

**Article XV  
Supplemental Regulations**

**(As Amended through 09/26/2023)**

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

The following regulations shall apply to corner lots:

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

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

(Amended 01/24/23)

1. Fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yards shall be greater than four (4) feet in height with six (6) inches allowable for posts and caps, and provided that a fence or wall along the rear lot line or alongside lot line to the rear of the front setback line shall not exceed eight(8) feet in height.

Front yard fences shall be open face and not solid.

A minimum of a ten (10) foot site triangle shall be provided at all intersections and driveways as shown in figure 45 of Article II of the Caroline County Zoning Ordinance, or such greater width as determined necessary to meet Virginia Department of Transportation site distance standards.

2. Security fences for Public Utilities (generation, transmission, and distribution) may be permitted up to twenty five (25) feet in height, provided that the fence is setback at least twenty five (25) feet from the edge of the ultimate Virginia Department of Transportation right of way. Side and rear fencing shall be setback one foot from adjacent property lines for each one foot of fence height. Where an existing parcel cannot meet the aforementioned setback requirements, an encroachment may be permitted with a landscape plan that does not otherwise impact the security of the fencing and is approved by the Department of Planning and Community Development.
3. In any event no fences, walls, or hedges shall obstruct sight lines for vehicular traffic.

**SECTION 3 – Exceptions to Height Regulations**

(Amended 01/26/2021)

The height limitations specified in Article XII of this Ordinance do not apply to spires, silos, barns, public facilities and utilities, industrial HVAC and dust control equipment, chimneys, or similar appurtenances required to be placed above the roof level necessary for operational requirements and not intended for human occupancy, or as qualified elsewhere in this ordinance.

#### **SECTION 4 – Accessory Building and Uses**

(Amended 11/10/2022)

The following regulations shall apply to accessory uses and structures:

1. An accessory use or structure shall be located on the same parcel as the principle use or structure.
2. An accessory use or structure shall not be established until the principle use or structure is established.
3. An accessory use or structure is permitted in a rear yard of a single family dwelling in a Residential or Rural Residential District subject to the following:
  - (a) Accessory structures may occupy, in total, not more than 30 percent of the required minimum rear yard for the district or an area equal to the area of the single-family dwelling, whichever is less. Structures at or below grade and above-ground swimming pools shall be excluded from the lot coverage calculations.
  - (b) Accessory structures shall not exceed the height of the principle structure.
  - (c) Accessory structures must be located at least 10 feet from the nearest principle use or structure and at least 6 feet from any other detached structure.
  - (d) Accessory structures shall be located at least 40 feet from all street lines, at least 5 feet from all other lot lines unless otherwise provided by this chapter. Accessory structures shall not be located within any county easement, except that such structures may be located within a 100-year floodplain provided the structures comply with the provisions of Article XV, Section 6: Special Provisions to Flood Hazard Zones.
  - (e) Accessory structures located on double frontage lots must meet the front yard setback at the rear of the principal structure.
  - (f) Accessory uses other than structures may occupy all or part of the rear yard or side yard.
4. No trailer, semi-trailer, vehicle or manufactured home shall be used for storage or other accessory uses or structures except as qualified in Article IV.
5. An accessory structure may be permitted to be located in a front yard of a single family dwelling in the R1 zoning district subject to the following:
  - a. This provision of the ordinance shall apply only to storage structures such as sheds or garages.
  - b. The lot shall be pre-existing under the Chesapeake Bay Preservation Act.
  - c. A Resource Protection Area shall be present and encompass the side and/or rear yard, such that the accessory structure cannot be placed in the side or rear yard with mitigation.
  - d. Only one accessory structure will be permitted in the front yard of a single family dwelling lot and the Accessory structures shall not occupy, in total, more than 30 percent of the required minimum yard for the district or 30 percent of the gross floor area of the single family dwelling, whichever is less. Structures at or below grade shall be excluded from the lot coverage calculations.
  - e. The accessory structure shall not exceed the height of the principle structure.
  - f. The accessory structure shall be located at least 10 feet from the nearest principle structure and at least 6 feet from any other detached structure.
6. An accessory garage may be permitted in a front yard of a single-family dwelling on a corner lot in the R-1 zoning district subject to the following
  - a. The lot meets the requirements for corner lots in Article II Figure 55 and Article XV, Section 1 of this ordinance

- b. Only one such accessory structure shall be permitted in the front yard of a single-family dwelling lot.
- c. The garage shall not occupy more than 30 percent of the required minimum yard or 30 percent of the gross floor area of the single-family dwelling, whichever is less.
- d. The garage shall be located at least twenty (20) feet from the property/street line and five (5) feet from any abutting residential lot line.
- e. Adequate space is provided to meet the required off-street parking outside of the public right of way.
- f. The entrance is approved and permitted by VDOT.
- g. The garage shall not front on the same street as the principal dwelling.

**SECTION 4A – Permitted Front Yard, Rear and Side Yard Extensions**

(Amended 1/29/04)

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

**Permitted Front Yard Extensions:**

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

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

**Permitted Rear & Side Yard Extensions**

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

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

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

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

**SECTION 6 – Flood Hazard Zones**

Repealed and Replaced 1/27/09

Repealed 12/14/2021 (refer to Chapter 45 of the County Code)

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

(Amended 10/24/95)

1. Area, Maximum Units, Occupancy
  - a. The minimum area for each manufactured home park shall be twenty (20) acres.
  - b. The maximum number of manufactured home units permitted in any one manufactured home park shall be one hundred and fifty (150).
  - c. No occupancy permit shall be issued to a manufactured home park until at least twenty-five (25) manufactured home spaces shall be completed and ready for occupancy.
2. A register shall be kept by every manufactured home park or trailer camp operator for three (3) years, which shall at all times be available for inspection by law enforcement officials and for representatives of the Board of Supervisors whose duties necessitate acquisition of the information contained in the register. The register shall show the name of each manufactured home occupant, his address and lot number, name, model and identification number of the manufactured home and number of bedrooms. In addition, all manufactured home parks and camp operators shall, on or before the 15<sup>th</sup> of January each year, provide the Commissioner of Revenue of Caroline County with three (3) copies of a verified list of all manufactured homes with information as required herein for the previous year ending December 31.
3. Improvements within lots
  - a. Regulations on individual lots not specifically provided for in this article shall be governed by the Virginia Statewide Uniform Building Code.
  - b. Manufactured Home Lot. The size of each manufactured home lot shall be suitable to fit the dimensions of manufactured homes anticipated, including appurtenant structures, and including required distance between manufactured homes as set forth herein. Each space shall be located at such elevation, distance, and angle to an access street that placement and removal of the manufactured home is practical. Each space shall be of such material as to provide for the support of the maximum anticipated loads during all seasons, and constructed with an adequate longitudinal gradient and with a crown or cross gradient for surface drainage.
  - c. Distance between units. There shall be twenty-five (25) feet or more distance between individual manufactured homes including additions or accessories as permitted by this Article.
  - d. Markers for Manufactured Home Lots. There shall be posted on each manufactured home, and visible from the street, a number to correspond to the number of the lot as shown on the site plan.
  - e. Every manufactured home must bear the H.U.D. Seal of Approval and be built on or after June 15, 1976 in order for an occupancy permit to be approved.
  - f. Additions to Manufactured Homes. No permanent or semi-permanent structure shall be affixed to any manufactured home as an addition to such manufactured home, nor shall any accessory structure be permitted on any manufactured home lot except as provided for herein. The prohibition against any addition to or accessory to a manufactured home shall not apply to a canopy or awning designed for use with a manufactured home, nor to any expansion unit or accessory structure specifically manufactured for manufactured homes. A patio or deck may be provided for use by the occupants of manufactured home provided said patio or deck is no larger than 180 square feet and extends no further than ten (10) feet beyond the manufactured home and provided that it is not permanently attached to the manufactured home.
  - g. Tenant Storage. A storage facility no larger than one hundred-fifty (150) square feet may be located on any manufactured home lot provided that such facility will not detract from the appearance of the park, and will be constructed of a weather resistant material.

- h. Walkways. Shall be provided on each manufactured home lot. Said walkways shall connect the front entrance of the manufactured home with the parking space or street. Walkways shall be constructed of a four (4) inch layer of aggregate or other suitable material appropriate for safety, convenience, and appearance.
- i. The open space beneath each manufactured home shall be skirted in a manner approved by the County Building Official.
- j. Steps shall be provided at all entryways to the manufactured home, in accordance with the Virginia Statewide Uniform Building Code.

#### 4. Parking Spaces

- a. Each manufactured home lot shall be provided with a minimum of two parking spaces. At least one of the required spaces shall be located on each manufactured home lot. The remaining parking space may be located on the manufactured home lot or may be provided in a common parking area convenient to several manufactured home lots.
- b. Each parking space shall be not less than ten (10) feet wide and twenty-five (25) feet long.
- c. Parking spaces shall be constructed of crushed stone or other durable hard material suitable for all weather use, shall have unobstructed access to a common street within the manufactured home park.
- d. No parking space or driveway serving an individual manufactured home lot shall have direct access to any state-owned road, unless such road is located wholly within the manufactured home park.
- e. No parking shall be permitted on the pavement or shoulder or common streets within the manufactured home park.

#### 5. Streets and Roads

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

#### 6. Improvements within Parks (General)

- a. Water. Water shall be supplied by an approved water system. In the event that a manufactured home park is located within one thousand (1000) feet of a public water system trunk line having adequate capacity to serve the manufactured home park, water shall be supplied by the Public Water System. The use of individual wells is hereby prohibited.
- b. Sewer Facilities. All waste or wastewater from any faucet, toilet, tub, shower, sink, slop-sink, drain, washing machine, garbage disposal unit or laundry shall empty into an approved sewer system.

In the event that a manufactured home park is located within one-thousand (1000) feet of a public sewer system collection line having adequate capacity to serve the park, connection shall be provided to the public sewer system. The discharge of waste or wastewater into a septic system is hereby prohibited.

- c. Garbage and Trash. Each manufactured home lot shall have garbage and trash receptacles in sufficient quantity within one hundred (100) feet of the lot. The receptacles shall be kept in sanitary condition. Garbage and rubbish shall be collected and disposed of, as frequently as may be necessary, but not less than twice weekly, at least three days apart, to insure the receptacles do not overflow.
- d. Electric Lighting and Outlets. All entrances, exits and driveways shall be lighted at night. Not less than one hundred (100) watt electric light or equivalent shall be provided for each two hundred (200) lineal feet of internal driveway and at each entrance and exit to the manufactured home park. At least one receptacle outlet for each manufactured home space shall be provided.
- e. Recreational Area. Each manufactured home park shall provide a multiple purpose, developed recreational area of at least 20,000 square feet or four hundred (400) square feet per lot, whichever is greater. In parks containing one hundred (100) or more lots, two separate recreational areas may be provided if each area contains at least 20,000 square feet. Recreational areas shall be convenient to park residents and shall be suitable for recreational purposes.
- f. Buffer Zone. Each manufactured home park shall be surrounded by a fifty (50) foot width of area on all sides that shall be maintained in a naturally vegetated condition. Such buffer strips shall not be used for any purpose and shall not be designated as recreational areas. Reasonable fencing shall be erected along boundary lines of the manufactured home park as required by the Planning Commission.
- g. Walkways. Common walkways of at least three (3) feet in width and constructed of a four (4) inch base of aggregate topped by a two (2) inch layer of asphalt, shall be located in areas of the park where pedestrian traffic is concentrated.
- h. Postal Delivery. A central postal delivery station shall be provided in each manufactured home park. Individually located mail compartments shall be provided at the postal delivery station for each lot in the manufactured home park, and shall conform to the standards of the United States Postal Service. The central postal delivery station shall be located within the boundary of the manufactured home park. Adequate provision for access mail shall be made to prevent interruption of traffic circulation by motorists stopping to collect mail.

**SECTION 8 – Development Standards**  
(Adopted 05/25/04; Amended 11/09/2021)

**A. Standards for Contractor's Office, Equipment, Storage, and Sales Facilities**  
(Adopted 05/25/04)

**1. General Standards**

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

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

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

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

- a. Minimum lot size shall be ten (10) acres.
- b. The facility shall be located only on the same lot owned and occupied, as his primary residence by the owner of the facility.
- c. Access to state roads shall be limited to major collectors and arterials as identified in the Caroline County Comprehensive Plan.
- d. The parcel subject to this use shall be a parcel of record as of as of the effective date of this ordinance.
- e. Signage is limited to a single monument style sign no greater than 6 feet in height and twenty-four (24) square feet in area.
- f. The applicant shall have owned and resided on the parcel and owned the Contractor's Office, Equipment, Storage and Sales Facility as of the effective date of this ordinance.
- g. The sale of equipment and materials shall be prohibited.
- h. The maximum number pieces of equipment and motor vehicles shall be 20. This includes but is not limited to dump trucks, trailers, earth moving equipment, tractors, and similar types of equipment.

**B. Standards for Communication Facilities**

(Adopted 05/25/04; Amended 01/26/2021)

1. Each applicant for a tower shall provide the Department of Planning and Community Development with an inventory of its existing facilities that are either within the jurisdiction of the governing authority or within five miles of the border thereof, including specific information about the location, height, and design of each tower. The Planning Department may share such information with other applicants applying for approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Planning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for use by others.
2. An engineering report certifying that the proposed tower is compatible for a minimum of four (4) users, must be submitted by the applicant. The applicant shall also permit collocation by additional users without requiring any form of reciprocal location agreement from subsequent users. The provision may be modified by the Board of Supervisors in conjunction with paragraph 14, when a lower height is approved by the Board of Supervisors and collocation of four (4) users is not possible.
3. A preliminary site plan of the proposed facility shall be submitted to the Department of Planning and Community Development as a part of the submittal. The applicant must provide Caroline County with detailed information regarding the proposed facility's location, latitude and longitude.
4. The facility shall not interfere with the radio, television or communications reception of nearby residents at the time of construction. The applicant shall take steps to successfully eliminate any such interference.
5. All towers and other structures shall meet all safety requirements of all applicable building codes.
6. All towers shall be set back from any property line per the zoning district requirements set forth in Article XII of the Caroline County Zoning Ordinance. The entirety of the collapse zone shall be contained on the parcel of request.
  - a. Setbacks from residential dwelling units shall not apply to the property owners' construction of a residential dwelling subsequent to erection of the tower.
  - b. No setback shall be required adjacent to VDOT right-of-way for an interstate highway. Setback requirements from residential dwelling units, however, shall supersede this provision.

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

7. Documentary evidence of compliance with all Federal Aviation Administration and Federal Communication Commission requirements shall be submitted by the applicant at the time of application for the special exception. If any approval for the wireless facility or structure has been granted by a federal agency, provide a copy of that approval, including any conditions imposed by that agency.
8. Unless otherwise allowed under the conditions of a special use permit, or as a requirement of the Federal Aviation Administration, all structures shall have a galvanized steel finish. If painting is required by the FAA, documentary evidence from the FAA requiring such painting must be provided to the County by the applicant.

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

9. All applicants must provide documentary evidence that the facility will meet or exceed applicable health standards established by the Federal Government and/or American National Standards Institute.



10. No advertising of any type may be placed on the tower or accompanying facility.
11. All tower structures must be dismantled by the owner of the structure if not utilized by a service provider or properly maintained for a period exceeding twenty-four (24) consecutive months. The applicant shall post surety in an amount sufficient to cover the direct costs of removing the facility. Surety shall be submitted to and approved by the County prior to site plan approval.
12. Maximum tower height (including appurtenances such as lightning rods) shall be 199-feet, however, the Board of Supervisors may approve a greater height based upon the following criteria: (Amended 2/20/2007)
  - a. The tower shall generally support the County's policy of maintaining the County's rural and historic characteristics by not creating a visually adverse impact on residences (other than a residence on the subject parcel), historic sites or scenic roadways;
  - b. The tower shall be located in areas designated in the Zoning Ordinance as Rural/Agricultural Preservation where existing topographical features provide significant visual buffer between the tower and nearby residences and/or businesses located on adjacent or surrounding parcels.
  - c. It shall be demonstrated to the Board's satisfaction that the additional height will provide more effective coverage and more effectively meet the communication needs of the residents of Caroline County than a 199-foot tower. However, at no time shall such a tower exceed a maximum height of 300-feet.
  - d. It shall be demonstrated to the Board's satisfaction that the additional height will decrease the overall number of towers in the County.
  - e. Only those areas of the County designated as Permitted Commercial Tower Development Areas (PCTDAs) as set forth in the Caroline County Communications Tower Master Plan, prepared by Atlantic Technologies, dated December 21, 2006, are eligible to have a maximum tower height in excess of 199-feet.
13. The tower owner shall annually provide the Planning Department and the Commissioner of Revenue a report with the names, addresses, contacts, structures and equipment for all providers utilizing the tower.
14. The tower shall be constructed and at least one PCS/cellular user located on the tower within twelve (12) months of the date of issuance of the special exception or approval shall be null and void. The applicant shall post surety in an amount sufficient to cover the costs of dismantling. Surety shall be submitted to and approved by the County prior to site plan approval.
15. The applicant shall be responsible for any costs incurred by the County for review of the application.

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

(Adopted 11/23/04)

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

**D. Standards for Antique Shops**

(Adopted 02/08/05)

1. The structure used for an antique store must resemble a historic farm house or similar agricultural structure in its design and site layout. When a new structure is proposed to be used an architectural rendering of the outside elevations shall be required.
2. Engineered steel buildings are not permitted to be used as antique stores or for any accessory buildings on the site.
3. A single paved entrance from a Virginia Department of Transportation maintained road is required.
4. A site plan in accordance with Article XV, Section 14 shall be required.
5. No outdoor auctions are permitted.
6. Except for security purposes there shall be no outdoor lighting permitted.
7. There shall be only a single, non-illuminated, monument style sign permitted not to exceed 4 feet in height and 32 square feet in area.
8. There shall be no inoperable motor vehicles stored outside a fully enclosed building.
9. There shall be no outdoor storage of any materials, products, or substances.
10. There shall be no shipping containers, truck bodies, trailers, semi-trailers, mobile homes or other similar structures located on the site.

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

(Adopted 08/09/05)

1. The owners of the principal structure and occupants of the in-law suite shall sign an affidavit duly acknowledged before some office authorized to take acknowledgments of deeds and have the instrument recorded as an addendum to the deed for the property.
2. In-law suite shall not be counted as part of the permitted density under an approved development plan.
3. The in-law suite is to be integrated into the principal structure on the property or be located in a detached garage and shall not alter the appearance of the single-family dwelling. The principal structure must be occupied by at least one of its owners and used as a principal residence.
4. The occupants of the in-law suite must be family members of the occupant(s) of the single-family dwelling as the term "family" is defined herein. For families defined in (v) of the definition of "family," the total number of non-related individuals residing in the principal dwelling and in-law suite cannot exceed four (4).
5. The in-law suite may not be rented or occupied by non-family members of the occupant(s) of the single-family dwelling, except in accordance with Article XI, Division 3, Section 2.2 Conditional Uses and an amendment to any applicable proffers associated with the approved development plan.
6. The in-law suite shall not be occupied by more than two (2) people.
7. The maximum gross square footage for an in-law suite shall not contain more than 750 (gross) square feet as measured from outside dimensions.
8. The in-law suite shall have only a single bedroom.

9. The in-law suite shall not have separate electrical nor other utility service connections.
10. The in-law suite shall not have a separate physical address.

**F. Standards for Accessory Apartment**

(Adopted 08/09/05)

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

**G. Standards for Commercial Nursery/Greenhouses**

(Adopted 3/21/06)

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

9. There shall be at least a minimum of five (5) parking spaces, and one truck loading/unloading area shown on the GDP and site plan. All such parking and loading areas shall be screened from view from public right-of-ways and adjoining parcels.

#### **H. Standards for Towing Storage Lot**

(Adopted 4/11/06)

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

**I. Standards for Timbering and Harvesting within the Industrial Zoning Districts**

(Adopted 7/14/09)

1. Timber harvesting shall be permitted in accordance with the standards for the Rural Preservation (RP) District.
2. Timber harvesting is not permitted once any permit or site plan application has been submitted, except as permitted by the by the Plan of Development process.
3. Upon permit or site plan application, all buffers and yards required by Article XII (Lot Area and Other Dimensional Requirements), Article XV, Section 15 (Highway Corridor Overlay District) and Article XV Section 17 (Chesapeake Bay Preservation Areas), which may have been modified under standard one (1) above, shall be restored in accordance with the Plan of Development process.

**J. Standards for Artist Studio**

(Adopted 06/12/07)

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

**K. Major Golf Course subject to the following development standards**

(Adopted 09/09/08)

1. Such a facility shall be located on a property of at least 120 acres in area in order to provide the required amenities, and shall be arranged in a manner to buffer adjoining properties from lights, noise and provide safety for participants, spectators, visitors and neighboring properties.
2. A "pro- shop" or similar retail facility strictly for the sale of equipment on the premises may be permitted provided that its size, location and related parking area(s) is compatible with the proposed facility.
3. Practice areas such as driving and practice ranges/putting greens for golf shall be located to reduce adverse impacts on adjoining properties to the greatest extent possible.

4. Lodging on the property may be permitted subject to the following provisions;
  - a. Lodging shall be located in permanent structures such as hotels, motels or within a series of individual buildings. Lodging is not permitted within mobile/manufactured homes or recreational vehicles except as specifically approved for specific situations such as tournaments or special events. The proposed use of such structures or vehicles must be a part of the proposed Special Exception and must be addressed and approved by the Board of Supervisors prior to such usage.
  - b. Buildings in which lodging is utilized should be screened from adjoining properties.
5. Night lighting is prohibited, unless it is approved explicitly within the Special Exception in circumstances where the proposed lighting is designed so as to minimize adverse effects on neighboring properties.
6. All sanitary facilities shall be approved by the Virginia Department of Health and located within a permanent structure on the property. Temporary portable facilities shall not be utilized except as approved within the individual special exception and only in short-term special circumstances.
7. All food and drinks served on the premises shall have the applicable permits from the Virginia Department of Health.
8. The sale/use of alcoholic beverages shall only be permitted if approved in conjunction with the special exception and shall require a license/permit from the Virginia Department of Alcohol and Beverage Control.
9. All proposed uses, including courses, practices ranges, restaurants, lodging, "pro-shops," retail facilities, lighting, and conference/meeting areas shall be shown on the General Plan of Development for review and approval by the County.

**L. Standards for Private Roads**

(Adopted 8/11/09)

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

1. The requirements of the Virginia Department of Transportation ("VDOT") necessary for the dedication of roads into the Virginia state secondary system of highways ("state secondary system") will not permit the development of the proposed subdivision in a manner that is in harmony with the surrounding character of the neighborhood or under an approved development design theme (i.e.: Equestrian theme, Fishing Village theme, Williamsburg theme, etc.) resulting in the need to utilize one or more private roads to serve such subdivision.
2. All private roads shall be constructed to provide vehicular access that is designed and constructed to comply with VDOT's standards in every respect. The design, construction and maintenance of all private roads will facilitate the transfer of each private road into the state secondary system should such transfer be desirable at a later date.
3. Proposed private roads, based upon anticipated traffic generation volume, shall be adequate to serve the property to be developed and provide adequate emergency vehicle access to the subdivision. An independent impact analysis may be required at the developer's expense to determine the adequacy of the proposed roads and design thereof.
4. Alleys may be used to provide vehicular access to the rear of lots or buildings. Alleys are intended only to provide access to the lots and buildings that are contiguous to them and are not for general traffic use. All alleys shall be designed, built and maintained so as to be consistent with all applicable VDOT and Caroline County standards.

5. In the RP and AP Districts, the subject property shall have road frontage on a road designated as a minor collector or higher in the VDOT Functional Classification System. The subject property shall have sufficient frontage to allow the installation of all necessary improvements required by VDOT, but in no case shall be less than fifty (50) feet.

6. Maintenance

(a) Before the sale of any lot in any subdivision in which one or more private roads is platted:

(i) a homeowner's association for such subdivision which shall own the right of way and road improvements there in, shall be created and incorporated at the Virginia State Corporation Commission, At a minimum, such association shall have the authority to charge annual dues and levy fees upon all property in the subdivision to pay the costs of administration of the association, the maintenance of all private roads serving the subdivision or any part thereof, and all other fees and expenses incurred by the association in accordance with its organizational documents. Every property in such subdivision shall be made subject to a deed or deed of declaration that shall provide for such homeowner's association as set forth above, and shall in addition provide that any association fees or dues that are not paid when due shall become a lien upon the real estate against which they were assessed. All such homeowner's associations shall be given the power, authority and obligation in their organizational documents to maintain all private roads serving the subdivision in good condition and repair so as to be reasonably free of potholes and other hazards at all times, including without limitation, the prompt removal of ice and snow.

All such private roads shall be maintained in a condition and to a standard that would permit their acceptance at any time into the state secondary system. Failure to meet such standard of maintenance may result in maintenance being performed by the service district established pursuant to the provisions of subparagraph (ii) hereafter with a resultant tax being assessed against each property in said service district; and

(ii) a service district for each such subdivision shall be established pursuant to the provisions of Section 15.2-2400, et seq., of the *Code of Virginia*, 1950, as amended, for the maintenance of all private roads serving such subdivision or any part thereof in the event such maintenance is not adequately performed by the subdivision's homeowner's association. Such service district and the ordinance creating the same shall be satisfactory to the Board of Supervisors in all ways, including without limitation, its boundaries, aggregate assessed property value, and authorized services, powers and authority.

(b) The owner or owners of any real property on which a subdivision or development subject to these private road development standards is proposed shall, prior to the sale of any lot or parcel within such subdivision or development, petition the Board of Supervisors of the county to create by ordinance the service district described in subparagraph 5,a,(ii) above, and the establishment of such service district, together with the establishment of the homeowner's association described in subparagraph 5,a,(i), shall be a condition of any special exception permit granted that allows the use of private roads in any such subdivision or development.

(c) Every final plat, deed of declaration and deed of division of land involving a private road shall contain a statement by the subdivider that clearly states that all private roads within that division of land are not publicly maintained and shall be collectively maintained by the owners of all lots in the subdivision, whether or not such lots are directly served by such private roads, through a homeowner's association or service district established for that purpose, the cost of which shall be paid for solely and exclusively by the owners of the property in that subdivision.

(c) Every deed of conveyance for a lot included in a subdivision served by one or more private roads shall include the following declarations:

- (i) This property is served by one or more private roads that are not maintained at public expense, but are part of a service district formed for the purpose of road maintenance should the homeowner's association fail to do so in an adequate manner. All expenses of operation of the service district, including, without limitation, road maintenance and administrative costs, are paid for by the imposition of a special tax on property within said service district.
- (ii) No request to have this property served by a public road shall be made or considered unless and until all private roads in said service district are dedicated and accepted into the state secondary system. Such dedication shall be at no cost to the county or VDOT.
- (iii) Membership in said service district is mandatory for the owners of all property within the service district. Non-payment of any tax assessed against a property in said service district shall result in a tax lien against such property.
- (iv) At the time of dedication of any private road, all applicable VDOT standards must be met and approved prior to such dedication and transfer.

7. All lots shall meet the minimum lot size for a conventional lot in the respective zoning district in which it is located.

#### **M. Standards for a Crematory**

(Adopted 11/24/09)

- 1. Permitted only as a part of a funeral home; cremations must be performed in conjunction with ceremonies and/or services being provided by the funeral home.
- 2. Crematory may be contained within the same building as the funeral home or a separate building located on the same lot. If a separate building, it shall be compatible as to the architectural size, design and scale of the funeral home.
- 3. If located in a separate structure, it shall be located on the same parcel as the funeral home, and in all respects shall be considered as an accessory to the funeral HOME.

#### **N. Standards for a Boarding School**

(Adopted 04/09/13)

- 1. Minimum acreage for a boarding school shall be 85 acres.
- 2. Copy of applicable licensing through the Department of Education and accreditation information from Virginia Association of Independent Schools, Association of Christian School International, Southern Association of Colleges and Schools, or other such association, shall be provided.
- 3. All improvements shall be a minimum of 250 feet from the property line and shall maintain a minimum 100 foot natural buffer where one exists. If no natural buffer exists, a minimum 100 foot landscaped buffer shall be installed.
- 4. Parcel must have direct access to a Virginia Department of Transportation maintained roadway.
- 5. A complete application must include, but is not limited to, the following information:
  - a) Type of curriculum
  - b) Student body description



- c) General Development Plan for project
- d) Extra curricular activities
- e) Security Plan

**O. Standards for Special Events Facility**

(Adopted 09/12/2023)

1. Parking shall be located in designated areas, screened from view of public roads and abutting properties, and clearly identified on the site plan.
2. Parking and/or loading on public rights-of-way or private ingress/egress easements serving adjacent properties shall not be permitted.
3. The permitted capacity shall be determined with the Special Exception for the Special Events Facility, but in no case shall exceed three hundred (300) people, excluding caterers.
4. Events shall be invitation only and not open to the public, except that the Board of Supervisors may permit up to four (4) public events open to the public per calendar year.
5. All applicable licenses and permits shall be obtained prior to any event.
6. Hours of operation shall be as required by the Board of Supervisors.
7. The facility shall meet the applicable commercial entrance requirements of the Virginia Department of Transportation, unless a greater standard is required by the Board.
8. All outdoor noise sources shall be located and directed internally so as to minimize impacts to neighboring properties. Noise limits shall not exceed the district standards established in chapter 68 of the Caroline County Code.
9. Any outside lighting utilized will be source shielded and downward facing. Foot candles shall not exceed 0.5 at the property lines.
10. The facility owner shall be responsible for ensuring compliance with these standards and any other conditions imposed by the Board of Supervisors in granting a Special Exception Permit.

**P. Standards for Rural Resorts**

(Adopted 09/23/14)

1. The minimum parcel size shall be 200 acres. Minimum acreage for the special exception shall be 200 acres.
2. A minimum buffer of 200 feet shall apply along all abutting property lines. No buildings, lighting, parking or active recreational facilities are permitted in the buffer. If buffer is not vegetated at time of development, vegetation shall be required to screen recreational uses from abutting parcels.
3. A minimum of 75% of the portion of the property subject to the special exception shall remain in open space. Recreational uses are permitted in the required open space, except as otherwise restricted by Paragraphs 2 and 3, above, or conditioned by the Board of Supervisors.

- The number of lodging units allowed is as follows:

<b>ACREAGE</b>	<b>MAX NUMBER OF GUEST ROOMS</b>
200 - 249 ACRES	25 ROOMS
250 - 499 ACRES	50 ROOMS
500 - 749 ACRES	75 ROOMS
750 - 999 ACRES	100 ROOMS
1,000 + ACRES	150 ROOMS + 1 ADD'L ROOM PER 25 ACRES OVER 1,000

- Lighting shall be designed to maintain the rural character of the area and shall be no more than 0.5 foot candles at all property lines and public rights of way. All lighting shall be source shielded and directed downward.
- A monument style sign of not more than 10 square feet in area and no more than 6 feet tall is permitted. If the sign is to be illuminated, it shall be down lit.
- Elevations for all proposed buildings shall be submitted, reviewed and approved by the Board of Supervisors with the special exception application.
- The property owner shall notify the Department of Planning & Community development of any change in ownership within 14 days of recordation.

**Q. Standards for a General Store**

(Adopted 09/23/14)

- Elevations and renderings for proposed General Store shall be submitted, reviewed and approved by the Board of Supervisors with the special exception application.
- Retail space shall not exceed 4,000 square feet. Retail space being the floor area dedicated to the retail use, not to include restrooms, storage and mechanical areas.
- Building materials shall be in keeping with the rural character and nature of the surrounding area.
- Proposed fencing that is visible from public rights of way shall be decorative in nature.
- All other requirements of Article XVII, Section 13 shall be met.

**R. Standards for Property Manager's Residence**

(Adopted 03/25/14)

- The minimum parcel size shall be 50 acres and not eligible for subdivision due to applicable state and/or local requirements.
- The gross floor area of the Property Manager's Residence shall not exceed 2,500 square feet. However, in no case shall the gross floor area exceed fifty percent of the gross floor area of the principal dwelling.
- The property manager's residence shall have a separate well and septic system.
- The design of the Property Manager's Residence shall be architecturally compatible with the principle structure, which shall be submitted at the time of application and approved with the Special Exception.
- No more than one property manager's residence shall be allowed per parcel.

**S. Standards for Temporary Quarters for Industrial Facilities**

(Adopted 02/10/15)

1. Parcel shall be a minimum of 150 acres.
2. Lodging Buildings are allowed as an accessory use only to a facility that is research, experimental and testing, or manufacture or assembly of previously prepared materials; or electrical and electronic apparatus.
3. The principal use shall contain a minimum of 250,000 square feet of floor area, with a minimum of 60,000 square feet devoted to office, design and/or research and development uses
4. Such facility shall be a secure, limited access facility that is not open to the general public.
5. The building(s) shall be located on the same parcel as the manufacturing facility.
6. Such building shall have no more than six (6) bedrooms and one kitchen.
7. Lodging shall be provided without compensation.
8. Maximum lodging time by any one individual is not to exceed 180 days in a calendar year.
9. Use of such facilities by individuals permanently employed on site at the facility is prohibited.
10. The Department of Planning and Community Development shall periodically inspect the lodging building(s) to ensure continued compliance with the applicable codes and standards.
11. An annual report of the usage of the Lodging Buildings, including the occupants and their function, shall be provided to the Department of Planning and Community Development. Interim reports shall be available for review during inspections in accordance with condition 10 above.
12. If the buildings are not used for eighteen (18) consecutive months, then the buildings shall be removed.

**T. Standards for Motor Vehicle Repair/Service Facilities**

(Adopted 03/13/18)

1. Outdoor display and storage of goods is prohibited;
2. All repairs/services shall be performed inside the building;
3. Sales of parts for repair/service shall be accessory to the services provided; and
4. Vehicle inspection services are permitted.

**U. Standards for Keeping of Domestic Hens**

(Adopted 05/08/18)

1. Domestic Hens may be kept on residential lots in the R-1, R-2, RR-2, and RR-5 zoning districts.
2. Minimum lot size to keep domestic hens shall be no less than 15,000 square feet
3. Roosters shall not be permitted.
4. Hens shall be limited to six (6) hens on properties 1 acre or less.
5. Two (2) hens shall be permitted for each half acre greater than 1 acre up to a maximum of 14 hens.
6. Hens shall be kept in an enclosure which meets the following specifications:
  - a. An accessory pen/coop-must meet all accessory structure setbacks.
  - b. Pen fences must be a minimum of 3 feet and a maximum of 5 feet in height.
  - c. Pen shall be covered with chicken wire.
  - d. Enclosure shall have a shaded area for the hens to roost and shall not exceed 8' in height.
  - e. Should hens be allowed to roam in the backyard a six foot board on board fence shall be required in the R-1 or R-2 zoning districts.
  - f. Enclosure shall not be located in any front yard.
  - g. Enclosure shall be kept clean of debris and waste on a weekly basis or as necessary.

7. Hens must be penned from dusk until dawn on a daily basis.
8. Slaughtering of hens shall be allowed in an enclosed structure or completely out of view of any surrounding structures.
9. Eggs or meat shall not be sold.
10. Domestic hens shall be banded with owner name and address.
11. Should domestic hens get loose more than three (3) times in a twelve (12) month period, the owner shall be subject to zoning violations.

**V Standards for Minor Solar Energy Projects-**  
(Adopted 05/25/21, Amended 11/10/2022))

1. The aggregate Rated Nameplate Capacity of all permitted and approved minor solar energy projects shall not exceed one-hundred (100) megawatts (MW) AC, provided not more than twenty (20) percent of the aggregate Rated Nameplate Capacity of all approved projects shall be five (5) megawatts or less.

**Paragraph 2 repealed 11/10/2022**

2. ~~Minor solar energy projects may be permitted in the Rural Preservation and Agricultural Preservation Zoning Districts, except as qualified below:~~
  - ~~(a) The project shall not be located on property within one half mile of the boundary of a designated growth area as identified in the Caroline County Comprehensive Plan.~~
  - ~~(b) The project shall not be located on property with conservation or open space easement(s) as recorded in the land records of Caroline County.~~
  - ~~(c) The project shall not visually impact any road designated as a Highway Corridor Overlay District, except that vehicular access to a facility shall be permitted.~~
  - ~~(d) The Board of Supervisors may modify this standard upon application for and approval of a Special Exception/Use permit specific to the provision of this standard for which a modification is requested, upon a finding by the Board that the applicant has demonstrated that the proposed modification reasonably protects and promotes the public health, safety, and welfare with respect to the application.~~
3. The project shall comply with all applicable federal and state regulations.
4. The project shall connect to the utility grid on site or on property abutting the site.

**Paragraph 5 repealed 11/10/2022**

5. ~~In addition to the submission requirements for special exception permits contained in Article XVII, Section 13.F, the application shall meet the additional requirements set forth in Article XV, Section 23.8 of the Ordinance.~~
6. The project shall meet the setbacks of the Rural Preservation Zoning District.
7. The project shall meet the Design and Development standards set forth in Article XV Section 23.9, paragraphs 1 through 14.
8. The project shall meet the Decommission Requirements set forth in Article XV Section 23.10.
9. A site plan in accordance with Article XV, Section 14 of the Zoning Ordinance shall be required and approved prior to the issuance of any grading, zoning or building permits. The site plan shall include the additional information and supporting materials as required in Article XV, Section 23.11
10. The Board of Supervisors may modify Standards 4 through 9 with the issuance of the special exception/use permit upon a finding by the Board that the proposed modification meets the intent of the ordinance.
11. The project shall not be located within the Resource Sensitive Overlay District as designated in the Comprehensive Plan.

## **W. Standards for By-Right Commercial Kennel (Indoor)**

(Adopted 01/26/21)

1. Indoor kennel shall mean any place that is within a completely enclosed commercial facility with no outdoor pens/runs in which dogs, cats or other household pets are confined or penned, where for a fee, the primary purpose is the boarding or training, dogs, cats, or other household pets.
2. Indoor Kennels shall not be housed in a structure with any opening to the outside except required ingress/egress and ventilation equipment, except that an outdoor exercise/recreation area may be provided.
3. The following accessory uses are permitted provided that the sum of all accessory uses shall not exceed 30% of the total gross floor area: up to 10% of gross floor area for retail sales, up to 10% of gross floor area for veterinary services provided by a Virginia licensed veterinarian, and up to 10% of gross floor area for grooming;. The gross floor area calculations shall not include any outdoor recreation areas.
4. Exterior lighting shall be source shielded and directed downward to minimize glare to abutting properties. The maximum height of any light pole shall not exceed the height of the principal structure or twenty (20) feet, whichever is less.
5. The building and any outdoor recreation areas shall be designed and constructed to minimize any sound emanating from the building/recreation area. The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A)
6. Where an outdoor recreation or exercise area is provided, the minimum lot area shall be 1 acre.
7. The facility shall be designed, constructed, and operated in accordance with the Pet Industry Association standards and Guidelines for best practice boarding facilities/establishments and doggy day care centers.
8. Animals shall not be dropped off prior to 5 AM.
9. Animals shall be picked up prior to 9 PM, unless such animals are to be boarded overnight.
10. Outdoor pens/runs prohibited and no animal shall be penned outside at any time.
11. Outdoor exercise/recreation areas shall meet the following additional standards:
  - a. Animals shall be permitted outside for recreational/exercise purposes only.
  - b. Animals shall not be permitted in the outside recreation area between the hours of 10:00 PM and 6:00 AM.
  - c. The exercise/recreation area shall be sized based upon the number interior of pens/runs, and shall be located in the rear yard.
  - d. Outdoor exercise/recreation areas shall have 6 foot tall screening fence surrounding the area.
  - e. A minimum of a five (5) foot wide landscaped area shall be provided along the exterior boundary of the recreation area. The required landscape area shall have be planted with two (2) small trees and five (5) screening plants per each fifty (50) linear feet.
  - f. Outdoor exercise/recreation areas shall be located at least 100 feet from any property line, 150 feet from any adjacent occupied residential dwelling, or such greater setback as required by other applicable district regulations.
  - g. If no outdoor recreation area is provided or available, then any animal that is allowed outdoors for exercise or recreation shall be kept on a leash at all times.

12. Such facilities shall comply with all applicable federal and state requirements applicable to the facility.
13. A sewage disposal system and sanitary control methods as approved by the Virginia Department of Health shall be required. This provisions shall include but not be limited to the sanitary removal and disposal of solid waste, carcasses or any other items deemed necessary for removal or disposal due to unsafe or unsanitary conditions by the Health Department.

#### **X. Standards for Vehicle Wash**

(Adopted 11/09/2021)

1. Queuing for vehicle wash bays shall not impede site ingress/egress or site mobility.
2. An oil water separator shall be installed in the drainage system, which shall be installed and maintained in accordance with manufacturer's specifications and standards.
3. Site design/construction shall ensure that any water runoff from the facility does not impact entrances/exits or abutting roads with ponding/icing.
4. All parking shall be in designated parking spots. No parking signs shall be installed elsewhere around the site.
5. Solid waste receptacles shall be provided and emptied regularly as needed.
6. Landscaping/berms shall be installed in accordance with Highway Corridor Overlay District standards to mitigate headlight impacts to road traffic.
7. Where a vehicle wash is accessory to a commercial fueling facility, it shall be located to the side or rear of the principal use/structure.
8. Water recycling devices shall be installed and utilized which meet industry best practices/standards, and shall be maintained to ensure proper operation.
9. Non-phosphate soaps shall be utilized in the wash process.

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

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

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

1. Before a building permit or zoning permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the development plans, in sufficient detail to show the operation and processes, shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required.
2. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by solid masonry wall, a uniformly painted solid board fence, or evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.
3. Landscaping may be required within any established or required front setback area. The plans and their execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three (3) feet, and within fifty (50) feet from the corner of any intersecting streets.
4. Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts. The requirements for and nature of such screens shall be reviewed and approved by the Zoning Administrator.
5. Auto manufactured graveyards and junkyards shall be completely screened from view from any public road by a masonry wall, a uniformly painted solid board fence, or evergreen hedge six (6) feet in height.
6. Emission of smoke, odors, toxic matter, sulfur dust and particulate matter shall comply with the State Air Pollution Control Boards Regulations for the Control and Abatement of Air Pollution.
7. Storage, utilization, or manufacture of materials or products, which decompose by detonation, is limited to five (5) pounds. Quantities in excess of five (5) pounds of such materials may be stored or utilized only with the written permission of the building inspector and subject to such conditions, as he may deem necessary.
8. Storage, utilization, or manufacture of solid materials which are active or intense-burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected by an automatic fire extinguishing system.
9. The storage, utilization, or manufacture of flammable liquids or gases, which produce flammable or explosive vapors, shall be permitted only in accord with the requirements and specifications of the state fire code.
10. The Zoning Administrator shall act on any application for a permitted use received within twenty (20) days after receiving such application. If formal notice in writing is given to the applicant, the time for action may be extended for a twenty (20) day period. Failure on the part of the administrator to act on said application within the established time limit shall be deemed to constitute approval of such application.

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

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

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

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



## **SECTION 14 – Site Plan Requirements**

(Amended through 11/10/2022)

For the purpose of assuring good arrangement, appearance, function, harmony with surroundings and adjacent uses, the objectives of the Comprehensive Plan, and compliance with the requirements of the Zoning Ordinance regulations, site plans for the following major uses shall be submitted and reviewed by the Planning Department and Planning Commission, as required:

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

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

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

12. Existing topography with a maximum of two (2) foot contour intervals within one hundred (100) feet of all buildings and a maximum of five (5) foot contour intervals on the remainder of the tract.
13. Limits of any established one hundred (100) year floodplains.
14. The location, dimension, size and height of the following when proposed:
  - a. Sidewalks, streets, alleys and easements.
  - b. Buildings and structures to include:
    - (1) Distance between buildings.
    - (2) Number of stories.
    - (3) Area in square feet of each floor.
    - (4) Number of dwelling units or guest rooms.
    - (5) Structures above the building height limit.
  - c. Driveways, entrances, exits, parking areas and loading spaces to include:
    - (1) Number, size and location of parking spaces.
    - (2) Number, size and location of loading spaces.
  - d. Public sanitary sewer system.
  - e. Public water mains and fire hydrants.
  - f. Gas, power and telephone lines, utility company owned or operated.
  - g. Slopes, terraces, retaining walls, fencing and screening within the required yards.
  - h. Plans for collecting and depositing stormwater in accordance with the requirements of the County's Erosion and Sediment Control Plan and method of treatment of natural and artificial water courses, including a delineation of proposed limits of floodplains, if any, as created or enlarged by the proposed development.
  - i. Finish grading with a maximum of two (2) foot contour intervals within one hundred (100) feet of all building, and a maximum of five (5) foot contour intervals on the remainder of the property.
  - j. Outdoor lighting within the required yards.
15. Number of plans submitted for review and signature.
  - a. The number of sets of plans and plats submitted for preliminary review shall be sixteen (16).
  - b. The number of sets of plans submitted for final approval shall be four.
16. A copy of the accepted proffered conditions, special use permit conditions, if any, and any waiver or variances granted must be reproduced on a plan sheet.
17. Wetlands Delineation

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

18. Chesapeake Bay Preservation Areas.  
(Amended 11/10/2022)

Where a parcel of land contains a Resource Protection Area as identified in Article XV, Section 24.1 of the Zoning Ordinance, the site plan shall include the following additional information:

- a. The delineation of the Resource Protection Area boundary, including the 100-foot buffer component;
- b. A note stating that no land disturbance is allowed in the buffer area without review and approval by the Director
- c. Evidence that all required wetlands permits have been issued
- d. A maintenance agreement as deemed necessary and appropriate by the Director to ensure proper maintenance of best management practices in order to continue their functions, for all improvements required under 24.1.6.B.8 of the Zoning Ordinance
- e. Evidence that the required DEQ stormwater management coverage has been issued.

For properties with an identified Chesapeake Bay Preservation Area, an environmental site assessment shall be submitted which shall contain the following information:

- a. The environmental site assessment shall be drawn to scale and clearly delineate the following environmental features:
  - (1) Tidal wetlands;
  - (2) Tidal shores;
  - (3) Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water body with perennial flow;
  - (4) A 100-foot buffer area located adjacent to and landward of the components listed in subsections (a) through (c) above, and along both sides of any water body with perennial flow;
  - (5) Other sensitive environmental features as determined by the Board.
- b. Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987.
- c. The environmental site assessment shall delineate the site-specific geographic extent of the RPA on the parcel as required by Article XV Section 24 of the Zoning Ordinance.
- d. The environmental site assessment shall be drawn at the same scale as the final subdivision plat or site plan, and shall be certified as complete and accurate by a professional engineer, a certified land surveyor or a certified landscape architect. This requirement may be waived by the Administrator when the proposed use or development would result in less than 5,000 square feet of disturbed area.

A Landscape Plan which meets the requirements of Article XV Section 24.1.8.D of the zoning ordinance shall be prepared by a design professional practicing within their area of competence and submitted for approval with a site plan.

19. Initial Submission:

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

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

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

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

20. At the time of submission of any application for site plan approval, a check for the site plan shall be rendered payable to the Caroline County Treasurer. The fee for site plan approval shall be in the amount set forth in the fee schedule adopted separately by the Caroline County Board of Supervisors.  
(Amended 10/28/97)

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

(Last amended 06/08/2021))

### **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**

(Amended 09/26/2023)

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 State Route 633 to the intersection of State Route 738.
9. State Route 738 from the intersection of State Route 639 to the Spotsylvania County boundary line.
10. State Route 2 from the Spotsylvania County Boundary Line to the corporate limits of the Town of Bowling Green.
11. State Route 606 from the Spotsylvania County boundary line to the intersection of State Route 632.
12. Interstate 95 from the Spotsylvania County Boundary Line to the Hanover County boundary Line.
13. State Route 652 from the intersection of State Route 207 to the intersection of State Route 782
14. Sate Route 652 from the intersection of State Route 782 to the CSX Railroad Bridge.

B. Additionally, there shall be four 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.
  3. That portion of State Route 652 from the intersection of State Route 207 to the intersection of State Route 782
  4. That portion of State Route 652 from the intersection of State Route 782 to the CSX Railroad Bridge.
- 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. Non Conforming 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).

**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.

**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.

*Figure 1 - Parking Areas Outside of the Commercial Service Corridor*

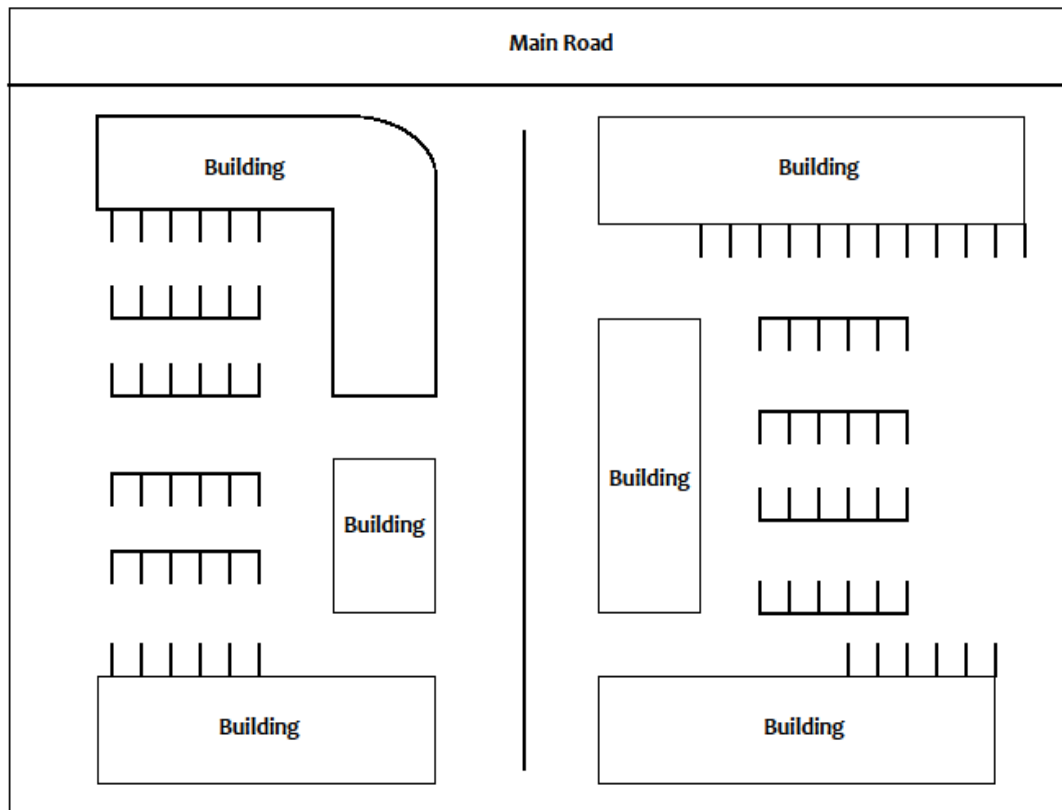
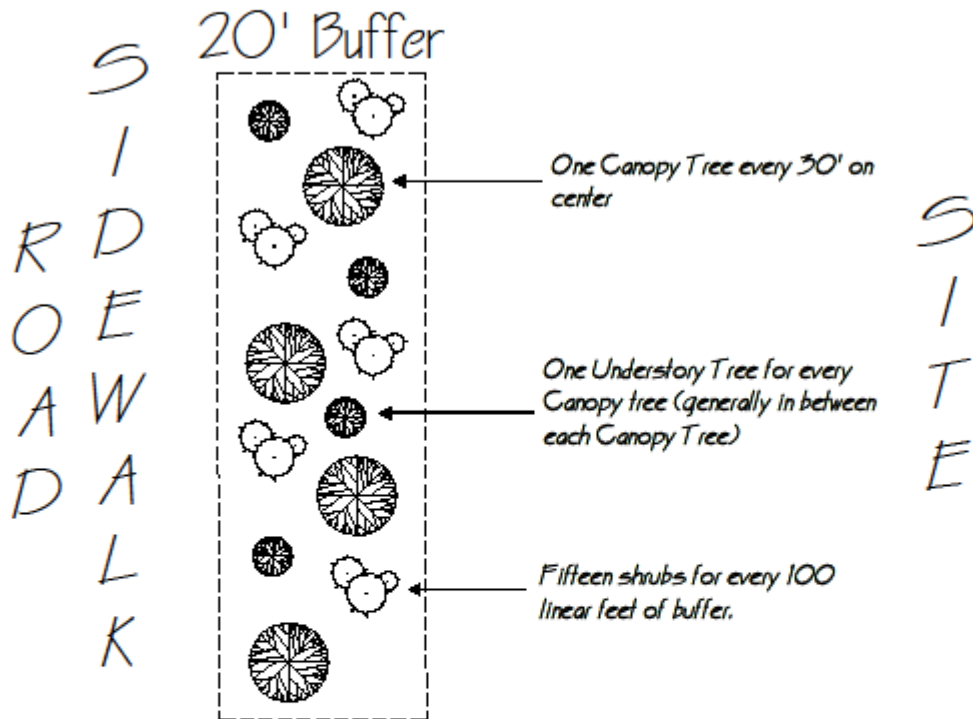
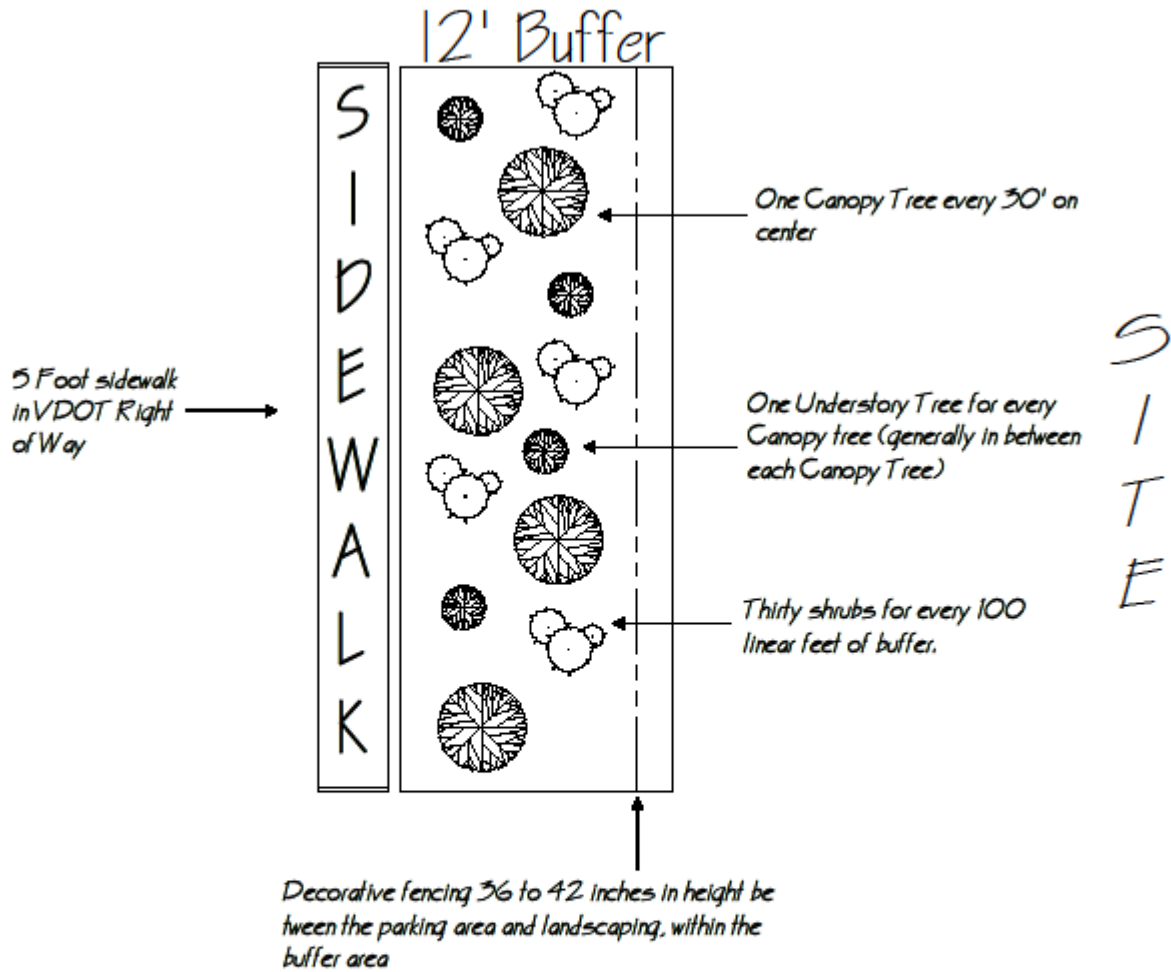


Figure 2 - Commercial Service Corridor Landscape Buffer Area



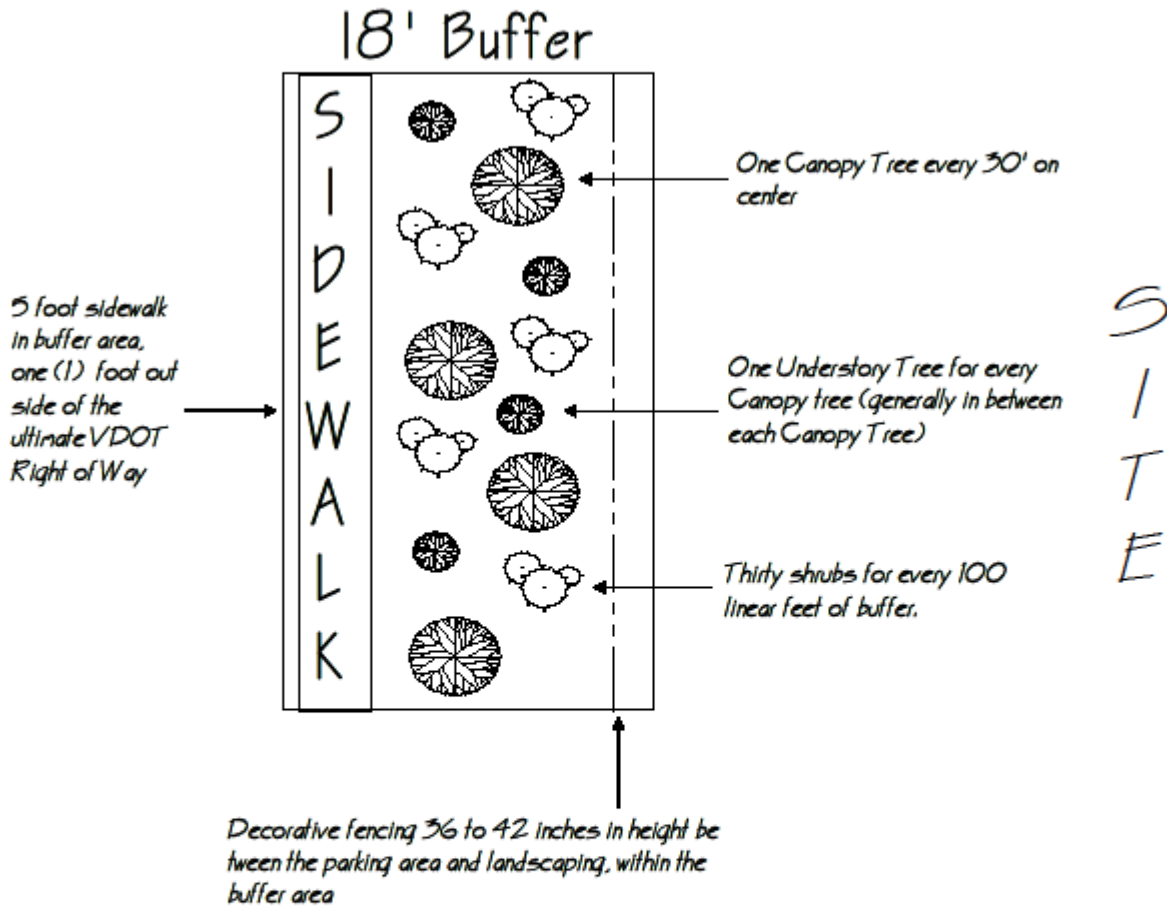
- Buffer area shall include a minimum 3 foot tall berm to reduce parking visibility and glare from headlights.
- At least 50% of the required shrubs shall be evergreen.
- Exposed areas in the buffer area must be covered with mulch, groundcover vegetation, grass or decorative rock.

Figure 3 - HCOD 12 Foot Landscape Buffer Area



- Decorative fencing and landscaping shall be designed to reduce parking visibility and glare from headlights.
- At least 50% of the required shrubs shall be evergreen.
- Exposed areas in the buffer area must be covered with mulch, groundcover vegetation, grass or decorative rock.

Figure 4 - HCOD 18 Foot Landscape Buffer Area



- Decorative fencing and landscaping shall be designed to reduce parking visibility and glare from headlights.
- At least 50% of the required shrubs shall be evergreen.
- Exposed areas in the buffer area must be covered with mulch, groundcover vegetation, grass or decorative rock.

**SECTION 16 – Special Provisions Applicable to Major Home Occupations**

(Amended 10/28/97)

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

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

- a. Such occupation may be conducted either within the dwelling or an accessory structure, or both, provided the total area devoted to the home occupation shall not exceed thirty-five (35) percent of the gross floor area of the dwelling unit or two thousand (2,000) square feet, whichever is less.
- b. There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign in accordance with Article XIV, Section 2 of this ordinance. Accessory structures shall be similar in façade to a single-family dwelling; private garage, shed, barn or other structures normally expected in a rural area and shall be specifically compatible in design and scale with other development in the area in which it is located. Any accessory structure, which does not conform to the setback and yard regulations for main structures in the RP district, shall not be used for any home occupation.
- c. No traffic shall be generated by such major home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such major home occupation shall be met off the street and other than in a required front yard.
- d. A site plan in accordance with Article XV, Section 14 shall be submitted with the application for a Special Exception Permit.
- e. Tourist lodging, Bed and Breakfast, nursing home, nursery schools, and private schools shall not be deemed a major home occupation.
- f. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average agricultural operation under normal circumstances wherein no major home occupation exists.
- g. No storage or display of materials, goods, supplies, or equipment related to the operation of a major home occupation shall be visible from the outside of any structure located on the premises.

16.3 Special Application Required

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

16.4 Time Limit

- a. The initial time limit shall not exceed one (1) year.
- b. Requests for a renewal shall be submitted to the Planning Department in writing, at least ninety (90) days prior to the expiration. The fee for renewal of a major home occupation shall be in the amount set forth in the fee schedule adopted separately by the Caroline County Board of Supervisors.
- c. Renewals can be granted for two (2) year increments.

- d. The request shall be reviewed and an inspection made of the property by the planning staff to verify continued compliance with the necessary criteria and conditions established with the initial approval. A report of the inspection shall be forwarded to the Planning Commission and Board of Supervisors for their consideration in reviewing the request for renewal.

#### 16.5 Voiding a Permit

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

**SECTION 17 – Chesapeake Bay Preservation Area Overlay District**

(Adopted 05/12/92; as amended 12/13/16)

**REPEALED 11/10/2022 AND REPLACED WITH ARTICLE XV, SECTION 24 OVERLAY DISTRICTS**

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

(Adopted 4/11/95)

1. An environmental assessment shall be prepared and submitted to the Zoning Administrator in conjunction with a site plan application. The environmental assessment shall address any odor, water quality, noise, traffic and any other environmental quality issues and proposed mitigation measures to minimize such impacts. The Administrator shall refer this environmental assessment to the Planning commission for review with the site plan. The Commission may require any mitigation measures proposed and/or require the inclusion of additional measures that are reasonably related to the environmental issues being addressed.
2. The following buffers shall be established:
  - a. a. From property boundary (all sides) - 100 feet
  - b. From any outdoor (unenclosed) active compost pile to an existing residence, retail establishment, school, hospital, church or other institutional facility - 500 feet
3. Wood grinding machinery shall not operate between 11:00 p.m. and 6:00 a.m. unless enclosed on at least three sides.
4. Notwithstanding the provisions of Section 10 of this Article, the outdoor storage of compost, input materials and bagged and bulk finished product shall be allowed, provided that a vegetative buffer of at least 100 feet is provided or that such storage area is not visible from beyond the property borders.
5. Notwithstanding the provisions of paragraphs 2 – 4 above, modifications may be made based on recommendations contained in the environmental assessment.

**Section 19      Resource Sensitive Area Overlay District**  
(Adopted 07/23/02)

**19.1 Purpose and Intent**

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

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

**19.2 District Boundaries**

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

**19.3 Establishment of Districts**

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

**19.4 Administration**

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

**19.5 Permitted Uses**

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

**19.6 Lot Area and Other Dimensional Requirements**

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

**19.7 Design Standards**

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

1. Such uses shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access should be via the following means:
  - a. By the provision of shared entrances, inter-parcel travel-ways or on-site service drives connecting adjacent properties.



- b. By access from a public street other than that on which the property fronts.
- c. One point of access may be permitted for each lot of record as of the effective date of this ordinance provided no entrances between parcels are located any closer than 450 feet to each other. The Planning Commission may modify this requirement if it finds that it best accomplishes the purposes of Section 19.1

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

- 2. All structures shall be situated on a lot such that the visual impact to public roads, adjacent properties, and the Rappahannock River is minimized. Structures should be placed in the tree line, at the edge of fields, or in cleared areas next to fields in lieu of placement in an open field.
- 3. To the extent possible, buildings shall be situated so that they do not protrude above treetops and the crest line of hills, as seen from public streets or the Rappahannock River.
- 4. All outside storage or display of goods shall generally be wholly screened from view of all public streets and the Rappahannock River, except as allowed by a special exception permit. All storage areas shall be located to the rear of the structure.
- 5. No parking, storage, or display of goods shall be permitted in the required front setback.
- 6. No clear cutting of trees shall be permitted in the required front setback of any lot or parcel of land. Selective thinning of trees may be permitted to allow reasonable sight lines. Dead, dying or diseased trees and underbrush may be removed. The Planning Commission may require additional landscaping to offset the selective removal of trees for sight lines.
- 7. For any subdivision of land, the lots shall be designed to minimize the visual obtrusiveness of the development. Subdivisions shall incorporate existing driveways, fence lines, tree lines, stone walls, hedgerows or other traditional landscape features into the design of the development, provided the incorporation does not result in the placement of an incompatible structure on the property (i.e. the construction of a building in the middle of a field).
- 8. When constructing roads and driveways, the crossing of contours and the use of cut and fill should be minimized. Effort should be made to follow existing contours to the extent possible.
- 9. A landscape plan shall be required with any commercial, industrial or residential site plan or major subdivision plat.
- 10. The developer shall submit architectural guidelines and standards with each site plan or subdivision plat for review and approval by the Planning Commission.
- 11. All lighting shall be shielded and directed downward so that the light source is shielded from direct view from any adjoining residential or agricultural parcel, public right-of-ways, or the Rappahannock River. All exterior lighting shall be arranged and installed so that direct or reflective illumination does not exceed 0.5 foot candles above background levels, measured at the lot line. The measured height of all light poles shall not exceed twenty (20) feet.
- 12. All utility lines shall be underground.

**Section 20**      **SPECIAL PROVISIONS APPLICABLE TO CAMPGROUNDS/CAMPING AREA**  
(Adopted 07/22/03)

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

1. Permanent occupancy of any camping lots shall not be permitted. The maximum number of overnight stays shall not exceed 180 days in any twelve month period.
2. A register shall be kept by campground/camping area operator for three (3) years, which shall at all times be available for inspection by code enforcement officials. The register shall show the name of each lot owner, the address and lot number, name, model and identification number of all recreational vehicles on such lot at any time, and the dates of occupancy.
3. Improvements within lots.
  - (a) The regulations for individual lots provided for in this Article shall be in addition to any applicable regulations of governed by the Virginia Uniform Statewide Building Code.
  - (b) Camping Lot. The size of each camping lot must be great enough to accommodate the dimensions of recreational vehicles anticipated, including accessory structures, and including required distance between recreational vehicles as set forth herein. Each space shall be located at such elevation, distance, and angle to an access street so that placement and removal of the recreational vehicle may be undertaken without difficulty. Each space where a recreational vehicle is parked shall be constructed so as to provide for the support of the maximum anticipated loads during all seasons and must be constructed with an adequate longitudinal gradient and with a crown and cross gradient for surface drainage.
  - (c) Distance between units. There shall be ten (10) feet or more distance between individual recreational vehicles including accessories as permitted by this Article.
  - (d) No recreational vehicle or accessory use or temporary structure thereto shall be situated any closer than five (5) feet to a property line.
  - (e) Additions to recreational vehicles. No permanent or semi-permanent structure shall be affixed to any recreational vehicle as an addition to such recreational vehicle, nor shall any accessory structure be permitted on any camping lot except as provided below.
    - (1) A deck may be provided for use by the occupants of a recreational vehicle provided the deck is no larger than 180 square feet and extends no further than ten (10) feet beyond the recreational vehicle.
    - (2) A porch may be provided for the use of the occupants provided it does not exceed two-hundred (200) square feet and extends no further than ten (10) feet beyond the recreational vehicle. At least 50% of each porch wall shall be windows, screens and/or doors.
    - (3) A protective awning may be constructed above a recreational vehicle provided it extends no further than one (1) foot on any side of a recreational vehicle and the maximum height of the roof shall not exceed fifteen (15) feet.
  - (f) Storage. A storage facility no larger than one hundred-fifty (150) square feet may be located on any recreational vehicle lot provided that such facility will be constructed of a weather resistant material and must be screened to minimize visibility.

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

**Section 21      RESIDENTIAL OCCUPANCY**  
 (Adopted 08/09/05)

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

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

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

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

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

**Section 22      DEVELOPMENT STANDARDS FOR B-1 USES IN THE M-1 INDUSTRIAL DISTRICT**

(Adopted 08/13/19)

1. The acreage available for B-1 uses shall not exceed 30% of the gross M-1 acreage or thirty (30) acres, whichever is greater.
2. Notwithstanding standard 1 above, the maximum acreage allowed for B-1 uses shall not exceed 100 acres.
3. The acreage available for B-1 uses shall be identified on the Development plan approved with the rezoning.
4. M-1 Uses shall also be permitted in the acreage designated for B-1 uses.
5. The location, design and type of B-1 uses shall be compatible with M-1 uses in the development.
6. The M-1 rezoning application shall contain a minimum of fifty (50) acres of land to qualify for consideration for B-1 uses.

**ALL SECTIONS REPEALED NOVEMBER 10, 2022 EXCEPT:**

- 23.9 Design and Development Standards**
- 23.10 Decommissioning**
- 23.11 Site Plan Required**

**23.1 Purpose and Intent**

~~The purpose and intent of the Solar Energy Overlay District (SEOD) is to promote the public health, safety and general welfare of County citizens and businesses by encouraging the development and use of solar energy as a source of electricity and facilitate the construction, installation, and operation of commercial solar energy in Caroline County in a manner that promotes economic development while mitigating adverse impacts to agricultural and forested lands, endangered species habitats, conservation lands, scenic views, cultural resources and other environmentally sensitive lands. The SEOD provides additional land use standards over the underlying zoning district, with additional safeguards to ensure the proper development of facilities that generate electricity by means of solar power.~~

**23.2 District Boundaries**

~~The SEO District shall apply to all properties in the Agricultural Preservation (AP) or Rural Preservation (RP) zoning districts situated in whole or in part within one (1) mile on either side of the centerline of those electric transmission/distribution line rights of way of sixty nine (69) KVA or less, and two (2) miles on either side of the centerline of those electric transmission/distribution line rights of way of greater than sixty nine (69) KVA, as identified and designated on the SEO District Map dated October 16, 2020, which is hereby adopted by reference and included as part of this section. A site specific determination shall be submitted with any application.~~

**23.3 District Regulations:** All Major Solar Energy Projects shall meet the following district regulations:

- ~~1. The minimum Rated Nameplate Capacity shall be greater than twenty (20) megawatts (MW);~~
- ~~2. The maximum Rated Nameplate Capacity for any major solar energy project shall be one hundred and fifty (150) MW AC;~~
- ~~3. The aggregate Rated Nameplate Capacity of all permitted and approved major solar energy projects shall not exceed six hundred (600) MW AC;~~

**23.4 Amendments**

~~The procedure for amending district boundaries and regulations shall be accomplished through the zoning amendment process set forth in Article XVII Section 12 of this ordinance.~~

**23.5 Uses**

~~Permitted uses, special exception permit uses, accessory uses shall be as established by the underlying zoning district or other applicable overlay districts, except that a Major Solar Energy Project may be permitted by Special Exception Permit approval in accordance with provisions of Article XVII Section 13 and this section.~~

**23.6 General District Standards**

~~In addition to the standards contained in Article XVII, Section 13.D, all applications shall comply with the following standards for a major solar energy project:~~

- ~~1. The subject properties shall be served by an existing electrical transmission/distribution line, so as not to require an extension to connect to the receiving line;~~
- ~~2. The project shall not be located on property within one half mile of the boundary of a designated growth area as identified in the Caroline County Comprehensive Plan;~~
- ~~3. The project shall comply with all applicable federal and state regulations;~~

4. ~~The project shall not be located on property with conservation or open space easement(s) as recorded in the Land Records of Caroline County;~~
5. ~~The project shall not be located within the Resource Sensitive Overlay District as designated in the Comprehensive Plan;~~
6. ~~No major solar energy project shall be located in a Highway Corridor Overlay District, except that vehicular access to a facility shall be permitted;~~
7. ~~Decommissioning shall be completed in accordance with the requirements of Section 23.10, and the approved decommissioning plan.~~

~~The Board of Supervisors may modify these standards upon application for and approval of a Special Exception/Use Permit specific to the standard for which a modification is requested, upon a finding by the Board that the applicant has demonstrated that the proposed modification reasonably protects and promotes the public health, safety, and welfare with respect to the application.~~

### **Section 23.7 Setbacks**

1. ~~Major Solar Energy Projects shall meet the front, side and rear setbacks of the Rural Preservation (RP) District for the exterior parcel boundaries of the project.~~
2. ~~New substations or connector station shall be setback at least five hundred (500) feet, and inverters and transformers located at least two hundred fifty (250) feet, from existing dwellings, schools, churches, and public rights-of-way.~~

~~The Board of Supervisors may modify the setbacks as it deems necessary to ensure adequate buffer yards and screening to mitigate the visibility of the Major Solar Energy project from the exterior of the property to occupied residential properties, public facilities, places of worship and public rights of way and site conditions specific to the project.~~

### **Section 23.8 Additional Submission Requirements**

~~In addition to the Submission Requirements of Article XVII, Section 13.F, the following additional requirements shall be satisfied with the filing of an application for a special exception permit:~~

1. ~~Documentation evidencing control over the properties for the intended use, including decommissioning. Sensitive financial or confidential information may be redacted.~~
2. ~~A narrative describing the proposed major solar energy project, and how it meets the purposes and intent of the SEOD.~~
3. ~~The intended end user(s) of the electricity generated by the project, if known during the application process.~~
4. ~~The general development plan (GDP) and supporting documentation shall demonstrate that the project meets the design and development standards set forth in Section XV.23.9. Additionally, the plan shall indicate the following:~~
  - (a) ~~The approximate location and dimension of solar panels, inverters, existing and proposed structures, fencing, property lines, ancillary equipment, transmission lines, vegetation, waterways and streams, and the location of occupied residences within 300 feet of the perimeter of the facility, buffer areas, boundaries and acreage of the development area.~~
  - (b) ~~Any existing structures on the parcel(s) and occupied structures on adjacent properties that may be affected by the placement of solar panels.~~
  - (c) ~~Parking and access areas.~~
  - (d) ~~Location of proposed access and utility easements.~~



- ~~(e) A general landscape and buffering plan that demonstrates that the application meets the buffering requirements of section 23.9.~~
- ~~(f) Demonstration through project siting and proposed mitigation, if necessary, that the project mitigates impacts on the visual character of adjacent properties, designated scenic roads or rivers, or historic property as designated in the Comprehensive Plan, or the Virginia/National Register of Historic Places.~~

~~Notwithstanding the approved GDP, the final site plan may be modified to meet federal, state or local regulations, site design, or engineering requirements provided such modifications do not materially change the approved SPEX.~~

- ~~5. A statement signed by the applicant that the electrical utility provider or regional transmission authority has been informed of the applicant's intent to install an interconnected system.~~
- ~~6. A description of the upgrades or improvements to the current electric grid required to support the proposed solar energy facility and the status of the applicant's application for interconnection to the grid, if known at/during the application process;~~

### **23.9 Design and Development Standards**

Major Solar Energy Projects shall comply with the following design and development standards:

#### **1. Buffer Area**

Within the required setback, a minimum of one-half of the setback shall provide a buffer area on all sides of the project, including areas around any new substation or connector stations, to any adjacent occupied parcel and public rights-of-way. Any combination of landscaping, fencing, berms, or natural areas may be used to satisfy this standard, which shall screen the project from view from the exterior of the property.

The following activities may be permitted within the buffer:

- (a) Vehicular access drives which tie into approved access points to the public road system as determined by VDOT and Caroline County.
- (b) Landscaping and landscaping features.
- (c) Security Lighting in accordance with Section 23.9.8
- (d) Fencing in accordance with Section 23.9.3
- (e) Signage in accordance with Section 23.9.5
- (f) Utility lines, provided such lines cut through the buffer areas at an angle, as shown on the site plan, to protect the view shed provided by the buffer.
- (g) Erosion and sediment control/storm water management measures.

The Board of Supervisors may modify the buffer area as it deems necessary to ensure adequate screening to comply with this standard. Landscaping/Screening

#### **2. Landscaping and Buffering**

Within the buffer area, screening in the form of fencing, landscaping, landscaped berms, natural areas or any combination thereof, shall be provided which achieves a minimum height-to mitigate the visual impacts from adjacent properties and public rights-of-way.

If landscaping is proposed and/or required to meet the visual screening requirements, plantings shall be installed during the first available planting season following issuance of a land disturbance permit to ensure viability of the plantings, as determined by a Landscape Design Professional.

Native vegetation and pollinator species shall be incorporated into landscape plans and natural areas to the extent possible. The planting of non-native plant species is discouraged. If non-native species must be utilized, such planting shall not constitute more than twenty-five (25) percent of all new plantings, unless the Landscape Design Professional determines that additional non-native plantings are necessary to meet the desired buffering standards. Invasive species controls shall be incorporated into all plans.

Natural areas may be used to meet the visual buffer requirements, provided a Landscape Design Professional determines that the existing vegetation is adequate to meet the screening requirement. Vegetation to be retained for this purpose shall be shown on the site plan.

The Board may determine that further screening improvements can be reduced or are not required, based upon supporting documentation provided by a landscape design professional

A landscape plan for the installation and maintenance of the plantings, natural areas and other vegetated areas within the buffer, shall be provided, which shall ensure the long term viability of the buffer area, which shall be approved by the County.

Prior to the issuance of a land disturbance permit, appropriate surety equal to fifty (50) percent of the cost of installation of the landscaping shall be submitted, which shall be retained for three years after the date of the Certificate of Occupancy, provided that if the annual inspection of the Landscape Design Professional demonstrates compliance with the approved landscape plan, such surety may be reduced to thirty (30) percent in year two and fifteen (15) percent in year three. Thereafter and upon inspection and verification by a Landscape Design Professional that the vegetation in the buffer area is healthy and meets the mitigation requirement, the surety shall be released. The buffer yard shall be inspected by a Landscape Design Professional annually until vegetation shown on the landscaping plan reaches maturity, or more frequently as specified by the maintenance plan or site conditions, to ensure the plant materials remain healthy and as necessary to maintain the integrity of the buffer as shown on the landscaping plan. Thereafter, such inspections shall occur every five (5) years. Any dead diseased, or dying vegetation shall be replaced in accordance with the specifications of the maintenance plan.

### 3. Fencing

Fencing shall not exceed a height of eight (8) feet, or as otherwise required by the National Electric Code. The use of razor wire is prohibited. Where chain link or woven wire fencing is used, it shall be screened from exterior view from occupied adjacent properties and public rights-of-way. Screening may include plantings to mitigate the view of the fence. Breaks in fencing must be provided to facilitate wildlife movement corridors where necessary to address findings and recommendations of the studies pursuant to Section 23.11.12.

### 4. Grading

Over-lot clearing and grading of the development zone shall be prohibited. The use of existing contours shall be utilized to the extent practical. Where grading is necessary because of slopes or other topographic features, slopes exceeding fifteen (15) percent and/or slopes defined as critical slopes by the Virginia Erosion and Sediment Control Handbook, shall not be disturbed. All site development shall be performed in phases so that not more than fifty (50) percent of the land disturbance areas reflected on the site plan shall be disturbed without stabilization at any time. Site specific plans shall be prepared and approved that may limit or phase the amount of disturbed acreage as determined by site characteristics. Topsoil is not permitted to be removed from the property(s). For purposes of erosion and sediment control, stabilization shall mean the application of seed and straw or mulch to disturbed areas. The applicant shall be responsible for any costs incurred by the County for additional staff and/or third party inspectors for inspection services.

### 5. Signage

Signage shall be limited to a notification sign placed at each site entrance that states (a) the rated nameplate capacity, (b) the name of the project owner, and operator (if different from the owner), (c) the street address of the site, and (d) a 24-hour emergency contact phone number for the operator. Signage is prohibited on solar equipment except as follows: (a) appropriate warning signs and placards; (b) signs required by a federal or state agency; (c) signs that provide a 24-hour emergency contact phone number, and (d) panel manufacturer information and/or other identifier. If the contact information changes, new signage with up-to-date contact information is required.

### 6. Height

Solar Energy Arrays shall not exceed fifteen (15) feet in height when oriented at maximum tilt, as measured from the ground, and shall be screened to meet the visual buffering requirements at the time of site plan approval. Ancillary non-solar collector equipment and/or structures, including, but not limited

to inverters and transformers, may exceed the height limitation of fifteen (15) feet, provided such equipment or structures are not visible from the exterior of the property.

7. Site access shall be designed to mitigate site visibility from the public road.
8. Security lighting shall be the minimum necessary for security of the site. All lighting shall be source shielded and downcast to prohibit glare onto abutting properties. The maximum height of any light structure shall not exceed twenty (20) feet along the exterior boundary or within the approved setback/buffer areas and thirty-five (35) feet in the interior. Motion sensitive lighting shall be utilized to the maximum extent possible. Except for site entrances, all lighting shall be internal to the facility.
9. New and/or relocated on-site electrical interconnections and powerlines shall be installed underground unless otherwise approved by the Board of Supervisors with the issuance of the special exception permit.
10. The project shall not exceed the noise limitations for Agricultural (Rural) Districts set forth in Chapter 68 of the Code of Caroline County, at the exterior boundary of the properties. During construction, noise shall be minimized using acceptable industry practices for back-up alarms that do not emit traditional warning sounds. The hours of operation of post-driving and other construction equipment shall be limited to sunrise to sunset.
11. All solar collection devices shall be located to avoid directing glare or reflection onto adjacent properties and roadways so as to not create a traffic or safety hazard or nuisance to adjacent properties. In the event that glare is identified as an issue after construction, the owner of the solar energy facility, or its assigns, shall prepare and implement a corrective plan of action that is acceptable to the County sixty (60) days after notification of the issue to the owner by the County.
12. The development area shall not include any area in an identified 100 year floodplain, except as minimally necessary for service utility or access road crossing areas, provided such improvements are permitted in accordance with Chapter Article 45 of the Code of Caroline County and Article XV Section 17 of the Caroline County Zoning Ordinance.
13. The development area shall not include any land designated as a Resource Protection Area (RPA), except as minimally necessary for crossing areas, provided such improvements are permitted in accordance with Article XV Section 17 of the ordinance.
14. All solar photovoltaic (electric energy) projects, shall utilize generally accepted national environmental protection and product safety standards for solar panels and battery technologies such as those developed for existing product certifications and standards; including the National Sanitation Foundation/American National Standards Institute No. 457, International Electro technical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2.
15. No major solar energy project shall be located within one mile of another major solar energy project permitted under this section as measured at the nearest exterior boundary of each project.
16. The Caroline County Department of Fire and Rescue shall be provided emergency response training by the owner or its assigns prior to commencement of commercial operation.

The Board of Supervisors may amend the provisions of Section 23.9 with the issuance of the Special Exception Permit filed in accordance with Section 23.5 provided the Board finds that the amended provisions protect the public health, safety and general welfare.

### **23.10 Decommissioning**

1. A decommissioning plan signed by the project owner and binding upon their successors and assigns, who shall be responsible for decommissioning the project. Elements shall include, but are not limited to:
  - (a) The anticipated life of the project.
  - (b) An equipment and materials analysis that includes deconstruction, reclamation, salvage, recycling, transportation, labor and estimates for the amount and types of materials to be salvaged, including contingencies in the event that the local salvage market is inundated and disposal of materials is required outside of the local market area.
  - (c) The estimated decommissioning costs in current dollars, based upon the equipment and materials analysis above, based upon the recycling market for materials at the time of the preparation of the estimate.
  - (d) The method for ensuring that funds will be available for decommissioning and restoration.
  - (e) The anticipated timeline and manner in which the project will be decommissioned and the site restored to agricultural ready.

Agricultural ready condition means the property is ready for agricultural/silvicultural use at the beginning of the next growing cycle.

Any changes to the ownership of the project shall require an updated plan and surety reflecting same.

2. Decommissioning shall be required following a continuous period of twelve (12) months of the cessation of use for the electrical power generation or revocation of the special exception permit, whichever shall first occur. The owner shall have not more than twenty-four (24) months to complete decommissioning of the solar energy facility.
3. Decommissioning shall include removal of all solar panels, footers, foundations, structures, cabling, electrical components, conduit, and any other associated facilities and equipment as described in the decommissioning plan.
4. All fences, access roads or other non-utility improvements shall be removed unless an executed agreement is provided to the Department of Planning and Community Development indicating that the property owner agrees for these improvements to remain.
5. Prior to site plan approval, the applicant shall provide the County with a performance guarantee in the form of a bond, irrevocable letter of credit and agreement, or other financial security acceptable to the County in the amount of one-hundred (100) percent of the estimated decommission cost minus the salvage value of materials. The reclamation/salvage value of materials shall be based upon the current salvage market for the component materials. Estimates shall be determined by an engineer licensed to practice in the Commonwealth of Virginia. An administrative fee in the amount of \$1000 shall be paid with the delivery of the estimate or any recalculation thereof or with the recalculation of the surety.
6. A revised engineer's estimate of probable cost of decommissioning shall be submitted for review and approval every five (5) years in the same manner as the initial submission, and the surety shall be adjusted appropriately. If at any time the County has questions or concerns about the decommissioning cost estimate, then the County may prepare its own decommissioning cost estimate with the cost to be borne by the owner(s) of the facility.
7. The decommissioning plan shall be referenced in either the SPEX, the Siting Agreement or both as applicable. The SPEX and any Siting Agreement shall be recorded in the land records of the Clerk of the Circuit Court of Caroline County. The instrument shall identify the street addresses, parcel number(s), owners of record, deed book and page number, and identify the location and availability of the approved decommissioning plan. Proof of recordation shall be provided to the Director of Planning and Community Development prior to site plan approval.

8. Project Owners and any landowners on which a major solar facility is located, in applying for a SPEX, acknowledge the County's ability to enter their property to effectuate decommissioning pursuant to Va. Code §15.2- 2241.2.
9. Project Owners and any landowners on which a major solar facility is located acknowledge that nothing herein shall limit other rights or remedies available to the County to enforce the obligations of the Applicant, including under the County's zoning powers. The Applicant and any landowners will allow designated County representatives or employees to access the solar facility for inspection purposes with twenty four hour notice. In the event of emergencies in which damage to person or property has occurred or is immanent, the right of access shall be immediate.

### **23.11 Site Plan Required**

A site plan as set forth in Article XV, Section 14 of the Zoning Ordinance shall be approved prior to the issuance of any grading, zoning or building permits. The site plan shall include the following additional information and supporting materials:

1. The amount of energy in megawatts (MW) that the facility is designed to generate in alternating current (AC) and direct current (DC);
2. Dimensions, locations, orientation and typical section of the solar energy equipment, and the type of system proposed (i.e. tracking or stationary);
3. The materials that are to be utilized (e.g. aluminum, copper, glass, etc.) in the construction of the facility and approximate percentages;
4. Location of interconnections to any existing or proposed substations or connector stations;
5. Distances to occupied structures and structure type on adjacent properties;
6. A description of the anticipated upgrades or improvements to the current electric grid that are required to support the proposed solar energy facility and the status of the applicant(s) application for interconnection to the grid;
7. Other lighting not identified under Article XV Section 14.14.j;
8. A landscape plan which meets the provisions of Section 23.9.2.
9. A construction management plan which includes, but is not limited to, the location of staging areas for construction materials and equipment, hours of operation, estimated duration of construction, number and type of vehicles entering and leaving the site, including a traffic impact analysis of same, temporary lighting, anticipated noise and dust generation and corresponding mitigation measures;
10. Proof of adequate liability insurance for the project, which shall be maintained throughout the life of the project.
11. The name and contact information for the owner, who shall be responsible for all aspects of the operation and maintenance of the facility for purposes of compliance with the Special Exception Permit.
12. A natural heritage and wildlife management study, consistent with the Virginia Division of Wildlife Resources Solar Energy Facility Guidance that identifies any threatened or endangered species and wildlife travel patterns, together with any necessary mitigation measures to ensure compatibility of the project.
13. A decommissioning plan and surety in accordance with Section 23.10.

14. Any additional information deemed necessary by the Zoning Administrator to review the application.

### **~~23.12 Commencement of Construction~~**

~~Notwithstanding any provisions related to the timing and validity of site plan approvals set forth in the Code of Virginia, construction shall commence thirty six (36) months from the date of approval of the special exception permit or the special exception permit shall be void. Not less than six (6) months prior to the expiration date of the original Special Exception Permit, the owner may request a one time extension from the Board of Supervisors for an additional twelve (12) months to commence construction. The Board of Supervisors may grant the extension, based upon satisfactory evidence that the applicant has proceeded in good faith with the permitting process. In no case shall the permit be extended beyond forty eight (48) months.~~

## **SECTION 24 OVERLAY DISTRICTS**

### **SECTION 1-Chesapeake Bay Preservation Area**

(Adopted 05/12/92; as amended 05/09/2023)

#### **1.1 Purpose and Intent**

- A. This Section is adopted to protect and promote the public health, safety and welfare by implementing the requirements of Sections § 62.1-44.15.67 et seq. of the Code of Virginia and the Chesapeake Bay Preservation Areas and Management Regulations, 9VAC25-830-10, et seq adopted by the Virginia Department of Environmental Quality (hereafter DEQ) and further to:
- (1) protect existing high quality state waters;
  - (2) restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit such waters;
  - (3) safeguard the clean waters of the Commonwealth from pollution;
  - (4) prevent any increase in pollution;
  - (5) reduce existing pollution; and
  - (6) promote water resource conservation.
- B. This Section establishes the criteria to be used in granting, denying, or modifying requests to use, develop or subdivide land in designated Chesapeake Bay Preservation Areas. In preservation areas, these criteria shall be applied in addition to the requirements of the erosion and sediment control, zoning and subdivision requirements of the County.
- C. This Section is enacted under the authority of Code of Virginia, § 62.1-44.15.51.

#### **1.2 Definitions**

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

"Act" means the Chesapeake Bay Preservation Act, Article 2.5 (§ 62.1-44.15:67 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

"Adaptation measure" means a project, practice, or approach to mitigate or address an impact of climate change including sea-level rise, storm surge, and flooding including increased or recurrent flooding.

"Administrator" means the Zoning Administrator designated by the Board of Supervisors of Caroline County, or his/her designee.

"Agricultural lands" means those lands that are currently, used and managed primarily for the commercial planting and harvesting of crops, pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock and consists of a minimum of five acres. Pasture used as an accessory use to a residential use shall not be considered bonafide agriculture land.

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

"Board" means the State Water Control Board. When used outside the context of the promulgation of regulations, including regulations to establish general permits, "board" means the Department of Environmental Quality.

"Board of Supervisors" means the Board of Supervisors of Caroline County, Virginia.

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

"Canopy tree" means a tree that typically reaches 35 feet in height or taller when mature.

"Chesapeake Bay Preservation Area" means any land designated by a local government pursuant to Part III (9VAC25-830-70 et seq.) of this chapter and § 62.1-44.15:74 of the Act. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

"Construction footprint" means the area of all existing or planned/proposed impervious surface, including but not limited to buildings, roads and drives, parking areas, sidewalks and the area necessary for construction of such improvements.

"County" means Caroline County, Virginia.

"Daylighted stream" means a stream that had been previously diverted into an underground drainage system and has been redirected into an aboveground channel using natural channel design concepts as defined in § 62.1-44.15:51 of the Code of Virginia, and where the adjacent lands would meet the criteria for being designated as a Resource Protection Area (RPA) as defined by the department under this chapter.

"Department" or "DEQ" means the Department of Environmental Quality.

"DEQ Director" means the Director of the Department of Environmental Quality.

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

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

"Director" means the Director of Planning and Community Development, or his/her designee.

"Dripline" means a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

"Environmental Site Assessment" means a document and support materials to identify environmentally sensitive features, potential adverse impacts of development and appropriate mitigation measures for properties within a CBPA.

"Erosion and Sediment Control Law" means Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

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

"Health Department" means the Virginia Department of Health, or VDH.

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



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

"Impervious cover" means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include roofs, buildings, streets, parking areas, and any concrete, asphalt or compacted gravel surface.

"Infill" means utilization of vacant land in previously developed areas.

"Local governments" means counties, cities, and towns. This chapter applies to local governments in Tidewater Virginia, as defined in § 62.1-44.15:68 of the Act, but the provisions of this chapter may be used by other local governments.

"Local program" means the measures by which a local government complies with the Act and this chapter.

"Local program adoption date" means the date a local government meets the requirements of subdivisions 1 and 2 of 9VAC25-830-60.

"Mature tree" means a canopy tree with a diameter at breast height (DBH) of 12 inches or greater or an understory tree with a DBH of four inches or greater.

"Nature-based solution" means an approach that reduces the impacts of sea-level rise, flooding and storm events through the use of environmental processes and natural systems.

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

"Planning Department" means the Caroline County Department of Planning and Community Development.

"Plan of development" means any process for site plan, residential plot plan or subdivision plat review in local zoning and land development regulations designed to ensure compliance with § 62.1-44.15:74 of the Act and this chapter, prior to issuance of a building permit.

"Public road" means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law and (ii) the Virginia Stormwater Management Act. This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by a local government in accordance with the standards of that local government.

"Regulations" means the Chesapeake Bay Preservation Area Designation and Management Regulations, 830-109VAC25-830-10.

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

"Residential Plot Plan" means a drawing that shows only a single parcel of land and the existing and/or proposed structures and features on that parcel for purposes of application for a zoning permit.

"Resource Management Area" means that component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area.

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

"Silvicultural activities" means forest management activities, including the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.

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

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

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

"Tidewater Virginia" means those jurisdictions named in § 62.1-44.15:68 of the Act.

"Understory tree" means a tree that typically reaches 12 feet to 35 feet in height when mature.

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

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

"Virginia Stormwater Management Act" means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

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

"Water Quality Impact Assessment" means an analysis of the impacts on water quality when development is proposed within a Resource Protection Area (RPA).

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

### **1.3 Applicability**

The CBPA Overlay District shall apply to all lands identified and designated as CBPAs by the Board and as generally shown on the CBPA Map dated December 13, 2016. The CBPA Map, together with all explanatory matter thereon, is hereby adopted by reference and included as a part of this section. The CBPA map identifies the general location of CBPAs and should be consulted by persons contemplating activities within the County prior to engaging in a regulated activity.

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

- A. RPAs shall consist of lands adjacent to water bodies with perennial flow, and include the following features:
- (1) Tidal wetlands;
  - (2) Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
  - (3) Tidal shores;
  - (4) A 100-foot vegetated buffer area located adjacent to and landward of the components listed in 1-3 above, and along both sides of any water bodies with perennial flow.

- B. Site specific designation of the RPA boundaries shall be performed by the applicant through a site-specific environmental assessment. Designation of the components listed in subsection 1.3.1.A shall be subject to approval by the Administrator and conducted in accordance with subsections 1.6 or 1.7 and approved by the Administrator.

(1) Delineation by the Applicant

The site-specific boundaries of the RPA shall be determined by an environmental site assessment carried out by the applicant or applicant's agent and approved by the Administrator in accordance with subsection 1.6 or 1.7.C as appropriate. The Administrator shall verify the accuracy of the boundary delineation and may render adjustments in accordance with subsection 1.7.C. In the event the adjusted boundary is contested by the applicant, the applicant may seek relief, as provided in subsection 1.7.I.

(2) Delineation by the Planning Department

When requested by an applicant constructing a single family dwelling, the Administrator may perform the delineation, an approved site-specific method using all available local information, including: topographic maps, soil surveys, other applicable mapping, drainage area calculations and on-site indicators such as hydrology, soils, plant species and other stream/wetland indicators. The Administrator may waive this requirement, as set forth in subsection 1.7, if no potential on-site or adjacent RPA features are identified using available local information.

### 1.3.2 Designation of Resource Management Areas (RMA).

- A. RMAs shall include land types that, if improperly used or developed, have potential for causing significant water quality degradation or for diminishing the functional value of the RPA. An RMA shall be shown or mapped contiguous to the entire inland boundary of the RPA and shall include the following features:

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

- B. RMAs shall encompass sufficient land area to provide significant water quality protection through the employment of the criteria in subsection 1.6.B and the County's Comprehensive Plan.

- C. If the boundaries of a RMA include only a portion of a parcel of land, or development project, the Director may deem the entire parcel or development to be in the RMA based upon the components of section A above.

#### 1.4 Land Use

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

#### 1.5 Lot Sizes

Lot sizes shall be subject to the requirements of the underlying zoning district, except that any lot created after the effective date of this section shall have sufficient area outside the RPA to accommodate the proposed development, subject to the general performance standards in subsection 1.6.B, when the proposed development is not otherwise allowed in the RPA.

#### 1.6 CBPA Performance Standards.

##### A. Purpose and Intent.

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

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

- (1) Land disturbance shall be limited to the area necessary to provide for the proposed use or development designated by the zoning district of the parcel.
  - a. The limits of land disturbance shall be strictly defined by the construction footprint, which shall be clearly shown on submitted plans and physically marked on the development site.
  - b. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Administrator.
  - c. The construction footprint shall be reviewed and approved through the plan of development process set forth in subsection 1.8.
- (2) Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the proposed development and in accordance with the Virginia Erosion and Sediment Control Handbook.
  - a. Existing trees over six (6) inches diameter at breast height (DBH) and other woody vegetation shall be preserved outside the approved construction footprint.
  - b. Existing trees over six (6) inches diameter at breast height (DBH) shall be preserved within the construction footprint to the greatest extent possible.
  - c. Prior to commencement of development, including clearing, grading and/or filling, any tree(s) to be preserved shall be identified and protected from construction activities, with suitable protective barriers identified in the CBPA tree protection requirements, which shall be erected and maintained five (5) feet outside the dripline of any tree or stand of trees to be preserved, and shall remain throughout construction.
  - d. Dead, diseased or dying trees or trees weakened by age, storm, fire, or other injury may be removed when approved by the Administrator.

- (3) Land development shall minimize impervious cover consistent with the proposed use or development.
  - a. Parking and access shall be provided as set forth in Article XIII of the Zoning Ordinance.
  - b. Impervious coverage shall be limited to the lot coverage permitted under the zoning district requirements for the parcel as noted on the approved plan of development or site plan. The required yards of any parcel shall be maintained in open space. Such area shall not be disturbed and retain indigenous vegetation to the extent practical. The owner/developer may propose equivalent undisturbed open space areas subject to the approval of the Administrator.
- (4) Where best management practices, not subject to Virginia DEQ Stormwater coverage, are utilized which require regular or periodic maintenance in order to continue their functions, a maintenance agreement from the owner or developer shall be provided to the County and recorded in the records of the Office of the Clerk of the Circuit Court.
- (5) Any land disturbing activity that exceeds 2,500 square feet shall comply with the requirements of Chapter 45 of the Caroline County Code.
- (6) All land disturbance exceeding 2,500 square feet shall be subject to the appropriate plan of development process required by Article 15, Section 14, Article XVII Section 4 of this Ordinance, or subdivision plat approval in accordance with section 6 of the Caroline County Subdivision Ordinance. A Water Quality Impact Assessment, as defined in subsection 1.7, pursuant to subsection 1.6.D may be required.

(7) All on-site sewage disposal systems not requiring a VPDES permit shall:

- a. be pumped out at least once every five years.
- b. have a reserve sewage disposal site of equivalent capacity to the primary sewage disposal site, except that this requirement shall not apply to any parcel recorded prior to October 1, 1989, if the parcel does not have sufficient area to accommodate a reserve sewage disposal site, as determined by the local Health Department.
- (8) Stormwater runoff shall be controlled by the use of best management practices consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (4VAC 3-20-10, et seq.) as approved by DEQ.
- (9) Post-development nonpoint source pollution runoff loads shall not exceed the pre-development load; based on the calculated average land cover condition of the County.
- (10) No land disturbing activities shall be initiated until all required federal or state wetlands permits have been obtained and evidence of such has been submitted to the Administrator.
- (11) Land used for bona fide agricultural activities shall have a soil and water quality conservation assessment prepared by the Hanover-Caroline Soil and Water Conservation District. The plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this Ordinance.

#### C. RPA Development Criteria.

The following additional criteria shall be required in all RPAs:

- (1) Development may only be allowed if it meets one or more of the following criteria:
  - a. The development is water dependent;
  - b. The development constitutes redevelopment;

- c. The development is a road or driveway crossing that satisfies the conditions of subsection 1.6.C.4 or;
  - d. The development is a new use subject pursuant to the provisions of subsection 1.6.C.2.
  - e. The development is a regional flood control or stormwater management facility, per 9VAC25-830-140 1 e of the Regulations.
- (2) A new or expanded water dependent facility may be allowed provided that the following criteria are met:
- a. It does not conflict with the comprehensive plan;
  - b. It complies with the development criteria set forth in subsection 1.6.B
  - c. Any component that is not water-dependent is located outside of the RPA, and;
  - d. Access to the water-dependent facility will be provided with the minimum disturbance necessary, and where practicable, a single point of access will be provided.
- (3) Redevelopment of isolated redevelopment sites shall be permitted provided there is no increase in the amount of impervious cover and no further encroachment within the RPA. Redevelopment shall conform to all applicable erosion and sediment control in Chapter 45 of the County Code, and with all applicable stormwater management requirements of other state and federal agencies. Redevelopment efforts shall include the establishment of buffers and other water quality measures to improve water quality whenever possible.
- (4) Roads and driveways not exempt under subsection may be constructed in or across RPAs provided the following conditions are met:
- a. The Administrator finds that there are no reasonable alternatives to aligning the road or drive in or across the RPA;
  - b. The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize encroachment in the RPA and minimize adverse effects on water quality;
  - c. The design and construction of the road or driveway satisfy all applicable criteria of this Section and the Regulations; including submission of a Water Quality Impact Assessment and;
  - d. The Administrator reviews the plan for the road or driveway proposed in or across the RPA in coordination with the plan of development process in subsection 1.8.
- (5) A water quality impact assessment as outlined in subsection 1.7 shall be required for any proposed land disturbance, when required by the Administrator due to the unique characteristics of the site or intensity of development, in accordance with the general performance standards in subsection 1.6.B.
- (6) Buffer Area Requirements.
- A 100-foot vegetated buffer area that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.
- The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The full 100 foot buffer area shall be designated as the landward component of the RPA, in accordance with subsections 1.3, 1.3.2, and 1.9. The 100-foot buffer area may not be reduced in width, notwithstanding permitted uses, encroachments, and vegetation clearing, as set forth in this subsection.
- The 100-foot buffer area shall be deemed to achieve a seventy-five (75) percent reduction of sediments and a forty (40) percent reduction of nutrients.
- (7) Permitted Modifications:
- a. Indigenous vegetation may only be removed to provide for reasonable sight lines, access paths, and general woodlot management, subject to approval by the Administrator as follows:

- 1) Trees may be pruned or removed as necessary to provide the sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. The plant list as found in the DEQ's Riparian Buffers Modification & Mitigation Manual shall be used as a guide for choosing replacement vegetation, and a minor WQIA may be required to confirm the equivalency of replacement vegetation.
- 2) Any path shall be constructed and surfaced so as to effectively control erosion.
- 3) Dead, diseased, or dying trees or shrubbery may be removed and thinning of trees permitted as determined in writing by a certified arborist, or licensed landscape architect. Noxious weeds may be removed allowed as permitted by the Administrator.
- 4) For shoreline erosion control projects, trees and woody vegetation may be removed, provided necessary control techniques are employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions.

(8) Permitted Encroachments.

- a. When the application of the buffer areas will result in the loss of a buildable area on a parcel recorded prior to October 1, 1989, encroachments into the buffer area may be allowed as set forth in subsection 1.9 and the following criteria:
  - 1) Encroachments shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
  - 2) Where practical a vegetative area equal to the area of encroachment that will maximize water quality protection and mitigate the effects of the encroachment shall be established elsewhere on the lot or parcel;
  - 3) The encroachment may not extend into the seaward 50 feet of the buffer area.
- b. On agricultural lands the agricultural buffer area shall be managed to prevent concentrated flows of surface water from breaching the buffer area and appropriate measures may be taken to prevent noxious weeds from invading the buffer area. Encroachments into the buffer may be allowed as follows:
  - 1) Bona fide agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural best management practice, which, in the opinion of the Hanover/Caroline Soil and Water Conservation District, addresses the more predominant water quality issue on the adjacent land – erosion control or nutrient management – is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil test, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15-10 et seq.) administered by the Virginia Department of Conservation and Recreation.
  - 2) Agricultural activities may encroach within the landward 75 feet of the 100-foot wide buffer area when agricultural best management practices which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T", as defined in the "National Soil Survey Handbook" of November 1996 in the "Field

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

- 3) The buffer area is not required to be designated adjacent to agricultural drainage ditches if the adjacent agricultural land has at least one best management practices in place in accordance with a conservation plan approved by the Hanover/Caroline Soil and Water Conservation District.
- 4) All agricultural BMPs and soil and water quality conservation plans shall be based on the Field Office Technical Guide of the U.S. Department of Agriculture - Soil Conservation Service.
- 5) In cases where the landowner or his agent or operator has refused assistance from the local soil and water conservation district in complying with or documenting compliance with the agricultural requirements of this chapter, the district shall report the noncompliance to the County.

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

## **1.7 Water Quality Impact Assessment (WQIA)**

### Purpose and Intent

#### A. The purpose of a WQIA is to:

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

#### B. Applicability

A WQIA shall be required:

- (1) for any proposed land disturbance, development or redevelopment within an RPA;
- (2) for any buffer modification or encroachment permitted in subsections 1.6.C (7) or (8);
- (3) for any development in an RMA deemed necessary by the Administrator due to the unique site characteristics or intensity of the proposed use or development.

WQIAs are further defined as minor or major.



C. Minor Water Quality Impact Assessments

- (1) A minor WQIA shall be required for any proposed land disturbance, development or redevelopment of 5,000 square feet or less or which proposes to modify or encroach into the landward 50 feet of the 100 foot buffer area. A minor assessment shall demonstrate that the undisturbed buffer area, enhanced vegetative plantings and any required best management practices will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff and will retard runoff, prevent erosion, and filter nonpoint source pollution the equivalent of the full undisturbed 100-foot buffer area. A minor assessment shall include a site-drawing to scale, prepared by a licensed engineer or licensed surveyor, which shows the following:
- a. the location of the RPA and its components,
  - b. the location and nature of the proposed encroachment including: type of paving material; areas of clearing or grading; the location, type and amounts of impervious cover, and sewage disposal systems;
  - c. the type and location of proposed BMP's to mitigate the proposed encroachment.
  - d. the location of existing onsite vegetation, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification.
  - e. A re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control.

D. Major Water Quality Impact Assessments (WQIA)

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

The following elements shall be included in a major WQIA

- (1) All information required in a minor water quality study
- (2) A hydrogeological analysis that includes:
  - a. A description of the existing topography, soils, hydrology, and geology of the site and adjacent lands and which includes:
    - 1) the location of all slopes in excess of 15%;
    - 2) the location and type of highly permeable, impermeable or highly erodible soils;
    - 3) the depth to bedrock;
    - 4) the depth to seasonal water table;
    - 5) the identification of any soils unsuitable for development.
  - b. A description the impacts of the proposed development on the topography, soils, hydrology and geology on the site and adjacent land.
  - c. Identification of the following:
    - 1) the disturbance or destruction of wetlands and justification for such action;
    - 2) any disruptions or reductions in the supply of water to wetlands, streams, lakes, rivers or other water bodies;

- 3) any disruptions to existing hydrology including wetland and stream circulation patterns;
  - 4) the source location and description of proposed fill material;
  - 5) the location of dredging and location of dumping area for such material;
  - 6) an estimation of pre- and post-development pollutant loads in runoff;
  - 7) an estimation of percent increase in impervious surface on site and type(s) of surfacing materials used;
  - 8) the percentage of the site to be cleared;
  - 9) the proposed phasing or construction schedule of the project;
  - 10) a listing of all requisite permits from all applicable agencies necessary to develop the project.
- d. A description of the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include, but are not limited to:
- 1) additional erosion and sediment controls beyond these normally required, including; minimizing the extent of the cleared area, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed areas, schedule and personnel for site inspection;
  - 2) a stormwater management system for nonpoint source quality or quantity control;
  - 3) the creation of wetlands onsite or appropriate offsite location to replace those lost;
  - 4) minimizing cut and fill.

(3) A vegetative section that:

- a. Identifies and delineates the location of all woody plant material on site, including all trees on site six (6) inches or greater diameter at breast height or, where there are groups of trees, such groups may be outlined.
- b. Describes the impacts of the development on the existing vegetation including:
  - 1) the general limits of clearing, based on all proposed improvements, including buildings, drives and utilities;
  - 2) a clear delineation of all trees and woody vegetation to be removed;
  - 3) a description of plant species to be disturbed or removed.
- c. Describes the proposed mitigation measures, including:
  - 1) a design plan and replanting schedule for trees and vegetation removed, including a list of proposed plants and trees to be added;
  - 2) a demonstration that the re-vegetation plan will supplement the existing buffer vegetation in a manner that provides for pollutant removal and erosion and runoff control.
  - 3) a demonstration that the design of the plan will preserve, to the greatest extent possible, any significant trees and vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation.
  - 4) a demonstration that indigenous plants are to be used to the greatest extent possible.

E. WQIA Submission and Review Requirements.

- (1) All information required in this subsection shall be certified as complete and accurate by a professional engineer or a certified land surveyor.
- (2) A minor WQIA shall be prepared and submitted by the Applicant and reviewed by the Administrator in conjunction with subsection 1.7 of this Section.
- (3) A major WQIA shall be prepared and submitted by the Applicant and reviewed by the Administrator in conjunction with the Plan of Development Process in subsection 1.8.
- (4) The Administrator may request review by the DEQ Office of Local Government Assistance or other appropriate agencies. Upon receipt of a major WQIA, the Administrator will determine if such review is warranted and may request DEQ to review the study and respond with written comments. Any comments by DEQ will be incorporated into the final review by the Administrator provided that such comments are provided by DEQ within 30 days of the request.

F. Evaluation Procedure.

- (1) Upon the completed review of a minor WQIA, the Administrator will determine if the proposed modification or encroachment into to the buffer area is consistent with the provisions of this subsection, and make a finding based upon the following criteria:
  - a. The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
  - b. Whether impervious surface is minimized;
  - c. Whether proposed mitigation measures, including the revegetation plan and site design, result in minimal disturbance to all components of the RPA, including the 100-foot buffer area
  - d. Whether proposed mitigation measure will work to retain all buffer area functions: pollutant removal, erosion and runoff control;
  - e. Whether proposed best management practices, where required, achieve the requisite reductions in pollutant loadings;
  - f. Whether the development, as proposed, meets the purpose and intent of this Section;
  - g. Whether the cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (2) Upon review of a major WQIA, the Administrator shall determine whether the proposed development is consistent with the purpose and intent of this Section and make a finding based upon the following criteria:
  - a. the proposed development is water-dependent or redevelopment;
  - b. the disturbance of wetlands will be minimized;
  - c. the development will not result in significant disruption of the hydrology of the site;
  - d. the development will not result in significant degradation to aquatic vegetation or life;
  - e. the development will not result in unnecessary destruction of plant materials on site;
  - f. the proposed erosion and sediment control plans are adequate to reduce runoff and prevent off-site sedimentation;
  - g. the proposed stormwater management plans are adequate to control the stormwater runoff to achieve "no net increase" in pollutant loadings;
  - h. the proposed re-vegetation of disturbed areas will provide optimum erosion and sediment control benefits as well as runoff control and pollutant removal equivalent of the full 100-foot undisturbed buffer area;
  - i. the design, location and maintenance of any proposed drainfield will be in accordance with requirements of subsection 1.6.B.7;

- j. the development, as proposed, is consistent with the purpose, spirit and intent of the Overlay District;
  - k. the cumulative impact of the proposed development, when considered in relation to other existing and proposed development in the vicinity will not result in a significant degradation of water quality.
- (3) The Administrator shall require additional mitigation where potential impacts are not adequately addressed.
  - (4) If the Administrator finds the proposal is inconsistent with the purpose and intent of this Section when the impacts cannot be mitigated, it shall be denied.

### **1.8 Plan of Development Process.**

Any development or redevelopment exceeding 2,500 square feet of land disturbance shall be accomplished through a plan of development process prior to site clearing or grading or the issuance of any building permit.

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

In addition to the requirements of Article 15, Section 14, Article XVII section 4, or Section 6 of the Caroline County Subdivision Ordinance, the plan of development process shall consist of the plans and studies identified below, which may be coordinated or combined, as deemed appropriate by the Administrator.

- (1) A landscape plan, except where a residential plot plan is accepted.
- (2) A stormwater management plan, except where a residential plot plan is accepted and calculations show stormwater management is not required.
- (3) An erosion and sediment control plan in accordance with Chapter 45 of the Code of Caroline County. For single family dwellings or accessory structures thereto, with no RPA encroachment, an agreement in lieu of a plan may be accepted by the County.
- (4) A Water Quality Impact Assessment for all development or redevelopment exceeding 2,500 square feet of land disturbance.

The Administrator may determine that some of the information above is unnecessary due to the scope and nature of the proposed development.

#### **B. Residential Plot Plans**

A residential plot plan for individual single family homes, additions and accessory buildings shall be required and submitted to the Planning Department for review and approval as required by Article XVII Section 4 of the Zoning Ordinance.

#### **C. Environmental Site Assessment.**

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

#### **D. Landscape Plan.**

A landscape plan shall be prepared with a site plan and/or subdivision plat, or as a condition of rezoning or special exception permit approval. Landscape plans shall be prepared and/or certified by design professionals practicing within their areas of competence as prescribed by the Code of Virginia.

- (1) Contents of the Plan.
  - a. The landscape plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing groups of trees on the site six (6) inches or greater diameter at breast height (DBH) shall be shown on the landscape plan, or where there are groups of trees, said stands may be outlined instead. The specific number of trees six (6) inches or greater DBH to be preserved outside of the building envelope shall be indicated on the plan. Trees and other woody vegetation proposed to

be removed to create the desired construction footprint shall be clearly delineated on the landscape plan.

- b. Any RPA buffer area shall be clearly delineated and any plant material to be added to establish or supplement the buffer area, as required by this Section, shall be shown on the landscape plan.
- c. Within the buffer area, trees and other woody vegetation to be removed for sight lines, vistas, access paths, and best management practices, as provided for in this Section, shall be shown on the plan. Vegetation required by section 1.6.C (6) to replace any existing trees within the buffer area shall also be shown on the landscape plan.
- d. Trees and other woody vegetation to be removed for shoreline stabilization projects and any replacement vegetation required by this Section shall be shown on the landscape plan.
- e. Identification of grade changes or other work adjacent to trees to be preserved which would adversely affect them shall be shown of the landscape plan.
- f. Specifications shall be provided as to how grade, drainage, and aeration will be maintained around such trees.
- g. Specifications shall be provided for the protection of existing trees and other vegetation during clearing, grading, and all phases of construction shall be shown of the landscape plan.

(2) Plant Specifications.

- a. All plant materials necessary to supplement the buffer area or vegetated areas outside the construction footprint shall be installed according to standard planting practices and procedures.
- b. All supplementary or replacement plant materials shall be living and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the American Standard for Nursery Stock, published by the American Association of Nurserymen.
- c. Where areas to be preserved, as designated on an approved landscape plan, are encroached upon during the development process, replacement of existing trees and other vegetation will be achieved at a ratio of three (3) planted tree to one (1) removed. Replacement trees shall be a minimum one and one-half (1.5) inches DBH at the time of planting. At the discretion of the Administrator, replacement may be achieved at ratios of one (1) to one (1) at 3.5 inch at DBH, or two (2) to one (1) at 2.5 inches DBH.

(3) Maintenance.

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

E. Stormwater Management Plan.

- (1) A stormwater management plan for parcels in excess of one acre, or as part of a common plan of development, shall be submitted for review and approval to the Department of Environmental Quality in conjunction with site plan or subdivision plan approval.
- (2) A stormwater management plan for parcels of 2500 square feet to one acre, shall be submitted for review and approval by the County as a part of the plan of development process in conjunction with a site plan or residential plot plan.
  - a. Contents of the Plan

The stormwater management plan shall contain sufficient information and supporting references to communicate the information required by this Section. At a minimum, the stormwater management plan shall contain the following:

- 1) the location and design of all planned stormwater control devices
- 2) procedures for implementing nonstructural stormwater control practices and techniques
- 3) pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations
- 4) for facilities, verification of structural soundness, including a Professional Engineer or Class III B Surveyor Certification

- b. All engineering calculations shall be performed in accordance with procedures outlined in the current edition of the Virginia Stormwater Management Handbook.
- c. The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. A maintenance agreement shall be executed between the responsible party and Caroline County.

#### F. Erosion and Sediment Control Plan

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

#### G. Final Site Plans and Subdivision Plats

Final site plans or subdivision plats shall be reviewed and approved as provided in Article 15, Section 14 of this Ordinance or Section 6 of the Subdivision Ordinance as appropriate.

##### (1) Installation and Bonding Requirements.

- a. Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed, in accordance with the approved site plan.
- b. When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued if the applicant provides surety in a form and amount satisfactory to the Caroline County equal to the remaining plant materials, related materials and installation costs of the required landscaping or facilities and/or maintenance costs for any required stormwater management facilities during the construction period.
- c. All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or a surety may be forfeited to the County.
- d. All required stormwater management facilities or other specifications shall be installed and approved within eighteen (18) months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to the County. The County may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.
- e. After all required actions of the approved site plan have been completed, the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Administrator, such unexpected or unobligated portion of the surety held shall be refunded to the applicant

or terminated within sixty (60) days following the receipt of the applicant's request for final inspection. The Administrator may require a certificate of substantial completion from a Professional Engineer or Class IIIB Surveyor before making a final inspection.

H. Administration.

Administration of the plan of development process shall be in accordance with Article 15, Section 14 or Article XVII of this Ordinance or Section 6 of Caroline County Subdivision Ordinance, as appropriate.

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

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

### 1.9 Nonconforming Uses and Structures

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

No change or expansion of a nonconforming use or structure shall be allowed except as provided in this section:

A. The Administrator may grant a nonconforming use and/or structures a waiver for principal structures on legal nonconforming parcels to provide for remodeling and alterations to such nonconforming structures provided that:

- (1) There will be no increase in nonpoint source pollution load;
- (2) There shall be no development or land disturbance in excess of 2,500 square feet, which shall comply with all erosion and sediment control requirements of this section.

B. A nonconforming use and/or structure waiver is granted by the Planning Commission for the expansion of a nonconforming principal structure subject to the provisions of Article 16 (Non-conforming uses) of this ordinance, provided that the following findings are made:

- (1) The request for the waiver is the minimum necessary to afford relief;
- (2) Granting the waiver will not confer upon the applicant any specific privileges that are denied by this Section to other property owners in similar situations;
- (3) The waiver is in harmony with the purpose and intent of this Section and does not result in water quality degradation
- (4) The waiver is not based on conditions or circumstances that are self-created or self-imposed;
- (5) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing degradation of water quality;
- (6) Other findings, as appropriate and required by the County are met and;
- (7) This provision shall not apply to accessory structures.

C. An application for a nonconforming use and/or waiver shall be made to the Administrator on forms furnished by the Planning Department and which contains the following information:

- (1) Name and address of applicant and property owner;
- (2) Legal description of the property and type of proposed use and development;
- (3) A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Protection Area;

- (4) Location and description of any existing private water supply or sewage system.
- (5) Proposed location of any land disturbance and the area in square feet.

D. A nonconforming use and development waiver shall become null and void twelve months from the date issued if no substantial work has commenced.

### 1.10 Exemptions

The following activities and uses are exempt from the requirements of this section:

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

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

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

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

- (1) The location of such utilities and facilities should be outside RPAs to the extent possible;
- (2) No more land shall be disturbed than necessary to provide for the utility installation;
- (3) All construction, installation, and maintenance of utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and shall be designed and conducted in a manner that protects water quality; and
- (4) Any land disturbance exceeding an area of 2,500 square feet shall comply with Chapter 45 of the County Code.

#### C. Exemptions for Silvicultural Activities.

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

#### D. Exemptions for Activities in Resource Protection Areas.

Land disturbing activities for water wells, passive recreation facilities (boardwalks, trails, pathways, etc.), historic preservation and archeological activities may be exempt provided it is demonstrated to the satisfaction of the Administrator that:

- (1) Any other required permits, have been issued;
- (2) The applicant demonstrates that the proposed use will not deteriorate water quality;
- (3) The proposed use does not conflict with nearby planned or approved uses; and
- (4) Any land disturbance exceeding 2,500 square feet in area shall comply with Chapter 45 of the County Code.



### **1.11 Exceptions**

- A. A request for an exception to the requirements of this District shall be made in writing to the Planning Commission on forms available in the Planning Department. It shall identify the impacts of the proposed exception on water quality and on lands in the RPA through the performance of a WQIA as specified in subsection 1.7.
- B. A public hearing shall be conducted in accordance with §15.2-2204 of the Code of Virginia.
- C. The Commission shall review the request and the WQIA. The Commission may grant the exception provided it finds:
  - (1) Granting the request will not confer upon the applicant any special privileges that are denied by this Section to other property owners in the CBPA District;
  - (2) The request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or nonconforming related to adjacent parcels;
  - (3) The request is the minimum necessary to afford relief;
  - (4) The request is consistent with the purpose and intent of the CBPA District, and not injurious to the neighborhood or otherwise detrimental to the public health, safety and general welfare and is not of substantial detriment to water quality; and;
  - (5) Reasonable and appropriate conditions can be and are imposed to prevent the request from causing a degradation of water quality.
- D. If the Planning Commission cannot make the required findings or refuses to grant the exception, the Planning Commission shall provide written findings and rationale for the decision to the applicant.
- E. A request for an exception to the requirements of this Section other than Section 1.6.C, shall be made in writing to the Administrator. The Administrator may grant these exceptions upon a finding that:
  - (1) Exceptions to the requirements are the minimum necessary to afford relief; and
  - (2) Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purpose and intent of this section is preserved.
  - (3) Exceptions to subsection 1.6.B, may be made provided that the findings noted in subsection 1.11.C are made by the Administrator.

### **1.12 Conflict of Article with other Regulations**

Where the requirements of this Section conflict with any other provision of this Ordinance or other existing County, state or federal regulations, the more stringent restrictions shall apply.

### **1.13 Severability**

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

### **1.14 Penalties.**

- A. Any person who: (i) violates any provision of this Section or (ii) violates or fails, neglects, or refuses to obey any final notice, order, rule, regulation, or variance or permit condition issued by the County and authorized under this Section shall, upon such finding by an appropriate circuit court, be assessed a civil

penalty not to exceed \$5,000 for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the County for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein, in such a manner as the court may direct by order, except that if the violator is the County or its agent, the court shall direct the penalty to be paid into the state treasury.

- B. Nothing in this section shall be deemed to limit the authority of the County to apply to the County Circuit Court for injunctive relief to enjoin a violation or threatened violation of this Section, or to seek damages in a civil action, including but not limited to the recovery of any cost(s) incurred for any conservation action undertaken by the County to preserve the Chesapeake Bay Preservation Area in accordance with this subsection.
- C. With the consent of any person who: (i) violates any provision of this Section related to the protection of water quality in Chesapeake Bay Preservation Areas or (ii) violates or fails, neglects, or refuses to obey any notice, order, rule, regulation, or variance or permit condition issued by the County and authorized under this subsection, the County may provide for the issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed \$10,000 for each violation. Such civil charges shall be paid into the treasury of the County in which the violation occurred for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein, except that where the violator is found to be the County or its agent, the civil charges shall be paid into the state treasury. Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subsection (A) above. Civil charges may be in addition to the cost of any restoration required or ordered by the County or the Administrator of Planning.