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ARTICLE II. ADMINISTRATION, PUBLIC USES AND USES OF A PUBLIC NATURE, GENERAL STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS
PART 250. GENERAL PERFORMANCE STANDARDS
Sec. 32-250.01. Purpose. <p>(1) The purpose of the provisions in this part is to group performance standards generally applying to structures and uses as permitted in one or more zoning districts.</p> <p>(2) Every use commenced or structure erected shall conform to the applicable standards of this chapter, the Design and Construction Standards Manual and all other applicable laws.</p>
Sec. 32-250.02. General <u>Setback</u> Provisions for Application of Setbacks and Buffer Restriction. <p>This section is intended to provide general guidelines governing the application of setback and buffer restrictions:</p> <p>(1) Unless specifically exempted, setbacks shall apply to all buildings, structures or uses. Special provisions for setbacks applicable to buildings, structures and uses accessory to residential uses are set forth in Part 300 of this chapter <u>may be found in specific sections of this ordinance.</u></p> <p>(2) Underground or above ground public utility lines and appurtenant structures shall be exempt from setback requirements.</p> <p>(3) Parking lots shall meet the requirements of <u>be set back in accordance with</u> section 32-250.10 and <u>section 600</u> of the Design and Construction Standards Manual and shall be exempt from general setback requirements unless specifically mentioned therein.</p> <p>(4) Setback and buffer requirements applicable to storm water management facilities (excluding drop inlets, feeder or discharge pipes, inlets and outfalls, or other portions of the storm water management system not directly part of the pond itself) are established in section 32-250.73 and § 802.45 of the Design and Construction Standards Manual.</p> <p>(5) Public facilities as defined in this chapter shall be set back as required by the provisions of section 32-201.19. (No. 94-67, 10-4-94; No. 96-6, 1-16-96)</p>
Sec. 32-250.10. Off-Street Parking and Loading. <p>(1) Off-street parking and loading spaces shall be provided for every use allowed by this chapter in accordance with the provisions of this section and <u>section 600</u> of the Design and Construction Standards Manual.</p> <p>(2) Parking credits, parking deferrals, parking lot layout and design, and stacking spaces shall also be in accordance with § 610 <u>section 600</u> of the Design and Construction Standards Manual.</p> <p>(2) (3) Parking and loading spaces, except for one-family and two-family residential use, shall be <u>meet the following minimum setback as follows requirements:</u></p> <p>(a) At least <u>Ten</u> (10) feet from any street right-of-way.</p> <p>(b) At least five (5) <u>Ten</u> (10) feet from all other property lines, except at least fifteen (15) feet from property lines where a nonresidential use abuts an agricultural district with a residential use or a residential district where required buffer areas require a greater setback.</p> <p>(c) Interior driveways shall be subject to the setbacks in subsections (1) and (2) <u>(a), and (b), except</u></p>

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~~where joint driveways are authorized by the director of the public works.~~ Entrances and exits shall be subject to the setbacks in subsection (2) (b) ~~except where joint entrances and exits are authorized by the director of public works.~~

(d) All setback areas required under this section shall be landscaped and/or screened as provided for in section ~~800-802.43~~ of the Design and Construction Standards Manual and may provide adequate width for location of utility easements.

~~(3)~~ (4) Off-site parking facilities, constructed in accordance with sections 32-280.23 and 32-305.20(3) ~~and 32-400.17~~, shall be subject to setbacks as set forth in subsection (2) (3) above, ~~provided however, that the requirement of subsection 32-250.10(2)(b) shall not apply to off site parking areas that are immediately contiguous to on site parking areas.~~

~~(4)~~ (5) For each tenant occupancy permit, paved parking designed in accordance with this chapter and the Design and Construction Standards Manual shall be demonstrated to be available. (No. 92-41, 4-7-92; No. 92-59, 6-16-92; No. 92-70, 7-7-92; No. 94-16, 3-15-94; No. 94-67, 10-4-94; No. 96-6, 1-16-96; No. 96-47, 5-7-96)

Sec. 32-250.11. Same, Modifications

Modifications of the side setback where joint driveways and or joint entrances are proposed may be approved by the Director of Planning.

Sec. 32-250.14 12--32-250.15. Reserved.

Editor's note--Ordinance No. 94-67, adopted Oct. 4, 1994, renumbered § 32-250.14 as §32-250.10(2) herein. Said ordinance also repealed §§ 32-250.11--32-250.15. Formerly, §§ 32-250.11--32-250.15 pertained to parking credit allowance; parking deferrals; layout and design; setbacks; and off-street stacking spaces, respectively. Section 32-250.11 derived from No. 92-59, adopted June 16, 1992, and No. 94-1, adopted Jan. 11, 1994; §32-250.12 derived from No. 92-59; §32-250.13 derived unchanged from No. 91-127, adopted Oct. 22, 1991; §32-250.14 derived from Nos. 92-59 and 94-1; and §32-250.15 derived unchanged from No. 91-127.

Sec. 32-250.20. Sign Regulations.

Sec. 32-250.21. Types of Signs.

(1) Only the following types of signs, where permitted by this chapter, shall be allowed in Prince William County:

~~(a) Activity sign: Any sign, including the other types (except a portable sign) listed in this section, designed to accommodate changeable copy.~~

~~(b)~~ (a) Business sign: A freestanding or facade sign, illuminated or non-illuminated, which calls attention to a product, commodity, or service available on the premises, including the name and/or logo of the business offering same. ~~Such freestanding signs may accommodate changeable copy up to fifty (50) percent of each sign face.~~ Except as provided by ~~section 32-250.23~~ Schedule A for motor vehicle fuel stations, canopy signs shall be deemed facade signs.

~~(c)~~ (b) Directional sign: A freestanding or facade sign, illuminated or non-illuminated, and ~~shall which~~ may be pointed or contain an arrow, and which directs traffic to a use or area on the premises. ~~Such signs shall not contain name of business or service, unless comprising part of the logo for the business.~~

~~(d)~~ (c) Home ~~occupation/home employment~~business sign: A freestanding or facade sign, non-illuminated, which calls attention to a ~~home occupation/home employment~~ or home business located on the premises.

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~~(e) Informational sign: A freestanding or facade sign, illuminated or non illuminated, which is generally not necessary for the operation of a use on the premises, but which provides useful information to the general public. Such signs shall not advertise a product, commodity or service, but may include entrance/exit signs, church bulletin boards, no hunting, fishing, trespassing signs, and permanent signs for service organizations.~~

~~(f) Locational advertising sign: A freestanding sign, illuminated or nonilluminated, which directs traffic to a specific location not on the premises, and which may also call attention to a product, service or commodity.~~

~~(g) (d) Mall sign: A freestanding sign, illuminated or nonilluminated, which identifies the name of the mall and principal tenants (but not the available products and services). The advertising area of a mall sign which is devoted toward listing names of tenants within the mall shall not exceed seventy (70) percent of the total permitted area of the sign. The mall sign may have two (2) faces back to back.~~

~~(h) (e) Mall entrance sign:~~

~~(i) (1) Individual store entrance sign: Only Tenants with individual entrances leading directly into the store from the exterior of the mall (whether connected to internal walkways or not), may have a facade sign located at the entrance. These are to be treated as facade signs unless otherwise noted.~~

~~(ii) (2) Main entrance sign: A sign located at a public entrance to the mall proper, either over it or to either side. This sign shall be limited to facility name and logo, or a maximum fifty (50) percent tenant names.~~

~~(i) Office/industrial park signage:~~

~~(i) Office/industrial park sign A freestanding sign, illuminated or nonilluminated, which identifies the name of the park and may include the names of the principal businesses in the park (but not available products or services). The advertising area of the office/industrial park sign which is devoted toward listing names of businesses within the park shall not exceed fifty (50) percent of the total permitted area of the sign. The office/industrial park sign may have two (2) faces back to back or, if integrated as part of landscaping or solid structural features, may be two (2) signs, each so connected at either side of an entrance into the park.~~

~~(ii) Interior road entrance sign A freestanding sign, illuminated or nonilluminated, which identifies the park logo or name or building name and may advertise tenant names. These signs may be located at the intersection of the park network (or public road) and principal entrance (not to include service drives). The advertising area of an interior road entrance sign shall be limited to seventy (70) percent of the sign face. The interior road entrance sign may have two (2) faces back to back or, if integrated as part of landscaping or solid structural features may be two (2) signs, each so constructed at either side of an entrance into the park.~~

~~(iii) Individual tenant entrance sign Tenants with individual entrances from the exterior of the building (whether connected to an internal hallway or not) may have a facade sign located at such entrance. These shall be treated as facade signs except when otherwise provided.~~

~~(iv) Building entrance sign A facade sign located at a public entrance to a building. The building entrance sign shall include the building name, address or logo and may advertise names of tenants served by the entrance. The advertising area of a building entrance sign shall be limited to seventy (70) percent of the sign face.~~

~~(v) Building logo sign A facade sign specifying the name or owner of the building (not tenants). This sign may include the name, logo, or address.~~

~~(f) Off-site advertising sign: A freestanding sign, illuminated or nonilluminated, which directs traffic to a specific location not on the premises, and which may also call attention to a product, service or commodity.~~

~~(j) (g) Public sign: Any sign erected by a public agency or publicly-owned utility.~~

~~(h) Secondary sign: A freestanding or facade sign, illuminated or non-illuminated, which is generally not necessary for the operation of a use on the premises, but which provides useful information to the general public. Such signs shall not advertise a product, commodity or service, but may include no hunting, fishing, trespassing signs, and~~

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no parking

~~(k)(i)~~ Shopping center sign: A freestanding or facade sign, illuminated or non-illuminated, which identifies the name of a shopping center and its principal tenants ~~(but not the available products or services)~~. The advertising area of a freestanding shopping center sign which is devoted toward listing names of the tenants within the center shall not exceed seventy (70) percent of the total permitted area of the sign.

~~(j)~~ Subdivision sign: A freestanding sign, illuminated or non-illuminated, located at the entrance to a residential subdivision, which gives the name of the subdivision and logo, if any. A subdivision sign may have two (2) faces back-to-back or, if integrated as part of landscaping or solid structural features, may be two (2) signs, each constructed at either side of the entrance into the subdivision.

~~(m)~~ ~~(k)~~ Temporary sign: A non-illuminated freestanding or facade sign, erected on a temporary basis or an illuminated freestanding or facade sign located in a commercial or industrial zoning district. Temporary signs may call attention to construction projects on the premises; real estate or building space for sale or lease on the premises; grand opening, coming soon, now hiring, now open, or related temporary commercial activities upon the premises; or political or campaign signs which advertise a candidate, legislation, referendum or other issue relating to an election or voting event, or to community or civic events, projects, or meetings. Other temporary signs not specifically authorized by this section 32-250.21 are prohibited.

~~(n)~~ Portable sign: Any sign, including the other types listed in this section, that is mounted on any vehicle, trailer, or chassis.

(2) All other signs shall be prohibited in all zoning districts. For purposes of clarity, specifically included among prohibited signs are the following:

~~(a)~~ ~~shall be~~ general advertising signs (also known as outdoor advertising, ~~off site advertising~~ or billboards), which shall be defined as follows: Any sign, illuminated or non-illuminated, which calls attention to a product, commodity or service, which product, commodity or service is not directly related to (although it may be available from) the use(s) of the property on which sign is located. (No. 94-1, 1-11-94; No. 02-76, 7-23-02); and

~~(b)~~ portable signs, which shall be defined as: Any sign that is mounted on any vehicle, trailer, or chassis; A-frame; or not permanently affixed to a foundation or a building or structure, and is easily carried and moved to another location. This section shall not preclude temporary signage approved in accordance with sections 32-250.25 and 32-250.26.

Sec. 32-250.22. General Regulations for Signs.

(1) Except for ~~public signs or~~ locational advertising signs, all signs shall be located within respective property lines of the parcel on which the use or activity being advertised is located, and shall not project into any public right-of-way, existing or proposed to be dedicated by the landowner, unless approved as provided by subsection (a) hereafter when located on right-of-way immediately abutting the advertiser's premises. Such signs and their locations shall not obstruct or interfere with traffic, sighting distance, signals and public signs.

(a) Signs to be located within proposed public right-of-way shall receive written approval from the Virginia Department of Transportation.

~~(b)~~ ~~On every corner lot within the triangle formed by the street lines of such lot and a line drawn between points on such lines as established below, there shall be no sign structure within the setbacks provided in subsections (i) and (ii) hereafter.~~

~~(i)~~ For a lot having an interior angle of ninety (90) degrees or more at the street corner thereof: Points shall be thirty (30) feet from the property lines extended.

~~(ii)~~ For a lot having an interior angle of less than ninety (90) degrees at the street corner thereof: Points shall be thirty (30) feet from the property lines extended, plus one foot for every ten (10) degrees or major fraction thereof by which such interior angle is less than ninety (90) degrees.

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(b) All signs shall be located and maintained in a manner that does not obscure sight distances required by section 600 of the Design and Construction Standards Manual.

(2) All signs affixed to building facades shall not project above the wall area of the facade upon which they are located, nor project more than eighteen (18) inches beyond the wall. All signs affixed to a roof shall not project above the roof line, and shall be designed so that structural supports are enclosed and not visible. In no event shall any facade sign project more than eighteen (18) inches into any required yard or setback. When only one facade sign is permitted, it shall be located near the tenant's main public entrance.

(3) Sign illumination shall be of enclosed lamp design or indirect lighting from a shielded source, and shall not cause a glare or nuisance beyond the property lines.

~~(4) Except for publicly erected signs, street signs, and signs displaying the time or temperature (or both and no other messages) no~~ No sign shall be illuminated by flashing, occulting, revolving or intermittent lighting, nor shall any sign consist of any moving parts. ~~No sign shall be wind activated, except as provided for flags in this section, helium-filled, or hot air inflated. Streamers and banners are prohibited. Portable signs shall be prohibited, except for publicly erected signs.~~ The following shall be prohibited:

(a) wind activated signs, except as provided for flags in this section;

(b) helium-filled or inflated signs;

(c) streamers, banners and balloons;

(d) portable signs.

(5) Illuminated signs located within fifty (50) feet of a property line that abuts an agricultural or residential district shall only be lighted during the hours of operation. Notwithstanding any other provision of this chapter, ~~except for public signs,~~ subdivision signs and the signs approved in conjunction with a positively proffered rezoning or a special use permit, illuminated signs are prohibited in all agricultural and residential districts.

(6) Sign area shall be measured as the rectangular area enclosing all elements of the sign. Freestanding signs shall have no more than two (2) faces. If the two (2) faces are not back-to-back, the angle of separation between the two (2) faces shall be less than forty-five (45) degrees. If the angle is forty-five (45) degrees or greater, the sign shall be considered as two (2) separate signs and shall be approved only if the site qualifies for two (2) signs. The back of freestanding signs with only one face used for signing area shall be a single color. Sign setbacks shall be measured from the closest projecting edge of the sign. Portions of a sign structure may project no more than three (3) feet from the edge of the sign area, measured from the informational portion of the sign.

(7) Signs located on waterfront property shall be permitted both at the water frontage and road frontage, provided all other regulations of this chapter are met.

(8) With the exception of permitted shopping center signs, and for sale or lease signs, individual freestanding signs shall not be permitted within the boundaries of a shopping center as defined herein.

(9) Motor vehicles (including but not limited to trucks, buses, vans, automobiles and tractors), containing any type of sign (other than painted name, logo, and business information on a commercial vehicle) shall not be parked or placed in any zoning district within sight distance of a public street, easement or private road. This prohibition shall not apply to overnight parking of vehicles where otherwise permitted by this chapter.

~~(10) All signs located within a Highway Corridor Overlay District shall be subject to the additional regulations contained in section 32-503.09, et seq. of this chapter.~~

~~(11)~~ (10) All freestanding signs shall have a street number for the principal address of the site affixed to the sign. Such numbers shall be large enough to be read from the main road by fire and rescue personnel and the general public.

~~(12)~~ (11) Patriotic flags such as the flag of Prince William County, the Commonwealth of Virginia, United States Armed Forces, the United States of America, and corporate and nonprofit organization flags used in conjunction with patriotic flags shall be permitted. Corporate flags, nonprofit organization flags, and patriotic flags shall be limited to one each per lot and are subject to the limitations identified in Schedule A, ~~shall not be larger than six (6) feet by ten (10) feet. Oversized flags shall not be permitted. Flags shall be sized in accordance with pole height as follows:~~

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<u>Pole Height In Feet</u>	<u>Flag Dimension In feet</u>
25	4 by 6
30	5 by 8
35	5 by 9 1/2
40 or more	6 by 10

(13) (12) For purposes of this section, the building front shall be deemed the part of the building containing the main entrance, as determined by the zoning administrator. (No. 94-1, 1-11-94)

Sec. 32-250.23. Special Sign Regulations for Certain Uses.

Signs for the uses identified in this section shall conform to the standards set forth herein as well as the other provisions of section 32-250.20, *et seq.*

(1) Self storage center facade signage shall be limited to two (2), each no larger than eighty (80) square feet in size.

(2) Motor vehicle fuel stations shall be permitted no more than two (2) canopy signs per site with a maximum of twenty (20) square feet each, in addition to other signs permitted for such uses.

(3) In lieu of the standards otherwise established for activity signs, restaurant preview and menu boards shall be permitted one each per site, but not greater than six (6) feet in height or eight (8) feet in length. (No. 94-1, 1-11-94)

Sec. 32-250.23. Consideration of Modification of Sign Provisions

(1) The Board of County Supervisors may approve on-premise signs that are not in accordance with the standards set forth in these sign provisions by approval of a specific proffer or conditions of a special use permit, provided that the standards that will apply shall be (in the case of a rezoning) specifically proffered by the applicant and accepted by the Board of County Supervisors, or (in the case of a special use permit) the standards that will apply shall be made a part of the conditions of approval.

(2) In considering a request for a modification of the standards of this section, the board may approve or deny the request in the case of a rezoning in accordance with the general criteria of section 32-700.43(4), and in the case of a special use permit in accordance with the general criteria of section 32-700.54. In addition, the following factors shall be considered by the board more specifically:

(a) The nature of the proposed use, including such factors as whether the use is a destination or one that relies more on drive-by visibility.

(b) The character of the existing area and the impact on the visual appearance of adjacent and nearby properties and rights-of-way, particularly entrances to the county from the interstate highways or surrounding jurisdictions, and the major streets leading from those entrances.

(c) Whether a unique situation exists, causing a need that is not recurring in nature.

(d) The area's designation on the county's comprehensive plan.

(e) The existence of a special visual obstruction or difficulty in locating the use, making the application of the general provisions of this section too restrictive.

(f) Whether the use and/or proposed sign is within a Highway Corridor Overlay District (HCOD). (No. 94-1, 1-11-94)

Sec. 32-250.24. "Schedules A and B:" Location, Number, Size, Height and Setbacks for Signs.

(1) Signs shall be permitted, and their number, size, height and setbacks governed, in accordance with the

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provisions of ~~“Schedules A and B hereafter, “Sign Regulations”, and Schedule B, “Sign Regulations for Highway Corridor Overlay Districts (HCODs)”.~~

~~(a) Schedule A. Use Sign Regulations.~~

~~(i) Business Uses (other than mall, office/industrial parks or shopping centers):~~

~~Location: Business signs shall be permitted in the B 1, B 2, B 3, B R, O(L), O(H), O(M), O/F, M 1, M 2, M/T, planned development districts and in all agricultural and residential districts for nonresidential uses only;~~

~~Number: One freestanding sign shall be permitted along each street frontage and:~~

~~a. Single tenant building Two (2) facade signs (except corner lots which may have three (3)) in commercial, office and industrial districts; one (1) freestanding or one (1) facade for all other districts;~~

~~b. Multitenant building (less than five (5) tenants/units), separate entrances One (1) facade sign per unit and two (2) facade signs for end units or corner units;~~

~~c. Multitenant building (less than five (5) tenants/units), shared entrances Two (2) facade signs per building;~~

~~Maximum size: (a) Maximum size per sign face of a freestanding sign in the commercial, office and industrial districts shall be one half (1/2) square foot for every one linear foot of frontage along a public right of way with a maximum of eighty (80) square feet total advertising area per sign face. (b) Maximum size of facade signs in the commercial, office and industrial districts shall be a total cumulative advertising area up to three (3) square feet for each linear foot measured along the building (or unit) front. (c) Maximum size of facade signs in all other zoning districts thirty six (36) square feet;~~

~~Maximum height: Maximum height for freestanding signs: No portion of the sign shall extend higher than twenty (20) feet above the ground elevation at the foundation of the sign structure in the business and industrial districts; fifteen (15) feet in all other districts;~~

~~Minimum setback requirements: Minimum requirements for freestanding signs shall be one (1) foot for each foot in height of the sign from all property lines, in all zoning districts. If a sign is part of a solid monumental style structure, the minimum setback requirement from all street rights of way is ten (10) feet, or one (1) foot for each foot in height for signs greater than ten (10) feet in height, whichever is greater.~~

~~(ii) Malls:~~

~~Location: As permitted in the B and planned development districts;~~

~~Number: (a) One mall sign per one thousand (1,000) feet of frontage shall be permitted per mall along each public street, minimum one (1) per street frontage; (b) individual store entrance facade signs shall be permitted as follows: one (1) facade sign per exterior public entrance; for end units, two (2) or one per exterior public entrance, whichever is greater; (c) main entrance signs, one (1) per main entrance located at the entrance;~~

~~Maximum size: (a) Maximum size per face (mall sign) shall be one half (1/2) square foot for every one (1) linear foot of frontage along a public right of way with a maximum of two hundred (200) square feet total advertising area; (b) total cumulative advertising area for individual store entrance facade signs shall be two (2) square feet for every one (1) linear foot of unit width as measured along the building (or unit) front which may be allocated in any proportion between one (1) or two (2) signs for a unit; (c) main entrance signs, two (2) square feet for every linear foot of entrance width;~~

~~Maximum height: Maximum height for freestanding signs: No portion of the freestanding sign structure shall extend higher than twenty (20) feet above the ground elevation at the base of the sign, provided that such signs located in the planned development districts shall not be higher than twelve (12) feet;~~

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~~Minimum setbacks: All signs must be set back at least twenty (20) feet from the public right of way and at least one hundred (100) feet from all off site freestanding signs.~~

~~(iii) Office/Industrial Parks:~~

~~Location: As permitted in the B, O, M and planned development districts;~~

~~Number: (a) One (1) office/industrial park sign per park entrance or one (1) per one thousand (1,000) feet of public road frontage, whichever is greater, provided that each park shall be entitled to a minimum of one (1) such sign per public street frontage; (b) interior road entrance sign — one (1) per entrance; (c) individual tenant entrance sign — one (1) per tenant entrance, located over or immediately beside the entrance; (d) building entrance sign — one (1) per public entrance, located over or immediately beside the entrance; (e) building logo sign — two (2) per building;~~

~~Maximum size: (a) Office/industrial park sign — maximum size per face (office/ industrial park sign) shall be one half (1/2) square foot for every one (1) linear foot of frontage along a public right of way with a maximum of eighty (80) square feet per face; (b) interior road entrance sign — forty (40) square feet per face; (c) individual tenant entrance sign — twenty (20) square feet; (d) building entrance sign — twenty (20) square feet; (e) building logo sign — one (1) percent of the maximum square footage of the building face on the side where located;~~

~~Maximum height: (a) Office/industrial park sign — ten (10) feet; (b) interior road entrance sign — five (5) feet;~~

~~Minimum setbacks: (a) Office/industrial park sign — all signs shall be set back at least ten (10) feet from the public right of way; (b) interior road entrance sign — ten (10) feet minimum.~~

~~(iv) Shopping Centers Signs:~~

~~Location: As permitted in the B 1, B 2, B 3, B R and planned development districts;~~

~~Number: (a) One shopping center sign per one thousand (1,000) feet of frontage shall be permitted per shopping center along each public street, minimum one (1) per street frontage; (b) facade signs shall be permitted as follows: Interior units with a grouping of three (3) or more tenants in a single building shall be permitted a maximum of one (1) sign each; end units shall be permitted a maximum of two (2) signs. Single tenant freestanding buildings shall be permitted a maximum of two (2) facade signs;~~

~~Maximum Size: (a) Maximum size per face shall be one half (1/2) square foot for every one (1) linear foot of frontage along a public right of way with a maximum of one hundred (100) square feet total advertising area per face on a freestanding sign; (b) total cumulative advertising area for all facade signs shall be two (2) square feet for every one (1) linear foot of unit width as measured along the building (or unit) front which may be allocated in any proportion between one (1) or two (2) signs when more than one (1) sign is permitted for a unit;~~

~~Maximum Height: Maximum height for freestanding signs: no portion of the freestanding sign structure shall extend higher than twenty (20) feet above the ground elevation at the base of the sign provided that such signs located in the planned development districts shall not be higher than twelve (12) feet;~~

~~Minimum Setbacks: All signs must be set back at least twenty (20) feet from the public right of way and at least one hundred (100) feet from all off site freestanding signs.~~

~~(b) Schedule B. Sign Type Regulations:~~

~~(i) Activity Signs:~~

~~Location: Districts where permitted, see subsection (2) below;~~

~~Number: One (1) sign shall be permitted per lot;~~

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~~Maximum Size:~~ Maximum size per face shall be twenty four (24) square feet;

~~Maximum Height:~~ Maximum height shall be ten (10) feet for freestanding signs;

~~Minimum Setbacks:~~ Minimum setback for freestanding signs, see subsection (2) below.

~~(ii) Directional Signs:~~

~~Location:~~ Districts where permitted: Same as business signs;

~~Number:~~ Any number of signs shall be permitted as necessary to direct traffic within a site;

~~Maximum Size:~~ Maximum size per face shall be three (3) square feet;

~~Maximum Height:~~ Maximum height for freestanding signs shall be three (3) feet;

~~Minimum Setbacks:~~ Minimum setback requirements for freestanding signs shall be three (3) feet from all property lines.

~~(iii) Home Occupation/Home Employment Signs:~~

~~Location:~~ Shall be permitted in all planned development, agricultural and residential districts;

~~Number:~~ One sign shall be permitted per lot;

~~Maximum size:~~ Maximum size per face shall be four (4) square feet;

~~Maximum height:~~ Maximum height for freestanding signs shall be five (5) feet;

~~Minimum setbacks:~~ Minimum setback requirements for freestanding signs shall be five (5) feet from all property lines.

~~(iv) Informational Signs:~~

~~Location:~~ Shall be permitted in all districts;

~~Number:~~ Any number of signs necessary for public safety and convenience shall be permitted per lot;

~~Maximum size:~~ Maximum size per face shall be nine (9) square feet, except church bulletin boards may be thirty two (32) square feet;

~~Maximum height:~~ Maximum height for freestanding signs shall be five (5) feet, except church bulletin boards may be ten (10) feet;

~~Minimum setbacks:~~ Minimum setback requirements for freestanding signs shall be five (5) feet from all property lines.

~~(v) Locational Advertising Signs~~ as permitted with a special use permit in the B-1, B-2, B-3, B-R, planned development and agricultural districts for nonresidential uses.

~~(vi) Public Signs:~~

~~Location:~~ Shall be permitted in all districts;

~~Number:~~ No limit to the number of signs permitted per lot, in the maximum size per face;

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~~in the maximum height for freestanding signs, and no minimum setback requirements for freestanding signs.~~

~~(vii) Subdivision Signs:~~

~~Location: Shall be permitted in all A and R and residential areas in planned development districts;~~

~~Number: One (1) sign shall be permitted at each entrance to a subdivision;~~

~~Maximum size: Maximum size permitted per face shall be sixty four (64) square feet;~~

~~Maximum height: Maximum height for freestanding signs shall be ten (10) feet;~~

~~Minimum setbacks: Minimum setback requirements for freestanding signs shall be ten (10) feet.~~

~~(viii) Temporary Signs: See sections 32 250.26 and 32 250.27.~~

~~Location: Shall be permitted in all districts;~~

~~Number: Number permitted per lot and maximum height and setback for freestanding signs shall be determined by the zoning administrator in accordance with sections 32 250.26 and 32 250.27.~~

~~(2) Activity signs shall be allowed in all districts, but only as public signs, as church or school bulletin boards, as business signs for a theater, arena or similar use, as restaurant preview and menu boards, as motor vehicle fuel price signs as regulated by Chapter 6 of the County Code, and as business signs for a commercial complex containing at least ten (10) individual businesses. Activity signs shall be setback a minimum of ten (10) feet from all property lines, except that they may be located as close as five (5) feet to a street right of way subject to approval by the Virginia department of transportation. Activity signs shall be included within the maximum number and square footage of signs permitted on the site where located.~~

~~(3) For the purpose of section 32 250.20, et seq., areas within a RPC, Residential Planned Community, zoning district designated for business, office or industrial use shall be considered as being zoned B 1, O(L) and M 2, respectively, except that general advertising signs shall not be permitted. For areas of a RPC, Residential Planned Community, zoning district designated for residential use, signs shall be permitted according to the standards of section 32 250.20, et seq. for signs in residential districts.~~

~~(4) Land bay areas in planned development districts shall adhere to the sign regulations applicable to the uses constructed therein, as they apply to such uses in the districts from which incorporated by reference by section 32 280.12 provided that signs for secondary uses in residential areas shall adhere to standards imposed for signs in the HCOD in section 32 503.09.~~

~~(5) The board of county supervisors may approve on premise signs that are not in accordance with the standards set forth in these sign provisions by approval of a specific proffer or special use permit therefor, provided that the standards which will apply shall be (in the case of a rezoning) specifically proffered by the applicant and accepted by the board of county supervisors, or (in the case of a special use permit) the standards which will apply shall be made a part of the condition of approval.~~

~~(6) In considering a request for a modification of the standards of this section, the board may approve or deny the request in the case of a rezoning in accordance with the general criteria of section 32 700.43(4), and in the case of a special use permit in accordance with the general criteria of section 32 700.53. In addition, the following factors may be considered by the board more specifically:~~

~~(a) The nature of the proposed use, including such factors as whether the use is a destination or one that relies more on drive-by visibility.~~

~~(b) The character of the existing area and the impact on the visual appearance of adjacent and nearby properties and rights of way, particularly entrances to the county from the interstate highways or surrounding~~

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~~jurisdictions, and the major streets leading from those entrances.~~

- ~~_____ (c) Whether a unique situation exists, causing a need that is not recurring in nature.~~
- ~~_____ (d) The area's designation on the county's comprehensive plan.~~
- ~~_____ (e) The existence of a special visual obstruction or difficulty in locating the use, making the application of the general provisions of this section too restrictive.~~
- ~~_____ (f) Whether the use and/or proposed sign is within a Highway Corridor Overlay District (HCOD). (No. 94-1, 1-11-94)~~

Sec. 32-250.25. Sign Permits--Generally.

(1) Except for public signs and certain temporary signs (as set forth in section 32-250.26, no sign two (2) square feet or greater in size shall be erected, constructed, reconstructed, altered or repaired until a sign permit has been issued by the zoning administrator. The zoning administrator shall issue such a permit upon application and payment of a fee as set by the board of county supervisors, provided all standards of these provisions shall be satisfied.

(2) A sign permit may be combined with a building permit or other such county permit, ~~provided that each sign approved shall be assigned a registry number by the zoning administrator.~~ The sign permit is null and void should the sign not be erected within six (6) months from the date of issuance, or if any information in the sign permit application is found to be false or inaccurate.

(3) An application for a sign permit, in addition to other items that may be required for combined permits, shall include scale drawings of the sign showing all dimensions, height, copy, colors, type of material, structural and architectural supports or backgrounds, method and hours of illumination, and a scaled location plan of the site showing the following:

- (a) Proposed location of the sign, with setback distances from all property lines to the closest projecting edge of the sign;
- (b) Location, type and size of all other signs on the property;
- (c) For facade signs, the location of the building with distances from all property lines, and the length (in feet) of all facades of the building upon which a sign will be placed as well as the projection (in inches) from facade or wall;
- (d) Location and name of abutting streets;
- (e) Zoning classification of the site and all adjacent properties.

Sec. 32-250.26. Same--Requirements for Temporary Signs.

(1) Temporary signs shall only be permitted when the proposed sign meets the definition of "temporary sign" in the zoning ordinance.

(2) A deposit/guarantee of not less than fifty dollars (\$50.00) is required upon submission of the temporary sign permit application. The deposit/guarantee will be refunded only after inspection by the planning office proves that the sign was removed prior to the assigned expiration date. If an approved temporary sign permit is not removed by the assigned expiration date, a violation notice and correction order will be issued and forfeiture of the deposit/ guarantee will result.

(3) For freestanding signs, the maximum number of sign faces is two (2). If the two (2) faces are not flush together (back-to-back) then the angle of separation between the two (2) faces must be less than forty-five (45) degrees. If the angle is forty-five (45) degrees or greater, then the proposal will be considered as two (2) separate signs and approved only if the site qualifies for two (2) signs.

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(4) Maximum height for freestanding temporary signs is as follows:

- _____ (a) Temporary commercial activities = six (6) feet;
- _____ (b) Political and campaign signs = six (6) feet.
- _____ (c) All other permitted signs = ten (10) feet.

_____ (5) Minimum setback requirements is one (1) foot from the property line for every one (1) foot in sign height.

_____ (6) Maximum size allowed (per sign face) is as follows:

- _____ (a) Temporary commercial activities = thirty two (32) square feet;
- _____ (b) Political and campaign signs = sixteen (16) square feet for residential uses, and thirty two (32) square feet for non residential uses;
- _____ (c) "Coming soon" or "now hiring" signs = thirty two (32) square feet;
- _____ (d) "Now open" or "grand opening" events = thirty two (32) square feet;
- _____ (e) Temporary lease signs = fifty (50) square feet;
- _____ (f) All other permitted signs = fifty (50) square feet;
- _____ (g) Builder, developer, engineer, finance company, and associated consultants, for on premise construction projects = thirty two (32) square feet.

_____ (7) Maximum number of temporary signs per site shall be as follows:

- _____ (a) *Temporary commercial activity permit signs:* One (1) freestanding sign (to be located within the approved area), and when a temporary structure is permitted, one (1) facade sign;
- _____ (b) *Shopping center site signs:* No temporary freestanding signs are permitted within the boundaries of a shopping center with exception of (i) one (1) for sale or lease sign per public street frontage, in addition to any permitted temporary commercial activity signs, and (ii) temporary facade signs including "now open," etc., signs, at a ratio of two (2) square feet for each square foot of building or unit frontage shall be permitted, but not greater than thirty two (32) square feet per sign;
- _____ (c) *Nonshopping center site signs:* "Coming soon" "now hiring," "now open" and "grand opening" event are permitted one (1) freestanding sign for each public street frontage with a maximum of two (2), or one (1) facade sign, on the site at one time;
- _____ (d) *Political and campaign signs, community and civic event, builder, developer, engineer, finance company, associated consultants, or construction site signs* (signs calling attention to on-premises construction projects or to civic or community events, projects, or meetings) shall be permitted as determined by public street frontage using the following chart:

<i>Lot Frontage Along a Public Street (in feet)</i>	<i>Temporary Signs Permitted</i>
0 to 600	1
>600 to 1,200	2
>1,200 to 2,400	3
>2,400	4

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~~(8)~~ (4) Permitted time period for temporary signs requiring a permit is as follows:

(a) Temporary commercial activity signs can only be approved for the same period of time permitted for the activity;

(b) "Now hiring," "now open" and "grand opening" event signs can be permitted for a maximum of sixty (60) days (no renewals permitted);

~~(c)~~ (c) "Coming soon" or "future home of" signs can be permitted for one (1) year, and may be renewed thereafter for successive periods of one (1) year each. Regardless of such period of approval, the permit for a temporary sign shall automatically expire fifteen (15) days after a permit for any permanent sign for the same project is approved;

~~(d)~~ (d) Political and campaign signs, community or civic event signs calling attention to events, etc., should be posted to be erected no earlier than ninety (90) days prior to the event, and during the period the event is being conducted. They shall be removed by the person(s) responsible for the sign within five (5) days after the last date of the event or activity;

(d) Signs dealing with construction projects, including builders, developers, engineers, finance companies, associated consultants, or real estate matters (for sale, for lease, now selling), may be approved for one (1) year, and may be renewed thereafter for successive periods of one (1) year each, during the time occurring. A request for renewal shall require submission of a complete sign permit application no less than four (4) weeks prior to the assigned expiration date. Regardless to such period of approval, the permit for a temporary sign shall automatically expire fifteen (15) days after a permit for a permanent sign for the same project is approved. (No. 94-1, 1-11-94; No. 94-28, 5-3-94; No. 02-76, 7-3-02)

(e) Temporary for sale or lease signs shall be removed by the person(s) responsible for the sign within fifteen (15) working days after the property is sold or leased.

Sec. 32-250.27. Same--Temporary Signs Exempt From Sign Permit.

~~(1)~~ For sale or lease signs shall be permitted without a sign permit provided they are no larger than sixteen (16) square feet for residential uses and thirty-two (32) square feet for nonresidential use and are set back from all property lines one (1) foot for each foot in height of the sign, and there are no more than two (2) such signs on any lot. All other temporary signs two (2) square feet or larger in size shall require a sign permit, except as listed below.

~~(2)~~ (1) Political and campaign signs shall be exempt from permit requirements, so long as they comply with the regulations contained in sections 32-250.26(1), (3), and (4), (5), (6), (7) and (8) above, and the applicable provisions of Schedules A and B. Property owners wishing to place political and campaign signs on their property may request modifications of the requirements through the special use permit process.

~~(3) Temporary for sale or lease signs shall be removed by the person(s) responsible for the sign within fifteen (15) working days after the property is sold or leased.~~

~~(4) Up to three (3) off site temporary signs for the sale of a private residence shall be permitted without a sign permit, and may be placed while the property is actively being marketed and may contain an arrow. The signs cannot exceed four (4) square feet in size. The signs shall not exceed three (3) feet in height and only one (1) such sign shall be permitted per lot. The signs shall be placed on private property only with the consent of the owners.~~

~~(5)~~ (2) Up to three (3) temporary signs for the sale of a private residence and advertising an "open house" event shall be permitted without a sign permit and may be placed on- or off-site for up to four (4) hours before and up to two (2) hours after the activity and may contain an arrow. The signs cannot exceed four (4) square feet in size. The signs cannot exceed three (3) feet in height and only one (1) such sign shall be permitted per lot. The signs shall be placed on private property only with the consent of the owners.

~~(6) Signs not in accordance with the number, height, setbacks or size standards in section 32-250.27(1), (4) and (5) shall be subject to the applicable provisions of section 32-250.26 or 32-250.24(5). (Ord. No. 02-76, 7-23-02)~~

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Sec. 32-250.28. Public Signs.

Public signs shall not require a sign permit; however, ~~the zoning administrator may recommend to the agency or utility erecting the sign a location, size and height for the sign they shall be subject to the standards in Schedule A.~~

Sec. 32-250.29. Removal of Signs.

Whenever a sign becomes structurally unsafe, as determined by the county building official, or endangers the safety of a structure, premises or the public, or is erected or maintained in violation of this chapter, or is abandoned or the use with which it is associated is abandoned or discontinued within the meaning of section 32-601.21, the zoning administrator may, by the issuance of a violation notice and correction order, order such sign to be made safe and comply with this ordinance, or be removed. Failure to comply with the notice (as set forth in the provisions of Part 1000 of this chapter) shall constitute grounds for the zoning administrator to have the sign removed, and the cost thereof shall be borne by the person so notified as an addition to any fine imposed by a court of law for a violation of this chapter. If the cost is not paid as an addition to a fine, the county may seek to recover such cost by any means allowed at law or equity.

Sec. 32-250.30. Buffering Areas

~~The Board of County Supervisors finds that c~~Certain uses permitted by this chapter, when abutting each other, are incompatible and create conflict that may be reduced or eliminated by appropriate measures. Buffering areas established between incompatible uses minimizes these conflicts and the adverse impact of such essentially incompatible development. These provisions are intended to provide a mechanism whereby adjoining properties may be shielded from the adverse consequences of such development.

Sec. 32-250.31. General Policy; Buffer Area Required.

(1) Buffer areas are required on properties in accordance with the circumstances and widths specified in section 800 of the Design and Construction Standards Manual. The minimum buffer width is generally a uniform dimension across the entire length of the common property line. An existing required buffer area on an abutting property shall not be used to satisfy buffer requirements on a subject property, unless a reciprocal agreement has been recorded in the land records agreeing to providing the buffer or unless modified pursuant to 32-250.33.

(2)~~(a)~~ Notwithstanding requirements of the Design and Construction Standards Manual, a parcel created and zoned before May 4, 1982, shall be required to provide no more than ten (10) percent of its total area for such buffer, subject to the provision of an absolute minimum buffer of fifteen (15) feet on each parcel. ~~(b)~~ The buffer area for lots eligible for the ten (10) percent buffer requirement shall be calculated as follows: Total lot area times ten (10) percent divided by the length of the common property line for which the buffer zone is required.

~~(1) (3) There shall be a buffer area provided between all agricultural or residential, and (a) commercial, (b) industrial, (c) office and (d) industrial uses, in accordance with the requirements of the Design and Construction Standards Manual.~~ Every use requiring establishment of a buffer area shall note the following restriction regarding the use of such buffer on a plat or other instrument recorded among the land records:

"Land designated as buffer area shall preserve existing vegetation, as appropriate, or shall be landscaped and may only be used for ~~structures~~, uses or facilities in accordance with the requirements of the Prince William County zoning ordinance and the Design and Construction Standards Manual."

(4) Buffer areas shall be established as separate common open space in residential areas when conveyed to a homeowners association or similar entity created to own and maintain common open space within the project. Buffer areas platted within residential lots by deed restriction shall be located such as to provide the minimum yard depth and lot area outside the buffer area required by the zoning ordinance. Said deed restriction shall specify maintenance in accordance with County standards and limitations on the use of the buffer area.

~~(3) (5) Buffer areas may be counted as open space and may be used to meet the requirements of section 32-250.40, et seq. Except where otherwise permitted in this chapter or the Design and Construction Standards Manual, buildings, structures, retaining walls (three (3) feet or greater in height, except where utilized to retain existing vegetative cover), active recreation facilities, or parking areas shall not be located in the buffer areas. Fences shall be allowed in the~~

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~~buffer, provided any landscaping within the buffer area shall not be disturbed.~~

(4) ~~(6) Nonresidential~~ eCommunity facilities, such as community recreational facilities or meeting houses when constructed as freestanding uses internal to a residential development, shall be treated as non- residential development for buffering purposes. A minimum fifteen (15) foot wide landscaped area shall be established and maintained around the perimeter of the ~~nonresidential~~ community facility and landscaped in accordance with the ~~type A~~ buffer requirements of the Design and Construction Standards Manual. All parking areas associated with the community facility shall meet the requirements of §§ ~~802.43 and 802.44~~ section 800 of the Design and Construction Standards Manual. When a ~~nonresidential~~ community facility is located along a property boundary at the edge of the residential development it serves, a buffer shall be provided in accordance with the Design and Construction Standards Manual. (No. 94-1, 1-11-94; No. 96-6, 1-16-96)

(7) A 50-foot wide buffer, in accordance with section 800 of the Design and Construction Standards Manual, shall be required between a golf course and any adjoining property if the property is zoned, used as, or planned for residential or agricultural uses.

(8) A 100-foot wide buffer, in accordance with section 800 of the Design and Construction Standards Manual, shall be required between railroad right-of-way and adjoining property if the property is zoned, used as or planned for residential or agricultural uses.

Sec. 32-250.32. Effect on Existing Development.

~~_____ No parcel developed prior to May 4, 1982 and with regard to the fifteen (15) foot minimum buffer required by subsection 32-250.31(5) (8), a parcel developed prior to November 22, 1991, shall be required to provide a buffer zone in accordance herewith, but any undeveloped parcel adjoining to such previously developed property shall be required to provide the 50/2530/15 feet of buffering otherwise required by this chapter, provided that no parcel shall be required to provide more than ten (10) percent of its total area for such buffer zone, subject, however, to the provision of an absolute minimum buffer of fifteen (15) feet. For purposes of this provision, a property shall be deemed previously developed if it were developed in fact, or if it is the subject of an approved site or subdivision plan on May 4, 1982, or November 22, 1991, as applicable, and such projects when built substantially conform to such approved plans.~~

Sec. 32-250.332. Buffering Area Standards.

(1) Buffer areas shall preserve existing vegetation, as appropriate, or shall be landscaped in accordance with section 800 of the Design and Construction Standards Manual. All plants and other screening shall be maintained by the owner of the buffer in a state of good repair and shall be replaced or repaired promptly as appropriate.

~~(3)~~ (2) Utility and other easements shall not be located within any buffer area except as otherwise expressly permitted in this chapter. Minimal utility easement crossings, and sidewalks and trails shall be permitted in accordance with § 8012.10-C section 800 of the Design and Construction Standards Manual. (No. 96-6, 1-16-96)

~~(2)~~ (3) Regardless of land use or zoning category, off street parking and loading spaces and easements shall not be located within any buffer area except as otherwise expressly permitted in this chapter. Except where otherwise permitted in this chapter or the Design and Construction Standards Manual, buildings, structures, retaining walls three (3) feet or greater in height, except where utilized to retain existing vegetative cover), active recreation facilities, parking areas, loading areas, sidewalks, trails, and golf cart paths shall not be located in the buffer areas between dissimilar uses.

Editor's note--Ordinance No. 96-6, adopted Jan. 16, 1996, repealed section 32-250.33 and renumbered § 32-250.35 as § 32-250.33 as herein set out. Formerly, § 32-250.33 pertained to density allowance and derived unchanged from Ord. No. 91-127, adopted Oct. 22, 1991.

Sec. 32-250.34. Reserved.

Editor's note--Ordinance No. 96-6, adopted Jan. 16, 1996, repealed 32-250.34 in its entirety. Formerly § 32-250.34 pertained to agreements to develop to compatible uses and derived unchanged from Ord. No. 91-127, adopted Oct. 22, 1991.

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Sec. 32-250.40. Landscaping Requirements--Purpose and Intent.

The landscaping requirements are intended to require the ~~preservation~~, replacement, and planting of trees and credit the preservation of trees on sites and in subdivisions to provide a minimum percentage of tree canopy cover in ten (10) years that will contribute to the quality of life. Minimum tree canopy cover standards are prescribed by the Code of Virginia and are designed to protect the public health and welfare. The preservation and replacement of trees will aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground water recharge, and stormwater runoff retardation, while at the same time aiding in noise, glare, and heat abatement. Revegetation standards are also appropriate to ensure that the local stock of native trees and vegetation is replenished, as well as creating wildlife habitats.

The purpose of these provisions is to preserve and protect the unique identity and environment of the county by preserving and replacing trees to preserve the economic base attracted to the county, by enhancing property values, and by raising the quality of life. Whenever feasible, retention of existing ~~vegetation~~ woodland containing mature trees should be ~~is~~ encouraged, especially within areas visible from streets or from adjacent incompatible uses.

Sec. 32-250.41. Same--Applicability.

(1) The provisions of section 32-250.40, *et seq.* shall apply to all development where site plans or subdivision plans are required to be submitted for review and approval in accordance with Part 800 of this chapter. Landscaping plans depicting the replacement and/or preservation of trees in accordance with these sections shall be submitted in accordance with the requirements of the Design and Construction Standards Manual. ~~The percent estimate of tree canopy cover measured at ten (10) year maturity shall be provided on the landscaping plans submitted as part of the site and/or subdivision plan. The ten (10) year maturity tree canopy cover estimate shall be based on the county's Tree Selection Guide.~~

(2) All trees to be planted shall meet the specifications of the American ~~Association of Nurserymen~~ Nursery and Landscapers Association. The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the Guidelines for Plantings Along Virginia Roadways of the Virginia Department of Transportation.

(3) Landscaped areas contained in required buffer areas may be utilized in meeting the requirements of section 32-250.42, in accordance with the provisions of the Design and Construction Standards Manual. (No. 96-6, 1-16-96)

(4) All required landscaping on a property, as shown on the approved site or subdivision plan, shall be maintained by the property owner and kept in a state of good repair. Plants that are irreparably damaged or dead shall be replaced promptly, as appropriate. The obligation to maintain required landscaping extends in perpetuity.

Sec. 32-250.42. Same--Tree Canopy Coverage.

(1) The development of all land shall be subject to tree canopy cover requirements as set forth in ~~§ 802.20, et seq.~~ section 800 of the Design and Construction Standards Manual. (No. 96-6, 1-16-96).

(2) The percent estimate of tree canopy cover measured at ten (10) year maturity shall be provided on the landscaping plans submitted as part of the site and/or subdivision plan. The ten (10) year maturity tree canopy cover estimate shall be based on the area within the boundaries of the development and the county's Tree Selection Guide contained in the Design and Construction Standards Manual. Site conditions must be appropriate for trees to reach a normal 10-year maturity for the particular species.

(3) Trees planted to fulfill tree canopy cover requirements shall be located within the open space areas, parking lot landscape areas, setback areas, basic landscaping areas, and/or buffer areas of the site, all as defined herein and implemented in accordance with the Design and Construction Standards Manual. (No. 94-1, 1-11-94; No. 96-6, 1-16-96)

~~Sec. 32-250.43. Residential and Nonresidential Landscaping Requirements.~~

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~~(1) The percentage of tree canopy cover to be provided shall be based on the area within the boundaries of the development, and shall be in accordance with §§ 802.20 and 802.21 of the Design and Construction Standards Manual.~~

~~(2) Trees planted to fulfill tree canopy cover requirements shall be located within the open space areas, interior parking lot landscape areas, strips or islands, setback areas, and/or buffer areas of the site. (No. 94-1, 1-11-94; No. 96-6, 1-16-96)~~

Sec. 32-250.43. Reserved.

Sec. 32-250.44. Parking Lot Landscaping Requirement.

~~Open Surface~~ off-street parking areas ~~for nonresidential or multifamily developments with more than~~ twenty (20) or more spaces shall contain interior planting strips or islands comprising at least five (5) percent of the total parking area, except that parking and loading areas for tractor trailer trucks shall not be required to provide interior parking lot landscaping. Such landscaping shall meet the requirements of ~~§ 802.44~~ section 800 of the Design and Construction Standards Manual and shall be in addition to any buffering or screening required elsewhere in this chapter. The interior of the parking lot is defined ~~to be an area of uniform ten (10) foot width surrounding the perimeter curbs or edge of pavement and it shall include all~~ as the total area of aisles, parking spaces, planting islands, curbed areas, loading spaces, and corner areas within the parking lot. (No. 92-59, 6-16-92; No. 96-6, 1-16-96)

Editor's note--Ordinance No. 96-6, adopted Jan. 16, 1996, renumbered § 32-250.44 as § 32-250.43(2); Ord. No. 96-6 also renumbered §§ 32-250.45--32-250.49 as §§ 32-250.44--32-250.48 as set out herein.

Sec. 32-250.45. Phasing of Landscaping.

When a site is developed in phases or sections, each phase or section shall contain the required percentage of tree canopy cover, unless the percentage of canopy cover for each section has been specifically identified on a comprehensive landscaping plan submitted and approved as part of the preliminary residential plan or nonresidential sketch plan of the entire site such that the entire site as a whole meets the required percentage. Notwithstanding, all basic landscaping and buffer area requirements of Section 800 of the Design and Construction Standards Manual shall be met. (No. 96-6, 1-16-96)

Note--See editor's note following § 32-250.44

Sec. 32-250.46. Emergency Tree Removal.

~~(1) Land disturbing activity: Tree clearing and/or removal shall be permitted in accordance with section 32-~~

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~~250.50, et seq., Grading and Utility.~~

~~(2) *Emergency tree removal:*—When it is necessary to expedite the removal of damaged or destroyed trees in the interest of public safety, health, and general welfare following high winds, storms, tornadoes, hurricanes, floods, freezes, fires, or other natural or man-made disasters, the requirements of this section may be suspended by the zoning administrator for a period of up to thirty (30) days in the affected areas, which can be extended as necessary by the zoning administrator. (No. 96-6, 1-16-96)~~

~~Note--See editor's note following § 32-250.44.~~

Sec. 32-250.47. Exemptions for Uses Not Required to Comply With Tree Canopy Cover Requirements.

In accordance with § 15.2-961 of the Code of Virginia, lands under active commercial production or management of agriculture; landfills; wetland preservation areas, dedicated school sites, ~~active recreational use, playing fields, and other non-wooded recreation areas,~~ lease lots or parcels for uses such as jails, ~~commuter rail train stations and parking lots,~~ pump stations, switching stations, water towers, utility rights-of way forty (40) feet or greater in width, or similar uses, are exempted from tree canopy cover requirements. Public uses not specifically exempted above shall comply with the tree canopy cover requirements, except where exempted by the director of planning for reasons of public health or safety. (No. 92-59, 6-16-92; No. 94-1, 1-11-94; No. 96-6, 1-16-96)

Note--See editor's note following § 32-250.44

~~**Sec. 32-250.48. Penalties.**~~

~~Noncompliance shall be deemed a violation of this chapter. Enforcement authority shall be in accordance with Part 1000 of this chapter. (No. 96-6, 1-16-96)~~

~~Note See editor's note following § 32-250.44.~~

Sec. 32-250.50. Grading and Utility.

Sec. 32-250.51. Purpose and Intent.

The purpose and intent of this section is to establish protective regulations for vegetation in the county in order to better control problems of flooding, soil erosion, air pollution and noise, to make the county a healthier, safer and more aesthetically pleasing place in which to live. The further intent of this section is to prevent increases in the cost of drainage systems occasioned by increased flow and diversion of surface waters, to dissuade unnecessary clearing, disturbing and deforestation of land so as to preserve insofar as is practicable the natural and existing growth of vegetation, and to control the destruction and removal of vegetation in the county so as to benefit its citizens and at the same time to make such controls and regulations reasonably consistent with the enjoyment of private property interests. This article is intended to supplement the Virginia Erosion and Sediment Control Law, ~~§ 21-89.1~~ section 10.1-560, of the Code of Virginia and applicable zoning requirements.

Section 32-250.52. Applicability.

(1) No person may engage in any land disturbing activity in ~~Prince William County~~ any zoning district, except as permitted by this chapter, until the area is the subject of an approved site development permit, land disturbance permit, or similar County approval. ~~a~~A site development plan, as applicable, shall be reviewed and approved in accordance with the Zoning Ordinance and the Design and Construction Standards Manual ~~has been reviewed, and approved~~ by the Director of Planning upon written recommendation from the Director of Public Works.

(2) Where appropriate, the grading plan shall provide for phased development and indicate land disturbing activity only for areas under active construction.

(3) Areas having soils ~~with severe limitations and~~ that are highly erodible, highly permeable, and/or marine clay on slopes greater than 15 percent may be disturbed only if mitigation measures are approved and used in accordance with the requirements of the Design and Construction Standards Manual.

(4) Slopes twenty-five (25) percent and greater ~~than 25 percent~~ shall not be disturbed unless mitigation measures are used to preclude adverse impacts. Wooded slopes of 25 percent and greater that abut perennial streams and

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~~have a contiguous area of 10,000 square feet or greater shall be placed within conservation areas. Such slopes shall not be disturbed before, during, or after development, except for installation of utilities and road crossings as approved on a site or subdivision plan. Exceptions to the requirement to establish conservation areas may be considered by the Zoning Administrator where an applicant demonstrates that full compliance is impossible or impractical, or improved environmental quality would result from an alternative design.~~

(5) No more land shall be disturbed than is reasonably required to accommodate the intended use. ~~Land disturbing activities shall not be allowed in any zoning district, except as permitted by this chapter, unless an area is subject of an approved site development permit, land disturbance permit, or similar County approval.~~

Sec. 32-250.53. Definitions.

For the purposes of this section and section 250.54, the following terms shall have the meanings hereafter ascribed:

(1) ~~Land disturbing activity shall mean any land change which may result in soil erosion from water or wind and the movement of sediment into state waters or other property. This term includes, but is not limited to, clearing, grading, excavating, transporting, and filling of land, other than federal lands. The terms shall not include any activity exempted by state law as defined in the Design and Construction Standards Manual. "Timbering" activity, however, shall comply with the provisions of section 32-250.54.~~

(2) ~~Clearing shall mean removing or causing to be removed the vegetation growing in the soil which protects and stabilizes the soil. Such removing or causing to be removed shall include any intentional or negligent act to (1) cut down, (2) remove all or a substantial part of or (3) damage a tree or other vegetation which will cause the tree or other vegetation to decline and/or die. Such acts shall include but not be limited to damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of material, or by the change of natural grade due to unapproved excavation or filing, or damage caused by the unapproved alteration of natural physical conditions. (No. 92 59, 6 16 92; No. 94 1, 1 11 94; No. 94 67, 10 4 94)~~

Sec. 32-250.54 53. Timbering.

(1) ~~Timbering, harvesting, or and the clearing or harvesting of wooded areas and forest crops in A-1, Agricultural districts, as permitted by this chapter, shall maintain a fifty (50) foot wide undisturbed area along all not occur within 50 feet of any property lines adjoining areas or other properties which are zoned to a different classification than A-1, Agricultural or whose primary use is residential.~~

(2) Before beginning timbering, the owner of the property, the owner of the timber rights, or the operator of the timbering activity shall secure a timbering permit which may necessitate a survey to be performed by a licensed surveyor who shall clearly mark the boundaries of the property to be timbered. The surveyor in such instances shall also clearly mark the location of the fifty (50) foot wide undisturbed area based on the location of these boundaries.

(3) Once timbering has been conducted on a property, disturbance ~~of the~~ within fifty (50) ~~foot~~ feet wide ~~undisturbed area established of any property line,~~ as required by this section, shall not be permitted without the approval of the director of planning. Such approval shall only be granted by the director upon a finding that disturbance is appropriate for the following purposes and under the following guidelines:

(a) Construction, installation, operation, and maintenance of electric, gas, and telephone transmission lines, railroads, and public roads and their appurtenant structures may be permitted.

(b) Construction, installation, and maintenance of water lines, sewer lines, and local gas lines may be permitted, provided that:

(1) To the degree possible, ~~the location of~~ such utilities and facilities ~~should be outside the buffer area shall cross at a right angle and not run parallel to the property line within 50 feet of that property line. These utilities and facilities should cross the buffer at right angles and avoid running parallel inside of the buffer;~~

(2) No more land shall be disturbed than is necessary to provide for the desired utility installation;

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(3) All installation and maintenance of such utilities and facilities shall be in compliance with applicable state and federal requirements and permits and designed and constructed in a manner that limits ~~the destruction of the buffer~~ disturbance within 50 feet of the property line. (No. 94-1, 1-11-94)

Sec. 32-250.60. Outdoor Uses.

Sec. 32-250.61. Storage of Inoperative Vehicles Prohibited Except for Certain Uses.

Notwithstanding any other provision of this chapter, inoperative vehicles shall be permitted only as follows:

- (1) in a lawful motor vehicle graveyard; or
- (2) in a lawful licensed vehicle impoundment yard for a maximum of 90 days; or
- (3) ~~ancillary~~ secondary to a lawful motor vehicle repair facility for a maximum of 90 days; or
- (4) an accessory use to a lawful residential use for up to four (4) inoperative vehicles ~~when the inoperative vehicles are kept in a fully enclosed building.~~ Inoperative vehicles shall be stored in a fully enclosed building or shall be fully screened from view from abutting property and streets, in an approved parking area.

Sec. 32-250.62. Storage of Commercial Vehicles.

Commercial vehicles stored on a property, if otherwise permitted, shall be stored in enclosed garages or in the rear or side yard of principal structures, and shall not be visible from residential districts and public rights-of-way.

~~**Sec. 32-250.63. Outdoor Lighting.**~~

~~_____ (1) Unless otherwise approved by the director of public works in accordance with the provisions of the Design and Construction Standards Manual, all on-site outdoor yard or parking lot lighting shall have shielded fixtures designed to direct light downward and shield adjacent property.~~

~~_____ (2) Public right of way street lighting shall be provided in all zoning districts in accordance with the requirements of the Design and Construction Standards Manual. (No. 92-59, 6-16-92)~~

Sec. 32-250.70. Certain Design Requirements.

Sec. 32-250.71. Underground Utilities.

(1) ~~Except for transmission powerlines of thirty-four thousand five hundred (34,500) kilowatts or greater, water towers, or other installations approved by the director of planning in accordance with the provisions of the Design and Construction Standards Manual and standards of utility practices for underground installations, all All on-site utility facilities serving new uses or installed after the effective date of this chapter to serve any use, and not otherwise exempted by this subsection, and to include water, sewer, power, natural gas, telephone and cable, shall be installed underground. This requirement shall not apply to the following:~~

- (a) transmission power lines of thirty-four thousand five hundred (34,500) kilovolts or greater;
- (b) water towers;
- (c) uses in the M-1 or M/T districts;
- (d) ~~to~~ residential subdivisions of two (2) acres or larger lots;

~~(e) or to~~ uses established prior to the effective date of this chapter. Such existing uses may expand within the limits provided by section 32-601.33 without meeting the requirements of this section.

(2) As-built plans showing location of underground facilities and easements shall be filed with the director of planning.

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(3) Any underground utility may be placed within any setback, but not within any required buffer, or as otherwise prohibited by the Design and Construction Standards Manual, except as allowed by section 32-250.33(3). (No. 92-59, 6-16-92)

Sec. 32-250.72. Interparcel Connections.

In every zoning district, projects shall be laid out so as to provide vehicular interparcel connections with surrounding properties, in a location and design consistent with the Design and Construction Standards Manual, provided that the director of the department of public works is satisfied that such connection will not promote cut through traffic inconsistent with the design and function of the roadway. (No. 94-67, 10-4-94)

Sec. 32-250.73. Stormwater Management Facilities.

(1) Stormwater management facilities, when required by this chapter or the Design and Construction Standards Manual, shall be permitted in any zoning district in accordance with the provisions of this section, provided that the provisions of Parts 501 and 504 permit them where and to the extent proposed. Such facilities may serve property in a different zoning district only if:

(a) they also serve property in the district where located or if such location is specifically approved as part of a rezoning application or special use permit approved in accordance with the requirements of Part 700 of this chapter; or

(b) they serve as a regional stormwater management facility, unless located in the A-1, Agricultural, zoning district, endorsed by the department of public works.

(2) Setback requirements.

(a) Stormwater management facilities serving a single parcel shall be located on-site and shall meet minimum setback requirements for principal structures in the zoning district in which they are located, unless a road has been incorporated into the structural design of a pond and approved by the director of public works.

(b) Facilities which serve more than one (1) lot or parcel may overlap lot boundaries or encroach upon building setbacks along the common boundary lines of the lots served if appropriate easements are recorded restricting all affected parcels, and the provisions of subsection (5) below are met.

(c) When a facility serving more than one (1) lot is located on a lot with no principal building, front, side and rear yards, the setback shall be determined by reference to the assigned address or as approved by the zoning administrator.

(d) Setbacks for facilities serving more than one (1) lot or parcel shall be measured from the limit of the 100-year floodplain elevation computed for the facility.

(3) Buffer requirements.

(a) Stormwater management facilities and associated easements serving a single use or a lot shall not be located in buffer areas required by the provisions of subsections 32-250.31.

(b) Stormwater management facilities serving more than one (1) use or lot ~~and designed as a dry detention facility~~ may encroach in the buffer areas as long as they comply with the buffer planting and setback requirements contained in the Design and Construction Standards Manual.

~~(c) Wet ponds serving more than one (1) use or lot may encroach in the buffer areas if the design of such pond incorporates landscaping which meets or exceeds landscaping requirements for stormwater management facilities contained in the Design and Construction Standards Manual.~~

~~(d)~~ (c) Buffer area and setback requirements shall not apply to drop inlets, feeder or discharge pipes, inlets and outfalls, or other portions of the system not directly part of the pond itself, provided such features are oriented

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perpendicular to the buffer.

(4) Stormwater management facilities shall be landscaped in accordance with the requirements of the Design and Construction Standards Manual. Landscaping features shall include trees and shrubs.

(5) Stormwater management facilities shall be constructed concurrently with or prior to construction or occupancy of the site or sites to be served. (No. 92-59, 6-16-92; No. 94-67, 10-4-94; No. 96-6, 1-16-96)

Sec. 32-250.74. Development to Be Upon Public Water and Sewer When Available.

~~(1) All new development in Concept Areas I, II, and III of the Comprehensive Plan, shall be connected to public water and sewerage systems when available to the site and actual connection is authorized under county policies. All new development, or portions thereof, located within the SRR designation of Concept Area IV of the Comprehensive Plan may connect to public water and sewerage systems on a voluntary basis, and subject to availability as deemed appropriate by the service authority. All new development~~

~~———— (2) For the purposes of this chapter, public water and sewerage disposal systems shall be deemed available if located within one thousand (1,000) feet of the site and capable of being connected to in accordance with the comprehensive plan and other applicable law.~~

~~———— (3) Availability of public water and sewer within the meaning of this section shall not affect the determination of whether a parcel lies within an Intensely Developed Area (IDA) for purposes of Part 504 of this chapter.~~

~~———— (4) The minimum lot size for any lot not served by public water and sewerage facilities shall be one (1) acre.~~

~~———— (5) Existing structures whose failed septic systems have no on-site remediation, and where the property line is located within three hundred (300) feet of a sewer line with adequate capacity, shall be connected to said line.~~

~~———— (6) The cost of extension/connections of/to a public water and/or sewer system shall be borne by the property owners connecting to the system. (No. 94-67, 10-4-94)~~

(1) When available to the site, connection to the public water system shall be required for development of:

(a) Newly created lots for residential uses in the Urban or Suburban areas (as defined in the Comprehensive Plan);

(b) Newly created lots for residential uses in the Semi-Rural areas (as defined in the Comprehensive Plan); however, the Board of County Supervisors may consider requests to create lots for residential uses served by private wells in connection with a rezoning or special use permit application and

(c) Nonresidential uses in the Urban, Suburban or Semi-Rural areas.

(2) Lots within the Rural area (as defined in the Comprehensive Plan) may connect to the public water system.

(3) Minimum lot size for any lot not served by public water facilities shall be one (1) acre.

(4) For the purposes of this section, public water shall be deemed available if located within two thousand five hundred (2,500) feet of the site and capable of being connected to in accordance with the Comprehensive Plan and other applicable law.

Sec. 32-250.75. Development to be on Public Sewer.

(1) When available to the site, connection to the public sewer system shall be required for development of:

(a) Newly created lots for residential development in the Urban or Suburban areas (as defined in the Comprehensive Plan);

(b) Nonresidential uses within the Urban or Suburban areas (as defined in the Comprehensive Plan).

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(2) Residential and nonresidential uses within the Semi-Rural areas (as defined in the Comprehensive Plan) may connect to the public sewer system.

(3) Residential and nonresidential uses within the Rural areas (as defined in the Comprehensive Plan) shall not connect to the public sewer system, except in accordance with the Comprehensive Plan.

(4) Minimum lot size for any lot not served by public sewerage facilities shall be one (1) acre.

(5) For the purposes of this section, public sewer shall be deemed available if located within one thousand (1,000) feet of the site and capable of being connected to in accordance with the Comprehensive Plan and other applicable law.

(6) Existing structures with failed septic systems and no on-site remediation, that are within three hundred (300) feet of public sewer with available capacity, shall connect to the public sewer system.

Sec. 32-250.80. Miscellaneous.

Sec. 32-250.81. Conversion to Condominium Ownership.

In all zoning districts, a structure or use may convert to condominium ownership only if all requirements of this chapter, the subdivision ordinance, the Design and Construction Standards Manual, and the comprehensive plan can be met. There shall be no vested right to convert to condominium ownership without such conformance; however, conversion may be allowed without such conformance with a special use permit, or, if otherwise authorized, a variance.

Sec. 32-250.82. Use of Two (2) or More Lots to Satisfy Zoning Requirements.

(1) Two (2) or more contiguous lots under the same ownership may be used to satisfy zoning requirements (such as setbacks, yard, lot coverage, parking, etc.) only after a subdivision plat has been approved and recorded eliminating the common, internal lot line(s), provided that this provision shall not operate to conflict with subsection (2) following.

(2) For commercial, office, and industrial centers developed as a single entity, but which include lots under separate ownership, the zoning ordinance standards for parking, travelways, lot coverage, and open space may be satisfied by all of the property included within the center as a whole, instead of individually by each lot within the center. In such event, permanent easements shall be noted on the approved site plan and subdivision plat, and covenants recorded in the land records providing for the joint use and maintenance of parking, travelways and open space by all occupants of the center. Such easements and covenants shall be approved by the zoning administrator and the office of the county attorney, and shall not be changed without such prior approval. (No. 94-1, 1-11-94)

Sec. 32-250.83. Storage Containers, etc., to be Screened.

Storage containers used for shipping purposes or truck compartments or trailers shall only be permitted in the M-1, Heavy Industrial, and M/T, Industrial Transportation, districts and shall be screened from view of public rights-of-way and adjacent uses in accordance with section ~~802.50~~ 800 of the Design and Construction Standards Manual. (No. 96-6, 1-16-96)

Sec. 32-250.84. Recycling Collection Point.

Recycling collection points where permitted shall meet the following standards:

(1) Storage container shall be of a design and size and contain appropriate labeling as approved by the department of public works and the health department for the purposes intended.

(2) The containers shall be placed in a manner so that their location and use does not restrict internal site traffic circulation.

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(3) Containers shall be located in well-lit, well-traveled areas.

(4) The landowner and recycling point operator shall assure appropriate hauling and trash removal services to the site. A schedule of pickup and site maintenance services approved by the director of public works shall be provided by the landowner and recycling point operator.

(5) The area devoted to the recycling collection point shall not exceed nine hundred (900) square feet unless deemed appropriate by the department of public works.

(6) The recycling collection points located in residential areas shall be screened from view on the sides and rear. The screening shall be accomplished with landscaping and/or fencing in accordance with § 802.50 of the Design and Construction Standards Manual. (No. 92-68, 6-23-92; No. 96-6, 1-16-96)

Sec. 32-250.90. Underground Storage Tanks.

Sec. 32-250.91. Purpose of Regulations.

These provisions are designed to regulate all uses of all underground storage tanks, as defined herein, in Prince William County unless otherwise excepted. These provisions are intended to supplement state and federal law pertaining to underground storage tanks, including the Hazardous and Solid Waste Disposal Amendments of 1984 to the Resource Recovery and Conservation Recovery Act, 42 U.S.C. § 6991, *et seq.*, and regulations promulgated thereunder. These provisions shall be read consistent with all such state and federal laws and regulations.

These provisions incorporate existing state and local requirements governing underground storage tanks, in particular the Uniform Statewide Building Code, § 36-97, *et seq.* of the Code of Virginia, as adopted by section 5-16 of the Prince William County Code, and all regulations promulgated thereunder, as well as the BOCA Basic Fire Prevention Code, adopted by Chapter 9 of the Prince William County Code. The respective duties under the foregoing provisions of the director of public works and the fire marshal shall remain unchanged. The zoning administrator, however, shall coordinate the activities of these departments, as well as the health department, in administering this underground storage tank ordinance. (Ord. No. 92-59, 6-16-92)

Sec. 32-250.92. Definitions.

Underground storage tank: ~~shall mean a~~Any one or combination of tanks (including underground pipes connected thereto) ~~which that~~ is used to contain an accumulation of substances, including motor vehicle fuels, kerosene, heating oil, and other such substances including those which are regulated by any law or regulation of the United States or this Commonwealth, and the volume of which (including the volume of underground pipes connected thereto) is ten (10) percent or more beneath the surface of the ground, ~~but not including manholes for storm and sanitary sewers.~~

~~Exception: Except for the requirements of subsection 32-250.93(1) and (3), the provisions relating to underground storage tanks shall not apply to any:~~

~~_____ (1) Tank(s), the combined total capacity of which is one thousand one hundred (1,100) gallons or less and in which motor fuel used for noncommercial purposes or heating oil used for consumption on the premises are stored.~~

~~_____ (2) Septic tank.~~

~~_____ (3) Pipeline facility (including gathering lines) excepted under 42 U.S.C. § 6991(1)(D).~~

~~_____ (4) Surface impoundment, pit, pond, or lagoon.~~

~~_____ (5) Stormwater or waste water collection system.~~

~~_____ (6) Flow through process tank.~~

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~~(7) Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.~~

~~(8) Storage tanks situated in an underground area (such as a basement, cellar, mine working, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.~~

~~The term "underground storage tank" shall not include any pipes connected to any tank which is described in subsections (1) through (8).~~

~~Release: means a~~Any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank into ground water, surface water or subsurface soils.

~~Nonoperational storage tank: means a~~Any underground storage tank in which the aforesaid substances will not be deposited or from which regulated substances will not be dispensed for a period of three (3) months or more after the effective date of this section.

~~Operator: means a~~Any person in control of, or having responsibility for, the daily operation of the underground storage tank.

Sec. 32-250.93. Permit Requirements.

~~(1) The owner, occupant or operator of a site on which a nonoperational storage tank is located shall either:~~

~~(a) Remove the tank from the earth and dispose of it in a lawful manner within ninety (90) days from the effective date of this section, or from the date on which the tank becomes nonoperational, whichever is later.~~

~~(b) Provide the zoning office with a certification that the tank is empty of all contaminant and has been filled with earth or other inert substances, and file a site plan showing the location of the nonoperational tank with the zoning office, with such information attached showing the date the tank was taken out of operation, the age of the tank when taken out of operation, the size, type and location of the tank, and the type and quantity of substances stored in the tank on the date the tank was taken out of operation.~~

~~(c) The foregoing shall not excuse compliance with the requirements of § F 2904.6 of the BOCA Basic Fire Prevention Code, as such may be amended, or any other pertinent provisions of law.~~

~~(2) Any owner, occupant or operator of a site on which there is an operating underground storage tank shall obtain a permit in accordance with the procedures set forth herein, validating installation and demonstrating satisfactory functioning of the underground storage tank.~~

~~(3) Any owner, occupant or operator of a site on which an operating underground storage tank is located, who intends to place additional underground storage tanks on the site, or who plans to relocate, replace or repair existing underground storage tanks, shall apply for a permit for such placement, replacement, relocation, or repair to the zoning administrator, and with such application shall submit copies of permits issued by the office of planning and/or the fire marshal's office evidencing permission to proceed with the proposed plans, and a site plan showing the location of all underground storage tanks existing on the site or intended to be placed on the site, as well as such information as will indicate the age, size and type of tanks which will be located on the site, the substances to be stored therein, and the uses to which the tanks shall be put. The zoning administrator shall review the site plan and application and submit it for review and comment to the health department, and thereafter may issue a permit when the requirements of these provisions have been met and it is consistent with sound zoning principles established in the zoning ordinance.~~

~~(4) Any owner, occupant or operator of a site on which no operating underground storage tank is located who intends to place one or more such tanks on the site shall make application therefor in accordance with the requirements of subsection (3), omitting only information required therein with regard to preexisting tanks, and shall conform to the requirements of these provisions. (Ord. No. 92-59, 6-16-92)~~

Sec. 32-250.93. Setback Requirements.

~~All underground storage tanks shall be set back from property lines either in accordance with the requirements for setbacks for accessory structures for the zoning district in which they are located, or in accordance with Health~~

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Department standards, whichever is stricter.

Sec. 32-250.94. Installation, Maintenance and Testing Requirements.

_____ For all tanks identified in the above subsections (2) and (3), the following shall apply:

_____ (1) ~~Underground storage tanks shall be constructed and installed in accordance with the requirements of the Virginia Uniform Statewide Building Code, as amended, and such specifically incorporates the requirements of the following:~~

- _____ (a) ~~The BOCA Basic Building Code, as such may be amended from time to time;~~
- _____ (b) ~~The BOCA Basic National Mechanical Code, as such may be amended from time to time;~~
- _____ (c) ~~The BOCA Fire Prevention Code, as such may be amended from time to time; and~~
- _____ (d) ~~NFPA30 of the Flammable and Combustible Liquids Code.~~

_____ (2) ~~No underground storage tank may be installed for the purpose of storing any substance unless such tank (whether of single or double wall construction):~~

- _____ (a) ~~Will prevent releases due to corrosion or structural failure for the operational life of the tank; and~~
- _____ (b) ~~The material used in the construction of the lining of the tank is compatible with the substance to be stored.~~

_____ (3) ~~Notwithstanding the foregoing subsection (1), if soil tests conducted in accordance with ASTM Standard G57-78, or as otherwise approved by the zoning administrator, show that soil resistivity in an installation location is twelve thousand (12,000) ohm/cm or more, a storage tank without corrosion protection may be installed in that location.~~

_____ (4) ~~All underground storage tank installations, except those utilizing double wall units which provide constant leak monitoring via remote sensors located between the tank walls, shall as a minimum include:~~

- _____ (a) ~~The pit in which the tank is installed shall be equipped with an impermeable liner composed of a material compatible with the substance, and the pit floor shall be graded with an incline to cause release substances to flow to one end of the pit; and either:~~
- _____ (b) ~~A monitoring well shall be installed at the down gradient point of the pit to permit detection of any released substance from the tank; or~~
- _____ (c) ~~At least one up gradient monitoring well installed adjacent to the pit, with at least one down gradient well installed adjacent to the pit to permit statistical comparisons designed to detect any released substances from the tanks; or~~
- _____ (d) ~~Any other detection method approved by the zoning administrator after consultation with the department of public works, the office of the fire marshal, and the health department, and identified on the permit required by this section.~~

_____ (5) ~~Any detection method in use shall be properly maintained and shall be approved by the zoning administrator after review by the department of public works, the office of the fire marshal and the health department, and, if determined to be ineffective or inaccurate, the zoning administrator may require the method to be modified and the tank rendered nonoperational until such modification is completed and approved. Upon occurrence of any leakage or spillage of substance, the owner, occupant or operator shall report such immediately upon detection to the office of the fire marshal.~~

_____ (6) ~~All underground storage tanks installed subsequent to the effective date of these provisions shall be located a minimum distance of fifty (50) feet from any public or private, well-supplied water source.~~

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~~(7) Not later than August 1 of each year following issuance of a permit, the owner, occupant or operator of a site on which an underground storage tank is located shall submit to the zoning office certified test results verifying the absence of leaks or other potential for release of stored substances from the tank. Prior to conducting the test, the zoning administrator shall be informed of the test date and time, and representatives of the fire marshal's office, the department of public works, and the health department may be present during the test. In addition to the annual tests required by this subsection, the zoning administrator may require such testing at any time upon reasonable suspicion of a leak or other hazardous condition which may involve such tank. The testing required by this subsection shall be performed at the expense of the permit holder.~~

~~(8) The owner, occupant or operator of a site on which an underground storage tank is located shall at all times maintain daily records of the amount of substance contained in an underground storage tank, and other information which shall be on forms approved by the zoning administrator, and which records shall be available for inspection by representatives of Prince William County.~~

~~(9) During the process of installing, relocating, replacing or repairing any underground storage tank, the director of public works or the fire marshal, and the health department, through their respective representatives, shall inspect the site to determine compliance with this section and all other applicable provisions of law.~~

~~(10) The owner, occupant or operator of a site containing an underground storage tank shall be required to provide evidence upon request of the zoning administrator of the existence of insurance policies, guarantees, surety bonds, letters of credit, or qualifications as a self insurer, or such other evidence of financial responsibility sufficient for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and non-sudden accidental releases from an underground storage tank. (Ord. No. 92-59, 6-16-92)~~

Sec. 32-250.95. Enforcement.

~~This section shall be enforced by the zoning administrator through all available means. Representatives of the department of public works, the office of the fire marshal and the health department shall, in addition to their respective enforcement responsibilities under other provisions of law, assist the zoning administrator in the administration and enforcement of these provisions. Failure to comply with any provision of this section shall be a misdemeanor and each instance of such failure shall constitute a separate offense. Each day such violation occurs shall be deemed a separate offense, and each shall be punished accordingly. (Ord. No. 92-59, 6-16-92)~~

Sec. 32-250.100. Adult businesses.

In addition to all other requirements of this chapter, any adult business shall conform to the following requirements:

(1) The business shall be located at least 500 feet away from any residential or agricultural zoning district, and at least 500 feet from the property line of any land used for any of the following:

- a. A residence;
- b. A nursing home, assisted living facility, or similar institution;
- c. An adult day care center;
- d. A child day care center;
- e. A public or private school, college or university;
- f. A public park;
- g. A public library, museum or cultural center;
- h. A church or other place of worship;

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i. A hotel, motel or boardinghouse;

j. Any other adult business

(2) Adult merchandise shall not be visible from any point outside the establishment.

(3) Signs or attention-getting devices for the business shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas.

(4) Such businesses shall not begin service to the public or any outside activity before 9:00 a.m. Hours of operation for any adult business shall not extend after 12:00 midnight.

(5) Adult merchandise shall be located in a separate room or other area inaccessible to persons under 18 years of age.

(6) All owners, managers, and employees shall be at least 18 years of age.

(7) The owner or operator shall provide adequate lighting for all entrances, exits and parking areas serving the adult business, and all areas of the establishment where the adult business is conducted. "Adequate lighting" means sufficient lighting for clear visual surveillance. (Ord. No. 03-57, 7-22-03)

Section 32-250.110. Preservation of Existing Cemeteries.

(1) In order to preserve existing cemeteries, parcels containing cemeteries that are not separately platted or established by an easement within the boundaries of such parcels or not otherwise clearly delineated with limits of burials, shall be required at the time of site or subdivision plan review to have a professionally prepared archeological delineation of the limits of burials within the cemetery. The delineation shall be conducted in accordance with standard archaeological practices, such as, but not limited to, the digging of a series of shallow trenches around the perimeter of the visible areas of the cemetery and removing topsoil to allow a view of grave shaft soil discolorations or systematic probing with rods that detect differences in soil compaction. The limits of burials shall be used to establish the perimeter boundary of the cemetery on the site/subdivision plat and plan.

(2) The boundary of a cemetery shall be indicated on the site or subdivision plat and plan as determined by the archeological delineation. The cemetery and associated buffer area as required by subsection (4) below shall be indicated as an easement or as a separate cemetery parcel that can be conveyed to an appropriate entity that would be responsible for perpetual maintenance of the cemetery.

(3) Pedestrian access to the cemetery shall be provided on the site/subdivision plat and plan either with a minimum of 15 feet of frontage on a street or as an easement that shall be a minimum of 15 feet wide from a street or other point of public ingress.

(4) A 25-foot wide buffer area shall be established around the perimeter of the cemetery as delineated per subsection (1) above and shall be planted in accordance with section 800 of the Design and Construction Standards Manual.

(5) A fence between three and four feet tall shall be placed around the boundary of the cemetery as delineated per subsection (1) above. The fence shall be located on the interior edge of the buffer area and not within the buffer area.

(6) The cemetery grounds, fence, and buffer area shall be maintained and the responsibility for maintenance shall be established with the site/subdivision plan. The party responsible for maintenance shall be indicated as one of the following:

(a) owner of the property on which the cemetery is delineated;

(b) the homeowner association in the case where a homeowner association is established and the cemetery is created as a separate out lot, easement, or part of the common open space within a subdivision; or

(c) other applicable association or entity, such as a business association, trust, or foundation.

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(7) Any grading shall occur outside the 25-foot wide perimeter buffer area. In no circumstance shall such grading be sloped more than 3 to 1 from the existing grade of the cemetery for a distance of 50 feet beyond the buffer area.

(8) Subsections (1) through (6), above, shall not preclude removal and re-interment of burials in accordance with the Code of Virginia.

Sec. 32-250.200. Outdoor Lighting

Sec. 32-250.201. Purpose and Intent

The purpose and intent is to establish outdoor lighting standards that reduce the impacts of glare, light trespass, overlighting, skyglow, and poorly shielded or inappropriately directed lighting fixtures, and that promote safety and encourage energy conservation.

Sec. 32-250.202. General Outdoor Lighting Standards

- (1) All outdoor lighting fixtures shall be designed, shielded, aimed, located and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures.
- (2) Street lighting shall be provided in accordance with the requirements of the Design and Construction Standards Manual.
- (3) Flashing, revolving, or intermittent exterior lighting visible from any property line or street shall be prohibited. High intensity light beams, such as, but not limited to, outdoor searchlights, lasers or strobe lights shall be prohibited.
- (4) In parking lots, light fixture poles shall not be more than 30 feet in height, unless modified pursuant to either section 32-300.05 or 32-400.03.
- (5) The average maintained lighting level shall be determined by multiplying the initial raw lamp output specified by the manufacturer by a light loss factor of not less than 0.72.

Sec. 32-250.203. Outdoor Lighting Standards for Nonresidential Uses.

- (1) The average maintained lighting levels for nonresidential uses shall not exceed the following standards:
 - (a) 5 foot-candles for parking lot and other areas. However, the maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.
 - (b) 10 foot-candles along fronts of buildings and along main drive aisles. The maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.
 - (c) 30 foot-candles for high security areas, such as, but not limited to automated teller machines (ATMs), motor vehicle display areas and vehicle fuel station canopies, but not including parking lots. The maximum to average ratio shall not exceed 1.5 to 1 for canopy lighting, and 2.5 to 1 for pole- or building-mounted lighting. Lighting levels shall be reduced to a maximum of 10 foot-candles after the close of business.
- (2) Light fixtures under any canopy shall be recessed into the canopy ceiling with a flat lens to prevent glare. The bottom of the fixtures may protrude a maximum of two (2) inches from the ceiling. The portions of the canopy not included in the sign area shall not be illuminated.
- (3) Lighting levels shall not exceed 0.5 foot-candles at any common property line with property zoned, used as or planned for residential or agricultural uses.
- (4) Property owners may demonstrate compliance with the standards contained within this section by submitting a

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current photometric plan (less than 30 days old) that has been certified by a licensed lighting engineer to the Planning Office.

Sec. 32-250.204. Outdoor Lighting Standards for Recreational Sports Facilities Lighting.

- (1) The average maintained lighting levels for recreational uses, other than professional sports teams, shall not exceed the following:
 - (a) 50 foot-candles in the infield and 30 foot-candles in the outfield for baseball/softball. However, the maximum lighting level to average lighting level ratio shall not exceed 2 to 1.
 - (b) 50 foot-candles for football/soccer fields. However, the maximum lighting level to average lighting level ratio shall not exceed 2 to 1.
 - (c) 50 foot-candles for tennis courts. However, the maximum lighting level to average lighting level ratio shall not exceed 2 to 1.
 - (d) 30 foot-candles for basketball courts. However, the maximum lighting level to average lighting level ratio shall not exceed 2 to 1.
 - (e) 5 foot-candles for golf related facilities (20 foot-candles maximum for driving range tees). However, the maximum lighting level to average lighting level ratio shall not exceed 2 to 1.
 - (f) 5 foot-candles for parking lots. However, the maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.
- (2) All light fixtures/light poles shall be set back a minimum of one foot for every foot in height from any residential property line or right-of-way.
- (3) Lighting levels shall not exceed 0.5 foot-candles at any common property line with property zoned, used as, or planned for residential or agricultural uses.
- (4) All newly lighted fields shall be turned off within ½ hour after the games are over, preferably with override timing devices which will automatically turn off the lights.

Sec. 32-250.205. Outdoor Lighting Standards for Multi-Family Uses.

The average maintained lighting levels for multi-family units shall not exceed the following:

- (1) 0.5 foot-candles at property line boundaries.
- (2) 10 foot-candles at buildings/parking lots/other areas. The maximum to average ratio shall not exceed 2.5 to 1.

Sec. 32-250.206 Outdoor Lighting Standards for Buildings, Statues, Other Man-made Objects and Landscapes

Spotlighting or floodlighting used to illuminate buildings, statues, signs or any other objects mounted on a pole, pedestal or platform, or used to accentuate landscaping shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated to minimize glare, sky glow and light trespass. The beam width shall not be wider than that needed to light the feature with minimum spillover. The lighting shall not shine directly into the window of a residence or directly into a roadway. Light fixtures attached to a building shall be directed downward.

Sec. 32-250.207 Exemptions from Lighting Ordinance

- 1) Airport lighting, lighting of the American flag, and lighting not subject to this chapter by state or federal law.
- 2) Street lighting installed per the Design and Construction Standards Manual, the Virginia Department of Transportation, and/or the Building Code.
- 3) Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less.

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- 4) Construction and emergency Lighting used by construction workers or police, firefighting, or medical personnel, provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency requiring said lighting.

Sec. 32-250.208 Site and Subdivision Plan Requirements for Outdoor Lighting

- 1) As part of the submission for a site plan or a building, electrical or sign permit to install outdoor lighting fixtures as part of the application, the applicant shall submit evidence that the proposed work complies with this section.
- 2) A photometric plan shall be prepared by a licensed lighting engineer and submitted with a site plan.

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