



**Planning Commission  
County of Louisa  
Thursday, May 8, 2025  
Louisa County Public Meeting Room  
7:00 PM**

**CALL TO ORDER**

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**I. APPROVAL OF AGENDA**

**II. APPROVAL OF PLANNING COMMISSION MINUTES**

1. Planning Commission - Regular Meeting - April 10, 2025

**III. CONSENT AGENDA**

**IV. PUBLIC ADDRESS**

**V. UNFINISHED BUSINESS**

**VI. PUBLIC HEARINGS**

1. ORD 2025-02; Proposed Amendments to Chapter 86. Land Development Regulations; Article II. Zoning Ordinance and Maps
2. ORD 2025-01; Proposed Amendments to Chapter 86. Land Development Regulations; Article I. General Provisions; Article II. Zoning Ordinance and Maps; Article III. Subdivision; Article IV. Supplementary Regulations; and Article V. Signs.

**VII. NEW BUSINESS**

**VIII. DISCUSSION**

**IX. REPORTS**

**ANNOUNCEMENTS AND ADJOURNMENT**

**BY ORDER OF:  
JOHN DISOSWAY, CHAIRMAN  
PLANNING COMMISSION  
LOUISA COUNTY, VIRGINIA**



**Planning Commission  
County of Louisa**  
**Thursday, April 10, 2025**  
**Louisa County Public Meeting Room**  
**7:00 PM**

**CALL TO ORDER**

Chairman Disosway called the April 10, 2025, regular meeting of the Louisa County Planning Commission to order at 7:00 p.m.

**ROLL CALL**

Attendee Name	Title	Status	Arrived
Tommy J. Barlow	Mountain Road District Supervisor	Present	7:00 PM
Gordon Brooks	Commissioner	Present	7:00 PM
Ellis Quarles	Commissioner	Remote	7:00 PM
George Goodwin	Commissioner	Present	7:00 PM
John Disosway	Chairman	Present	7:00 PM
Matthew Kersey, Jr.	Commissioner	Present	7:00 PM
James Dickerson	Vice Chairman	Present	7:00 PM
Troy Painting	Commissioner	Present	7:00 PM
John J Purcell	Town of Louisa Representative	Present	7:00 PM

**Others Present:** Linda Buckler, Director of Community Development; Chris Coon, Deputy County Administrator; Patricia Smith, County Attorney; Tom Egeland, Deputy Director of Community Development; and Deborah Johnson, Administrative Assistant.

**INVOCATION**

Mr. Dickerson led the invocation.

**PLEDGE OF ALLEGIANCE**

Mr. Painting led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

On the motion of Mr. Dickerson, seconded by Mr. Kersey, which carried a vote of 7-0, the Planning Commission voted to approve the agenda of the April 10, 2025, meeting without changes.

**APPROVAL OF PLANNING COMMISSION MINUTES**

## **Planning Commission - Regular Meeting – February 13, 2025 7:00 PM**

On the motion of Mr. Kersey, seconded by Mr. Dickerson, which carried a vote of 6-0-1, with Mr. Goodwin abstained, the Planning Commission voted to approve the minutes of the February 13, 2025, meeting without changes.

### **CONSENT AGENDA**

None.

### **PUBLIC ADDRESS**

Chairman Disosway opened the public address period.

Mr. Duane Sergent, Mineral District, asked for the consideration to adopt an ordinance to allow religious organizations to shelter people during hypothermia months.

Mr. David McWilliams, Green Springs District, asked for the consideration to adopt an ordinance to allow religious organizations to shelter people during hypothermia months.

With no one else wishing to speak, Chairman Disosway closed the public address period.

### **UNFINISHED BUSINESS**

None.

### **PUBLIC HEARINGS**

#### **ORD 2025-02; Proposed Amendments to Chapter 86. Land Development Regulations; Article II. Zoning Ordinance and Maps**

Chris Coon, Deputy County Administrator, presented the proposed amendments in response to changes in state legislation and the increasing presence of retail establishments selling legally authorized controlled substances.

Chairman Disosway opened the public comment period.

Mr. Brydge Hamilton, Cuckoo District, encouraged the Planning Commission members to be open minded and research the benefits of hemp and cannabis.

With no one else wishing to speak, Chairman Disosway closed the public comment period and brought it back to the Planning Commission for discussion.

On the motion of Mr. Goodwin, seconded by Mr. Dickerson, which carried a vote of 7-0, the Planning Commission voted to forward a recommendation of approval to the Louisa County Board of Supervisors on the proposed amendments to Chapter 86. Land Development Regulations; Article

II. Zoning Ordinance and Maps, with the proposed changes.

## **NEW BUSINESS**

None.

## **DISCUSSION**

### **ORD2025-01 Draft Amendments, Chapter 86 Land Development Regulations (Phase III)**

Linda Buckler, Director of Community Development, along with Tom Egeland, Deputy Director of Community Development, presented phase three of the proposed amendments to Chapter 86. Land Development Regulations. The discussion included changes to the Telecommunications tower regulations, Sign Regulations, and Interim Road Maintenance Agreement and Performance Agreement.

Discussion took place within the Planning Commissioners and staff regarding the proposed amendments.

Chairman Disosway proposed for staff to research the definitions of emergency and homeless shelter within a religious assembly and asked to add the discussion item to the May work session agenda. The remaining amendments will be added to the public hearing items on the May regular meeting agenda.

On the motion of Mr. Goodwin, seconded by Mr. Dickerson, which carried a vote of 7-0, the Planning Commission voted to add ORD2025-01 Draft Amendments, Chapter 86 Land Development Regulations (Phase III) to the May meeting without the emergency shelter, homeless shelter, and religious assembly definitions.

## **REPORTS**

Mr. Quarles stated he is attending the meeting remotely due to an out-of-town business trip.

## **ANNOUNCEMENTS AND ADJOURNMENT**

On the motion of Mr. Goodwin, seconded by Mr. Brooks, which carried a vote of 7-0, the Planning Commission voted to adjourn the April 10, 2025, meeting at 7:38 PM.

BY ORDER OF:

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JOHN DISOSWAY, CHAIRMAN  
PLANNING COMMISSION  
LOUISA COUNTY, VIRGINIA



## COUNTY OF LOUISA

COMMUNITY DEVELOPMENT *Fax (540) 967-3486*

*www.louisacounty.gov*

(540) 967-3430

TO: Members, Louisa County Planning Commission  
FROM: Chris Coon, Deputy County Administrator  
DATE: April 16, 2025  
SUBJECT: Retail Sales of Controlled Substances & Medical Services Updates

### **Background:**

In prior discussions with the Planning Commission, members expressed a desire to find a way to allow licensed medical facilities to operate by-right while still maintaining appropriate controls over the retail sale of controlled substances. While we were not able to incorporate those provisions before the previous public hearing, at which time the Planning Commission recommended approval, this update reflects that intent.

The revised language ensures that any business engaged in the retail sale of controlled substances without a valid DEA license must obtain a Conditional Use Permit (CUP), to address potential impacts that are otherwise managed by the regulatory and professional standards applied to licensed medical facilities and their associated medical professionals. In contrast, organizations employing licensed medical professionals and maintaining an active DEA registration for dispensing or administering controlled substances will be permitted by-right in appropriate zoning districts. This structure protects public health while promoting access to legitimate healthcare services.

### **Key Objectives:**

- Maintain discretionary review (via CUP) for retail sales of controlled substances.
- Allow regulated medical facilities to operate by-right in suitable zoning districts.
- Consolidate and clarify terminology for outpatient and inpatient medical uses.
- Preserve flexibility for non-dispensing clinics and outpatient providers.

### **Proposed Actions:**

1. Establish a new definition for *Licensed Medical Facility* to include inpatient care, emergency services, and DEA-regulated dispensing of controlled substances.
2. Amend the definition of *Medical Office* to cover all outpatient services not involving controlled substances.
3. Repeal the definitions of *Clinic* and *Hospital* and consolidate their elements into the updated terms above.
4. Revise the definition of *Retail Sales of Controlled Substances* to exclude licensed medical providers and identify applicable use types.
5. Amend Section 86-109 Use Matrix

**Amend Section 86-13. Definitions:**

**Medical Office (Repeal Clinic)**

A facility that provides diagnostic services, minor surgical care, counseling, and outpatient treatment on a routine basis. The facility does not provide overnight care, serve as a base for ambulance services, or primarily offer emergency treatment. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia. **Medical offices that dispense or administer controlled substances must also meet the requirements of a Licensed Medical Facility.**

**Licensed Medical Facility (New) (Repeal Hospital):**

A healthcare establishment providing patient services under the supervision of licensed healthcare professionals. This category includes, but is not limited to, pharmacies, urgent care centers, hospitals, and medical clinics engaged in the diagnosis, treatment, or prevention of illness or injury. **The facility may provide overnight care, serve as a base for ambulance services, or offer emergency treatment. Facilities dispensing or administering controlled substances must operate under a valid and active registration with the United States Drug Enforcement Administration (DEA) in accordance with federal law.**

**Retail Sales of Controlled Substances (revised):**

The sale or transaction of legally authorized controlled substances directly to consumers, including but not limited to prescription medications, hemp products intended for consumption, substances containing any percentage of controlled substances, and other regulated substances. This category **excludes alcohol, tobacco, agricultural activity passive, and facilities lawfully operating under a valid and active registration with the United States Drug Enforcement Administration (DEA) as licensed medical providers.**

**Amend Section 86-109. Use Matrix**

- Add **Medical Office** as a by-right use (B) in C-1, C-2, IND, I-1, I-2, RD, and corresponding GAOD zoning districts.
- Add **Licensed Medical Facility** as a by-right use (B) in C-1, C-2, IND, I-1, I-2, RD, and corresponding GAOD zoning districts.
- Maintain **Retail Sales of Controlled Substances** as a CUP (C) in C-1, C-1 GAOD, C-2, C-2 GAOD, RD, and PUD.

**Staff Recommendation**

Staff recommends that the Planning Commission consider the proposed ordinance amendment as presented and offer any additional feedback or suggested refinements during the public hearing process, prior to making a formal recommendation.

## **DRAFT AMENDMENT**

### **CHAPTER 86 - LAND DEVELOPMENT REGULATIONS** **(Retail Sales of Controlled Substances)**

The purpose of the proposed amendment is to provide zoning and regulatory tools that balance public health and safety, economic opportunity, and community well-being while ensuring compliance with state and federal laws. It is essential to evaluate zoning and regulatory tools to responsibly manage the establishment of retail locations selling these products. Currently, local ordinances do not explicitly define or regulate these businesses, creating a need for clarity to ensure appropriate land-use planning and community compatibility. The draft amendment includes a proposed definition and zoning strategies for regulating the retail sale of controlled substances, including nicotine vapor products, hemp products intended for smoking, and other legally authorized substances. **THESE PROPOSED AMENDMENTS RELATE TO THE RETAIL SALES OF CONTROLLED SUBSTANCES APPLY THROUGHOUT ALL OF LOUISA COUNTY;** and are proposed pursuant to Va. Code §§ 15.2-2285 and 15.2-2286.

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#### ARTICLE I. – GENERAL PROVISIONS

##### 86-13 Definitions.

*Clinic.* ~~A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. The term, "clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.~~

*Hospital.* ~~A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis and including ancillary facilities for outpatient and emergency treatment diagnostic services, training, research, administration, and services to patients, employees, or visitors.~~

*Licensed Medical Facility* - A healthcare establishment providing patient services under the supervision of licensed healthcare professionals. This category includes, but is not limited to, pharmacies, urgent care centers, hospitals, and medical clinics engaged in the diagnosis, treatment, or prevention of illness or injury. The facility may provide overnight care, serve as a base for ambulance services, or offer emergency treatment. Facilities dispensing or administering controlled substances must operate under a valid and active registration with the United States Drug Enforcement Administration (DEA) in accordance with federal law.

*Medical office.* ~~Use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the commonwealth. Emergency treatment is not the dominant type of care provided at this facility.~~

*Medical Office* - A facility that provides diagnostic services, minor surgical care, counseling,

**and outpatient treatment on a routine basis. The facility does not provide overnight care, serve as a base for ambulance services, or primarily offer emergency treatment. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia. Medical offices that dispense or administer controlled substances must also meet the requirements of a Licensed Medical Facility.**

***Retail Sales of Controlled Substances*** - The sale or transaction of legally authorized controlled substances directly to consumers, including but not limited to prescription medications, hemp products intended for consumption, substances containing any percentage of controlled substances, and other regulated substances. This category excludes alcohol, tobacco, agricultural activity passive, and facilities lawfully operating under a valid and active registration with the United States Drug Enforcement Administration (DEA) as licensed medical providers.

## ARTICLE II. ZONING ORDINANCE AND MAPS

86-109 Matrix table.

Proposed Amendments to <u>Section 86-109 Use Matrix</u> to coordinate code sections based on the zoning district classification and whether the use is proposed as a permitted use, generally; or a permitted use with the issuance of a conditional use permit.																				
Defined Use	A-1	A-1 GAOD	A-2	A-2 GAOD	R-1	R-1 GAOD	R-2	R-2 GAOD	C-1	C-1 GAOD	C-2	C-2 GAOD	IND	IND GAOD	I-1	I-1 GAOD	I-2	I-2 GAOD	RD	PUD
<u>COMMERCIAL</u>																				
<u>Clinic</u>	X	X	C	C	X	X	X	X	B	B	B	B	C	B	C	B	X	X	X	
<u>Hospital</u>	X	C	X	C	C	C	C	C	C	B	B	B	C	B	C	B	X	X	X	
<u>Licensed Medical Facility</u>	X	X	X	X	X	X	X	X	B	B	B	B	B	B	B	B	B	B	X	
<u>Medical Office</u>	X	X	X	X	X	X	X	X	B	B	B	B	B	B	B	B	B	B	X	
<u>Retail sales of controlled substances.</u>																				
	X	X	X	X	X	X	X	X	C	C	C	C	X	X	X	X	X	C	C	
<b>**The proposed amendments affect only those uses listed above to be amended; and makes no changes to any other listed uses in Section 86-109**</b>																				
B = Allowable by-right																				
B(R) = Allowable by-right (with restrictions)																				
C = Conditional use permit																				
X = Not allowable																				

- 86-154 Permitted uses with a conditional use permit (A-2)

**COMMERCIAL**

**Clinic**

- 86-171 Permitted uses with a conditional use permit (R-1)

**COMMERCIAL**

**Hospital**

- 86-189 Permitted uses with a conditional use permit (R-2)

**COMMERCIAL**

**Hospital**

- 86-204 Permitted uses, generally (C-1)

COMMERCIAL

~~Clinic~~

**Licensed Medical Facility**

- 86-206 Permitted uses with a conditional use permit (C-1)

COMMERCIAL

~~Hospital~~

**Retail sales of controlled substances**

- 86-222 Permitted uses, generally (C-2)

COMMERCIAL

~~Clinic~~

~~Hospital~~

**Licensed Medical Facility**

- 86-224 Permitted uses with a conditional use permit (C-2)

COMMERCIAL

**Retail sales of controlled substances**

- 86-240 Permitted uses, generally (IND)

COMMERCIAL

**Licensed Medical Facility**

- 86-242 Permitted uses with a conditional use permit (IND)

COMMERCIAL

~~Clinic~~

~~Hospital~~

- 86-259 Permitted uses, generally (I-1)

COMMERCIAL

**Licensed Medical Facility**

**Medical Office**

- 86-261 Permitted uses with a conditional use permit (I-1)

COMMERCIAL

~~Clinic~~

~~Hospital~~

- 86-277 Permitted uses, generally (I-2)

**COMMERCIAL**  
**Licensed Medical Facility**  
**Medical Office**

- 86-295 Permitted uses, generally (RD)

**COMMERCIAL**  
**Licensed Medical Facility**

- 86-296 Permitted uses with a conditional use permit (RD)

**COMMERCIAL**  
**Retail sales of controlled substances**

- 86-312 Permitted uses with a conditional use permit (PUD)

**COMMERCIAL**  
**Retail sales of controlled substances**

- 86-339 Permitted uses with a conditional use permit (A-1 GAOD)

**COMMERCIAL**  
**Hospital**  
**Medical Office**

- 86-359 Permitted uses with a conditional use permit (A-2 GAOD)

**COMMERCIAL**  
**Clinic**  
**Hospital**  
**Medical Office**

- 86-378 Permitted uses with a conditional use permit (R-1 GAOD)

**COMMERCIAL**  
**Hospital**

- 86-394 Permitted uses with a conditional use permit (R-2 GAOD)

**COMMERCIAL**  
**Hospital**

- 86-410 Permitted uses, generally (C-1 GAOD)

COMMERCIAL  
~~Clinic~~  
~~Hospital~~  
**Licensed Medical Facility**

- 86-412 Permitted uses with a conditional use permit (C-1 GAOD)

COMMERCIAL  
**Retail sales of controlled substances**

- 86-429 Permitted uses, generally (C-2 GAOD)

COMMERCIAL  
~~Clinic~~  
~~Hospital~~  
**Licensed Medical Facility**

- 86-431 Permitted uses with a conditional use permit (C-2 GAOD)

COMMERCIAL  
**Retail sales of controlled substances**

- 86-447 Permitted uses, generally (IND GAOD)

COMMERCIAL  
~~Clinic~~  
~~Hospital~~  
**Licensed Medical Facility**

- 86-465 Permitted uses, generally (I-1 GAOD)

COMMERCIAL  
~~Clinic~~  
~~Hospital~~  
**Licensed Medical Facility**

- 86-482 Permitted uses, generally (I-2 GAOD)

COMMERCIAL  
**Licensed Medical Facility**  
**Medical Office**

TEXT LEGEND

**Bolded Text** = To Be Added

Regular Text = To Remain

~~Strikethrough~~ = To Be Removed



# COUNTY OF LOUISA

## MEMORANDUM

TO: Members, Louisa County Planning Commission

FROM: Staff, Community Development Department

DATE: April 28, 2025

RE: Proposed Amendments to Chapter 86. Land Development Regulations  
(Phase III)

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### **Purpose:**

The following amendments to Chapter 86. Land Development Regulations are proposed to improve the efficiency of the Zoning and Subdivision Ordinances and to better serve the community by removing conflicts and outdated provisions; improving consistency in the organization of regulations, including additional standards to ensure safety in the application of the regulations; and providing language within the subdivision regulations regarding review, road standards, completion of improvements and responsibility for completion.

### **1. Definitions Amendment**

Amendments are proposed amend, delete or add definitions as follows:

- Add *Ambient lighting or illumination*
- Delete *Buffering and screening yard*
- Add *Candela*
- Amend *Division, parcel*
- Amend *Emergency shelter*
- Add *Foot candle*
- Add *Nit*
- Add *Off-grid construction (residential)*
- Amend *Private lane*
- Amend *Religious assembly*
- Amend *Residue or residual parcel or lot*
- Delete *Sign, electric message*
- Add *Sign, electronic message*
- Amend *Subdivision*
- Amend *Vegetative Buffer*

### **2. Update Short Term Rental of a Dwelling**

To correct scrivener's error of omission for the RD District and correct the effective date of the ordinance.

### **3. Yard Regulations in the A-1 and A-2 Zoning Districts, including Growth Area Overlay Districts (GAOD)**

Remove the increased setback for “other permitted structures greater than 50 feet in height.”

### **4. Minimum Frontage Requirements**

For consistency throughout the ordinances, including language provide direction to the code section where the minimum road frontage requirements can be found.

### **5. Subdivision Plat Requirements and Standards**

Language has been amended to provide plan review by licensed engineers or surveyors; to require submittal of a performance agreement for new subdivisions that would require completion of improvements within a set time; clarifies the County has no obligation to install or maintain any improvements (roads) that are part of a subdivision development, based on the language in the State Code of Virginia; permits a maximum of two (2) private lanes be used in a subdivision development; and, requires that security/guarantee posted with the County is renewed and reviewed every twenty-four (24) months to ensure sufficient funds remain in place for project completion.

### **6. Plat Approvals**

New language has been added that requires the private road disclosure language be included on all subdivisions plats; that will indicate the roads are private until such time as they have been accepted into the State secondary road system. Plats will also be required to include a note that an entrance permit must be obtained from VDOT for access to each lot on the subdivision plat.

### **7. Lake Anna Shoreline Use and Design Standards**

Language has been added that clarifies that dry hydrants and restroom facilities will only be required in common areas if required by the Department of Fire/EMS and Virginia Department of Health, respectively. If these facilities are required, the location will be coordinated with Dominion Energy.

### **8. Telecommunications Regulations**

Clarifies that generators may be located on site; but only operated during power outages or testing; and includes language recommended by the County’s Telecommunication Consultant that requires additional structural reports and analysis be submitted for co-location applications to confirm structure safety and integrity of existing towers.

### **8. Sign Regulations**

Language has been added to strengthen the current language as it pertains to electronic message (or illuminated) signs. This strengthens the ability to determine if a sign is a safety hazard; includes illumination standards; detailed specifications for electronic message signs. Two options have been provided for consideration.

### **10. Interim Road Maintenance Agreement and Performance Agreement**

The current Interim Road Maintenance Agreement and a draft Subdivision Performance Agreement have been included for review and discussion purposes.

**Conclusion:**

The amendments proposed at this time reflect the County's commitment to ensuring that the Zoning Code remains responsive to current needs, reduces unnecessary regulation, institutes additional safety standards, and aligns with State and Federal laws. The proposed changes will enhance clarity, efficiency, and fairness in the administration of the Zoning Code while supporting the County's long-term planning goals.

## AMENDMENTS – (Phase III)

### Chapter 86 - LAND DEVELOPMENT REGULATIONS

The purpose of these amendments is to resolve any discrepancies that currently exist; update sections based on amendments to the State Code of Virginia; amend sections to provide clarification, and consistent application of regulations. **THESE REGULATIONS APPLY THROUGHOUT ALL OF LOUISA COUNTY**; and are proposed pursuant to Va. Code §§ 15.2-2285 and 15.2-2286.

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#### ARTICLE I. GENERAL PROVISIONS

#### DIVISION 2. DEFINITIONS

##### Sec. 86-13. Definitions

***Ambient lighting or illumination - the general illumination or light that is naturally present in an environment, providing overall brightness and visibility, as opposed to specific, focused light sources.***

***Candela - is the base unit of luminous intensity in the International System of Units.***

~~Buffering or screening yard.~~ A yard or designated area with certain screening, like opaque fencing or landscaping materials, required between abutting zoning districts of differing use intensities or between adjoining land uses for decreasing the adverse impact of differing uses and districts.

~~Division, parcel.~~ To divide a parent parcel into no more than two additional parts for the purpose of transfer of ownership or building development. Lots shall be divided from parent tracts, or the residue parcel that remains after a prior one-lot division, so long as such residue parcel has five or more acres and a minimum of 4300 feet of existing state road frontage. For clarity, it is the specific intent of this provision to allow a maximum of three total lots, including the residual parcel, to be created from any parent parcel by division, if any. Divisions are not subject to the provisions set forth in the subdivision ordinance except for subsection 86-567 (11), private lanes. However, similar to the requirements of section 86-587, a lot created by division shall be required to include provisions for the dedication of right-of-way when the property is adjacent to a state road that is less than 50 feet in width; provided that, this requirement does not apply to a residual portion of the parent tract that is five or more acres and or has a minimum of 4300 feet of existing state road frontage.

**Note – The “4” is stricken in the amendment language above; the “strike through” line goes right through the crossline of the “4.”**

***Foot candle – a measurement of light intensity.***

***Nit - a unit of measurement for the brightness of a display, specifically its luminance, and are equivalent to one candela per square meter (cd/m<sup>2</sup>).***

***Off-grid construction (residential) - the practice of building a home without connecting to public utilities. Off-grid homes are self-sufficient and generate their own power and water,***

**with no physical connection or relationship with any sort of utility service, and all the power it uses comes from an energy source that it generates and stores on its own. Off-grid construction shall be considered as conventionally constructed dwellings, in compliance with all requirements of the USBC.**

*Private lane.* An access way for residential use ~~in divisions of serving~~ less than three lots only ~~or for agricultural use~~ which is within a 50-foot deeded right-of-way or easement and built to the design standards in [section 86-567\(11\)](#). Private lanes are restricted as to the hours of access by the public or by those who may use it and are maintained by the property owners association or by the lot or parcel owners who are afforded access to their lots or parcels by such private lanes.

*Residue or residual parcel or lot.* The remaining portion ~~of a parent parcel or tract after division or subdivision takes place.~~ Residue parcels are ~~five or more acres and or~~ have a minimum of **4300** feet of existing state road frontage. For ~~determining if the splitting of land is either a division or subdivision, a residue parcel shall not be counted as a lot in agricultural or~~ residential districts when the residue parcel is at least five acres ~~or has at least 4300~~ feet of existing state road frontage. ~~, and has a VDOT approved access.~~ Residue parcels in commercial and industrial districts shall not be counted as a lot for determining if the splitting of land is either a division or subdivision, regardless of the lot size, existing state road frontage, or existing access.

**Note – The “4” is stricken in the amendment language above; the “strike through” line goes right through the crossline of the “4.”**

*Sign, electric message.* ~~A sign on which the copy can be altered by electric, electro mechanical or electronic means.~~

*Sign, electronic message -.* ~~A sign or portion of a sign that is capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means.~~ ~~Electronic message signs permitted prior to the effective date of this ordinance (insert date) must comply with all lighting/illumination standards, contained in Article V.~~ Signs, within ~~twelve~~ months. ~~All other sign features, including zoning district location, size and height shall be considered legally non-conforming.~~

*Subdivision.* Splitting ~~any tract, parcel or lot of land into two or more parts, other than a division of a parent parcel or a family subdivision, for the purpose of transfer of ownership or building development.~~ ~~Subdivided lots shall generally be less than five acres and front on less than 400 feet of existing state road frontage, but subdivided lots shall front on a road that meet VDOT specifications.~~ Consistent with this definition, any new road constructed to serve more than two lots shall be constructed to VDOT standards for subdivision roads. The residue tract after subdividing is not counted as a lot for the purposes of this definition. Subdivided parcels may not be further subdivided or divided unless the remaining division rights are noted on a recorded plat or in conformance with existing ordinances.

*Vegetative buffer.* A vegetative buffer for screening purposes shall include a mix of trees and shrubs with varying heights and densities to provide maximum screening throughout the year, considering factors like evergreen vs. deciduous foliage. Wooden privacy fences and berms may be used to supplement existing and proposed plantings at the discretion of the zoning administrator; who may choose to forward the proposal to the planning commission for a recommendation. **The terms buffering or screening yard, or any variation of these terms, as used throughout the ordinance in conjunction with vegetative buffers shall include a yard or designated area with certain screening, like opaque fencing or landscaping materials, required between abutting zoning districts of differing use intensities or between adjoining land uses for decreasing the adverse impact of differing uses and districts.**

DRAFT

## DIVISION 4. ADDITIONAL REQUIREMENTS

Sec. 86-114. - Short-term rental of a dwelling.

**NOTE – To correct scrivener’s error of omission for the RD District and correct the effective date of the ordinance.**

For only this section GAOD means all properties zoned residential limited (R-1); **and** residential general (R-2); **and resort development (RD)** located within the boundaries of a designated growth area as shown on the 2040 Comprehensive Plan. The following are requirements for use in R-1 GAOD; **and** R-2 GAOD; **and the RD zoning districts:**

- (1) Owners of dwellings used for short-term rental shall provide contact information for the owner and/or any authorized property manager to Louisa County and the dwelling's subdivision governing body, if one exists.
- (2) The owner shall provide the current Louisa County Code chapters relative to noise (51) and solid waste (62) as well as the definitions for special occasion facilities and gatherings as part of short-term rental contracts.
- (3) Owner must notify tenants that events, rentals, special occasion facilities and related uses are prohibited, except with valid conditional use permit according to Louisa County Code.
- (4) Owner must comply with all Virginia Department of Health regulations.
- (5) The dwelling must comply with all applicable state building code and safety regulations.
- (6) Owners unable to meet all of the above requirements shall be prohibited from operating a short-term rental of a dwelling without obtaining a conditional use permit from Louisa County Board of Supervisors.
- (7) A violation under this section shall be enforced as provided in [section 86-11](#) and [section 86-11.1](#).
- (8) The effective date of this Code shall be January 1, ~~2024~~**2025**.

## DIVISION 6. ZONING DISTRICTS AND LAND USES

**NOTE – To remove additional setback requirements in the agricultural districts for structures taller than 50 feet.**

Sec. 86-142. - Yard regulations.

In the agricultural (A-1) district, the yard regulations shall be:

(3) ~~Any other permitted structure that exceeds 50 feet in height shall be no closer than 40 feet from any side or rear property line.~~

Sec. 86-159. - Yard regulations.

In the agricultural (A-2) district, the yard regulations shall be:

(3) ~~Accessory structures shall be no closer than ten feet to any side or rear property line. Any other permitted structure that exceeds 50 feet in height shall be no closer than 25 feet from any side or rear property line.~~

Sec. 86-344. - Yard regulations. (GAOD)

In the agricultural (A-1) district, the yard regulations shall be:

(3) ~~Any other permitted structure that exceeds 50 feet in height shall be no closer than 50 feet from any side or rear property line.~~

Sec. 86-364. - Yard regulations. (GAOD)

In the agricultural (A-2) district, the yard regulations shall be:

(3) ~~Any other permitted structure that exceeds 50 feet in height shall be no closer than 50 feet from any side or rear property line.~~

**NOTE – For consistency throughout the ordinances, including language where the minimum road frontage requirements can be found. Currently included in Sec. 86-174. - Frontage; minimum lot width for the R-1 zoning district.**

**Sec. 86-198. - Frontage; minimum lot width.**

In the residential general district (R-2), the minimum lot width at the building setback line shall be 125 feet; for two-family dwellings it shall be 175 feet.

**The minimum road frontage shall be as provided in Section 86-118 of this chapter.**

**Sec. 86-381. - Frontage; minimum lot width.**

In the residential limited district (R-1) within the growth area overlay district, the minimum lot width at the building setback lines shall be 150 feet.

**The minimum road frontage shall be as provided in Section 86-118 of this chapter.**

**Sec. 86-397. - Frontage; minimum lot width.**

In the residential general district (R-2) within the growth area overlay district, the minimum lot width at the building setback line shall be 125 feet; for two-family or multifamily dwellings it shall be 175 feet. Minimum lot width for attached two-family dwellings and townhouses where separate lots are assigned shall be 20 feet for interior units and 30 feet for end units.

**The minimum road frontage shall be as provided in Section 86-118 of this chapter.**

## ARTICLE III. SUBDIVISION

### DIVISION 3. PLAT REQUIREMENTS AND STANDARDS

**NOTE** - Language has been amended to provide plan review by licensed engineers or surveyors; provisions added that require the private road disclosure language be included on all subdivisions plats; that will indicate the roads are private until such time as they have been accepted into the State secondary road system. Plats will also be required to include a note that an entrance permit must be obtained from VDOT for access to each lot on the subdivision plat. Performance agreements will be required; along with review of security posted every 24 months.

#### Sec. 86-567. - Streets and alleys.

All streets in the proposed subdivision shall be designed and constructed in accordance with the following minimum requirements by the subdivider at no cost to the locality. All street names shall be approved by the agent or agent's representative. The developer shall be responsible for all costs associated with the manufacturing and installation of signs for said streets, roads or lanes (public or private).

(4) *Construction requirements.* All construction of streets, private roads or streets must comply with the requirements and specifications of the state department of transportation for subdivision streets, which may be found on file at the office of the resident engineer of the county department of highways. This includes all new internal subdivision streets for agricultural; residential; commercial; industrial; resort developments; or planned unit developments.

a. All review for road plans and profiles; and inspections during road construction shall be conducted by ~~a third party review firm chosen by the county, or on the county's contracted list of engineering firms~~**an engineer or surveyor licensed in the State of Virginia**.

d. All costs associated with the ~~third-party~~ plan review; inspections; and road certification will be the responsibility of the developer.

e. Upon the completion of construction, as-built plans will be required from the developer's engineer as part of the final certification ~~by the third-party engineer~~.

g. Prior to approval of any subdivision plats where a new internal subdivision street is proposed for acceptance into the state road system, **a performance agreement and** interim road maintenance agreement shall be provided for approval by the county attorney and must be recorded with the final subdivision plat. The **performance agreement and** interim road maintenance agreement must identify the responsible party for construction and continuing maintenance of the road improvements; and include the language found in subsections **86-567(10)g. and h.** The **performance agreement and** interim road maintenance agreement shall remain in effect until the roads have been accepted by the Virginia Department of Transportation/Commonwealth Transportation Board.

h. Prior to approval of any subdivision plats where a new internal subdivision street is proposed to remain private after approval of a private road waiver by the planning commission, **a performance agreement and** road maintenance agreement shall be provided for approval by the county attorney and must be recorded with the final subdivision plat. The **performance agreement and** road maintenance agreement must identify the responsible party for construction

and continuing maintenance of the road improvements; and include the language found in subsections [86-567](#)(10)g. and h.

**i. Dedication of rights-of-way for streets, alleys or other public use as shown on an approved and recorded subdivision plat; and the County's obligation to install or maintain any such facility, shall be as provided for in State Code Section 15.2-2265.**

**Nothing in this section shall obligate the locality to install or maintain such facilities unless otherwise agreed to by the locality.**

(11) *Private lanes.* Lots accessed by roads in subdivisions of less than three lots can be accessed by private lanes which do not meet VDOT subdivision street standards and are approved by the agent. Lots in subdivisions of less than three lots must have the minimum frontage requirements on a deeded access way or easement which is owned by the property owners association or developer or by the lot or parcel owners who are afforded access to their lots or parcels by such private lanes of such subdivision. **A maximum of two (2) separate private lanes shall be permitted in a subdivision.** All plats describing lots served by private lanes shall include language found in [section 86-587](#) (10) g.1-3. Subdivision roads serving less than three lots shall be approved by the zoning administrator and shall meet the following minimum standards:

**(Road Minimum Standards chart intentionally excluded.)**

Sec. 86-576. - Security.

Before any subdivision plat will be finally approved by the agent, the subdivider shall, in lieu of construction, furnish security to be approved by the governing body and county attorney, in an amount calculated by the agent to secure the required improvements in a workmanlike manner, and in accordance with specifications and construction schedules established or approved by the appropriate engineer, which security shall be payable to and held by the governing body. Such security may be posted in the form of a surety bond, letter of credit or cash escrow.

Letters of credit will only be accepted from financial institutions approved to do business in the commonwealth.

**In order to ensure that sufficient security is maintained throughout project construction and completion; the security/guarantee shall renew every twenty-four (24) months for the duration of the project. \*\*The guarantee shall increase or decrease by an amount equal to the most recent quarterly Construction Cost Index published by Engineering News-Record. (from Greene County Ordinance)\*\*** This ensures that the estimated costs escalate as the Construction Cost Index escalates so that the security amount reflects the most current cost to perform the improvements.

**In the case of default, the county shall follow the last policy adopted by the Board of Supervisors for liquidation of any security/guarantee held by the County. In no event, however, shall the county be bound to supplement the performance guarantee funds with other county funds in order to complete the improvements.**

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**\*\*For Information Purposes Only\*\***

**This was the only code language found in other localities researched that used a document to determine the increase or decrease in the surety amount.**

**Other localities used a defined percentage increase; or required the developer's engineer to provide an updated cost estimate based on the current construction costs.**

\*Link to Engineering News-Record – Requires Paid Subscription\*

[https://www.enr.com/?\\_gl=1\\*yw9txh\\*\\_ga\\*NTQ0NzAwNzI2LjE3NDEyNzI2NDQ.\\*\\_ga\\_CH7QLSK31E\\*MTc0MTI3MjY0NC4xLjEuMTc0MTI3MjY2Ny4zNy4wLjA](https://www.enr.com/?_gl=1*yw9txh*_ga*NTQ0NzAwNzI2LjE3NDEyNzI2NDQ.*_ga_CH7QLSK31E*MTc0MTI3MjY0NC4xLjEuMTc0MTI3MjY2Ny4zNy4wLjA)

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## DIVISION 5. PLAT APPROVAL

Sec. 86-614. - Final plats.

**(15) All plats, contracts of sale and deeds for a lot in a subdivision with a new internal subdivision street shall contain the following language which clearly discloses to a potential purchaser the following minimum information:**

1. Until such time as all new internal streets shown on this plat have been accepted into the State secondary road system, the lots are served by a privately maintained road and will not be maintained by the state or county. Any costs necessary to bring the road to a condition qualifying it for acceptance as part of the secondary system of state highways shall be sustained from resources other than those administered by the state department of transportation and the county or any other public agency.
2. School bus service is not provided by the county along private roads, lanes or streets;
3. United States postal service is not provided along private roads, lanes or streets;
4. The expense and responsibility for maintaining the roads within the development will be paid for and borne by the lot owners and/or developer, as the case may be; and
5. It shall be the responsibility of the developer for the initial construction and subsequent maintenance, if any, of the roads, the responsibility of the buyer, and the ownership of the roads. If the roads are maintained by a property owners association or other legal entity, the disclosure must clearly inform the buyer.

**(16) All plats must contain a note stating, “Entrance locations to each lot shown on this subdivision plat; require approval by the Virginia Department of Transportation (VDOT) at the time the entrance permit is applied for through VDOT.”**



## ARTICLE IV. – SUPPLEMENTARY REGULATIONS

### DIVISION 4. - LAKE ANNA SHORELINE USE AND DESIGN STANDARDS

**NOTE** - Language has been added that clarifies that dry hydrants and restroom facilities will only be required in common areas if required by the Department of Fire/EMS and Virginia Department of Health, respectively. If these facilities are required, the location will be coordinated with Dominion Energy.

Sec. 86-655. - Statement of intent; policy guidance.

**(Only the third paragraph included for amendment purposes)**

The standards set forth in this division are mandatory unless a waiver is granted. Applications that meet all of the ordinance standards will be reviewed administratively by staff. Applications should include site plans that meet the criteria included in the "Lake Anna Shoreline Site Plan Requirements Checklist," to include an approval statement by Dominion Energy for proposed development on Dominion Energy's shoreland or shoreline. Where criteria is not clearly illustrated on a site plan, a survey shall be required to demonstrate compliance with the ordinance, or in order to process special exception requests. If a waiver is requested, then the application will be reviewed by staff (per section 86-22- 119 of this chapter). If a waiver is denied, applicants may resubmit a revised waiver at any time or appeal staff's decision to the board of supervisors.

#### Sec. 86-656. - Use and design standards

##### (b) Safe Navigation

(7) *Common areas.*

- a. Common area ramps shall be constructed of reinforced concrete with a minimum thickness of six inches and shall be a minimum distance of 75 feet from designated swimming areas.
- b. **If determined to be necessary or required by the Department of Fire/EMS during site plan review, common areas are may be required to have a dry hydrant in a location to be determined on the site plan in coordination with Community Development; Department of Fire/EMS; and Dominion Energy.**
- c. Common area boat ramps shall be placed or positioned to minimize wave interference from boats passing nearby through high concentration navigation choke points as determined by the county during site plan review (i.e., cove entrances, narrow channels, sharp bends, bridges, etc.).

##### (c) Neighbor policies

(4) Common areas.

- a. **If determined to be necessary or required by the Virginia Department of Health, restroom facilities are may be required in areas with structures for persons or watercraft for common areas with 25 or more lots. and shall be placed in a location to be determined on the site plan in coordination with Community Development; the**

**Virginia Department of Health; and Dominion Energy.** Restrooms are not allowed within the Dominion Energy easement without their approval.

- b. All structures in a common area shall maintain a 100-foot side setback from residential and agricultural zoning districts (not part of the subdivision), and a 50-foot side setback from resort development, commercial, and industrial zoning districts.
- c. 25-foot vegetative buffer between the common area and adjoining property owners (not part of the subdivision) shall be required. Buffers shall consist of evergreen vegetation but may also include deciduous species. County staff may grant a special exception to this requirement on a case-by-case basis.

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## DIVISION 5. TELECOMMUNICATIONS REGULATIONS

**NOTE - Recommended language from the current telecommunications consultant for review of applications submitted; and clarifies that generators may be located on site; but only operated during power outages or testing.**

Sec. 86-671. - Mitigation and replacements.

**(c) Applicants for modifications to existing antenna colocations or new antenna colocations must provide a Structural Analysis (SA) which demonstrates that the existing tower has the structural integrity to support the proposed antenna loads as well as the existing/remaining antenna loads and appurtenances, as outlined in the current version of “ANSI/TIA-222 Structural Standard for Antenna Supporting Structures and Antennas”. The Structural Analysis shall comply with the following criteria:**

1. The SA Report shall be sealed and signed by a Professional Engineer (PE), licensed in the Commonwealth of Virginia.
2. Any “Assumptions” or “Standard Conditions” asserted by the PE relative to the maintenance or physical condition of the tower or structure shall be resolved, validated, or confirmed in writing. ANSI/TIA-222 recommends inspections of self-support towers once every five (5) years. Applicants shall provide a copy of the TIA-222 Inspection Report to resolve or validate assumptions pertaining to the maintenance or physical condition of a tower or antenna support structure.
3. Any Assumptions or Standards Conditions asserted by the PE relative to the accuracy of the information or data provided to the PE which is utilized in completing the SA shall be resolved, validated, or confirmed to be correct.

**(d) Applicants for modifications to existing antenna colocations or new antenna colocations must provide a Structural Mount Analysis (MA) which demonstrates that the antenna mount has the structural integrity to support the proposed antenna loads as outlined in the current version of “ANSI/TIA-222 Structural Standard for Antenna Supporting Structures and Antennas”.**

The Structural Analysis shall comply with the following criteria:

1. The MA Report shall be sealed and signed by a Professional Engineer (PE), licensed in the Commonwealth of Virginia.
2. Any “Assumptions” or “Standard Conditions” asserted by the PE relative to the maintenance or physical condition of the antenna mount shall be resolved, validated, or confirmed in writing to be correct.
3. New antenna mounts or modifications to existing antenna mounts will require a Post Modification Inspection (PMI) or Post Installation Inspection (PII) to certify that the modifications or installations were completed as specified in the engineering drawings and plans.
4. The PMI or PII report must be sealed and signed by a PE, licensed in the Commonwealth of Virginia and a copy of the report provided to the County prior to close out of the Permit.

**(e) Applicants for structural upgrades or modifications to existing towers or antenna support structures shall provide a PMI as outlined in ANSI/TIA-222 Structural Standard for Antenna Supporting Structures and Antennas, to certify that the modifications were completed as specified in the engineering drawings and plans. The PMI shall comply with the following criteria:**

- 1. The PMI or PII report must be sealed and signed by a PE, licensed in the Commonwealth of Virginia**
- 2. A copy of the report provided to the County prior to closing out the Permit.**

Sec. 86-674. - Development standards for freestanding antenna support structures greater than one hundred feet in height.

(i) *Sounds.* No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Generators shall not be ~~stored or~~ operated at WCFs except during power outages **or during testing.**

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## ARTICLE V. SIGNS

**NOTE - Language has been added to strengthen the current language as it pertains illuminated signs; and new provisions for electronic message signs. Several options have been provided for consideration; and new definitions have also been proposed.**

Sec. 86-683. - General provisions.

(a) *Prohibited signs.* The following types of signs are prohibited in all zoning districts:

- (1) Flashing signs; which include any illuminated sign on which the artificial light or lights are not constant in intensity and color at all times shall be prohibited. This prohibition shall not apply to signs giving public service information such as time, date, temperature, weather or similar information. ~~; or message board, when such sign does not constitute a public safety or traffic hazard. (i.e. electric message sign for schools, churches, etc.)~~
- (5) ~~Any sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be related.~~
- ~~(6)~~~~(5)~~ Any sign that violates any provision of any law of the state relative to outdoor advertising.
- ~~(7)~~~~(6)~~ Political signs posted on county property.
- ~~(8)~~~~(7)~~ Signs that violate state or federal laws, whether or not identified in this ordinance as being permitted.
- (8) **Signs determined by officials to create safety hazard.** A sign whose characteristics, including but not limited to its construction, design, or location, are determined by a fire official, the building official, or a law enforcement officer, to create a safety hazard.

(c) *Location; Illumination.* No sign shall be located or illuminated in such a manner as to cause a traffic hazard. Where a permit is required, the permit shall not be issued until the location and illumination, if any, of the sign are approved by the zoning administrator. ~~All lighting must comply with dark sky lighting standards.~~

- (1) **Signs may be illuminated, either internally or externally, as permitted by this ordinance, provided that the illumination is fully shielded and directed at the sign and not in a manner as to cause a traffic hazard.**
- (2) **All lighting must comply with dark sky lighting standards.**
- (3) No light from any illuminated sign shall cause direct glare on any adjoining piece of property, right-of-way, or building other than the building to which the sign applies.**

***For Review Purposes Only - Summary Chart for Proposed Electronic Message Sign Options***

Review Process for Electronic Message Signs	Zoning Districts Permitted	Maximum Level of Sign Brightness After Sunset	Cut-Off Time
Special Exception Permit (Board Only)	All Zoning Districts	400 NITS	11 p.m. to Sunrise
Administrative Review by Zoning Administrator or Designee with Option to send to BOS for SEP, if staff determines that the proposed sign requires additional review and consideration.	C-1 & GAOD C-2 & GAOD IND & GAOD I-1 & GAOD I-2 & GAOD RD PUD	300 NITS	10 p.m. to Sunrise

**\*The following items may not be increased through the waiver process in Sec. 86-689.**  
**Waivers - Maximum Sign Size (32 sq. ft.), Height (8' from normal ground level), Number of Signs per Parcel (1 per lot or parcel)**

**Option #1**

(l) **Signs, Electronic Message** are allowed in all agricultural, commercial, industrial, resort development, and planned unit development districts with a special exception permit. In reviewing the application, the board of supervisors may consider the following factors as well as other appropriate land use considerations:

- (1) Proportion of the sign face to be used for the electronic message.
- (2) Use of colors in the electronic message.
- (3) Relationship to nearby residences.
- (4) Distance to other electronic message boards.
- (5) Speed limit of roadway and road classification.
- (6) General character of area.
- (7) Landscaping incorporated into sign package.

A. The following standards are required unless otherwise approved by the board of supervisors through the special exception permit:

- (1) General requirements
  - a. Electronic message signs may not exceed thirty-two (32) square feet in overall size and the electronic display may not be more than 50% of this area; and eight (8) feet in height from normal ground level.
  - b. Building and electrical permits and inspections are required.
  - c. Sign cannot be located in a manner which could cause confusion with or from traffic signals.
  - d. Messages must be static; no animation, videos, flashing, or scrolling text is permitted.
  - e. Only one (1) electronic message sign is allowed per parcel.
- (2) Display
  - a. Messages cannot change more than once every minute.
  - b. Transitions between messages can only be a black screen or an immediate transition; no flashing, fading, or scrolling text is permitted.

- c. **In the event of a malfunction, the display must be changed to a dark screen.**
- d. **If the sign is two-sided, both sides must display the same message.**

**(3) Brightness controls**

- a. **All electronic message signs shall be equipped with a photocell, sensor or other device that automatically dims the sign based on ambient light and limits the brightness to a maximum of ~~400~~ NITS, or that can be adjusted to comply with the maximum NIT level.**
- b. **Lighting cannot shine directly toward any dwelling.**
- c. **Electronic message signs shall be turned off between ~~11:00 p.m. and sunrise.~~**
- d. **Prior to sign permit approval, the applicant must provide certification showing compliance with brightness controls.**

Sec. 86-689. - Waivers.

Notwithstanding the other regulations of this chapter, a waiver may be approved by staff (per section 86-119 of this chapter) to the regulations of this article that are specific to the number of allowed signs, the maximum sign area, and the sign height. In no circumstances shall a waiver increase the number, size, or height of a sign(s) by more than 100 percent of the ordinance standard. A waiver may only be granted if it can be demonstrated that the proposed standards, with conditions, better ensure that the intent of this ordinance, as specified in section 86-682 ~~86-246~~, will be met. Requests for a waiver to this article shall accompany a master plan of the entire development showing all proposed business signs. **Standards for electronic message signs are not subject to increase through the waiver process.**

**Option #2**

(l) ***Signs, Electronic Message*** are allowed in all commercial, industrial, resort development and planned unit development districts. In reviewing the application, the Zoning Administrator or Designee may consider the following factors as well as other appropriate land use considerations; and may request the applicant submit additional information responsive to these items:

- (1) Proportion of the sign face to be used for the electronic message.
- (2) Use of colors in the electronic message.
- (3) Relationship to nearby residences.
- (4) Distance to other electronic message boards.
- (5) Speed limit of roadway and road classification.
- (6) General character of area.
- (7) Landscaping incorporated into sign package.

A. The following standards are required:

- (1) General requirements
  - a. Electronic message signs may not exceed thirty-two (32) square feet in overall size and the electronic display may not be more than 50% of this area; and eight (8) feet in height from normal ground level.
  - b. Building and electrical permits and inspections are required.
  - c. Sign cannot be located in a manner which could cause confusion with or from traffic signals.
  - d. Messages must be static; no animation, videos, flashing, or scrolling text is permitted.
  - e. Only one (1) electronic message sign is allowed per parcel.
- (2) Display
  - a. Messages cannot change more than once every minute.
  - b. Transitions between messages can only be a black screen or an immediate transition; no flashing, fading, or scrolling text is permitted.

- c. **In the event of a malfunction, the display must be changed to a dark screen.**
- d. **If the sign is two-sided, both sides must display the same message.**

**(3) Brightness controls**

- a. **All electronic message signs shall be equipped with a photocell, sensor or other device that automatically dims the sign based on ambient light and limits the brightness to a maximum of **300 NITS**, or that can be adjusted to comply with the maximum NIT level.**
- b. **Lighting cannot shine directly toward any dwelling.**
- c. **Electronic message signs shall be turned off between **sunset and sunrise**.**
- d. **Prior to sign permit approval, the applicant must provide certification showing compliance with brightness controls.**

Sec. 86-689. - Waivers.

Notwithstanding the other regulations of this chapter, a waiver may be approved by staff (per section 86-119 of this chapter) to the regulations of this article that are specific to the number of allowed signs, the maximum sign area, and the sign height. In no circumstances shall a waiver increase the number, size, or height of a sign(s) by more than 100 percent of the ordinance standard. A waiver may only be granted if it can be demonstrated that the proposed standards, with conditions, better ensure that the intent of this ordinance, as specified in section 86-682 ~~86-246~~, will be met. Requests for a waiver to this article shall accompany a master plan of the entire development showing all proposed business signs. **Standards for electronic message signs are not subject to increase through the waiver process.**

# DRAFT

## SUBDIVISION AGREEMENT

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between corporation/partnership/llc, or husband and wife, or individually, and all successors in interest, party(ies) of the first part, hereinafter referred to as "OWNER", and the COUNTY OF LOUISA, VIRGINIA, a political subdivision of the Commonwealth of Virginia, party of the second part, hereinafter referred to as "COUNTY".

WHEREAS, the party(ies) of the first part is (are) the owner of a certain tract of land located in the County of Louisa, Virginia; and

WHEREAS, the said parcel of land is being subdivided by the Owner into the subdivision known and designated as:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and the Owner has caused a plat of said subdivision dated \_\_\_\_\_, and as last revised, to be prepared by \_\_\_\_\_, Certified Land Surveyors, or Civil Engineers, which said plat the Owner desires to admit to record in the Clerk's Office of the Circuit Court for the County of Louisa, Virginia; and

WHEREAS, the Owner agrees to construct and locate all physical improvements in said subdivision, as required by the Subdivision Ordinance of the County of Louisa, Virginia, or shown on the development plans approved by the Agent of the Subdivision Ordinance, hereinafter to as "AGENT"; and

WHEREAS, the Owner has posted sufficient bond, letter of credit or certified check, pursuant to existing ordinances, approved as to form by the County Attorney, and with surety satisfactory to the County in the amount of \_\_\_\_\_ and 00/100 Dollars (\$\_\_\_\_\_) guaranteeing the installation of the aforementioned improvements within twenty-four (24) months from the date of this agreement; and

WHEREAS, the County of Louisa has agreed that it will permit the recordation of the plat of said subdivision upon the execution of this agreement.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the premises and the approval of said subdivision and the covenants and agreements herein contained, the parties hereto agree as follows:

1. The Owner does covenant and agree that it will, without cost to the County, within twenty-four (24) months from the date of this agreement, construct to the approval of the County all physical improvements as required by the Subdivision Ordinance of the County, or shown on the development plans approved by the Agent. If, in the sole judgment of the County, circumstances beyond the control of the Owner prevent the Owner from completing the improvements in the time set forth herein, then the County may at its sole discretion grant an extension of time for completion of said improvements and in such instance the County shall require an amended bond, letter of credit, or certified check, approved as to form by the County Attorney, and with surety satisfactory to the County in an amount to guarantee the installation of the aforementioned improvements.

2. It is mutually understood and agreed that in the event the Owner fails to properly complete the physical improvements provided hereinabove, the County may complete, or cause to have completed, the same and render a bill therefore to the Owner who shall be liable to the County for all proper costs so incurred by the County or the County may draw the amount necessary from the surety to complete or cause to have completed the same.

3. It is mutually understood and agreed that this agreement does not relieve the Owner of any responsibilities or requirements placed upon them by the various ordinances of the County applicable to such subdivision and development of the property, and the subdivision and development of the property will be done in strict accordance with such ordinances.

4. It is mutually understood and agreed that if the Owner shall faithfully execute each and all requirements of the said Subdivision Ordinance and the provisions of this agreement, and shall indemnify, protect and save harmless the County of Louisa from all loss, damage, expense or cost by reason of any claim, suit or action instituted against the County of Louisa or its agents or employees thereof, on account of, or in consequence of any breach on the part of the Owner, then the aforementioned bond, letter of credit, or certified check, shall be released by the County to the Owner.

# DRAFT

5. The Owner does hereby agree to indemnify, protect and save harmless the County from and against all losses and physical damages to property, and bodily injury or death to any person or persons, which may arise out of or be caused by the construction, maintenance, presence or use of the streets, utilities and public easements required by, and shown on, the development plans and the subdivision plat until such time as the said streets shall be accepted as part of the Virginia Department of Transportation's system and utilities and public easements shall be accepted as a part of the County's system. To insure such indemnification, the county may require and the owner shall provide upon request a Certificate of Public Liability Insurance in an amount approved by the County Attorney as sufficient, including a governmental endorsement thereto, naming the County as an insured, issued by an insurance company licensed to do business in the Commonwealth of Virginia.

6. It is mutually understood and agreed, that the approval on final plat or plats of this subdivision, or section thereof, shall not be deemed to be an acceptance by the County of any street, alley, public space, sewer or other physical improvements shown on the plat or plats for maintenance, repair or operations thereof, and that the Owner shall be fully responsible therefore and assume all of the risks and liabilities therefore. Nor shall approval on final plat or plats of this subdivision be deemed to guarantee public water or sewer service or available capacity.

(Type) Name of Corporation/Partnership/LLC

By:

\_\_\_\_\_  
Signature of the Authorized Person to Sign for the Corporation/Partnership/LLC

\_\_\_\_\_  
Title of the Authorized Person to Sign for the Corporation/Partnership/LLC

STATE OF \_\_\_\_\_

CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing document was acknowledged this the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, by  
\_\_\_\_\_  
corporation/partnership/llc (if applicable.) (title) of the

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
Registration number: \_\_\_\_\_

\_\_\_\_\_  
(sign individual owner)

\_\_\_\_\_  
(sign individual owner)

STATE OF \_\_\_\_\_

CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing document was acknowledged this the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, by  
\_\_\_\_\_  
(Individual owner(s))

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
Registration number: \_\_\_\_\_

# DRAFT

COUNTY OF LOUISA, VIRGINIA

By: \_\_\_\_\_

(Print Name)

County Administrator

STATE OF VIRGINIA

COUNTY OF LOUISA, to-wit:

The foregoing document was acknowledged this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, who is the County Administrator of Louisa County.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
Registration number: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
COUNTY ATTORNEY

INTERIM ROAD MAINTENANCE AGREEMENT FOR \_\_\_\_\_  
SUBDIVISION WITH INTERNAL STREETS DESIGNATED FOR ACCEPTANCE INTO  
THE STATE SECONDARY ROAD SYSTEM

THIS INTERIM ROAD MAINTENANCE AGREEMENT dated this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_\_, is by and between \_\_\_\_\_ (Land Owner) and Louisa County, Virginia, a political subdivision of the Commonwealth exercising its powers by and through its Board of Supervisors ("the County").

WHEREAS, the Land Owner is the owner of \_\_\_\_\_ subdivision, \_\_\_\_\_ Magisterial District, Louisa County, Virginia ("the Lots"); and

WHEREAS, the access to the aforementioned lots is over, along, and across \_\_\_\_\_ (name of roads) \_\_\_\_\_ "Roads" as shown on the plat of survey for \_\_\_\_\_ subdivision; which is attached hereto and made a part hereof; and

WHEREAS, the Land Owner desires to provide for the construction, care, maintenance, upkeep and repair of the Road(s) and for the benefit of future lot owners *until such time* as the Roads and the internal subdivision streets ("the subdivision streets") shown on a plat survey titled Subdivision Plat of \_\_\_\_\_ prepared by \_\_\_\_\_ and dated \_\_\_\_\_ are accepted by the Commonwealth of Virginia into the state secondary road system ("the Date of Acceptance").

Now therefore the Land Owner and the County agree that:

1. The Lots are served by the Roads, privately maintained roads which will not be maintained by the state or County.
2. The Land Owner understands that school bus service is not provided by the Louisa County School Division along private roads, lanes, or streets.
3. The Land Owner understands that United States Postal Service is not provided along private roads, lanes, or streets.
4. The expense and responsibility for maintaining the Road and the subdivision streets will be paid for and borne by the Land Owner or his assigns under this Agreement. The Land Owner may assign its obligations under this Agreement with written permission from the County, which will not be unreasonably withheld.
5. It is the responsibility of the Land Owner to undertake construction and subsequent maintenance, if any, of the roads. On purchase of any of the Lots by any person prior to the Date of Acceptance, the Land Owner must provide the buyer with a copy of this Agreement.
6. In addition, the Land Owner will maintain roads and provide for snow removal. Snow plowing shall be required when there has been an average accumulation of four inches or

more and shall continue until roads are cleared to a maximum average depth of four inches. Snow plowing shall commence no later than six hours after the snow has ceased falling or two hours after dawn, whichever time is the later.

7. The County or its representative may inspect the Road and the subdivision streets at any time for compliance with the terms of this Agreement.
8. In event of any failure by the Land Owner in the performance of any term of this Agreement, the County, after providing 30 days' notice and opportunity to cure, may perform necessary maintenance or repairs. All costs expended by the County will constitute a lien on the Lots. However, nothing herein should be construed to obligate the County to maintain the Road and the subdivision streets.
9. This Agreement is a covenant that runs with the land, and inures to the benefit of and will be binding on the Land Owner and the County, their heirs and assigns, and all subsequent owners of the Lots, until the Date of Acceptance.
10. On execution, the Land Owner will record this Agreement among the land records of Louisa County, Virginia, at its own expense.
11. This Agreement will terminate only by written agreement signed by the Land Owner and the County.
12. Invalidation of any provision of this Agreement by judgment or decree of Court will not affect any of the other provisions of this Agreement, but the remainder will continue in full force and effect.

IN WITNESS WHEREOF, the Land Owner has caused this Agreement to be signed in its names by a duly authorized person.

SIGNATURES ON THE FOLLOWING PAGES

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Name of Corporation/Partnership/LLC

BY: \_\_\_\_\_

Signature of the Authorized Person to Sign  
For the Corporation/Partnership/LLC

Its: \_\_\_\_\_

Title of the Authorized Person to Sign  
For the Corporation/Partnership/LLC

STATE OF \_\_\_\_\_

CITY/COUNTY OF \_\_\_\_\_: to wit:

The foregoing agreement was acknowledged this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (owner(s))  
who is the \_\_\_\_\_ of the corporation/partnership/LLC (if  
applicable) \_\_\_\_\_ (title).

---

Notary Public

My Commission Expires:  
Registration No.:

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(sign) Individual Owner

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(sign) Individual Owner

STATE OF \_\_\_\_\_

CITY/COUNTY OF \_\_\_\_\_ : to wit:

The foregoing agreement was acknowledged this the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_, by \_\_\_\_\_ (individual  
owner(s)).

---

Notary Public

My Commission Expires:  
Registration No.:

COUNTY OF \_\_\_\_\_, VIRGINIA

By: \_\_\_\_\_

STATE OF \_\_\_\_\_

CITY/COUNTY OF \_\_\_\_\_: to wit:

The foregoing agreement was acknowledged this the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Registration No.:

APPROVAL AS TO FORM:

\_\_\_\_\_  
COUNTY ATTORNEY