County of Appomattox
Department of Community Development
Staff Report

To: Board of Supervisors

From: Johnnie Roark
Director of Community Development

Date: August 17, 2020

RE: Rezoning Petition RZ200375-Clayton C. Bryant, Jr.

SYNOPSIS

Clayton C. Bryant, Jr. (property owner) is requesting to rezone land back to its former zoning classification "in order to make it easier to sell." The property is located on Stage Road (Route 609) between Richmond Highway and Benchrest Lane in the Concord area. The property borders Gleaning for the World.

Specifics

Applicant:	Clayton C. Bryant, Jr.
Agent:	Same
Current Owner:	Same
Professional Engineer:	None
Current Use:	Vacant
Proposed Use:	None listed, intends to market property for sell
Surrounding Uses:	Warehouse/Distribution, Various light industrial and general business
Parcel Size:	Approximately 2.78 acres
Current Zoning:	M-1, Industrial Zoning District
Proposed Zoning:	B-1, General Commercial Zoning District
Surrounding Zoning:	M-1, Industrial Zoning District, B-1, General Commercial Zoning District
Tax Map Number(s):	60 (8) 7

PROJECT IMPACTS

The applicant proposes to rezone the property in order to market the property for business purposes. The property has been zoned M-1, Industrial since June of 2001 (Page, Case# 01473). Prior to Mr. Page having the property zoned M-1, the property was zoned B-1, General Commercial. This property is part of the Concord Business Park. The Concord Business Park was created by Mr. Clayton Bryant, Sr. in early 2000. The Business Park was rezoned from A-1 to B-1 in April, 2000 (Case # 00421). Six of the original 18 lots in the business park were ultimately rezoned to M-1 over the past 20 years, with the remaining 12 lots still zoned B-1. Most of the area adjacent to the Business Park is zoned A-1, however, the adjoining lots to Lot 7 are mostly B-1, with one lot to the rear being M-1 and two lots across the street being M-1.

The property meets the minimum lot size for a parcel in the B-1, General Commercial Zoning District. The petitioner did not specify a use for the property, however, the petitioner does intend to offer the property for sale.

VDOT will provide a complete review during the site plan review stage once a use is identified.

The Virginia Health Department will provide a complete review during the site plan review stage once a use is identified. The site was perked for a septic system during the initial subdivision of the property in 2000.

Any project disturbing 5,000 square feet or more will require a local Land Disturbance Permit for erosion and sediment control and may need a Virginia Stormwater Management Permit (VSMP) through the Virginia Department of Environmental Quality.

Applicable sections of the Zoning Ordinance
§19.6-50 refers all matters of zoning amendments to the Planning Commission for study and recommendation.

The Planning Commission shall study proposals to determine:

1. The need and justification for the change.

2. When pertaining to a change in the district classification of property, the effect of the change, if any, on the property, surrounding property, and on public services and facilities. In addition, the Planning Commission shall consider the appropriateness of the property for the proposed change as related to the purposes set forth at the beginning of each district classification.

3. The relationship of the proposed amendment to the purposes of the general planning program of the county, with appropriate consideration as to whether the change will further the purposes of this ordinance and the general welfare of the entire community.

4. Whether the proposed amendment conforms to the general guidelines and policies contained in the county comprehensive plan.

ANALYSIS

The property is approximately three acres (2.78 ac.) in size and is roughly rectangular in shape. The property has approximately 435 feet of road frontage on Stage Road. The property is vacant, but was formerly intended for a metal fabrication shop in the early 2000's (this is the project that led to the rezoning from B-1 to the current M-1). The property is relatively flat, with a slight slope towards the northwest as you travel away from Richmond Highway.

The property is located on Stage Road (Route 609) between Richmond Highway (Route 460) and Benchrest Lane (private), approximately 950 feet north of the intersection at Richmond Highway. The properties to the west is zoned M-1, Industrial and B-1, General Commercial. The properties to the south are B-1, General Commercial. Properties to the east (rear) are zoned M-1, Industrial and B-1, General Commercial, while the property immediately to the north (Gleaning for the World) is zoned B-1, General Commercial. To the north, the zoning changes to A-1, Agricultural as you move past the Gleaning for the World property. Although the zoning is A-1, Agricultural, the land use along Stage Road changes from industrial/commercial near the intersection to rural residential as you move north.

The current zoning district is M-1, Industrial, which are areas suitable for less intensive industrial activities. M-1 areas are primarily designated based on the suitability of the land in terms of slope and freedom from flooding, as well as, the availability of public services, access to arterial road network, and proximity to rail and airport facilities or the interstate highway system. Distributing these areas throughout the county in a planned manner to create employment centers within close proximity to residential growth areas and reduce heavy traffic generation of industrial uses is encouraged.

The proposed zoning district, B-1, General Commercial, is intended to provide locations for a variety of commercial and service related activities within the suburban service areas serving larger neighborhoods and the county in general. B-1 districts are intended for general application throughout the county. General Commercial Districts are most appropriately found along major arterial thoroughfares which serve large segments of the county's population. B-1 districts provide a wide variety of retail, varied commercial and service related uses.

The Concord Business Park is a mixture of both B-1 and M-1 zoning and land uses. In recent weeks (since the submission of this petition), our office has fielded multiple calls related to development of parcels in the Business Park near this project location. One project, located at the intersection of Stage Road and Richmond Highway has submitted a Site Development Plan and is moving through the review process.

The Appomattox County Soil Survey describes the soil type for the majority of the property is 15C-Mecklenbure-Poindexter Complex, 7 to 15 percent slope. Soil surveys contain information that affects land use planning in survey areas. They include predictions of soil behavior for selected land uses. The surveys highlight soil limitations, improvements needed to overcome the limitations, and the impact of selected land uses on the environment. This particular soil type is a mixture of a reddish brown loam and a red clay.

COMPREHENSIVE PLAN

The Comprehensive Plan consists of various elements that are separate but related to each other, such as transportation, community and neighborhood revitalization, the natural environment, and how land is used now and in the future. The Future Land Use Map (FLUM) is an element of the comprehensive plan and is advisory in nature. The FLUM is not a zoning map. It shows the general distribution of land use categories for desired future development within the county. The land use categories in a Future Land Use Map are often inclusive of more than one zoning district in the Zoning Ordinance. The FLUM does not have the force of law, as with the official Zoning Map. It is intended to help achieve the county's long-range vision of growth conceived with a 2040 time frame in mind; understanding the amount of job growth and household growth that can be achieved in a particular area or sub-area.

This parcel is part of a Neighborhood Commercial Area, as delineated by the Future Land Use Map (2016 Comprehensive Plan). Neighborhood Commercial areas are intended for small-scale retail or offices, professional services, convenience retail, auto sales/service, and shopfront retail that serves a market at a neighborhood scale. Typically, but not necessarily, found at intersections with major roadways. Additionally, this area is part of the Concord Growth Corridor with its sprawling development patterns, which are better illustrated as a growth corridor within Appomattox County as opposed to the concentrated village area in Campbell County. Growth corridors are so designated to maximize development in areas that can sustain such concentrations, or to minimize expansion beyond their boundaries in areas unsuitable for future growth. A secondary goal is to encourage comparable development patterns along the corridors to decrease the chance of incompatible uses. This growth corridor stretches from the Campbell County line to the Hummingbird Lane (Route 667) intersection and encompasses the intersection at Stage Road (Route 609).

Relevant goals within the 2016 Comprehensive Plan, as applied to this petition:

> **GROWTH MANAGEMENT (GM) GOAL: MAINTAIN AND PROTECT THE RURAL AND HISTORICAL NATURE OF THE COUNTY WHILE SIMULTANEOUSLY ENCOURAGING CONTROLLED DEVELOPMENT IN SPECIFIED AREAS.**
> *The rezoning is proposed in an area that is designated for commercial development. The 2016 Comprehensive Plan designates areas along Richmond Highway for commercial and/or industrial development. Growth corridors and Neighborhood Commercial hubs are designated at various points along Richmond Highway. The location where this development is proposed has been designated for commercial/industrial development since at least 2000.*

ECONOMIC DEVELOPMENT (ED) GOAL: ATTAIN AN ENVIRONMENTALLY SOUND, DIVERSIFIED, AND STABLE ECONOMY WHICH IMPROVES THE QUALITY OF LIFE AND LESSENS THE TAX BURDEN OF COUNTY RESIDENTS AND BUSINESSES.

The rezoning is proposed in an area that is intended to provide a service or commercial venture to the community. The surrounding land uses further this goal through a myriad of commercial activities.

TRANSPORTATION GOAL : ENHANCE THE QUALITY, SAFETY, AND APPEARANCE OF THE COUNTY'S PRIMARY AND SECONDARY ROADS.

The rezoning will be in commercial/industrial portion of Stage Road, which is a transitioning area. The portion of the road where this rezoning is proposed is clearly intended for commercial/industrial development. To the north of this development area is a rural residential area that has developed over the past decade. Further out are several residential developments that utilize this road as well.

Planning Commission Action:

The Planning Commission voted unanimously at their July meeting to recommend approval of the rezoning petition as presented.

Board of Supervisors Action:

An ordinance has been prepared in accordance with the Planning Commission's recommendation.

Attachments:

Application
Concept Sketch
Map of Surrounding Area
Map of Zoning
Map of Future Land Use
Map of Soil Types
Map of Topography
M-1, Industrial Zoning District Regulations
B-1, General Commercial Zoning District Regulations

PROJECT INFORMATION

Note: If the applicant is not the property owner, then an owner's authority letter must be submitted with the application.

Concord Business Park Lot 7
PROJECT NAME

M-1
ZONING DISTRICT

STAGE ROAD 609
ADDRESS, IF AVAILABLE, OR STREET LOCATION

2.78
TOTAL SITE ACRES

60 - 8-7
TAX MAP INDENTIFICATION NUMBER

APPLICANT/AGENT

☑ Agent Phil V.
☐ Primary Contact

CLAYTON C. BRYANT
NAME

380 KAYTINS WAY APPOMATTOX VA 24522
ADDRESS CITY STATE ZIP

434-664-7127 N/A
PHONE 329-1148-Phil EMAIL

OWNER (IF DIFFERENT)

☐ Same As Applicant

NAME

ADDRESS CITY STATE ZIP

PHONE EMAIL

PROFESSIONAL (ENGINEER, SURVEYOR, ETC.)

☐ Primary Contact

NAME COMPANY

ADDRESS CITY STATE ZIP

PHONE EMAIL

PROJECT DESCRIPTION

CURRENT ZONING DISTRICT: M-1

IF REZONING, PROPOSED ZONING DISTRICT: B-1

CURRENT LAND USE: Vacant

PROPOSED LAND USE: NOT Sure At This point

PLEASE DESCRIBE THE PROJECT IN DETAIL:

This property was Orginally Zoned B-1, When property was SOLD, They had it Rezoned to Commercial / Industrial He Built nothing on property. We Foreclosed on him. And now Would Like to get it Re-Zoned Back B-1. It will make it easier for us To Resell, At Some point In time

PROFFERS: (IF CONDITIONAL REZONING)

The applicant may proffer, in writing, reasonable conditions in addition to the requested zoning district regulations. All proffered conditions must be in writing, signed, and presented prior to the start of the Board of Supervisor's public hearing.

Are proffers being proposed? ☐ **YES** ☒ **NO**

(If yes, please submit proffer statement to staff.)

JUSTIFICATION

The Planning Commission and Board of Supervisors will study the request to determine the need and justification for the change in terms of public health, safety, and general welfare. Please answer the following questions as thoroughly as possible. Attach additional information, if necessary.

Please explain how the request furthers the purpose of the Zoning Ordinance and the zoning district classification for which the project is proposed. You may find a copy of the Appomattox County Zoning Ordinance at www.appomattoxcountyva.gov, navigate to the Community Development Page.

Re-Zoning Back to B-1 makes better Sense For the entire Area; with Bussiness ALREDY In Area.

Please explain how the project conforms to the general guidelines and policies contained in the Appomattox County Comprehensive Plan. You may find a copy of the plan at www.appomattoxcountyva.gov, navigate to the Community Development page.

We have no plans At this time

Please describe the impact(s) of the request on the property itself, the adjoining properties, and the surrounding area, as well as, impact(s) on the public services and facilities, including water, sewer, roads, schools, parks/recreation, and fire/rescue.

Drilled well And DRAINFIELD ALREADY On Property - Just Looking To put BACK. No Impact

CERTIFICATION AND STATEMENT OF UNDERSTANDING

I, as owner/agent of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a conditional use permit petition or rezoning petition as provided under the Appomattox County Code, and further, that this application is complete, in compliance with the requirement of the Appomattox County Code, and accurate to the best of my knowledge.

X Clayton Bryant	6-8-20	Clayton Bryant Jr
Signature of Owner/Agent	Date	Printed Name
Signature of Owner/Agent	Date	Printed Name

Right of Entry

I, as owner/agent of the property subject to this application, do understand and hereby grant permission to the staff, Planning Commission and/or Board of Supervisors of Appomattox County, Virginia for the right of entry to the subject property for the purpose of study and analysis of this petition.

Clayton Bryant	6-8-20	Clayton Bryant Jr
Signature of Owner/Agent	Date	Printed Name
Signature of Owner/Agent	Date	Printed Name

Application Timeline

Applications submitted by close of business (4:30 p.m.) on or before the 10th of each month, or next business day if on a weekend or holiday, will be scheduled for the next available Planning Commission meeting. The next available Planning Commission meeting is typically the following month, second Wednesday, at 5:30 p.m. This allows for proper advertisement of the required public hearing in accordance with §15.2-2204 of the Code of Virginia, as amended. The public hearing at the Board of Supervisors meeting will not be scheduled or advertised until the Planning Commission has offered a recommendation. Generally, this is one month following the Planning Commission meeting. These dates/times are subject to change.

LIST OF ADJOINING PROPERTY OWNERS

The applicant is required to provide a list of owners as shown on the current real estate tax assessment books of all abutting properties and properties immediately across the street or road from the property to be rezoned or issued a Conditional Use Permit. This information can be found at the Commissioner of Revenue's office or by utilizing the County's GIS website. If necessary, use additional pages.

Tax Map Number: 60-(8)-6
Name: Gleaning For the World
Mailing Address (Street, Post Office Box): P.O. Box 645
City: Concord
State: VA
Zip: 24538

Tax Map Number: 60-(8)-8
Name: BRYANT, Clayton C. SR. Revocable Trust
Mailing Address (Street, Post Office Box): P.O. Box 702
City: Appomattox
State: VA
Zip: 24522

Tax Map Number: 60-(8)-9
Name: Willie A Coleman
Mailing Address (Street, Post Office Box): 61 Spring Mill Road
City: Concord
State: VA
Zip: 24538

ADJOINING PROPERTY OWNERS CONTINUED

60-(8)-10

Tax Map Number

Name
Willie A Coleman

Mailing Address (Street, Post Office Box)
61 Spring Mill Road Concord VA 24538

City State Zip

60-(9)-4

Tax Map Number

Name
Bemco Inc.

Mailing Address (Street, Post Office Box)
P.O. Box 556 Concord VA 24538

City State Zip

60-(9)-5

Tax Map Number

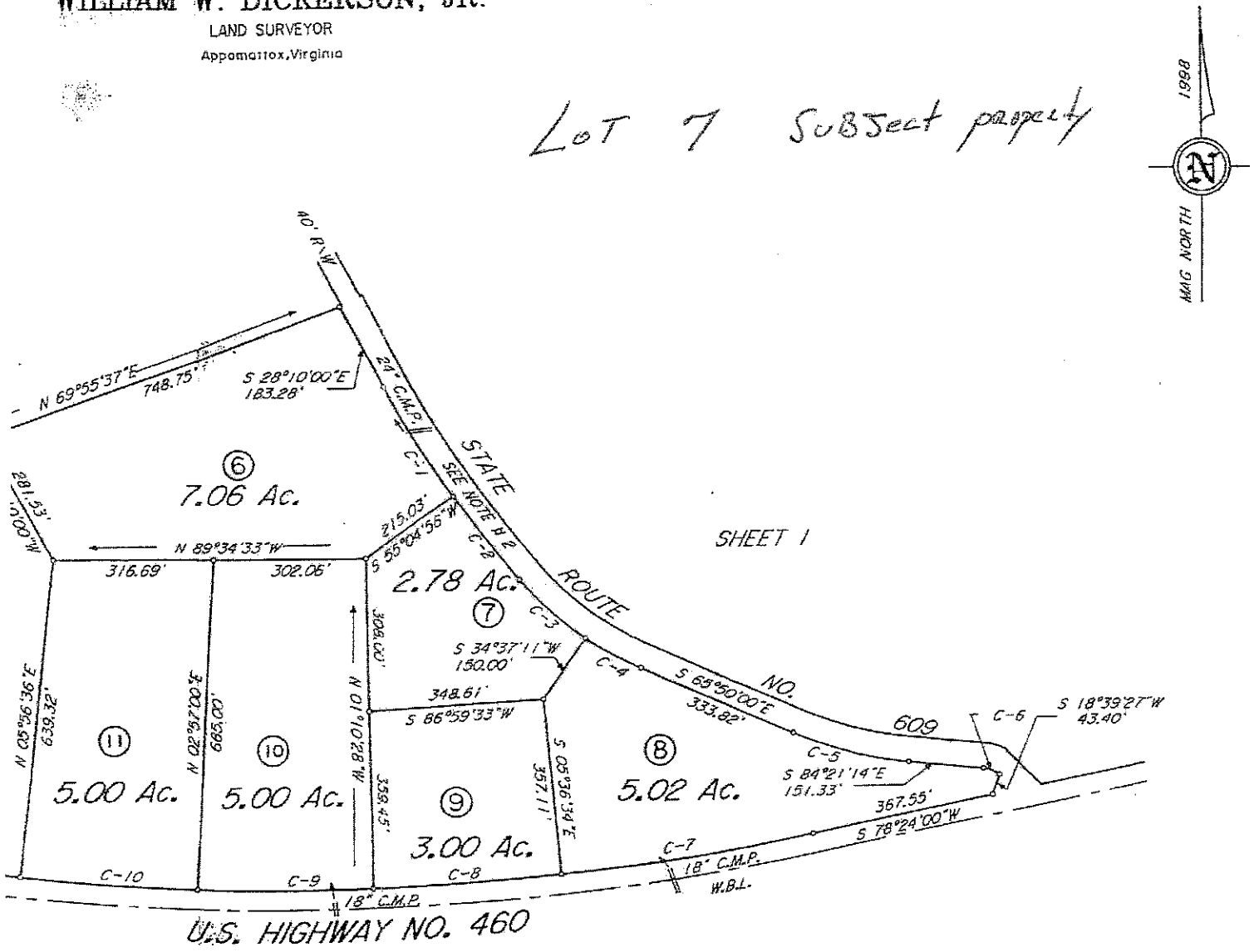
Name
Bemco Inc.

Mailing Address (Street, Post Office Box)
P.O. Box 556 Concord VA. 24538

City State Zip

WILLIAM W. DICKERSON, JR.
LAND SURVEYOR
Appomattox, Virginia

Lot 7 Subject property



SHEET 1

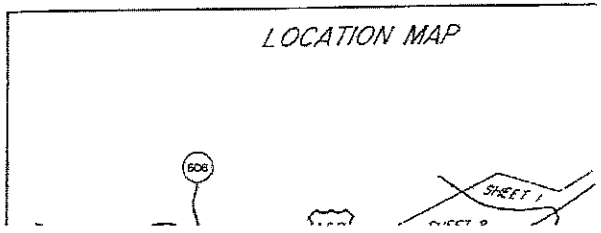
SHEET 2 OF 2
SCALE: 1 IN. = 200 FT.

CONCORD BUISNESS PARK

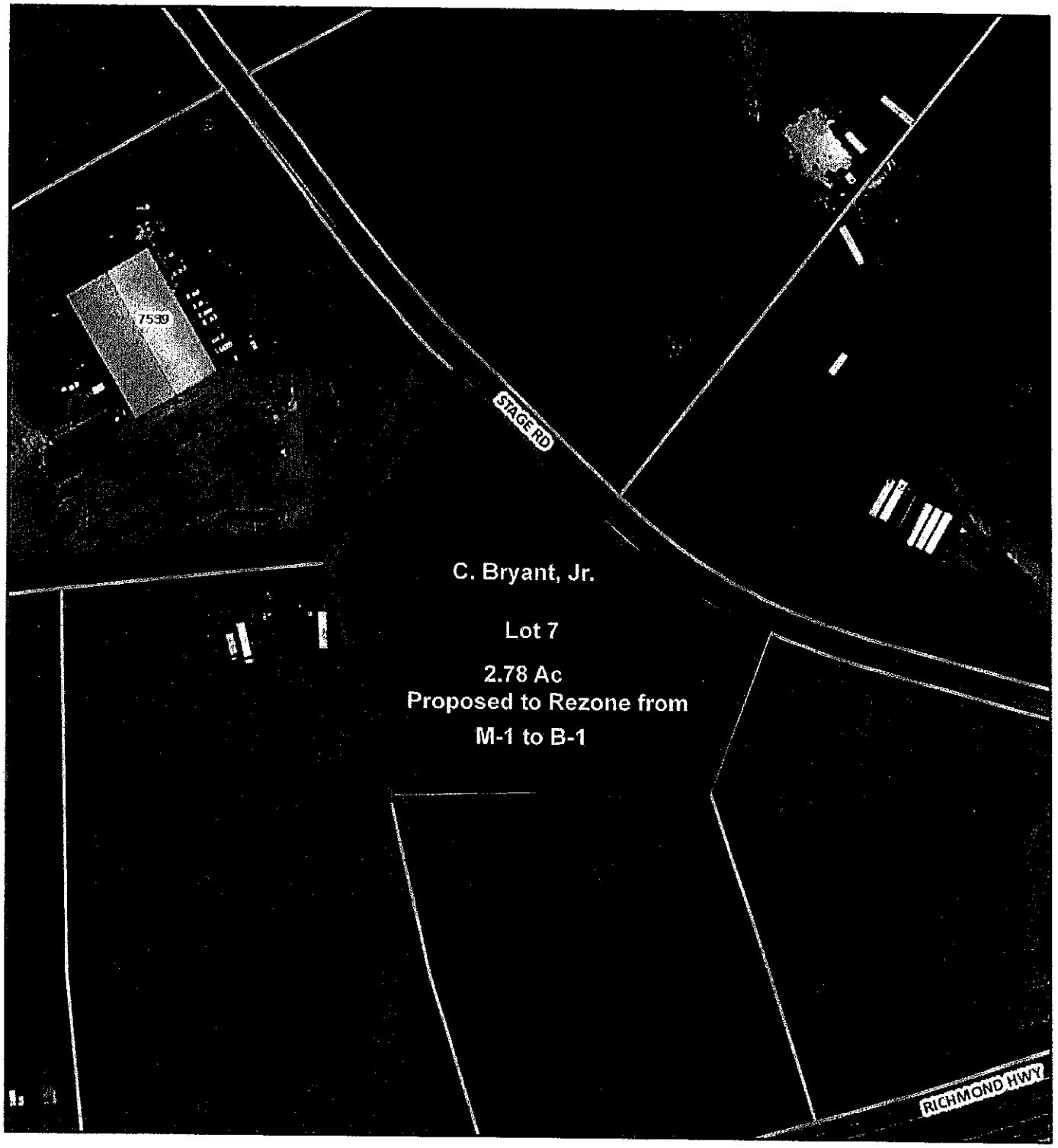
ZONED B-1

STONEWALL DISTRICT APPOMATTOX COUNTY

LOCATION MAP



RZ200375-Bryant Jr.



June 18, 2020

1:2,257

0 80 160 320 ft

0 25 50 100 m

Structure

Structure Label

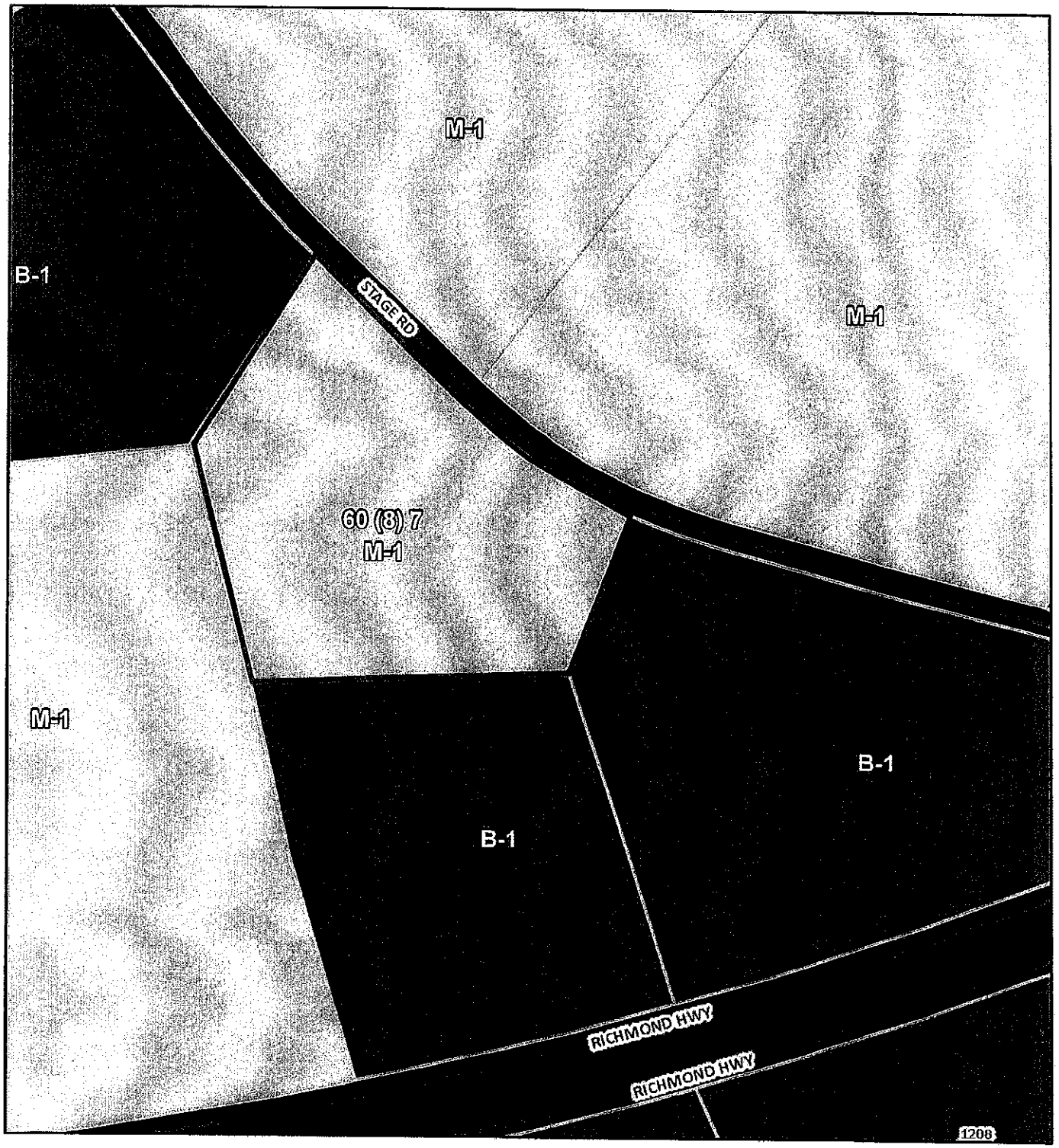
Centerlines

Town Boundary

County Boundary

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Existing Zoning



June 30, 2020

1:2,257

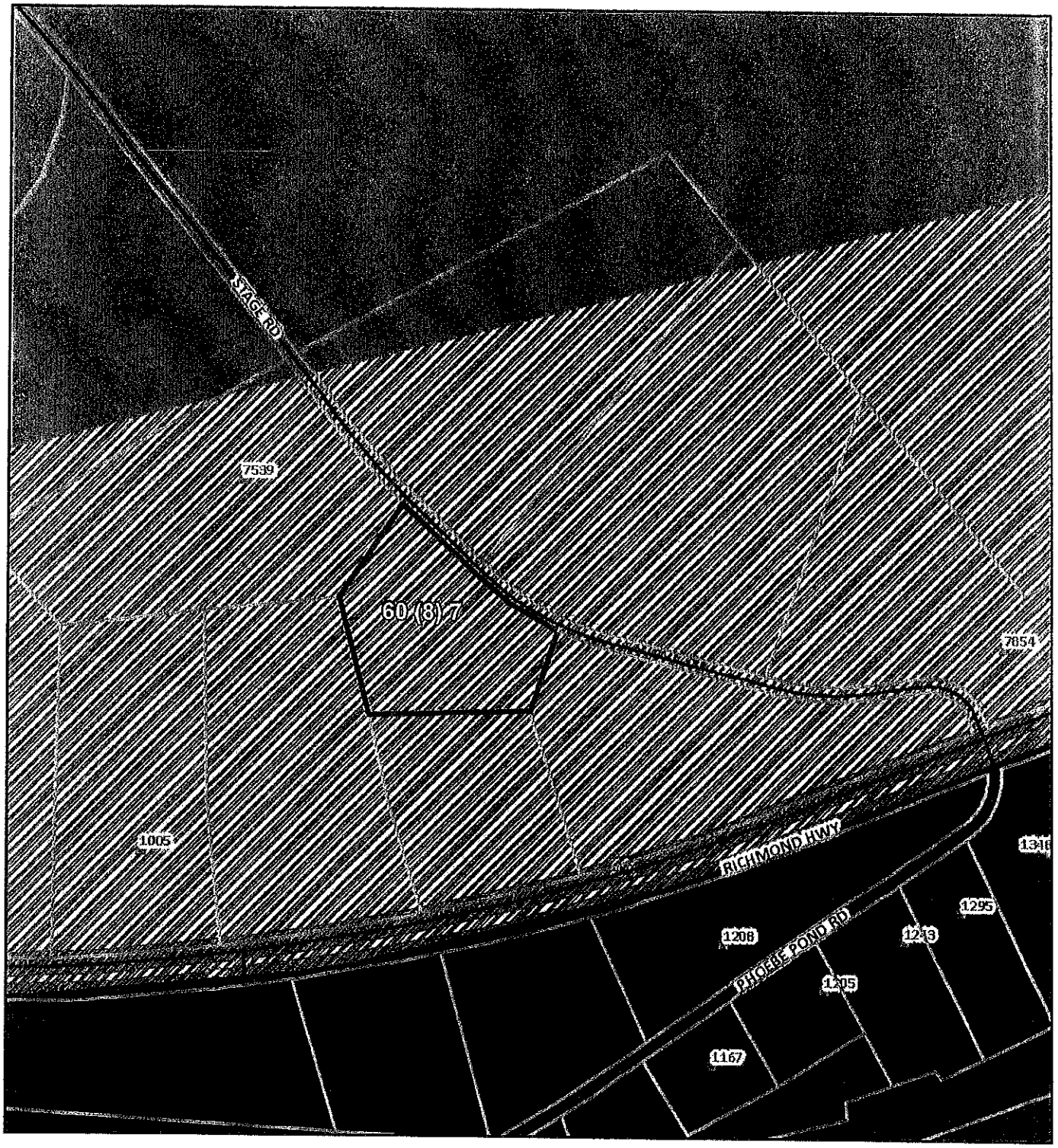
0 80 160 320 ft

0 25 50 100 m

Structure
Structure Label
Centerlines
Zoning
A-1
B-1
B-2
CZ
H-1
M-1
M-IP
MHP-1
No Zoning
P-1
R-1
R-2
R-3
V-1
Town Boundary
County Boundary

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Future Land Use Map



June 30, 2020

1:4,514

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0 50 100 200 m

Structure

Structure Label

Centerlines

Future Land Use

Neighborhood Commercial

Commercial

Industrial

Institutional

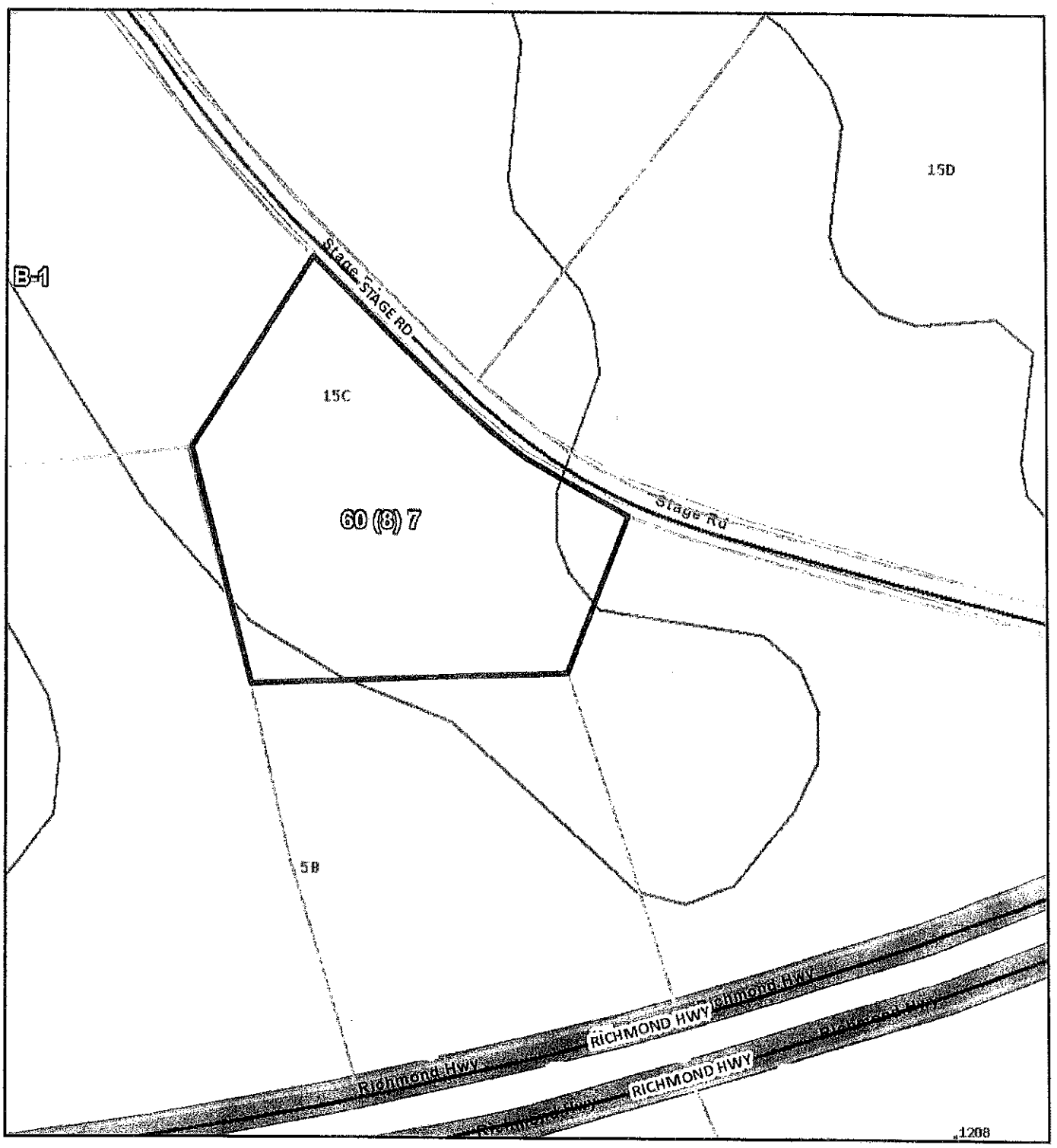
Suburban Growth Area

State Forest Protection Area

Primary Conservation Area

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Soils



June 30, 2020

1:2,257

0 80 160 320 ft

0 25 50 100 m

Structure

Structure Label

Centerlines

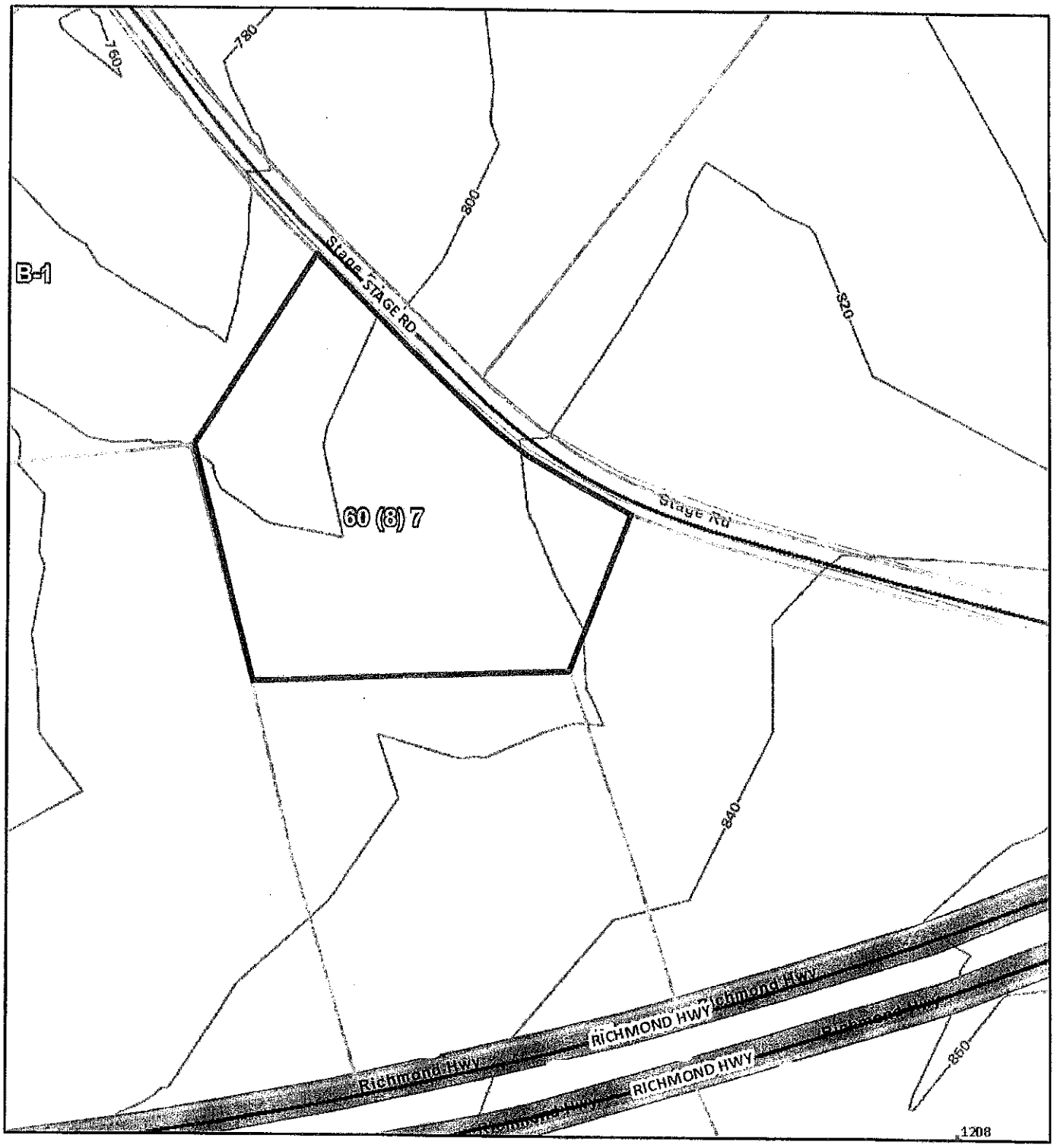
Soils

Town Boundary

County Boundary

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Topography



June 30, 2020

1:2,257

0 80 160 320 ft

0 25 50 100 m

Structure

Structure Label

Centerlines

Contours

Town Boundary

County Boundary

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

§19.6-73 M-1, Industrial District

A. Purpose

The purpose of this district is to provide areas within the county which are suitable for less intensive industrial activities. M-1 areas are primarily designated based on the suitability of the land in terms of slope and freedom from flooding, as well as, the availability of public services, access to arterial road network, and proximity to rail and airport facilities or the interstate highway system. Distributing these areas throughout the county in a planned manner to create employment centers within close proximity to residential growth areas and reduce heavy traffic generation of industrial uses is encouraged. Since this district promotes uses that generally will conflict with most others, a high degree of protection to adjoining properties is strongly encouraged.

B. Permitted Uses

Accessory Uses/Structures
Administrative Services
Amateur Radio Tower
Brewery
Business or Trade School
Business Support Services
Communications Services
Composting
Construction Sales and Services
Construction Yard
Consumer Repair Services
Contractor Yard
Convenience Store
Custom Manufacturing
Distillery
Equipment Sales and Rental
Financial Institutions
Garden Center
General Office
Hotel/Motel/Motor Lodge
Industrial Manufacturing
Kennel, Commercial
Laboratories
Landscaping & Lawn Care Services
Manufactured Home Sales
Micro-Brewery
Mini Warehouse
Medical Office
Park & Ride Facility
Parking Facility

Pawn Shop
Personal Improvement Services
Personal Services
Post Office
Public Maintenance and Service Facility
Public Parks and Recreational Areas
Recreational Vehicle Sales & Service
Restaurant
Retail Sales
Safety Services, Public
Sawmill
Studio, Fine Arts
Truck Terminal
Veterinary Hospital/Clinic
Warehouse and Distribution
Winery

C. Conditional Uses

Automobile Graveyard
Aviation Facility, Private
Aviation Facility, Public
Flea Market
Gasoline Station
Outdoor Gathering
Planned Unit Development
Public Assembly
Recycling Center
Resource Extraction
Scrap & Salvage Services
Transfer Station
Truck Stop
Utility Scale Solar Energy Farm (Large Scale)
Wireless Communication Facility

D. Site Development Regulations

a. Minimum Lot Requirements

i. Lots <u>not</u> served by public water or sewer

1. Area: 25,000 square feet (0.57 acre)
2. Frontage: 100 feet on a publicly owned and maintained street

ii. Lots served by either public water or sewer

1. Area: 15,000 square feet (0.34 acre)
2. Frontage: 80 feet on a publicly owned and maintained street

iii. Lots served by both public water and public sewer

3. Area: 10,000 square feet (0.23 acre)
4. Frontage: 80 feet on a publicly owned and maintained street

iv. Minimum lot size and permitted densities for multi-family dwellings and town homes are referenced in Additional Regulations section.

b. Minimum Setback Requirements

i. Principal Structure

1. Front 35 feet from property line or 60 feet from centerline of public road, whichever is greater
2. Side 15 feet
3. Rear 35 feet

ii. Accessory Structure

1. Front 35 feet from property line or behind the front building line, whichever distance is less
2. Side 15 feet
3. Rear 15 feet

iii. Where a lot fronts on more than one street, front yard setbacks shall apply to all streets.

c. Maximum Height of Structures

i. All structures: 35 feet

d. Maximum Coverage

i. Building Coverage: 35 percent
ii. Lot Coverage: 50 percent

§19.6-72 B-1, General Commercial District

A. Purpose

The purpose of this district is to provide locations for a variety of commercial and service related activities within the suburban service area serving larger neighborhoods and the county in general. This district is intended for general application throughout the county. General Commercial Districts are most appropriately found along major arterial thoroughfares which serve large segments of the county's population. This district provides a wide variety of retail and service related uses.

B. Permitted Uses

Accessory Apartment
Accessory Uses/Structures
Administrative Services
Agricultural Services
Amateur Radio Tower
Antique Shops
Automobile Dealership
Automobile Parts/Supply Retail
Automobile Repair Services
Automobile Rental/Leasing
Bed and Breakfast
Business or Trade School
Business Support Services
Campground
Carwash
Cemetery, Family or Church
Cemetery, Private, Association, For-Profit
Civic Clubs
Clinic
Commercial Indoor Amusement
Commercial Indoor Entertainment
Commercial Indoor Sports & Recreation
Commercial Outdoor Entertainment
Commercial Outdoor Sports & Recreation
Communications Services
Community Recreation
Construction Sales and Services
Construction Yard
Contractor Yard
Consumer Repair Services
Convenience Store
Crisis Center
Custom Manufacturing

Dance Hall
Day Care Center
Domestic Chickens
Educational Facilities, College/University
Educational Facilities, Primary/Secondary
Equipment Sales and Rental
Family Day Care Home
Financial Institutions
Funeral Services
Garden Center
Gasoline Station
General Office
Guidance Services
Home Beauty/Barber Salon
Home Occupation, Type I
Home Occupation, Type II
Hospital
Hotel/Motel/Motor Lodge
Landscaping & Lawn Care Services
Laundry
Manufactured Home Sales
Medical Office
Micro-Brewery
Mini Warehouse
Parking Facility
Park & Ride Facility
Pawn Shop
Personal Improvement Services
Personal Services
Post Office
Public Maintenance and Service Facility
Public Parks and Recreational Areas
Recreational Vehicle Sales and Service
Religious Assembly
Residential Human Care Facility
Restaurant, General/Drive-In/Fast Food
Retail Sales
Safety Services, Private
Safety Services, Public
Single-Family Dwelling
Studio, Fine Arts
Surplus Sales
Truck Stop
Utility Services
Veterinary Hospital/Clinic
Wayside Stand

Wireless Communication Facility

C. Conditional Uses

Adult Entertainment
Automobile Graveyard
Brewery
Distillery
Fish Hatchery
Flea Market
Halfway House
Home for Adults
Industrial Manufacturing
Kennel, Commercial
Laboratories
Multi-Family Dwelling
Outdoor Gathering
Planned Unit Development
Public Assembly
Recycling Center
Scrap & Salvage Services
Stable, Commercial
Transfer Station
Transportation Terminal
Truck Terminal
Two-Family Dwelling
Wind Energy System

D. Site Development Regulations

a. Minimum Lot Requirements

i. Lots not served by public water or sewer
1. Area: 1 acre (43,560) square feet
2. Frontage: 100 feet on a publicly owned and maintained street

ii. Lots served by either public water or sewer
1. Area: 15,000 square feet (0.34 acre)
2. Frontage: 80 feet on a publicly owned and maintained street

iii. Lots served by both public water and public sewer
1. Area: 10,000 square feet (0.23 acre)
2. Frontage: 80 feet on a publicly owned and maintained street

b. Minimum Setback Requirements

i. Principal Structure

1. Front 35 feet from property line or 60 feet from centerline of public road, whichever is greater
2. Side None, except when adjacent to a residential use, then 10 feet
3. Rear 15 feet

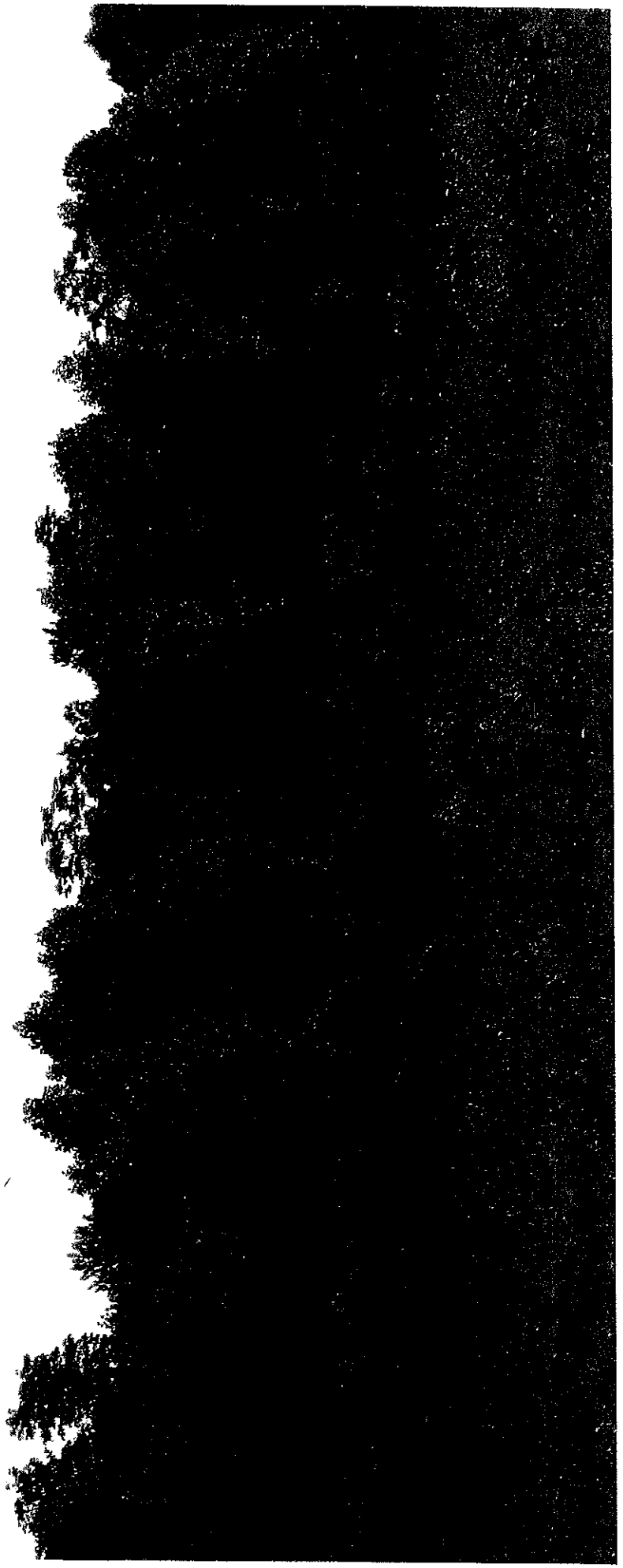
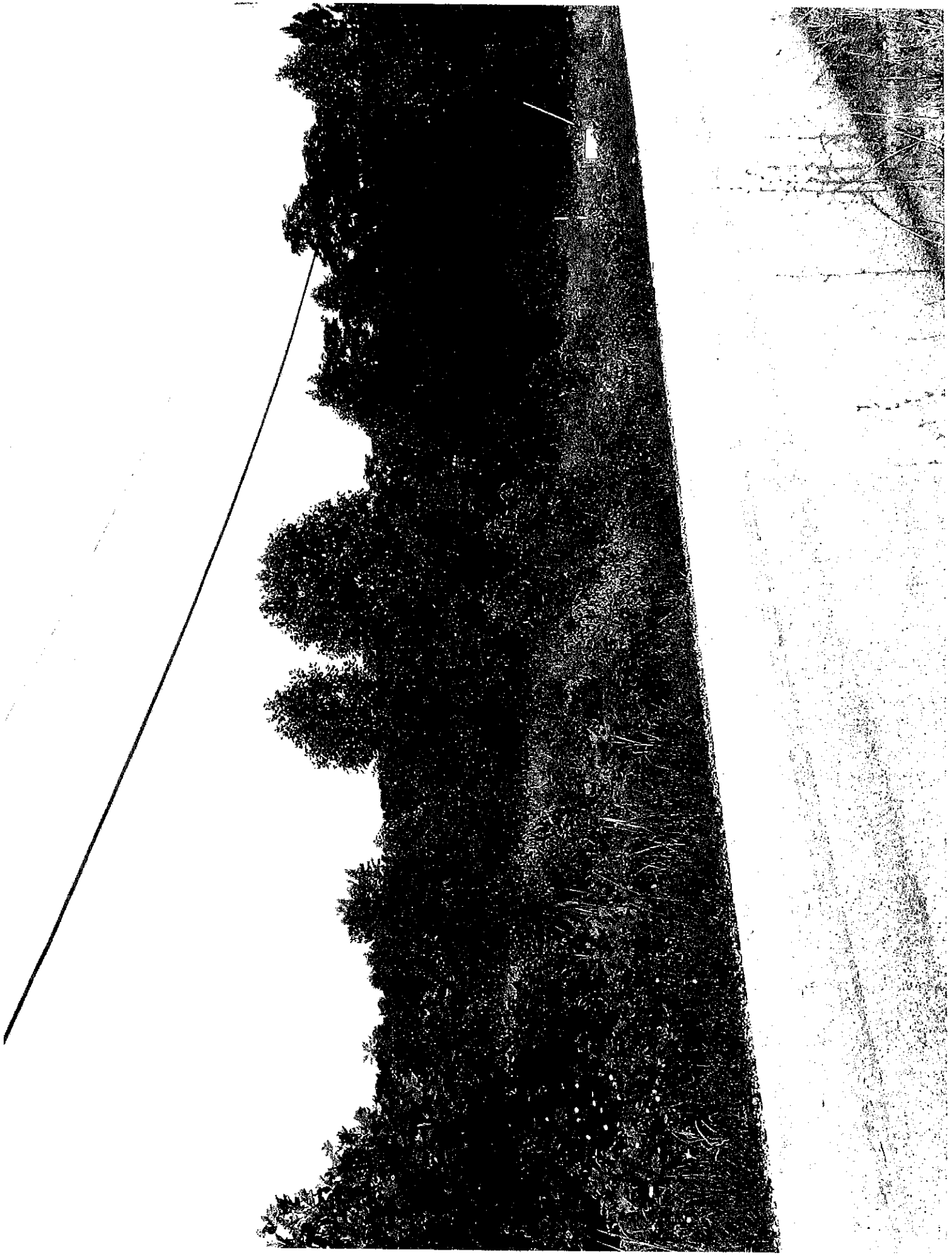
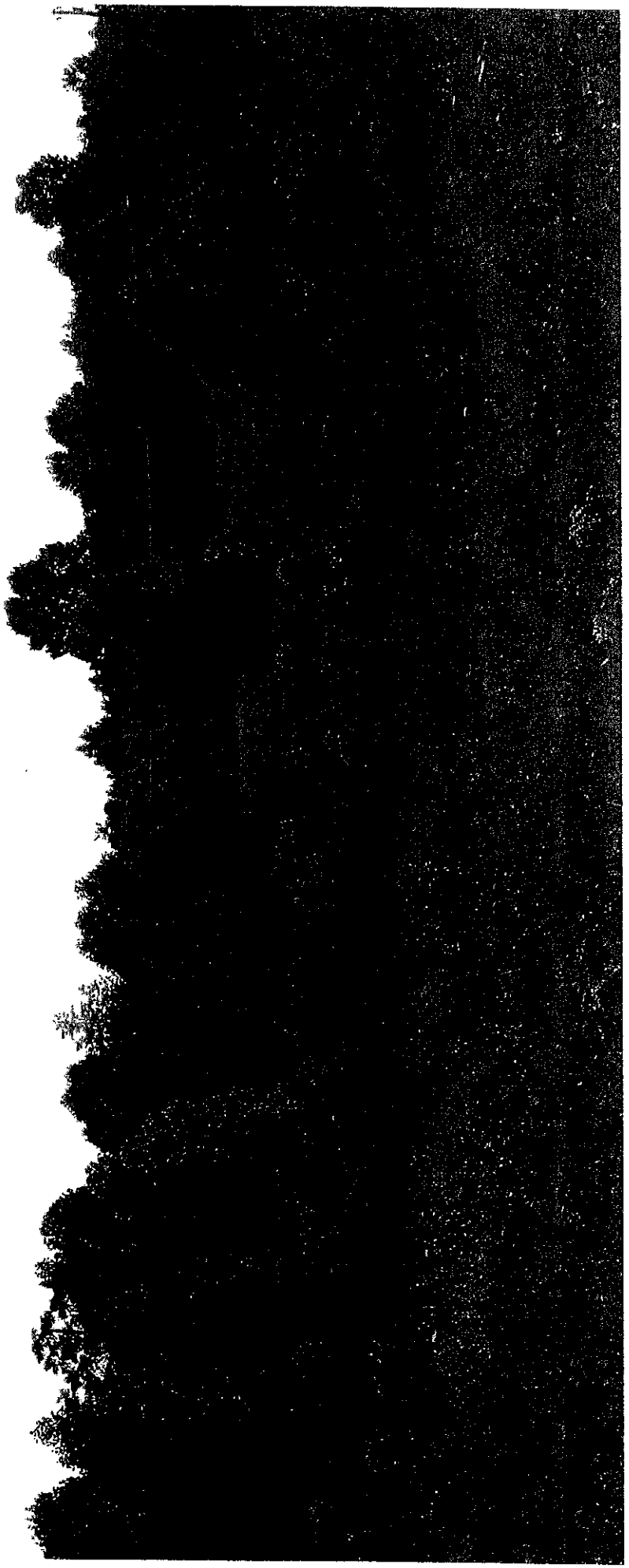
ii. Accessory Structure

1. Front 35 feet from property line or behind the front building line, whichever distance is less
2. Side 15 feet
3. Rear 5 feet

iii. Where a lot fronts on more than one street, front yard setbacks shall apply to all streets.

c. Maximum Height of Structures

i. All structures: 45 feet

d. Maximum Coverage

i. Building Coverage: 50 percent
ii. Lot Coverage: 90 percent