

Article 3.R:  
**ECO, Entrance Corridor Overlay District**

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**Entrance Corridor Overlay District (ECO)**

**A. Purpose**

The purpose for establishing these provisions is to protect the aesthetic and visual character of land in the Town of Smithfield adjacent to major existing and proposed highway corridors, as defined herein, and to provide for and promote their orderly development. The overlay district regulations are intended to supplement the regulations of the underlying zoning districts and to provide for compatibility of development along the identified corridors. All development proposed within this District shall be subject to the procedures, standards, and guidelines specified in the following Sections, in addition to those standards pertaining to the particular base zoning district in which the development occurs. In particular, the purpose of the Entrance Corridor District is to:

1. Encourage and better articulate positive visual experiences along the town's major existing and proposed highway corridors.
2. Provide for the continued safe and efficient use of these highway corridors.
3. Maintain natural beauty and scenic, cultural, and historical character of these corridors, particularly distinctive views, vistas, and visual continuity.
4. Protect existing natural vegetation and wildlife habitats along these corridors.
5. Discourage indiscriminate clearing, excessive grading, and clear cutting along these corridors.
6. Minimize cut and fill operations by placing emphasis on the retention of natural topography of these corridors.
7. Minimize intersections and individual site access points along these corridors.

The Planning Commission shall evaluate all proposed development activities within the Entrance Corridor Overlay District, with the exception of signage pursuant to Section L.2.a of Article 10, which will include a review of the location, character and appearance of new development in the District. It is the purpose of such review to determine, in a cooperative fashion with the applicant, whether a proposed development plan meets the guidelines and other standards of this District.

(Ord. of 2019-01-08; Ord. of 2020-08-04)

**B. Intent**

The Entrance Corridor District shall include all lands within five-hundred (500) feet of each side of the following arterial rights-of-ways:

1. North Church Street/Business Route 10, extending from the town limits to the Pagan River Bridge.
2. West Main Street/United States Route 258, extending from the town limits to the intersection of United States Route 258 and United States Highway Route 10 Bypass.
3. South Church Street from Battery Park Road to the Cypress Creek Bridge.
4. South Church Street from the Bypass to Battery Park Road.
5. Bennis Church Boulevard/United States Highway Route 10 Bypass, extending the entire distance between the town corporate boundaries.
6. Battery Park Road from South Church Street to the Corporate Town Limits.

The boundary of the Entrance Corridor District may either follow a fixed distance as set forth in Section B of this Article or the defined boundaries of a natural or man-made feature as determined by the Planning Commission.

The boundary of the Entrance Corridor District shall be shown on the official Town of Smithfield Zoning Maps and shall be delineated as a surveyed line on any property proposed for development.

### **C. Affected Development**

1. Review Required. All proposed development activities located within the Entrance Corridor Zoning District, with the exception of signage pursuant to Section L.2.a of Article 10, shall be reviewed and approved by the Planning Commission. Any changes shall also receive such approval before proceeding. If a portion of the District will not be visible from the arterial highway once the project is completed, the Planning Commission may waive the special requirements of this Section for that portion. The Planning Commission may also review preliminary development plans or design development drawings at the request of the applicant.
2. Development activity permitted within the District. There shall be no alteration of the existing condition of the lands, uses or structures within the Entrance Corridor Overlay District from the date of enactment of this Article henceforth, except as provided for by this Section or by other sections of this Article.

3. Development activity prohibited within the District. These regulations are supplementary to the permitted uses and requirements for the appropriate underlying zoning district as contained in the Town of Smithfield Zoning Ordinances. Uses prohibited in the underlying zoning district are also prohibited in the Entrance Corridor Overlay District.

(Ord. of 2019-01-08; Ord. of 2020-08-04)

#### **D. Tree Protection**

1. Development of land for different uses and intensity of uses may necessitate the removal of trees to accommodate roads, parking, buildings, and facilities. It is the expressed intent of this Section that every effort be made through the design, layout, and construction of development projects to incorporate and preserve as many trees as possible.
2. No person shall cut, destroy, move, or remove any living, disease-free tree of any species having a trunk with a diameter at breast height (dbh) of six (6) inches or larger, in conjunction with any development of land governed by this Article unless and until such removal or destruction has been approved under the provisions of this Article.
3. No person shall cut or clear trees for the sole purpose of offering land for sale. Land may be underbrushed (“bushhogged”) in preparation for sale or development.
4. The clear-cutting of trees strictly in conjunction with timbering or silvicultural activities is permitted upon any lot, parcel, or tract of land located within the District except said clearcutting shall not occur within at least fifty (50) feet of any arterial right-of-way designated in Section B of this Article, unless otherwise permitted by the Town Council with a recommendation from the Planning Commission. Clear-cutting within fifty (50) feet of any arterial right-of-way designated in Section B of this Article shall require the planting of replacement trees in a like kind and quantity as were cut subject to the requirements of Section K of this Article.
5. A survey of all trees of applicable size shall be made and submitted in conjunction with the development plan. All trees proposed for removal shall be clearly noted. The tree survey shall be certified by either a licensed land surveyor, registered engineer, or landscape architect.
6. The requirement for a tree survey is waived in the case of golf course construction or when preliminary site evaluation by applicant reveals the ability to accomplish the proposed project without removal of any trees six (6) inches in diameter or larger. In the latter case, the

applicant shall submit a written statement that no trees will be removed and his development plan will indicate "No Tree Removal" as a condition thereof.

7. Considerable damage to or the death of trees may result if more than six (6) inches of soil is added around the base of a tree, more than thirty (30) percent of circumferential bark is removed. In addition, asphalt paving, building construction, and soil compaction too close to trees may cause their destruction. Accordingly, it shall be the responsibility of the developer to institute alternative site designs to assure the best chance of tree survival whenever these criteria cannot be adhered to.
8. Those trees designated for preservation in accordance with the provisions of this Ordinance as shown on the approved landscaping plan shall be marked with ribbons encircling the tree trunk at a height of four (4) feet above the ground and a barricade four (4) feet in height will be erected around the tree at least three (3) feet outside the drip line prior to the start of construction.
9. As a condition of approval under this Article, the applicant may be required to plant replacement trees for trees approved for removal as part of the development plan. In requiring replacement trees, the following shall be considered:
  - a. The intended use of the property.
  - b. The existing or pre-development tree coverage sizes and types.
  - c. The number, size, type, and location of natural trees proposed for preservation by the applicant.
  - d. The grading, road, building, parking, and drainage requirements.

**E. Minimum Visual Buffer Along the Corridor Right-of-Way**

1. Each development plan shall provide a minimum visual buffer between the right-of-way line and the subject arterial highway and all proposed structures and parking lots from the road, to screen vehicular headlight glare on and off-site and to lessen spillover light from on-site lighting.
2. The buffer shall be continuous, except as set forth below, and be no less than forty (40) feet average and sixty (60) feet minimum depth from the existing right-of-way line should the proposed development activity under consideration be required to or voluntarily provide a dedication of or easement for transportation purposes. Buffer requirements shall be consistent with Article 9, Section E.10 of the Town of Smithfield Zoning Ordinance. The minimum depth of forty (40) feet shall not occur at the high activity areas of a project. These

areas include but are not limited to, building entrances, vehicular access and movement areas and loading and unloading zones.

To determine the average depth of the minimum visual buffer, measurements shall be taken at intervals not greater than ten (10) feet perpendicular to the property line. Where drainage swales and other natural features occur in the minimum visual buffer and should remain undisturbed because of natural land forms or drainage patterns, additional buffer depth and vegetation shall be required to augment the screening effect.

3. The intent of the minimum visual buffer is to leave the naturally occurring buffer vegetation intact for its softening effect. This buffer shall be enhanced or created, where such vegetation is insufficient or non-existent, with trees and shrubs of a variety of species appropriate to Town character. If the visual minimum buffer already has trees of protected size and species, their preservation is required, unless otherwise provided for in Section B of this Article. Where masses of native shrubs are present, their preservation with minimum disturbance is strongly encouraged. While complete screening of a project is not required, sufficient plant material shall be installed to accomplish the softening effect required.
4. In order to maintain the screening effect of preserved trees, existing limbs or branches shall not be removed from the ground more than six (6) feet to the lowest branches. However, if understory planting is planned, existing vegetation may be removed with the approval of the Zoning Administrator.

#### **F. Exemption from the Buffer Requirements**

1. Purpose. Exemptions, whether partial or total, from the bufferyard provisions may be granted if it can be sufficiently demonstrated that such buffer will have a negative visual effect upon an existing situation or that through the preservation of an existing stand of trees or other unique natural vegetative resource, particular effort on the part of a developer in protecting the existing natural environment warrants the relaxation of bufferyard requirements.
2. Protection of existing visual environment. The following cases anticipate those situations where the Planning Commission with a recommendation from the Planning and Zoning Administrator may determine that the bufferyard requirements may be modified:
  - a. Views and vistas of existing buildings which exhibit a high degree of aesthetic value serving to heighten the visual experience, serve as important points of spatial identification or contain value as important points of spatial identification or contain value as important historical resources.

- b. Views and vistas of existing natural landscape/topographical features of a particular area of the District which corresponds to certain high points affording panoramic views, views involving settlement clusters, views of water, tidal and non-tidal wetlands, tributary streams and other elements of the physical landscape.
  - c. Views and vistas to existing recreational/open space areas, whether natural or man-made, which serve to contribute to the overall visual environment. Such uses include golf courses, State or local parks, equestrian centers, cemeteries, etc.
  - d. Views and vistas which give the observer an awareness of a location's inherent character related to views of farmland, pastures, water activities, such as docks or other maritime activities.
3. Protection of proposed visual environment. Where a proposed development intends to further enhance or protect the existing visual environment, the Planning Commission with a recommendation from the Planning and Zoning Administrator may exempt, wholly or partially, the proposed development from the required bufferyard. Examples include the following:
- a. A proposed development, which by virtue of the characteristics of its structures indicates innovation of design, a unique relationship with the site, represents a focal point and establishes a particular identifying element for the Town.
  - b. A proposed development that exhibits innovative or unique uses of site landscaping, or which combines in the use of the site, open recreational areas such as described above.

**G. Permitted Activity in Minimum Visual Buffer**

- 1. No existing vegetation of any type, size, or origin shall be altered or removed unless it satisfies the requirements of this Article.
- 2. Within the minimum visual buffer there shall be no development, clearing, grading, or construction activity with the following exceptions:
  - a. Roadway or driveways access to the portion of the site not in the minimum visual buffer provided that it is approximately perpendicular to the arterial public right-of-way.
  - b. Provision for water, sanitary sewer, storm drainage, electrical, telephone, natural gas, cable, utility service lines below the surface of the ground provided the natural vegetation is preserved and protected to the greatest extent practicable.

- c. Pedestrian and bicycle paths designed to provide continuous connection along the road corridor, provided they can be constructed without materially reducing the screening and visual softening capacity of the buffer yard.
- d. Lighting fixtures only for approved signs or if, for safety reasons, they cannot be placed outside the buffer and then only when electric utility lines serving these fixtures and necessary easements can be established and constructed without reducing the screening and visual softening capacity of the buffer yard.
- e. Signs in accordance with the Section L.2 of Article 10 and the underlying zoning district.
- f. Clear sight distances at the permitted entrances and exits to any development as needed to provide for reasonable traffic safety, in accordance with accepted traffic engineering practices when recommended or required by the Virginia Department of Transportation.
- g. The addition of plantings, earthen berms, or other visual buffers which, in the opinion of the Planning Commission, would better achieve the purposes of this District.

(Ord. of 2019-01-08; Ord. of 2020-08-04)

#### **H. Yard and Height Requirements**

1. Yard requirements. The following yard requirements shall apply to any lot or parcel located within the Entrance Corridor District.
  - a. The visual buffer as required in Section E of this Article shall determine front yard setback for all structures and vehicular movement and parking areas. In no instance shall the setback for structures or vehicular parking areas be less than forty (40) feet. This minimum setback shall strictly apply on all portions of any lot or parcel abutting arterial public right-of-ways designated by this Article, including corner side yards.
  - b. Side yard setback for all structures and vehicular movement and parking areas shall be a minimum of ten (10) feet. The minimum corner side yard setback for any lot or parcel shall be forty (40) feet. One (1) foot shall be added to each side yard for each three (3) feet that the building height adjacent thereto exceeds forty-five (45) feet or three (3) stories, whichever is less.

- c. Rear yard setback for structures and vehicular movement and parking areas shall be a minimum of twenty (20) feet. One (1) foot shall be added to each rear yard for each three (3) feet that the building height adjacent thereto exceeds forty-five (45) feet or three (3) stories, whichever is less.
2. Height Requirements. The maximum height of all structures shall be as permitted by the underlying zoning district(s).
3. Permitted variations in side and rear yard requirements. The required minimum side and rear yards for any lot or parcel within the District may be reduced with the retention of natural vegetation or the provision of addition landscaping as follows:
  - a. The required side yard may be reduced to ten (10) feet with the retention of natural vegetation, which shall provide a visual screen, or the provision of landscaping in accordance with Section K of this Article. In no case shall the required rear yard be reduced when the lot or parcel is adjacent to any Conservation or Residential District.
  - b. The required rear yard may be reduced to twenty (20) feet with the provision or retention of natural vegetation, which shall provide a visual screen, or the provision of landscaping in accordance with Section K of this Article. In no case shall the required rear yard be reduced when the lot or parcel is adjacent to any Conservation or Residential District.

#### **I. Access and Internal Circulation**

1. Purpose and intent. The purpose and intent of this Section is to maximize the functional capacity and maintain the level of service of highways within the Entrance Corridor District; to minimize the number of access points to these arterials and other public rights-of-ways within the District; to promote the sharing of access and the ability to travel between sited; to provide pedestrian circulation networks among residential, commercial and recreational areas; and, to enhance safety and convenience for land uses within the District.
2. Access to arterial highways. Access from any parcel or lot having frontage along an arterial highway within the District and in existence prior to adoption of this Article shall be permitted one (1) direct access point to said highway, unless an Access Plan is submitted and approved by the Planning Commission and the Virginia Department of Transportation for more than one (1) access point as provided for in Subsection 5, Access plan.
3. Access for two (2) or more lots under singular ownership. If two (2) or more parcels are placed under one (1) common ownership and/or control, such assembly shall be permitted only one (1) direct access to the arterial highway within the District, unless an Access Plan is

submitted to, and approved by the Planning Commission and the Virginia Department of Transportation for more than one (1) access point.

4. Access from lots or parcels not permitted direct access. Direct access to arterial highways shall be provided by one (1) more of the following means for lots or parcels not permitted direct access to the arterial, subject to approval by the Planning Commission and the Virginia Department of Transportation:
  - a. Access to the site may be provided by an existing or planned road, and/or,
  - b. Access to the site may be provided via the internal circulation of a shopping center and office complex, or similar group of buildings having access in accordance with an approved Access Plan; and no additional direct access shall be provided to the site from a public street intended to carry through traffic over and above those entrances which may exist to provide access to the shopping center, office complex, or similar group of buildings; and/or,
  - c. Access to the site may be provided by a service drive generally parallel with the arterial highway, but located behind the minimum visual buffer (See Section E of this Article) which provides controlled access to the site.
  - d. Use of reverse frontage or double frontage lot layouts on parallel roads when possible to provide access exclusively from the road. All minimum buffers shall be maintained as required by Section E of this Article.
  - e. Use of shared entrances with those established or likely to be required on adjacent sites to minimize curb cuts or increasing spacing between curb cuts.
  - f. Use of deceleration or turning lanes where access must be from the arterial highway with sufficient capacity to avoid stacking or queuing of entering vehicles on the arterial highway.

The means of access control provided shall be that which effectively minimizes creation of new intersections and new individual site access locations along the corridors and best preserves the highway traffic capacity.

5. Access plan. An access plan shall be submitted and approved prior to development plan approval for those lots or parcels proposing more than one (1) access point to an arterial highway within the District. A sufficient explanation of why more than one access point is

- needed shall accompany the access plan. Such access plan shall be drawn to scale, including dimensions and distances, and clearly delineate the traffic circulation system and the pedestrian circulation system as coordinated with adjacent properties including the location and width of all streets, driveways, access aisles, entrance to parking areas, walkways and bicycle paths.
6. Traffic impact analysis. A traffic impact analysis shall be submitted to, and approved by the Planning Commission under the following circumstances:
    - a. Any proposed development which will generate two-hundred (200) Average Daily Trips (ADT) or more based on vehicular trip generation rates as defined by the Institute of Transportation Engineers' publication, Trip Generation, or the Virginia Department of Transportation.
    - b. At the request of the Planning Commission, when the proposed development is expected to significantly impact the vehicular movement on the arterial highways within the District.
  7. Internal circulation. Sites shall be designed to achieve direct and convenient pedestrian and vehicular circulation between adjacent properties unless otherwise required by the Planning Commission.

#### **J. Site Development Guidelines**

1. Purpose and intent. The compatible relationship of architecture along highways within the Entrance Corridor District is of critical public concern for any structures or site improvements. The purpose and intent of these architectural guidelines and development standards is not to stifle innovative architecture or development, but to assure respect for and to reduce incompatible and adverse impacts on the visual experience from the highway.
2. The design of structures and their materials and colors shall be visually harmonious with the overall appearance, history, and cultural heritage of Isle of Wight County and the Town of Smithfield with natural land forms and existing vegetation and with other development plans already approved by the Town. Specific consideration shall be given to compatibility with adjacent properties where such properties demonstrate the Town's character. Design and architectural features will demonstrate consistency with the following provisions:
  - a. Large work area doors or open bays shall not open toward or face the highway.
  - b. Heating, ventilating, and air conditioning equipment duct work, air compressors, other fixed operating machinery shall be either screened from view or located so that such

- items are not visible from the highway. Large trash receptacles, dumpsters, utility meters, above ground tanks, satellite dishes, antennas, etc., shall be similarly treated. Screening materials should be consistent with the building's architecture & design.
- c. Fencing along the highway right-of-way is discouraged, but if used, such fencing shall be landscaped to minimize visibility from the highway.
  - d. Avoidance of long monotonous façade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or by unbroken extension of line shall be avoided.
  - e. Stucco, natural wood siding, brick, or other materials with similar texture and appearance are considered appropriate to town character. Reflective surfaces may be considered acceptable based on overall architectural treatment and use in relation to the site.
  - f. Colors of paints and stains shall be natural blending with generally no more than three (3) colors per building. Semi-transparent stains are recommended for application on natural wood finishes.
  - g. No building façade (whether front, side or rear) will consist of architectural materials inferior in quality, appearance, or detail to any other façade of the same building. The intent of this requirement is not to preclude the use of different materials on different buildings' facades (which would be acceptable if representative of good architectural design), but rather to preclude the use of inferior materials on sides which face adjoining property and thus, might adversely impact existing or future development causing a substantial depreciation of property values.
  - h. No portion of a building constructed of barren and unfinished cinder block or unfinished or finished corrugated material and/or sheet metal shall be visible from any adjoining property or public rights-of-way.
3. Proposed development within the District should provide for visual compatibility and harmony with surrounding natural land forms and vegetation; be protective of views and vistas from the arterial highways within the District; and provide continuity of site design within the proposed development. These objectives include the following standards:
- a. Proposed development shall avoid excessive or unsightly grading, indiscriminate earth moving or clearing of property, and removal of trees and vegetation that could cause disruption of natural water courses or disfigure natural land forms.

- b. Proposed development shall be located and configured in a visually harmonious manner with the terrain and vegetation of the parcel and surrounding parcels. Structures shall impede, as little as reasonably practical, scenic views from the main highway or from existing structures and the natural environment.
- c. Structures shall not dominate, by excessive or inappropriate height or mass, any general development, adjacent building or natural landscape in an incompatible manner.
- d. Architectural lighting shall be recessed under roof overhangs or generated from a concealed source, low level light fixtures.
- e. Site lighting shall be of low-intensity from a concealed source, shall be of a clear white or amber light that does not distort colors, and shall not spill over onto adjoining properties, buffers, highways, or in any way interfere with the vision of on-coming motorists. Such lighting fixtures or devices shall be of a directional type capable of shielding the light source from direct view. The development plan must show the relationship of fixtures and the light patterns to each other, to the project site, to the unit development, and to the highway corridor.
- f. Decorative, low-level intensity, non-concealed source lighting that defines vehicular and/or pedestrian ways shall be acceptable when used for such purposes.
- g. Vehicular movement and parking areas shall be paved with concrete, asphalt, or other similar material. Vehicular movement and parking areas surfaced with gravel or other similar material shall be prohibited. Concrete curb and gutter or other stormwater management structure as approved by the Planning Commission shall be installed around the perimeter of all driveways and parking areas. Drainage shall be designed so as not to interfere with pedestrian traffic.
- h. Outdoor storage shall be permitted by the underlying zoning district, provided that all outdoor storage areas shall be visually screened from the public rights-of-way, internal roadways, and adjacent property. Screening shall consist of a solid board fence, masonry wall, dense evergreen plants, or other such materials as may be approved by the Planning Commission. All such screening shall be of sufficient height to screen storage areas from view and shall be appropriately landscaped in accordance with the standards set forth in Section K of this Article. Outdoor storage shall include the parking of all company owned and operated vehicles, with the exception of passenger vehicles.

- i. Site development should include streetscape improvements. These improvements are considered as those architectural or functional facilities or structures that occur on site but are not part of the building and that encourage and facilitate human interaction with the built environment. Examples include, but are not limited to the following: decorative light fixtures, fountains, sculptures, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structures, trash receptacles and enclosures, vendor areas, and fences. These improvements shall be designed to be consistent with all requirements listed above, and shall be reviewed for aesthetic functionality and compatibility with town character.

## **K. Landscape Requirements**

1. Purpose and intent. A comprehensive landscaping plan for each individual lot or parcel within the District is essential for the visual enhancement of the corridors and to protect and promote the appearance, character, and economic values of land along the corridors and surrounding neighborhoods. The purpose and intent of such landscaping requirements is also to reduce the visibility of paved areas from adjacent properties and streets; moderate climatic effects; minimize noise and glare; and, to enhance public safety by defining spaces so as to influence traffic movement. Landscaping will also reduce the amount of storm water runoff and provide transition between neighboring properties.
2. Standards or requirements for landscape plan. The landscape plans for the proposed development shall provide visually harmonious and compatible setting for structures on the same lot and on adjoining or nearby lots and shall blend with the surrounding landscape. Natural appearing landscape forms are strongly encouraged. The following standards or requirements shall apply to all landscape plans:
  - a. A landscaping plan shall be submitted in conjunction with development plan submittal.
  - b. Such landscaping plan shall be drawn to scale, include dimensions and distances, and clearly delineate all existing and proposed vehicular movement and parking, and the location, size and description of all landscaping materials.
  - c. All plant materials shall be living and in a healthy condition. Plant materials used in conformance with the provisions of these specifications shall conform to the standards of the most recent edition of the "American Society for Nursery Stock" published by the American Association of Nurserymen.

- d. The property owner, or his designated agent, shall be responsible for the maintenance, repair, and replacement of all landscaping materials as may be required by the provisions of this Subsection.
  - e. All plant material shall be tended and maintained in a healthy growing condition, free from refuse and debris at all times.
  - f. The Town Streetscape shall refer to the following elements: one street tree located every 40' along properties that are adjacent to the defined corridors in conjunction with a 5' wide sidewalk (see Entrance Corridor Master Plan, Town of Smithfield, Virginia). In addition, if a parking lot fronts along a designated corridor, an evergreen hedge will be planted along the edge between the parking lot and the road frontage. The hedge should reach 42' in height at maturity and be continuous. Adequate lighting is also essential along all parcels that front the designated corridors.
  - g. All sites are encouraged to provide an underground irrigation system.
  - h. Where landscaping is required, the Zoning Administrator shall issue no Zoning Permit until the required landscaping is completed in accordance with the approved landscape plan. When the occupancy of a structure is desired prior to the completion of the required landscaping, a Certificate of Occupancy may be issued only if the owner or his designated agent provides to the town a form of surety in favor of the Town in an amount equal to the costs of the remaining plants, related materials and installation costs. The Town Attorney shall approve all sureties and related documents as to form.
- Should an acceptable surety be provided, then all required landscaping shall be installed and approved by the first planting season following issuance of Certificate of Occupancy or the surety shall be forfeited to the Town. In addition, all required the property owner in accordance with the approved landscape plan shall maintain landscaping.
3. Replacement of trees and other vegetation. Should the Zoning Administrator determine that trees six (6) inches in diameter or greater and/or vegetation have been removed without specific approval for such removal or have been removed in accordance with an approved landscape and/or development plan, the Zoning Administrator shall require replacement of such trees or vegetation. The minimum height of the new replacement trees shall be eight (8) to twelve (12) feet. The minimum height of new shrubs used to create the minimum visual buffer shall be three (3) feet.

L. (Repealed by Ord. of 2020-08-04).

**M. Exemptions to the Requirements of the Highway Corridor District**

1. Single-family dwellings. The construction of detached single-family dwellings on individual lots or parcels within the Entrance Corridor District which are not located within a residential subdivision are exempt from this Article. Also construction of detached single-family dwellings on lots or parcels within a residential subdivision are exempt if the subdivision plat was legally recorded prior to adoption of this Article.
2. Agricultural structures. The construction of bona-fide agricultural structures required for on-premise farming operations involving the cultivation of crops or the raising and keeping of livestock and the preparation of land for cultivation of crops are exempt.

**N. Development Plan Review**

1. Applicability. All development proposed in the Entrance Corridor District and other applicable projects, with the exception of signage pursuant to Section L.2.a of Article 10, shall submit a development plan to the Zoning Administrator for review by the Planning Commission.
2. Minimum requirements for development plan review. All development plans submitted for review shall be complete according to the requirements of this Article before being reviewed by the Planning Commission for conformance with all standards and guidelines of this Article. No development plan submitted for review shall be considered until the minimum items of submission required by this Article have been submitted in a format acceptable to the Zoning Administrator and the review fee as established by this Ordinance has been paid.
3. Content of development plan. A development plan submitted for review by the Planning Commission shall include clearly labeled plans, drawings, photographs and/or narratives depicting or presenting the following, unless deemed unnecessary by the Zoning Administrator due to the scope and nature of the proposed development:
  - a. Surveyed property lines.
  - b. Survey of existing topography and the location of trees and other vegetation meeting the preservation and/or protection provisions of this Article.

- c. A site development plan or plans depicting the dimensions and location of all structures (including rooflines), all site improvements with distances and dimensions, and the bufferyard requirements of Section E of this Article.
- d. Photographs or drawings of neighboring uses and architectural styles.
- e. Location of bordering public or private streets or roads and existing, proposed, and/or approved access points.
- f. Comprehensive sign plan prepared pursuant to Section L.2.g of Article 10.
- g. Location, dimensions, and layout of all areas to be used for pedestrian movement areas and vehicular and parking areas.
- h. Architect's or artist's rendering of all proposed structures depicting the front, side and rear elevations including architectural treatment of all structural exteriors, including building materials and colors to be utilized.
- i. A landscaping plan prepared pursuant to Section K of this Article.
- j. Location and design of all proposed exterior site lighting within the proposed development.
- k. Location, size, and dimension of all yards and setbacks.
- l. A time-line or schedule as to the project start date, completion date, and occupancy date.

(Ord. of 2019-01-08; Ord. of 2020-08-04)

#### **O. Development Plan Review Procedures**

1. All development plans, with the exception of signage pursuant to Section L.2.a of Article 10, shall be submitted and reviewed according to the following procedures:
  - a. A complete development plan shall be submitted to the Zoning Administrator.
  - b. After the complete development plan and related materials have been submitted, it shall be reviewed and processed by the Planning Commission and other affected governmental agencies for conformity to this Article and other applicable regulations. The Planning Commission shall act upon a complete development plan and related

materials as submitted by the applicant, or as modified by the development plan review process within thirty (30) days, unless extensive modification to the development plan or extenuating circumstances require additional time.

- c. Applicants shall be informed in writing of the outcome of their review including a list of required revisions, if necessary.
- d. Applicants shall be informed in writing of a final approval of the development plan.

(Ord. of 2019-01-08; Ord. of 2020-08-04)

**P. Waivers**

1. An applicant or owner may request a waiver, variation or substitution pursuant to the requirements and application of this article. A written request for a wavier, variation or substitution shall state the rationale and justification for such request together with such alternatives as may be proposed by the applicant or owner.
2. Such request shall be submitted to the Planning and Zoning Administrator with the filing of a preliminary or final site plan.
3. The Planning Commission, at its sole discretion, may accept the request for waiver, variation or substitution for any requirement in a particular case upon a finding that the waiver, variation or subdivision of such requirement would advance the purposes of this ordinance and otherwise serve the public interest in a manner equal to or exceeding the desired effects of the requirements of the ordinance. Alternately, the Planning Commission may recommend a conditional modification to the request or the Planning Commission may deny the request.
4. Approval or conditional approval of a waiver, variation, or substitution shall be accompanied by a statement from the Planning Commission as to the public purpose served by such waiver, variation, or substitution, particularly in regard to the purpose and intent of this article, this ordinance, the subdivision ordinance, and the Comprehensive Plan.
5. No such waiver, variation, or substitution shall be detrimental to the public health, safety or welfare, orderly development of the area, sound engineering practice, or to properties located within the project impact area.

**Q. Appeal to Town Council of Decisions by Planning Commission**

1. Appeals of a decision of the Planning and Zoning Administrator in the administration of this article shall be to the Planning Commission as provided in Section 15.2-2311 (1997) of the Code of Virginia.
  
2. Appeals of a decision of the Planning Commission by the applicant or a party in interest regarding a site plan, waiver, variation or substitution shall be to the Town Council, provided that such appeal is filed with the Town Manager within ten (10) calendar days of the decision being appealed. The appeal shall be placed on the agenda of the Town Council at the next regular meeting. The Town Council may reverse or affirm, wholly or partly, or may modify the decision of the Planning Commission.

(Ord. of 9-5-2000)