

**Caroline County  
Board of Supervisors Agenda  
Executive Summary**

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**Meeting Date:** January 26, 2021

**Title:** Public Hearing - TXT-23-2020  
Revisions to the Highway Corridor Overlay District  
Regulations  
Zoning Ordinance – Article XV, Section 15

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*(Check Mark)*

Consent

Action

No Action (Information Only)

Resolution

Closed Meeting

Public Hearing

Ordinance

PowerPoint Presentation

**Summary:** Staff is bringing forward for public hearing a text amendment to include Interstate 95 within the boundaries of the Highway Corridor Overlay District. The Board held a first reading of the proposed amendment at the January 12<sup>th</sup> meeting and authorized advertisement of a public hearing.

The Planning Commission forwards the proposed amendment to the Board with a recommendation of approval.

**Budget Impact:** None

**Action(s) requested of the Board of Supervisors:** Conduct public hearing of TXT-23-2020.

**Presenter:** Michael A. Finchum, Director, Planning & Community Development



## STAFF REPORT

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CAROLINE COUNTY BOARD OF SUPERVISORS

JANUARY 26, 2021 REGULAR MEETING

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**CASE NUMBER:** TXT-23-2020- ZONING ORDINANCE ARTICLE XV, SUPPLEMENTAL REGULATIONS

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### **REQUEST**

STAFF IS BRINGING FORWARD A TEXT AMENDMENT TO ARTICLE XV, SUPPLEMENTAL REGULATIONS, SECTION 15, HIGHWAY CORRIDOR OVERLAY DISTRICT REGULATIONS.

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### **DISCUSSION**

SEVERAL DEVELOPMENT PROJECTS ARE BEING PROPOSED ALONG I-95 IN THE WESTERN PORTION OF THE COUNTY INCLUDING AT THE GATEWAY TO THE LADYSMITH COMMUNITY PLANNING AREA. RECOGNIZING THE IMPORTANCE OF AN ATTRACTIVE COMMUNITY ENTRANCE, STAFF PREPARED TXT-23-2020 THAT WOULD REVISE ARTICLE XV, SUPPLEMENTAL REGULATIONS, SECTION 15 (HCOD) TO INCLUDE INTERSTATE 95 WITHIN THE BOUNDARIES OF THE HIGHWAY CORRIDOR OVERLAY DISTRICT AND ESTABLISH A MINIMUM SETBACK FOR ALL STRUCTURES ABUTTING INTERSTATE 95.

THE BOARD HELD A FIRST READING OF THE PROPOSED AMENDMENT AT THE JANUARY 12<sup>TH</sup> MEETING AND AUTHORIZED ADVERTISEMENT FOR PUBLIC HEARING.

THE PLANNING COMMISSION HELD A PUBLIC HEARING AT A SPECIAL MEETING JANUARY 7<sup>TH</sup> AND FORWARDS THE FOLLOWING AMENDMENT TO THE BOARD WITH A RECOMMENDATION OF APPROVAL (5-0, WESTERN CAROLINE ABSENT).

A BLACKLINE VERSION OF THE PROPOSED AMENDMENT IS ATTACHED.

## **PROPOSED CHANGES IN BLUE**

**TXT-23-2020: An Ordinance to amend the Zoning Ordinance of Caroline County by amending Article XV (Supplemental Regulations), Section 15 (Highway Corridor Overlay District). The purpose of this amendment is to 1) add Paragraph 15.2.10 to include Interstate 95 within the HCOD District Boundaries and 2) modify Section 15.6.4, Lot and Other Dimensional Requirements to establish a minimum setback for all structures abutting Interstate 95.**

### **SECTION 15 – Highway Corridor Overlay District**

#### **15.1 Purpose and Intent**

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

#### **15.2 District Boundaries**

- A. The Highway Corridor District boundaries shall be as follows:
1. State Route 207 from its intersection with U.S. Route 1 to the corporate limits of the Town of Bowling Green.
  2. U.S. Route 1 from its intersection with the Spotsylvania County Boundary Line to intersection of the Hanover County Boundary Line.
  3. U.S. Route 301 south from the King George County Line to the corporate limits of the Town of Port Royal.
  4. U.S. Route 301 north from the boundary of the Fort A.P. Hill Military Reservation to the corporate limits of the Town of Port Royal.
  5. U.S. Routes 301 and 2 south from the corporate limits of the Town of Bowling Green to its intersection with the Hanover County boundary line.

6. U.S. Route 17 from the Spotsylvania County boundary line to the Essex County boundary line.
7. State Route 30 from the Hanover County boundary line to the King William County boundary line.
8. State Route 639 from the intersection of Land 'Or Drive to the intersection of State Route 633.
9. State Route 2 from the Spotsylvania County Boundary Line to the corporate limits of the Town of Bowling Green.
10. ***Interstate 95 from the Spotsylvania County Boundary Line to the Hanover County boundary Line.***

- B. Additionally, there shall be two Commercial Service Corridors designated within the Highway Corridor Overlay District. These Corridors are located in the following areas:
  1. That portion of Route 207 from the intersection of Route 1 to the intersection of Enterprise Parkway shall be further designated as a commercial service corridor.
  2. That portion of Route 639 from the intersection of Route 633 to the intersection of Route 1 shall be further designated as a Commercial Service Corridor.
- C. In lieu of the metes and bounds description, the District boundaries shall be described as parcels or developments that front on the aforementioned Routes.

### **15.3 Establishment of Districts**

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

### **15.4 Administration**

The administration of this section shall be through Article XV, Section 14, Site Plan Requirements.

## 15.5 Permitted Uses

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

## 15.6 Lot Area and Other Dimensional Requirements

### A. Setbacks

1. *Within a designated growth area, but outside of the Commercial Service Corridor, the **minimum setback** for non-residential structures fronting on a road designated in Section 15.2 above shall be twenty (20) feet from the edge of the Ultimate VDOT right-of-way as designated in the Comprehensive Plan.*
2. *Within a designated growth area, but outside of the Commercial Service Corridor, the **maximum setback** for non-residential structures fronting on a road designated in Section 15.2 above shall be fifty (50) feet from the edge of the Ultimate VDOT right-of-way as designated in the Comprehensive Plan.*
3. When the proposed development is **located within** the Commercial Service Corridor, the minimum setback shall be 20 feet from the edge of the ultimate right of way. There shall be no maximum setback.
4. When the development proposal is not located within a growth area **or abuts Interstate 95**, the minimum setback for all structures shall be: **a)** sixty-five (65) feet from the centerline of the highway, **or b)** where it is a four lane highway, from the centerline of the nearest two lanes, **or c)** **fifty (50) feet from the edge of the right-of-way for Interstate 95**, unless a greater setback is required by the underlying zoning district,
5. Nonconforming structures and uses which do not meet the setback requirements set forth in Paragraphs 1 and 2 above may have additions, alterations, and expanded use and re-use provided that there is compliance with all other aspects of the HCOD regulations.
6. Permitted uses within the required setback/landscape buffer may include the following;
  - a. Pedestrian access ways (sidewalks, trails, etc.)
  - b. Landscaping
  - c. A single monument sign constructed on a brick or masonry base not exceeding eight (8) feet in height and thirty-two (32) square feet in area, or as otherwise permitted in the underlying B-1 Business or M-1 Industrial zoning district.
  - d. A single entrance drive from the existing state highway
  - e. Retention pond(s) (outside of the required landscape buffer).

- i) If a Retention pond is located within a residential development or within one-hundred (100) feet of a dwelling unit, school, child care center, playground, shopping center, library, hospital, public institution, or pedestrian access way or similar feature it shall have security fencing consisting of tubular steel and/or aluminum with a minimum height of four (4) feet surrounding the pond.

## **15.7 Design Standards**

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

### **A. Access and Circulation**

1. All developments and uses shall have access designed and constructed so as not to impede traffic on those roads identified in Section 15.2. Access via the following means may be approved:
  - a. By the provision of shared entrances, inter-parcel travel-ways or on-site service drives connecting adjacent properties.
  - b. By access from a public highway other than that on which the property is fronted.
  - c. By the internal streets of a commercial, office, industrial or planned development.
  - d. One point of access may be permitted for every 425 feet up to 850 feet.
2. Notwithstanding paragraph 1 above, an existing parcel of land shall not be denied access to a public highway if no reasonable joint or cooperative access is possible, at the time of development. However, during the development process, provisions shall be made to satisfy the requirements of Paragraph 1 at a future date or as adjacent parcels develop.
3. Pedestrian circulation shall be provided for and coordinated with that generated from or using adjacent properties.
4. For non-residential developments that contain roads constructed to Virginia Department of Transportation (VDOT) standards and which lie within the boundaries of the HCOD, improvements shall be required. These improvements include but are not limited to the following:
  - a. Curb and gutter along the state highway and within the development.
  - b. Sidewalks and/or a pedestrian access system along the state highway and within the development.
  - c. Acceleration and deceleration lanes for the full frontage of the parcel, if required by VDOT.

- d. Left turn lanes
- e. Right-of-way dedication for the ultimate planned improvements in accordance with the Comprehensive Plan.

## **B Parking, Storage and Display of Goods**

1. All outside storage areas shall be located in the rear yard and shall be wholly screened from view of all public streets.
2. No parking, storage, or display of goods shall be permitted in the required setback.
  - a. All parking areas shall be located to the interior or rear of non-residential structures, **outside of the Commercial Service Corridor**. See Figure 1.
  - b. Where non-residential developments are designed with an internal focus, dual front elevations (one focused inwards towards the parking area and one oriented towards the highway) shall be provided.
  - c. All loading bays shall be completely screened from view with landscaped berms and/or durable architectural walls to match the building.
  - d. Notwithstanding the provisions of paragraph 2A above, where a pre-existing use on the effective date of this ordinance cannot meet the rear storage requirement due to topographic or other site constraints, then such use may be allowed a parking and/or storage area within a side yard, provided such area is located toward the rear of the lot to the maximum extent possible.
3. Parking may be permitted between secondary terminating streets and a principle structure with the approval of a General Development Plan (GDP) during rezoning or as shown on an approved site plan for development.

## **C Landscaping**

1. A landscape plan shall be required with any major site plan.
2. A landscape buffer of twenty (20) feet in width shall be provided abutting the edge of the ultimate right of way for any development **within the Commercial Service Corridor** (see Figure 2). Landscaping within the required setback/landscape area shall be required as follows;
  - a. A minimum three (3) foot high undulating landscaped berm shall be provided to eliminate or reduce vehicular light glare from adjacent properties and roadways.
  - b. A minimum of one (1) native species of canopy tree shall be required every thirty (30) lineal feet of street frontage.
  - c. At time of planting the native canopy tree shall have a minimum caliper of 2.5 inches at breast height.

- d. A minimum of one (1), native understory tree for each fifty (50) lineal feet of street frontage.
  - e. At time of planting the native understory tree shall have a minimum height of six (6) feet.
  - f. At least fifteen (15) medium shrubs for each one hundred (100) lineal feet of street frontage with small shrubs and ground cover reasonably dispersed throughout. At least 50% of required shrubs shall be evergreen.
  - g. At time of site plan a signed developers agreement shall be submitted which ensures the perpetual care and maintenance of landscaped areas.
3. A landscape buffer of twelve (12) to eighteen (18) feet in width, Figures 3 & 4, shall be provided abutting the edge of the ultimate right of way for any development **outside the Commercial Service Corridor**. Landscaping within the required setback/landscape area shall be required as follows;
- a. A 36 to 42 inch tall decorative fence shall be provided to eliminate or reduce vehicular light glare from adjacent properties and roadways
  - b. A minimum of one (1) native species of canopy tree shall be required every thirty (30) lineal feet of street frontage.
  - c. At time of planting the native canopy tree shall have a minimum caliper of 2.5 inches at breast height.
  - d. A minimum of one (1), native understory tree for each fifty (50) lineal feet of street frontage.
  - e. At time of planting the native understory tree shall have a minimum height of six (6) feet.
  - f. At least thirty (30) medium shrubs for each one hundred (100) lineal feet of street frontage with small shrubs and ground cover reasonably dispersed throughout. At least 50% of required shrubs shall be evergreen.
  - g. At time of site plan, a signed developers agreement shall be submitted which ensures the perpetual care and maintenance of landscaped areas.
4. Parking areas shall be landscaped both externally and internally.

#### D. Lighting

- 1. All lighting shall be source shielded and directed downward so that the light source is shielded from direct view from any adjoining residential or agricultural parcel and public rights-of-way. All exterior lighting shall be arranged and installed so that direct or reflective illumination does not exceed 0.5-foot candles above background levels, measured at the lot line. The measured height of all light poles shall not exceed thirty-five (35) feet.



2. Decorative/ornamental lighting, not exceeding twenty (20) feet in height, shall be required on main streets and within adjacent parking areas outside of the Commercial Service Corridor.
- E. Utilities
1. All new utility lines within a development shall be placed underground as part of the construction process.
  2. If overhead transmission and/or aerial utility lines have to be relocated they shall be placed underground and/or relocated outside of VDOT's ultimate right-of-way as depicted in the County Comprehensive Plan and the required front setback.
- F. Fencing
1. All fencing along/within any front yard or landscape buffer shall be tubular steel or aluminum, uniformly painted or stained board on board fencing, vinyl fencing, and/or a masonry wall constructed of materials which match the exterior of the principal building. Razor/barbed wire fences are prohibited.
  2. A storm water management pond shall have a four (4) foot high security fence surrounding the pond. If not located in a front yard/landscape area, black vinyl clad chain link fence may be utilized.

## **15.8 Modifications**

The Board of Supervisors may modify the standards and requirements of the Highway Corridor Overlay District upon the issuance of a Special Exception/Use Permit, upon a finding by the Board that the proposed modification meets the intent of the ordinance.