

Board of Supervisors

Meg Bohmke, Chairman
Gary F. Snellings, Vice Chairman
Jack R. Cavalier
Thomas C. Coen
L. Mark Dudenhefer
Wendy E. Maurer
Cindy C. Shelton

Thomas C. Foley
County Administrator

Community & Economic Development Committee Meeting AGENDA

November 7, 2018 – 12:00 Noon (Board Chambers)

Committee Members: Chairman Wendy Maurer, Cindy Shelton and Gary Snellings

Agenda Item	
1.	Review Tourism Program
2.	Discuss emergency exit wells encroaching into setback in the PD-2 zoning district - response to September discussion
3.	Discussion regarding Carnivals, Circuses and Music Festivals and the zoning ordinance
	Next CEDC meeting is scheduled for February 5, 2019

CEDCAgenda/11.7.2018



Stafford County (proposed) Tourism Program Policy

November 7, 2018



Tourism Program Policy

- Background
- Purpose
- Tourism Plan
- Tourism Advisory Group
- Tourism Program
 - Marketing
 - Initiatives

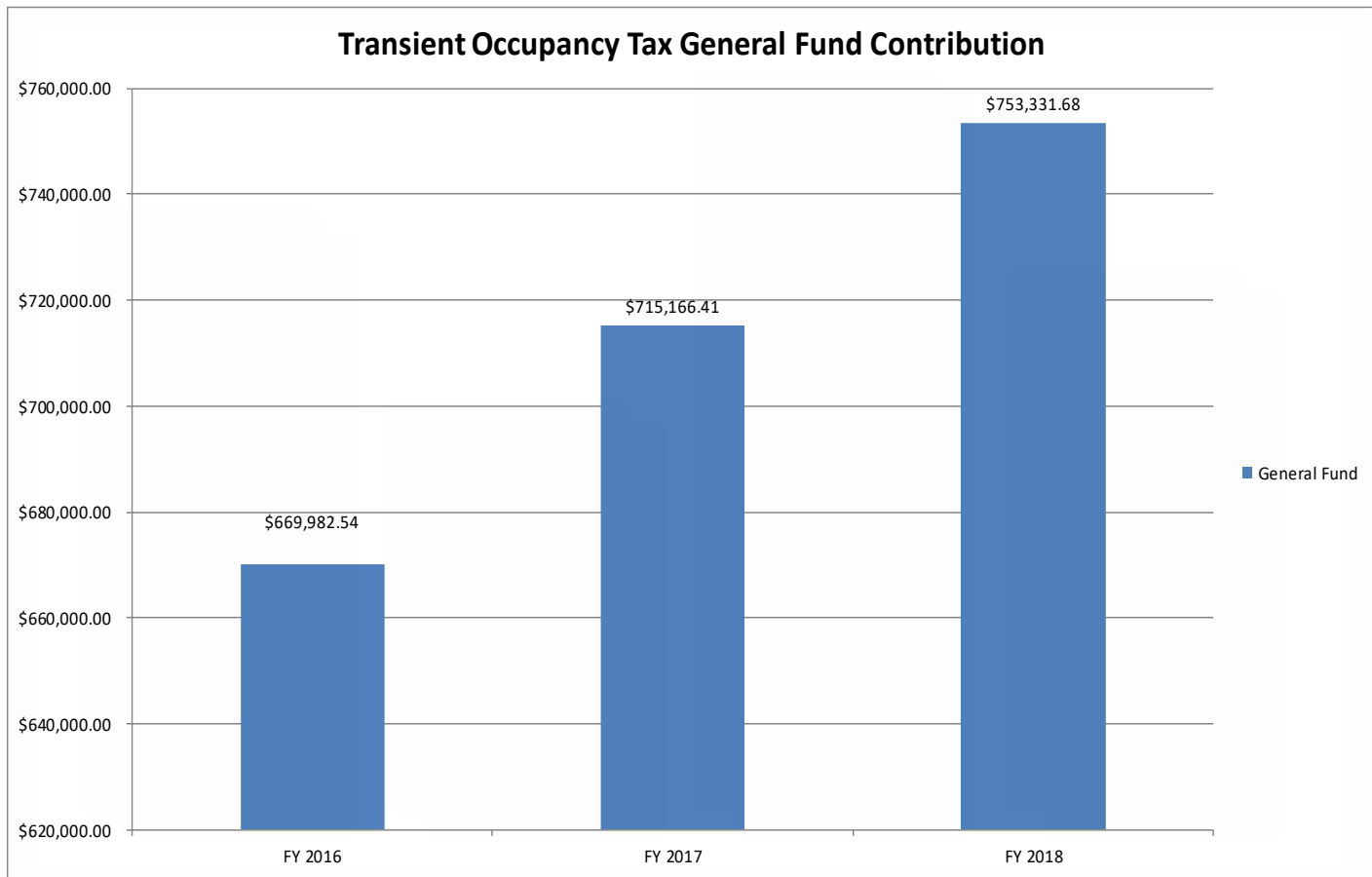


Tourism Program Policy

- Background
 - Tourism Occupancy Tax, date
 - Statute limitations
 - §58.1-3819
 - “...designated and spent solely for tourism, marketing of tourism or initiatives that, as determined in consultation with the local tourism industry organizations, attract travelers to the locality and generate tourism revenues in the locality.”



Tourism Program



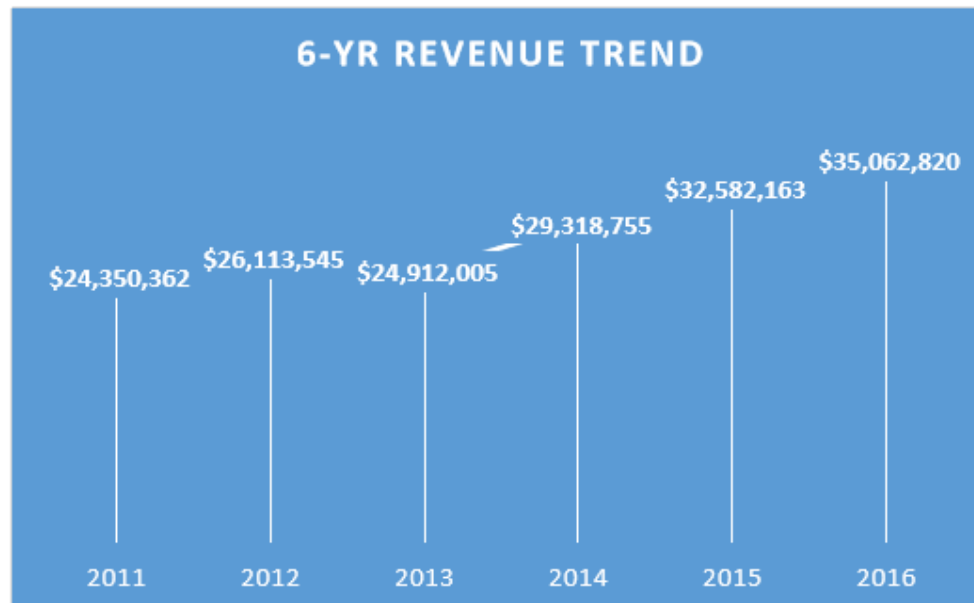
Tourism Program

STR Hotel/Motel 6-YR Revenue Trend

STR reports the total annual lodging revenue generated by the STR-participating properties over the 6-year period 2011 - 2016 as follows in the table and graph below.

Observations:

- The Stafford lodging market experienced significant growth in revenues over the last 6 years, with the exception of a small dip in 2013.
- Overall growth in revenue in 2016 as compared to 2011 was 44.0%!
- The SED&T and their lodging partners must be given credit for their combined marketing efforts and team work driving overnight visitation. Job well done Stafford County!



Tourism Program Policy

Purpose

- Clarify use of TOT funds and distribution of funds to meet tourism marketing goals
- Update current policies and procedures
- Tourism marketing and development as full part of economic development



Tourism Program Policy

- Tourism Advisory Group
 - Advisory
 - Makeup
 - Representatives of business subject to TOT
 - Representative of tourism “assets” (sites & business that attract visitors)
 - Industry (private sector & nonprofit) input



Tourism Program Policy

- Tourism Plan
 - Focused marketing program within policy
 - Integrated as part of Economic Development
 - Input from Tourism Advisory Group
 - Focus
 - Leisure & Heritage
 - Sports Tourism
 - Meetings
 - Tourism Initiatives



Tourism Program Policy

- Tourism Program

- Marketing

- Direct Marketing
 - Signage
 - Events
 - Sponsorships

County “driven” or directly managed

Funding other efforts within
Guidelines, via application

- Initiatives

Investment in new program
that requires additional
financial resources for
planning or development



Tourism Program Policy

- Tourism Program Marketing
 - Direct Marketing—ED&T
 - Marketing advisors, consultants
 - Advertising
 - Trade shows
 - Partnerships
 - Direct Visitor Contacts



Tourism Program Policy

- Tourism Program Marketing
 - Signage
 - County way-finding
 - Participating in VDOT signage
 - Historical signs



Tourism Signage Update Policy

- Wayfinding
 - TOT Funding for maintenance of existing signs
 - New signs to private for-profit business will be cost shared equally between the County and the eligible participating business, subject to other necessary local or state (VDOT) approvals
 - New signs for non-profit or other sites subject to annual budget allocations



Tourism Signage Update Policy

- VDOT sign funding
 - Phase out 100 percent funding for private agri-businesses for VDOT signage.
 - In FY2020, the County will reduce its payment for VDOT signs for agri-business by 10 percent
 - FY2021 reduce payment by 20 percent in and again in FY2022 reduce payment by 20 percent
 - thereby equally sharing the costs for VDOT signage in FY2023 and the future



Tourism Signage Update Policy

- Historical Signage
 - The County provides funds to cover the costs of installation of historical markers.
 - Costs of historical signage, for non-profit organizations or publicly owned sites approved by the Virginia Civil War Trails, Virginia Department of Historic Resources, or the National Historic Register
 - Maintenance of markers not covered by County



Tourism Program Policy

- Tourism Program Marketing
 - County Events—managed by ED&T or County
 - Christmas in Stafford
 - July 4 Celebration (fire works)
 - Signature Event (future)



Tourism Program Policy

- Sponsorships & Grants
 - Sponsorships—of events or programs hosted by others
 - Requirements established by ED&T
 - Contractual
 - Grants—matching funds to private programs or events
 - Matching funds for state or federal grants
 - » Virginia Arts Commission Challenge Grants
 - » Others



Tourism Program Policy

- Tourism Program Initiatives
 - longer-term investment in a new program or tourism asset that requires additional financial resources for planning or development
 - Evaluated by Tourism Advisory Group
 - Set aside in FY2020, future



**Stafford County Tourism Program
Policies & Procedures
Economic Development & Tourism (ED&T)**

DRAFT

10-30-18

I. Purpose

The Purpose herein is to document the policies and procedures for the Stafford County Tourism Program. The Program is managed by the Department of Economic Development & Tourism (ED&T).

A. Statutory Authority

The County adopted a transit occupancy tax (TOT) in 2001. The enactment of the Tourism Occupancy Tax (TOT) is allowable under §58.1-3819 that states, in part, “any county may levy a transient occupancy tax not to exceed five percent, and any excess over two percent shall be designated and spent solely for tourism, marketing of tourism or initiatives that, as determined in consultation with the local tourism industry organizations, attract travelers to the locality and generate tourism revenues in the locality.” Currently Stafford charges a TOT of 5.0%. As per Statute, 3.0% is dedicated to the Tourism Program.

B. Establishment of Policy

In recent fiscal years, 2016, 2017, 2018 and currently in FY2019 the Tourism Program has focused on five key areas and has set forth guidelines for use of these funds. In June 2018, the Community Economic Development Committee asked for a review of the current program and, in particular, use of funds to provide grants to outside private (for and not for profit) organizations. This document hereby establishes the Tourism Program policies for budgeting of Stafford County TOT funds.

II. Stafford County Tourism Advisory Group

The Tourism Advisory Group will be representative of the County’s tourism industry and its makeup and composition will reflect the County’s tourism assets with majority representation by private tourism industry organizations subject to the TOT. ED&T may engage the Tourism Advisory Group for recommendations on tourism activities, planning, as well as advisory role on other activities authorized within this Policy.

III. Tourism Program

The purpose of tourism marketing is to attract visitors from outside Stafford County. Visits include trips to see historical sites, businesses, events, or other activities. With adoption of this Policy the Stafford Tourism Program will focus on five primary marketing activities and the development of tourism Initiatives.

A. Tourism Marketing

i. Direct Tourism Marketing—ED&T direct marketing

This activity includes marketing efforts undertaken by the Department of Economic Development and Tourism (ED&T). It represents direct expenditures by the Department to promote and market Stafford County. Direct marketing activities include, but may not be limited to, consulting or advertising agencies, digital or print advertising, sales calls, trade show attendance and booths and events attended by ED&T staff or representatives, regional marketing efforts, and direct visitor contacts. Examples include:

- a) **Consultants:** ED&T may contract with consultants to advise on marketing media advertisements, identify trade shows, and recommend and evaluate other marketing activities. ED&T may contract consultants to review and recommend highest value of our social media placements and other media activity. Additional contracts may include, but are not limited to, advisors for planning tourism development projects, marketing, or other tourism initiatives.
- b) **Advertising:** Under the advisement and research from consultants, ED&T utilizes a variety of advertising to market Stafford County. Examples include digital, print, radio Google AdWords, Facebook, Washington Post, and other regional, target sector, and state publications. ED&T and marketing consultants will monitor the return on advertising investment using industry standards and make adjustments to maximize marketing spending.
- c) **Trade Shows:** ED&T attends tourism sector trade shows and sales missions as Stafford County or at times in partnership with other agencies
- d) **Regional Marketing:** The County may participate in regional efforts that help promote visitor attraction to Stafford County.
- e) **Direct Visitor Contacts:** ED&T may organize or participate in programs that facilitate the direct contact and assistance to visitors, such as visitor centers or other projects that may facilitate the direction of tourists to visit other areas of the County.

ii. Signage

In 2009, the County initiated a countywide tourism **Way-finding** signage program. ED&T and TOT funds have supported the implementation of this program and provides for establishment of historical market signage (R09-401, November 17, 2009)

This Policy hereby updates the 2009 policy to assure equity, long-term financial considerations, and the most value of tourism marketing funds.

County way-finding signs will be maintained by TOT funds. Costs to install new or update existing way-finding signs to provide direction to private for-profit business will be cost shared equally between the County and the eligible participating business, subject to other necessary local or state (VDOT) approvals. Costs to install new or update existing way-finding signs for non-profit or other sites within the signage policy will be based on allocation of funds available.

The County currently provides funds to some agri-business to cover costs for **VDOT signage**. The County will phase out 100 percent funding for private agri-businesses for VDOT signage. The County will continue to support VDOT signage for agri-business in a reduced and equal manner, as follows. For purposes, herein, agri-business is defined as those in R09-401 Attachment 2 I.a.vi.

In FY2020, the County will reduce its payment for VDOT signs for agri-business by 10 percent, expecting business currently being supported to make up that difference. The County will reduce payment by 20 percent in FY2021 and again in FY2022 thereby equally sharing the costs for VDOT signage in FY2023 and the future.

Any new business eligible under R09-401 may participate in VDOT costs sharing. Those seeking to share in VDOT sign costs will be required to share the costs 50\50. ED&T will establish a VDOT signage fund as part of its annual budget and will distribute the total of those funds to all eligible applicants that have secured VDOT signage approval in the order received.

ED&T also provides funds for **historical signage**. The County provides funds to cover the costs of installation of historical markers.

The County will provide for the costs of historical signage, for non-profit organizations or publicly owned sites approved by the Virginia Civil War Trails, Virginia Department of Historic Resources, or the National Historic Register (VCWT, VDHR, NHR, respectively). ED&T will budget funds annually for the costs to design and install VDHR or National Historic Register signs and will provide

those funds following documentation from VDHR, VCWT, or NHR on a first come basis subject to the budget allocation.

The County does not provide for maintenance of historical signs.

iii. County Tourism Events---ED&T events the County manages or hosts

ED&T has used TOT funds to initiate and develop events or support other County produced events, focused on building the identity of Stafford as a place to visit, work and live. County Tourism Events are designed and “produced” by ED&T or in coordination or in support of other County departments.

ED&T with input and guidance from the Tourism Advisory Group and other departments will evaluate (annually) county produced events for their value in generation of outside visitor spending, make recommendations, or develop additional events to maximize tourism marketing.

iv. Tourism Sponsorships—ED&T sponsorship of events or marketing efforts organized by others

ED&T provides sponsorship funding to a variety of nonprofit and profit organizations and businesses. A sponsorship allows ED&T to provide materials, advertise, or otherwise promote Stafford County. Sponsorships require clear and concise agreement and contracted rules on the use of the County logo, placement, use on marketing materials, websites, or social media outlets

Priority is given to events or marketing efforts that promote out-of-county visitation and reaches an audience broader than Stafford residents. When evaluating sponsorships, ED&T considers the following:

The activity must demonstrate and document that it attracts visitors from outside Stafford County. Priority is given to events that encourage visitors to stay overnight (generating hotel sales), shop in local stores and eat in local restaurants

Sponsorship funding is eligible to a project, program, or event in the following market segments

- Art, cultural or craft
- Historic
- Wildlife or natural environment
- Sporting Events
- Craft brewery or winery

- Farm or food
- Water-based recreation

Priority will be given to those that demonstrate the potential to generate visitor spending and overnight visitors. All business must be registered with Stafford County and be in compliance with all required codes.

Sponsorships will be evaluated by ED&T Staff on an annual (fiscal year) basis. Evaluation will be based on an application and associated data provided by the applicant as required by the County. A limited amount of funds will be appropriated with the annual budget for the sponsorship program. ED&T may seek input and consultation from the Tourism Advisory Group or subcommittee thereof in evaluating sponsorship requests.

v. Tourism Grants—ED&T grants to support outside organizations

Stafford County participates in Virginia Arts Commission Challenge (VACCG) Grants. The Virginia Commission for the Arts builds and strengthens the cultural infrastructure through supporting Virginia's individual artists, arts entrepreneurs, businesses and institutions. This program supports projects in the arts that attract visitors to the County and is a matching program with the State.

A party wishing to seek a VACCG Grant may request matching from ED&T. The purpose of the VACCG is to encourage local governments to support the arts. The Commission will match 1:1 County funds up to \$4,500 in total. ED&T will establish annually a VACCG applicant review committee to recommend the County's grant allocation. Applicants awarded matching funds are required to provide a copy of their VACGC report. Applications are reviewed annually.

Stafford County may participate and provide funds in support of other state or federal grant programs as requested and on a case-by-case basis.

The amount of funds for support of grant projects will be set at the start of the Fiscal Year.

B. Tourism Initiatives

As part of planning for tourism marketing and development ED&T may identify ***tourism initiatives***. A tourism initiative is seed funding or a longer-term investment in a new program or tourism asset that requires additional financial resources for planning or development. ED&T may set aside as part its budgeting process funds from its TOT revenue for tourism initiatives.

ED&T with input from its Tourism Advisory Group will evaluate initiatives for funding.

IV. Tourism Program Budget

Following this Policy, ED&T will present its budget annually to the Board of Supervisors and the allocation of that budget by the primary marketing activities (III.A.i-v) and initiatives (III.B) named herein. As per County guidelines any expenditure above \$100,000 is subject to approval by the Board of Supervisors.

Stafford Tourism Sponsorship Funding Program Levels

SPONSORSHIP REQUIREMENT	Tier 4 \$10,000*	Tier 3 \$7,500*	Tier 2 \$5,000	Tier 1 \$2,500
Website Presence: Stafford Tourism Logo and website link website	●	●	●	●
Venue Listing: venue listed on TourStaffordva.com and Virginia.org	●	●	●	●
Event Listing: events listed on Tourstaffordva.com and Virginia.org	●	●	●	●
Social Media promotion of Stafford Tourism (Facebook, Twitter, Instagram)	●	●	●	●
Logo on at least one giveaway item (example: t-shirt, cup, bottle opener etc.)	●	●	●	
Stafford Tourism Logo with website on all print advertisement	●	●	●	
Stafford Tourism poster/banner onsite in view of public (will be provided by Stafford Tourism)	●	●	●	
Stafford Tourism Logo and website link in applicant newsletter	●	●	●	
Event Booth available for Stafford Tourism at no less than 2 special events per year	●	●		
Provide Stafford Tourism with professional photos for use on tourstaffordva.com website or marketing	●	●		
Stafford Tourism ad in any programs	●	●		
Stafford Tourism will be signature sponsor for at least one event with Logo on event banner & all advertisement	●			
Stafford Tourism announced at event	●			

*Sponsorships at this level (\$7,500, \$10,000) are available for one-time events or marketing efforts that may include multiple events or other activities. These events must offer space for Tourism Visitor Tent/Table.

Stafford Tourism Sponsorship Funding Program Requirements

Stafford County Economic Development and Tourism (ED&T) provides sponsorship funding to nonprofit and profit organizations and businesses. A sponsorship allows ED&T to provide materials, advertise, or otherwise promote Stafford County. Sponsorships require clear and concise agreement and contracted rules on the use of the County logo, placement, marketing materials, websites, or social media outlets.

Priority is given to events or marketing efforts that promote out-of-county visitation and reaches an audience broader than Stafford residents. When evaluating sponsorships, ED&T considers the following:

The sponsored activity must demonstrate and document that it attracts visitors from outside Stafford County. Priority is given to events that encourage visitors to stay overnight (generating hotel sales), shop in local stores and eat in local restaurants

Sponsorship funding is eligible to a project, program, or event in the following market segments

- Art, cultural or craft
- Historic
- Wildlife or natural environment
- Sporting Events
- Craft brewery or winery
- Farm or food
- Water-based recreation

Priority will be given to those that demonstrate the potential to generate visitor spending and overnight visitors. All business must be registered with Stafford County and be in compliance with all required codes.

Sponsorships will be evaluated by ED&T Staff on an annual (fiscal year) basis. Evaluation will be based on application and associated data provided by the applicant as required by the County. A limited amount of funds will be appropriated with the annual budget for the sponsorship program. ED&T may seek input and consultation from the Tourism Advisory Group or subcommittee thereof in evaluating sponsorship requests.

Applications will be open May 1 of each year and close May 31.

Applicants must fill out all information requested on the application and submit online prior to 5pm on May 31.

The application can be found at TourStaffordva.com (link to be provided later)

Any Questions please contact the Stafford County Economic Development & Tourism at 540-658-8681 or Tourism@staffordcountyva.gov.

Stafford Economic Development and Tourism Sponsorship Funding Program

Organization Name:

Contact Name

First Name

Last Name

Mailing Address

Street Address

Street Address Line 2

City

State / Province

Postal / Zip Code

Physical Address

Street Address

Street Address Line 2

City

State / Province

Postal / Zip Code

Email

Phone Number

–

Area Code

Phone Number

website

Federal Employer Identification Number

DRAFT

\$2,500 Funding Level Requirements

- Website Presence: Stafford Tourism Logo and website link website
 - Venue Listing: venue listed on TourStaffordva.com and Virginia.org
 - Event Listing: events listed on Tourstaffordva.com and Virginia.org
 - Social Media promotion of Stafford Tourism (Facebook, Twitter, Instagram)
-

\$5,000 Funding Level Requirements

- Website Presence: Stafford Tourism Logo and website link website
 - Venue Listing: venue listed on TourStaffordva.com and Virginia.org
 - Event Listing: events listed on Tourstaffordva.com and Virginia.org
 - Social Media promotion of Stafford Tourism (Facebook, Twitter, Instagram)
 - Logo on at least one giveaway item (exaple: t-shirt, cup, bottle opener etc)
 - Stafford Tourism Logo with website on all print advertisement
 - Stafford Tourism poster/banner onsite in view of public (will be provided by Stafford Tourism)
 - Stafford Tourism Logo and website link in applicant newsletter
-

\$7,500 Funding Level Requirements

- Website Presence: Stafford Tourism Logo and website link website
 - Venue Listing: venue listed on TourStaffordva.com and Virginia.org
 - Event Listing: events listed on Tourstaffordva.com and Virginia.org
 - Social Media promotion of Stafford Tourism (Facebook, Twitter, Instagram)
 - Logo on at least one giveaway item (exaple: t-shirt, cup, bottle opener etc)
 - Stafford Tourism Logo with website on all print advertisement
 - Stafford Tourism poster/banner onsite in view of public (will be provided by Stafford Tourism)
 - Stafford Tourism Logo and website link in applicant newsletter
 - Event Booth available for Stafford Tourism at no less than 2 special events per year
 - Provide Stafford Tourism with professional photos for use on tourstafford website or marketing
 - Stafford Tourism ad in any programs
-

DRAFT

\$10,000 Funding Level Requirements

- Website Presence: Stafford Tourism Logo and website link website
- Venue Listing: venue listed on TourStaffordva.com and Virginia.org
- Event Listing: events listed on Tourstaffordva.com and Virginia.org
- Social Media promotion of Stafford Tourism (Facebook, Twitter, Instagram)
- Logo on at least one giveaway item (exaple: t-shirt, cup, bottle opener etc)
- Stafford Tourism Logo with website on all print advertisement
- Stafford Tourism poster/banner onsite in view of public (will be provided by Stafford Tourism)
- Stafford Tourism Logo and website link in applicant newsletter
- Event Booth available for Stafford Tourism at no less than 2 special events per year
- Provide Stafford Tourism with professional photos for use on tourstafford website or marketing
- Stafford Tourism ad in any programs
- Stafford Tourism will be signature sponsor for at least one event with Logo on event banner & all advertisement
- Stafford Tourism announced at event

Funding Level Requested

- | | |
|-------------------------------|--------------------------------|
| <input type="radio"/> \$2,500 | <input type="radio"/> \$5,000 |
| <input type="radio"/> \$7,500 | <input type="radio"/> \$10,000 |

DRAFT

Additional required information

Number of unique website visitors per year?

ex: 23

Number of current followers on Facebook?

ex: 23

Number of current followers on Instagram?

ex: 23

Upcoming events for next 12 months

How will you display the Tour Stafford Logo?

How will you link back to the tourstaffordva.com website?

DRAFT

Emergency Exit Window Well Encroachment

- At the September CEDC meeting, staff informed the Committee that many homes within the Embrey Mill neighborhood had been constructed with emergency exit wells that did not meet the side yard regulations
- The Embrey Mill neighborhood is a Planned Development 2 neighborhood which includes narrow yards.
- Our building code requires adequate egress from a basement bedroom. In the instances in Embrey Mill this results in a window well and it is in conflict with the Zoning regulation side yard requirements
- The Committee was asked to consider changing the zoning ordinance to allow such encroachments for fire safety purposes and to enhance the value of the owner's home by adding basement bedrooms
- The Committee requested additional information before considering a change to the ordinance
- The questions and responses are shown below:
 - How many units were approved?
 - a. Of the 396 residential units built in Embrey Mill 129 have side yard encroachments (103 window wells and 26 stairwells)
 - What is the opinion of the Fire Marshal's office?
 - a. The fire marshal's office request was to maintain 5 feet access around the window well. The existing structures meet this goal. The proposed change in the ordinance would also meet this goal by allowing the window well to come within 3 feet of the side yard. The closest two window wells on neighboring houses could be is 6 feet.
 - How do other localities handle this type of situation?
 - a. Our peer localities handle this in a variety of ways, most allow some encroachment into the side yard; however, Loudon is the only County that allows encroachment as close as 3 feet which is what is included in the proposed ordinance. Copies of the zoning ordinances from Albemarle, Fauquier, Hanover, Loudoun and Prince William are attached for review.





ALBEMARLE COUNTY CODE

- c. The commission may modify or waive either requirement of subsection (b) in an individual case if it determines that the public health, safety or welfare would be equally or better served by the modification or waiver. In granting such modification or waiver, the commission may impose such conditions as it deems necessary to protect the public health, safety or welfare.
- d. The board of supervisors shall consider a modification or waiver of this subsection only as follows:
 - 1. The denial of a modification or waiver, or the approval of a modification or waiver with conditions objectionable to the developer may be appealed to the board of supervisors as an appeal of a denial of the plat, as provided in section 14-226 of the Code, or the site plan, as provided in sections 32.4.2.7 or 32.4.3.9, to which the modification or waiver pertains. A modification or waiver considered by the commission in conjunction with an application for a special use permit shall be subject to review by the board of supervisors.
 - 2. In considering a modification or waiver, the board may grant or deny the modification or waiver based upon the finding set forth in subsection (c), amend any condition imposed by the commission, and impose any conditions it deems necessary for the reasons set forth in subsection (c).

(12-10-80; 12-20-89; Ord. 01-18(4), 5-9-01; Ord. 01-18(5), 5-16-01)

4.10.3.2 EXCEPTIONS--LIMITED

The following structures are excepted from the height limitations in the applicable zoning districts:

- a. Towers, gables, penthouses, scenery lofts, cupolas, similar structures and necessary mechanical appurtenances may be erected on a building to a height twenty (20) percent greater than the limit established for the district in which the building is located, provided that no such exception shall be used for sleeping or housekeeping purposes or for any commercial or industrial purpose; and provided further that access by the general public to any such area shall be expressly prohibited.
- b. Poles that support outdoor luminaires for lighting athletic facilities, subject to approval of a modification by the commission as provided in section 4.17.5(1)(3).

(12-10-80; Ord. 08-18(5), 7-9-08)

4.10.3.3 PARAPET WALLS, CORNICES, ETC.

A parapet wall, cornice or similar projection may exceed the height limit established for the district by no more than four (4) feet. (Amended 12-16-81; 9-9-92)

4.10.3.4 ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS

Except as permitted by the provisions of section 4.10.3.1, no accessory building in a residential district shall exceed a height of twenty-four (24) feet. In no case shall a parking structure, other than a parking lot or garage located entirely at and/or below grade, be deemed to be accessory to any use in any residential district. (Amended 11-7-84)

4.11 USES AND STRUCTURES PERMITTED IN REQUIRED YARDS

The following uses and structures shall be permitted in required yards, subject to the limitations established.

4.11.1 COVERED PORCHES, BALCONIES, CHIMNEYS AND LIKE FEATURES

Covered porches, balconies, chimneys, eaves and like architectural features may project not more than four (4) feet into any required yard; provided that no such feature shall be located closer than six (6) feet to any lot line. (Amended 9-9-92)

ALBEMARLE COUNTY CODE

4.11.2 ACCESSORY STRUCTURES IN REQUIRED YARDS

Accessory structures are authorized in required yards as follows:

- a. *Front yards.* Accessory structures, including detached garages, are prohibited within the minimum front yard required by the applicable district regulations except as otherwise provided in subsection (c).
- b. *Side and rear yards.* Accessory structures are permitted in side and rear yards, provided that they are erected no closer than six (6) feet to the side or rear property lines or, in the case of an alley or a shared driveway, no closer than three (3) feet to the edge of the easement or right-of-way of the alley or shared driveway except as otherwise provided in subsection (c). The zoning administrator may authorize an accessory structure to be located closer to the edge of an alley easement or right-of-way if the county engineer determines that the proposed design incorporates features that assure public safety and welfare. In making the determination, the county engineer shall consider the provision of adequate access to required onsite parking and/or garages, unimpeded vehicular circulation along the alley, an adequate clear zone along the alley, and other safety issues deemed appropriate for the conditions.
- c. *Accessory structures permitted in required yards.* The following accessory structures are permitted in required yards provided that they comply with the visibility clearance requirements of section 4.4:
 1. Fences, including free-standing walls enclosing yards and other uncovered areas.
 2. Freestanding mail and newspaper boxes.
 3. Retaining walls.
 4. Shelters for school children traveling to and from school.
 5. Public telephone booths, provided that: (i) the telephones are equipped for emergency service to the public without prior payment; (ii) the zoning administrator determines that the location of the booth will not adversely affect the safety of the adjacent street; and (iii) the booth shall be subject to relocation at the expense of the owner, whenever relocation is determined by the zoning administrator to be reasonably necessary to protect the public health, safety and welfare or whenever relocation is necessary to accommodate the widening of the adjacent street.
 6. Automated teller machines.
- d. *Accessory structures located closer than three (3) feet to primary structure.* Accessory structures for which any part is located closer than three (3) feet to any part of a primary structure shall comply with the minimum applicable yard requirements for a primary structure.

(§ 4.11.2, 12-10-80, 3-18-81; § 4.11.2.1, 12-10-80, 1-1-83, Ord. 02-18(2), 2-6-02; § 4.11.2.2, 12-10-80, 3-18-81, § 4.11.2.3, 3-18-81; Ord. 09-18(4), 7-1-09)

4.11.3 REDUCTION OF BUILDING SEPARATION AND SIDE YARDS (Added 1-1-83, Amended 6-11-08)

The minimum building separation and side yards for primary structures may be reduced in accordance with the applicable district regulations as follows:

ALBEMARLE COUNTY CODE

A. Reductions for structures not within zero lot line developments; with adequate fire flows or which are constructed in accordance with the building code. The minimum building separation or side yards for primary structures may be reduced if the structure is not located within a zero lot line development, but is located in an area where available fire flows are adequate under Insurance Service Offices standards to allow the reduction. Each primary structure for which the minimum building separation or side yard has been reduced as provided in this subsection shall be subject to the following:

1. In the case of a side yard reduction, the Albemarle County fire official may require a guarantee as deemed necessary to insure compliance with the provisions of this section, and this guarantee may include, but not be limited to, appropriate deed restrictions, disclosure, and other such instruments, which shall be of a substance and be in a form approved by the fire official and the county attorney, and shall be recorded in the records of the circuit court of the county;
2. No structure shall encroach within any emergency accessway required by the Albemarle County fire official;
3. Unless constructed to a common wall, no structure shall be located closer than six (6) feet to any lot line; and
4. No structure shall encroach on any utility, drainage or other easement, nor on any feature required by this chapter or other applicable law.

B. Reductions for dwelling units within zero lot line developments. The minimum building separation or side yards for detached dwelling units may be reduced to zero (0) feet on one side for each dwelling unit located within a zero lot line development if the structure is located in an area where available fire flows are adequate under Insurance Service Offices standards to allow the reduction. Each zero lot line development shall be subject to the following:

1. The subdivider shall submit with the final subdivision plat a lot development plan showing all the lots in the zero lot line development and delineating the location of each zero lot line dwelling unit;
2. The subdivider shall establish a perpetual wall maintenance easement on the lot abutting the zero lot line side of the dwelling unit so that, with the exception of fences, a minimum width of ten (10) feet between dwelling units shall be kept clear of structures in perpetuity. This easement shall be shown on the final plat, shall be of a substance and be in a form approved by the director of community development and the county attorney, shall be recorded in the records of the circuit court of the county with the approved final subdivision plat, and shall be incorporated by reference in each deed transferring title to each lot that is a dominant and servient estate; and
3. Building footings may penetrate the easement on the adjacent lot to a maximum distance of eight (8) inches.

(1-1-83; 10-15-86; Ord. 08-18(4), 6-11-08)

4.11.4 STRUCTURES WITHIN EASEMENTS

No structure shall be permitted within an easement in a way that adversely affects the easement.

(Ord. 09-18(4), 7-1-09)

Extensions into Yard Areas

The following features, and no other, may extend into required minimum yard areas, but only as qualified below. In those developments where yard requirements are determined by a specified distance between buildings, these regulations shall likewise apply, and a perpendicular line drawn through the midpoint of the shortest line that can be drawn between the two buildings shall be employed as the lot line.

1. Cornices, canopies, awnings, eaves or other such similar features, all of which are at least ten (10) feet above grade, may extend three (3) feet into any required yard but not nearer to any lot line than a distance of two (2) feet. This provision shall not apply to permanent canopies over gasoline pump islands which have supports located on the pump island. Such canopies may extend into minimum required front yards, providing they do not overhang travel lanes or, if no travel lanes exist, they shall be not located closer than twenty-two (22) feet from the right-of-way line.
2. Sills, headers, belt courses and similar ornamental features may extend twelve (12) inches into any required yard.
3. Open fire balconies, fire escapes and fire towers may extend five (5) feet into any required yard.
4. Bay windows, oriel, balconies and chimneys not more than ten (10) feet in width may extend three (3) feet into any required front or side yard, ten (10) feet into any required rear yard, but not nearer to any lot line than a distance of fifteen (15) feet.
5. Any unroofed and completely unenclosed patio or terrace with its floor no higher than that of the entrance to the building may extend six (6) feet into any required yard. An "open-work" railing or wall, which means at least fifty (50) percent of the area is open in a generally distributed manner, not over four (4) feet high, may be erected around such patio or terrace.
6. An outside stairway, unenclosed above and below its steps, may extend four (4) feet into any required side or rear yard, but not nearer to any side lot line than a distance of six (6) feet.
7. Ramps and/or other means of handicapped accessibility to and from any structure may encroach into any required yard area, assuming such encroachment is the least necessary in order to provide access and that safe site distance is maintained on the subject property.

Hanover County

DIVISION 2. - Lot, Yard, Accessory Structure and Height Regulations.

Section 26-241. - Lot and yards.

- (a) Requirements for lot area per family do not apply to dormitories, fraternities, sororities, and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments.
- (b) Requirements for lot area per family do not apply to rental units in a hotel, motel, motor lodge or tourist home or rooms in a rooming, boarding or lodging house.
- (c) The provisions of this Ordinance which permit averaging of lot areas are intended to encourage an efficient and improved use of the land to provide good building sites by taking advantage of topography and minimizing grading or destruction of natural vegetation. An additional purpose in the R-C Rural Conservation District is to encourage permanent reservation of open spaces. Such averaging shall be permitted only in subdivisions where plats have been prepared by a registered land surveyor, approved by the Planning Commission and recorded in the office of the Clerk of Hanover County with appropriate deed restrictions regarding common open space. Such plats shall not be approved where the clear purpose of the design is to subvert the purposes of the district regulations by inclusion of large or unusable lots and no resubdivision or sale by any means shall be permitted which in any way creates a violation of this Ordinance.
- (d) No improved zoning lot shall hereafter be divided into two (2) or more zoning lots and no portion of any improved zoning lot shall be sold, unless all zoning lots resulting from each such division or sale complies with all applicable regulations of the zoning district in which the property is located.
- (e) Whenever a lot abuts a public alley, one-half of the alley width may be considered as a portion of the required yard.
- (f) Where these regulations refer to side streets, the Administrator shall be guided by the pattern of development in the vicinity of the lot in question in determining which of the two (2) streets is the side street.
- (g) Every part of a required yard shall be open to the sky, except as authorized by this article, and except projections of sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features which may project, to a distance not to exceed twenty-four (24) inches, into a required yard.
- (h) More than one main building may be located upon a lot or tract in the following instances:
 - 1. Institutional buildings.
 - 2. Public or semipublic buildings.
 - 3. Multiple-family dwellings.
 - 4. Commercial or industrial buildings.
 - 5. Homes for the aged.

The provisions of this exception shall not be construed to allow the location or erection of any building or portion of a building outside of the buildable area of the lot.
- (i) In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for residential purposes, there may be more than one main building on the lot when such buildings are arranged around a court; provided, that said court between buildings that are parallel, or within forty-five (45) degrees of being parallel, shall have a minimum width of thirty (30) feet for one-story buildings, forty (40) feet for two-story buildings and fifty (50) feet for buildings of three (3) stories or more and in no case, may such buildings be closer to each other than fifteen (15) feet.
- (j) Where a court is more than fifty (50) percent surrounded by a building, the minimum width of the court shall be at least thirty (30) feet for one-story buildings, forty (40) feet for two-story buildings, and fifty (50) feet for three-story buildings.

Hanover County

- (k) Notwithstanding other provisions of this ordinance, no structure, building, sign, parking or loading area, tree or object of natural growth, or other improvement shall be made within seventy-five (75) feet of the center line of any airport taxiway included within and APO Overlay Airport Protection Overlay District.
- (l) Special regulations related to antennas:
 - 1. No antenna, including antennas for the reception of satellite broadcasts, shall be constructed within the required yard in any zoning district. Permission to locate an antenna within the required yards on any parcel may be granted as a special exception by the Board.
 - 2. Within the designated Suburban Development Overlay District, no such antenna shall be located within any part of the front or side yards. Permission to locate an antenna within any part of the front or side yards of a lot within the Suburban Development Overlay District may be granted as a special exception by the Board.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-242. - Front yards.

- (a) Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building. Unless otherwise provided, the right-of-way of any major thoroughfare, so designated on the Major Thoroughfare Plan, shall be assumed to extend forty (40) feet on each side of the center line of the existing right-of-way for the purpose of measuring front yards required by this ordinance.
- (b) On through lots, the required front yard shall be provided on each street.
- (c) There shall be a front yard of at least fifteen (15) feet on the side street of a corner lot in any district; provided, however, that the buildable width of a lot of record at the time of passage of this ordinance shall not be reduced to less than thirty (30) feet.
- (d) Open unenclosed porches, platforms, or paved terraces, not covered by a roof or canopy and which do not extend above the level of the first floor of the building, may extend to project into the front yard not more than six (6) feet.
- (e) Where the street frontage in a block, or within four hundred (400) feet of the lot in question, is partially built up, the minimum front yard for a new building shall be the average of the existing front yards on either side thereof in the same block with a variation of five (5) feet permitted; provided, however, that no front yard in a residential district shall be less than twenty (20) feet or need be more than seventy-five (75) feet. Where forty (40) percent or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.

(Ord. No. 12-08, § 3, 1-9-13)

Section 26-243. - Side yards.

- (a) Open, unenclosed porches, platforms, or paved terraces, not covered by roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the required side setback not more than six (6) feet.
- (b) Where a building in a commercial district is subject to the height, area, and bulk requirements applicable to residential development under section 26-248(b), the side yard requirements for residential development shall be applied only to the lowest floor (and all floors above it) which contains more than twenty-five (25) percent of its area used for dwelling. All floors shall be subject to side yards required by these regulations for commercial buildings adjacent to residential districts.

Hanover County

- (c) For the purpose of the side yard regulations, a group of business or industrial buildings separated by common or party walls shall be considered as one (1) building occupying one (1) lot.
- (d) The minimum depth of side yards for schools, libraries, churches, community houses, and other public and semipublic buildings in residential districts shall be twenty-five (25) feet, except where a side yard is adjacent to a business or industrial district, in which case, the depth of the yard shall be as required in the district regulations for the district in which the building is located.

(Ord. No. 12-08, § 3, 1-9-13; Ord. No. 15-12, § 12, 11-10-15)

Section 26-244. - Rear yards.

Open, unenclosed porches, platforms, or paved terraces, not covered by roof or canopy and which do not extend above the level of the first floor of the building; open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers; and the ordinary projections of chimneys and flues may project into the required yard for a distance of not more than ten (10) feet, but only where the same are placed as not to obstruct light and ventilation.

(Ord. No. 12-08, § 3, 1-9-13)

Section 5-200

Permitted Structures in Required Yards and Setbacks. Permitted Structures in Required Yards and Setbacks. The following shall be allowed in a required yard or setback, provided applicable sight distance and fire safety requirements are met and maintained:

- (A) In all yards or setbacks, including a front yard:
 - (1) Fences, provided that no fence in a required residential front yard shall exceed 3 1/2 feet in height.
 - (2) Ground level terraces, patios or decks not over thirty (30) inches high.
 - (3) Awnings or canopies provided they do not project more than four (4) feet from the existing building face.
 - (4) Bay windows and overhanging floors, eaves and gutters projecting 30 inches or less into the yard.
 - (5) Architectural features, chimneys or the like projecting a maximum of 24 inches into a side or rear yard or three (3) feet into a front yard provided that such projection does not extend closer than three (3) feet to a lot line.
 - (6) Porches, enclosed or unenclosed, may project a maximum of three (3) feet provided that such projection does not extend closer than three (3) feet to a lot line, except as otherwise permitted under Section 5-200(C).
 - (7) Arbors and trellises.
 - (8) Flag poles.
 - (9) Recreational equipment.
 - (10) Signs, pursuant to Section 5-1200.
 - (11) Bus Shelters
 - (12) Entry stairs or handicap ramps including rails.
- (B) In any yard or setback, except the front yard or setback.
 - (1) Clotheslines.
 - (2) Fences shall not exceed eight (8) feet in height in residential areas.
 - (3) Balconies may project a maximum of four (4) feet provided such projection does not extend closer than three (3) feet to a lot line.
 - (4) Air conditioner condensers rated at 5 tons or less which are not within four (4) feet of any property line and air conditioner

condensers rated at over 5 tons which are not within twelve (12) feet of any property line.

- (5) In conjunction with a single family dwelling only, any non-habitable, one-story accessory structure which is not within five (5) feet of a rear or side property line or a common wall in portions of required yards which are located as follows:
 - (a) On regular lots, at least sixty (60) feet from street rights-of-way or private access easement lines at the front of the lot, and at least twenty-five (25) feet from any street rights-of-way or private access easement lines at the side of the lot.
 - (b) On irregular lots, at least forty (40) feet behind the front line of any building adjacent to the lot line, and at least twenty-five (25) feet from any access easement.
- (6) In conjunction with a single family detached dwelling only, an attached garage that is not within five (5) feet of a rear or side property line, subject to the following standards:
 - (a) In no case shall the distance between the attached garage and structures, excluding detached, non-habitable structures, on the adjacent property be less than 16 feet.
 - (b) No windows or doors shall be permitted on the side of the attached garage that is located within the required yard.
 - (c) No portion of the principal structure other than the attached garage shall be permitted within the required yard.
 - (d) The attached garage shall not be converted into habitable space.
 - (e) No second story addition over the attached garage shall be permitted which extends into the minimum required yard for the district, except as provided herein.
- (7) Detached garage located at the rear of a lot which has been developed following lot requirements for the Traditional Design Option which is attached to a similar garage on a contiguous lot may be located within the side yard setback and within two (2) feet of the rear property line. No rear yard shall be required on such lots for garages which are accessed from the front of the lot.
- (8) In conjunction with Section 5-500(A), temporary buildings for the storage of construction materials, subject to the following standards:
 - (a) The height of a temporary building shall not exceed nine (9) feet from average finished grade to the peak of the roof.

Loudoun County

- (b) The temporary building shall be setback from any property line a minimum distance equal to its height.
- (c) Except for the temporary building, no outdoor storage of construction related materials may be located anywhere within a minimum required yard.
- (d) With the issuance of the Zoning Permit, the Zoning Administrator may impose conditions to mitigate any adverse impact on abutting properties to include fencing and screening requirements.

(9) For single family detached dwellings, decks exceeding thirty (30) inches in height may extend no closer than five (5) feet to a rear or side lot line.

(10) For single family attached dwellings, decks exceeding thirty (30) inches in height may extend to the interior side lot line and no closer than five (5) feet to any other lot line.

(C) In a rear yard or setback.

(1) For single family detached dwellings, unenclosed porches may extend no closer than ten (10) feet to a rear lot line. If a rear lot line abuts land that is commonly owned open space or land that is subject to a permanent open space easement, which is at least ten (10) feet in width, an unenclosed porch may extend no closer than five (5) feet to such rear lot line.

(2) For single family attached dwellings, unenclosed porches may extend no closer than ten (10) feet to a rear lot line.

Prince William County

Sec. 32-300.06. - Setbacks for architectural features and accessory structures.

The required yard or setback area for all properties shall be unoccupied and open to the sky except for architectural features and accessory structures as permitted by this chapter. Architectural features and accessory structures shall be set back from property lines subject to the following standards:

1. Architectural features such as, but not limited to, windows, sills, cornices, eaves, and gutters, but excluding floor area supported by cantilevered construction:

		Minimum Required Setbacks		
	Lot Size	Front	Side	Rear
(a)	Less than 10,000 square feet	20 feet	5 feet	15 feet
(b)	10,000 square feet to one acre	27 feet	8 feet	20 feet
(c)	Greater than one acre	35 feet	10 feet	20 feet

2. Open car ports, only in the R-4 and R-2 Zoning Districts, excluding cluster developments:

		Minimum Required Setbacks		
	Lot Size	Front	Side	Rear
(a)	10,000 square feet to one acre	Five feet	Five feet	20 feet
(b)	Greater than one acre	Five feet	Ten feet	20 feet

- (1) Car ports shall be attached to the principal dwelling.
 - (2) Car ports that do not meet the minimum setbacks for the principal structure shall remain open on the three sides that do not abut the principal dwelling and shall not be enclosed in the future.
 - (3) Car port setbacks shall be permitted in one side yard only.
 - (4) The standards of this section do not apply to carports permitted under the provisions of section 32-303.16.5.
3. Except for dwellings constructed pursuant to the provisions of section 32-306.12.6, unroofed landings, porches, decks, steps, stoops, patios, walkways, sidewalks, chimneys, retaining walls four feet or higher, as determined by the building code, and driveways constructed greater than eight inches above existing grade in any combination:

Prince William County

		Minimum Required Setbacks		
	Lot Size	Front	Side	Rear
(a)	Less than 10,000 square feet	15 feet	Five feet	Eight feet
(b)	10,000 square feet to one acre	25 feet	Six feet	Ten feet
(c)	Greater than one acre	35 feet	Ten feet	15 feet

4. Open fire escapes shall be subject to the same setbacks identified in subsection 3., above, and shall not comprise more than 25 percent of the length of any one side of a building on which they are located.
5. No setback shall apply to unroofed patios, walkways, sidewalks, and driveways constructed eight inches or less above existing grade within five feet of said feature of the contour of the land.
 - (a) Above-grade structures such as railings, planters, benches, or other appurtenances installed on such landings, porches, decks, steps, stoops, patios, walkways, sidewalks, and driveways are subject to the setback requirements of subsections 1. through 3., above.
 - (b) Notwithstanding subsection (a), above, no setback shall apply to safety railings for below-grade stairwells.
6. Roofed landings, porches, decks, steps, stoops, patios, walkways, sidewalks, and driveways shall be subject to the setback requirements for primary structures for the zoning district in which they are located.
7. An unroofed handicap-accessible ramp shall be permitted to encroach into a required yard when there are no other reasonable alternatives for the location of such ramp on the property or other means of ingress/egress into or from the residence.
8. Notwithstanding the above, these standards for setbacks shall in no case:
 - (a) Allow architectural features and/or accessory structures (except for handicap access ramps) to encroach into required buffer areas; or
 - (b) Increase the lot coverage allowed in the zoning district in which they are located; or
 - (c) Reduce required setbacks along side streets in the zoning district in which they are located.

(Ord. No. 05-41, 6-7-05; Ord. No. 05-65, 9-6-05; Ord. No. 06-28, 3-7-06; Ord. No. 06-77, 9-5-06)

Editor's note— Former § 32-300.06 entitled "Yard Encroachments," derived from Ord. No. 91-127, adopted Oct. 22, 1991, amended pursuant to Ord. No. 93-20, adopted May 4, 1993, amended pursuant to Ord. No. 94-1, adopted Jan. 11, 1994, amended pursuant to Ord. No. 96-17, adopted Mar. 5, 1996, amended pursuant to Ord. No. 97-29, adopted Apr. 1, 1997, amended pursuant to Ord. No. 00-36, adopted June 6, 2000, was repealed pursuant to Ord. No. 04-78,

Current Situation

- Circuses, fairs and music festivals are not listed uses in the zoning ordinance
- Uses not listed in the zoning ordinance may be permitted by the Board approving a conditional use permit (CUP)
- Permits and licenses required by different county departments are not coordinated which can cause confusion to the applicant
- There is a coordinated permit for music events under Chapter 4, Article II – Outdoor Musical or Entertainment festivals – that primarily focuses on music, which could be used as a template for the other types of temporary events

Proposed End State

- Provide for the uses of circuses, fairs and music festivals in Chapter 28 of the County Code
- Provide development standards for such uses
- Provide an approval process

Request for the CEDC Committee/Board of Supervisors

- Consider whether or not to provide for circuses, fairs and music festivals as a specific use in a specific zoning district in Chapter 28 of the County Code
- Consider whether or not to provide for such uses as permitted by-right, a special exception or a conditional use permit
- Consider expanding the current music festival permit to include circuses and fairs

Benefits to the County

- Provide clarity for where and how such uses/events are permitted in the county
- Provide standards for such uses so to provide for the safety of the attendees and mitigate the impact on the surrounding properties

ARTICLE II. - OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVALS

DIVISION 1. - GENERALLY

Sec. 4-21. - Authority for and purpose of article.

This article is enacted pursuant to Code of Virginia, § 15.2-1200 for the purpose of providing necessary regulation for musical or entertainment festivals in the interest of the public health, safety and welfare of the citizens and inhabitants of the county.

(Code 1979, § 7-1; Ord. No. 097-68, 11-18-97)

Sec. 4-22. - Construction of article.

The provisions of this article shall be liberally construed in order to effectively carry out its purpose in the interest of the public health, welfare and safety of the citizens and residents of the county.

(Code 1979, § 7-10)

Sec. 4-23. - Violations of article.

Any person who violates any provision of this article shall be guilty of a class 1 misdemeanor. Each violation shall constitute a separate offense. The board of supervisors may bring suit in the circuit court of the county to restrain, enjoin or otherwise prevent violation of this article.

(Code 1979, § 7-8)

Cross reference— Penalty for class 1 misdemeanor, § 1-11.

Sec. 4-24. - Definition.

As used in this article, the term "musical or entertainment festival" or "festival" shall mean any gathering of groups or individuals in excess of 100 persons for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces on private property and not within an enclosed structure or other structure designed to accommodate groups of persons.

(Code 1979, § 7-2; Ord. No. O16-09, 2-16-16)

Sec. 4-25. - Length of performances.

Music shall not be rendered nor entertainment provided at a festival for more than eight (8) hours in any twenty-four (24) hour period, such twenty-four (24) hour period to be measured from the beginning of the first performance at the festival.

(Code 1979, § 7-5)

Sec. 4-26. - Admission of minors.

No person under the age of eighteen (18) years shall be admitted to any festival, unless accompanied by a parent or guardian, the parent or guardian to remain with such person at all times.

(Code 1979, § 7-6)

Sec. 4-27. - Administration of article.

- (a) The county administrator, or his designee, is hereby appointed as the agent for administration of this article.
- (b) The county administrator, may from time-to-time establish reasonable administrative procedures not inconsistent with the provisions of this article.
- (c) Any decision of the agent pursuant to this article may be appealed to the board of supervisors within 30 days. The appeal shall be submitted, in writing, to the department of planning and zoning.

Secs. 4-28—4-35. - Reserved.

DIVISION 2. - PERMIT

Sec. 4-36. - Required.

No person shall stage, promote or conduct any outdoor musical or entertainment festival in the unincorporated areas of the county, without first obtaining a permit to do so issued pursuant to this division.

(Code 1979, § 7-3; Ord. No. O16-09, 2-16-16)

Sec. 4-37. - Application generally.

An application for a permit required by this division shall be in writing on forms provided for that purpose and filed with the department of planning and zoning at least 60 days before the date of the proposed festival. Plans, statements, approvals, and other documents required for consideration and approval of the permit shall be attached to the application.

(Code 1979, § 7-3; Ord. No. O16-09, 2-16-16)

Sec. 4-38. - Statements, plans, etc., to accompany application.

- (a) A permit shall not be issued unless the following conditions are met and the following plans, statements, approvals and other items are submitted with the application:
 - (1) A copy of the ticket or badge of admission to the festival, containing the date or dates and time or times of the festival, together with a statement by the applicant of the total number of tickets to be offered for sale.
 - (2) A statement of the names and addresses of the promoters of the festival, the financial backing of the festival, and the names of all persons or groups who will perform at the festival.
 - (3) A statement of the nature and location of the proposed festival, the name and address of the owner of the property on which the festival is to be held, and the interest of the applicant therein. In addition, a layout plan shall be submitted illustrating the location of all activities to include the location of parking, entertainment area, sanitation facilities, food, etc.
 - (4) A plan describing how adequate sanitation facilities and garbage, trash, and sewage disposal for persons at the festival will be provided. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the department of health.

- (5) A plan describing how the provision of food, water and lodging for the persons at the festival will be provided. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the department of health.
 - (6) A plan, approved by the fire chief describing how adequate medical facilities for persons at the festival will be provided.
 - (7) A plan, approved by the sheriff's office and/or the department of public works as applicable, describing how adequate parking facilities and traffic control in and around the festival area will be provided. [\[3\]](#)
 - (8) A plan describing how adequate fire protection will be provided. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the fire marshal. [\[4\]](#)
 - (9) A statement specifying whether any outdoor lights are to be utilized, and if so, a plan showing the location of such lights, light fixtures, shielding devices or other equipment to prevent unreasonable glow beyond the property on which the festival is located.
 - (10) A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom shall violate any provision of County Code chapter 16, "Noise". [\[5\]](#)
 - (11) As necessary, the applicant shall be responsible for obtaining all required permits.
- (b) It shall be unlawful for any person obtaining a permit under this division to fail or refuse to comply with any of the plans, statements or other documents submitted pursuant to this section.

(Code 1979, § 7-4; Ord. No. O10-44, 10-5-10; Ord. No. O16-09, 2-16-16)

Footnotes:

--- (2) ---

Cross reference— Solid waste, Ch. 21; sewage disposal, Ch. 25.

--- (3) ---

State Law reference— Motor vehicles and traffic, Ch. 15.

--- (4) ---

Cross reference— Fire prevention and protection, Ch. 12.

--- (5) ---

Cross reference— Noise, Ch. 16.

Sec. 4-39. - Copy of application to be sent to county departments.

Upon submittal of a complete application to the department of planning and zoning, the application shall be routed to the appropriate county departments for review and approval.

(Code 1979, § 7-3; Ord. No. O16-09, 2-16-16)

Sec. 4-40. - Applicant to furnish permission for entering property.

No permit shall be issued under this division, unless the applicant furnishes to the agent, written permission for the agent, lawful agents, and duly constituted law-enforcement officers to go upon the property at any time for the purpose of determining compliance with the provisions of this article.

(Code 1979, § 7-7; Ord. No. O16-09, 2-16-16)

Sec. 4-41. - Grant or denial.

The agent shall act on an application for a permit under this division within 60 days from the filing of the same. If granted, the permit shall be issued in writing on a form provided for that purpose and mailed by the agent to the applicant at the address indicated. If denied, the refusal shall be in writing, with the reasons for such denial stated therein, and mailed by the agent to the applicant at the address indicated.

(Code 1979, § 7-3; Ord. No. O16-09, 2-16-16)

Sec. 4-42. - Revocation.

The county administrator and the board of supervisors shall have the right to revoke any permit issued under this division upon noncompliance with any of its provisions and conditions.

(Code 1979, § 7-7; Ord. No. O16-09, 2-16-16)

Secs. 4-43—4-65. - Reserved.



Application for Outdoor Musical or Entertainment Festival Permit

To ensure efficient processing of your Outdoor Musical or Entertainment Festival Permit, please complete the entire application. The application is required for submittal at least ninety (90) calendar days prior to the date of the proposed event to allow adequate review time.

Applicant shall submit a current Certificate of Insurance naming the County of Stafford as an additional insurer in the amount of \$1,000,000. The County is not held liable for any incidents or lawsuits that are indirectly or directly related to the event.

The following sections are portions of sections from Stafford County Code, Chapter 4, "Amusements," which was enacted pursuant to Virginia Code Section 15.2-1200, for the purpose of providing necessary regulations for musical or entertainment festivals in the interest of the public health, safety and welfare of the citizens and inhabitants of the County.

Sec. 4-23. Violations of article.

Any person who violates any provision of this article shall be guilty of a class 1 misdemeanor. Each violation shall constitute a separate offense. The Board of Supervisors may bring suit in the Stafford County Circuit Court to restrain, enjoin or otherwise prevent violations of this article.

Sec. 4-24. Definition.

As used in this article, the term "musical or entertainment festival" or "festival" shall mean any gathering of groups or individuals in excess of 100 persons for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces on private property and not within an enclosed structure or other structure designed to accommodate groups of persons.

Sec. 4-25. Length of performances.

Music shall not be rendered nor entertainment provided at a festival for more than eight (8) hours in any twenty-four (24) hour period, such twenty-four (24) hour period to be measured from the beginning of the first performance at the festival. **(Describe how the event will proceed and length of time.)**

Sec. 4-26. Admission of minors.

No person under the age of eighteen (18) years shall be admitted to any festival unless accompanied by a parent or guardian, the parent or guardian to remain with such person at all times. **(Describe how this will be addressed.)**

Sec. 4-27 – Administration of article

- a) The county administrator, or his designee, is hereby appointed as the agent for administration of this article
- b) The county administrator may from time-to-time establish reasonable administrative procedures not inconsistent with the provisions of this article.
- c) Any decision of the agent pursuant to this article may be appealed to the board of supervisors within 309 days. The appeal shall be submitted, in writing to the Department of Planning and Zoning.

Division 2. Permit**Sec. 4-36. Required.**

No person shall stage, promote or conduct any musical or entertainment festival in the unincorporated areas of the county, without first obtaining a permit to do so issued pursuant to this division.

Sec 4-37. Application generally.

An application for a permit required by this division shall be in writing on forms provided for that purpose and filed with the Department Planning and Zoning at least sixty (60) days before the date of the proposed festival. Plans, statements, approvals, and other documents required for consideration and approval of the permit shall be attached to the application.

Sec. 4-38. Statements, plans, etc., to accompany application.

(a) A permit shall not be issued unless the following conditions are met and the following plans, statements, approvals and other items are submitted with the application:

(1) A copy of the ticket or badge of admission to the festival, containing the date(s) and time(s) of the festival, together with a statement by the applicant of the total number of tickets to be offered for sale. **(Describe how admission will be addressed.)**

(2) A statement of the names and addresses of the promoters of the festival, the financial backing of the festival, and the names of all persons or groups who will perform at the festival. **(Provide Information.)**

(3) A statement of the nature and location of the proposed festival, the name and address of the owner of the property on which the festival is to be held, and the interest of the applicant therein. In addition, a layout plan shall be submitted illustrating the location of all activities to include the location of parking, entertainment area, sanitation facilities, food, etc. **(Provide information.)**

(4) A plan describing how adequate sanitation facilities and garbage, trash and sewage disposal for persons at the festival will be provided. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall be approved by the Department of Health. **(Provide Information.)**

(5) A plan describing how the provision of food, water and lodging for the persons at the festival will be provided. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall be approved by the Department of Health. **(Provide Information.)**

(6) A plan, approved by the Fire Chief, describing how adequate medical facilities for persons at the festival will be provided. **(Provide Information.)**

(7) A plan, approved by the Sheriff's Office and/or the Department of Public Works as applicable, describing how adequate parking facilities and traffic control in and around the festival area will be provided. **(Provide Information.)**

(8) A plan describing how adequate fire protection will be provided. This plan shall meet the requirements of all state and local statutes, ordinances and regulations and shall be approved by the fire marshal. **(Provide Information.)**

(9) A statement specifying whether any outdoor lights are to be utilized, and if so, a plan showing the location of such lights, light fixtures, shielding devices or other equipment to prevent unreasonable glow beyond the property on which the festival is located. **(Provide Information.)**

(10) A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom shall violate any provision of County Code chapter 16, "Noise". **(Provide Information.)**

11) As necessary, the applicant shall be responsible for obtain all required permits.

Sec. 4-39. Copy of application to be sent to county departments.

Upon submittal of a complete application to the Department of Planning and Zoning, the application shall be routed to the appropriate county departments for review and approval.

Sec. 4-40. Applicant to furnish permission for entering property.

No permit shall be issued under this division, unless the applicant furnishes to the agent written permission for the agent, lawful agents, and duly constituted law-enforcement officers to go upon the property at any time for the purpose of determining compliance with the provisions of this article. **(Provide Information.)**

Sec. 4-41. Grant or denial.

The agent shall act on an application for a permit under this division within sixty (60) days from the filing of the same. If granted, the permit shall be issued in writing on a form provided for that purpose and mailed by the agent to the applicant at the address indicated. If denied, the refusal shall be in writing, with the reasons for such denial stated therein, and mailed by the agent to the applicant at the address indicated.

Sec. 4-42. Revocation.

The county administrator and the board of supervisors shall have the right to revoke any permit issued under this division upon noncompliance with any of its provisions and conditions.

Please provide any additional information that the applicant feels will assist in consideration of this application.

Application made this _____ day of _____, 2012.

Applicant

Address

Phone

COMMONWEALTH OF VIRGINIA
COUNTY OF _____, to wit:

The foregoing Application was acknowledged before me this _____ day of _____, 2012.

Notary Public

My commission expires: _____

My Registration No: _____

Approved this _____ day of _____, 20.

BY: _____
Agent for the Board of Supervisors