Agenda Approval of Minutes 6-25-2020 Draft Poultry Ordinance Update Draft Sign Ordinance Update Industrial Districts Ordinance Amendment Planner Communications 6 8

# Department of Community Development & Code Compliance



#### PLANNING COMMISSION

Alex W. Bresko, Jr., Chairman Floyd M. Brown, Sr., Vice Chairman R. Steven Brockwell James A. Easter Imogene S. Elder V. Clarence Joyner, Jr. Joseph E. Simmons

# County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

# Planning Commission Draft Agenda

Regular Meeting Thursday, July 23, 2020 6:30 p.m. County Board Room

This meeting is being held electronically in accord with Virginia Code Section 15.2-1413. The meeting is accessible by:

If you would like to participate in the meeting using Zoom:

https://zoom.us/j/5053851421?pwd=V2pjSHFneFRLUUE2bjNqQnR3emZoUT09

Meeting ID: 505 385 1421

Password: 200726

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During the public comment period you may raise your hand using the Zoom controls on your screen or press \*9 on your phone. Visit the Zoom Help Center for more information.

If you would like to watch the meeting in real time use this link: <a href="https://www.youtube.com/c/princegeorgevirginia">https://www.youtube.com/c/princegeorgevirginia</a>

Public comments may be made in person during any meeting. You may also submit any public comments on our website at

https://www.princegeorgecountyva.gov/departments/board\_of\_supervisors/public\_comment\_form.php.

Any public comments received via Zoom, in person or by website form up until the public comment section is closed by the Chairman of the Planning Commission on July 23 shall be entered into the meeting minutes.

- I. Call to Order
- II. Roll Call
- III. Invocation
- IV. Pledge of Allegiance to the U.S. Flag
- V. Adoption of Meeting Agenda
- VI. Approval of the Meeting Minutes June 25, 2020 [2]
- VII. Nomination of Planning Commission CIP Committee Members
- VIII. Citizen Comment Period
  - IX. New Business

DRAFT RESIDENTIAL POULTRY ORDINANCE UPDATE [3]

DRAFT SIGN ORDINANCE UPDATE [4]

INDUSTRIAL DISTRICTS ORDINANCE AMENDMENT [5] Inclusion of M-1 uses in M-2 District, and M-1 and M-2 uses in M-3 District

- X. Planner's Communications to the Commission [6]
  - a) Actions of the Board of Zoning Appeals
  - b) Actions of the Board of Supervisors
    - i. Solar Energy Facility Siting Policy
    - ii. July 14 Public Hearing outcomes
  - c) Comprehensive Plan Update

#### **MINUTES**

#### Planning Commission County of Prince George, Virginia

June 25, 2020

# County Administration Bldg. Board Room, Third Floor 6602 Courts Drive, Prince George, Virginia

This meeting was held electronically in accord with Virginia Code Section 15.2-1413. The meeting was accessible by:

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<u>MEETING CONVENED.</u> The Regular Meeting of the Prince George County Planning Commission was called to order at 6:30 p.m. on Thursday, June 25, 2020 in the Boardroom, County Administration Building, 6602 Courts Drive, Prince George, Virginia by Chairman Bresko.

#### **ATTENDANCE.** The following members responded to Roll Call:

Mr. Simmons	Present
Mrs. Elder	Present
Mr. Bresko	Present
Mr. Joyner	Present
Mr. Easter	Present
Mr. Brown	Absent
Mr. Brockwell	Absent

Also present: Julie C. Walton, Deputy County Administrator, Jeff Stoke, Deputy County Administrator, Cliff Young, Director of IT, Horace Wade, Planner, Tim Graves, Missy Greaves-Smith, Administrator Support Specialist

**INVOCATION.** Mr. Simmons provided the Invocation.

<u>POLICY ADOPTION.</u> Chairman Bresko asked the Commissioners to review the policy allowing for and governing participation of Planning Commission members by electronic communication means. Mr. Easter made a motion to approve the policy and Mr. Joyner seconded the motion. Roll was called on the motion.

In favor: (5) Bresko, Joyner, Simmons, Elder, Easter

Absent: (2) Brown, Brockwell

At 6:34 p.m. a second Roll Call was made after the adoption of the Policy.

Mr. SimmonsPresentMrs. ElderPresentMr. BreskoPresentMr. JoynerPresentMr. EasterPresent

Mr. Brown Present (from home)
Mr. Brockwell Present (from home)

<u>PLEDGE OF ALLEGIANCE TO THE FLAG.</u> Mrs. Elder led in the Pledge of Allegiance to the United States flag.

APPROVAL OF MEETING AGENDA. Chairman Bresko asked the Commissioners for a motion to approve the Meeting Agenda for the June 25, 2020 Planning Commission. Mr. Easter made a motion to approve the Meeting Agenda and the motion was seconded by Mrs. Elder.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell

Abstain: (0)

<u>APPROVAL OF THE MEETING MINUTES.</u> Chairman Bresko asked the Commissioners to review the February 27, 2020 Minutes of the Planning Commission for approval. Mr. Joyner made a motion to approve the Minutes as presented and the motion was seconded by Mr. Easter. Roll was called on the motion.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell

Abstain: (0)

<u>APPROVAL OF THE MEETING MINUTES.</u> Chairman Bresko asked the Commissioners to review the May 28, 2020 Minutes of the Planning Commission for approval. Mrs. Elder made a motion to approve the Minutes as presented and the motion was seconded by Mr. Easter. Roll was called on the motion.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Brockwell

Abstain: (1) Easter

<u>CITIZEN COMMENT PERIOD.</u> At 6:36 p.m., Chairman Bresko opened the Citizen Comment Period to anyone who wished to come forward to speak to the Commissioners on only topics that were not on the agenda. Citizens were asked to limit their comments to three (3) minutes. Mr. Stoke asked the participants on Zoom who wished to speak to raise their electronic

hand at this time. With no one coming forward and no notifications on Zoom, the Citizen Comment Period closed at 6:37 p.m.

#### **NEW BUSINESS.**

#### **REZONING CASE AMENDMENT RZ-20-01**

Request of Skycass Marketing pursuant to § 90-788, Change of Approved Conditions, to amend Proffered Condition 1 of Section 2 of Zoning Case ZM-84-5 relative to the permitted uses on the M-2, General Industrial Zoned parcel by adding the following additional permitted uses: 1) Blacksmith shops, welding or machine shops, 2) Building material sales yard and plumbing supplies, 3) Contractors' equipment storage yard or plant or rental of equipment commonly used by contractors, 4) Off street parking as required by this chapter, 5) Accessory uses, 6) Business signs, and 7) Wholesale businesses and storage warehouses. The subject property is located at 5106 Prince George Drive and is identified as Tax Map 240(16)00-004-0. The Comprehensive Plan indicates the property is suitable for commercial uses.

Mr. Wade presented to the Commissioners the RZ-20-01 case of Skycass Marketing, LLC to amend proffered conditions of Zoning case ZM-84-5 by adding additional General Industrial (M-2) permitted uses. The property is currently zoned M-2 with only one use allowed. The adjacent property to the north of the subject property is zoned M-2 with no restrictions and the properties to the east are zoned B-1. The property to the west is zoned R-A and the property just north of that is zoned M-2 with the same restrictions as the subject parcel.

The current M-2 Zoning permitted use is for automobile painting, repair, rebuilding, reconditioning and body and fender work. The applicant is proposing seven additional uses:

- 1. Blacksmith shops
- 2. Building material sales yards and plumbing supplies
- 3. Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors
- 4. Off street parking as required by this chapter
- 5. Accessory uses
- 6. Business signs
- 7. Wholesale businesses and storage warehouses

The applicant would like to use the warehouse place as rental space for contractor/plumber office space(s) and additional storage.

#### Staff Comments:

- The Planning & Zoning Division:
  - Uses appear compatible with previously approved automotive body and maintenance shop uses
  - o Adjacent parcel north of the subject parcel is zoned M-2 with no restriction
  - o Outside storage of materials to be screened by ordinance
- Building Official:
  - o Structures over 256 SF are required to obtain a building permit
- VDOT:
  - o Property is accessed by an appropriate commercial entrance
  - o Turn lane warrant analysis was conducted and a turn lane is not required
  - o Road Maintenance agreement should be in place

Mr. Wade reviewed the Comprehensive Plan – Future Land Use map and stated the subject property is designated for commercial uses. Public water and wastewater facilities are generally available or planned for these areas. However, water and sewer is not available at this location. At this time, the Economic Development Goal #1 states, "to enhance the economic base and employment opportunities in Prince George" with the objective to develop a strong and diversified tax base through guided office, commercial retain and industrial development.

Mr. Wade stated staff recommends approval, subject to recommended conditions in the Staff Report. This recommended approval is based on being compatible with the Comprehensive Plan, compatible with existing permitted uses and adjacent properties and diversifying the tax base.

Mr. Simmons asked for clarification on a turning lane slide in Mr. Wade's presentation. Mr. Wade stated that after VDOT's review, a turning lane would not be required at this location. Mr. Simmons questioned the number of inoperable cars at the subject location. Mr. Wade stated that under the current conditions for an auto body shop, it is permitted to have customer's vehicles onsite.

Mrs. Elder inquired about the building on the left being an auto body shop. Mr. Wade clarified by stating the property on the left is not included in this request. Mr. Simmons clarified that the cars he was referring to were located at the business on the left, not the subject property.

At 6:48 p.m., Chairman Bresko opened the Public Hearing for RZ-20-01 to anyone wishing to speak for or against the proposed rezoning. Mr. Stoke asked if anyone on Zoom wished to speak to raise his or her hand electronically.

Troy Gibbs, of 4244 Cedar Creek Lane and the applicant for RZ-20-01, wished to speak through Zoom. Mr. Gibbs wished to clarify some of the questions the Commissioners had during the presentation. The property on the left is currently operating as a body shop and has different property owners. The cars in the photo are customer cars for that auto body shop next door. He stated there are currently no inoperable vehicles on the subject property.

Chairman Bresko asked Mr. Gibbs to clarify if he was going to have a "Blacksmith Shop or Welding Shop". Mr. Gibbs explained that it would be a permitted use but at this time, they are looking to use the space for contractor storage and office space. As the zoning is currently, it limits them to just an auto body shop.

Chairman Bresko asked if anyone else had any questions or comments. With no one else coming forward or requesting to speak on Zoom, Chairman Bresko closed the Public Hearing at 6:52 p.m.

Mr. Simmons made a motion to forward RZ-20-01 with the recommendation of approval along with the stated conditions to the Board of Supervisors (BOS) for consideration. The motion was seconded by Mr. Brockwell and roll called on the motion.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell

Abstain: (0)

#### **SPECIAL EXCEPTION SE-20-01**

Request of Craig Owen pursuant to Prince George County Zoning Ordinance Section 90-53(55) to permit a Home Occupation in an accessory building within an A-1, General Agricultural District, for the purpose of operating a pest control business as a home occupation. The subject property is located at 12700 Silvercrest Lane and is identified as Tax Map 260(07)00-015-0. The Comprehensive Plan indicates the property is suitable for agricultural uses.

Mr. Graves presented a slide presentation indicating the subject property's location is on the northeast side of the County on Silvercrest Lane, which is a private road near the intersection of Old Stage Road and Heritage Road. The subject property and all of the surrounding properties are Zoned A-1. The subject property is approximately 5.14 acres in size.

The applicant operated a pest control business in Idaho before moving to Virginia. He is currently trying to operate his business at his residence. A 40' x 60' accessory building is part of the proposal, to be used for storage of operating supplies and company vehicles. The two (2) existing storage containers that are currently on the property are being used primarily for personal use.

Mr. Graves explained that Commercial Pesticide Applicator businesses are regulated by the Virginia Department of Agriculture and Consumer Services (VDACS) and require a license. The applicant is currently in the process of acquiring the required license(s).

This Home Occupation Zoning Approval requires a special exception because the applicant is requesting to have two (2) company vehicles, outside storage and an accessory building used primarily for the business.

#### **Staff Comments:**

- Planning & Zoning Division:
  - O Shipping containers must be relocated to meet setbacks for accessory buildings
- Review Team:
  - o Safety Data Sheets must be available upon request
  - o Items need to be secured and maintained to prevent accidental leaks of products
  - o Structures over 256' are required to obtain a Building Permit
  - Any land disturbance activity exceeding 2500 SF is required to obtain a Land Disturbance Permit
  - o Silvercrest Lane is a private road with sufficient access onto Heritage Road

#### Recommended Conditions from Staff:

- Applicant to maintain Applicator's license
- Maximum size of building for the use is 2,400 SF
- No outside storage except the existing (2) shipping containers (must meet accessory building setbacks)
- Chemicals to be contained and locked at all times and otherwise stored in accordance with license and any other applicable regulations
- Limit of 4 gallons of chemicals on the property
- No customers, employees, permanent signage on the property

As a result of the Adjacent Property Owner's Notification mailing, the Planning & Zoning Division received comments from two (2) neighboring property owners. Mr. Graves indicated that the questions from the citizens along with staff's responses were included in their packets. Staff recommends approval with the recommended conditions on this request.

Mr. Simmons asked Mr. Graves a question in reference to the limited amount of chemicals allowed to be stored onsite and if this needs to be reviewed by the Department of Environmental Quality (DEQ). Mr. Graves confirmed that due to a limitation of four (4) gallons of chemicals, DEO would not need to review this case.

At 7:03 p.m., Chairman Bresko opened the Public Hearing for SE-20-01 to anyone wishing to speak for or against the proposed special exception. Mr. Stoke asked if anyone on Zoom wished to speak to raise his or her hand electronically. No one wished to speak through Zoom.

Chairman Bresko asked the applicant, Craig Owen, about the concentration of the chemicals in reference to only having four (4) gallons of products on hand at a time. Mr. Owen explained he only has onsite the amount of products needed for the current jobs. He stated that four (4) gallons would be the most he would have and typically he only has approximately two (2) quarts on hand. He confirmed the chemicals are highly concentrated. For example, a 100 gallon tank would only need 12 ounces of product for spraying spiders, flies and ants.

Mr. Simmons asked the applicant if the supplier delivers the products or does he pick them up. Mr. Owen stated he would use a local company and he would pick them up himself and transport them in a locked box in the back of his vehicle.

At 7:07 p.m., Chairman Bresko closed the Public Hearing. He asked the Commissioners if they had any further questions; if not he would entertain a motion. Mr. Easter made a motion to forward SE-20-01 to the BOS with the recommendation of approval with conditions. This motion was seconded by Mrs. Elder. Roll was called on the motion.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell

Abstain: (0)

#### **REZONING CASE RZ-20-02[7]**

Request of Prince George 105, LLC to conditionally rezone 1.452 acres from R-A, Residential Agricultural to B-1, General Business. The subject parcel is located at 4521 County Drive at the northwest intersection of County Drive and Bull Hill Road and is identified as Tax Map 340(08)00-00A-0. The Comprehensive Plan indicates the property is suitable for industrial or commercial uses.

Mr. Wade presented to the Commissioners a map to show the zoning of surrounding properties. The new intended use of this property is a 3,000 SF fast food restaurant. The subject property would be developed in accordance with a proffer statement and a schematic plan and excludes certain uses permitted by right and by special exception.

#### **Staff Comments:**

- Planning & Zoning Division:
  - o Surrounding Tax Map parcels are zoned General Business (B-1)
  - o Additional site design requirements required by the Zoning Ordinance

- Sidewalk connection along Bull Hill Road to provide pedestrian connectivity per Comprehensive Plan
- VTRANS Mid-Term needs indicate there is a regional need for bicycle access along Bull Hill Road
- Building Official:
  - o Property has been reviewed for compliance with Building Code
- Economic Development:
  - o Property is located in the Enterprise Zone
- Utilities:
  - o Sewer system serving this property is near capacity
  - o Connection to sewer system must be made on Route 460 to gravity sewer system
  - O Connection to the County's water can be made to either of the 12" water lines located on Route 460 and Bull Hill Road
- Transportation:
  - Proposed accesses along Bull Hill Road and County Drive are acceptable
  - The easement shown within the proposed BMP is a VDOT drainage easement VDOT easements must be abandoned by the Commonwealth Transportation Board

#### **Recommended Conditions:**

- Exclusion of certain permitted uses and uses requiring special exception
- Site development requirements
- Building and design requirements
- Five (5) foot wide sidewalk installed along Bull Hill Road connecting to the property north of subject property
- Development in strict accordance with conditions and as generally depicted on the Schematic Plan dated March 9, 2020

The recommended conditions have been reviewed by the applicant and Mr. Wade stated the applicant's representative is available to answer any questions.

Mr. Wade stated staff recommends approval of RZ-20-02 along with the recommended conditions. This project is compatible with the Comprehensive Plan recommendations, the Schematic Plan is acceptable for traffic access management, according to VDOT and it provides a diversifying tax base. The sewer/wastewater system in the area is near capacity. The applicant will be required to have an analysis to determine if improvements to the existing facilities are required to service the needs of the property.

Mr. Easter asked for clarification of the subject location. Mr. Wade reviewed the map slide with the Commissioners for better understanding.

Mr. Joyner questioned the water and sewer capacity. Mr. Wade stated the owners would need to work with the Utilities Department and the engineers to determine availability.

Mr. Simmons stated that the Commissioners objective is to consider the use of the land, not if the utilities have the capacity. Mr. Wade agreed that this case is a land use decision.

At 7:20 p.m., Chairman Bresko opened the Public Hearing for RZ-20-02 to anyone wishing to speak for or against the proposed rezoning.

Derick Johnson P.E., Timmons Group, representing the applicant in this case, wished to clarify some questions about utilities. He stated the County's Engineer is in the process of conducting a study about sewer going down Route 460 and discussed it with the Board of Supervisors (BOS) last month. At the last BOS Work Session, the Board authorized the County Engineer to look into the sewer capacity on Route 460. The limiting factor, Mr. Johnson stated, is the 12" sewer line pipe that goes under Interstate 295 into Petersburg. Currently, there is 160,000 gallons per day still available along Route 460. The proposed Hardee's and 7-11 will need to feed into that, but it is on a first come first service basis for the sewer use. Mr. Johnson explained that the BOS is looking into the capacity of the sewer for future development in that area. Mr. Johnson also stated his clients have reviewed the conditions and the proffers and they are in agreement.

Mr. Simmons stated that the subject property has been vacant for several years since the nursery was operational. His concern is in reference to the environmental qualities of the soil. Mr. Simmons asked Mr. Johnson if they had environmental clearance in reference to the property being developable. Mr. Johnson explained Timmons Group had done a wetlands study on the property but is not aware of any contamination problems.

Mr. Stoke asked if anyone on Zoom wished to speak. No one wished to speak on Zoom.

At 7:27 p.m., Chairman Bresko closed the Public Hearing. He asked the Commissioners if they had any questions; if not he would entertain a motion. Mr. Easter made a motion to forward RZ-20-02 to the BOS with the recommendation of approval with conditions. This motion was seconded by Mr. Joyner. Roll was called on the motion.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell Abstain: (0)

#### Planner's Communications to the Commission.

Mr. Wade presented to the Commissioners the following updates:

- 1. Actions of the Board of Zoning Appeals
  - a. No cases
- 2. Actions of the Board of Supervisors
  - a. Two (2) Special Exceptions for solar facilities pending
  - b. Tonight's PC cases will be scheduled for the July 14th meeting
- 3. Draft July 23, 2020 Agenda
  - a. Please review
  - b. Nominees for the CIP committee Two (2) PC members needed
- 4. Zoning Ordinance Amendment related to Keeping of Chickens
  - a. Review Ordinance and be prepared to have a discussion

- b. Mr. Wade to provide an update with suggestions to the Commissioners at the July Work Session
- 5. Sign Ordinance Update
  - a. Draft Sign Ordinance will be presented to the PC in July
- 6. Comprehensive Plan Update
  - a. Planning is working on completing a VDOT technical review
  - b. Planning is working on updating content in reference to housing and transportation
- 7. Solar Energy Facility Siting Policy Public Meeting
  - a. Public Meeting to be held at the Central Wellness Center on June 30<sup>th</sup> at 6:30 p.m.
- 8. General Comments
  - a. Mr. Simmons asked what the next step of the Solar Energy Facility Siting Policy would be. Mr. Wade explained the Policy is scheduled to be heard at the July 14<sup>th</sup> BOS meeting and on June 30<sup>th</sup> a Public Meeting is scheduled.

#### Adjournment.

At 7:45 p.m., Chairman Bresko asked the Commissioners if they had any questions; if not he would entertain a motion to adjourn. Mr. Simmons made a motion to adjourn and the motion was seconded by Mr. Joyner. Roll was called on the motion.

In favor: (7) Bresko, Joyner, Brown, Simmons, Elder, Easter, Brockwell

Abstain: (0)

# Residential Poultry Ordinance Update Planning Commission Meeting July 23, 2020

At the June 25, 2020 Planning Commission meeting, Staff shared several letters from citizens requesting that chickens be allowed to be kept on residential lots smaller than the existing two-acre minimum. Staff requested input from the Commission on how to respond to this request. The Commission in turn asked Staff to provide a draft ordinance which would allow the Commission to consider possible ordinance changes to accommodate chickens and other poultry on smaller lots.

During review and drafting of proposed changes, Staff noted that a reduction in acreage would also necessitate a reduction in setbacks, among other considerations reasonably resulting from or related to this change. Staff has provided a draft ordinance intended to address the request while offering the commission opportunities to consider the variables involved in the keeping of poultry on residential parcels. The draft includes the following:

- 1. Blank spaces and sample options highlighted for focused consideration. Please refer to the attached Poultry Ordinances Benchmark Table to compare Prince George's existing requirements with those of other neighboring counties, and note the highlighted blanks which correspond to some of the blanks in the draft ordinance.
- 2. "Housekeeping" edits for greater clarity, organization and enforceability.
- 3. Proposed changes which would make requirements consistent among all zoning districts and make the keeping of poultry an accessory use only (except in A-1, which allows greater quantities of poultry as a principal use with greater setbacks). These changes are intended to provide consistency and account for the diversity of parcel shapes and sizes and locations.
- 4. No consideration or changes to bee requirements except for a change for enforceability.

At this time, Staff is requesting your feedback as follows:

- 1. Specific feedback on the items highlighted for your attention, such as what numbers may be deemed appropriate for the variables.
- 2. Any additional feedback on the draft ordinance amendments and information provided.

Thank you in advance for your review of the draft ordinance changes and we look forward to receiving your input.

#### Attachments:

- 1. Poultry Ordinances Benchmark Table (with blanks for TBD items)
- 2. PC and BOS Minutes Summary from the previous Ordinance Amendment
- 3. Refresher Sheet on Coops and Runs
- 4. Sample Ordinance Warren County Backyard Chickens

#### Proposed Schedule for adoption:

- 1. Review Draft Ordinance Amendment Planning Commission Meeting July 23, 2020
- 2. Board of Supervisors Work Session Presentation August 11, 2020
- 3. Public Input August 2020
- 4. Planning Commission Public Hearing August 27, 2020
- 5. BOS Public Hearing September 2020

## **Residential Poultry**

Draft Ordinance Amendment Version 7-16-20

#### **GUIDE:**

- Red font signifies that text is proposed to be ADDED to the zoning ordinance.
- Yellow highlighting indicates an item for close consideration.
- EXAMPLE Black font with strikethrough indicates that text is proposed to be REMOVED from the zoning ordinance.
- Bold black font indicates a heading existing in the ordinance which is not proposed to be changed.
- Plain black font indicates relevant text existing in the ordinance which is not proposed to be changed.
- Blue font indicates a Staff Comment or Recommendation

#### **CHAPTER 90 - ZONING**

#### ARTICLE I. – IN GENERAL

#### Sec. 90-1. – Definitions.

Agriculture means the tilling of the soil, the raising of crops, horticulture, forestry and gardening, including the keeping of animals and fowl and any agricultural industry or business, such as fruit packing plants, dairies or similar uses.

Animal unit is a measurement defined as a single slaughter or feeder cattle or its equivalent of: 2.5 swine, each weighing over 55 pounds; 0.5 horse; ten sheep or lambs; 0.67 mature dairy cattle; 55 turkeys; or 100 laying hens or broilers.

Apiary means a place where bee colonies or hives are kept and that contains an on-site water source for honey production and bees wax related products.

#### Coop means the enclosed space or shelter provided for poultry.

 *Pen* means a small enclosure for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals or a coop. Enclosed pasture or range with an area in excess of 100 feet for each hog or small animal or 200 square feet for each larger animal shall not be regarded as a pen.

*Poultry* means domesticated fowl normally raised on a farm such as chickens, ducks, geese, turkeys, doves, guinea hens, peacocks, pigeons, and other similar domesticated poultry or fowl.

Run means the outdoor space provided for poultry which is fenced or enclosed on the top and sides with chicken wire mesh or a similar fenced material to effectively maintain such poultry on the premises.

*Slaughtering* means the killing of animals, usually domesticated livestock for food or for personal use or consumption only meeting USDA requirements.

#### ARTICLE XIII - MISCELLANEOUS PROVISIONS

Sec. 90-1035.1. - Poultry and bees in R-E, R-1, R-2 and R-3 permitted districts.

So long as such use is consistent with the health, safety and welfare requirements in this chapter, there poultry 53 and bees may be housed and maintained in R. E, R. 1, R. 2 and R. 3 Zoning Districts poultry and bees on parcels 54 of two acres or more in Zoning Districts that specify them as a permitted use, subject to the following conditions: 55 There shall be no more than six poultry and two bee hives on two acres. 56 For each additional two acres in excess of two acres, six poultry and two bee hives shall be permitted. There 57 shall be no roosters, gamecocks or male peacocks and no slaughtering of poultry will be permitted unless for 58 59 personal use. The following conditions shall be met: 60 61 (1) Poultry and bees on an individual parcel, or contiguous parcels under single ownership: 62 a. No more than poultry on less than acres; 63 Staff Comment: Currently no chickens are allowed on less than 2 acres, except in R-A and 64 A-1. Staff recommends considering allowing some chickens on less than 2 acres. 65 66 b. For each additional acres, additional poultry are permitted, up to a maximum of 67 poultry, or as otherwise determined by a condition of a use permitted by Special 68 Exception. 69 Staff Comment: Currently, 6 additional chickens are allowed for every 2 acres in R 70 districts and 250 chickens are allowed regardless of parcel size in R-A and A-1. Staff 71 recommends a reasonable number which increases based on parcel size or based on 72 setbacks, for example, 2-3 additional chickens for each additional 2-5 acres, or for each 73 additional 50-200 feet. 74 No roosters or male peacocks, unless located in R-A or A-1 district, and at least 75 from any dwelling on an adjacent lot. 76 Staff Comment: Currently roosters are allowed in R-A and A-1 districts with no setback or 77 acreage requirement. This language would continue to allow them, but only if certain 78 distances are possible and maintained. Staff recommends at least 500 feet for noise 79 consideration. 80 d. Slaughtering of poultry is prohibited unless for personal use. 81 No more than two bee hives on parcels of at least two acres. For each additional two acres 82 in excess of two acres, two bee hives shall be permitted. 83 84 (1) A fence shall be erected around the entire enclosed area for poultry. The fence shall not be located 85 closer than 150 feet to the front property line, nor closer than 150 feet to an existing dwelling located on 86 an adjacent lot. 87 88 (2) A poultry coop and the coop fencing shall be a minimum of 25 feet to the property line. A perimeter 89 boundary fence may be placed on the property line for both containment and security purposes. The 90 fenced outside run area shall be securely enclosed on the top and sides with chicken wire mesh or a 91 similar fenced material to maintain such poultry on the premises. 92 93 (3) The owner of the poultry shall employ effective means to contain the poultry on the property and 94 maintain them at least \_\_\_\_\_ feet from any dwellings on adjacent lots. 95 Staff Comment: This would address any temporarily free-ranging chickens. The number should be 96 equal to any setbacks established for coop and run (below). 97 98 (4) A coop and run shall be provided which shall meet the following requirements: 99

The coop and run combined shall provide a minimum of 10 square feet per poultry and shall 100 not exceed ten feet in height. The minimum setback from the front property line or any street right-of-way shall exceed 101 the actual setback of the existing main structure as it is located on the property, or shall 102 equal any applicable front and corner side setbacks if a main structure is not present. 103 Staff Comment: The existing requirement is a 150' front setback, which effectively rules 104 out many parcels in R-1, R-2, and R-3 zoning districts in which the minimum front setback 105 is generally 35'. Most counties simply require chickens to be in a rear yard. Staff has 106 proposed this language to effectively place all poultry coops / runs behind the front of the 107 existing building and allow flexibility for odd lot configurations and nonconforming house 108 109 locations. feet from rear and side property lines. 110 Minimum setback of Staff Comment: The existing requirement in Prince George is 25'. Comparison counties 111 112 vary from 5' to 35' on varying lot sizes. d. Minimum setback of \_\_\_\_\_ feet from any dwellings on adjacent lots. 113 Staff Comment: Prince George County's existing requirement is 150 feet, which is 114 prohibitive on lots smaller than 2 acres, and many which are larger than 2 acres. 115 Additionally, there are challenges with enforcing this requirement consistently and fairly. 116 None of the comparison counties use a requirement greater than 50' on large lots and 25' on 117 small lots, and some counties do not utilize such a requirement at all. If the Commission 118 would like to include this requirement, Staff recommends a number between 25' and 50'. 119 OPTIONAL: The minimum setback requirements of this section item (#5) shall multiply by 120 for the keeping of more than poultry. 121 Staff Comment: This item would allow setbacks to increase proportional to the number of 122 chickens on a property. If the Commission would like to include this item, Staff 123 recommends a factor of at least 1.1 which would result in a 10% increase to required 124 setbacks. A factor of 2 would double the setbacks. If the Commission does not want to 125 include this item, setbacks would be applied uniformly regardless of the number of 126 127 chickens on a lot. 128 (3) Storage of feed, grain and hay shall be provided and it shall be properly maintained. A bedding area 129 shall be provided and maintained in a sanitary manner for such poultry. Bee keepers shall maintain an 130 on site water source near the apiary and they should consider using moveable frames or combs. 131 132 (4) The keeping of poultry and bees shall be done in such a manner so as not to be objectionable to the 133 neighborhood by reason of odor, dust, insects, noise, air pollution or water pollution. No animal waste 134 may be put into household trash. Animal waste should be composted on site or shall be disposed of in 135 136 separate containers. 137 (5) Bee keepers shall maintain an on-site water source near the apiary and shall use moveable frames or 138 139 Staff Comment: Changed "should consider" to "shall". 140 141 (6) Areas used for poultry and bees shall be maintained in such a manner which effectively prevents 142 measurable impacts on adjacent properties from odor, dust, propagation of pest insects, noise, air 143 pollution or water pollution. Animal waste shall be composted on site or disposed of in containers 144 separate from household trash which are removed from the premises regularly. 145 146 (5) The keeping of poultry and bees is for personal use only; no retail or wholesale use may be made of 147 poultry and bees. However, their by products such as eggs, honey and beeswax products may be sold 148 off site at farmer's markets or at retail stores as regulated by certain state or federal agencies. 149

(7) The keeping of poultry and bees as an accessory use is for personal use only. No retail or wholesale use may be made of poultry and bees kept as an accessory use, except by condition of a use permitted by Special Exception. Byproducts such as eggs, honey and beeswax products may be sold off-site at farmer's markets or at retail stores as regulated by applicable state or federal requirements and a County business license.

**Staff Comment:** This language includes an option for flexibility with uses that might otherwise be allowed by Special Exception. The Commission can choose to include or not include this.

#### ARTICLE II. - A-1 GENERAL AGRICULTURAL DISTRICT

## Sec. 90-52. - Uses and structures permitted by right.

The following uses and structures are permitted by right in the A-1 general agricultural district:

- (2) Livestock, dairy or poultry facilities, other than those of an accessory use nature permitted as an accessory use, are permitted subject to the following requirements:
  - a. Minimum acreage requirements in individual ownership may consist of one or more contiguous parcels: less than 150 animal units, 75 acres; 150 to 299 animal units, 150 acres; 300 or more animal units, 225 acres.
  - b. Setbacks, measured from the edge of the area of enclosure or fenced area as well as area of nutrient application, are as follows:
    - 1. Existing dwellings, not on the same parcel as the facility, one mile.
    - 2. Public facilities or other places of congregation, one mile.
    - 3. Zoning district boundary other than A-1 general agricultural and individual or public water supplies, 1,000 feet.
    - 4. Existing recorded subdivision boundary, one mile.
  - c. A nutrient management plan will be developed for all livestock, dairy or poultry facilities with no minimum requirement for animal unit numbers. This plan must be reviewed and approved by the state department of conservation and recreation or local cooperative extension office and will be updated every five years.

# Sec. 90-54. - Accessory uses and structures permitted.

- (a) In the A-1 general agricultural district, accessory uses and structures are permitted as defined; however, garages or other accessory structures, such as carports, porches and stoops, attached to the main building shall be considered part of the main building. No accessory structure may be closer than five feet to any property line.
- (b) The following contained or fenced animal and poultry operations are considered accessory uses but are subject to the noted provisions:
  - (1) Fowl and poultry: not to exceed 250 birds per tract-Maintaining poultry and bees as defined in 90-1035.1
  - **Staff Comment:** Staff recommends this change in R-A and A-1 to make the requirements consistent among all districts, and utilize other requirements to provide flexibility for different parcel sizes.
  - (6) Apiary. for honey production and bee wax products.
  - Staff Comment: This text was struck because it is redundant with the definition.

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ARTICLE III. – R-A RESIDENTIAL AGR	RICULTURAL DISTR	ICT
Sec. 90-104 Accessory uses and structures (a) In the R-A residential agricultural district, garages or other accessory structures, such as be considered part of the main building. No a line.  (b) The following contained or fenced animal	, accessory uses and structure may	stoops, attached to the main building shall be closer than five feet to any property
A residential agricultural district, but are subj		
(1) Fowl and poultry: not to exceed 2 1035.1	50 birds per tract Main	taining poultry and bees as defined in 90-
(6) Apiary. <del>for honey production and</del>	bee wax products.	
ARTICLE IV. – R-E RESIDENTIAL ESTA		18ela.
Sec. 90-152 Permitted uses.		
Γhe following are permitted uses in the R-E r (8) Maintaining poultry and bees as d		<b>:</b>
Sec. 90-160 Accessory uses and structures (b) The following are considered accessory us noted provisions:		lential estate district, but are subject to the
(3) Maintaining poultry and bees as d	lefined in 90-1035.1	
	n line with best practice principal use with great	-
ARTICLE V. – R-1 LIMITED RESIDENT		
Sec. 90-202 Permitted uses.		
In the R-1 limited residential district, structur	es to be erected or land	to be used shall be one or more of the
following uses:	es to be effected of failu	to be used shall be one of more of the
(12) Maintaining poultry and bees as	defined in 90-1035.1.	
Sec. 90-210 Accessory uses and structures (b) The following are considered accessory use noted provisions:		ed residential district, but are subject to the
(3) Maintaining poultry and bees as d	lefined in 90-1035.1	
ARTICLE VI. – R-2 LIMITED RESIDENT		
Sec. 90-242 Permitted uses.		
In the R-2 limited residential district, structur following uses:	es to be erected or land	to be used shall be for one or more of the
(13) Maintaining poultry and bees as	defined in 90-1035.1.	

Sec. 90-250. - Accessory uses and structures permitted.

251	(e) (b) The following are considered accessory uses within the R-2 limited residential district, but are subject to
252	the noted provisions:
253	(3) Maintaining poultry and bees as defined in 90-1035.1
254	
255	
256 257	ARTICLE VII. – R-3 GENERAL RESIDENTIAL DISTRICT
258	Sec. 90-292 Permitted uses.
259	In the R-3 general residential district, structures to be erected or land to be used shall be for one or more of the
260	following uses:
261	(17) Maintaining poultry and bees as defined in 90-1035.1
262	
263	Sec. 90-300 Accessory uses and structures permitted.
264	(b) The following are considered accessory uses within the R-3 general residential district, but are subject to the
265	noted provisions:
266	(3) Maintaining poultry and bees as defined in 90-1035.1
267	
268	ADDICE DAME NAME AND MODILE HOME DISTRICT
269	ARTICLE VIII MHR MOBILE HOME DISTRICT
270 271	Sec. 90-342. – Permitted Uses
	In the mobile home residential district MHR, structures to be erected or land to be used shall be for one or more
272 273	of the following uses:
274	(7) Maintaining poultry and bees as defined in 90-1035.1.
275	
276	Sec. 90-350 Accessory uses and structures permitted.
277	(b) The following are considered accessory uses within the MHR Mobile home residential district, but are
278	subject to the noted provisions:
279	(3) Maintaining poultry and bees as defined in 90-1035.1

# RESIDENTIAL POULTRY (CHICKENS)

Zoning Ordinance Benchmark Table / Summary of Zoning Requirements

	Prince George County (EXISTING ORDINANCE)	rge County BRDINANCE)	Prince George County (DRAFT ORDINANCE)	Dinwiddie County	James City County	Hanover County	Chesterfield County
Zoning Districts for comparison purposes	R-E, R-1, R-2, R-3, MHR (Min. Lot Size 10,000 to 20,000 SF)	R-A, A-1 (Min. Lot Size 5 acres, or 1 acre for family divisions)	R-E, R-1, R-2, R-3, MHR, R- A, A-1 (Min Lot Size 10,000 SF to 5 acres)	RR (Residential Conservative) (Min. Lot Size 5 acres)	<b>R-1; R-2</b> (Min. Lot Size 10,000 to 30,000 SF)	RS, R-1, R-2, and R-3 (Min. Lot Size 10,000 to 20,000 SF)	R-88, R-40, R-25, R-15, R-12, R- 9, R-7 Districts MH-2, MH-3 Districts; R-C (Min. Lot Size 7,000 SF to 1 acre)
Max number of chickens (bens) allowed	6 chickens for every 2 acres	250		12	2 hens on 5,000 SF; 1 additional hen for each additional 5,000 SF. Max 12 hens	9	9
Minimum lot size for chickens	2 acres; 6 more chickens per each additional 2 acres	5 acres (Min. lot size *)		5 acres (Min. lot size *)	15,000 SF	See Min. Lot Size	See Min. Lot Size
Coop & Run/Fence Required?	Yes	Yes - Poultry must be "contained or fenced"	Yes	Yes	Yes	Yes - enclosure with coop	Yes
Coop and Run Front Setback	150′	Meet front setback	Exceed front setback for a principal structure (based on Zoning District)	Rear Yard Only (exception available)	35' from side streets; Rear Yard Only	Rear Yard Only	Rear Yard Only
Coop and Run Rear and Side Setback	25'	5.		35'	ی	15'	25'
Setbacks from dwellings	150' for fence/run	None [Not Specified]		50' for chickens	25' for coops and cages	[Not Specified]	[Not Specified]
Coop Size	[Not Specified]	[Not Specified]	Min 10 SF per poultry for Coop + Run	Min 4 SF per chicken	Min 3 SF per bird	[Not Specified]	Min 10 SF; Max 20 SF
Fenced Area ("Run") Size	[Not Specified]	[Not Specified]	Min 10 SF per poultry for Coop + Run	Min 10 SF per chicken	Min 3 SF per bird; 4' min height	[Not Specified]	Min 5 SF per chicken; Max 40 SF
Rooster(s) allowed?	No	Not Specified / Yes	No	No	No	No	No
Accessory Use Only?	N <sub>o</sub>	Yes except in A-1	Yes except in A-1	No	Yes	Yes	Yes
Permit required?	No	No	No	No	Yes	No	No
Sanitation Requirements?	Yes	[Not Specified]	Yes	Yes	[Not Specified]	Yes	Yes
Additional requirements / Notes	Additional Personal use only, no retail requirements / Notes sale of products on site	Poultry operations as a principal use in A-1 district have different requirements than accessory use	Poultry for an accessory use are for personal use only. No retails sale of products on site. Poultry operations as a principal use in A-1 district have different requirements than accessory use		No harvesting, No coops and cages in RPA		No slaughtering: Max 12 Chickens on Agricultural Zoning district on less than 3 acres

NOTES: SF = Square Feet

<sup>1</sup> acre = 43,650 SF

<sup>\* =</sup> There are exceptions. Some lots in any county may be smaller than the minimum required lot size, i.e. nonconforming lots, expections, etc. For example there are lots < 1 acre in R-A and A-1 zoning districts in PG County. Only counties with ordinance sections specifically related to keeping chickens have been included.

In some counties, the requirements for keeping and processing of large numbers of chickens for commercial or agricultural purposes may be specified separately from keeping for personal use. In some counties, exceptions may be available for the rear yard requirement by the zoning administrator for odd lot configurations.

# 1 Residential Poultry – Timeline & Minutes

Discussion and events leading to Previous Ordinance Amendment (Approved Jan 2014) Provided For Review at July 23, 2020 Planning Commission Meeting

#### July 16, 2013 - Board of Supervisors Meeting

A-6. Discussion and Possible Action on Frankie Lane Zoning Request. Mr. Douglas Miles, Zoning Administrator, stated that currently, in certain large lot residential subdivisions you can maintain horses and ponies with certain requirements such as acreage, spacing and that they be for personal enjoyment. However, on these same large acreage lots you cannot maintain honeybees, chickens or goats as it states "No maintaining of poultry or livestock is permitted in this district." Overall, in the Zoning Ordinance, there are inconsistencies as it relates to both poultry and small livestock as permitted uses. County staff would like to work with the Planning Commission on revising the Zoning Ordinance to make it more user-friendly for our citizens, farmer's market vendors, and their customers while maintaining a certain level of health, safety and welfare for surrounding homeowners. Chickens, goats and bees would be the focus as the main benefit is to eat the food that they produce: eggs, milk and honey. Honeybees pollinate about two-thirds of our food crops in the USA and in recent years have suffered losses due to an increase in certain pesticides usage. Mr. Carmichael made a motion, seconded by Mr. Skalsky, that this be referred to the Planning Commission for study. Roll was called on the motion.

# July 29, 2013 - Issue Analysis from Douglas Miles to the Board of Supervisors.

At the Board of Supervisors meeting on July 16, 2013, the Board authorized Planning Division staff to begin working with the Planning Commission on developing new Zoning Ordinance provisions relative to the keeping of horses, ponies, chickens, goats and bees within Residental Districts, under certain minimum lot size requirements and certain use restrictions.

Currently, in large lot residential subdivisions you can maintain horses and ponies with certain requirements such as acreage, spacing, and that they be for personal enjoyment. However, on these same large acreage lots you cannot maintain honeybees, chickens or goats as it states "No maintaining of poultry or livestock is permitted in this district".

The County has had citizens request to raise and keep these types of small animals and bees on their large residential lots, both for health benefits and for economical reasons. County staff would like to work with the Planning Commission on revising the Zoning Ordinance to make it more user-friendly for our citizens, farmer's market vendors, and their customers while maintaining a certain level of health, safety and welfare for surrounding homeowners. Chickens, goats and bees would be the focus at this time, as the main benefit is to eat the food that they produce: eggs, milk and honey.

Staff will be working on developing Ordinance language and options for consideration by the Planning Commission over the next two weeks. A worksession with the Planning Commission is scheduled for their next meeting (the August meeting) to review the proposed Ordinance and discuss options. The Planning Commission could then schedule a Public Hearing on the matter for their September meeting. A recommendation and proposed Ordinance would then be forwarded to the Board of Supervisors for consideration and a Public Hearing.

- There will be a Public Hearing for a Poultry and a Small Livestock Ordinance Amendment; the County
- 50 will be applying for two Vehicle Impound Facilities. The Police Department is interested in using the
- 51 Fleet Garage for drug seizures and court actions and the Treasurer's Office will use the County
- 52 Convenience Center.

59

- In regards to poultry and small livestock, staff recommends it be on an acre or more with a maximum on 6
- hens and no roosters, with some common sense requirements to be included, a stable or shelter or coops
- and food receptacles. Also, there will be no farms with in subdivisions or animals for profit. The
- Ordinance Amendment will be for R-E, R-1, R-2 and R-3 Districts. The Agricultural A-1 and the R-A
- Districts will remain the same other than adding bee keeping as an accessory use in A-1 & R-A.

# September 26, 2013 - Planning Commission - Public Hearing

- 60
  61 ORDINANCE AMENDMENT 0A-13-04 Ordinance to Amend the Code of the County of Prince
- George, Virginia, 2005, as amended, Chapter 90, Zoning, by adding or deleting text in §§ 90-1, 90-54, 90-
- 63 104, 90-152, 90-201, 90-202, 90-241, 90-242, 90-291, 90-292, 90-341, 90-342, 90-391, 90-392 and 90-
- 1035 to permit by right or as an accessory use horses, ponies, chickens and other poultry, small livestock,
- and bees with certain acreage requirements and conditions.
- Mr. Miles stated, the Ordinance Amendment is a request to amend the Code of the County which has
- 67 come forth by numerous avenues. Individuals would like to be able to maintain animals in order to
- produce eggs, milk and honey through their own means. Under the current zoning language, citizens are
- able to have horses and ponies but are not allowed to have honey bees, chickens or small livestock,
- animals 100 pounds or smaller. The Ordinance Amendment expands on the definition of livestock and
- small livestock, to include but not be limited to; poultry, donkeys, sheep, alpacas, llamas, goats and bee
- apiaries. However, no more than twelve poultry, four livestock animals and two beehives would be
- 73 permitted on five acres under the proposed amendment.
- Also, there would be no slaughtering of animals within Residential Districts. If someone would like to
- have their animal to be slaughtered, they would have to do that elsewhere. The Livestock Ordinance has
- been looked at as an accessory use, so that individuals may utilize their land. The setbacks were
- developed so property owners could continue to respect their neighbors' property to create more of a
- balance by allowing certain animals with certain requirements.
- 79 Vice-Chairman Simmons asked for clarification on Condition 3. Mr. Miles clarified, the word receptacle
- is being taken out of the language as more modern methods of storing feed, hay and grain have been
- 81 developed since the original zoning ordinance language.
- Andy Paul, a resident of 3301 Frankie Lane spoke to the Planning Commission regarding his views and
- opinions on the proposed ordinance. Mr. Paul discussed his family's history and medical background, he
- also stated that by having animals as an accessory use it would be beneficial to he and his family as well
- as other residents. He informed the Commissioners that he agreed with several of the proposed conditions,
- 86 however, too many regulations may be binding and limiting to residents that want to maintain these
- animals.
- Vice-Chairman Simmons asked Mr. Paul to clarify which conditions he felt are too restrictive.

- Mr. Paul stated that he would like to have as many chickens as he would like and not have to be limited to
- a certain number. He also expressed that he would like to have animals that can reproduce and create offspring without having to take them elsewhere to mate. Mr. Paul also discussed the topic of slaughtering
- 92 his animals for his family's benefit. He stated that he does not want to have restrictions placed on what he
- may or may not do with his animals but rather have the option to do what he wants on his own property.
- Vice-Chairman Simmons asked Mr. Miles to explain how the language was written and the way Staff
- 95 came up with the proposed conditions.
- Mr. Miles informed Mr. Paul, there are some areas in which parcels of land are zoned for animals and
- 97 livestock accordingly, however there are also true neighborhoods in which residents have and will be
- omplaining about their neighbors and the activities related to livestock. Mr. Miles stated, staff and the
- 99 Planning Commission are looking for a balance, we are not trying to be too restrictive, however we are
- looking to limit what can be done on smaller parcels of land. We do not want to open this up so that
- anyone may have a lot of animals and there are complaints and enforcement has to be done.
- Larry Barnett, a resident of 3320 High Peak Lane addressed the Planning Commission and Mr. Paul in
- regards to the levels of municipalities; he stated that there are cities, counties and the "country". He stated
- that Prince George is a county not the "country" and the laws should be regulated accordingly. He stated
- that the language was appropriate to him.
- Mr. Bresko expressed his concern regarding the conditions associated with so many animals, near housing
- and required setbacks within a one-acre parcel of land. Mr. Miles informed Mr. Bresko the stated
- conditions would be the maximum number of animals a resident could have on a one-acre parcel of land,
- and some may require only chickens or bee keeping.
- 110 Vice-Chairman Simmons asked the Commissioners if they would like to forward the Motion to the Board
- of Supervisors or table it for 30 days. Mr. Bresko made the Motion to table the Ordinance Amendment for
- 30 days, this Motion was seconded by Mr. Joyner, with staff working with them at their October work
- session on revising the language.

#### 114 Roll call on the Motion:

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118119

- In Favor: (6) Elder, Brockwell, Joyner, Bresko, Brown, Simmons
- 116 Abstain: (0) Opposed: (0) Absent: (1) Easter

#### October 24, 2013 - Planning Commission - Old Business

- 120 ORDINANCE AMENDMENT 0A-13-04 Ordinance to Amend the Code of the County of Prince
- George, Virginia, 2005, as amended, Chapter 90, Zoning, by adding or deleting text in §§ 90-1, 90-54, 90-
- 122 104, 90-152, 90-201, 90-202, 90-241, 90-242, 90-291, 90-292, 90-341, 90-342, 90-391, 90-392 and 90-
- 1035 to permit by right or as an accessory use horses, ponies, chickens and other poultry, small livestock,
- and bees with certain acreage requirements and conditions.
- Mr. Miles stated the Ordinance to Amend the Code of the County of Prince George for reasons pertaining
- to language was previously deferred for thirty (30) days. Staff had made revisions to the small livestock
- weight limit, increasing it from 50 pounds or less to one hundred pounds or less at the time of maturity.

- Previously, "apiary" was written in the ordinance as an accessory use, it is now being included in the
- language as an animal. Poultry and small livestock were also added to the language. The main change to
- the language is in regards to the acreage amount; previously the acreage was limited to one acre. Staff is
- now requesting a minimum of two acres. As the ordinance is currently written, it now mirrors the horse
- 132 requirements.
- In Residential Districts, there will be no more than six chickens, two small livestock and two bee hives.
- For every additional acre, two additional chickens, one additional small livestock and one additional bee
- hive will be permitted. No male birds or slaughtering of any animals will be permitted. Mr. Miles
- reiterated that the poultry will solely be for personal use only.
- 137 The language regarding the housing of the animals also changed, stable has changed to a shelter. The
- poultry coop will now be a minimum of twenty five feet off of the property line. Perimeter fencing will be
- placed around the property line; it may also be placed interior of the property line. An interior fence will
- be required around any chicken coop to contain poultry. Mr. Miles clarified that the interior will be for
- poultry and the perimeter fencing will be used to contain livestock. If an animal gets out of the fencing,
- Animal Services will do their best to capture and return the animals to their perspective owners.
- 143 Mr. Miles informed the Planning Commission that staff has been working with both Chesterfield County
- and Dinwiddie County in regards to the proposed Ordinance Amendment. Staff chose those localities
- because they are both counties and not cities like some of the other surrounding localities. The main
- difference between Prince George and Chesterfield is that acreage requirements will be larger in Prince
- 147 George. Staff is trying to find a balance so that residents may utilize their property while respecting their
- neighbors' property.
- Mr. Miles stated that in the ten years he has been with the County there have been very few issues with
- the horse requirements and staff has mirrored those requirements for that reason.
- 151 Chairman Easter clarified six chickens, two small livestock, one horse and two bee hives makes a total of
- eleven animals. Eleven animals with shelters for all and personal living space on two acres is maximizing
- the land. Mr. Miles agreed, eleven animals and housing on two acres is maximizing the land however it is
- not expected that all residents will maximize their land. He also clarified with every additional acre
- residents may have two more chickens, one more horse and one additional small livestock or a bee hive
- and there are numerous parcels that exceed two acres zoned R-E and R-1 in the county.
- 157 Mr. Bresko stated that there are some subdivisions such as Cedar Creek and Fountain Ridge that have
- various sized lots. Mr. Miles stated that is correct and some residents with in those subdivisions have
- horses now on two acres or greater in the R-E zoning.
- 160 At the Monday night work session, Mrs. Elder discussed the option of having either two chickens or one
- horse and one small livestock. Vice-Chairman Simmons readdressed this idea at the meeting. Overall,
- 162 County Staff feels that this proposal will be too hard to regulate.
- Vice-Chairman Simmons stated that a great deal of time has been spent addressing livestock in
- Residential Districts. If residents would like to have chickens or small livestock then they should consider
- living in Agricultural Districts within Prince George County.

- Mr. Miles stated that staff is trying to stay positive with the proposed ordinance and look for the best
- 167 compromise. Many people are not aware that although chickens may live for ten years that they only lay
- eggs for the first two or three years. There are also animal rescue groups and chicken swap groups who
- will work with individuals in regards to chickens when they are no longer interested in owning them.
- 170 Chairman Easter asked, is there a way to limit the number of animals one may have? He also asked if a
- permit will be required to have these animals.
- Mr. Miles informed the Commission that there will not be a permitting process. Staff does not have the
- 173 resources required to handle the inspections that would be required. Instead, the County is proposing to
- have residents self-regulate themselves unless there is a complaint. If a complaint is made, then there will
- be an inspection, by a County inspector or officer for compliance purposes.
- 176 Vice-Chairman Simmons addressed that subdivisions which have covenants restricting the ownership of
- 177 farm animals. Mr. Miles informed the Planning Commission that any subdivision covenants will
- supersede the Ordinance Amendment. Mr. Bresko stated that there are a lot of people who moved into the
- subdivisions because they did not want to be near farm animals. Mr. Miles agreed that is true however
- there are plenty of people who live in R-1 Districts along the river with large parcels of land who would
- like to own farm animals. Staff did not address the standard subdivisions because many of them have
- covenants which dictate what individuals may or may not do with their property. Staff is trying to present
- the Planning Commission with what they is the best option for large acreage parcels in the County.
- 1' Mr. Miles stated that when a person comes into the office the chicken requirements will be explained to
- them. Unless someone is experienced with chickens, we do not anticipate them getting six chickens at one
- time. Although residents will be self-regulating, there will still be requirements which need to be met and
- those requirements will be provided to them or given to them by their realtor if in a new home.
- Mr. Brown informed his fellow Planning Commissioners that as the Planning Commission, they cannot
- micromanage the County. If a resident maximizes his land and cannot manage all of the animals then they
- have defeated themselves. Nothing is set is stone, if an ordinance is put into place and it has flaws, then at
- that point we, as the Commission, will look at it again and work on any changes that would be needed to
- 192 it.
- 193 Vice-Chairman Simmons stated that aside from micromanaging the County residents, the Planning
- Commission has a responsibility to look out for the neighboring residents who may not want neighboring
- animals. He informed his fellow Commissioners that he is in favor of the two out of three animals which
- Mrs. Elder had presented at the work session, specifically concerned with Emus and small livestock.
- Mrs. Walton stated there is the option to add language to the ordinance amendment tonight and specific
- animals may be addressed through the Motion tonight. Mrs. Walton suggested, increasing the acre
- requirements is a better solution than limiting County resources through the ratio suggestion. Steve Micas,
- 200 County Attorney, stated ratios do not work in the County Code.
- 2 Mrs. Elder addressed the building permit process for building a stable, shelter or a chicken coop. Mrs.
- Walton stated that agricultural uses are exempt from the building code but not zoning uses because they

- are considered personal accessory uses. An accessory building less than 200 square feet does not require a
- building permit, neither do fences less than six feet in height.
- Mr. Miles clarified, as Mrs. Walton stated, this Ordinance Amendment is not open for a public hearing
- but if there is language that needs to be addressed then this is the time to work on it. He further expressed
- that the Board of Supervisors is anxious to receive this ordinance as well. If it is passed on to the Board
- and they do not like the language then they can pass it back down to the Planning Commission or amend
- the text prior to Board approval.
- Chairman Easter addressed the Commission, is there anyone who would like to offer any proposed
- language? Is there anyone who would like to delete language or even defer it back to Staff? Chairman
- Easter further asked if any of the Commissioners would like to make a Motion to amend the code of the
- 213 County with the proposed language and pass it on to the Board of Supervisors.
- Mr. Brown Motioned for the Ordinance Amendment to be forwarded to the Board of Supervisors as
- presented, Mr. Brockwell Seconded the Motion.

#### 216 Roll call on the Motion:

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- 217 In Favor: (3) Brockwell, Joyner, Brown
- 218 Abstain: (0) Opposed: (4) Elder, Bresko, Simmons, Easter
- 220 After a vote to forward the Ordinance Amendment to the Board of Supervisors as presented with three in
- 221 favor and four opposed, Chairman Easter re-opened the Ordinance Amendment for discussion. He stated
- the Ordinance Amendment was not forwarded on to the Board. He addressed Mr. Miles and Mrs. Walton,
- in regards to possible revisions to make and the steps that should be taken by the Commissioners.
- Mrs. Walton stated that options for the Commission are to work on language revisions, have Staff work
- on the revisions or to forward the Ordinance Amendment to the Board.
- 226 Chairman Easter suggested there should be a revised Ordinance Amendment. Mr. Bresko stated the
- biggest issue is not the chickens but the additional small livestock. He stated he would like to see the
- 228 chickens passed on to the Board but would like to continue to work on the small livestock as being
- permitted on two acres.
- 230 Mr. Joyner asked Mr. Miles what Staff recommends as to the existing language. Mr. Miles stated Staff
- 231 can work on revising the ordinance and present it to the Commission at the work session and
- collaboratively they will work on it before it is presented at the November 21, 2013 meeting for a
- recommendation onto the Board of Supervisors.
- Vice-Chairman Simmons Motioned for the Ordinance Amendment to be deferred for thirty days for
- revision, Mr. Bresko Seconded the Motion.

# November 21, 2013 - Planning Commission - Old Business

- 237
  238 ORDINANCE AMENDMENT 0A-13-04 Ordinance to Amend the Code of the County of Prince
- George, Virginia, 2005, as amended, Chapter 90, Zoning, by adding or deleting text in §§ 90-1, 90-54, 90-

- 240 104, 90-152, 90-201, 90-202, 90-241, 90-242, 90-291, 90-292, 90-341, 90-342, 90-391, 90-392 and 90-
- 1035 to permit by right or as an accessory use horses, ponies, chickens and other poultry, small livestock,
- and bees with certain acreage requirements and conditions.
- 243 Mr. Miles addressed the Planning Commission in regards to the language changes that were made to the
- Ordinance as it was previously presented. The main change that was made was in regards to the acreage
- amount that was increased from one acre to two. Small livestock was also taken out of the Ordinance
- Amendment, poultry and bees are still included in Residential Districts. Staff feels with an equal ratio of
- 247 animals to acreage county residents will be in compliance with the Ordinance Amendment, for every two
- acres, residents may have up to six poultry, one horse and two bee hives on a property.
- 249 Mr. Joyner asked Mr. Miles if the changes have to be made after re-advertising for another public hearing.
- Mr. Miles informed the Commissioners that since there has already been a public hearing and the changes
- deleted certain language that there will not be a public hearing on the matter. The Ordinance was
- advertised to "add or delete text" and that is what we are doing tonight. Mr. Micas, County Attorney has
- 253 reviewed it.

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- Mr. Brown Motioned for the Ordinance Amendment to be referred to the Board of Supervisors, Vice-
- 255 Chairman Simmons Seconded the Motion.
- 256 Roll call on the Motion:
- In Favor: (7) Brockwell, Joyner, Simmons, Easter, Brown, Elder, Bresko
- 2. Abstain: (0) Opposed: (0) Simmons

### **December 10, 2013 – Board of Supervisors – Public Hearing**

- P-2. Public Hearing; Ordinance to Amend The Code Of The County Of Prince George, Virginia,
- 263 2005, as Amended, Chapter 90, Zoning, Sections 90-1, 90-54, 90-104, 90-152, 90-201, 90-202, 90-241,
- 264 90-242, 90-291, 90-292, 90-341, 90-342, 90-391, 90-392 And 90-1035 to Permit by Right or as an
- Accessory Use Horses, Ponies, Chickens and Other Poultry, Small Livestock and Bees with Certain
- 266 Acreage Requirements and Conditions.
- Mr. Miles stated that at the Board of Supervisors meeting on July 16, 2013, the Board authorized
- Planning Division staff to begin working with the Planning Commission on developing new Zoning
- Ordinance provisions relative to the keeping of horses, ponies, chickens, goats and bees within
- 271 Residential Districts, under certain minimum lot size requirements and certain use restrictions. Currently,
- in large lot residential subdivisions you can maintain horses and ponies with certain requirements such as
- acreage, spacing, and that they be for personal enjoyment. However, on these same large acreage lots you
- cannot maintain honeybees, chickens or goats as it states "No maintaining of poultry or livestock is
- permitted in this district". The County has had citizens request to raise and keep these types of small
- 276 animals and
- bees on their large residential lots, both for health benefits and for economical reasons. County staff has
- been working with the Planning Commission on revising the Zoning Ordinance to make it more user-
- 2' friendly for the citizens, farmer's market vendors, and their customers while maintaining a certain level of
- health, safety and welfare for surrounding homeowners. The Planning Commission had a public hearing
- in September and discussed the changes relative to small livestock. Small livestock became a concern of
- the Planning Commission and the hearing was deferred to the October meeting to allow for further

discussion. The bees were not any concerns. There was somewhat of a concern for chickens and lot space. It was continued to the November Planning Commission meeting where the small livestock element was removed from the ordinance and recommended for approval for chickens and bees. Mr. Miles presented the Board with additional language allowing for each additional two acres in excess of two acres, six poultry and two bee hives shall be permitted. Mr. Parker asked if there was any defining reason as to why goats were eliminated. Mr. Miles stated that it was the Planning Commissioners concern to protect the citizenry so that if someone were to maximize the use of their property, they would have a horse, six chickens, two bee hives, and two goats. They thought the goats would be overusing the property. Mr. Parker stated that there are citizens that need goat's milk for certain diets. He would like to see goats added back on. Mr. Carmichael concurred and added that the whole purpose this was brought up to begin with was because someone wanted to have a goat on their property. Chairman Robertson opened the public hearing at 8:20 p.m.

Mr. Andy Paul (2501 Frankie Lane). Mr. Paul stated that he is the one who originally came to the Zoning Department. He would like to have a goat on his property for the health and welfare of his family. He would like to have goat's milk. He stated that raising chickens and goats for the purpose of eggs and milk is the way of the County. If people do not like the smell or the noise, they should move back to the city.

Chairman Robertson closed the public hearing at 8:24 p.m. Mr. Gandel made a motion, seconded by Mr. Skalsky, that this item be tabled to January 14 after staff goes back and adds two goats and removes the "no slaughtering" provision for two acres. Roll was called on the motion.

# January 14, 2014 - Board of Supervisors - Tabled Items

T-1. Public Hearing; Ordinance to Amend The Code Of The County Of Prince George, Virginia, 2005, as Amended, Chapter 90, Zoning, Sections 90-1, 90-54, 90-104, 90-152, 90-201, 90-202, 90-241, 90-242, 90-291, 90-292, 90-341, 90-342, 90-391, 90-392 And 90-1035 to Permit by Right or as an Accessory Use Horses, Ponies, Chickens and Other Poultry, Small Livestock and Bees with Certain Acreage Requirements and Conditions.

Mr. Douglas Miles, Zoning Administrator, went over the provisions for small livestock, such as goats, within the proposed Ordinance as requested by the Board at the December 10, 2013 meeting. Also, for clarification, Mr. Miles stated that in response to Mr. Barnett's previous comments, there are provisions for the small livestock not making it a "by right." There would be no need for special exceptions. For clarification for Mr. Carmichael, the worst case scenario for two acres would be six chickens confined in a coop, two bee hives, two goats or other small livestock, and one horse. Mr. Parker and Mr. Gandel both stated that they have not received negative comments regarding this. Mr. Parker made a motion, seconded by Mr. Skalsky, that the ordinance amendment be approved as presented. Roll was called on the motion.

On roll call the vote was:

In favor: (5) Robertson, Carmichael, Gandel, Skalsky, Parker

324 Opposed: (0)

# Refresher - Coops and Runs for Residential Chickens

Source: mypetchicken.com

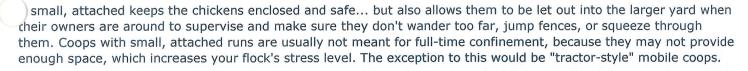
## Q: What is a chicken run?

#### A:

A chicken run is the fenced or enclosed outdoor space you provide for your chickens. The coop is the indoor space---where they go to sleep on their roost and lay eggs in their nests---and the run is the outdoor space, where they may sun bathe or dust bathe, forage in grass and scratch in the dirt.

In general, you want to provide your chickens a MINIMUM of about 10 square feet per bird of space overall, split between the coop and the run. The more space the better! Since chickens prefer to spend most of their time outdoors foraging in the yard, make your run as large as you can.

Keep in mind that while chickens don't generally fly for long distances, most breeds can at least fly high enough to clear regular 4 foot fences, and some bantam breeds can fly up to the tippy-top of trees! That's why it's popular in town to have a small run fully enclosed with welded wire hardware cloth (chicken wire is actually too weak to exclude predators) attached to the coop.



The mobile coops are moved to fresh pasture every day or every few days, and so they maintain a grassy run that is entertaining to the flock. Chickens in permanently sited coops with small attached runs will quickly eat the grass down to dust. With nothing to forage on, they're more likely to pick on one another.

For those reasons, be sure to provide your birds with plenty of space, outdoors and in.

# Q: What is a chicken coop?

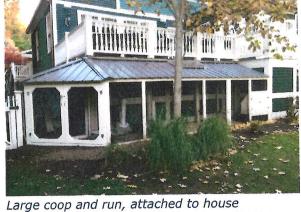
# A:

The word "coop" simply refers to the structure that your chickens live in. A run refers to the enclosed part of the chickens' area that is outside, ideally with access to pasture.

In hot dry areas, sometimes coops are three-sided, with the fourth wall made of welded wire for security against predators. The "missing" wall provides extra ventilation and makes sure the coop doesn't get too hot inside. In cold areas, they can be quite small. A coop can be a purpose-built structure or a converted shed or building, made of wood, plastic, adobe, etc. They can be large or small.



Small coop with attached run.





Coop built out of recycled pallets



Small coop with small run



Mobile chicken coop, or chicken tractor



Movable chicken run

# SAMPLE ORDINANCE - WARREN COUNTY

### § 180-35.1. Backyard chickens. [Added 11-15-2016]

- A. Intent: to allow the keeping of chickens on a residential zoned lot for non-commercial purposes. The goal of the permit and regulations is to protect the residential integrity of the surrounding community and the health and safety of the residents and the domestic backyard chickens.
- B. The backyard keeping of chickens shall be subject to certain requirements as set forth below:
  - (1) No more than the following number of chickens (domestic female hens) shall be allowed on a lot or contiguous lots under the same ownership. The backyard chickens are only permitted as an accessory use to the single-family dwelling.
    - (a) For lots 0.5 acre or less in size, no more than six chickens shall be permitted.
    - (b) For lots over 0.5 acres to two acres in size, no more than 12 chickens shall be permitted.
    - (c) For lots over two acres in size, no more than 24 chickens shall be permitted.
  - (2) Roosters, guinea fowl, turkeys, ducks, and peacocks are prohibited.
  - (3) Chickens shall not be allowed to roam free and shall be kept in a stationary or portable pen or coop at all times.
  - (4) Renters of property shall obtain written permission from the property owner or property management company prior to requesting a permit.
  - (5) Chicken pens and coops shall be set back a minimum of 20 feet from the dwelling, a minimum of 25 feet from the adjacent property lines, and be located in the side or rear yards.
  - (6) Pens and coops shall not be located within 30 feet of private wells, stormwater drainage areas, perennial streams and springs.
  - (7) All feed for the chickens shall be kept in secure containers and locations so as to deter rodents and other animals. The containers shall have tight-fitting lids and be secured to the containers with rope or cords and be located within a structure not accessible to other animals.

§ 180-35.1

(8) The sale of goods or services relating to the chickens is prohibited.

- (9) A management plan shall be submitted to the Planning Department. It shall be approved by the Virginia Cooperative Extension Office agent and shall address all aspects of the keeping of chickens to include:
  - (a) A site sketch showing setbacks to the dwelling and property lines and dimensional criteria for the pen and coop.
  - (b) Biosecurity measures.
  - (c) Chicken litter disposal and odor control.
  - (d) Cleaning and maintenance schedule for the pen and coop.
  - (e) Number of chickens.
  - (f) Feed storage and location.
- (10) A zoning permit shall be required for the use and shall be reviewed on an annual basis. Conditions of approval may be required as part of the zoning permit based on the management plan or on other recommendations from the Virginia Cooperative Extension Office.

## Sign Ordinance Update Planning Commission Meeting July 23, 2020

Staff and subcommittee identified areas of improvement in the draft ordinance presented to the Board of Supervisors in June 2019. Staff and the subcommittee reviewed the 2019 draft ordinance and a model sign ordinance, and made recommendations to improve the ordinance.

The purpose of the revising the ordinance for signage is to:

- 1. Remove content based restrictions on signage as an outcome of the United States Supreme Court verdict of the Reed v. Town of Gilbert; and
- 2. Provide enhanced standards for signage per:

<u>Land Use Goal:</u> To achieve a balanced land use system that provides sufficient and compatible land areas for all community land use needs, while protecting sensitive natural environments and important local historic and cultural resources.

Objective 4: Adopt and maintain appropriate land use ordinances and voluntary programs designed to guide and implement the provisions of this comprehensive plan.

The Sign Ordinance will be a new Article within the Zoning Ordinance that will be helpful for customers, staff, and contractors to locate Prince George County signage regulations. The Article has separate sections with the following headings: Definitions, General Description and Intent, Prohibited signs, Sign Permits, Signs not requiring permits, General Regulations, Sign Setbacks and Lighting, Building Mounted Signs, Freestanding Signs, Additional Signs, Limited Duration Signs, and Nonconforming Signs.

At this time, Staff requests your feedback on the draft ordinance provided by Friday, July 31<sup>st</sup>. Please reference any particular sections that you have questions or concerns about by referencing the section and line number. General comments are also welcome.

#### Proposed Schedule for adoption:

- 1. Review Draft Ordinance Amendment Planning Commission Meeting July 23, 2020
- 2. Public Input August 2020
- 3. Final Draft Ordinance Amendment Planning Commission August 27, 2020
- 4. Planning Commission Public Hearing September 24, 2020
- 5. BOS Work Session TBD
- 6. BOS Public Hearing TBD

- 1 Signs
- 2 Draft Ordinance Amendment
- 3 Version 7-23-2020

- 5 Chapter 90 Zoning Ordinance Sign Ordinance Sections to be Deleted
- 6 ARTICLE I. IN GENERAL

- 8 90-1 Definitions:
- 9 Sign means any display of any letters, words, numerals, figures, devices, emblems,
- 10 pictures or any parts or combinations thereof by any means whereby such are made
- visible for the purpose of making anything known, whether such display is made on,
- attached to or is a part of a structure, surface or any other thing, including but not limited
- to the ground, any rock, tree or other natural object, which display is visible beyond the
- boundaries of the parcel of land on which the display is made. A display of less than
- one square foot in area is excluded from this definition. The term "sign" is further
- 16 defined as follows:
- 17 (1) Business means a sign which directs attention to a product or commodity available
- on the premises. Such signs shall be limited, in the aggregate, to a maximum of 300
- 19 square feet per business. Where four or more businesses occupy the same site, an
- 20 additional 300 square feet of signage is permitted on a unified basis for identification of
- 21 a shopping center.
- 22 (2) Directional means a sign, one end of which may be pointed or on which an arrow
- 23 may be painted, indicating the direction to which attention is called, four square feet or
- less in area, giving the name only of the farm or business responsible for the erection of
- 25 the sign.
- 26 (3) General advertising means a sign which directs attention to a product, commodity
- or service not necessarily available on the premises. Such sign shall not exceed 672
- 28 square feet in size at each location with an additional ten-percent extension.
- 29 (4) Home occupation means a sign not exceeding four square feet in area directing
- 30 attention to a product, commodity or service available on the premises. Such product,
- commodity or service shall clearly be a secondary use of the dwelling.
- 32 (5) Location means a sign which directs attention to the approximate location of an
- 33 establishment from which the advertised product may be obtained.

35 36	be it single-face, double-faced, V-type or otherwise, exhibiting a sign.
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38 39 40	Sign, temporary, means a sign applying to a seasonal or other brief activity such as but not limited to summer camps, horse shows, auctions or sales of land. Temporary signs shall conform in size and type to directional signs.
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44	Sec. 90-12 Spacing of general advertising signs.
45 46 47	The distance between general advertising signs shall be not less than 1,200 feet on the same side of a right of way, but in no case shall a sign be closer than 700 feet to another sign on either side of a right of way.
48 49	
50 51	ARTICLE II. – GENERAL AGRICULTURAL DISTRICT
52	Sec. 90-52. A-1 Uses and structures permitted by right.
53	(11) General store with business sign
54	Sec. 90-53. A-1 Uses and structures permitted by special exception.
55	(16) Business sign
56	(17) Directional sign
57	(18) Home Occupation sign
58	Sec. 90-56 A-1 Setback regulations.
59 60	(a)and signs advertising the sale or rent of property may be erected up to the property line.
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64	ARTICLE III R-A RESIDENTIAL AGRICULTURAL DISTRICT
65	Sec. 90-102 R-A Uses and structures permitted by right.
66	(10) General Store with business sign
67	
68	Sec. 90-103 R-A Uses and structures permitted by special exception.
69	(16) Business sign
70	(17) Directional sign
71	(18) Home Occupation sign
72	
73	Sec. 90-106. Setback regulations.
74 75	(a)and signs advertising the sale or rent of property may be erected up to the property line.
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77	Sec. 90-202 R-1 Permitted uses.
78 79	(7) Business signs only to advertise the sale or rent of the premises upon which erected.
80	(8) Church bulletin and identification signs
81	(9) Nonbusiness directional signs
82 83	ARTICLE V R-1 LIMITED RESIDENTIAL DISTRICT
84	Sec. 90-202 R-1 Permitted uses.
85 86	(8) Business signs only to advertise the sale or rent of the premises upon which erected.
87	(9) Church bulletin boards and identification signs.
88	(10) Nonbusiness directional signs.
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93	ARTICLE VI R-2 LIMITED RESIDENTIAL DISTRICT
94	Sec. 90-242 R-2 Permitted uses.
95 96	(8) Business signs only to advertise the sale or rent of the premises upon which erected.
97	(9) Church bulletin boards and identification signs.
98	(10) Nonbusiness directional signs.
99 100	
101	ARTICLE VII R-3 GENERAL RESIDENTIAL DISTRICT
102	Sec. 90-292 R-3 Permitted uses.
103	(13) Church bulletin boards and identification signs.
104	(14) Directional signs.
105	(15) Home occupation signs.
106	Sec. 90-295 R-3 Setbacks
107 108	Signs advertising the sale or rent of the property may be erected up to the property line.
109 110	
111	ARTICLE VIII MHR MOBILE HOME RESIDENTIAL DISTRICT
112	Sec. 90-342 MHR Permitted uses.
113 114	(3) Business signs only to advertise the sale or rent of the premises upon which erected.
115	(4) Nonbusiness directional signs.
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∖20	ARTICLE IX B-1 GENERAL BUSINESS DISTRICT
121	Sec. 90-392 B-1 Uses and structures permitted by right.
122	(23) Business signs.
123	(24) General advertising signs.
124	(25) Location signs.
125	Sec. 90-395 B-1 Setbacks.
126 127	Signs advertising the sale or rental of premises may be erected up to the property line.
128 129	ARTICLE X M-1 LIMITED INDUSTRIAL DISTRICT
130	Sec. 90-442 M-1 Permitted uses.
131	(16) Business signs.
132	(17) General advertising signs.
33	(18) Location signs.
134	
135	Sec. 90-446 M-1 Setbacks.
136 137	Signs advertising the sale or rental of premises may be erected up to the property line.
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139	ARTICLE XI M-2 GENERAL INDUSTRIAL DISTRICT
140	Sec. 90-492 M-2 Permitted uses.
141	(16) Business signs.
142	(17) General Advertising signs.
143	(18) Location signs.
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147	Sec. 90-496 M-2 Setbacks.
148 149	Signs advertising the sale or rental of premises may be erected up to the property line.
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152	ARTICLE XII M-3 HEAVY INDUSTRIAL DISTRICT
153	Sec. 90-546 M-3 Setbacks.
154 155	Signs advertising the sale or rental of premises may be erected up to the property line.
156 <b>-</b> 157	
158	ARTICLE XXIII MISCELLANEOUS PROVISIONS
159	Sec. 90-1036 Sign Setback requirements.
160 161 162 163 164 165 166 167	Notwithstanding any other provision of this chapter, a sign shall be located 20 feet or more from any street or road right of way or easement; this shall be known as the setback line. There shall be excepted from this setback requirement residential identification signs, signs advertising the sale or rent of the premises and signs in which the lowest portion of the advertising area is a minimum of ten feet above the ground surface, which signs may be erected up to the property line. No sign shall be required to be setback from the street or road right of way or easement a distance greater than the setback of the existing main structure on the lot.
168	Sec. 90-1039. PUD Planned unit developments.
169 170 171 172 173	(5) Signage. Signs shall comply with the requirements set forth in Sections 90-1 and 90-1036 of the County zoning ordinance. Signage shall be compatible with the architecture of the building and are limited to monument signs, building mounted signs placed at a consistent height, signs in shop windows and hanging signs.
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Sec. 90-1.1 Definitions relating to signs.

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A-Frame sign: A two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than four feet high.

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Automobile: Motorized vehicle designed primarily to transport passengers and/or light cargo on its own structure. The term automobile shall include, but not be limited to, passenger car, pickup truck, panel truck, van and motorcycle, but shall not include a motor vehicle or tractor trailer.

Awning: Permanent roof-like structure covered with a flexible material which provides protection from rain or sun or is used as an architectural accent.

Banner: A type of limited duration sign consisting of a piece of fabric or other flexible material, other than a flag or pennant and secured so as to not be a moving sign.

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Fascia: Flat horizontal band located at the base of a pitched roof, between architectural moldings near or at the top of a wall, extending out from a building wall as a separate wall panel, or as the outside edge of a canopy, which provides a visible location to mount signage.

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Flag, commercial: Sign consisting of a piece of cloth or other flexible material, used to attract attention to a commercial use or activity and attached to a flag or light pole. A commercial flag shall be included in the calculation of freestanding signage on the property.

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Flag, noncommercial: Sign consisting of a piece of cloth or other flexible material that only depicts the emblem or insignia of a nation, political unit, educational, charitable, religious, civic or similar group, or is a decorative flag that does not display a commercial message. A noncommercial flag shall not be included in the calculation of signage on the property.

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Motor Vehicle: Motorized vehicle, other than an automobile or tractor trailer, which is primarily designed to transport passengers and cargo on its own structure; or to perform a function such as plowing, earth moving or equipment moving. The term motor vehicle shall include, but not be limited to, a bus and stake truck.

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Outparcel: Site for a freestanding building or use within a nonresidential community.

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Parapet wall: Wall that extends above the top of a flat roof.

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219 Pennant: Lightweight plastic, fabric or other similar material, suspended from a rope, 220 wire or string, usually in series and designed to move in the wind. A pennant may or 221 may not contain copy.

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Refacing: Replacement of a sign face with a new face of equal size to that of the original that does not alter any other aspect of the sign.

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Roofline: Top edge of a roof or building parapet, whichever is higher, excluding any 226 mansards, cupolas, pylons, chimneys or minor projections. 227

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Sign: Display of figures or copy visible to the public for the purpose of making anything 229 known or attracting attention. The term sign includes the sign structure and commercial 230 flags, but excludes works of art or architectural features that do not include or imply a 231 commercial message. 232

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Sign box: Structure that encloses the sign face and other components. 234

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Sign copy: Any graphic, word, numeral, symbol, insignia, text, sample, model, device or 236 combination which is primarily intended to advertise, identify, or notify. 237

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Sign, building mounted: Permanently attached sign, erected or painted on the outside 239 wall, roof, door or window of a building. Building mounted signs do not include 240 freestanding signs. 241

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Sign, changeable copy: Sign upon which copy can be changed or altered, except for 243 scoreboards. Changeable copy signs include the following: 244

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Manual: Sign with copy that can be changed or altered by manual means. 246

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Electrical: Sign with copy that can be changed or altered on a fixed display surface 248 composed of electrically illuminated or mechanically driven changeable segments. 249 Electrical signs include the following: 250

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Fixed message electronic: Sign with copy that has been preprogrammed to include 252 time, temperature and date and does not operate in a flashing, traveling or rolling 253 fashion. 254

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Computer controlled, variable electronic message center (EMC): Sign with copy that can be changed or altered by means of computer-driven electronic impulses, excluding fixed message electronic signs.

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Sign, freestanding: Sign supported by a fence, wall, upright structural members or braces that are on, or in the ground. Freestanding signs do not include building mounted signs.

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Sign, illuminated: Sign with an artificial internal or external light source that illuminates 264 the sign. 265

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Sign, limited duration: Temporary sign or banner permitted for a limited time period. 267

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Sign, outdoor advertising: Sign or structure used as an outdoor display for the purpose 269 of making anything known, when the matter advertised or displayed is not related to the 270

premises where such sign is located. Outdoor advertising signs do not include the offsite signs specifically permitted in this chapter.

274 Sign, permanent: Sign attached to the ground or a structure, intended to exist for the life of the structure or use and which cannot be easily removed.

277 Sign, projecting: Sign, attached to a building wall, projecting at an angle and extending more than eighteen (18) inches from the building wall face.

Sign, structure: An assembly of materials used to support a sign, including the exterior form and finishes that define sign copy area.

283 Sign, temporary: Sign, not permanently affixed to the ground or a structure, designed or constructed such that it can be moved or relocated without requiring any structural or support changes.

Sign, traffic control: Sign solely regulating safe driving, parking or traffic movement.

289 Sign, under canopy: Sign mounted perpendicular to a building face located under, and attached to, the ceiling of a building mounted canopy.

Sign, window: Sign attached to a door or window that is legible from the exterior of the building.

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Tractor Trailer. Truck with a cab, equipped with a coupling device to pull trailers, tankers or semi-trailers. The term tractor trailer shall include the truck with a cab and if connected a trailer, tanker or semi-trailer. The term tractor trailer shall include, but not be limited to, tractor truck or semi-trailer.

Ultimate right-of-way: The future planned existence of the right-of-way for a given road, in terms of location and width, based on the comprehensive plan, or as otherwise determined based on the road classification as defined on the VDOT Functional Classification Map and the minimum right-of-way widths for those classifications as defined in Section 70-738.

#### **ARTICLE XIII. SIGNS**

Sec. 90-591. General description; intent.

The purpose and intent of sign standards are to regulate publicly visible displays or graphics; protect and enhance the character of roads and surrounding areas; prevent diminishing property values due to excessive signage; safeguard the public use and nature of roads; and minimize motorist distractions.

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The standards are specifically designed to promote maximum sign legibility; to prevent over-concentration of signs as well as excessive height; bulk and area of signs; promote

safety by requiring that signs not create a hazard due to collapse, fire, collision, decay or abandonment, obstruct firefighting or police surveillance, nor create traffic hazards by confusing or distracting motorists or by impairing a driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs; and to identify a destination.

## Sec. 90-592. Prohibited Signs.

The following shall be prohibited:

1. Moving signs intended to attract attention, regardless of whether or not the sign has a written message or whether all or part of it moves by means including, but not limited to, rotating, fluttering or being set in motion by the movement of the atmosphere. This sign prohibition includes pennants, but does not include commercial or noncommercial flags, the routine operation of the hands of a clock or computer controlled, variable electronic message center (EMC) signs.

2. Internally lighted awnings or canopies constructed of translucent material.

 3. Commercial signs held or carried to attract attention; persons dressed in costumes and acting to attract attention to a commercial activity; and sound or smoke producing signs.

4. Attention getting devices such as pennants, streamers, balloons, or inflatable devices of any configuration acting to attract attention to any use other than noncommercial activity at a residential use.

5. Signs with flashing lights, intermittent lights or lights with changing degrees of intensity; and excluding computer controlled, variable electronic message center (EMC) signs.

6. Commercial signs on a parked automobile, motor vehicle, tractor trailer or trailer when used primarily for the purpose of, and serving the function of, a sign; except when parked in the operator's driveway, when loading or unloading or when parked to the side or rear of a nonresidential building and not visible from the adjacent roads. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates or inspection sticker, if the vehicle is inoperable, or if the sign alters the standard design of such vehicle or trailer.

7. Signs greater than 48 square inches on a parked automobile, motor vehicle, tractor trailer or trailer, which display a commercial message that is unrelated to an activity or enterprise of the owner or operator of the vehicle or trailer.

8. Signs obstructing an opening intended to provide light, air, or building ingress or egress.

9. Freestanding signs overhanging any portion of a building.

- 10. Signs unreasonably obstructing the view of other signs from roads.
- 365 11. Signs posted on trees, utility poles or traffic control devices.

12. Sign position, shape and color interfering with, obstructing the view of, or causing confusion with, a traffic sign, traffic signal or other traffic control device.

13. Sign lighting impairing a driver's vision, obstructing police surveillance, or causing direct glare into or upon, property other than that on which the sign is located.

14. Signs obstructing firefighting access.

15. Outdoor Advertising signs.

## Sec. 90-593 Sign Permits.

A. General. Signs Requiring a Sign Permit. A sign permit shall be required for any

 sign, excluding limited duration signs, originally built or enlarged to be in excess of eight (8) square feet, and any enlargement, structural alteration or modification of these signs. Applications shall include all required information deemed necessary by the administrator to ensure compliance with this chapter.

B. Application for permit.

1. An application for a sign permit shall be filed with the Community Development and Code Compliance Department on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.

2. The Zoning Administrator or designee shall promptly process sign permit applications. Person(s) submitting sign permit application(s) shall be notified of the approval or disapproval of the submitted application(s) to include any deficiencies in the application within 20 business days after receipt of the application.

3. If the application is rejected, the County shall provide the applicant a written list of the reasons for the rejection within three days of the rejection.

C. Permit fee. A nonrefundable fee as set forth in the uncodified fee schedule adopted by the County shall accompany all sign permit applications.

- D. Duration and revocation of permit. If a sign is not installed within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit shall be void. The permit for temporary sign shall state its duration, not to exceed 30 days unless another time is provided in the Zoning Ordinance. The County may revoke a sign permit in accordance with any of the following circumstances:
  - 1. The County determines that information in the application was false or misleading;
  - 2. The sign installed does not conform to the sign permit application;
  - 3. The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

# Sec 90-593.1 Signs not requiring permits.

A sign permit is not required for:

- 1. Signs erected by a governmental body or when required by law.
- 2. Signs posted solely for traffic control, public safety, or hazard warnings.
- 3. Flags up to 16 square feet in size not containing any commercial advertising; provided, that no freestanding pole shall be erected in the public right-of-way nor be within five (5) feet of a service drive, travel lane or adjoining street.
- 4. Limited Duration Signs.
- 5. A-frame signs more than fifty (50) feet from the nearest public right-of-way, unless otherwise permitted in this chapter.
- 6. Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.

## Sec. 90-594 General Regulations.

447. Signs Generally. Unless otherwise provided, the following regulations shall apply to all signs and are in addition to other regulations contained herein:

> 1. Except as otherwise specified in this chapter, commercial signs shall be related to the premises.

- 2. A noncommercial message may be substituted, in whole or part, for the message displayed on any sign which conforms to this chapter without consideration of message content. Such substitution of message may be made without any additional approval, permitting, registration or notice. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring any particular noncommercial message over any noncommercial message. Whenever a property has not used all of its permissible sign area, then the unused portion may be used for the display of signs displaying noncommercial messages. Any on-site commercial message may be substituted, in whole or part, for any other on-site commercial message.
- 3. Signs shall be structurally safe and maintained in good condition.
- 4. For signs requiring a sign permit, a survey prepared by a registered civil engineer or surveyor certifying the location, height, and area of the sign shall be submitted prior to the erection of the sign, if requested by the administrator.
- 5. Unless otherwise specified in this chapter, signs shall be permanent.
- 6. Within sixty (60) days of the previous land use vacating the property, all signs shall either be refaced through a Sign Permit or shall have the existing sign panel reversed or a blank sign panel inserted into the sign box.
- 7. Within sixty (60) days of the previous land use vacating the property, all existing, temporary signs shall be removed from the premises for compliance.

#### 48. Comprehensive Sign Package for Nonresidential Communities

Prior to the first site plan approval for a nonresidential community, a complete, comprehensive sign package for all proposed signs shall be submitted to the administrator for approval. The sign package shall include information necessary to ensure compliance with this chapter, such as, but not limited to, conceptual sign renderings or descriptions with the sizes, lighting, and general locations.

All signs shall conform to the following:

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- 1. Letter style and graphic display of signs shall be similar;
- 492 2. Area, location, and material of signs shall substantially conform to building and site design;
- 495 3. Freestanding sign structures shall be similar;
- 97 4. A single type of building mounted display shall be used;

- 5. Background colors of sign boxes shall be similar; and
- Other than the primary sign, signs for each individual use shall have the same background color which shall be one of the colors of the primary sign.

#### 502. Sign Area and Measurements:

Each property shall be permitted a maximum area of three hundred (300) square feet of sign area; where each four (4) or more nonresidential uses occupy the same property, an additional three hundred (300) square feet of sign area is permitted for nonresidential communities as the number of uses increase on the property such as an office park or shopping center or Planned Unit Development.

- 1. Building Mounted. The area of building mounted signs shall be determined as follows:
  - a. Projecting Sign. The area of a rectangle or square encompassing the extreme limits of each individual sign face, including all background visible from any direction at any one time;
  - b. Canopy or Awning Sign. The area of the surface upon which the sign copy is located;
  - c. Individually mounted or Painted Copy Sign. If the copy is not emphasized by an architectural or painted element of the building, the sum of the area within a series of rectangles or squares encompassing each individual figure. If the copy is emphasized by an architectural or painted element of the building, the area shall be determined in accordance with the requirements for Other Building Mounted Signs as outline below; and
  - d. Other Building Mounted Signs. The area of a rectangle, square, circle, triangle or combination thereof encompassing the extreme limits of copy.

## 2. Freestanding.

- a. Area. The area of a sign shall be that of a rectangle, square, circle, triangle or combination thereof encompassing the extreme limits of copy. The area of a two (2) or more sided sign, where the interior angle between sides exceeds 90 degrees, shall be the sum of the area of the copy on all sides.
- b. Height. Except as stated herein; sign height shall be the vertical distance from grade to the top of the sign copy: the height of a sign installed on an artificially created berm, mound or similar feature shall include the height of such feature; or the height of sign adjacent to a road and installed below the grade of the nearest travel lane shall be the vertical distance from such lane grade to the top of the sign copy.

# Sec. 90-595 Sign Setbacks and Lighting.

A. Signs Permitted in the VDOT Right-of-Way.

In addition to the signs outlined in B, the following signs may be placed within the right-of-way, if approved by the Virginia Department of Transportation (VDOT): signs posted by, on behalf of, or with permission of, a governmental agency or public utility provider.

B. Road Setbacks. Except where expressly stated, signs shall meet the following requirements:

1. Road Setbacks. Except as outlined herein, setbacks shall be measured from the existing right-of-way. If a sign is permitted to be located within an ultimate right-of-way shown in the comprehensive plan, or an existing right-of-way, the owner shall be responsible for relocating the sign to conform to the setback requirements at such time that the road is widened in the future.

Signs shall conform to the following setbacks:

a. Except as outlined in b, signs shall be setback as follows: ten (10) feet from the property line or from the face of curb, as applicable.

b. Along the following roads, signs may be located within the right-of-way if a permit is obtained from VDOT, as may be applicable, provided the signs are setback ten (10) feet from the edge of the pavement or from the face of the curb, as applicable:

i. James River Drive (SR 10) between the Hopewell corporate limits and Jordan Point Road (SR 106/156).

ii. Oaklawn Boulevard (US 36) between the Petersburg corporate limits and the Hopewell corporate limits.

iii. County Drive (US 460) between the Petersburg corporate limits and Prince George Drive (SR 156).

 iv. South Crater Road (US 301) between the Petersburg corporate limits and east side of Interstate 95 at Exit 45.

# C. Sign Lighting.

 Generally. Lighting shall be arranged and installed so that the light source is not visible from adjacent roads, adjacent R or MHR property, or adjacent A-1 or R-A property designated on the comprehensive plan for residential use.

2. External Lighting. External lighting shall be limited to white or amber lighting in spots or floods which are concealed or screened from view from the public right-of-way. If external lighting is used incidental building lighting shall not be considered external sign lighting.

3. Internal Lighting. Internal lighting shall be contained within translucent copy or internally illuminated sign boxes. Sign box internal lighting shall be restricted to the sign face. If internal lighting is used, external lighting shall not be permitted.

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## Sec. 90-596 Building Mounted Signs.

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A. Nonresidential Use - Signs Generally.

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1. If the side or rear lot line adjoins R or MHR property or A-1 or R-A property as designated in the comprehensive plan for residential use, no building mounted sign shall be visible from such property unless the sign is located a minimum of fifty (50) feet from such property.

2. Sign raceway colors shall match that of the building face on which the sign is mounted and as provided within the overall comprehensive sign package.

3. Building mounted signs shall not project above the building's roofline or parapet wall. A roofline or parapet wall shall not be artificially extended to accommodate signage on the building.

4. A projecting sign shall not extend more than 36 inches from the building, roof, or canopy to which it is attached, exceed a face-to-face thickness of 8 inches, or exceed the height of the fascia or parapet wall. The sign shall be attached so as to maintain a minimum clearance of eight (8) feet above grade.

5. Permitted building mounted signage may be placed on a drive-through canopy fascia. The area of a drive-through canopy fascia shall be included in determining total building mounted signage unless the color of the fascia is one of the following colors, excluding the color of any sign copy: black, white, or a significant color or significant accent color of the building.

 B. Other Nonresidential Use Building Mounted Signage.

 The following signs shall be permitted and shall not be included in the permitted aggregate area of building mounted signs:

1. Door and Window Signs. Signs mounted on, or externally visible through, a door or window, not to exceed the lesser of fifteen (15) square feet or 25 percent of the total door or window area on the face of the building through which the sign is visible, shall be permitted, provided the view into the establishment from the bottom half of the door or window is not obstructed.

2. Under Canopy Signs. One (1) under canopy sign not to exceed eight (8) square feet shall be permitted in front of each tenant's main entrance.

- 36 C. Residential Use Signs Generally.
  - Building mounted signs shall not project above the building's roofline or parapet wall. A roofline or parapet wall shall not be artificially extended to accommodate signage on the building;
  - 2. Single family dwelling units or multifamily units with individual exterior entrances shall be permitted one (1) square foot of signage for each unit; and
  - 3. Multifamily units sharing a common exterior entrance shall be permitted four (4) square feet of signage for each common entrance.

#### Sec. 90-597 Freestanding Signs.

#### A. Generally.

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- Sign Structure. Except for limited duration signs, freestanding sign structures shall be either be covered with a material as a monument-style base having a similar color and finish to the principal building, be covered with a material and color used elsewhere on the sign, or be an architectural detail such as a column or a decorative wall.
- 2. Number. Except as permitted in elsewhere, properties or projects shall be limited to 1 free standing sign.
- 3. Mixed Use and Nonresidential Community properties having frontage exceeding 600 linear feet along a principal arterial road and more than one entrances from such road, the permitted freestanding signage along such road may be shared among 2 freestanding signs provide signs are separated a minimum of 200 linear feet and places at or near separate entrances.
- 4. Property fronting 2 or more principal arterial or 2 or more collector roads shall be permitted along each road 1 freestanding sign.
- 5. Area of Changeable Copy. Permitted sign area may be increased by 25 percent for the purpose of including covered changeable copy, provided the area of the changeable copy is limited to one-half or less of the total area of the sign face; and where possible, should be covered to avoid being altered through vandalism.
- 6. Freestanding Sign Landscaping. The base area of the freestanding sign shall be landscaped with groundcover consisting of native flowers and shrubs that is also consistent with the site landscaping and it shall be irrigated on a regular basis.
- B. Except as otherwise permitted in this chapter, the following Freestanding Signs shall

not exceed the square footage in area and the sign height as outlined below:

1. Mixed Use Community. One hundred (100) square feet in area and a height of twenty (20) feet.

2. Nonresidential Community. One Hundred (100) square feet in area and a height of twenty (20) feet.

3. Outparcel in a Nonresidential Community. Thirty-two (32) square feet in area and a height of eight (8) feet.

4. Property Outside of a Nonresidential Community. One Hundred (100) square feet in area and a height of twenty (20) feet.

5. Property in A-1, R-A, R, MHR with a Nonresidential Use, excluding a Farm Use, twenty (20) square feet in area and a height of eight (8) feet. Property along primary arterials are permitted fifty (50) square feet in area and a height of fifteen (15) feet.

6. Property in A-1 or R-A with a Farm Use. Thirty (32) square feet in area and a height of eight (8) feet. The sign square footage may be displayed in more than one (1) sign provided the total area of all signs does not exceed the permitted square footage and the signs may be limited duration signs for temporary events.

7. Residential Community Entrance. Thirty-two (32) square feet in area and a height of eight (8) feet. One (1) such sign shall be permitted for each road entrance into the community, provided that two (2) signs shall be permitted if each sign is attached to a decorative fence or wall located on opposite sides of the entrance, with each sign being limited to thirty-two (32) square feet in area.

8. Property in A-1, R-A, R, MHR with a Residential Use. Thirty-two (32) square feet and a height of eight (8) feet. Noncommercial signage may be provided in more than one (1) sign, provided that the aggregate area of all such signs shall not exceed thirty-two (32) square feet; with a maximum of one (1) such sign as a commercial sign not to exceed twenty (20) square feet and they may be limited duration signs.

## Sec. 90-598 Additional Signs.

The signs in this section shall be in addition to other signs permitted in this chapter.

1. Freestanding Sign at Entrances to Properties in B and M Districts. Two (2) onsite signs, each not to exceed four (4) square feet and a height of five (5) feet, shall be permitted at each road entrance to a property. Signs shall be limited to two (2) colors, one for lettering and one for background. Lighting shall be limited to internal means.

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- 2. Freestanding Signs at Entrances to Properties in B and M Districts Located Outside a Nonresidential Community that Share Access to a Road. Where two (2) establishments are required by VDOT to share access to a road, each establishment shall be allowed one (1) sign, either on- or off-site, along the shared access. Each sign shall not exceed four (4) square feet and a height of five (5) feet.
- 3. Freestanding Off-Site Signs for Specific Public and Semi-Public Places. Assembly uses exceeding 10,000 gross floor area, hospitals on greater than twenty-five (25) acres, transit uses or other public uses without a direct entrance to a road shall be permitted one (1) off-site sign; and such sign shall not exceed seven (7) square feet and a height of seven (7) feet.
- 4. Drive-through Facility Stacking Lane Signs. Adjacent to each stacking lane, two (2) signs shall be permitted provided they are not legible from off-site. Signs shall be limited to fifty (50) total square feet in area and a height of six (6) feet.
- 5. Establishments Accommodating Orders from Parking Spaces or Fueling Stations. One (1) sign not to exceed four (4) square feet shall be permitted adjacent to each parking space or fueling station. The sign shall be attached to columns supporting a canopy. The color of the sign box shall match the color of the column on which the sign is mounted.
- 6. Fuel Dispenser Mounted Signs. Eight (8) square feet of signage, attached to, or immediately above, each fuel dispenser shall be permitted.

## Sec. 90-599 Limited Duration Signs.

The signs in this section shall be in addition to other signs permitted in this article.

- A. Limited Duration Signs in B and M Districts, and in A-1 and R-A Districts Designated in the Comprehensive Plan for Nonresidential Use.
  - 1. Noncommercial Freestanding Signs. A mixed use or nonresidential community, or property not located within a mixed use or nonresidential community shall be permitted two (2) noncommercial signs. Each sign shall not exceed thirty-two (32) square feet and eight (8) feet in height. Each sign shall be displayed for no longer than ninety (90) consecutive days. The display of such signs on each community or property shall be limited to a total of one hundred eighty (180) days within any calendar year.
  - 2. Commercial Freestanding Signs on Occupied Property. A mixed use or nonresidential community, or property not located within a mixed use or nonresidential community shall be permitted two (2) commercial signs, each not to exceed thirty-two (32) square feet and a height of eight (8) feet. Display of each sign shall be limited to sixty (60) consecutive days. Display of

such signs by an individual tenant or owner shall be limited to a total of one hundred twenty (120) days within any calendar year. The administrator may approve time extensions on property with vacancies or real estate for sale.

- 3. Building Mounted Banners on Nonresidential Community. A nonresidential community shall be permitted one (1) banner not to exceed fifty (50) square feet, per season; with seasonal cycles being January to March, April to June, and July to September and October to December. Display of the banner shall be limited to ninety (90) consecutive days.
- 4. Building Mounted Banners on Property Outside of a Nonresidential Community or Outparcel within a Nonresidential Community. A property outside of a nonresidential community or outparcel within a nonresidential community shall be permitted one (1) banner not to exceed 50 square feet. Display of such banner shall be limited to a total of one hundred twenty (120) days within any calendar year.
- 5. Commercial Signs on Vacant Property. A vacant property shall be permitted two (2) commercial signs, each not to exceed thirty-two (32) square feet and a height of eight (8) feet. A property fronting two (2) roads shall be permitted one (1) sign as described above on each road. Signs shall be removed at such time that the activity which it advertises ceases or directed by the administrator for compliance purposes.
- B. Limited Duration Signs in R or MHR Districts, and in A-1 and R-A Districts Designated in the Comprehensive Plan for Other than Nonresidential Use.
  - 1. Noncommercial Signs at Residential Community Entrances. At each entrance into a residential community, one (1) noncommercial sign, not to exceed thirty-two (32) square feet and a height of eight (8) feet, shall be permitted. Display of each sign shall be limited to sixty (60) days. Display of such signs on each community shall be limited to one hundred twenty (120) days within any calendar year.
  - 2. Banners for Nonresidential Use on Property not Occupied by a Residential Use. On a property not occupied by a residential use, one (1) banner, not to exceed thirty-two (32) square feet and a height of eight (8) feet, shall be permitted. A property fronting two (2) roads shall be permitted such signage along each road. Display of each banner shall be limited to sixty (60) consecutive days. Display of such banners on each property shall be limited to one hundred twenty (120) days within any calendar year.
  - 3. Commercial Signs on Vacant Property. On a vacant property, one (1) sign, not to exceed sixteen (16) square feet and a height of eight (8) feet, shall be permitted. A property fronting two (2) roads shall be permitted signage along

- each road. Signs shall be removed at such time that the activity which it advertises ceases or as directed by the administrator for compliance purposes.
- 4. Noncommercial Signs on Vacant Property. On a vacant property, one (1) sign not to exceed sixteen (16) square feet and a height of eight (8) feet, shall be permitted. A property fronting two (2) roads shall be permitted signage along each road. Display of each sign shall be limited to one hundred twenty (120) consecutive days. Display of such signs shall be limited to one hundred twenty (120) days within any calendar year.
- 5. Off-Site for Commercial Use of Limited Duration. Three (3) off-site signs, each not to exceed six (6) square feet and a height of eight (8) feet, shall be permitted for a commercial use lasting for three (3) or fewer days on an R or MHR property or on A-1 or R-A property designated in the comprehensive plan for other than nonresidential use. One (1) such sign shall be displayed on a property. Display of signs shall be limited to forty-eight (48) hours prior to commencement, and forty-eight (48) hours after cessation, of the use or activity advertised.

#### Sec. 90-600 Nonconforming signs.

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- A. Signs lawfully existing on the effective date of this chapter or prior ordinances, which do not conform to the provisions of this chapter, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the zoning administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.
- B. No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
- C. Nothing in this section shall be deemed to prevent keeping in good repair an nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be enlarged or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- D. No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sin conform in all respects o the provisions of this article.

E. A nonconforming sign that is destroyed or damaged by any casualty to an extent no exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (5) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.

- F. A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article
- G. A nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such sign structure shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner thirty (30) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

# Department of Community Development & Code Compliance



Julie C. Walton, Director Interim Planning Manager Dean Simmons, Building Official

# County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

# INTEROFFICE MEMORANDUM

TO:

Planning Commission

FROM:

Horace Wade III, Planner II

RE:

Industrial Districts Ordinance Amendment

DATE:

July 16, 2020

CC:

Julie C. Walton, Director, Community Development and Code Compliance

Planning Staff, County Administration, and Board of Supervisor members have received requests from industrial developers to amend the County Ordinance to allow M-1 uses in the M-2 Zoning District, and to also allow M-1 and M-2 uses in the M-3 zoning district. Consultants for industrial developers and Economic Development staff support the Ordinances being amended to allow what is called "pyramid zoning." This allows restricted zone classification uses in a less restricted zone. In Prince George County's version the Limited Industrial uses would be permitted in the Heavy Industrial District.

Planning staff solicits input from the Planning Commission on this request. Should the Planning Commission desire to amend the ordinance, a draft ordinance will be prepared for the Commission's August 27, 2020 meeting.

Included for the Commission's review is correspondence from industrial developers and Economic Development staff referencing the need to amend the existing ordinance.

Thank you in advance for your consideration of this request.

#### COUNTY OF PRINCE GEORGE, VIRGINIA

Department of Economic Development



Jeff Stoke, Director of Economic Development

Yoti Jabri, Economic Development Specialist

#### **MEMORANDUM**

TO:

**Planning Commission** 

FROM:

Yoti Jabri, Economic Development Specialist

RE:

Industrial Districts Ordinance Amendment

DATE:

July 15, 2020

CC:

Horace Wade, Planner

The Economic Development Department supports the Planning Department to propose an amendment to the current Industrial Zoning Ordinance. The current zoning ordinance restricts developers/owners to allow for lighter uses within that zoning classification. By amending the current Industrial Zoning Ordinance to "pyramid" zoning, our county can better market to prospects that call for quick turnaround sites and buildings that fit their use. Developers/Owners located in our industrial park have requested this amendment on multiple occasions. We, as a county, are competing against other localities on many state projects which can be a great advantage and put our county on the same playing field as those that have implemented pyramid zoning.

The Economic Development Department strongly encourages the Planning Commission and Planning Department to modernize the current Industrial Zoning Ordinance to incorporate "pyramidal" zoning.

Thank you for allowing the Economic Development Department to submit this support letter.

#### **Horace Wade**

/om:

Nick Walker <nwalker@roslynfarmcorp.com>

Sent:

Friday, October 25, 2019 8:54 AM

To:

Donald Hunter Horace Wade

Cc: Subject:

Rezoning Ordinance

Attachments:

Holland Property - South Side of Rives Road.jpg

Mr. Hunter,

I have been working with Horace Wade in effort to rezone 160 acres of property we have along Rives Road between I-95 & I-295. We are getting interest from Industrial uses and are looking to rezone the property from agriculture to M-2 (General Industrial). The issue was raised that when I rezone the property for prospects M-1 zoning is not included under M-2, which is typical with other jurisdictions in the area. In my conversations with Mr. Wade, he mentioned that the ordinance would need to be changed in order to allow the lesser zoning to fall under the more intensive higher zoning.

I will be happy to discuss this with you if you have time as I would like to get this issue resolved prior to rezoning the property for industrial use.

I have copied Mr. Wade on this email as he has been involved with this discussion.

Thanks

Nick

Roslyn Farm Corporation 804.526.0820 804.526.0931 f www.roslynfarmcorp.com



July 14, 2020

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Horace H. Wade III, CFM Planner Prince George County Community Development P.O. Box 68 Prince George, VA, 23875

GEORGIA

**RE: Prince George County Zoning Ordinance Organizational Structure** 

Dear Mr. Wade:

NORTH CAROLINA

The Hollingsworth Companies have worked in jurisdictions across the Southeastern United States and have become acquainted with their many and varied zoning ordinances. Each ordinance has its own strengths and weaknesses. Most tend to change over time to adapt to new uses that had not been previously anticipated. We may soon be wondering how to include Urban Air Mobility parking spaces in addition to car parking places! That day is not yet here, but suffice it to say, Zoning Ordinances necessarily are living documents that need to change to the evolving needs of the communities they serve.

**TENNESSEE** 

One of the most common organizational frameworks for the zoning ordinances we work within (and sometimes get involved in revamping) is the "pyramidal" scheme. This type of arrangement has at the base of the pyramid the most permissive zone, and the top of the pyramid is the least permissive zone. As one moves down the pyramid from the most restrictive zone to the least restrictive, every use allowed in the higher more restrictive zone, is allowed in the lower and less restrictive zone. There typically are groups of pyramids in the ordinance, i.e. one for residential, one for commercial, and one for industrial. It is logical to allow the uses permitted in more restrictive zones to also occur in the less restrictive zones. The Prince George County Zoning Ordinance is not set up in this fashion.

VIRGINIA

We are currently in the process of un-rezoning a property in Prince George County to make up for this lack of a pyramidal organizing scheme in the Prince George County Zoning Ordinance. We rezoned a Lot in South Point Business Park from M-1 Industrial (the most restrictive industrial zoning) to M-3 (the least restrictive industrial zone) with some limitations. That project did not move forward and now we would like to develop a project that would have been allowed in the more restrictive M-1 zone but is not permitted in the M-3 zone. We must now rezone the property back to M-1 to be permitted to build a distribution warehouse of 650,000SF instead of the up to 630,000SF of

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SOUTHERN ADVANTAGE

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TENNESSEE

VIRGINIA

aluminum extrusion and remelt factories. This is not logical, and it creates unnecessary work for the Planning staff and the Planning Commission and the Board of Supervisors. It is also a bigger burden on developers to get the zoning exactly right. In an economic environment that is frequently volatile, developers need flexibility to react to changes in market conditions. Developers also need certainty of outcome. Rezoning is about a 3-month process in Prince George County. That 3-month period of time to rezone a property is a period of uncertainty that makes it more difficult to develop (i.e. invest private dollars in your community).

We have been successful in Prince George County for the last 20 years because we have invested ahead of time in acquiring the land, designing and permitting the buildings and getting the zoning right. We are unusual among developers in that we are willing to make those investments in advance, sometimes years in advance, of the payout we get when a new tenant moves in.

We strongly recommend that Prince George County make a simple update to their Zoning Ordinance to incorporate the "pyramidal" organizational structure. It will be easier to manage for the County and more attractive for developers to invest additional dollars in your community to attract jobs and quality of life amenities to make Prince George and even better place to live, work and raise a family.

Julie Walton

Sincere

Cc:

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## Comprehensive Plan Update Planning Commission Meeting July 23, 2020

Staff has assembled a list of recommended updates for the Comprehensive Plan based on input from subcommittees conducted under the departed Planning Manager as well as input from current staff and findings from a general review for compliance with State Codes. Staff has begun a first draft for the Comprehensive Plan update to include formatting and organizational improvements, demographic data updates, new and updated maps, and integration of the input and recommendations assembled prior to beginning the draft. At this time, staff is drafting updates to individual chapters, and has requested a technical review of the Transportation Chapter by VDOT. The proposed next milestones are as follows:

- 1. Completion of technical review by VDOT
- 2. Completion of internal first draft of all proposed changes for Chapters I through IV
- 3. Completion of internal first draft of all proposed changes for Chapters V through VIII
- 4. Completion of internal first draft of all proposed changes for Chapters IX and X
- 5. Completion of internal first draft Comprehensive Plan update for Planning Commission review
- 6. Update based on Planning Commission feedback to produce Second Draft of Comprehensive Plan update
- 7. Community Meetings and Final draft
- 8. Public Hearings