V I R G I N I A:

At a recessed meeting of the Washington County Board of Supervisors and a regular meeting of the Washington County Planning Commission held Monday, July 27, 1998, at 6:30 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

BOARD OF SUPERVISORS

PRESENT:

Bobby D. Ingle, Chairman
Dulcie M. Mumpower, Vice Chairman
Kenneth G. Mathews
Joe W. Derting
James T. Osborne
John B. Roberts, Sr.
Jackson Barker

Mark K. Reeter, County Administrator
John A. Martin, County Attorney
Sandra M. Hatfield, CPS, Administrative Supervisor

ABSENT:

Mark W. Seamon, Accounting/Purchasing Manager

WASHINGTON COUNTY PLANNING COMMISSION

PRESENT:

Randy Lowe, Chairman
Mickey Tyler
Donna Clay
W. D. Young
Walter Doss, Jr.
Bill S. Canter, Jr.

Cathie Freeman, Zoning and Subdivision Official/Manager

ABSENT:

Ruddy Duty

****

1 **Call to Order of Planning Commission and Board of Supervisors**

Chairman Randy Lowe called the meeting of the Planning Commission to order.

Chairman Bobby D. Ingle called the recessed meeting of the Board of Supervisors to order, welcoming everyone in attendance.

2 **Invocation and Pledge of Allegiance - Dulcie M. Mumpower**

Mrs. Dulcie Mumpower gave the Invocation and led in the Pledge of Allegiance.

3 **Public Hearing Concerning an Ordinance to Amend Sections 66-1, 66-3, 66-62, 62-112, 66-190, 66-247, 66-277, 66-302, 66-332, 66-362, 66-392, 66-423, 66-542, 66-572, 66-602, 66-661, 66-662, 66-916, 66-917, 66-918 and 66-919; and to Create New Sections 66-9 and 66-923 of Chapter 66 of the 1997 Code of the County of Washington, Virginia Concerning the Regulation of Manufactured Homes and Manufactured Home Parks Generally and Fees for Appeals to the Board of Zoning Appeals**

a. Summary Review of Ordinance (*Mark Reeter, County Administrator*)
b. Public Hearing (*Conducted by Washington County Planning Commission*)
c. Discussion and Action by Washington County Planning Commission
d. Discussion and Action by Washington County Board of Supervisors

Chairman Randy Lowe called on County Administrator Mark Reeter for presentation of the amendments to the ordinance regulating manufactured homes and manufactured home parks, and fees for appeals to the Board of Zoning Appeals.

Mr. Reeter summarized each section of the proposed amendments, commenting on the impact of the ordinance to residents, and provided a comparison of current and proposed zoning code provisions for permanent manufactured home parks.

At this time Mr. Lowe opened the meeting for public comment on Ordinance to Amend Sections 66-1, 66-3, 66-62, 62-112, 66-190, 66-247, 66-277, 66-302, 66-332, 66-362, 66-392, 66-423, 66-542, 66-572, 66-602, 66-661, 66-662, 66-916, 66-917, 66-918 and 66-919; and to Create New Sections 66-9 and 66-923 of Chapter 66 of the 1997 Code of the County of Washington, Virginia Concerning the Regulation of Manufactured Homes and Manufactured Home Parks Generally and Fees for Appeals to the Board of Zoning Appeals**.**

***Speakers in support of the ordinance were*:**

Lacy Love
Ottoline Browning

Speakers in opposition to the ordinance were:

Gary Haga
Larry Fuller
Kim Stanley
Elizabeth Chelsea
Glen Peters
Leonard Haga
Mike Wilkinson
Thomas M. Barker
Kay Fry
Travis Cunningham
Kim Gretz
Terry Compton
Ken Johnson

There being no further comments, Mr. Lowe declared the public hearing closed.

Mrs. Donna Clay addressed the audience expressing her disappointment there was no citizen involvement in the development of the amendments.

On motion of Mr. Tyler, second by Mr. Canter, it was resolved to recommend to the Board of Supervisors the approval of Ordinance to Amend Sections 66-1, 66-3, 66-62, 62-112, 66-190, 66-247, 66-277, 66-302, 66-332, 66-362, 66-392, 66-423, 66-542, 66-572, 66-602, 66-661, 66-662, 66-916, 66-917, 66-918 and 66-919; and to Create New Sections 66-9 and 66-923 of Chapter 66 of the 1997 Code of the County of Washington, Virginia Concerning the Regulation of Manufactured Homes and Manufactured Home Parks Generally and Fees for Appeals to the Board of Zoning Appeals.

The vote on this motion was as follows: (6-0)

Mr. Lowe	***Aye***	***Mr. Tyler***	***Aye***	***Mrs. Clay***	***Aye***
Mr. Young	***Aye***	***Mr. Doss***	***Aye***	***Mr. Canter***	***Aye***

Mr. Lowe turned the meeting over to Chairman Bobby Ingle.

During deliberations, Supervisors agreed there is a misunderstanding of the amendments relative to set backs, subdivided parcels and developed residential subdivisions. In an attempt to clarify these issues, Mr. Reeter was asked to comment on those specific provisions of the ordinance that were of concern to the speakers.

For the benefit of the audience, Mr. Ingle explained the intent of the amendments is to protect the zoning in Washington County, and cited examples of how properties have been subdivided and illegal trailer parks have come to be established.

Supervisors expressed concern relative to the provision that A ... No Site-built residential or commercial structure shall be constructed on any lot or parcel on which 2 or more manufactured homes are already located .@

Discussion resulted in the following action being taken:

On motion of Mrs. Mumpower, second by Mr. Roberts, it was resolved to adopt Section 66-921(b)(c), Standards for location of Manufactured Homes, eliminating the following sentence in each of the two paragraphs: ANo Site-built residential or commercial structure shall be subsequently constructed on any lot or parcel of record on which two (2) or more manufactured homes are already located thereon.@

The vote on this motion was as follows: (7-0)

Mr. Ingle	***Aye***	***Mrs. Mumpower***	***Aye***	***Mr. Mathews***	***Aye***
Mr. Derting	***Aye***	***Mr. Osborne***	***Aye***	***Mr. Roberts***	***Aye***
Mr. Barker	***Aye***				

Supervisors expressed concern over the provision requiring a connection to public water insofar as there are many areas in the County that do not have public water.

On motion of Mr. Osborne, second by Mr. Barker, it was resolved to amend Section 66-922(I) to read, AAn adequate supply of potable water approved by the state department of health shall be furnished from a public <u>or private</u> water supply system, with a supply connection located on each manufactured home,@ and further, it was resolved to strike ANo permanent manufactured home park shall be supplied potable water from a private water system...@

The vote on this motion was as follows: (7-0)

Mr. Ingle	***Aye***	***Mrs. Mumpower***	***Aye***	***Mr. Mathews***	***Aye***
Mr. Derting	***Aye***	***Mr. Osborne***	***Aye***	***Mr. Roberts***	***Aye***
Mr. Barker	***Aye***				

On motion of Mr. Mathews, second by Mrs. Mumpower, it was resolved to adopt the follow the recommendation of the Planning Commission and adopt the following amended Ordinance to Amend Sections 66-1, 66-3, 66-62, 62-112, 66-190, 66-247, 66-277, 66-302, 66-332, 66-362, 66-392, 66-423, 66-542, 66-572, 66-602, 66-661, 66-662, 66-916, 66-917, 66-918 and 66-919; and to Create New Sections 66-9 and 66-923 of Chapter 66 of the 1997 Code of the County of Washington, Virginia Concerning the Regulation of Manufactured Homes and Manufactured Home Parks Generally and Fees for Appeals to the Board of Zoning Appeals:

Ordinance No. 98-7

AN ORDINANCE TO AMEND SECTIONS 66-1, 66-3, 66-62, 66-112, 66-190, 66-247, 66-277, 66-302, 66-332, 66-362, 66-392, 66-423, 66-542, 66-572, 66-602, 66-661, 66-662, 66-916, 66-917, 66-918 AND 66-919; AND TO CREATE NEW SECTIONS 66-9 AND 66-923 OF CHAPTER 66 OF THE 1997 CODE OF THE COUNTY OF WASHINGTON, VIRGINIA CONCERNING THE REGULATION OF MANUFACTURED HOMES AND MANUFACTURED HOME PARKS GENERALLY AND FEES FOR APPEALS TO THE BOARD OF ZONING APPEALS

WHEREAS, because of changes in the state enabling legislation and the growth and development that has and is taking place in Washington County, Virginia, it is in the best interest of the citizens of the County to revise and amend the current zoning regulations regarding the number and location manufactured homes and manufactured home parks in Washington County, and

WHEREAS, the present fees charged for appeals to the Washington County Board of Zoning Appeals are inadequate to defray all but a small portion of the cost to publicly advertise such appeals;

NOW, THEREFORE, be it ENACTED by the Board of Supervisors of Washington County, Virginia:

1. That the 1997 Code of the County of Washington, Virginia, is hereby amended by amending Chapter 66, Article I., Sections 66-1, 66-3 and 66-9; and by amending Chapter 66, Article II Division 2., Section 66-62; and by amending Chapter 66, Article III, Division 2., Section 66-112; and by amending Chapter 66, Article IV., Section 66-190; and by amending Chapter 66, Article V., Division 2., Section 66-247; Division 3., Section 66-277; Division 4., Section 66-302; Division 5., Section 66-332; Division 6., Section 66-362; Division 7., Section 66-392; Division 8., Section 66-423; Division 12., Section 66-542; Division 13., Section 66-572; Division 14., Section 66-602 and Division 16., Sections 66-661 and 66-662; and by amending and renumbering Chapter 66, Article XI., Division 2., Sections 66-916, 66-917, 66-918, and 66-919, inclusive; and by the creation of new Sections 66-9 and 66-923 within Article I., Article V., Division 16. and Article XI., Division 2., respectively, which said articles, divisions and sections shall read as follows:

ARTICLE I. IN GENERAL

Sec. 66-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

abut or adjoin means a condition whereby two (2) separate lots or parcels of record share a common boundary line, such as a property line or zoning district boundary line. Unless otherwise stated herein this chapter, the separation of lots or parcels of record by a public or private street right-of-way shall not cause such lots or parcels of records to be abutting or adjoining. The terms may be used interchangeably.

Administrator means the zoning administrator of the county who is charged with the enforcement of this chapter. He may be any appointed or elected official who is by formal resolution designated to the position by the board of supervisors. He may serve with or without compensation as determined by the board of supervisors. In the absence of such formal resolution, the administrator shall be the county administrator.

BOCA, as an acronym, means Building Officials and Code Administrators, and is generally used in reference to the BOCA Code.

Camper trailer or Recreational Vehicle (RV) means a towed trailer or self-propelled motor vehicle registered through the state department of motor vehicles which is designed and intended for use a temporary shelter for recreational purposes.

Home occupation means an occupation carried on by the occupant of a dwelling as a secondary use in which the conduct of the occupation is carried out wholly within the interior of the dwelling and where no one is employed other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale, and similar activities; professional offices such as medical, dental, legal, engineering and architectural conducted within a dwelling by the occupant. The repair, rebuilding, maintenance, storage or similar activities of motor vehicles is not a home occupation. Signage erected for home occupations on or after July 27, 1998 is limited to one (1) unlighted display of not more than four (4) square feet which must be physically attached to an exterior wall of the structure housing the home occupation. Temporary banners and any form of interior window display for the purpose of advertising or promoting the home occupation shall be prohibited. Only one (1) type of home occupation is permitted per dwelling unit, and the floor space area of the home occupation shall not exceed twenty-five (25%) percent of the total interior floor space of the dwelling unit. No home occupations shall be conducted from a manufactured home located in a permanent manufactured home park except for the business office of the operator of the park.

Immediate family, unless otherwise defined herein this chapter, means those individuals who are related as either brother, sister, son, daughter, father, mother or grandparent; step-brother, step-sister, step-son, step-father or step-mother; brother-in-law, sister-in-law, son-in-law, daughter-in-law, father-in-law or mother-in-law; and including aunts, uncles, cousins, nieces and nephews.

Industrial mobile office unit means a type of manufactured structure designed principally for industrial or commercial temporary office or work space applications rather than for residential use under the Virginia Uniform Statewide Building Code, BOCA or other code. A manufactured home as defined herein this chapter shall not be accepted as a substitute for an industrial mobile office unit. Structures meeting the definition of Aindustrialized building@ pursuant to '36-71.1 of the 1950 Code of Virginia, as amended shall be considered industrial mobile office units.

Manufactured home means a structure intended primarily for single-family residential use which is manufactured off-site, transportable in one (1) or more sections to the point of installation, use or erection on its own wheels or on a flatbed or other trailer, which structure is built on a permanent chassis and designed to be used with or without a permanent foundation, and which structure is designed for ready removal to or installation or erection on another site. Manufactured homes shall include models commonly referred to as Asingle-wide@, Adouble-wide@ and Atri-wide@ and shall be synonymous with the term Amobile home@. As used in this chapter, a "manufactured home" shall not be construed to include a "modular home" constructed in accordance with the current standards of the BOCA basic building, plumbing, mechanical and electrical codes. Manufactured homes shall not be used other than for single-family residential purposes or for any non-residential purposes unless otherwise permitted pursuant to this chapter.

Manufactured home park means any area of two (2) acres or more designed to accommodate five (5) or more manufactured homes intended for residential use where residence is in manufactured homes exclusively.

Mobile office trailer means a manufactured home or industrial mobile office unit used exclusively as a temporary construction job site office.

Modular home means a structure manufactured off-site and transported to the point of installation, use or erection as a finished building, or as a part of a finished building comprising two (2) or more units or sections, and which structure is not designed for ready removal to or installation or erection on another site. As used in this chapter, a "modular home" must be constructed in accordance with the current standards contained in the BOCA basic building, plumbing, mechanical and electrical codes. A "modular home" shall not be construed to include a "manufactured home" manufactured to applicable federal specifications and standards.

Site-built means a structure whose individual structural component units, parts and materials are shipped to the property on which the structure is located for final assembly and erection. Site-built structures shall be considered to include modular homes but shall not include manufactured homes.

Street, road means a public thoroughfare that affords principal means of access to abutting property. Streets or roads may either be public or private.

Street, private means a roadway which is maintained solely at private expense, and is not incorporated, or eligible for incorporation, into the state highway system.

Street, public means a roadway dedicated for general public use and incorporated , or designed, constructed and recorded so as to permit incorporation, into the state highway system. Public streets shall be treated as private streets for purposes of maintenance until such time as they may be incorporated into the state highway system pursuant to state law or regulations of the state department of transportation.

Sec. 66-3. Administration.

This chapter shall be enforced by the zoning administrator Where the county administrator is the zoning administrator, he may appoint an employee of his office as deputy pursuant to '15.2-1502 of the 1950 Code of Virginia, as amended to enforce the provisions of this chapter. Where the phrase Aadministrator or his designee@ appears in this chapter, the term Adesignee@ shall be synonymous with the term Adeputy@ as referenced within the Code of Virginia.

Sec. 66-9. County engineer.

Where the provisions of this chapter call for the involvement of a licensed professional engineer, and where the county employs or engages the services of an engineer at the county=s expense on a consulting basis specifically for assistance in the administration of this chapter, the zoning administrator at his discretion may designate or involve the county=s engineer in lieu of or in addition to the engineer specified by the provisions of this chapter. Nothing herein shall be construed to require the county to employ or engage an engineer at the county=s expense.

Secs. 66-10--66-35. Reserved.

ARTICLE II. BOARD OF ZONING APPEALS

DIVISION 2. APPEALS

Sec. 66-62. Procedure.

(a) Appeals shall be mailed to the board of zoning appeals in care of the zoning administrator or his designee, and a copy of the appeal mailed to the secretary of the planning commission. A third copy should be mailed to the individual, official, department or agency concerned, if any.

(b) Unless otherwise specified herein this chapter, a fee of fifty ($50.00) dollars shall be required for all appeals to the board of zoning appeals.

ARTICLE III. PERMITS AND VARIANCES

DIVISION 2. ZONING PERMITS AND CERTIFICATE OF OCCUPANCY

Sec. 66-112. Generally.

(a) Buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning permit has been obtained from the administrator. Except as provided for in '66-924 and '66-925 of this chapter, no manufactured home shall be moved on to property in the county until a zoning permit has been issued by the administrator; however, a manufactured home may be placed in an existing permanent manufactured home park which has been approved and recognized in accordance with the provisions of this chapter.

ARTICLE IV. NONCONFORMING USES

Sec. 66-190. Expansion or enlargement.

(e) The provisions of subsections (a), (b), (c.) and (d) herein shall not apply to manufactured housing, related provisions for which are found in '66-926 of this chapter.

ARTICLE V. DISTRICTS

DIVISION 2. HIGHLAND RECREATION DISTRICT HR

Sec. 66-247. Use regulations.

(a) In the HR highland recreation district, structures to be erected or land to be used shall be for one or more of the following uses:

(9) Manufactured home, provided that no manufactured home shall be used for business purposes in the HR district except for home occupations as defined by this chapter and subject to the provisions of '66-921 of this chapter.

DIVISION 3. SHORELINE RECREATION DISTRICT SR

Sec. 66-277. Use regulations.

(a) In the SR shoreline recreation district, structures to be erected or land to be used shall be for one or more of the following uses:

(2) Manufactured homes limited to double-wide and tri-wide models, provided that no manufactured home shall be used for business purposes in the SR district except for home occupations as defined by this chapter and subject to the provisions of '66-921 of this chapter.

DIVISION 4. CONSERVATION AND RECREATION DISTRICT CR

Sec. 66-302. Use regulations.

In the CR conservation and recreation district, structures to be erected or land to be used shall be for one or more of the following uses:

(3) Manufactured homes, provided that no manufactured home shall be used for business purposes in the CR district except for home occupations as defined by this chapter and subject to the provisions of '66-921 of this chapter.

(26) Permanent manufactured home parks with special use permit and subject to the provisions of '66-922 of this chapter. No home occupations as defined by this chapter shall be conducted from a manufactured home located in a permanent manufactured home park except for the business office of the operator of the park.

DIVISION 5. AGRICULTURAL, LIMITED, DISTRICT A-1

Sec. 66-332. Use regulations.

In the A-1 agricultural, limited district, structures to be erected or land to be used shall be for one or more of the following uses:

(3) Manufactured homes, provided that no manufactured home shall be used for business purposes in the A-1 district except for home occupations as defined by this chapter and subject to the provisions of '66-921 of this chapter.

(22) Permanent manufactured home parks with special use permit and subject to the provisions of '66-922 of this chapter. No home occupations as defined by this chapter shall be conducted from a manufactured home located in a permanent manufactured home park except for the business office of the operator of the park.

DIVISION 6. AGRICULTURAL, GENERAL, DISTRICT A-2

Sec. 66-362. Use regulations.

In the A-2 agricultural, general district, structures to be erected or land to be used shall be for one or more of the following uses:

(1) Single-, two- and multiple-family dwellings, including manufactured homes, provided that no manufactured home shall be used for business purposes in the A-2 district except for home occupations as defined by this chapter and subject to the provisions of '66-921 of this chapter.

DIVISION 7. VILLAGE DISTRICT

Sec. 66-392. Use regulations.

In the village district, structures to be erected or land to be used shall be for one or more of the following uses:

(10) Manufactured homes with special use permit, provided that no manufactured home shall be used for business purposes in the village district except for home occupations as defined by this chapter and subject to the provisions of '66-921 of this chapter.

(25) Permanent manufactured home parks with special use permit and subject to the provisions of '66-922 of this chapter. No home occupations as defined by this chapter shall be conducted from a manufactured home located in a permanent manufactured home park except for the business office of the operator of the park.

DIVISION 8. KONNAROCK DISTRICT

Sec. 66-423. Use regulations.

In the Konnarock district, structures to be erected or land to be used shall be for one or more of the following uses:

(10) Manufactured homes, provided that no manufactured home shall be used for business purposes in the Konnarock district except for home occupations as defined by this chapter and subject to the provisions of '66-921 of this chapter.

DIVISION 12. BUSINESS, GENERAL, DISTRICT B-2

Sec. 66-542. Use regulations.

In the B-2 business, general district, structures to be erected or land to be used shall be for one or more of the following uses:

(61) Manufactured home sales and service, including use of a manufactured home for an on-site sales office for the sales and service business and subject to the provisions of '66-921 of this chapter.

(60) Manufactured homes with special use permit, for use by security guard of a business and subject to the provisions of '66-921 of this chapter.

(62) Industrial mobile office units.

DIVISION 13. INDUSTRIAL, LIMITED, DISTRICT M-1

Sec. 66-572. Use regulations.

In the M-1 industrial, limited district, structures to be erected or land to be used shall be for one or more of the following uses:

(21) Industrial mobile office units as defined by this chapter as an accessory use structure to an existing main use. No residential use of a manufactured home shall be permitted in the M-1 district. There shall be permitted two (2) industrial mobile office units per individual lot or parcel of record.

DIVISION 14. INDUSTRIAL, GENERAL, DISTRICT M-2

Sec. 66-602. Use regulations.

In the M-2 industrial, general district, structures to be erected or land to be used shall be for one or more of the following uses:

(20) Any use permitted and as regulated in the M-1 district.

DIVISION 16. RESIDENTIAL, MANUFACTURED HOME (MHR)

Sec. 66-661. Statement of intent.

The MHR manufactured home residential district is composed of certain quiet, low- to medium-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for the district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life and to discourage all activities of a commercial nature. To these ends, development is limited to relatively medium concentration, and permitted uses are limited basically to single-family and two-family dwellings, manufactured homes, plus certain additional uses which are complementary to the residential uses.

Sec. 66-662. Use regulations.

In the MHR manufactured home residential district, structures to be erected or land to be used shall be for one or more of the following uses:

(1) Single-family and two-family dwellings, including manufactured homes provided that no manufactured home shall be used for business purposes in the MHR district except for home occupations as defined by this chapter and subject to the provisions of '66-921 of this chapter.

(2) Permanent manufactured home parks with a special use permit and subject to the provisions of '66-922 of this chapter. No home occupations as defined by this chapter shall be conducted from a manufactured home located in a permanent manufactured home park except for the business office of the operator of the park.

(12) Solid waste disposal convenience station with special use permit.

Secs. 66-669--66-690. Reserved.

ARTICLE XI. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 66-911. Buffer zones for sewage treatment facilities.

Sec. 66-912. Widening of highways and streets.

Sec. 66-913. Minimum off-street parking.

Sec. 66-914. Public parking lots.

Sec. 66-915. Private garages.

Secs. 66-916--66-920. Reserved.

DIVISION 2. MANUFACTURED HOUSING

Sec. 66-921. Standards for location of manufactured homes.

(a) In order for manufactured homes to be located on property in the county, the requirements of this section must be met in addition to the requirements of the specific zoning district involved. Placement of manufactured homes within permanent manufactured home parks pursuant to '66-922 are not subject to the requirements of this section.

(b) If the other provisions of this section and chapter are met, manufactured homes may be located as permitted uses within the following zoning districts of the county:

(1) A-1 agricultural, limited

(2) A-2 agricultural, general.

(3) SR shoreline recreation, limited to double-wide and tri-wide models only.

(4) CR conservation and recreation.

(5) HR highlands recreation.

(6) Konnarock.

(7) MHR manufactured home residential district.

On or after July 27, 1998, in the above zoning districts no more than two (2) manufactured homes shall be placed on any individual lot or parcel of record and, except within permanent manufactured home parks and in the MHR district, no more than four (4) manufactured homes shall be placed on any two (2) lots or parcels of record with adjoining property lines owned by members within an immediate family as defined by this chapter. Except within permanent manufactured home parks, any manufactured home in the above districts must be separated from another manufactured home or site-built residential or commercial structure located on the same lot or parcel of record by a distance of no less than fifty (50) feet. Unless otherwise prohibited pursuant to this chapter, in the above zoning districts no more than two (2) manufactured homes may be located on any lot or parcel of record already containing one (1) or more site-built residential or commercial structures. No manufactured home shall be used for business purposes in any of the above districts except for home occupations as defined by this chapter. Unless otherwise prohibited pursuant to this chapter, where land in the above zoning districts is sold or exchanged between members within an immediate family as defined pursuant

to '15.2-2244 of the 1950 Code of Virginia and associated provisions of chapter 54 of the county code, no more than four (4) manufactured homes in total shall be subsequently located on all lots or parcels of record so conveyed, and no more than two (2) manufactured homes shall be located on any individual lot or parcel of record conveyed in this manner, and no more than one (1) manufactured home may be located on any lot or parcel of record so conveyed containing one (1) or more site-built residential or commercial structures.

(c.) Manufactured homes will be allowed in the following zoning districts provided a special use permit is approved by the board of supervisors, after a public hearing before the planning commission and board of supervisors:

(1) B-2 general business, only for use by security guard of a business, for an on-site sales office for manufactured home sales and service, and for industrial mobile office units. No residential use of a manufactured home shall be permitted in the B-2 district.

(2) M-1 limited industrial, only for industrial mobile office units as an accessory use structure to an existing main use. No residential use of a manufactured home shall be permitted in the M-1 district. There shall be permitted no more than two (2) industrial mobile office units per individual lot or parcel of record.

(3) Village district, provided that no manufactured home shall be used for business purposes in the Village district except for home occupations as defined by this chapter.

On or after July 27, 1998, in the above zoning districts no more than two (2) manufactured homes shall be placed on any individual lot or parcel of record and, except with permanent manufactured home parks, no more than four (4) manufactured homes shall be placed on any two (2) lots or parcels of record with adjoining property lines owned by members within an immediate family as defined by this chapter. Such manufactured homes shall be separated by a minimum of fifty (50) feet in the Village district, and a minimum of fifteen (15) feet in the B-2 and M-1 districts where such manufactured homes or industrial mobile office units are located on the same lot or parcel of record. Unless otherwise prohibited pursuant to this chapter, in the above zoning districts no more than two (2) manufactured homes may be located on any lot or parcel of record already containing one (1) or more site-built residential or commercial structures, the manufactured home being separated from such structures by a minimum of fifty (50) feet. Unless otherwise prohibited pursuant to this chapter, where land in the above zoning districts is sold or exchanged between members within an immediate family as defined pursuant to '15.2-2244 of the 1950 Code of Virginia and associated provisions of chapter 54 of the county code, no more than four (4) manufactured homes in total shall be subsequently located on all lots or parcels of record so conveyed, and no more than two (2) manufactured homes shall be located on any individual lot or parcel of record conveyed in this manner, and no more than one (1) manufactured home may be located on any lot or parcel of record so conveyed containing one (1) or more site-built residential or commercial structures.

(d) All manufactured homes, other than those situated within permanent manufactured home parks, which are located in the county on or before July 27, 1998 which do not conform to the provisions of this section shall be considered pre-existing, non-conforming uses. On any manufactured home location approved under current and previous requirements of this chapter, a period of ninety (90) calendar days shall be provided during which the manufactured home previously approved may be replaced by another manufactured home at the same location. Failure to replace a previously approved manufactured home within this period shall invalid any pre-existing, non-conforming use which may appertain to the manufactured home. This period shall not be construed to provide for an exemption from full compliance with all setback, area regulations and building code requirements.

(e) The requested location for the manufactured home shall be outside of and at least two hundred fifty (250) feet from the boundaries of any existing residential subdivision development.

(f) In addition to the provisions of this section, the requested site for the manufactured home shall also meet all provisions set forth in this chapter for the zoning district involved with respect to area regulations, setback, side and rear yard distances and any other restrictions contained under the zoning district involved.

(g) The manufactured home shall be anchored to a permanent foundation in accordance with the provisions of the Virginia Uniform Statewide Building Code and BOCA code in order to be approved for placement on a lot in the county. All manufactured homes installed on individual lots shall have installed an exterior covering material referred to as "skirting," which skirting shall extend from ground level to the base of the manufactured home in such a manner as to completely obscure the undercarriage, wheels, foundation and underpinning. The manufactured home skirting shall be constructed of brick, cinder block, or aluminum siding. Manufactured home skirting shall be installed within ninety (90) calendar days of the location of the manufactured home on the property. The provisions of this subsection shall be applicable to all manufactured homes approved for placement in the county after December 14, 1987.

(h) In the above zoning districts except the SR district, an inhabited camper trailer or an RV may be placed on an individual lot in the following zones for a period of fourteen (14) consecutive calendar days in any one (1) calendar year without obtaining a zoning permit:

(1) A-1 agricultural, limited.

(2) A-2 agricultural, general.

(3) SR shoreline recreation.

(4) HR highland recreation.

(5) CR conservation and recreation.

Any camper trailer or RV which remains inhabited longer than fourteen (14) consecutive calendar days shall obtain a zoning permit and meet the same requirements for a manufactured home, including a septic tank layout from the state department of health and a highway entrance permit from the state department of transportation. Inhabited camper trailers and RVs shall not be placed in any other zone. Camper trailers and RVs not to exceed two (2) units per lot or parcel of record may be stored in the side or rear yards in any zone and shall not be used for continuous habitation for a period in excess of fourteen (14) consecutive calendar days while being stored.

(i) No structure originally constructed as a manufactured home for residential purposes may be used as a storage or workshop building or as an accessory use to an existing main use in any zoning district. No such structure in use for this purpose on or before July 27, 1998 may be replaced by a similar structure at the same situs after July 27, 1998.

Sec. 66-922. Permanent manufactured home parks.

(a) Permanent manufactured home parks shall be permitted in the following zoning districts provided a special use permit is approved by the board of supervisors, after a public hearing before the planning commission and board of supervisors:

(1) A-l agricultural, limited.

(2) CR conservation and recreation.

(3) Village district.
(4) MHR manufactured home residential district.

No permanent manufactured home park shall be located within two hundred fifty (250) feet of the boundaries of any existing residential subdivision development. Owners and operators of such parks shall comply with the following:

(b) Spaces within permanent manufactured home parks shall be leased only, the minimum area for an individual manufactured home space being five thousand (5,000) square feet of area or greater as the regulations of the state department of health shall require. A minimum of two (2) contiguous acres of land shall be required for a permanent manufactured home park and shall located on a separate parcel of record from any other existing uses not a part of the permanent manufactured home park. The corners of all individual manufactured home spaces shall be permanently marked by iron pins. The density of any permanent manufactured home park shall not exceed seven (7) units per gross acre after the park reaches a total of fifteen (15) units. On or after July 27, 1998, no permanent manufactured home park shall provide less than five (5) fully developed manufactured home spaces nor shall exceed twenty-five (25) manufactured home spaces where public water and sewer is not provided. Where public water and sewer is provided to a permanent manufactured home park, the total number of spaces shall be limited only by compliance with the provisions of this section or unless otherwise established by the board of supervisors as a condition of the special use permit. No less than four (4) occupied manufactured homes shall be located in spaces within the permanent manufactured home park within ninety (90) calendar days of obtaining a certificate of occupancy.

(c.) The minimum average length for each manufactured home space shall be at least one hundred (100) feet measured beginning from the right-of-way of the public street built to serve exclusively the permanent manufactured home park, this beginning point being referred to as the Astreet line@. The minimum average width for each manufactured home space shall be at least fifty (50) feet measured both at the street line and center point of the length of the mobile home space. This average shall be maintained between points ten (10) feet in front of and ten (10) feet to the rear of the area of the space on and above which the manufactured home unit shall be situated, this area being referred to as the Astand@.

(d) The area of the manufactured home stand shall be a minimum twenty eight (28) feet wide and sixty (60) feet in length, or one thousand six hundred eighty (1,680) square feet. The stand area shall be located in the approximate center area of each manufactured home space, equidistant from all manufactured home space lines; provided, however, that all manufactured home stands are uniformly situated at least twenty-five (25) feet or more from the street line of each space. Manufactured home stands shall be arranged so as to provide a distance of no less than forty (40) feet between individual stands but in no case closer than ten (10) feet to an individual manufactured home space line, or a greater distance as the regulations of the state department of health shall require. The distance from the line or corner of the manufactured home stand to a public street right-of-way shall be no less than twenty-five (25) feet. All manufactured housing units shall be placed within the designated stand area for each space within a permanent manufactured home park.

(e) No manufactured home stand shall be situated within each space a lesser distance from the permanent manufactured home park boundary than the side yard width required in the zoning district in which the property adjoining each such boundary lies. The distance from the line or corner of any manufactured home space to a state highway shall be the same as specified for other structures in the zoning district within which the permanent manufactured home park lies. This shall be known as the "setback line."

(f) The location of each manufactured home space shall be at such elevation, distance and angle in relation to the public street serving that space so that placement and removal of the manufactured home is practical and safe. The construction of the stand shall be of appropriate material, properly graded, drained and compacted, so as to be durable and adequate to support the manufactured home in a stable condition and in satisfactory relationship to its surroundings.

(g) No more than two (2) manufactured home spaces within a permanent manufactured home park shall be immediately accessed by off-street parking from an existing state highway.

Remaining manufactured home spaces shall be accessed from a public street built to serve exclusively the permanent manufactured home park. All public streets serving a permanent manufactured home park shall be paved and shall also conform to the standards of the state department of transportation for subdivision roads in effect at the time the special use permit is granted. Conformity with such standards shall include the provision of adequate storm water drainage and detention facilities as may be required serving all manufactured home spaces and public streets within the permanent manufactured home park. On or after July 27, 1998, there shall not be permitted easement right-of-ways, streets withheld from public dedication or streets not conforming to the standards of the state department of transportation for subdivision roads serving permanent manufactured home parks or any individual manufactured home space within such parks.

(h) At least two (2) off-street parking spaces shall be for each manufactured home space, and located within the boundaries of each manufactured home space. Each such parking space shall be not less than ten (10) feet wide and twenty-two (22) feet deep and shall be surfaced over its entire area with durable, hard material, suitable for all-weather use (gravel, concrete or asphalt are acceptable materials). For each three (3) manufactured home spaces, at least two (2) additional off-street parking spaces shall be provided in a common parking area located no further than one hundred (100) feet from the manufactured home spaces the parking area is intended to serve.

(I) An adequate supply of potable water approved by the state department of health shall be furnished from a public or private water supply system, with a supply connection located on each manufactured home space. Public water shall not be provided to any manufactured home within a permanent manufactured home park until a certificate of occupancy for the park shall have been issued by the administrator or his designee.

(j) In each permanent manufactured home park, all waste or wastewater from a toilet, tub, shower, sink, slop sink, drain, washing machine, garbage disposal unit or laundry shall empty into an approved public sewer system or into a septic tank system approved by the state department of health. No more than two (2) manufactured homes shall be connected to a single septic tank system, or as the regulations of the state department of health shall require. No connection of any manufactured home to a public sanitary sewer system serving a permanent manufacture housing park shall be made unless a certificate of occupancy for the park shall have been issued by the administrator or his designee.

(k) Each permanent manufactured home park shall provide for a curbside collection of solid waste on a regular weekly basis or provide a solid waste dumpster of sufficient capacity to serve the disposal needs of the park for at least two (2) weeks before emptying. The dumpster shall be screened from view by an enclosure allowing for access by persons and for emptying by solid waste collection vehicles. The dumpster shall be located no closer than fifty (50) feet to any occupied manufactured home. The dumpster shall be accessible twenty-four (24) hours each day to permanent manufactured home park residents.

(l) One (1) electric service power pole shall be provided within twenty-five (25) feet of each manufactured home stand. Telephone service shall also be provided to all spaces within a permanent manufactured home park. All infrastructures providing electric service to a permanent manufactured housing park shall conform to the Virginia Uniform Statewide Building Code. No electric service shall be provided to any space within a permanent manufactured home park until a certificate of occupancy for the park shall have been issued by the administrator or his designee.

(m) The owner or operator of a permanent manufactured home park shall provide and maintain standard mailboxes mounted on posts along the street for each manufactured home space therein or, if so required by the U.S. Postal Service, provide for a central location within the park for the secure deposit and delivery of mail for each manufactured home located therein.

The location shall be accessible twenty-four (24) hours each day to permanent manufactured home park residents.

(n) All manufactured homes located within spaces in a permanent manufactured home park shall have installed an exterior covering material referred to as "skirting," which skirting shall extend from ground level to the base of the manufactured home in such a manner as to completely obscure the undercarriage, wheels, foundation and underpinning. The manufactured home skirting shall be constructed of brick, cinder block, or aluminum siding. Manufactured home skirting shall be installed within ninety (90) calendar days of the location of the manufactured home within the manufacture home space. No permanent or semipermanent structures shall be affixed to any manufactured home as an addition, nor shall any accessory structure be permitted in any permanent manufactured home park except for an office or central storage facilities. No home occupations shall be conducted from a manufactured home located in a permanent manufactured home park except for the business office of the operator of the park. If an office or central storage structure is provided, its construction shall comply with all applicable laws and ordinances. The prohibition herein against any addition or accessory to a manufactured home shall not apply to a canopy, porch or awning for use with a manufactured home, to any expansion unit or accessory structure specifically constructed for manufactured homes, nor to a storage shed of a minimum of one hundred (100) square feet for tools, sports equipment, toys, bicycles or similar items. The space coverage of a manufactured home, together with an expansion or accessory structure permitted herein, shall not exceed thirty (30%) percent of the total manufactured home space area.

(o) The owner or operator of a permanent manufactured home park shall erect and maintain a sign not less than two (2) feet nor exceeding four (4) feet square and no more than ten (10) feet high on which shall be displayed the name of the park. The sign may be illuminated but shall contain no flashing lights. The sign shall be placed so as to be clearly visible from the state highway serving the permanent manufactured home park.

(p) A permanent manufactured home park may contain open common areas for recreation for the exclusive use of its residents.

(q) Permanent manufactured home parks developed prior to July 27, 1998 shall be considered legal usages, although requirements of subsections (b) through (s) of this section are not met. However, requirements in effect at the time of the establishment and conditional or special use permits issued prior to the above date shall be legal and binding.

(r) Permanent manufactured home parks developed after July 27, 1998 will be required to meet or exceed the minimum requirements set forth in subsections (b) through (p) of this section.

(s) Only those parts of existing permanent manufactured home parks which are to be expanded or enlarged after July 27, 1998 shall be required to meet or exceed the minimum requirements set forth in subsections (b) through (p) of this section, except that any public streets to be constructed as part of an expansion or enlargement which connect to or is an extension of any existing street within the permanent manufactured home park not conforming to the standards of the state department of transportation for subdivision roads shall not be required to be constructed to the current standards of the state department of transportation for subdivision roads. No existing permanent manufactured home park having twenty-five (25) or more spaces for lease shall be expanded or enlarged unless public water and sewer is provided, nor shall any existing permanent manufactured home park be permitted to expand or enlarge to provide for more than twenty-five (25) spaces unless public water and sewer is provided.

(t) No new permanent manufactured home park shall be permitted on any lot or parcel of record adjoining or abutting any lot or parcel of record on which an existing permanent manufactured home park having twenty-five (25) or more spaces available for lease is located.

(u) No variances may be granted by the board of zoning appeals with respect to any of the provisions of subsections (a) through (t), inclusive, of this section.

Sec. 66-923. Plan of development.

(a) Before an application for special use permit shall be advertised for public hearing, a plan of development for a permanent manufactured home park with measurements indicating compliance with the substantive provisions of '66-922 of this chapter shall be submitted to the administrator or his designee for review. At the request of the administrator or his designee, the corners of all individual manufactured home spaces and stands and the rights-of-way of all public streets to be built serving a permanent manufactured home park shall be clearly identified by temporary stakes placed at no greater than twenty-five (25) foot increments for on-site inspection at the time the plan of development is submitted. The owner shall maintain such markings through the time of public hearing before the board of supervisors. The administrator or his designee shall refer the plan of development to the planning commission for their recommendations. Along with the plan of development, the owner shall submit preliminary construction plans for all public streets and utilities to be built serving a permanent manufactured home park. The administrator or his designee shall refer the construction plans for public streets and utilities to be built to the appropriate governmental authorities for review and, where possible, shall require the owner to obtain all necessary permits from such authorities prior to submission to the planning commission. In addition and prior to advertisement for public hearing, the administrator or his designee may require the owner to obtain written certification from a licensed professional engineer that the construction plans for all streets to be built conform to the current standards of the state department of transportation for subdivision roads. The plan of development shall be of sufficient in form and content so as to legally describe and fix the rights-of-way and easements of all utilities and public streets to be installed and constructed, and shall contain certification statements from all appropriate governmental authorities. Modification of the plan of development may be required by the administrator or his designee before referring same to the planning commission or board of supervisors.

(b) The board of supervisors, upon receipt of recommendation from the planning commission shall consider the plan of development and issuance of special use permit therefor. If the plan of development and special use permit is approved by the board of supervisors, the owner shall cause a copy of the approved plan of development to be recorded in the office of circuit court clerk of the county. Prior to recordation, a copy of the approved plan of development and final construction plans shall be submitted to the administrator or his designee for signature, along with copies of same to be maintained on file by the administrator or his designee. No plan of development may be recorded unless it bears the certification of the administrator or his designee that a special use permit has been issued. No certificate of occupancy for a permanent manufactured home park for the location of a manufactured home therein shall be issued until the plan of development shall be recorded.

8 The plan of development of a permanent manufactured home park shall not depict or provide for staged or phased development. Each desired expansion or enlargement of a permanent manufactured home park shall require a separate plan of development and special use permit pursuant to the provisions of '66-922 and this section.

(d) No certificate of occupancy shall be issued to a permanent manufactured home park for the location of a manufactured home therein until all public streets and utilities serving the park shall have been paved, installed, constructed, inspected and found acceptable by the appropriate governmental authorities. The administrator or his designee shall require the owner to obtain and provide written certification from a licensed professional engineer that all streets serving the park have been fully completed, paved and built to current state department of transportation standards for subdivision roads in effect at the time the special use permit was granted. Written certifications shall also be obtained from all utility services providers that all public water, public sanitary sewer and electric service utilities as provided have been installed, constructed,

inspected and found acceptable. Such certifications shall be accepted only if applicable to all manufactured home spaces as shown on the approved plan of development for a permanent manufactured home park. Such certifications shall be recorded with the plan of development in the office of circuit court clerk of the county upon its acceptance by the administrator or his designee. The administrator of his designee shall not accept any form of surety or guaranty from the owner so as to permit issuance of a certificate of occupancy for the location of manufactured homes within a permanent manufactured home park prior to or in lieu of the above.

Sec. 66-924. Temporary storage and use of manufactured homes.

(a) No manufactured home or component unit or part thereof shall be temporarily stored prior to location on an approved lot or parcel of record or within an approved permanent manufactured home park in excess of ten (10) consecutive calendar days except at locations approved for the sale and servicing of manufactured homes as provided for within certain zoning districts of the county.

(b) Any person wishing to temporarily store a manufactured home or component unit or part thereof at a location other than one approved for the sale and servicing of manufactured homes shall notify the administrator or his designee as to the location of storage and the date first located thereon no later than two (2) working days after such location.

(c.) Any manufactured home or component unit or part thereof stored in excess of ten (10) consecutive calendar days in violation of the provisions of this section shall be subject to impoundment and removal by the county.

(d) Where manufactured homes are permitted outright within the various zoning districts of the county, one (1) manufactured home may be located and inhabited on a temporary basis not to exceed thirty (30) consecutive calendar days on the same lot or parcel of record where construction of a site-built residential dwelling is underway, or where another manufactured home for residential use is to be located. Prior to any such location and temporary occupation, the owner or occupant of the manufactured home shall enter into a written agreement with the county, executed by the administrator or his designee, establishing the terms and conditions of such temporary use and providing authority for the county and its agents to cause impoundment and removal of such manufactured home remaining on site upon the expiration of the thirty (30) consecutive calendar day or lesser period as provided for therein. Such agreements shall be non-transferrable and shall not be extended or renewed beyond thirty (30) consecutive calendar days. No such temporary use of a manufacture home shall be permitted in any zoning district where special use permit is required for the location of a manufactured home.

Sec. 66-925. Temporary placement of mobile office trailers.

The county building official or his designee shall have the authority to approve the temporary placement of mobile office trailers at any location deemed by him to be proper in any zoning district of the county, as close to the construction site as possible, under the following conditions:

(a) The trailer is to be used only for office purposes;

(b) The mobile office trailer is to be used in connection with a construction or work project ongoing in the county;

8 No one will live in the mobile office trailer; and

(d) The mobile office trailer will be moved at the completion of the construction or work project.

Mobile office trailers may be manufactured homes or industrial mobile office units as defined by this chapter.

Sec. 66-926. Replacement, expansion or enlargement of nonconforming manufactured housing.

(a) All manufactured homes, other than those situated within permanent manufactured home parks, which are located in the county on or before July 27, 1998 which do not conform to the provisions of '66-921 of this chapter shall be considered pre-existing, non-conforming uses. On any manufactured home location approved under current and previous requirements of this chapter, a period of ninety (90) calendar days shall be provided during which the manufactured home previously approved may be replaced by another manufactured home at the same location. Failure to replace a previously approved manufactured home within this period shall invalidate any pre-existing, non-conforming use which may appertain to the manufactured home. This period shall not be construed to provide for an exemption from full compliance with all setback, area regulations and building code requirements.

(b) No pre-existing, nonconforming manufactured home shall be expanded or enlarged in its habitable floor space area by means of additions or attachments to the original manufactured home structure. The addition or attachment of porches, decks, sheds or utility room spaces to the original manufactured home structure not to exceed a total of one hundred fifty (150) square feet in the aggregate shall be permitted. No separate, fully-enclosed site-built accessory use structures to the main use of a pre-existing, nonconforming manufactured home such as garages, utility buildings, and the like shall be permitted.

Secs. 66-927--66-930. Reserved.

2. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the 1997 Code of Washington County, Virginia, as amended.

3. That this ordinance shall become effective July 27, 1998.

The vote on this motion was as follows: (7-0)

Mr. Ingle	***Aye***	***Mrs. Mumpower***	***Aye***	***Mr. Mathews***	***Aye***
Mr. Derting	***Aye***	***Mr. Osborne***	***Aye***	***Mr. Roberts***	***Aye***
Mr. Barker	***Aye***				

Chairman Ingle turned the meeting back to Commissioner Lowe to continue the meeting.

---

4 **Public Hearing Concerning an Ordinance to Amend Sections 66-1, 66-137, 66-541, 66-542, 66-543, 66-544, 66-545 and 66-546 of Chapter 66 of the 1997 Code of the County of Washington, Virginia Concerning Special Use Permits and Business, General Zoning District B-2**

a. Summary Review of Ordinance (*Mark Reeter, County Administrator*)
b. Public Hearing (*Conducted by Washington County Planning Commission*)
c. Discussion and Action by Washington County Planning Commission
d. Discussion and Action by Washington County Board of Supervisors

Chairman Lowe opened the hearing to receive public comment on an Ordinance to Amend Sections 66-1, 66-137, 66-541, 66-542, 66-543, 66-544, 66-545 and 66-546 of Chapter 66 of the 1997 Code of the County of Washington, Virginia Concerning

Mr. Lowe recognized Mr. Reeter for a summary review of the ordinance.

There being no public comments, Mr. Lowe declared the public hearing closed.
On motion of Mr. Tyler, second by Mrs. Clay, it was resolved to recommend to the Board of Supervisors the adoption of Ordinance to Amend Sections 66-1, 66-137, 66-541, 66-542, 66-543, 66-544, 66-545 and 66-546 of Chapter 66 of the 1997 Code of the County of Washington, Virginia Concerning Special Use Permits and Business, General Zoning District B-2.

The vote on this motion was as follows: (6-0)

Mr. Lowe	***Aye***	***Mr. Tyler***	***Aye***	***Mrs. Clay***	***Aye***
Mr. Young	***Aye***	***Mr. Doss***	***Aye***	***Mr. Canter***	***Aye***

Commissioner Lowe turned the meeting over to Chairman Ingle.

On motion of Mr. Osborne, second by Mr. Roberts, it was resolved to follow recommendation of the Planning Commission and adopt the following Ordinance to Amend Sections 66-1, 66-137, 66-541, 66-542, 66-543, 66-544, 66-545 and 66-546 of Chapter 66 of the 1997 Code of the County of Washington, Virginia Concerning Special Use Permits and Business, General Zoning District B-2:

Ordinance No. 98-8

AN ORDINANCE TO AMEND SECTIONS 66-1, 66-137, 66-541, 66-542, 66-543, 66-544, 66-545 AND 66-546 OF CHAPTER 66 OF THE 1997 CODE OF THE COUNTY OF WASHINGTON, VIRGINIA CONCERNING SPECIAL USE PERMITS AND BUSINESS, GENERAL ZONING DISTRICT B-2

WHEREAS, the Board of Supervisors of Washington County, Virginia has determined that certain provisions of the County=s Business, General Zoning District B-2 are in many respects outdated and in need of general revision, and

WHEREAS, certain presently permitted uses within the B-2 district merit regulation and restriction by way of special use permit for the protection of adjoining and surrounding properties and in the interest of furthering sound zoning and land-use practices;

NOW, THEREFORE, be it ENACTED by the Board of Supervisors of Washington County, Virginia:

1. That the 1997 Code of the County of Washington, Virginia, is hereby amended by amending Chapter 66, Article I., Sections 66-1; and by amending Chapter 66, Article III., Division 3., Section 66-137; and by amending Chapter 66, Article V., Division 12., Sections 66-541, 66-542, 66-543, 66-544, 66-545 and 66-546, which said articles, divisions and sections shall read as follows:

ARTICLE I. IN GENERAL

Sec. 66-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Automobile shall mean a type or class of motor vehicle primarily used for private passenger transportation, including subcompact, compact, mid- and full-size cars, light-duty trucks, passenger vans, four-wheel drive vehicles, and similar types of motor vehicles requiring registration and licensure through the state department of motor vehicles for operation on public streets and highways. The term shall not be construed to include buses and motor coaches, motorized farm vehicles, motorized recreational vehicles and tractor-trucks and trailers.

Automotive shall mean, in reference, motor vehicles requiring registration and licensure through the state department of motor vehicles for operation on public streets and highways. The term shall not be construed to refer to motorized farm vehicles, motorized recreational vehicles and tractor-trucks and trailers.

Solid waste disposal convenience station shall mean a facility operated by the county as a point for collection and short-term storage of solid waste and recyclable items originating from primarily residential sources for subsequent transportation to the county=s solid waste transfer station or final solid waste disposal or recycling facility.

Tractor-truck shall mean a type or class of motor vehicle primarily used in freight delivery and inter-state commerce designed to pull in tow a single or multiple large fully-enclosed, partially-enclosed or flatbed trailer(s). Such vehicles are characterized typically by large diesel-fuel powered engines and may also be equipped with on-board sleeping units for drivers of same.

Truck stop shall mean a commercial enterprise with a physical design and business orientation toward providing fuel, repairs and other services, including restaurant and convenience store operations and on-site overnight or multiple-day parking, or any combination of these, primarily for or directed at tractor-trucks and trailers and their drivers. Such businesses as defined may also provide similar services for motor vehicles other than tractor-trucks, their drivers and passengers on an incidental or secondary business basis.

Truck terminal shall mean a facility operating as a terminus for the receipt and/or delivery of freight and/or as a central point of garaging and dispatch of commercial trucks, including tractor-trucks and trailers, typically though not exclusively where the facility and trucks it services are owned and/or operated by a single corporate or business entity.

ARTICLE III. PERMITS AND VARIANCES

DIVISION 3. CONDITIONAL USE PERMITS, SPECIAL USE PERMITS

Sec. 66-137. Special use permit.

(e) At the discretion of the administrator or his designee, a site plan shall be submitted by the applicant for any use subject to special use permit pursuant to the provisions of this chapter. The site plan shall depict the existing and planned physical improvements to the site; location, size and features of any buildings or structures to be located thereon, including existing and planned public and private streets, roads, driveways, parking lots and spaces, projected traffic flows and patterns and any other reasonable information necessary and appropriate to evaluate the anticipated impact of the use on adjoining and surrounding properties and public facilities. Information on the site plan shall be rendered graphically and to-scale as well as in writing at the applicant=s expense, with sufficient copies of same provided to facilitate review by the planning commission, board of supervisors and such other parties as the administrator or his designee shall determine. Where a site plan is requested at the time of or after receipt of a petition for special use permit, the petition shall not be scheduled and advertised for public hearing until a site plan is submitted, reviewed and determined adequate by the administrator or his designee. The planning commission and board of supervisors may incorporate any site plan submitted into the special use permit or may require the applicant to revise the site plan prior to or as a condition of acting upon the petition for same.

ARTICLE V. DISTRICTS

DIVISION 12. BUSINESS, GENERAL, DISTRICT B-2

Sec. 66-541. Statement of intent.

Generally the B-2 general business district covers that portion of the community intended for the conduct of governmental, professional and general commercial (predominately retail) business to which the public requires direct and frequent access, but which is not generally characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise or congregation of people and passenger vehicles. Other uses of a predominately non-retail commercial character or those which may significantly contribute to nuisance factors may be permitted by special use on a case-by-case basis after evaluation of the relative impact of such uses or activities on the surrounding area and establishing mitigating conditions for same where deemed necessary.

Sec. 66-542. Use regulations.

In the B-2 business, general district, structures to be erected or land to be used shall be for one or more of the following uses:

(1) Accounting, auditing and bookkeeping services.

(2) Advertising agencies.

(3) Apparel and accessory stores.

(4) Art dealers and galleries.

(5) Auctioneering services.

(6) Audio and video sales, services and rental stores.

(7) Automobile and motorcycle sales and services; tractor-truck and trailer sales and services with special use permit.

(8) Automotive repair garages and automotive fuel service stations, with or without convenience stores.

(9) Bail bonding.

(10) Bakeries and baked-goods shops.

(11) Banks and savings and loan associations, and establishments performing functions closely related to banking, including but not limited to credit unions, finance companies and security brokers.

(12) Beauty shops and barbershops.

(13) Blueprinting and photocopying services.

(14) Boat, watercraft and recreational vehicle and trailer sales and services.

(15) Bookstores.

(16) Building and construction contractor's offices; on-site material and equipment storage with special use permit.

(17) ***Business office supply stores.***

(18) ***Camera and photographic supply stores.***

(19) ***Churches.***

(20) ***Cigar and tobacco stores.***

(21) ***Civic, social and fraternal organizations.***

(22) ***Cleaning and maintenance services to dwellings and other buildings, including but not limited to janitorial services and general repair work.***

(23) ***Clothing and costume rental stores.***

(24) ***Coin shops.***

(25) ***Computer and data processing services.***

(26) ***Dance studios and schools.***

(27) ***Day care centers.***

(28) ***Drafting service.***

(29) ***Drugstores and pharmacies.***

(30) ***A single dwelling unit appurtenant to and contained within a business, primarily intended for the use of the individual who is responsible for the operation or protection of the business. No such dwelling unit shall be permitted appurtenant to and contained within any use subject to special use permit unless specifically provided for within the permit.***

(31) ***Restaurants and other eating establishments.***

(32) ***Electrical repair shops.***

(33) ***Employment agencies.***

(34) ***Engineering, architectural and surveying services.***

(35) ***Equipment sales, rental, repair and services.***

(36) ***Farm equipment sales, rental, repair and services, including motorized farm vehicles and implements.***

(37) ***Florist, including commercial greenhouses.***

(38) ***Fuel oil sales for heating; on-site storage above or below ground of fifty thousand (50,000) gallons or more with special use permit.***

(39) ***Funeral homes.***

(40) ***Furniture, home furnishings and household appliance stores.***

(41) ***General merchandise stores, including but not limited to department and variety stores, grocery and food stores.***

(42) ***Gift, novelty and souvenir shops.***

(43) ***Golf courses with special use permit.***

(44) ***Government-owned and -operated establishments, including but not limited to executive, legislative and general government offices.***

(45) ***Health clubs and spas.***

(46) ***Hobby, craft, toy and game shops.***

(47) ***Public and private hospitals with special use permit.***

(48) ***Hotels, motels and tourist courts, including restaurants and recreational facilities incidental thereto; bed-and-breakfast establishments. Any such lodging establishment in excess of two hundred (200) guest rooms or with on-site meeting rooms or conference facilities which in the aggregate seat more than five hundred (500) persons with special use permit.***

(49) ***Insurance agencies.***

(50) ***Interior decorating services.***

(51) ***Jewelry stores.***

(52) ***Laundry, dry cleaning and garment services.***

(53) ***Law offices.***

(54) ***Lawn and garden supply stores.***

(55) ***Legal services.***

(56) ***Libraries.***

(57) ***Liquefied petroleum bottled gas sales and services; on-site storage above or below ground of fifty thousand (50,000) gallons or more with special use permit.***

(58) ***Lumber and brick yards and building materials and equipment sales, rental, repair and services with exterior storage under cover with special use permit.***

(59) ***Management, consulting and public relations services.***

(60) ***Manufactured homes with special use permit, for use by security guard of a business and subject to the provisions of '66-921 of this chapter.***

(61) ***Manufactured home sales and service, including use of a manufactured home for an on-site sales office for the sales and service business and subject to the provisions of '66-921 of this chapter.***

(62) ***Industrial mobile office units.***

(63) ***Indoor movie theaters; drive-ins theaters with special use permit.***

(64) ***Multiple-family dwelling units such as apartments, townhouses and condominiums with special use permit and subject to other provisions of this chapter. Public water and sewer required where ten (10) or more dwelling units are proposed.***

(65) ***Museums.***

(66) ***News dealers and newsstands.***

(67) ***Nursing and personal care facilities; any on-site residency, single- or multiple-family dwelling units with special use permit. Public water and sewer required where ten (10) or more dwelling units are proposed.***

(68) ***Offices of physicians, dentists and other health practitioners.***

(69) ***Off-street parking as an accessory use to a permitted use under this section, in accordance with the provisions of '66-913 of this chapter.***

(70) ***Optical goods stores.***

(71) ***Pet shops.***

(72) ***Photofinishing laboratories.***

(73) ***Photographic studios.***

(74) ***Plumbing and electrical supply, with exterior storage under cover.***

(75) ***Professional membership organizations.***

(76) ***Public parking lot in accordance with the requirements of '66-914 of this chapter.***

(77) ***Public skating rinks, bowling alleys, dance halls, pool halls, night clubs, lounges, video game arcades and similar forms of public amusement with special use permit.***

(78) ***Public utilities, such as poles, lines, distribution transformers, meters and other facilities necessary and incidental for the provision of electric, telephone/ telecommunication and cable television services, including water, sewage and natural gas distribution and collection lines, pipes, meters, pumping and booster stations and other facilities necessary and incidental thereto; electric transformer substations, transmission lines and towers, and telephone/telecommunications switching and related facilities with special use permit; water and wastewater treatment plants with special use permit; fire stations, police departments, rescue squads and similar public services with a special use permit.***

(79) ***Radio and television stations, studios and offices with special use permit.***

(80) ***Real estate agencies.***

(81) ***Recreational facilities, including but not limited to tennis and basketball courts, baseball and softball fields, parks, swimming pools and gymnasiums with special use permit.***

(82) ***Publicly-owned schools, colleges, junior colleges, universities, technical institutes and vocational schools; similar privately-owned facilities with special use permit.***

(83) ***Sewing, needlework and piece goods stores.***

(84) Shoe repair shops.

(85) Sign painting and lettering shops, with exterior storage under cover.

(86) Signs, identification, location, business and general advertising.

(87) Social services, including but not limited to adoption, counseling, welfare and senior citizen services.

(88) Sporting goods stores and bicycle shops.

(89) Tax return preparation service.

(90) Tobacco warehouses, storage warehouses and bulk petroleum plants with special use permit.

(91) Solid waste disposal convenience station operated by the county after a public hearing shall have been held by the board of supervisors.

(92) Tractor-truck and trailer sales, rental, repair and services with special use permit.

(93) Truck stops and truck terminals with special use permit.

(94) Upholstery and furniture repair.

(95) Used merchandise and antique stores.

(96) Watch, clock and jewelry repair.

(97) Wholesale, distribution and processing operations with special use permit.

(98) Veterinary hospital or clinic with special use permit.

(99) Uses enumerated hereinabove to be located in neighborhood or community shopping centers shall be subject to the provisions of Article VI. of this chapter.

(100) Off-site uses related to airport safety as defined in '66-695 of this chapter by special use permit.

Sec. 66-543. Area regulations.

The lot area for each permitted use in the B-2 district shall be as follows:

(1) A minimum of one (1) acre with no public water or sewer.

(2) A minimum of thirty thousand (30,000) square feet with public water.

(3) A minimum of fifteen thousand (15,000) square feet with public sewer and water.

(4) The minimum area for neighborhood or community shopping centers shall be subject to the provisions of Article VI. of this chapter.

Sec. 66-544. Setback regulations.

Buildings in the B-2 district shall be located ten (10) feet or more from any street right-of-way that is fifty (50) feet or greater in width or thirty-five (35) feet or more from the centerline of any

street right-of-way less than fifty (50) feet in width, except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

Sec. 66-545. Frontage and yard regulations.

For permitted uses in the B-2 district, the minimum side yard adjoining or adjacent to a residential or agricultural district shall be ten feet, and off-street parking shall be in accordance with the provisions contained in '66-913.

Sec. 66-546. Height regulations.

Buildings in the B-2 district may be erected up to thirty-five (35) feet in height from grade, except that:

(1) The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories, provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

(2) A public or semipublic building such as a school, church, library or general hospital may be erected to a height of sixty (60) feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over thirty-five (35) feet.

(3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

(4) No accessory structure which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory structures shall be less than the main structure in height.

Secs. 66-547--66-570. Reserved.

2. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the 1997 Code of Washington County, Virginia, as amended.

3. That this ordinance shall become effective July 27, 1998.

The vote on this motion was as follows: (7-0)

Mr. Ingle	***Aye***	***Mrs. Mumpower***	***Aye***	***Mr. Mathews***	***Aye***
Mr. Derting	***Aye***	***Mr. Osborne***	***Aye***	***Mr. Roberts***	***Aye***
Mr. Barker	***Aye***				

5. **Planning Commission Recess (15 minutes) to July 27, 1998 Regular Meeting**

The Planning Commission called for a brief recess.

6. **Board of Supervisors Adjournment to July 28, 1998 Regular Meeting**

On motion of Mr. Mathews, second by Mr. Osborne, it was resolved to adjourn the meeting.

The vote on this motion was as follows: (7-0)

Mr. Ingle	***Aye***	***Mrs. Mumpower***	***Aye***	***Mr. Mathews***	***Aye***
Mr. Derting	***Aye***	***Mr. Osborne***	***Aye***	***Mr. Roberts***	***Aye***
Mr. Barker	***Aye***				

_____
Bobby D. Ingle, Chairman