopes over 25 percent), using the actual boundaries of Resource Protection Areas and steep slopes, but the acreage of these areas shall not be included in the minimum acreage requirements for open space areas. **A portion of the open space shall be located to provide a buffer along the thoroughfare on which the property fronts, to a minimum depth of twenty-five (25) feet. Existing trees with a caliper of 2" or greater shall be retained within the buffer. If the buffer has no trees, the frontage shall either be landscaped in accordance with the screening requirements of Article 7, Section 2A, or improved with an undulating landform with an average height of four (4) feet. No portion of the landform may be lower than three (3) feet in height, and the landform shall be landscaped with low-maintenance vegetation. When a proposed district is located on property contiguous with a residential development of lower density, a portion of the open space shall be located along the common boundary as a buffer to a minimum depth of twenty-five (25) feet. The buffer shall be left in its natural state, if vegetated, or improved with trees and/or shrubbery planted in accordance with the standards of Article 7, Section 2A. Alternatively, a screen fence may be constructed along the common boundary. The design of the fence shall be included on the conceptual plan, and shall be approved with the plan for the district.**

3. *Conceptual plan; standards for review.* The conceptual site plan shall provide for adherence to the following standards, to the extent practicable:

a. The open space areas shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to neighborhood open space.

b. The open space areas shall be suitable for recreational uses, either active or passive, without interfering with adjacent dwelling units, parking, driveways, and roads.

c. Where practical, the open space areas shall be interconnected to provide a network of recreation areas within and adjoining the subdivision.

d. The open space areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.

e. Except for those areas improved for active recreation, the open space areas shall be left in their natural state to the maximum practicable extent, unless located to provide a screening buffer from adjoining property and roadways. Historic features other than structures, when identified on the property, shall be incorporated into the open space areas and a preservation plan shall be provided for protection and maintenance of the features. If ~~appropriate~~ **approved by the Board**, historic structures may be included in improved recreation areas for use by the homeowners or may be located on a residential lot for conveyance and use as a residence.

4. *Ownership and maintenance.* Applicants shall provide documents to be recorded prior to final subdivision approval which create a homeowners' association with mandatory membership and authority for the association to place liens on members' property for failure to pay maintenance fees. The documents shall convey the common open space to the association, and shall provide for maintenance of all common areas and amenities, including street lights, street trees, and pedestrian walkways. An easement applying to the open space areas shall also be conveyed to the Hanover County Board of Supervisors specifying that all historic structures, woodlands, historic sites, and other features identified on the conceptual site plan as being significant shall remain substantially as shown on the plan, and that the open space areas shall not be further divided and shall be maintained in perpetuity as open space, and with only those uses permitted by the underlying zoning district for the open space areas. The Board of Supervisors may approve conveyance of the easement to a non-profit organization or government agency for the purpose of preservation of the open space and the significant features identified therein, or may approve conveyance of the open space to a non-profit organization or government agency in lieu of such an easement.

4. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

5-26-1: Curb and gutter. In any subdivision in which any lots have a width of eighty (80) feet or less, or in any development zoned R-4, R-5, or R-6, curb and gutter shall be required. All curb and gutter shall be designed and constructed in accordance with Virginia Department of Transportation requirements and the Hanover County Drainage Design Handbook.

5. This Ordinance shall be effective upon adoption.

Public Hearing: _____

Mr. STANLEY:	Aye [ ]	Nay [ ]	Absent [ ]	Abstain [ ]
Mr. GORDON:	Aye [ ]	Nay [ ]	Absent [ ]	Abstain [ ]
Mr. ERNST:	Aye [ ]	Nay [ ]	Absent [ ]	Abstain [ ]
Mr. GILES:	Aye [ ]	Nay [ ]	Absent [ ]	Abstain [ ]
Mr. KLOTZ:	Aye [ ]	Nay [ ]	Absent [ ]	Abstain [ ]
Mr. WADE:	Aye [ ]	Nay [ ]	Absent [ ]	Abstain [ ]
Mr. WARD:	Aye [ ]	Nay [ ]	Absent [ ]	Abstain [ ]

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

- Planning Department: _____

4. That the Hanover County Code, Appendix, Title II: Subdivision Ordinance, Section 5-26-1, shall be adopted and shall read in its entirety as follows:

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5. This Ordinance shall be effective upon adoption.

Public Hearing: _____

Mr. STANLEY:	Aye [ ]	Nay [ ]	Absent [ ]	Abstain [ ]
Mr. GORDON:	Aye [ ]	Nay [ ]	Absent [ ]	Abstain [ ]
Mr. ERNST:	Aye [ ]	Nay [ ]	Absent [ ]	Abstain [ ]
Mr. GILES:	Aye [ ]	Nay [ ]	Absent [ ]	Abstain [ ]
Mr. KLOTZ:	Aye [ ]	Nay [ ]	Absent [ ]	Abstain [ ]
Mr. WADE:	Aye [ ]	Nay [ ]	Absent [ ]	Abstain [ ]
Mr. WARD:	Aye [ ]	Nay [ ]	Absent [ ]	Abstain [ ]

Adopted: _____

_____
Richard R. Johnson, Clerk
Hanover County Board of Supervisors

Final copy reviewed by:

- Planning Department: _____

Kevin Damian

- will roads be connected as well?
- homeowners' assoc? -

Catherine Patterson

- support open space / variable densities
- will provide addl comment after review

John Bender

- endorsed district
- concern for smaller parcels (in-fill) - homeowners assoc are problem
  provide for small lots w/ amenities + little/no open space (10 acres?)

George Haw III

- concern about small parcels / maintenance of open space
- agree w/ some of Warren's comments
- believes ord is inconsistent w/ R-1 - doesn't like "Loops" to go through A dist to 1½ units/ac

Mr Selleck.

- Consider allowing some development on slopes

growth mgmt initiatives

staff recomm - Ord 99.3

- elim AR-1 + 2
- 50 ac max for AR-6 - (maybe go to 75)
  ~~demonstrate that RC is not feasible~~
  send RC to PC for adjustment ~~w/o discretion~~.

(make list of AR-6 apps - w/ acreages + date of app)

attached and detached, ~~and~~ the last also includes apartments ~~and townhouses~~. A fourth category might include those outlying areas best characterized as "rural".

Mike File - RS ord

HANOVER ASSOCIATION OF BUSINESSES

RECEIVED
FEB 23 1999
FEB 1999
COUNTY ADMINISTRATOR'S OFFICE

February 22, 1999

Mr. Richard Johnson
Hanover County Board of Supervisors
P.O. Box 470
Hanover, VA 23069

Re: Residential Zoning Districts Proposal to Replace the R-1, R-2, R-3 with RS District.

Dear Richard:

It is our opinion the proposal to replace the existing residential zoning districts with the proposed RS District will make all existing R-1, R-2, and R-3 residential zoned parcels non-conforming. While it may be your intention to create a new district, as an alternative to R-1, R-2, and R-3, it's the way it appears to us. If the existing districts are replaced, has anyone advised the general public of the resulting hassle they will have to face in order to build an addition, a deck, or add a pool or tennis court, or rebuild after a fire, once this new district is enacted and the existing districts are replaced by the new proposals and standards?

We understand you must manage the growth generated by the current economy and the "quality of life" we enjoy in Hanover. and we understand you must cope with finding "just and fair" ways in which to manage growth. We believe you already have in place the mechanism necessary to accomplished the density restrictions the new proposals are designed to enact and manage. The methodology is simple and it is working today; you simply continue to manage density through the voluntary proffers and covenants policies you have established for those purposes. This is to say, you allow R-2 density in an R-3 district with R-3 lot sizes which will immediately provide the open space enhancements and development standards you looking for in this new proposal. In this manner, you don't create nonconforming existing homes throughout the urban service area. In addition, in our opinion, the requirement of 50% of developable land in a project be set aside for open space will not work. The costs to develop are driven so high the marketplace will not accept the larger more upscale homes that Hanover prefers on such small

lots. (This is the same principle that has foiled the Rural Cluster Development Ordinances.) Also of concern is who will maintain all of the small and insignificant open spaces the RS proposal will create.

We believe, from past experience, the existing Residential Zoning District are functioning as they were intended; in consort with your current "proffer policies" and development standards as well as your desire to promote larger and more expensive upscale homes in Hanover County. You should not abandon a proven program for one that has no track record or support as a growth management tool.

We know other jurisdictions look to Hanover, as an example of how to manage residential growth and to foster a proper ratio between residential and commercial development and all indications are that your recipe for growth management is working. Why, then, should you risk a plan that is working for one that is untried and lacks support from those who deal with growth management every day.

We respectfully request, on the grounds that this proposal is of no benefit to your growth management plan, nor in the best interest of the citizens of Hanover County, you to abandon the proposal to replace the R-1 R-2, and R-3 districts with the RS district.

Sincerely,

Dan Wilcoxen

President
Hanover Association of Businesses

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors, in recognition of this important public safety issue and the work of Hanover Emergency Medical Services, does hereby support the proposed code change to BOCA National Building Code (BNBC) Chapter 30, Elevators and Conveying System.

On motion of Mr. Ward, seconded by Mr. Klotz, the members of the Board of Supervisors voted to approve this resolution as follows:

	Vote:
John E. Gordon, Jr.	Aye
Elton J. Wade, Sr.	Aye
Timothy E. Ernst	Aye
Thomas F. Giles, Jr.	Aye
R. J. Klotz, Jr.	Aye
Aubrey M. Stanley, Jr.	Aye
J. T. "Jack" Ward	Aye

Resolution approved.

Growth Management Initiatives Work Session with Planning Commission

The Director of Planning led the Work Session of the Board with the Planning Commission to discuss the following Growth Management Initiatives which were forwarded to the Commission by the Board in October, 1998:

Rural District Amendments
Corridor Enhancement Overlay District
Suburban Cluster Ordinance

(A copy of the presentation is filed with the Board's papers.) A copy of the Planning Commission's recommendation for the AR District revisions was provided for the record and is filed with the Board's papers. Mr. Crescenzo stated that in the rural area of the County the recordation of new lots had declined significantly in the past three years from 206 in 1996 (which does not take into account exempt first divisions) to 29 in 1998. He stated that in the suburban area of the County new lot creation had declined from 803 in 1996 to 392 in 1998, which was a decline of over 50 percent in two (2) years. The Director of Planning advised that overall, throughout the County, lot creation had declined by over 56 percent. However, Mr. Crescenzo stated that growth was still a concern in Hanover since the County-wide population exceeded projections, average annual growth rate exceeded goal, and rural building permits still did not meet the 70/30 goal. So, rural development was still occurring at a higher rate than desired.

The Director of Planning reviewed several options identified to address these issues over the course of the workshops held by both the Commission and the Board as follows:

- stop or severely limit growth in the County (no enabling legislation which would allow Hanover County to do this)

- manage and limit growth
- let the market decide

The County Attorney commented on whether or not it was possible for the County to use the concept "adequate public facilities" as a basis for denying a rezoning request. He advised that in many ways Hanover County had already incorporated the concept of "adequate public facilities" into its Comprehensive Plan. Mr. Rives stated that because of the Phasing Plan element of Hanover's Comprehensive Plan the County had integrated the "adequate public facilities notion" into the Plan without calling it that. The County Attorney and the Director of Planning then discussed these options with the Board.

Mr. Crescenzo stated that with regard to those who had talked about a defined suburban boundary he pointed out that the Staff believed it already existed and was on the map in the form of the Suburban Service Area and was on the text of the Plan. The County Attorney advised that "green line" was undefined in State Law and was used differently in different places. Mr. Rives recommended that this term not be put in the County's Comprehensive Plan or Zoning Ordinances. Members of the Board and Planning Commission generally discussed issues involved in this concept with Mr. Rives and Mr. Hodges. The Board and the Planning Commission discussed the possible establishment of a transition area between the County's Suburban Service Area and the rural areas of the County.

The Director of Planning reviewed the initiatives as forwarded to the Planning Commission for consideration as shown below:

- eliminate AR-1 and AR-2
- eliminate AR-6 for properties 25 acres or greater
- AR-6, as it applies to smaller lots, remain as currently written

The Planning Commission had held their public hearing on this issue and recommended the following:

- do not adopt Ordinance No. 99-03 as recommended by Staff
- revisit "Rural Strategies" to provide opportunity for Commission to address all rural issues at one time
- consider revisions to the Rural Conservation District to encourage more applications (instead of AR-6, AR-2 and AR-1)
- create permanent suburban boundary beyond which utilities would not be extended
- consider use of AR-1 and AR-2 within area between the current and future suburban boundaries, as transition
- recognize the economic impact of agriculture and consider it on the same level as commercial/industrial development

The Staff had recommended adoption of Ordinance No. 99-03 as drafted to eliminate AR-1 and AR-2 and AR-6 for lots larger than twenty-five (25) acres. However, the Staff now

recommended that the Board defer action to April 28th agenda but urged the Board to consider authorization of development of alternatives including combinations of the recommendations from both the Commission and the Staff, referral of the RC District back to the Planning Commission for consideration of additional incentives but would not recommend density increases being one of those incentives, and recommend possible reconsideration of amended AR-6 with further standards for application.

Mr. Crescenzo then updated the Board on the current status of the following other initiatives which were still before the Planning Commission:

Corridor Overlay
Suburban Cluster

After some further discussion, Mr. Klotz moved that the Board defer Ordinance No. 99-03 to the April 28th Meeting, and Mr. Ward seconded the motion.

	Vote:
John E. Gordon, Jr.	Aye
Elton J. Wade, Sr.	Aye
Timothy E. Ernst	Aye
Thomas F. Giles, Jr.	Aye
R. J. Klotz, Jr.	Aye
Aubrey M. Stanley, Jr.	Aye
J. T. "Jack" Ward	Aye

Motion approved.

Mr. Hall, Chairman of the Planning Commission, thanked the Board for having the opportunity to meet together.

Recess

At 8:50 p.m., the Chairman declared a short recess.

When Mr. Gordon, Chairman, called the regular Board Meeting back to order at 9:13 p.m., all Board Members were present.

Adoption and Appropriation of the 1999-00 Budget

Mr. Cecil R. Harris, Jr., Deputy County Administrator, presented the steps for the Board to complete the Budget Process and the proposed Budget Adjustments as outlined in the information provided. (A copy is filed with the Board's papers.)

Steps to Complete Budget:

1. Adoption and Appropriation of the 1999-00 Budget:

Mr. Klotz moved that the Board adopt the 1999-00 Budget.

Mr. Ward seconded the motion.

Mr. Klotz clarified the motion by explaining that it included the specific adjustments presented to the Board as follows:

School/Textbook Fund Adjustments
General Fund/CSA Fund Revenue Adjustments
General Fund/CSA Fund Expense Adjustments
CSB Fund Adjustments
School Improvements Fund Adjustments
Utilities Operating Fund Adjustments

Board Members generally commented on the proposed Budget.

RESOLUTION

BE IT RESOLVED that the Board of Supervisors of Hanover County does hereby adopt the County of Hanover's 1999-00 Budget as presented by the County Administrator summarized below, subject to the enumerated changes:

General Fund	$	110,575,000
Community Services Fund		5,102,298
Comprehensive Services Fund		2,837,761
School Fund		101,419,221
Textbook Fund		774,710
Cafeteria Fund		3,986,696
Industrial Development Authority Fund		143,366
County Improvements Fund		9,199,000
School Improvements Fund		29,135,000
Utilities Operating Fund		23,691,494
Utilities Improvements Fund		46,582,150
Self Insurance Fund		13,602,810

BE IT RESOLVED that all outstanding encumbrances, both operating and capital, at June 30, 1999, shall be reappropriated to the 1999-00 Fiscal Year to the same department and account for which they are encumbered in the previous year. At the close of the fiscal year, all unencumbered appropriations lapse for Budget items other than Capital Improvements. Appropriations designated for Capital Improvements will not lapse at the end of the fiscal year but shall remain appropriations until the completion of the project or until the Board of Supervisors, by appropriate ordinance or resolution, changes or eliminates the appropriation. This section applies to all existing appropriations for Capital Improvements at June 30, 1999, and appropriations in the 1999-00 Budget.

(A copy of the Budget is filed with the Board's papers.)

The members of the Board of Supervisors voted to approve this resolution as follows:

	Vote:
John E. Gordon, Jr.	Aye
Elton J. Wade, Sr.	Aye
Timothy E. Ernst	Aye
Thomas F. Giles, Jr.	Aye
R. J. Klotz, Jr.	Aye
Aubrey M. Stanley, Jr.	Aye
J. T. "Jack" Ward	Aye



KNIGHT RIDDER TRIBUNE

Lost in suburbia

Teen-agers are the 'unseen population' in community planning

BY WILLIAM L. HAMILTON
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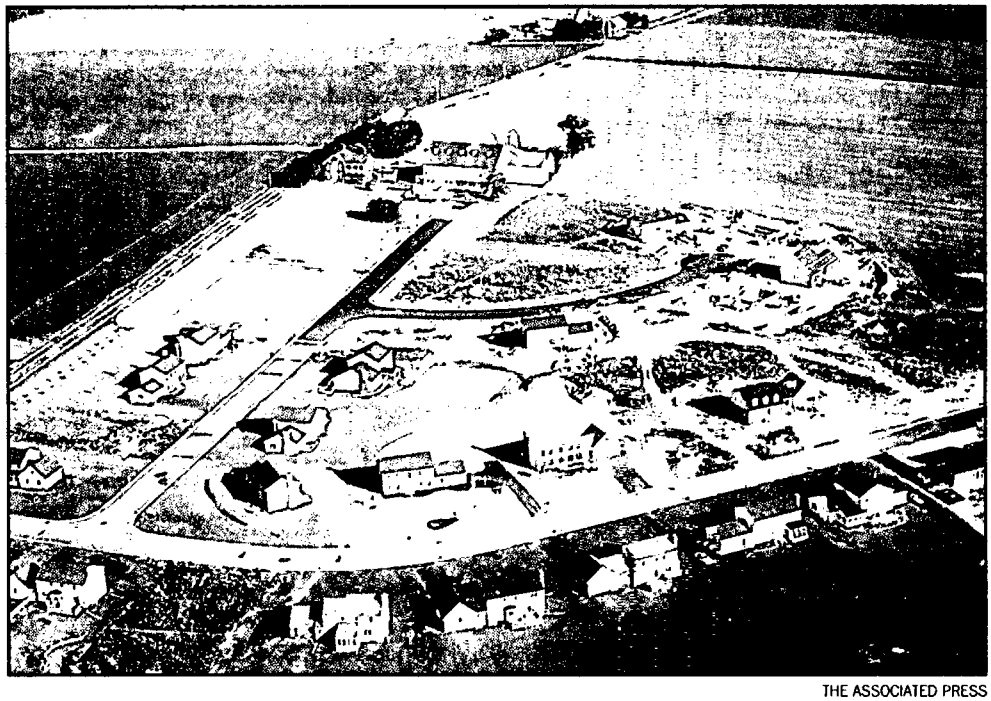
As quickly as the word alienation can be attached to the idea of youth, the image of isolation can be attached to a picture of the suburbs. Is there an unexplored relationship between them? It is a question being raised in the aftermath of the Columbine High School shootings in Littleton, a Denver suburb.

At a time when the renegade sprawl of suburbs is being intensely scrutinized the troubling vision of a nation repioneered in vast tracts of disconnected communities has produced uneasy discussion about the psychological disorientation they might house.

Invented as a solution to the sociological ills of cities, suburbs now stand accused of creating their own environmental diseases: lack of character and the grounding principles of identity, lack of diversity or the tolerance it engenders, lack of attachment to shared, civic ideals.

Increasingly, the newest, largest suburbs are being criticized as landscapes scorched by unthoughtful, repetitious building where, it

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HEADING OUT. Surburban sprawl — this picture shows homes going up on Pennsylvania farmland — has taken families from urban areas. That raises socia issues for teens.

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has been suggested, the isolation of larger lots and a car-based culture might lead to disassociation from the reality of contact with other people.

Designers of the new American suburbs, which were created as havens, say they have largely ignored or avoided one volatile segment of the population: teen-agers. In recent conversations, three dozen urban planners, architects, environmental psychologists and sociologists, and experts on adolescent development agreed that specific community planning and special places for teen-agers are missing.

"There are no questions coming from the design community about what we can be doing about this. We don't invite [teens] in."

WILLIAM MORRISH
ARCHITECTURE PROFESSOR, UNIVERSITY OF MINNESOTA

"They're basically an unseen population until they pierce their noses," said William Morrish, a professor of architecture and the director of the Design Center for American Urban Landscape at the University of Minnesota. "They have access to computers and weaponry. The sense of alienation that might come from isolation or neglect will have a much larger impact than it might have before.

"And there are no questions coming from the design community about what we can be doing about this. We don't invite them in," Morrish said.

Virtually every other special interest has been addressed by enlightened suburban designers — the elderly, the disabled, families with young children. But "it's the teen-agers I always bring up as a question mark," said Andres Duany, a planner who is a leading proponent of the "new urbanism," a model of suburban design based on principles of traditional towns.

Duany said he had only once or twice included teen-agers in the public process of planning a suburban development. "It's a good point," he said. "I should talk to the kids."

"It's the teen-agers I always bring up as a question mark. . . . I should talk to the kids."

ANDRES DUANY
RESIDENTIAL PLANNER

Though teen-agers tend to resist advice and choose their own turf as a territorial issue of establishing self-identity, most experts interviewed said design could constructively anticipate and accommodate anxieties of adolescence. They agreed that teen-agers need a place to be able to go, to congregate in and to call their own. It is a critical aspect of relieving the awkward loneliness of adolescence.

Between home and school, which are spheres compromised by the presence of parents or the pressure of performance, places for teen-agers in the suburbs are as uncommon as sidewalks.

"It's a paradoxical situation. Parents move there for their children; their children are dying to get out," said Ray Suarez, host of "Talk of the Nation" on National Public Radio and author of "The Old Neighborhood," a study of suburban migration published this month.

Like much of the Western United States, Denver is experiencing vertiginous suburban growth. From 1990 to 1996, the metropolitan area expanded by two-thirds to its current size of 535 square miles.

"Typical of the Denver metro area are the new suburbs, where 'downtown' is a four-way intersection with three shopping centers and a condo development," said Charles Blosten, community services director for Littleton's city planning division.

Highlands Ranch, Denver's largest suburban development, has its own ZIP code — "nothing but rooftops and miles and miles of nothing," Blosten said of the numbing repetitions of housing. "It's got to affect people."

The idea of place having an impact on adolescent development and socialization, only now beginning to be studied, is accepted by most experts on the suburbs.

"A culture of impersonality has developed in the suburbs," said Jonathan Barnett, a professor of city and regional planning at the University of Pennsylvania and the author of "The Fractured Metropolis: Improving the New City, Restoring the Old City, Reshaping the Region" (HarperCollins, 1996). "The standard of houses is high, but the standard of community isn't."

"It's a paradoxical situation. Parents move [to the suburbs] for their children; their children are dying to get out."

RAY SUAREZ
AUTHOR, "THE OLD NEIGHBORHOOD"

He added: "It's most people's impression of modern life."

And the people it stands to impress the most might be the impressionable people growing up there: children.

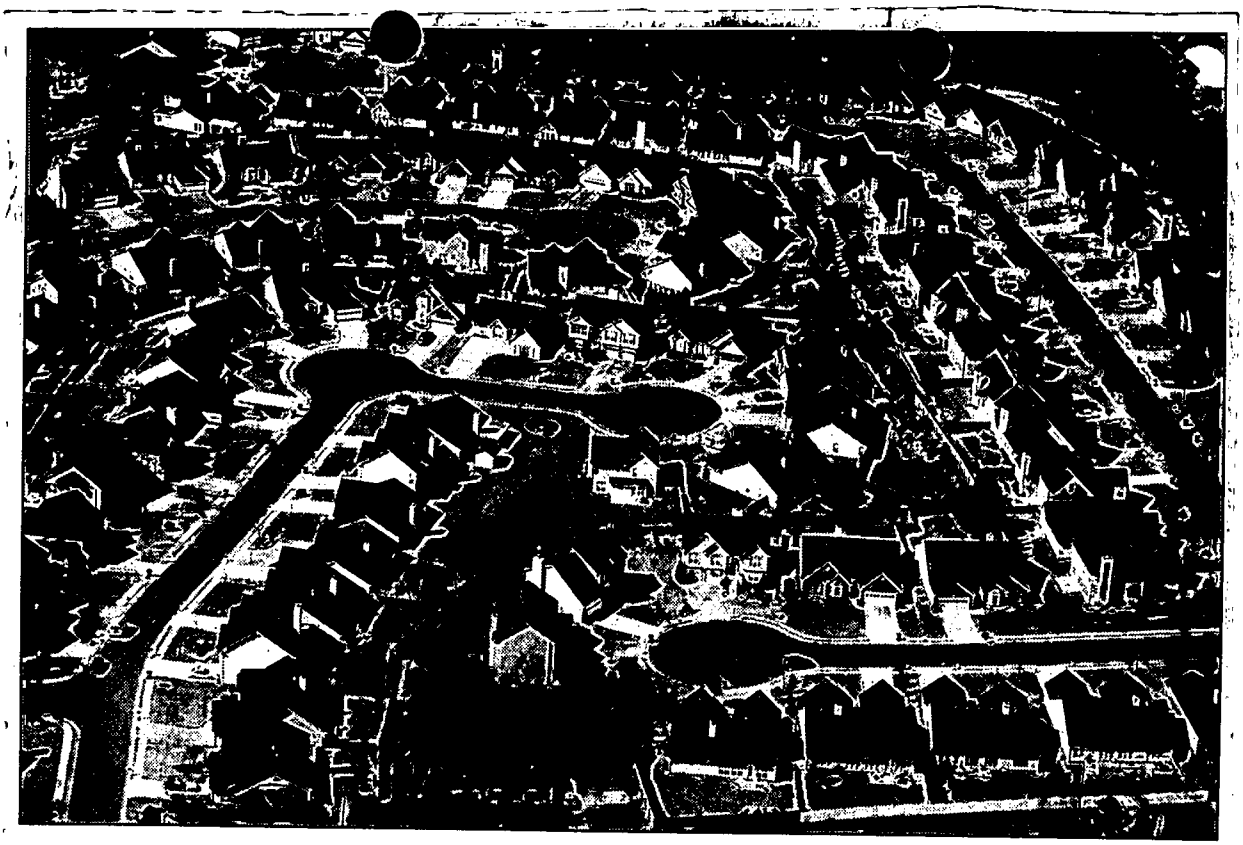
Morrish, the Minnesota professor, said he thought public transportation to metropolitan downtowns was crucial for high school students. He said the ability to access "the system" — the world adults create — was a vital form of empowerment.

"What to do after school, how to get to the city, to see other people and how to negotiate this without parents," he said, posing the issues. "Teen-agers have to have better access to the public realm and public activity."

Morrish recalled a conversation with a group of high school students who met with the Design Center, which invites teen-agers to group meetings when it is commissioned to study neighborhoods.

"One girl said, 'All I've got is the Pizza Hut,' " he said. " 'You go there a lot or you go to somebody's house. We're tired of both.' "

Between home and school, in a landscape drawn by cars and the adults who drive them, is there even a particular place that teen-agers can call their own?



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THE COMMONS. Similarly styled houses and cul-de-sacs are features of this subdivision in Duluth, Ga. Some planning officials say unthoughtful suburban design has led to isolation, which can affect teen-agers.

"A culture of impersonality has developed in the suburbs. The standard of houses is high, but the standard of community isn't."

JONATHAN BARNETT
AUTHOR, "THE FRACTURED METROPOLIS"

Peter Lang, a professor of architecture at the New Jersey Institute of Technology and an editor of "Suburban Discipline," (Princeton Architectural Press, 1997), a collection of essays, said: "In most suburbs, there's not even a decent park, because everyone has a back yard. But older kids never play in the back yard. They'll find even the crummiest piece of park."

Typically, the students at Columbine High School went to Southwest Plaza, a two-level mall that has video arcades, food courts and stores. It is supervised by guards and closed by 9 p.m.

"Like any suburban community, there's not a lot of places to go and hang out," Blosten said of Littleton. "I tell you this because that's where my daughter goes, the mall."

Lang said he thought places such as malls were not adequate gathering spaces for teen-agers, calling them, like many public suburban venues, commercially and environmentally "controlled space."

"They are not places for free expression or hanging out," he added.

Disagreeing that suburbs create greater alienation is Dr. Laurence Steinberg, a professor of psychology at Temple University and director of the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice.

But he said he thought recent tragedies such as the Littleton shooting do "wake people up to the notion that there is parental disengagement in affluent suburbs."

"We did a study on latchkey kids," he said. "The kids most likely to be left unattended for long periods were middle-class, in sprawling professional suburbs. Isolated for long periods of time, there's no counterbalancing force to fantasy."

The desire for larger, cheaper lots that has pushed suburbs to rural exurbia results in teen-agers who are alone for large parts of the day, or an alternative that might be worse.

Morrish pointed out that in communities such as Modesto, in the San Joaquin valley in central California, people commute to jobs in the San Francisco area, where they enroll their children in schools.

"Some people in California are taking their kids with them," he said, "making the kids commute."

The planners who have been most vocally and visibly at work on restructuring the suburban model have been "new urbanists" such as Duany. Their solutions to the wheeling nebulae of tract development are based on tighter concentrations of houses, businesses and public spaces connected by townlike elements — porches, sidewalks, and parks — that have largely disappeared from the new residential landscape.

"We wanted to raise our kids in a place that provided more than just a house. It's a diverse community, of age and income"

DIANE DORNEY
MOTHER OF TWO TEENS AND A RESIDENT OF KENTLANDS, MD.

If teen-agers find their place there, in new towns such as Columbia and Kentlands in Maryland or Celebration, the Disney-built town in Florida, it is not because of any bravery on the planners' part. They often foster nostalgic views of families with young children. But like conventional suburbs, they overlook the inevitability of teen-agers in their design.

Peter Katz, the co-author of "The New Urbanism: Toward an Architecture of Community" (McGraw-Hill, 1993), spoke of the importance to teen-agers of a place that existed only for them, neither hidden and ignored nor exposed and supervised — in effect, a secret place in full view.

On a visit, Katz discovered that for Celebration's teen-agers, it was a narrow bridge, "with low railings, that goes from downtown to the health club. They find each other. They sit on the railing. Cars cruise across the bridge. It's on the route to daily life — not a back alley, but not the town square."

Katz suggested that such a structure could become a conscious part of a community design for teen-agers.

For Diane Dorney, a mother with two teen-age children who lives in Kentlands, Md., a 10-year-old "new urban" suburb of some 1,800 people, the hallmarks of town life work well for both parents and children. Dorney and her husband, Mark, moved their family from a typical town house development.

"We wanted to raise our kids in a place that provided more than just a house," she said. "It's a diverse community, of age and income."

Dorney said she thought the gaze of the town created a sense of extended family and moral weight that were its most important success.

"Someone sneaking down the street to have a cigarette, they don't get away with it," she said. "I don't think teen-agers should be left on their own until they're caught at the small things. . . . When they go into the big things, they know how big they are.

"And we have another way of knowing these kids, other than the bad things," Dorney added. "They're your neighbors, too. You're always seeing them. You give them another chance."

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