

DIVISION 6.

HIGHWAY CORRIDOR OVERLAY DISTRICT

Sec. 23-7.6.1. Purpose and intent.

This district is created in furtherance of the purposes set forth in Sections 15.2-2200, 15.2-2283 and 15.2-2284 of the Code of Virginia, to protect the health, safety, and general welfare of the public

- (1) Encouraging and articulating positive visual experience along the county's major existing and proposed highway corridors;
- (2) Providing for the continued safe and efficient use of these highway corridors;
- (3) Minimizing intersections and individual site access points along these corridors.
- (4) Discouraging indiscriminate clearing, excessive grading, and clear cutting along these corridors;
- (5) Minimizing cut and fill operations by placing emphasis on the retention of natural topography of these corridors; and
- (6) Protecting existing natural vegetation and wildlife habitats along these corridors;
- (7) Maintaining natural beauty and scenic, cultural, and historic character of these corridors, particularly distinctive views, vistas, and visual continuity;
- (8) Promoting a bicycle and pedestrian friendly environment complete with vegetation, sidewalks and trails, seating areas, public art and water features, bike racks, and safe pedestrian crossings.

(Ord. No. 23-75, 1-20-98)

Sec. 23-7.6.2. Establishment of districts.

The highway corridor overlay district (HCOD) shall be designated by the board of supervisors by ordinance and will overlay all other zoning districts where it is applied so that any parcel of land lying in an HCOD shall also lie within one (1) or more other land use districts provided for by this chapter. The regulations and other requirements of both the underlying districts and the HCOD shall apply, provided that when the regulations applicable to the HCOD conflict with the regulations of the underlying district, the more restrictive regulations shall apply.

(Ord. No. 23-75, 1-20-98)

Sec. 23-7.6.3. District boundaries.

HCOD boundaries shall be as designated on the official zoning map, as ordained by ordinance establishing the boundaries of the overlay district, pursuant to article 4, division 6 of this chapter. The district boundaries shall be described as follows:

- (1) Length of the district shall be established by fixing points of beginning and end along the centerline of a street or highway.
- (2) Width shall be established by designation of the distance on one or both sides of a street or highway right-of-way to which the overlay district shall extend as described in Sec. 23-7.6.4 below.

(Ord. No. 23-75, 1-20-98)

Sec. 23-7.6.4. Classifications.

The following classes of HCOD, as established by the board of county supervisors, shall determine the regulations and requirements applicable to each designated section of an HCOD:

- ~~———— (1) ——— I 95 Corridor HCOD.~~

~~The I 95 HCOD is designed to promote visibility of primary building facades while limiting the visual impacts of building service areas from the interstate through a 500 foot overlay on either side of the corridor and site and architectural design controls that will ensure the County’s “front door” is attractive to business and tourists. Visibility along I 95 will be a means to highlight targeted industries within Spotsylvania County. The I 95 HCOD is subject to the Primary Development HCOD standards.~~

- (2) Primary development HCOD.

The primary development HCOD designation was established in areas where existing and future development demands are expected to be high as the county grows. Due to existing and future growth potential within these areas, primary HCOD specific design guidelines have been established to enhance the design of development on a consistent basis, be less rural in nature and promote a more urbanized, development intensive character. Generally the primary HCOD has been established within the boundary of the Primary Development Boundary of the County.

- (3) Rural development HCOD.

The rural development HCOD designation was established in areas where existing and future development demands are expected to be low as the county grows. These are areas that are more rural in character and as such design guidelines have

been developed to complement and preserve that character in the rural HCOD. Generally the rural HCOD has been established within the agricultural/ rural districts of the County.

(Ord. No. 23-75, 1-20-98)

Sec. 23-7.6.5. Designated districts and classifications.

The arterial roads to which the HCODs and the primary development and rural development classifications are assigned shall be those listed below, which are to be shown by overlay on the zoning map:

- (1) *Plank Road, Route 3.* All land within four hundred (400) feet of either side of the future right-of-way of Plank Road, Route 3, from the City of Fredericksburg line, to the Orange County line shall be within the HCOD. That area classified as Primary Development HCOD shall consist of all land within four hundred (400) feet of either side of the future right-of-way of Plank Road, Route 3, (i) from the City of Fredericksburg line, to five hundred (500) feet west of its intersection with the western right-of-way line of Andora Drive, Route 626, (ii) from five hundred (500) feet east of its intersection with the eastern right-of-way line of Brock Road, Route 613, to five hundred (500) feet west of its intersection with the western right-of-way line of Brock Road, Route 613, and (iii) from five hundred (500) feet east of its intersection with the eastern right-of-way line of Orange Plank Road, Route 621, to five hundred (500) feet west of its intersection with the western right-of-way line of Orange Plank road, Route 621. That area classified as Rural Development HCOD shall consist of all land within four hundred (400) feet of either side of the future right-of-way of Plank Road, Route 3, from five hundred (500) feet west of its intersection with the western right-of-way line of Andora Drive, Route 626 to the Orange County line, less and except those two (2) areas classified as Primary Development HCOD in the immediately preceding sentence.
- (2) *Courthouse Road, Route 208.* All land within four hundred (400) feet of either side of the future right-of-way of Courthouse Road, Route 208, beginning at its intersection with the western right of way line of Jefferson Davis Hwy, Route 1, extending southward to the northern boundary line of the Courthouse Historic District shall be within the HCOD. All land within four hundred (400) feet of either side of the future right of way of Courthouse Road, Route 208, beginning at the western boundary line of the Courthouse Historic District extending to five hundred (500) feet south of its intersection with Massaponax Church Road shall also be within the HCOD. That area classified as Primary Development HCOD shall consist of all land within four hundred (400) feet of either side of the right-of-way of Courthouse Road, Route 208, beginning at its intersection with the western right of way line of Jefferson Davis Hwy, Route 1 extending southward to five hundred (500) feet south of its intersection with the western right-of-way line of Smith Station Road, Route 628. Courthouse Road, Route 208 extending from five hundred (500) feet south of its intersection with the eastern right of way

line of Wild Turkey Drive, Route 1401, to the northern boundary line of the Courthouse Historic District shall also be included in the Primary Development HCOD. All land within four hundred (400) feet of either side of the future right of way of Courthouse Road, Route 208, beginning at the western boundary line of the Courthouse Historic District extending to five hundred (500) feet south of its intersection with Massaponax Church Road shall also be within the Primary Development HCOD. That area classified as Rural Development HCOD shall consist of all land within four hundred (400) feet of either side of the future right-of-way of Courthouse Road, Route 208, from five hundred (500) feet west of its intersection with the western right-of-way line of Smith Station Road, Route 628, extending southward to five hundred feet (500) feet south of its intersection with the eastern right of way line of Wild Turkey Drive, Route 1401.

- (3) ~~Route 208 By Pass. All land within four hundred (400) feet of either side of the future right of way of Courthouse Road, Route 208 By Pass, beginning at its intersection with the western future right of way line of Wild Turkey Drive, Route 1401 and ending four hundred (400) feet south of the southern right of way line of its intersection with Brock Road, SR 613 shall be within the Primary Development HCOD.~~
- (4) *U.S. Route 1.* All land within four hundred (400) feet of either side of the future right-of-way of line of U. S. Route 1, beginning at the Fredericksburg City Line (FCL) and ending where it crosses the Matta River shall be within the Primary Development HCOD.
- (5) *U.S. Route 1 Business.* All land within four hundred (400) feet of either side of the future right-of-way line of U.S. Business 1, beginning at the eastern right-of-way line of its intersection with the north-south future right-of-way line at U.S. 1 to the Fredericksburg City Line (FCL) shall be in the HCOD and classified as Primary Development HCOD.
- (6) *U.S. Route 2, US Route 17 Business, Tidewater Trail.* All land within four hundred (400) feet of either side of the future right-of-way line beginning at the Fredericksburg City Line (FCL) and ending at the northern side of its intersection of U.S. Route 17 By Pass on U.S. Route 2 shall be within the Primary Development HCOD.
- ~~(7) *Brock Rd.* All land within four hundred (400) feet of either side of the future right of way line beginning at the western boundary line of the Courthouse Historic District, extending in a westerly direction to four hundred (400) feet west of its intersection with the western right of way line of the Route 208 Bypass, Courthouse Bypass shall be in the HCOD and classified as Primary Development HCOD.~~
- (8) *Route 17, Mills Drive.* All land within four hundred (400) feet of either side of its future right-of-way line beginning at its intersection with Route 1, Jefferson

Davis Hwy. and extending to the Caroline County line shall be within the Primary Development HCOD.

- ~~(9) — *Route 608, Massaponax Church Road.* All land within four hundred (400) feet of either side of its future right-of-way line beginning at the western side of its crossing I 95 extending in a westerly direction to the Ni River shall be within the Primary Development HCOD.~~
- (10) — *Route 606, Morris Road/ Mudd Tavern Road.* All land within four hundred (400) feet of either side of its future right-of-way line beginning at the Caroline County Line and extending in a westerly direction to four hundred (400) feet east of its intersection with the eastern right of way line of Hams Ford Road shall be within the Primary Development HCOD.
- (11) *Route 636, Mine Road.* All land within four hundred (400) feet of either side of its future right-of-way line beginning at its intersection with Route 1, Jefferson Davis Hwy. and extending in an easterly direction to its intersection with Route 608, Benchmark Road shall be within the Primary HCOD.
- (12) *Route 608, Benchmark Road.* All land within four hundred (400) feet of either side of its future right-of-way line beginning at its intersection with Route 17, Mills Drive and extending in a northerly direction to its intersection with U.S. Route 2, US Route 17 Business, Tidewater Trail shall be within the Primary HCOD.
- (13) *Route 638, Lansdowne Road.* All land within four hundred (400) feet of either side of its future right-of-way line beginning at its intersection with Mine Road and extending in a northerly direction to the Fredericksburg City line shall be within the Primary HCOD.
- (14) *Route 620, Harrison Road.* All land within four hundred (400) feet of either side of the future right-of-way line beginning at its intersection with Route 3, Plank Road and extending to its intersection with Route 1 Business, Lafayette Blvd. shall be within the Primary HCOD.
- (15) *Route 639, Leavells Road.* All land within four hundred (400) feet of either side of the future right-of-way line beginning with its intersection at Harrison Road and extending to its intersection with Route 208, Courthouse Road shall be within the Primary HCOD.
- (16) *Route 639, Salem Church Road.* All land within four hundred (400) feet of either side of the future right-of-way line beginning at its intersection with Route 3, Plank Road, and extending southward to its intersection with Harrison Road shall be within the Primary HCOD.
- ~~(17) — *Interstate 95, I 95.* All land within five hundred (500) feet of either side of the~~

~~future right of way line extending from the Stafford County line southward to the Caroline County line shall be within the I 95 Corridor HCOD subject to Primary HCOD standards.~~

- (18) Hood Drive. All land within four hundred (400) feet of either side of the future right of way line extending from its intersection with US Route 1, Jefferson Davis Highway and ending at its intersection with Route 208, Courthouse Road, shall be within the Primary HCOD.

(Ord. No. 23-75, 1-20-98)

Sec. 23-7.6.6. Permitted uses.

Permitted uses in HCODs are uses permitted by right in the underlying zoning districts unless otherwise specifically restricted by a rezoning proffer or SUP condition or made a special use under section 23-7.6.7.

(Ord. No. 23-75, 1-20-98)

Sec. 23-7.6.7. Special uses.

In addition to the uses requiring a special use permit in the underlying district, the following uses shall require a special use permit when proposed to be established in an HCOD:

- (1) Car wash, self-service and automated;
- (2) Outdoor commercial recreation facility;
- (3) Service station;
- (4) Vehicle light service establishment;
- (5) Vehicle major service establishment;
- (6) Any use which includes drive through fast food;
- (7) Any use which includes fuel dispensing facilities.

(Ord. No. 23-75, 1-20-98)

Sec. 23-7.6.8. Development standards.

All uses in an HCOD shall be subject to the use limitations and development standards set forth in the underlying zoning district and, in addition, office, commercial and industrial uses shall be subject to the enhanced site development and building design standards as established in Article 8, Highway Corridor Overlay District (HCOD) Site and Building Design Standards, of

the Design Standards Manual (the "Highway Corridor Design Guidelines").

(Ord. No. 23-75, 1-20-98)

Sec. 23-7.6.9. Signs.

Notwithstanding the requirements of article 5, division 8 of this chapter, all development proposed in the HCOD shall be subject to the following additional requirements pertaining to signage:

- (1) A comprehensive uniform sign plan shall be submitted to the county for approval in conjunction with the site plan submittal. All signs for a proposed development shall be of uniform size, color and design. The plan shall show the size, location, and uniform design for all signage proposed for the development.
- (2) No roof signs, temporary and/or portable signs, or devices such as pennants, banners, flashing lights, revolving or moving parts or content shall be permitted in the HCOD.
- (3) Individual commercial uses not located in a shopping center shall be permitted total sign area for the site calculated at a ratio of two (2) square feet of sign area per linear foot of corridor highway frontage, subject to the following guidelines:
 - a. The area for any free-standing or ground-mounted sign shall not exceed sixty-four (64) square feet in the rural development HCOD and eighty (80) square feet in the primary development HCOD;
 - b. No transfers of allowable sign area shall be made from one frontage to another;
 - c. For buildings less than 50,000 sq. feet. the area for any single wall-mounted sign face shall not exceed sixty-four (64) square feet in the rural development HCOD and eighty (80) square feet in the primary development HCOD. Buildings in excess of 50,000 sq. feet the area for any single wall-mounted sign face shall not exceed eighty (80) square feet in the rural development HCOD and one-hundred sixty (160) square feet in the primary development HCOD. In all instances no more than one (1) wall mounted sign shall be permitted per building face;
 - d. The maximum height for free-standing or ground-mounted signs shall not exceed eight (8) feet in the rural development HCOD and sixteen (16) feet in the primary development HCOD.
- (4) Shopping centers and office buildings or complexes shall be permitted a total sign area for the site, calculated at the ratio of two and one-half (2.5) square feet per linear foot of corridor highway frontage providing vehicular access to the property, which is subject to the following standards:

- a. The total area for free-standing or ground-mounted signs shall not exceed eighty (80) square feet in the rural development HCOD and one hundred twenty (120) square feet in the primary development HCOD;
- b. No transfers of allowable sign area shall be made from one frontage to another;
- c. For buildings less than 50,000 sq. feet. the area for any single wall-mounted sign face shall not exceed sixty-four (64) square feet in the rural development HCOD and eighty (80) square feet in the primary development HCOD. Buildings in excess of 50,000 sq. feet the area for any single wall-mounted sign face shall not exceed eighty (80) square feet in the rural development HCOD and one-hundred sixty (160) square feet in the primary development HCOD. In all instances no more than one (1) wall mounted sign shall be permitted per building face;
- d. The maximum height for free-standing or ground-mounted signs shall not exceed sixteen (16) feet or the height of the principal building, whichever is less.

(Ord. No. 23-75, 1-20-98)

Sec. 23-7.6.10. Waivers and modifications.

The provisions of this division and the Highway Corridor Design Guidelines may be waived or modified by the board of supervisors as a special use or in connection with the approval of a special use or rezoning. Waivers or modifications of the Highway Corridor Design Guidelines also may be made pursuant to Article 9 of the Design Standards Manual.

(Ord. No. 23-75, 1-20-98)

Sec. 23-7.6.11. Transitional rules.

- (1) *Existing lawful uses:*
 - (a) When a lot is used lawfully on the effective date of this division and section 23-7.6.6 of this division classifies such use as a "permitted use" in the zoning district in which it is located, such use is hereby deemed a lawful permitted use for the purposes of this division.
 - (b) When a lot is used lawfully on the effective date of this division, and section 23-7.6.7 of this division classifies such use as a "special use" in the zoning district in which it is located, such use is hereby deemed a lawful special use for the purposes of this division. All special use approvals granted by the board of supervisors prior to the effective date of this division shall remain in full force and effect, and the recipient of the special use approval may proceed to develop the property in accordance with the plans previously approved by the board. If the

approval of such special use was subject to one or more conditions, then those conditions shall continue in full force and effect unless a new special use approval is obtained in accordance with article 4, division 5 of this chapter. However, if the recipient of the special use approval has failed to commence development before the special use approval expires, or if no expiration is specified within one (1) year of the adoption of this division, then the provisions of this division shall govern. Any new owner or occupant of a lawful special use may continue operation of that use without needing a new special use approval pursuant to this division, provided that operation of the lawful special use is continued in the same manner as it existed on the effective date of this division.

- (c) Any addition to or expansion of a lawful special use, as defined in subsection (1)(b) above, shall require new special use approval in accordance with the procedures and standards set forth in article 4, division 5 of this chapter for new special uses.

(2) *Uses rendered nonconforming.* When a lot is used for a purpose which was a lawful use before the effective date of this division, and this division no longer classifies such use as either a permitted use or special use in the zoning district in which it is located, such use is hereby deemed a nonconforming use and shall be controlled by the provisions of article 8 of this chapter.

(3) *Buildings, structures, and lots rendered nonconforming.* Where any building, structure, or lot which existed on the effective date of this division does not meet all standards set forth in this division, such building, structure, or lot is hereby deemed nonconforming and shall be controlled by the provisions of article 8 of this chapter; provided, however, that alteration or enlargement of nonconforming buildings or structures shall be governed by Section 8-2.4(E) of the Design Standards Manual.

(4) *Previously issued building permits.* When a building permit for a building or structure has been lawfully issued prior to the effective date of this division and construction has begun within six (6) months of the issuance of such permit and is being diligently pursued to completion, the building or structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under a certificate of occupancy for the use originally intended and be classified as nonconforming.

(5) *Previously granted zoning certificate.* If a zoning certificate has been issued by the county prior to the effective date of this division but no building permit has been issued, then the provisions of this division shall govern.

(6) *Previously granted special use permits.* All special use permits granted prior to the effective date of this division, and any conditions attached thereto shall remain in full force and effect, and the recipient of the special use permits may proceed to develop the property in accordance with the plans previously approved provided that such plans conform in all other respects to county rules and regulations. However, if the recipient of such special use permits has failed to act on the special use permits before it expires the provisions of this division shall

govern.

(7) *Previously approved preliminary plats.* Where a preliminary plat has been approved prior to the effective date of this division, the applicant shall be entitled to develop the property according to the approved preliminary plat provided that:

- (a) A record plat for a section of the subdivision shown on the preliminary plat must be recorded within twelve (12) months of the date of preliminary plat approval.
- (b) Record plats for all sections of the subdivision shown on the preliminary plat must be recorded within three (3) years of the date of recordation of the first section for subdivisions of less than three hundred (300) lots, or within five (5) years of the date of recordation of the first section for subdivisions of three hundred (300) or more lots.
- (c) The subdivision complies with all the requirements of this chapter except for the requirements of this division.
- (d) For the purposes of this subsection, a "section" shall contain at least thirty (30) lots or fifty (50) percent of the total lots in the subdivision, whichever is less.

(8) *Previously filed site plans.* Where a bona fide site plan has been filed in accordance with division 11, article 4 of this chapter prior to the effective date of this division, the applicant shall be entitled to develop the property in accordance with the approved site plan provided that:

- (a) The site plan is approved within sixty (60) days of the effective date of this division;
 - (b) A building permit for building, or buildings, containing at least fifty (50) percent of the total gross floor area shown on the site plan is issued within twelve (12) months of the date of site plan approval or within twelve (12) months of the effective date of this division whichever is later, and construction of such building, or building is completed within the period of validity of such building permit.
 - (c) The site plan complies with all the requirements of this chapter except for the requirements of this division.
- (9) *Revisions to grandfathered plats and plans.* Revisions to grandfathered preliminary subdivision plats or site plans made during the period of validity of such plats or plans will be grandfathered provided the revisions do not increase any conformities. Such revisions, however, will not extend the due diligence requirements.

(Ord. No. 23-75, 1-20-98)

Sec. 23-7.6.12. Enforcement.

The Planning Director shall have the authority and responsibility to review applications and plans submitted to determine if the submittal is in compliance with the design standards contained in the highway corridor commercial and industrial design guidelines. To allow for a design review to occur:

- (1) Commercial and Industrial developments located within the designated HCOD areas will be required to submit complete building elevations, landscape, pedestrian circulation plans, and lighting plans for enhanced design standard compliance review.
- (2) Proposals located within designated Highway Corridor Overlay Districts must comply with the ordinance language herein as well as the generalized development requirements located in Sections 8-1, and 8-2 of the Spotsylvania County Design Standards Manual entitled Highway Corridor Overlay District (HCOD) Site and Building Design Guidelines.
- ~~(3) At minimum, the development must exhibit 65% compliance with applicable Design Matrix Scorecard Criteria.~~

Sec. 23-7.6.13. Effective date.

This division shall be effective as of January 20, 1998.

(Ord. No. 23-75, 1-20-98)