

Sec. 24-1405. Approved Conditional Zoning Districts

Land conditionally zoned and subject to proffers before September 1, 2021, will continue to be subject to the approved proffers until or unless the Board of Supervisors rezones the property or amends the proffers in accordance with the procedures and standards of this Ordinance and the Code of Virginia. **Land adjoining any land zoned UMU, Urban Mixed Use District, may be added to the UMU district by rezoning the land to be added to CMU or UMU-PD. The proffered conditions, provisional use permits, and other regulations associated with the approved UMU zoning may be incorporated by reference into the proposed CMU or UMU-PD district in lieu of the PD Master Plan and PD Terms and Conditions Document required by Sec. 24-3503.**

Sec. 24-1406. Other Approved Permits and Development Approvals

- A.** Any other permits or development approvals granted before September 1, 2021, will remain valid until their expiration date. Developments with valid permits or development approvals may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or development approval is valid and has not expired. If the prior approval expires or is revoked, any subsequent development or use of the site will be subject to the procedures and standards of this Ordinance. To the extent a prior-approved application proposes development or use that does not comply with this Ordinance, the subsequent development or use, although permitted, will be nonconforming and subject to the provisions of Article 6: Nonconformities.
- B.** Any requirement of a prior-approved development approval for maintenance, including maintenance of private roads, parking lots, fences, and signs, will remain in force until a new plan of development, site plan, or similar development application is approved, at which time the maintenance requirements of this Ordinance will apply.
- C.** For uses that were previously approved by a provisional use permit or conditional use permit that are allowed by right under this Ordinance, the previously approved provisional or conditional use permit, including any conditions of approval, will remain in force until a new plan of development, site plan, or similar development application is approved.

Sec. 24-2101. Summary Table of Review Responsibilities

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Table 2101: Summary of Review Responsibilities [1] S = Staff Review; R = Recommendation; D = Decision; A = Appeal; <> = Public Hearing					
PROCEDURE	BUILDING OFFICIAL	PLANNING DIRECTOR	BOARD OF ZONING APPEALS	PLANNING COMMISSION	BOARD OF SUPERVISORS
• • • •					
Plan of Development		D		RD [4]	
Site Plan		D		RD [4]	
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NOTES:

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[4] See Secs. 24-2103.C, 24-2314.C.3(c)(5), and 24-2315.C.3.

Sec. 24-2309. Building Permit

- A.** The submittal and review of applications for building permits will be in accordance with Chapter 6 of the County Code ~~and subsections B and C below.~~
- B.** A building permit subject to this Ordinance must not be issued by the Building Official unless the Planning Director ~~certifies~~ **determines** that the proposed activity complies with this Ordinance.
- C.** ~~Any building permit issued for development in the Special Flood Hazard Area Overlay District must state the elevation of the lowest floor for all structures to be elevated or the elevation to which the structure will be floodproofed.~~

Sec. 24-2310. Certificate of Occupancy

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- B.** A certificate of occupancy subject to this Ordinance must not be issued by the Building Official unless the Planning Director ~~certifies~~ **determines** that the proposed activity complies with this Ordinance, including all conditions of approval of permits or development approvals to which the proposed activity is subject.

Sec. 24-2314. Plan of Development

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B. Applicability

- 1.** The following development requires approval of a plan of development in accordance with the procedure and standards in this section prior to the issuance of a building permit or an occupancy certificate:

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- (b)** Nonresidential development having a gross floor area **or principal use area** of 65,000 square feet or more; and

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C. Plan of Development Procedure

This section sets forth the required procedure for a plan of development. Figure ~~2315~~ **2314** identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to a plan of development. Additions or modifications to the common procedures are identified below.

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3. Staff Review and Action

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(c) Decision on the Application

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(3) The following conditions will apply to all plans of development approved by the Planning Director unless expressly waived or modified in the plan of development approval:

- A.** The owner must enter into all necessary contracts with the Department of Public Utilities for all connections to public water and sewer identified on the approved plan of development. If the proposed development is not served by public water or public sewer, connection must be made to public water and public sewer, as applicable, when available within 300 feet of the site ~~or the building~~.

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5. Post-Decision Actions and Limitations

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(d) Clearing and Grubbing Plans and Final Construction Plans

If the application is approved by the Planning Director, the applicant may proceed with the following plans:

(1) Clearing and Grubbing Plan

The applicant may submit and receive approval of a clearing and grubbing plan prior to the approval of construction plans (see subsection (2) below) provided the following conditions are met.

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- D.** A ~~VSMP~~ **Virginia Pollutant Discharge Elimination System (VPDES)** permit has been issued by the Virginia Department of Environmental Quality, or if no ~~VSMP~~ **VPDES** permit is required, a stormwater management (SWM) plan has been submitted to and approved by the County Engineer and Planning Director; and
- E.** **Prior to any land disturbance, a** ~~Preconstruction meeting has been~~ **must be** conducted with the Environmental Inspector, the Developer, and the Contractor in attendance. The Planning Inspector will attend if tree protection measures are required.

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**(e) Subsequent Approval of Building Permits and Occupancy
Certificates**

- (1) A building permit must not be issued by the Building Official for a structure in an area covered by an approved plan of development unless the building permit is substantially in accordance with the plan of development. The Planning Director may ~~certify~~ **determine** that proposed development that includes minor revisions, modifications, or additions to a previously approved plan of development complies with the previously approved plan of development if the proposed development is substantially in accordance with the previously approved plan of development.

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Sec. 24-2315. Site Plan

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C. Site Plan Procedure

This section sets forth the required procedure for a site plan. Figure ~~2316~~ **2315** identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to a site plan. Additions or modifications to the common procedures are identified below. Unless noted below, the site plan procedure follows the Plan of Development Procedure in C.

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Sec. 24-2316. Variance

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C. Variance Procedure

This section sets forth the required procedure for variances. Figure ~~2317~~ **2316** identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to variances. Additions or modifications to the common procedures are identified below.

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Sec. 24-2317. Interpretation

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C. Interpretation Procedure

This section sets forth the required procedure for an interpretation. Figure ~~2318~~ **2317** identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to an interpretation. References in Article 2, Division 2, Common Procedures, to “application” or “applicant” will be deemed to refer to “request for interpretation” or “person or body requesting the interpretation” respectively. Other additions or modifications to the common procedures are identified below.

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Sec. 24-2318. Proffer Interpretation

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C. Proffer Interpretation Procedure

This section sets forth the required procedure for a proffer interpretation. Figure ~~2319~~ **2318** identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to a proffer interpretation. References in Article 2, Division 2, Common Procedures, to “application” or “applicant” will be deemed to refer to “request for proffer interpretation” or “person or body requesting the proffer interpretation” respectively. Other additions or modifications to the common procedures are identified below.

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Sec. 24-3102. Districts Established

This Ordinance establishes the base, planned development, and overlay zoning districts identified in Table 3102: Establishment of Zoning Districts. Each zoning district established in accordance with this Ordinance will have the boundaries shown on the Zoning Districts Map (see Article 1, Division 3, Zoning District Map).

Table 3102: Establishment of Zoning Districts

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Overlay Districts
AS-O Airport Safety Overlay District (Sec. 24-3705)
WBS-O West Broad Street Overlay District (Sec. 24-3706)
IR-O Innsbrook Redevelopment Overlay District (Sec. 24-3707)

Table 3102: Establishment of Zoning Districts

WR-O West Redevelopment Overlay District (Sec. 24-3708)

R5C-O Route 5 Corridor Overlay District (Sec. 24-3709)

GA-O Glen Allen Overlay District (Sec. 24-3710)

FBA-O Form Based Alternative Overlay District (Article 3, Division 8)

Sec. 24-3105. Superseding Dimensional Standards

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D. Additional Minimum Yard Requirements Adjacent to Major Thoroughfares

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Table 3105: Additional Setback Requirements Adjacent to Specific Roadways in Major Thoroughfare Plan

Zoning District	Type of Roadway	Adjacent Yard	Additional Setback Required
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R-5 R-6 <u>RTH</u>	Any of the following, if the projected right-of-way is 60 feet or greater: <ul style="list-style-type: none"> • major arterial • minor arterial • major collector • minor collector • controlled access road 	Front, side, or rear yard	15 ft.

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E. Dimensional Standards for Cul-de-sac Lots

- ~~1. Each cul-de-sac lot must have at least 35 feet of frontage on a public cul-de-sac street.~~
- ~~2. In the R-5A District, the minimum lot width must be met at the minimum front yard setback. In all other Residential Districts, the minimum lot width must be met at the actual front building line (extended to the side lot lines).~~
- ~~3. The actual front building line for a cul-de-sac lot must not vary by more than ten feet from the actual front building line on adjoining lots.~~
- ~~4. There must be no more than five cul-de-sac or stem lots on a street.~~
- ~~5. Side lot lines must extend radially from the center of the cul-de-sac to the point where they intersect the actual front building line.~~

F. Dimensional Standards for Stem Lots

- ~~1. Each stem lot must have at least 20 feet of frontage on a public cul-de-sac street.~~
- ~~2. The minimum lot width must be met at the actual front building line (extended to the side lot lines).~~
- ~~3. The front of the proposed dwelling must not face the rear or side of any existing or proposed dwelling on the adjoining lots.~~
- ~~4. There must be no more than five cul-de-sac or stem lots on a street.~~

G.E. Dimensional Standards for Lots Created Prior to January 1, 1960

In Residential zoning districts, any lot created prior to January 1, 1960, will be subject to the following standards. **Where the setbacks required by Sections 24-3204 through 24-3314 are greater than the setbacks of this subsection, the setbacks will be**

reduced (but not increased) as follows. (See also Sec. 24-6402, Development of Nonconforming Lots, for lot area and width regulations for nonconforming lots.)

1. Minimum setback requirements: ~~The~~ front setback, **will be reduced to** 35 feet.
2. ~~The~~ rear setback **will be reduced to** 25 feet.
3. **For a corner lot where the rear lot line adjoins the rear lot line of the adjoining lot, the street side setback will be reduced to ten percent of the lot width (rounded down to the next lowest foot) or 10 feet, whichever is greater.**
4. **For a corner lot where the rear lot line adjoins the side lot line of the adjoining lot (directly or across an alley), the street side setback will be reduced to 36 percent of the lot width (rounded down to the next lowest foot) or 25 feet, whichever is less.**
5. ~~The~~ interior side setback **will be reduced to** ten percent of the lot width (rounded down to the next lowest foot) or seven feet, whichever is greater.
6. If the dwelling will be served by an individual well or onsite sewage disposal system, the lot must meet current requirements of the Virginia Department of Health in addition to the requirements for the zoning district **of this subsection.**
7. The height of any building **principal dwelling** on the lot must not exceed 35 feet, or 40 feet if a provisional use permit is approved for additional height (see Sec. 24-2306, Provisional Use Permit).
8. The lot must have at least 50 feet of frontage on a public street maintained by the County or VDOT or meet the requirement for cul-de-sac lots in subsection E **about a public street as required by Sec. 24-4306.E, Dwelling, Single-Family Detached.**

H.F. Minimum Street Side Yards in Specified Approved Residential Development

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G. Court-ordered Division of Land

Any division of land subject to a partition suit by virtue of an order or decree by a court of competent jurisdiction takes precedence over the minimum lot area, width, and frontage requirements in this Ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by more than 20 percent.

Sec. 24-3204. A-1 Agricultural District

A. Purpose

The purpose of the A-1 Agricultural District is to reserve areas for traditional agricultural activities and to provide for their continuation as well as to preserve areas of rural character. Allowed uses include:

- Agriculture;
- One-family dwellings on lots of one acre **or more**; and
- Limited institutional and commercial uses in appropriate locations.

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D. A-1 District Dimensional Standards

Standard	Dwellings	All other uses
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2	Structure height, maximum (feet)	4540	45 ^[1]
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Sec. 24-3313. R-5A General Residence District

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D. R-5A District Dimensional Standards			
Standard	Single-family Dwelling	Duplex	All other uses
• • • • •			
5	Street side yard, minimum (feet)	25 ^[2]	25 ^[2]
	• • • •		20

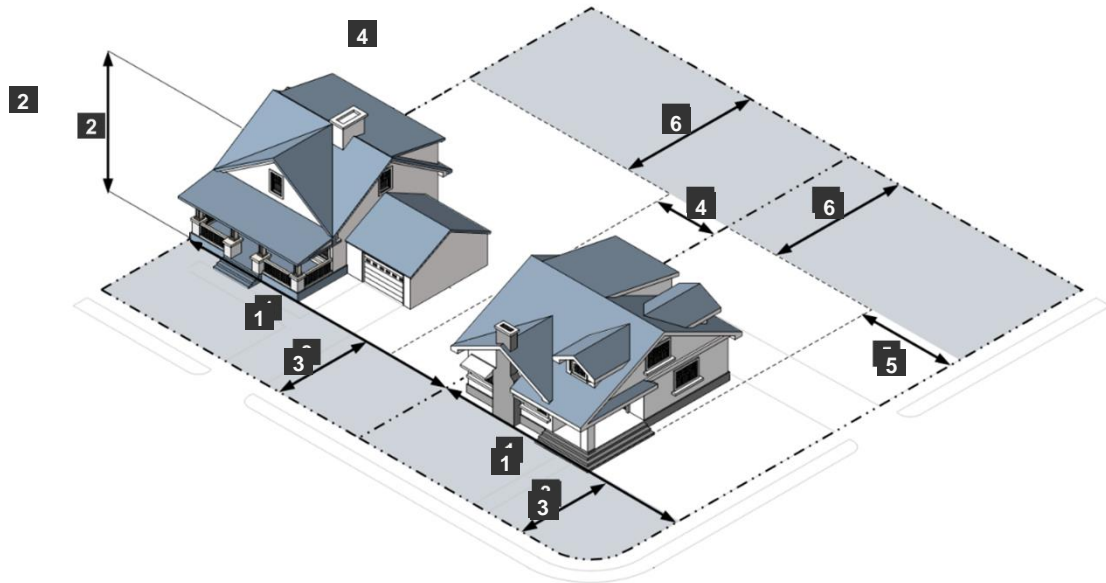
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[3] The minimum interior side yard for an attached single-family dwelling must be 12 feet from any side lot line other than the lot line where the shared common wall is located. The dwelling may be built on a zero lot line if the yard on the opposite side of the dwelling is at least 16 feet wide and the yard adjacent to the zero lot line is either (1) an interior side yard at least 16 feet wide or (2) a rear yard at least 35 feet wide or (3) a common area at least 20 feet wide.

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Single-family dwelling, zero lot line



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Sec. 24-3314. R-5 General Residence District

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D. R-5 District Dimensional Standards				
Standard		Townhouse	Multifamily	All other uses
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3	Front yard, minimum (feet)	15/25/35 ^{[2][4]}	35 ^[4]	35
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5	Street side yard, minimum (feet)	20 ^{[3][4]}	25 ^{[3][4]}	20
6	Rear yard, minimum (feet)	30 ^[4]	30 ^[4]	35

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Sec. 24-3315. R-6 General Residence District

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D. R-6 District Dimensional Standards			
Standard	Townhouse	Multifamily	All other uses
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5 Street side yard, minimum (feet)	20 ^[4] [5] [6]	25 [4] [5] [6]	20 ^[5]
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- [2] **See also Neighborhood Compatibility, Sec. 24-5604, Building Height.** The Board of Supervisors may approve a building or structure height up to 200 feet in accordance with Sec. 24-2306, Provisional Use Permit.

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Sec. 24-3316. RTH Residential Townhouse District

D. RTH District Dimensional Standards			
Standard	Townhouse	Multifamily	All other uses
• • • •			
3 Front yard, minimum (feet)	15/25/35 ^[2] [4]	15/25/35 ^[2] [4]	40
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5 Street side yard, minimum (feet)	20 ^[3] [4]	25 ^[3] [4]	20
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Sec. 24-3403. CMU Community Mixed-Use District

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D. CMU District Dimensional and Intensity Standards

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- [2] **See also Neighborhood Compatibility, Sec. 24-5604, Building Height.** The Board of Supervisors may approve a building or structure height up to 200 feet in accordance with Sec. 24-2306, Provisional Use Permit.

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E. Other District Standards

1. Minimum Area for Rezoning

The minimum contiguous area for lands to be classified to the CMU District is **four acres in the IR-O, Innsbrook Redevelopment Overlay District, and 12 acres in all other areas.** An area containing less than 12 acres may be reclassified to the CMU District in accordance with Sec. 24-2303, Map Amendment (Rezoning), or Sec. 24-2304, Conditional Zoning, if it abuts lands already classified in the CMU District.

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Sec. 24-3404. O-1 Office District

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D. O-1 District Dimensional Standards

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- [1] Required from all **public rights-of-way** front lot lines (see definition of "lot line, front" in Article 8, Division 5, General Definitions).

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Sec. 24-3405. O-2 Office District

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D. O-2 District Dimensional Standards

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NOTES:

- [1] The Board of Supervisors may approve a building or structure height up to 200 feet in accordance with Sec. 24-2306, Provisional Use Permit.
 - [2] Required from all **public rights-of-way** front lot lines (see definition of "lot line, front" in Article 8, Division 5, General Definitions).
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Sec. 24-3406. O-3 Office District

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D. O-3 District Dimensional Standards

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NOTES:

- [1] **See also Neighborhood Compatibility, Sec. 24-5604, Building Height.** The Board of Supervisors may approve a building or structure height up to 200 feet in accordance with Sec. 24-2306, Provisional Use Permit.
 - [2] Required from all **public rights-of-way** front lot lines (see definition of "lot line, front" in Article 8, Division 5, General Definitions).
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Sec. 24-3407. O/S Office Service District

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D. O/S District Dimensional Standards

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NOTES:

- [1] **See also Neighborhood Compatibility, Sec. 24-5604, Building Height.** The Board of Supervisors may approve a building or structure height up to 200 feet in accordance with Sec. 24-2306, Provisional Use Permit.
 - [2] Required from all **public rights-of-way** front lot lines (see definition of "lot line, front" in Article 8, Division 5, General Definitions).
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Sec. 24-3408. B-1 Business District

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D. B-1 District Dimensional Standards*

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NOTES:

- [1] The Board of Supervisors may approve a building or structure height up to 200 feet in accordance with Sec. 24-2306, Provisional Use Permit.
- [2] Required from all **public rights-of-way** front lot lines (~~see definition of "lot line, front" in Article 8, Division 5, General Definitions~~).
- [3] If the adjoining property is located in a Residential district, the minimum interior side yard required is 15 feet, otherwise no minimum interior side yard is required.
- [4] ~~If both the interior side and rear yards are adjacent to Nonresidential and Mixed Use districts~~ **the adjoining property is located in a Residential district, this requirement must be met in the rear yard; otherwise,** the minimum rear yard requirement may be satisfied in either the rear yard or an interior side yard.
- * In the B-1 District, an ~~Office use must not be located in a~~ **office** building **must not** containing more than 15,000 square feet of floor area; unless a provisional use permit is issued for the building in accordance with Sec. 24-2306, Provisional Use Permit.

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Sec. 24-3409. B-2 Business District

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D. B-2 District Dimensional Standards

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NOTES:

- [1] The Board of Supervisors may approve a building or structure height up to 200 feet in accordance with Sec. 24-2306, Provisional Use Permit.
- [2] Required from all **public rights-of-way** front lot lines (~~see definition of "lot line, front" in Article 8, Division 5, General Definitions~~).
- [3] If the adjoining property is located in a Residential district, the minimum interior side yard required is 15 feet, otherwise no minimum interior side yard is required.
- [4] ~~If both the interior side and rear yards are adjacent to Nonresidential and Mixed Use districts~~ **the adjoining property is located in a Residential district, this requirement must be met in the rear yard; otherwise,** the minimum rear yard requirement may be satisfied in either the rear yard or ~~the~~ **an** interior side yard.

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Sec. 24-3410. B-3 Business District

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D. B-3 District Dimensional Standards

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NOTES:

- [1] **See also Neighborhood Compatibility, Sec. 24-5604, Building Height.** The Board of Supervisors may approve a building or structure height up to 200 feet in accordance with Sec. 24-2306, Provisional Use Permit.
- [2] Required from all **public rights-of-way** front lot lines (see definition of "lot line, front" in Article 8, Division 5, General Definitions).
- [3] If the adjoining property is located in a Residential district, the minimum interior side yard required is 15 feet, otherwise no minimum interior side yard is required.
- [4] If ~~both the interior side and rear yards are adjacent to Nonresidential and Mixed Use districts~~ **the adjoining property is located in a Residential district, this requirement must be met in the rear yard; otherwise,** the minimum rear yard requirement may be satisfied in either the rear yard or ~~the an~~ interior side yard.

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Sec. 24-3411. M-1 Light Industrial District

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D. M-1 District Dimensional Standards

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NOTES:

- [1] **See also Neighborhood Compatibility, Sec. 24-5604, Building Height.** The Board of Supervisors may approve a building or structure height of up to 200 feet in accordance with Sec. 24-2306, Provisional Use Permit.
- [2] Required from all **public rights-of-way** front lot lines (see definition of "lot line, front" in Article 8, Division 5, General Definitions).
- [3] If the adjoining property is located in a Residential district, the minimum interior side yard required is 15 feet, otherwise no minimum interior side yard is required.
- [4] If ~~both the interior side and rear yards are adjacent to Nonresidential and Mixed Use districts~~ **the adjoining property is located in a Residential district, this requirement must be met in the rear yard; otherwise,** the minimum rear yard requirement may be satisfied in either the rear yard or ~~the an~~ interior side yard.

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Sec. 24-3412. M-2 General Industrial District

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D. M-2 District Dimensional Standards

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NOTES:

- [1] **See also Neighborhood Compatibility, Sec. 24-5604, Building Height.** The Board of Supervisors may approve a building or structure height of up to 200 feet in accordance with Sec. 24-2306, Provisional Use Permit.
- [2] Required from all **public rights-of-way** front lot lines (see definition of "lot line, front" in Article 8, Division 5, General Definitions).
- [3] If the adjoining property is located in a Residential district, the minimum interior side yard required is 15 feet; otherwise no minimum interior side yard is required.
- [4] If both the interior side and rear yards are adjacent to Nonresidential and Mixed Use districts **the adjoining property is located in a Residential district, this requirement must be met in the rear yard; otherwise,** the minimum rear yard requirement may be satisfied in either the rear yard or **the an** interior side yard.

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Sec. 24-3413. M-3 Heavy Industrial District

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D. M-3 District Dimensional Standards

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NOTES:

- [1] **See also Neighborhood Compatibility, Sec. 24-5604, Building Height.** The Board of Supervisors may approve a building or structure height of up to 200 feet in accordance with Sec. 24-2306, Provisional Use Permit.
- [2] Required from all **public rights-of-way** front lot lines (see definition of "lot line, front" in Article 8, Division 5, General Definitions).
- [3] If the adjoining property is located in a Residential district, the minimum interior side yard required is 15 feet; otherwise no minimum interior side yard is required.
- [4] If both the interior side and rear yards are adjacent to Nonresidential and Mixed Use districts **the adjoining property is located in a Residential district, this requirement must be met in the rear yard; otherwise,** the minimum rear yard requirement may be satisfied in either the rear or **an** interior side yard.

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Sec. 24-3507. UMU-PD Urban Mixed-Use Planned Development District

A. Purpose

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Each UMU-PD district features a center of commercial, entertainment, and office uses in multi-story buildings that meet most of the residents' needs while also attracting business from outside the development. A variety of dwellings types are located within a short walk of the center. Mixed uses are located on separate floors of the same building, as well as on adjacent sites.

B. Area and Intensity Standards			
		Minimum	Maximum
Minimum area of district		20 acres ^[1]	No maximum
Residential density, dwelling units per acre, averaged over residential land area of the district		10	60
Required area, as a percentage of the land area of the district	Residential uses	50%	75%
	Nonresidential uses (except open space)	10%	35%
	Open space	15%	No maximum
[1] Except in the IR-O, Innsbrook Redevelopment Overlay District, where the minimum area is 4 acres.			

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Sec. 24-3704. Established Overlay Districts

The Overlay districts established by this Ordinance are identified in Table 3704: Established Overlay Districts.

Table 3704: Established Overlay Districts
AS-O Airport Safety Overlay District (Sec. 24-3705)
WBS-O West Broad Street Overlay District (Sec. 24-3706)
IR-O Innsbrook Redevelopment Overlay District (Sec. 24-3707)
WR-O West Redevelopment Overlay District (Sec. 24-3708)
R5C-O Route 5 Corridor Overlay District (Sec. 24-3709)
GA-O Glen Allen Overlay District (Sec. 24-3710)
FBA-O Form Based Alternative Overlay District (Article 3, Division 8)

Sec. 24-3706. WBS-O West Broad Street Overlay District

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F. Streetscape Buffers

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- In addition to the landscaping required by the underlying zoning district in accordance with Article 5, Division 4, Landscaping and Tree Protection, street scape buffers must contain a minimum of four trees for each 100 feet of road frontage, excluding the width of any driveways. Existing trees located within the right-of-way will be applied to this requirement. The trees must be evenly spaced along the right-of-way frontage, **and** located within ten feet of the edge of roadway pavement, ~~and placed between the edge of roadway pavement and the sidewalk~~, if the sidewalk is constructed parallel to the roadway. The trees must be regularly trimmed so that the tree trunk remains clear of branches and vegetation to a minimum height of six feet above the ground.

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Sec. 24-3707. IR-O Innsbrook Redevelopment Overlay District

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E. Building Height

Building height will be limited as follows:

- 1. Buildings within 150 feet of a one-family dwelling existing on June 28, 2016, must not exceed 45 feet in height except as provided in Sec. 24-8310, Height Exceptions.**
- 2. Buildings between 150 feet and 300 feet from a one-family dwelling existing on June 28, 2016, must not exceed 80 feet in height except as provided in Sec. 24-8310, Height Exceptions.**

Sec. 24-3709. R5C-O, Route 5 Corridor Overlay District

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D. Site Design

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- 10.** All new residential development, except that which is part of a Cluster Subdivision (see Article 5 of Chapter 19 of the County Code), must provide a minimum 75 foot landscaped buffer between the development and Route 5 (the right-of-way). The landscaped buffer must comply with the planting requirements for a Buffer 50 type transitional buffer (see Sec. 24-5310.B.2, Width and Planting Standards). The width of the landscaped buffer may be reduced if an **alternative landscape~~ing~~** plan is approved in accordance with Sec. 24-5303.B, Alternative Landscaping, that demonstrates how supplemental landscaping will adequately screen the new residential development.

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Sec. 24-3710. GA-O, Glen Allen Overlay District

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H. Streetscape Buffers.

All new development and redevelopment must comply with the following standards except where the principal use is a single-family dwelling.

- 1.** All new development and redevelopment abutting the portions of Mountain Road and Old Washington Highway within the district must include streetscape buffers with a minimum width of 10 feet and a maximum width of 20 feet. Streetscape buffers must contain the landscaping materials required in the underlying zoning district as well as both of the following:

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- (b)** An average of 25 shrubs for each 100 feet of road frontage, except for driveways. The shrubbery must be maintained at a height that does not exceed **2½ feet in a public right-of-way, sight distance triangle, or sight distance easement, and** 3½ feet **in all other locations.**

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L. Parking Lot Design.

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3. ~~Each parking lot must be located in a side or rear yard, except that~~ **No more than one row of parking and the necessary along one side of one drive aisle may be located in any front yard.**

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Sec. 24-3809. Streets and Sidewalks: General Street Standards

The design of new streets and modifications to existing streets must comply with the following requirements:

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- C. Permanent** ~~Cul-de-sac streets and T-turnarounds are prohibited.~~ **When the adjacent property has not been developed or redeveloped, a temporary dead-end street with a temporary cul-de-sac or other temporary turn-around may be approved.**

~~D. A temporary dead-end street with a temporary cul-de-sac or other approved turn-around may be constructed when the adjacent property has not been developed or redeveloped.~~

~~E.D.~~ On-street parking lanes must not be closer than 20 feet to intersections measured from the intersecting property lines.

~~F.E.~~ All new thoroughfares must have sidewalks on both sides of the travel lanes.

~~G.F.~~ All sidewalks must have a minimum width of six feet and a continuous unobstructed area within the sidewalk of a width no less than five feet. The unobstructed area must be unobstructed by utility poles, fire hydrants, street furnishings, or any other temporary or permanent structures.

~~H.G.~~ Free and clear public use of the sidewalk area outside of the right-of-way must be provided by a public access easement.

~~I.H.~~ With the exception of fire hydrants **and fire department connections**, utilities must run underground and above-ground projections of utilities must be placed in or along rights-of-way of streets of lower street hierarchy, wherever practical.

~~J.I.~~ Traffic control devices may include roundabouts, if the County Engineer determines a roundabout will materially improve the traffic safety and not adversely impact the orderly flow of traffic in the area (see Figure 3809: Illustration of Roundabout).

• • • •

Sec. 24-3810. Streets and Sidewalks: Alleys

• • • •

- B.** Alleys must comply with the required alley dimensions in Table 3810: Required Alley Dimensions.

Table 3810: Required Alley Dimensions		
Uses Served by Alley	<u>Right-of-Way Alley Width (Max.)</u>	Pavement Width
Residential	24'	12' – 18'
Nonresidential or Mixed-Use		18' – 20'

• • • •

Sec. 24-3814. Streets and Sidewalks: Street Lighting

- A.** Pedestrian-scaled fixtures must be installed on all streets fronting the property (see Figure 3814: Types of Street Lighting).

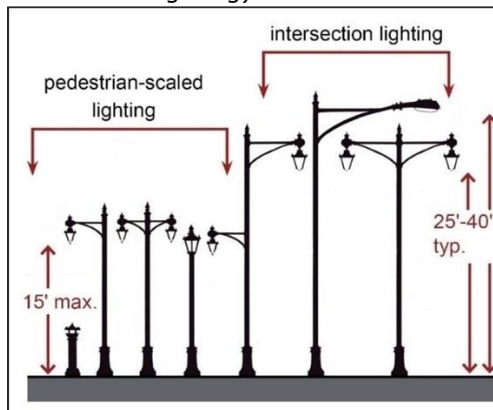


Figure 3814: Types of Street Lighting

• • • •

Sec. 24-3835. Parking Standards: Minimum Parking Standards

- A.** A minimum number of parking spaces must be provided for each use in accordance with Table 3835: Minimum Parking Spaces.

Table 3835: Minimum Parking Spaces	
Use	Minimum Number of Parking Spaces
Residential, Multifamily	1.5 spaces per dwelling unit
Residential, Single-Family	1 space per dwelling unit
Hotel or Motel	1 space per bedroom
Office Uses	3 spaces per 1,000 sf of gross floor area
Restaurants	6 spaces per 1,000 sf of gross floor area, including outdoor dining area
Retail Sales and Service Uses	3 spaces per 1,000 sf of gross floor area
Industrial Uses	
Public, Civic, and Institutional Use	As determined by the Planning Director

• • • •

Sec. 24-4205. Principal Use Table

Principal uses are allowed in each of the zoning districts in accordance with 4205: Principal Use Table. The cross-references in the "Use Specific Standards" column are provided for ease of reference and are not exhaustive.

Table 4205: Principal Use Table

R=Permitted by right | C=Allowed subject to conditional use permit | P=Allowed subject to provisional use permit
 - =Prohibited | A=Allowed subject to an approved PD Master Plan and PD Terms and Conditions Document

Use Category (Click text to jump to definitions)	Use Type	C&A		Residential												Nonresidential & Mixed-Use					PD				FBA-O Dev. Area					Use-Specific Standards (Click sec. number to jump to standards)												
		C-1	A-1	R-0	R-0A	R-1	R-1A	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5A	R-5	R-6	RTH	CMU	O-1	O-2	O-3	O/S	B-1	B-2	B-3	M-1	M-2	M-3	SMX-PD		TND-PD	UMU-PD	LI-PD	Mixed-use Corridor	Mixed-use Core	Walkable Corridor	Walkable Center	Neighborhood Gen.	Connected Edge	Highway Edge		
Agricultural Use Classification																																										
• • • • • Agriculture Support Services (Directly Related)																																										
	• • • • •																																									
	Agricultural processing	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4303.C	
	• • • • •																																									
	Nursery, production	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	Sec. 24-4303.A		
• • • • •																																										
• • • • •																																										
Residential Use Classification																																										
Household Living	• • • • •																																									
	Dwelling, live/work	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	R	-	-	-	-	R	R	R	P	-	-	-	A	A	A	A	R	R	R	R	R	R	R	Sec. 24-4306.A		
	• • • • •																																									
	Dwelling, upper story	-	-	-	-	-	-	-	-	-	-	-	-	R	R	-	R	-	-	-	-	R	R	R	P	-	-	-	A	A	A	A	R	R	R	R	R	-	R			

Table 4205: Principal Use Table

R=Permitted by right | C=Allowed subject to conditional use permit | P=Allowed subject to provisional use permit
 - =Prohibited | A=Allowed subject to an approved PD Master Plan and PD Terms and Conditions Document

Use Category (Click text to jump to definitions)	Use Type	C&A		Residential												Nonresidential & Mixed-Use							PD				FBA-O Dev. Area						Use-Specific Standards (Click sec. number to jump to standards)									
		C-1	A-1																																							
• • • •																																										
Public, Civic, and Institutional Use Classification																																										
Health Care Facilities	Assisted living facility	-	P	-	-	-	-	-	-	-	-	-	-	-	P	PR	-	R	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	R	R	R	R	R	R	R	Sec. 24-4311.A	
	• • • •																																									
	Hospice facility	-	-	-	-	-	-	-	-	-	-	-	-	-	P	PR	-	R	-	P	R	-	P	R	R	-	-	-	-	A	A	A	A	R	R	R	R	-	-	-	Sec. 24-4311.A	
	• • • •																																									
Parks and Open Areas	• • • •																																									
	Public park	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	Sec. 24-4312.C	
	• • • •																																									
• • • •																																										
Utilities	• • • •																																									
	Utility, major	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	PR	R	A	-	-	A	-	-	-	-	-	-	-	Sec. 24-4314.B		

Table 4205: Principal Use Table

R=Permitted by right | C=Allowed subject to conditional use permit | P=Allowed subject to provisional use permit
 - =Prohibited | A=Allowed subject to an approved PD Master Plan and PD Terms and Conditions Document

Use Category (Click text to jump to definitions)	Use Type	C&A		Residential												Nonresidential & Mixed-Use					PD		FBA-O Dev. Area					Use-Specific Standards (Click sec. number to jump to standards)														
		C-1	A-1	R-0	R-0A	R-1	R-1A	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5A	R-5	R-6	RTH	CMU	O-1	O-2	O-3	O/S	B-1	B-2	B-3	M-1	M-2		M-3	SMX-PD	TND-PD	UMU-PD	LI-PD	Mixed-use Corridor	Mixed-use Core	Walkable Corridor	Walkable Center	Neighborhood Gen.	Connected Edge	Highway Edge		
	• • • •																																									
Commercial Use Classification																																										
• • • •																																										
Animal Care	• • • •																																									
	Kennel or animal shelter	-	R C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	A	A	A	A	-	-	-	-	-	-	-	-	Sec. 24-4317	
	Veterinary hospital or clinic	-	R C	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	-	-	-	-	R	R	R	R	R	R	-	A	A	A	A	R	R	R	R	R	-	R	Sec. 24-4317	
Eating Establishment	Microbrewery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	-	-	-	R	R	R	R	R	R	A	A	A	A	R	R	R	R	R	-	R	Sec. 24-4315		
	Restaurant other than drive-through	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	-	P	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	R	-	R	Sec. 24-4315			
	• • • •																																									
• • • •																																										
Retail Sales and Services	• • • •																																									

Table 4205: Principal Use Table

R=Permitted by right | C=Allowed subject to conditional use permit | P=Allowed subject to provisional use permit
 - =Prohibited | A=Allowed subject to an approved PD Master Plan and PD Terms and Conditions Document

Use Category (Click text to jump to definitions)	Use Type	C&A		Residential										Nonresidential & Mixed-Use										PD				FBA-O Dev. Area						Use-Specific Standards (Click sec. number to jump to standards)								
		C-1	A-1	R-0	R-0A	R-1	R-1A	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5A	R-5	R-6	RTH	CMU	O-1	O-2	O-3	O/S	B-1	B-2	B-3	M-1	M-2	M-3	SMX-PD	TND-PD	UMU-PD	LI-PD	Mixed-use Corridor		Mixed-use Core	Walkable Corridor	Walkable Center	Neighborhood Gen.	Connected Edge	Highway Edge		
	Personal services establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	-	P	R	R	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	-	-	R	Sec. 24-4324.E 4315		
	Repair establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	-	P	R	R	R	R	R	R	R	R	R	A	A	A	A	-	-	-	-	-	-	R	Sec. 24-4324.F 4324.E		
Vehicle Sales and Services	• • • •																																									
	• • • •																																									
	Commercial vehicle sales, and rentals, and storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4324.A	
	• • • •																																									
• • • •																																										
Industrial Use Classification																																										
• • • •																																										
Manufacturing and Production	• • • •																																									
	Manufacturing, heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	R	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4329.A	

Table 4205: Principal Use Table

R=Permitted by right | **C**=Allowed subject to conditional use permit | **P**=Allowed subject to provisional use permit
- =Prohibited | **A**=Allowed subject to an approved PD Master Plan and PD Terms and Conditions Document

Use Category (Click text to jump to definitions)	Use Type	C&A		Residential														Nonresidential & Mixed-Use					PD		FBA-O Dev. Area					Use-Specific Standards (Click sec. number to jump to standards)											
		C-1	A-1	R-0	R-0A	R-1	R-1A	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5A	R-5	R-6	RTH	CMU	O-1	O-2	O-3	O/S	B-1	B-2	B-3	M-1	M-2	M-3	SMX-PD		TND-PD	UMU-PD	LI-PD	Mixed-use Corridor	Mixed-use Core	Walkable Corridor	Walkable Center	Neighborhood Gen.	Connected Edge	Highway Edge	
	• • • •																																								
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Sec. 24-4303. Agriculture Support and Services Uses (Directly Related)

• • • •

C. Agricultural Processing

In addition to the requirements of subsection A above, ~~the following requirements apply to agricultural processing uses.~~

- ~~1. In the A-1 District, all agricultural processing facilities must be located at least 400 feet from the nearest Residential district and 200 feet from any other lot where the principal use is a dwelling.~~
- ~~2. In the M-1 District, all agricultural processing operations must take place in fully enclosed buildings.~~

• • • •

Sec. 24-4305. Agricultural Uses: Silviculture

Silviculture activities must comply with all applicable state regulations pertaining to water quality. If exempt from such regulations, silviculture activities must adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the most recent edition of "Virginia's Forestry Best Management Practices for Water Quality Technical Manual." **Silviculture uses must comply with the minimum setbacks of Sec. 24-3203.D, C-1 District Dimensional Standards, and Sec. 24-3204.D, A-1 District Dimensional Standards.**

Sec. 24-4306. Residential Uses: Household Living

• • • •

C. Dwelling, Multifamily

• • • •

- 6. Multifamily development must provide centralized collection of trash and recyclable materials adequate to serve the number of dwelling units and meeting the requirements of Sec. 24-4428, Accessory Recycling and Refuse Collection Area, Outdoor.**
- 7. In addition to the parking required by Sec. 24-5110, Minimum Number of Off-Street Parking Spaces, an additional five percent of the minimum number of required parking spaces must be provided for recreational vehicles. This parking area must be located in a separate, designated area, must not be located in front of units, and must be landscaped in accordance with Sec. 24-5312, Parking Lot Landscaping. The Planning Director may reduce or waive this requirement where full compliance would be impractical or unnecessary due to the design and layout of the site or the specific type of dwelling units proposed.**

• • • •

E. Dwelling, ~~All~~ Single-Family Detached

- 1. Except in the R-5A General Residence District, each** ~~Each~~ lot to be used for a single-family detached dwelling must ~~front on~~ **abut** a public street for at least 20 feet in the case of an approved stem lot, 35 feet for an approved cul-de-sac lot, or 50 feet for any other lot. No lot or parcel of land abutting the terminus of a public street right-of-way will be deemed, by virtue of such abutment, to ~~have frontage on a public street~~ **meet this requirement** unless such lot fronts on an approved

permanent cul-de-sac or turn-around. No lot or parcel of land abutting a controlled access road will be deemed, by virtue of such abutment, to have frontage on a public street **meet this requirement**. This requirement does not apply to any lot created by a family subdivision approved under Sec. 19-2304 of the County Code.

2. In the R-5A **General Residence District**, single-family detached dwellings are only allowed within an approved subdivision which has been approved in accordance with Sec. 24-2314, Plan of Development, or Sec. 24-4315, Site Plan. **Each R-5A lot to be used for a dwelling must abut for at least 25 feet on a public right-of-way or an access easement containing roadways, walkways, or both.**

• • • •

G. Dwelling, Townhouse

• • • •

2. Each interior townhouse must occupy the full width of the lot. Each end unit must have a side yard a minimum of ten feet in width. **Each end unit on the street side of a corner lot must have a total building setback of 20 feet from the public right-of-way or private drive or walkway.**

• • • •

10. **In addition to the parking required by Sec. 24-5110, Minimum Number of Off-Street Parking Spaces, an additional five percent of the minimum number of required parking spaces must be provided for recreational vehicles. This parking area must be located in a separate, designated area, must not be located in front of units, and must be landscaped in accordance with Sec. 24-5312, Parking Lot Landscaping. The Planning Director may reduce or waive this requirement where full compliance would be impractical or unnecessary due to the design and layout of the site or the specific type of dwelling units proposed.**

Sec. 24-4307. Public and Civic Uses: Community Services

A. Community Center

1. ~~Hours of operation~~ **Outdoor activity** for a community center must be limited to between 8:00 a.m. and 9:00 p.m. Monday through Thursday and between 8:00 a.m. and 11:00 p.m. Friday through Sunday. However, up to four times per year, the hours may be extended to 12:00 Midnight for special events.
2. ~~During hours of operation~~ **Except for the four special events allowed by subsection 1,** after 9:00 p.m., noise that is plainly audible inside the confines of a dwelling unit or at a distance of 100 feet or more from the community center is prohibited.

• • • •

• • • •

Sec. 24-4308. Public and Civic Uses: Day Care

A. Childcare Center

• • • •

4. An outdoor play area must **not** be located in the ~~side or rear~~ **front** yard and must meet the **side and rear** setbacks for the principal use. If abutting a residential use, parking lot, or street, the play area must be screened by a ~~solid~~ **an opaque** fence or wall at least six feet in height supplemented with landscaping. Outdoor play areas must not be operated after 9:00 p.m.

• • • •

Sec. 24-4311. Public and Civic Uses: Health Care Facilities

• • • •

C. Hospital

In addition to the requirements of subsection A above, the following requirements apply to hospitals.

1. A hospital must ~~have a minimum street frontage of~~ **abut a public street for** at least 300 feet.

• • • •

• • • •

Sec. 24-4314. Public and Civic Uses: Utilities

A. Solar Array

• • • •

9. **A solar array meeting the definition of a "solar project" in Sec. 15.2-2316.6 of the Code of Virginia must be subject to a siting agreement pursuant to Sec. 15.2-2316.7 of the Code of Virginia.**

B. Utility, major

1. An electrical power **generation** facility must **not** be located a minimum of **within** 250 feet ~~from all~~ **of any** lot boundary lines.
2. An electric substation **as a principal use** must **not** be located a minimum of **within** 100 feet ~~from all~~ **of any** lot boundary lines **in a Residential district, or within 20 feet of any lot in any other district.**
2. **3.** A sewage treatment plant must not be located within 400 feet of any Residential district, or within 200 feet of any other lot where the principal use is a dwelling.
4. **An energy storage project must be subject to a siting agreement pursuant to Sec. 15.2-2316.7 of the Code of Virginia and must comply with National Fire Protection Association standards.**

C. Utility, minor

• • • •

3. **County-owned water and sewer pumping stations, water storage tanks, well houses, and similar facilities must be set back 20 feet from all lot lines (this requirement supersedes the setbacks of Article 3).**

• • • •

F. Wireless Communications Tower, Freestanding

1. Height

- (a) A freestanding wireless communications tower in a Residential district or within 200 feet of a dwelling must not exceed ~~40~~**50** feet in height, except that a tower up to 60 feet in **greater** height may be approved in accordance with Sec. 24-2306, Provisional Use Permit.

• • • •

• • • •

3. Minimum Distance

A wireless communications tower must be located, as measured from the base of the tower:

- ~~(a)~~ A minimum distance equal to 110 percent of the tower height from (1) any property line adjacent to any Residential district and (2) any dwelling; and
~~(b)~~ At, **at** least 50 feet from all other property lines, provided, a distance greater than 50 feet may be required as a condition of approval of a site plan or provisional use permit, if the Planning Director or Board of Supervisors, as appropriate, determines that the greater distance is necessary due to icing potential or other circumstances adversely affecting the public health, safety, or welfare.

• • • •

Sec. 24-4315. All Commercial Uses

- A. In the O-1, O-2, O-3, and O/S districts, any Commercial use that is allowed, other than a **financial institution, artist studio, or** use in the Offices use category, must be either:

• • • •

- E. In the B-1 and B-2 districts, between the hours of 12:00 midnight and 6:00 am, a **any** Commercial use **other than a hotel or motel** must not be open to the public and activity must not be conducted outside of an enclosed building, unless expressly authorized by a provisional use permit issued in accordance with Sec. 24-2306, Provisional Use Permit.

Sec. 24-4317. Commercial Uses: Animal Care

In addition to the requirements of Sec. 24-4315, All Commercial Uses, the following requirements apply to animal care uses.

• • • •

- E. All work rooms, cages, pens, or similar areas where services are provided to animals must be located within a completely enclosed building that is soundproofed, maintained, and operated so as not to produce noise, odors, or vermin outside the building.**

Sec. 24-4319. Commercial Uses: Offices

In addition to the requirements of Sec. 24-4315, All Commercial Uses, the following requirements apply to offices as a principal use.

A. Office Buildings in the B-1 District

In the B-1 Business District, an office building must not exceed 15,000 square feet of floor area unless a provisional use permit is issued for the building in accordance with Sec. 24-2306, Provisional Use Permit.

B. Data Centers

In addition to the requirements of Sec. 24-4315, All Commercial Uses, for ~~For~~ data centers in all districts except the M-1, M-2, and M-3 districts, all equipment necessary for cooling, ventilating, or otherwise operating the facility must be contained within an enclosed building where the use is located. This includes emergency power generators and other emergency power supply equipment.

Sec. 24-4322. Commercial Uses: Recreation and Entertainment, Outdoor

In addition to the requirements of Sec. 24-4315, All Commercial Uses, the following requirements apply to outdoor recreation and entertainment uses.

• • • •

B. Marina

In addition to the requirements of Sec. 24-4315, All Commercial Uses, and subsection A above, the following requirements apply to marinas.

1. A marina must have **abut a navigable stream for** at least 300 feet of water frontage; and

• • • •

• • • •

Sec. 24-4323. Commercial Uses: Retail Sales and Services

In addition to the requirements of Sec. 24-4315, All Commercial Uses, the following requirements apply to retail sales and service uses.

• • • •

E. Personal Services Establishment

~~All work rooms, cages, pens, or similar areas where services are provided to animals must be located within a completely enclosed building, or portion of a building, that is soundproofed, maintained, and operated so as not to produce noise, odors, or vermin outside the building or portion of the building.~~

F. Repair Establishment

All repair and storage activities must be conducted within an enclosed building.

Sec. 24-4324. Commercial Uses: Vehicle Sales and Service

In addition to the requirements of Sec. 24-4315, All Commercial Uses, the following requirements apply to vehicle sales and service uses.

A. All Vehicle Sales and Service Repair Uses

1. **A vehicle repair use must not be located within 100 feet of the property of an elementary or secondary school, public playground, religious institution, hospital, public library, or childcare center.**
- A-2. **The entrance to a vehicle sales and service repair use must not be located within 250 200 feet of the entrance to any dwelling, educational facility (except vocational or trade elementary or secondary schools), public playground,**

religious institution, hospital, public library, or child-care center on the same side of the street within the same block.

- ~~2-3.~~ All repair and maintenance of vehicles, including parts installation, must be performed within an enclosed building, and all
- ~~3.~~ All vehicle parts and equipment must be stored within an enclosed building.
4. In the B-1, B-2, B-3, and M-1 Districts, ~~in~~operable vehicles must not be parked or stored on the site except as follows.
5. (a) Temporary on-site storage of vehicles awaiting repair, service, or removal must be on the side or rear of the principal structure and screened from view from the adjacent roadway any public right-of-way or any Conservation, Agricultural, Residential, or Office District by a building, or by an opaque fence or masonry wall, in accordance with Article 5, Division 4, Fences and Walls.
- ~~6.~~ (b) Such ~~vehicles~~ must not be stored or parked for more than 30 consecutive days, except that a vehicle may remain on site beyond the 30-day period if the lawful owner of the vehicle, the property owner, or the operator of the service has initiated, and is pursuing, a lawful process for removing the vehicle as soon as possible after the 30-day period.

• • • •

C. Automobile Rentals

In addition to the requirements of Sec. 24-4315, All Commercial Uses, ~~and subsection A above,~~ the following requirements apply to automobile rentals.

• • • •

4. All rental vehicle service and maintenance areas, and parking of all trucks, vans, trailers, or recreational vehicles for rent, must be located behind the principal building and must be screened from view with approved fencing or landscaping either be screened in accordance with Sec. 24-5311, Screening, or be landscaped in accordance with Sec. 24-5312, Parking Lot Landscaping.

• • • •

F. Commercial Vehicle Sales, Rental, and Storage

In addition to the requirements of Sec. 24-4315, All Commercial Uses, the following requirements apply to commercial vehicle sales, rentals, and storage.

1. The layout, paving, and striping of a commercial vehicle sales, rental, or storage lot must be designed to accommodate the vehicles sold, rented, or stored there.
2. A commercial vehicle sales, rental, or storage lot must be located on the side or rear of the principal building and must be screened in accordance with Sec. 24-5311.
3. Commercial vehicles must not be stored within 100 feet of a Residential District.
4. All maintenance, repair, and service must be conducted in a completely enclosed building.
5. Vehicles must not be occupied overnight.

F. G. Towing or Wrecker Service

• • • •

3. Impound yards and vehicle storage areas must be screened from view from the **any public** right-of-way and from adjoining lands **in accordance with Sec. 24-5311, Screening** by an opaque wall or fence having a minimum height of seven feet. The wall or fence must be separated from adjoining lands and right of way by a Transitional Buffer 35.

H. Fleet Terminal

In addition to the requirements of Sec. 24-4315, All Commercial Uses, vehicles that are part of a fleet must be stored in a designated parking area that is either screened in accordance with Sec. 24-5311, Screening, or landscaped in accordance with Sec. 24-5312, Parking Lot Landscaping. If the designated parking area is adjacent to a Conservation, Agricultural, or Residential District, it must be screened from view by a fence or wall that meets the standards of Article 5, Division 4, Fences and Walls, which may be applied toward the requirements of a Transitional Buffer (see Sec. 24-5310, Transitional Buffers).

Sec. 24-4325. Commercial Uses: Visitor Accommodations

In addition to the requirements of Sec. 24-4315, All Commercial Uses, the following requirements apply to visitor accommodations uses.

....

C. Hotel or Motel

1. A room or suite in a hotel or motel must not be occupied as a person's primary residence.
2. **In the O-3 Office District and O/S Office Service District, a hotel is allowed only within an office development of 50 acres or more. The hotel buildings and accessory uses must not be located within 300 feet of a Residential District.**

Sec. 24-4326. Industrial Uses Generally

A. Office District Standards

In the **O-2, O-3, and** O/S Districts, any Industrial use that is allowed must:

1. Be located only **conducted entirely** within a completely enclosed building that has at least 40 percent of its gross floor area occupied by uses in the Offices use category, **except for parking areas, loading and unloading facilities**; and
2. Not create any **hazardous, objectionable, or offensive conditions on** danger to the health, safety, and welfare of the owners and occupants of neighboring lands **because of** or any substantial noise, vibration, smoke, dust, lint, odor, heat, or glare, **dust, smoke, noise, vibration, wastes, fire, or explosion** beyond the boundaries of the site.

B. Business and Light Industrial District Standards

In the **B-1, B-2, B-3, and** M-1 Districts, any Industrial use must:

1. Be conducted entirely within an **completely** enclosed building, except for parking areas, loading and unloading facilities, and outdoor storage as an accessory use (see Sec. 24-4424); and
2. Not create any hazardous, objectionable, or offensive conditions on neighboring lands because of odor, **heat, glare,** dust, smoke, ~~einders,~~ fumes, noise, vibration, wastes, fire, **or** explosion, ~~or unsightliness.~~

Sec. 24-4327. Industrial Uses: Extractive

In addition to the requirements of Sec. 24-4326, Industrial Uses Generally, the following requirements apply to extractive industries.

A. Extractive Industry Uses: Location

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2. Any building containing power-driven or power-producing machinery or equipment must be located at least 600 feet from all adjoining property that is in a ~~Conservation and Agriculture, Residential, or Nonresidential and Mixed-Use~~ **district other than an Industrial** district, and from the right-of-way of any public street.

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Sec. 24-4328. Industrial Uses: Services Uses

In addition to the requirements of Sec. 24-4326, Industrial Uses Generally, the following requirements apply to industrial service uses.

A. Contractor Services

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3. **All contractor fleet or service vehicles must be stored in a designated parking area that is either screened in accordance with Sec. 24-5311, Screening, or landscaped in accordance with Sec. 24-5312, Parking Lot Landscaping. If the designated parking area is adjacent to a Conservation, Agricultural, or Residential District, it must be screened from view by a fence or wall that meets the standards of Article 5, Division 4, Fences and Walls, which may be applied toward the requirements of a Transitional Buffer (see Sec. 24-5310, Transitional Buffers).**

• • • •

Sec. 24-4330. Industrial Uses: Warehouse and Freight Management

In addition to the requirements of Sec. 24-4326, Industrial Uses Generally, the following requirements apply to warehouse and freight management uses.

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B. Mini-warehouse

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10. Accessory uses to a mini-warehouse may include rental offices, outdoor storage of boats and recreational vehicles, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. Outdoor storage of boats and recreational vehicles is allowed only in designated areas, ~~in the rear yard outside of~~ **which must not be in any front or side yard and must meet** all required setbacks.
11. ~~Truck or trailer rental is not allowed at a mini-warehouse except that up to two trucks may be offered to mini-warehouse rental customers as an accessory use.~~

C. Outdoor Storage (as a Principal Use)

1. Any area used for outdoor storage must be fully enclosed with an opaque fence or wall no less than eight feet high, in accordance with Article 5, Division 4, Fences and Walls **screened from view from any public right-of-way and adjoining property in accordance with Sec. 24-5311, Screening.** The height of materials **Materials** and equipment stored must not **be piled or stacked to a height that exceeds** the height of the screening fence or wall.

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E. Truck or Freight Terminal, Warehouse (Distribution), or Warehouse (Storage)

1. A freight terminal ~~or warehouse~~ must not be located within 500 feet of any residential district, school, or child-care center.
2. All storage areas must be located outside all required setbacks and buffers and to the rear of the principal structure of the freight terminal or warehouse, and must be screened from view ~~from the adjacent roadway by a building, or by an opaque fence or masonry wall in accordance with Article 5, Division 4, Fences and Walls~~ **in accordance with Sec. 24-5311, Screening.**

• • • •

F. ~~Warehouse (Distribution)~~ Bulk Storage of Flammable Liquids

Bulk storage of flammable liquids as a principal use is allowed only in the Industrial Districts, subject to the setbacks and limitations below.

1. In the ~~O/S~~ and M-1 Districts, bulk storage of flammable liquids must be underground, must be located a minimum of 200 feet from all Residential districts, and must not exceed 30,000 gallons.
2. In the M-2 District, bulk storage of flammable liquids **that does not meet the limitations of subsection 1** must be located a minimum of 600 feet from all Residential districts and must not exceed 80,000 gallons.
3. In the M-3 District, bulk storage of flammable liquids **that does not meet the limitations of subsection 1** must be located a minimum of 600 feet from all districts other than Industrial districts.

Sec. 24-4331. Industrial Uses: Waste-Related Services

In addition to the requirements of Sec. 24-4326, Industrial Uses Generally, the following requirements apply to waste-related industrial uses.

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E. Salvage and Junkyard

A salvage and junkyard must:

• • • •

2. Be completely screened from view from all public rights-of-way **and adjoining lands in accordance with Sec. 24-5311, Screening** ~~by a completely opaque~~

~~fence or wall that is a minimum of eight feet tall and complies with the standards in Article 5, Division 4, Fences and Walls.~~

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F. Solid Waste Transfer Station

1. A solid waste transfer station must not be located within 250 feet of any Residential district or any lot on which the principal use is a dwelling.
2. A solid waste transfer station must have access to an arterial or major access road without passing through a residential area.
3. Hours of operation for a solid waste transfer station must occur only between 7:00 a.m. and 6:00 p.m.
4. ~~Buildings associated with a solid waste transfer station must be set back at least 500 feet from all property lines.~~
5. All handling of solid waste at a transfer station must be conducted within a completely enclosed building with an impervious floor.

Sec. 24-4401. General

A. Purpose and Intent

The purpose of this division is to authorize accessory uses and structures, which are land uses and structures that are **customary**, incidental, and customarily subordinate to principal uses. This division is intended to allow a broad range of accessory uses and structures, so long as they are located on the same site as the principal use and comply with the standards set forth in this division to mitigate potentially adverse impacts on surrounding lands.

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Sec. 24-4402. Accessory Use or Structure Table

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E. Accessory Use or Structure Table

Accessory uses and structures are allowed in each of the zoning districts in accordance with Table 4402: Accessory Use or Structure Table.

Table 4402: Accessory Use or Structure Table

R=Permitted by right | C=Allowed subject to conditional use permit | P=Allowed subject to provisional use permit
 - =Prohibited | A=Allowed subject to an approved PD Master Plan and PD Terms and Conditions Document

Accessory Use or Structure	C&A		Residential														Nonresidential & Mixed-Use								PD			FBA-O Dev. Area						Specific Standards for Use or Structure					
	C-1	A-1	R-0	R-0A	R-1	R-1A	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5A	R-5	R-6	RTH	CMU	O-1	O-2	O-3	O/S	B-1	B-2	B-3	M-1	M-2	M-3	SMX-PD	TND-PD	UMU-PD	LI-PD	Mixed-use Corridor	Mixed-use Core		Walkable Corridor	Walkable Center	Neighborhood Gen. Connected Edge	Highway Edge	
• • • •																																							
<u>Guesthouse (accessory to a single-family dwelling)</u>	-	R	R	R	R	R	R	R	R	R	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	-	-	-	-	R	R	-	<u>Sec. 24-4417</u>
Helicopter landing facility (as an accessory use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	P	R	-	-	R	R	R	R	-	-	-	-	-	-	-	-	-	-	R	<u>Sec. 24-4417</u> 4418
Home garden (as accessory to a dwelling)	-	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	-	-	-	-	-	-	-	-	-	-	A	A	A	A	R	R	R	R	R	R	R	<u>Sec. 24-4404</u>
Home occupation	-	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	-	-	-	-	-	-	-	-	-	-	A	A	A	A	R	R	R	R	R	R	R	<u>Sec. 24-4418</u> 4419
Keeping of animals outside a dwelling (as accessory to a dwelling)	-	R/C	R/C	R/C	R/C	R/C	R/C	R/C	R/C	R/C	R/C	R/C	R/C	R/C	R/C	R/C	R/C	-	-	-	-	-	-	-	-	-	-	A	A	A	A	R	R	R	R	R	R	R	<u>Sec. 24-4419</u> 4420
Limited fuel oil or bottled gas distribution	R	R	-	-	-	-	-	-	-	-	-	-	-	R	R		R	R	R	R	R	R	R	R	R	R	R	A	A	A	A	-	-	-	-	-	-	-	<u>Sec. 24-4420</u> 4421
Outdoor display of merchandise (as accessory to a Retail Sales and Services use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	R	-	-	-	-	A	R	R	R	R	-	R	R	<u>Sec. 24-4421</u> 4422	
Outdoor seating <u>and food preparation</u> (as accessory to an Eating Establishments use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R/P	-	R	P	P	R/P	R/P	P	R/P	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	<u>Sec. 24-4422</u> 4423

Table 4402: Accessory Use or Structure Table

R=Permitted by right | C=Allowed subject to conditional use permit | P=Allowed subject to provisional use permit
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Accessory Use or Structure	C&A		Residential														Nonresidential & Mixed-Use								PD			FBA-O Dev. Area						Specific Standards for Use or Structure					
	C-1	A-1	R-0	R-0A	R-1	R-1A	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5A	R-5	R-6	RTH	CMU	O-1	O-2	O-3	O/S	B-1	B-2	B-3	M-1	M-2	M-3	SMX-PD	TND-PD	UMU-PD	LI-PD	Mixed-use Corridor	Mixed-use Core		Walkable Corridor	Walkable Center	Neighborhood Gen.	Connected Edge	Highway Edge
Outdoor storage	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	-	-	-	-	-	R	R	R	R	R	R	A	A	A	A	-	-	-	-	-	-	-	Sec. 24-4423 4424
Parking of trucks and commercial vehicles (accessory to a dwelling)	-	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	-	-	-	-	R	R	R	-	-	-	A	-	-	A	-	-	-	-	-	-	-	Sec. 24-4424 4425
Parking facility (as accessory use)	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	Sec. 24-4403
Produce stand (accessory to horticulture or a community garden)	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	-	-	-	-	-	-	-	-	-	-	A	A	A	A	R	R	R	R	R	R	R	Sec. 24-4425 4426
Rainwater cistern or barrel	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	Sec. 24-4426 4427
Recycling and refuse collection area, outdoor	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	Sec. 24-4427 4428
Retail sales (accessory to an Industrial use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	-	R	R	R	-	A	A	A	R	R	R	R	R	R	R	Sec. 24-4428 4429
Sand and gravel washing and grading plant (accessory to an Extractive Industry use)	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	R	R	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4429 4430
Short-term rental of a dwelling	R/C	R/C	R/C	R/C	R/C	R/C	R/C	R/C	R/C	R/C	R/C	R/C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	-	R	R	R	R	R	R	R	Sec. 24-4430 4431
Solar energy equipment	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	R	Sec. 24-4431 4432

Table 4402: Accessory Use or Structure Table

R=Permitted by right | C=Allowed subject to conditional use permit | P=Allowed subject to provisional use permit
 - =Prohibited | A=Allowed subject to an approved PD Master Plan and PD Terms and Conditions Document

Accessory Use or Structure	C&A		Residential														Nonresidential & Mixed-Use							PD			FBA-O Dev. Area						Specific Standards for Use or Structure							
	C-1	A-1	R-0	R-0A	R-1	R-1A	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5A	R-5	R-6	RTH	CMU	O-1	O-2	O-3	O/S	B-1	B-2	B-3	M-1	M-2	M-3	SMX-PD	TND-PD	UMU-PD	LI-PD	Mixed-use Corridor		Mixed-use Core	Walkable Corridor	Walkable Center	Neighborhood Gen.	Connected Edge	Highway Edge	
Swimming pool (accessory to a dwelling)	-	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	P	-	-	-	-	-	-	-	-	-	-	A	A	A	A	P	P	P	P	P	P	P	Sec. 24-4432	
• • • •																																								
Underground storage tankBulk storage of flammable liquids	-	P	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	P	P	P	P	R	R	R	R	R	A	A	-	A	R	R	R	R	-	-	R	Sec. 24-4435	
• • • •																																								

Sec. 24-4403. General Standards for All Accessory Uses and Structures

• • • •

B. All accessory uses and accessory structures must:

• • • •

2. Be customarily accessory and ~~clearly incidental and subordinate~~ to the principal use and structure;

• • • •

7. Together with the principal use or structure, not violate any standards of this Ordinance; **and**
8. Not be constructed or established prior to the time the principal use or structure is constructed or established; **and**
9. ~~Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use).~~

• • • •

Sec. 24-4404. Uses and Structures Accessory to ~~a Single-Family~~ Certain Dwellings

- A.** Accessory uses and structures that are accessory to and not attached to a single-family detached or single-family attached dwelling, manufactured home dwelling, ~~or duplex dwelling, or townhouse~~ must comply with the following standards (**see also Sec. 24-4424.B, Accessory Outdoor Storage**):

1. Accessory structures must not be located in any front yard, street side yard, or interior side yard unless a conditional use permit is issued for the accessory structure in accordance with Sec. 24-2308, Conditional Use Permit. **This standard will be applied at the time of construction of the accessory structure. Subsequent expansion of the principal dwelling toward the rear of the lot is permitted even if this requirement will not be maintained.**

• • • •

4. The limitations of subsections 1 and 3 above do not apply to structures at or below grade ~~or to aboveground swimming pools four feet or less in depth and 24 feet or less in diameter,~~ **such as underground pipes, driveways, or patios,** but do apply to the following:

• • • •

- (b)** ~~Any other detached accessory structures~~ **such as,** including permanent play equipment, sports courts fully or partially enclosed by fencing, ~~above-ground swimming pools greater than four feet in depth or greater than 24 feet in diameter and their associated decking, and any other similar structures.~~

• • • •

• • • •

6. Subject to subsections 7, 8, and 9 below, accessory structures must be located:

• • • •

(b) Ten feet from the ~~nearest point of the~~ principal dwelling, including attached accessory structures other than decks;

• • • •

(e) Three feet from all other lot lines, except that a swimming pool must be located at least ten feet from all lot lines (measured to the interior pool wall).

(f) A hot tub or similar fixture located on a deck attached to a dwelling must meet the same requirements as the deck itself. The deck of a swimming pool may be contiguous with a deck attached to a dwelling provided the interior wall of the pool is at least ten feet from the dwelling.

• • • •

8. An accessory structure that is not designed or used for human occupancy may be located within a ~~special flood hazard area or~~ drainage and utility easement in the special flood hazard area if it will not interfere with the construction, operation or maintenance of any existing or planned facility in the special flood hazard area as determined by the director of the department responsible for the facility. Where a dwelling lot lies partly in a Residential zoning district and partly in a C-1 Conservation District, buildings, structures and uses accessory to the dwelling may be located in the C-1 district subject to the requirements of this subsection.

• • • •

B. For purposes of subsection A above, a ÷

~~1. A deck, awning, trellis, or similar structure is considered attached to a principal structure if it is located within one foot of the principal structure.~~

~~2. These standards are applied at the time of construction of the accessory structure. Subsequent expansion of the principal dwelling to the rear of the lot is permitted even if the requirements in subsection A above are not maintained.~~

• • • •

D. Except in the RTH Residential Townhouse District, noncommercial trailers, boats, and recreational vehicles may be stored in completely enclosed buildings, or may be stored outside as follows (see also Sec. 24-4425, Accessory Parking of Trucks and Commercial Vehicles (as accessory to a dwelling)):

1. A total of no more than two of the following items may be stored outside on any residential lot: recreational vehicles, boats on trailers, or noncommercial trailers such as travel trailer, or utility trailers.

2. Trailers, including ~~B~~boat, cargo, travel, or utility trailers, must not be stored in the front yard, street side yard, or in any public right-of-way.

3. Self-propelled ~~R~~recreational vehicles must not be parked in any public right-of-way.

• • • •

Sec. 24-4406. Accessory Dwelling Unit

• • • •

- C.** An accessory dwelling unit may be within or attached to the principal dwelling (e.g., a downstairs or upstairs apartment) or exist within or as a detached building (e.g., an apartment above a detached garage ~~or in a guesthouse~~). If it is detached from the principal structure, the accessory dwelling unit must be separated from the principal structure by a distance of at least ten feet.

• • • •

Sec. 24-4417. Accessory Guesthouse (accessory to a single-family dwelling)

- A.** A guesthouse may be occupied only by nonpaying guests who maintain a primary residence elsewhere. A detached accessory building may not be occupied as an accessory dwelling unit unless a conditional use permit is approved pursuant to Sec. 24-4406, Accessory Dwelling Unit. A detached accessory building may not be offered for short-term rental unless a conditional use permit is approved pursuant to Sec. 24-4431, Accessory Short Term Rental (as accessory to a dwelling).
- B.** A guesthouse (as distinguished from an accessory dwelling unit) may not include facilities for cooking.

Sec. 24-441724-4418. Accessory Helicopter Landing Facility

• • • •

Sec. 24-441824-4419. Accessory Home Occupation

• • • •

Sec. 24-4419 24-4420. Accessory Keeping of Animals Outside a Dwelling (as accessory to a dwelling)

The keeping of animals outside a dwelling as accessory to a dwelling is permitted only in accordance with the standards in this section and all other applicable standards in this Ordinance.

• • • •

B. Honeybees

- 1.** Hives for honeybees are allowed by right provided they are ~~must not be~~ located in a front or side yard, or within 10 feet of any lot line, or within 50 feet of a swimming pool on another lot.

• • • •

C. Dogs, Cats, Pigeons, and Similar Animals as Pets

The keeping of dogs, cats, pigeons, and similar animals as pets outside of a dwelling must comply with the following requirements:

1. In Residential districts, enclosures and shelters for animals are **not** allowed ~~only~~ in rear **front or side** yards.

• • • •

3. The keeping of more than four animals ~~age~~ twelve weeks **old** or older or more than 15 animals less than twelve weeks old, in the aggregate, counting all pets that spend all or part of the day outside of a dwelling, is allowed:

• • • •

D. Fish

The keeping of any number of fish outdoors as pets is allowed **by right** if the fish are kept within a pond or pool that is at or below grade and is maintained so that any odors generated are not detectable at the lot boundary line.

• • • •

G. Poultry

The keeping of poultry is allowed as an accessory use to a single-family detached, duplex, or manufactured home dwelling in accordance with the standards in this subsection (see Sec. 24-4302.A, All Animal Husbandry Uses, for standards for keeping poultry as a principal use).

• • • •

3. The hens must be kept within a covered enclosure that includes a coop and an enclosed run. The coop and the enclosed run must have a combined minimum enclosed area of 30 square feet. The enclosure must **not** be located in **a front or side** the rear yard ~~only and must meet a side yard setback of~~, **must not be within** 25 feet **of a side lot line**, and **must meet** the rear yard setback that applies to the dwelling.

Sec. 24-4420~~24-4421~~. Accessory Limited Fuel Oil or Bottled Gas Distribution

• • • •

Sec. 24-4421~~24-4422~~. Accessory Outdoor Display of Merchandise (as accessory to a Retail Sales and Services use)

• • • •

Sec. 24-4422 ~~24-4423~~. Accessory Outdoor Seating and Food Preparation (as accessory to an Eating Establishments use)

Outdoor seating is allowed as an accessory use to any Eating Establishments use, subject to the following standards:

• • • •

- F. Outdoor food preparation must not cause detrimental impacts to nearby uses or property due to noise, glare, light, smoke, odor, grease, or similar effects. In the R-6, O-1, O-2, O-3, O/S, B-1, and B-2 districts, outdoor food preparation may only**

be allowed upon approval of a Provisional Use Permit by the Board of Supervisors in accordance with Sec. 24-2306, Provisional Use Permit.

Sec. 24-4423 24-4424. Accessory Outdoor Storage

- A.** In the B-1, B-2, B-3, and M-1 districts, outdoor storage must comply with an approved plan of development (see Sec. 24-2314) or site plan (see Sec. 24-2315) and the following standards:

• • • •

- 2.** Outdoor storage other than for shopping carts must be completely screened from view from any Residential district or public right-of-way ~~by either a building or a continuous opaque masonry wall or fence. The wall or fence must be at least seven feet tall, and must comply with the standards in Article 5, Division 4, Fences and Walls,~~**in accordance with Sec. 24-5311, Screening, and must comply** with the setbacks and other dimensional standards for a principal structure in the zoning district in which it is located.

- B.** In any Agricultural district or Residential district, outdoor storage ~~accessory to~~ **on a lot where the principal use is** a dwelling must comply with **the requirements of Sec. 24-4404 and** the following standards:

- 1.** Outdoor storage of household appliances, ~~or~~ furniture manufactured and sold for indoor use, **or any other abandoned, discarded, demolished, or worn-out material** is prohibited; and
- 2.** Outdoor storage of building materials is prohibited unless the materials are being used on the premises for agricultural operations or substantial and continuing construction activities.

Sec. 24-442424-4425. Accessory Parking of Trucks and Commercial Vehicles (accessory to a dwelling)

• • • •

Sec. 24-442524-4426. Accessory Produce Stand

• • • •

Sec. 24-442624-4427. Accessory Rainwater Cistern or Barrel

• • • •

Sec. 24-4427 24-4428. Accessory Recycling and Refuse Collection Area, Outdoor

An outdoor recycling and refuse collection area is allowed as an accessory use to any use other than a single-family detached dwelling, duplex dwelling, manufactured home dwelling, or live/work dwelling in accordance with the following standards **(see also Sec. 24-5503.A, Lighting to be Provided)**:

• • • •

- C. All recycling and refuse containers and bins, including pallets, cardboard bales, and oil containers, must be completely screened from view and located in an enclosed area conveniently accessible to all residents and occupants. Enclosures must be constructed of finished masonry materials with the exception of gates and doors. Gates and doors must be constructed of wood, metal, PVC, or similarly durable material, and must not be constructed of chain-link fence. Gates must remain closed except as needed to enter or exit the screened area.

• • • •

Sec. 24-4428 ~~24-4429~~. Accessory Retail Sales (as accessory to an Industrial use)

In the M-2 and M-3 districts, retail sales as an accessory use to an Industrial use must comply with the following standards:

• • • •

- D. With the exception of building materials, all goods for sale must be stored indoors, or in an outdoor storage area ~~in the rear~~ **that is not located in a front or side yard**, ~~that~~ meets all principal structure setbacks, and complies with the screening requirements for accessory outdoor storage;

• • • •

Sec. 24-4429~~24-4430~~. Accessory Sand and Gravel Washing and Grading Plant (as accessory to an Extractive Industry use)

• • • •

Sec. 24-4430 ~~24-4431~~. Accessory Short-term Rental (as accessory to a dwelling)

- A. *Conditional use permit.* A conditional use permit is required for short term rental, hosted stays (see Article 8, Division 5, General Definitions) that are (1) located in a guesthouse, (2) located on a lot ~~with less than~~ **that does not abut a public street for at least** 80 feet of frontage on a public street, (3) occupied by more than six short-term renters at any time, or (4) rented more than a total of 60 days in any calendar year, and for short term rental, unhosted stays (see Article 8, Division 5, General Definitions).

• • • •

- F. *Limitation on additional uses.* No property owner may offer as a short-term rental any property that is also used for a family day home, group home, assisted living facility, massage therapy, **or** taxi or other carrier service, ~~or noncommercial kennel~~. No property owner may offer, allow, or provide a short-term rental for any other commercial use not customarily incidental to a one-family dwelling, including, without limitation, commercial use for parties, banquets, weddings, receptions, meetings, filming, or advertising activities.

• • • •

Sec. 24-4431~~24-4432~~. Accessory Solar Energy Equipment

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Sec. 24-4432 ~~Accessory Swimming Pool (as accessory to a dwelling)~~

Swimming pools are allowed as accessory to a single family, duplex, or manufactured home dwelling in accordance with the following standards:

- ~~A.~~ A swimming pool must not be located in a front, interior side, or street side yard unless a conditional use permit is issued for the pool in accordance with Sec. 24-2307, Conditional Use Permit.
- ~~B.~~ An outdoor swimming pool may be located within a required minimum rear yard if it is located at least ten feet from all property lines, measured to the interior of the pool wall.
- ~~C.~~ Any outdoor swimming pool must be located outside County easements, other than a special flood hazard area or drainage and utility easement within a special flood hazard area, and must be located to not interfere with the construction, operation, or maintenance of any existing or planned facility in the easement, as determined by the director of the department responsible for the facility.

Sec. 24-4434. Accessory Truck Rental (as accessory to retail sales, mini-warehouse, or self-service storage)

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- B. All parking, service, and maintenance areas of establishments that rent small trucks, vans, **trailers**, or recreational vehicles must be located at the back of the buildings and must be screened from view with approved fencing or landscaping.

Sec. 24-4435. Accessory Underground Storage Tank ~~Bulk Storage of Flammable Liquids~~

An underground storage tank **Bulk storage of flammable liquids** as an accessory use to any use other than an automobile filling station (fuel only) **or for emergency generators at a hospital or similar facility** must comply with the standards for bulk storage of flammable liquids in Sec. 24-4330.F, Warehouse (Distribution) **Bulk Storage of Flammable Liquids**.

Sec. 24-4502. Temporary Use and Structure Table

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D. Unlisted Temporary Uses

The Planning Director is authorized to evaluate proposed temporary uses or structures that are not identified in Table 4502: Temporary Use or Structure Table, on a case-by-case basis applying the criteria in Sec. 24-8407, Interpretation of Unlisted Uses. Upon determining the proposed use or structure is similar to a use or structure listed in the table, the Planning Director will treat the proposed use or structure the same as the most similar use or structure. If the Planning Director determines that the proposed use or structure is not similar to any listed use or structure, the Board of Zoning Appeals may approve that use or structure by conditional use permit (see Sec. 24-2308.B).

D. E. Temporary Use and Structure Table

Temporary uses and structures are allowed in each of the zoning districts in accordance with Table 4502: Temporary Use or Structure Table. In addition, the Board of Zoning Appeals may approve any temporary use or structure not otherwise permitted in the district where it is proposed to be located that does not involve the construction or use of permanent structures (see Sec. 24-2308.B).

Table 4502: Temporary Use and Structure Table

R=Permitted, no temporary use permit required | T=Allowed subject to temporary use permit
 - =Prohibited | A=Allowed subject to an approved PD Master Plan and PD Terms and Conditions Document

Temporary Use or Structure	C&A		Residential														Nonresidential & Mixed-Use										PD				FBA-O Dev. Area						Specific Standards for Use or Structure				
	C-1	A-1	R-0	R-0A	R-1	R-1A	R-2	R-2A	R-3	R-3A	R-4	R-4A	R-5A	R-5	R-6	RTH	CMU	O-1	O-2	O-3	O/S	B-1	B-2	B-3	M-1	M-2	M-3	SMX-PD	TND-PD	UMU-PD	LI-PD	Mixed-use Corridor	Mixed-use Core	Walkable Corridor	Walkable Center	Neighborhood Gen.		Connected Edge	Highway Edge		
• • • •																																									
Food truckMobile food unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	R	R	Sec. 24-4509
• • • •																																									
Seasonal decorations or temporary sales and commercial display	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	-	-	H	H	H	H	-	-	-	-	A	A	R	R	-	-	R	R	R	R	Sec. 24-4514	
• • • •																																									

Sec. 24-4509. Temporary Food Truck~~Mobile Food Unit~~

- A.** A ~~food truck~~ **mobile food unit** must not be operated without the written consent of the landowner or tenant, or their authorized agent.
- B.** A ~~food truck~~ **mobile food unit** must be operated on level ground that is surfaced with pavement, gravel, or a similar dustless, all-weather material to ensure safe and convenient pedestrian access.
- C.** A ~~food truck~~ **mobile food unit**, together with any areas provided for on-site consumption of food, must not be operated within a required parking space or be parked in a driveway, drive aisle, sidewalk or other pedestrian way, fire lane, or required landscaped area.
- D.** A ~~food truck~~ **mobile food unit, including any equipment, furniture, or supplies related to it,** must not remain overnight on the same premises where food sales occur.
- E.** The vicinity around ~~the food truck~~ **a mobile food unit** must be kept clean and free of litter and debris.
- F.** Trash receptacles must be provided where there is any accommodation for consumption of food in the vicinity of ~~the food truck~~ **a mobile food unit.**

Sec. 24-4511. Temporary Portable Storage

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- C.** Storage containers must not be located in any street right-of-way, ~~driveway,~~ parking or loading area, front yard, required parking space, ~~driveway,~~ drive aisle, sidewalk or other pedestrian way, fire lane, or required landscaped area.

• • • •

Sec. 24-4514. Temporary or Seasonal Decorations Sales and Commercial Display

- A.** Temporary sales must be limited to no more than ~~45 consecutive days and no more than~~ 90 days in any calendar year.
- B.** A temporary sales stand **other than a tent** must not exceed 400 square feet in area.

• • • •

Sec. 24-4518. Temporary Use of a Factory-Fabricated, Transportable Building

The standards in this section apply to modular offices, modular classrooms, and other factory-fabricated, transportable buildings, other than family healthcare homes, that are designed to arrive at the site ready for occupancy (except for minor unpacking and connection to utilities), and for relocation to other sites. Such buildings may be temporarily placed on land, subject to the following standards:

- A.** The building may be placed on a lot and temporarily used only for the following purposes:
 - 1.** Temporary expansion of space for an existing community services use, government administrative offices, health care use, religious institution, school, or other

community-serving institutional use ~~pending implementation of County approved plans for the permanent expansion of existing facilities;~~

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Sec. 24-5103. Access and Circulation System

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E. Access to Private Cemetery or Graveyard

When development is proposed adjacent to or encompassing a private cemetery or graveyard, access must be provided by ~~easement or~~ **either a public right-of-way or a private accessway** at least 20 feet in width extending from the cemetery or graveyard to a public street. The access must be improved with an all-weather surface compatible with the proposed development. The proposed development must be separated from the cemetery or graveyard by a fence between 36 and 42 inches in height meeting the requirements of Article 5, Division ~~54~~, Fences and Walls. In the R-5A District, the nearest residential lot must be at least 20 feet from the cemetery or graveyard.

Sec. 24-5104. Off-Street Parking Location, Entrances, and Exits

A. Location

1. In Conservation, ~~and~~ Agricultural, ~~Districts and in~~ Residential Districts, for any use other than a single-family, duplex, or townhouse dwelling, parking must not be located in a required front yard or a required street side yard.
- 2. For townhouse developments, parking lots must be set back at least 15 feet from any existing or proposed public right-of-way (see also Sec. 24-5312.B, Perimeter Landscaping). Individual townhouse dwellings fronting on public streets must not have front-loaded garages served by individual driveways. For individual townhouse dwellings fronting on a private access, parking must not be located in a front yard except as a driveway serving a permitted front-loaded garage (one driveway space for each garage space). Such parking must be at least 18 feet deep by 9 feet wide exclusive of sidewalks and easements.**
- 3.** In all Office, Business, and Industrial Districts, parking must be set back at least 15 feet from any existing or proposed public right-of-way (see also Sec. 24-5312.B, Perimeter Landscaping).
- ~~3-4.~~ Vehicles must only be parked in approved and constructed parking spaces.
- 4-5.** Except where permitted in **the CMU, Community Mixed Use District and** Planned Development districts, for residential uses, space in a private garage does not count toward the off-street parking requirement.
- ~~5-6.~~ For single-family detached dwellings, the width of the driveway must not exceed 50 percent of the lot width or 45 feet, whichever is ~~greater~~ **less**.

• • • •

Sec. 24-5105. Off-Street Parking Surfacing and Marking

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D. Dwellings on Private Roads in R-5A, R-5, R-6, and RTH Districts

- 1. Private roads, drives, and parking areas for multifamily, townhouse, and R-5A developments must be designed and constructed in accordance with the pavement design standards and specifications of the department of public works.**
- 2. A professional engineer, licensed in the State of Virginia, must inspect all private road, drive, and parking area construction activities. Prior to issuance of the last certificate of occupancy, the engineer must provide the county with certification that the private roads, drives, and parking areas have been constructed in accordance with the approved plans and specifications.**
- 3. For owner-occupied developments, the developer must post a defect bond for the construction of private roads, drives, and parking areas. The defect bond must remain in effect for a period of three years from the date of the issuance of the final certificate of occupancy.**

Sec. 24-5106. Off-Street Parking Lighting, Landscaping, Screening

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D. Screening of Vehicle Fleets

Vehicles that are part of a fleet maintained by a business or organization must be stored in a vehicular off street parking area that is screened from view from any property in the Conservation and Agricultural Districts and the Residential Districts by a fence or wall that meets the standards of Article 5, Division 4, Fences and Walls, or by a Transitional Buffer 35 (see Sec. 24-5310, Transitional Buffers).

E. Pick-Up and Drop-Off Areas

If provided, designated areas for pick-up and drop-off by taxis, ridesharing, or other mobility service providers must not interfere with the movement of vehicles or pedestrians within the parking lot.

Sec. 24-5109. Dimensional Standards for Parking Spaces and Aisles

A. General Requirements

Except as otherwise provided in subsections C or D below, standard vehicle parking spaces and aisles must comply with the minimum dimensional standards established in Table 5109: Dimensional Standards for Parking Spaces and Aisles. See Figure 5109A: Measurement of Parking Space and Aisle Dimensions and Figure 5109B: Measurement of Parallel Parking Space and Aisle Dimensions. Dimensional requirements for parking spaces constructed at angles not included in Table 5109 will be calculated by linear extrapolation between the two closest rows in the table. For example, for parking spaces constructed at a 22.5 degree angle, the stall width will be 8.5 feet, the stall depth perpendicular to curb will be 13.5 feet, and the aisle width will be 11.5 feet.

Table 5109: Dimensional Standards for Parking Spaces and Aisles ^{[1] [2]}				
PARKING ANGLE (DEGREES)	STALL WIDTH (FT)	STALL DEPTH PERPENDICULAR TO CURB (FT)	AISLE WIDTH (FT)	STALL LENGTH ALONG CURB (FT)
A	B	C	D	E
0 (parallel)	8	8	11	22
45	9	19	12	13
60	9	20	15 18	10.5

**Table 5109: Dimensional Standards
for Parking Spaces and Aisles ^{[1] [2]}**

PARKING ANGLE (DEGREES)	STALL WIDTH (FT)	STALL DEPTH PERPENDICULAR TO CURB (FT)	AISLE WIDTH (FT)	STALL LENGTH ALONG CURB (FT)
A	B	C	D	E
90	9	18	22 24	9

NOTES

• • • •

[2] For one-way traffic. Aisles for two-way traffic must be at least ~~22~~ **24** feet wide (for all parking angles). The Planning Director may approve an aisle width less than the minimum on determining that the aisle is sufficiently wide to allow vehicles to conveniently maneuver through the parking area and access each parking space without driving through any other parking space.

• • • •

D. Compact Parking

Up to 20 percent of required off-street parking spaces may be designated for use by compact cars. The dimensions of such designated off-street parking spaces may be reduced to a width of eight feet and a depth of 16 feet. **Parallel parking spaces may not be reduced to compact parking spaces.**

• • • •

Sec. 24-5110. Minimum Number of Off-Street Parking Spaces

• • • •

Table 5110: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Minimum Off-Street Parking Spaces ^[1, 2]
• • • •		
Household Living ^[3]	• • • •	
	Dwelling, multifamily ^[4]	2.0 per du; 1.0 per du in an age-restricted community
	• • • •	
	Dwelling, single-family detached	1.0 per du; 2.0 per du if the dwelling is on a cul-de-sac lot or a stem lot
	Dwelling, townhouse ^[4]	2.0 per du plus 10% additional for guest parking; 1.0 per du in an age-restricted community, plus 10% additional for guest parking
	• • • •	

Table 5110: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Minimum Off-Street Parking Spaces ^[1, 2]
• • • •		
Community Service	• • • •	
	Community center	3.0 per 1,000 sf <u>of activity area</u>
	• • • •	
• • • •		
Vehicle Sales and Services	• • • •	
	Automobile sales	3.0 per 1,000 sf <u>plus 10 spaces designated for vehicle display</u>
	• • • •	
	Commercial vehicle sales, and rentals, <u>and storage</u>	2.0 per 1,000 sf
	Fleet terminal, <u>in addition to spaces required for fleet vehicles</u>	2.5 per 1,000 sf
	• • • •	
• • • •		
Industrial Services	Contractor services, <u>in addition to spaces required for service vehicles</u>	2.0 per 1,000 sf
	• • • •	
• • • •		
Warehouse and Freight Movement	• • • •	
	Self-service storage facility	2.0 plus 0.67 per 1,000 sf rentable storage area <u>4.0 per 1,000 sf office area plus 1 for each 50 rental units</u>
	• • • •	
• • • •		

Table 5110: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Minimum Off-Street Parking Spaces ^[1, 2]
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NOTES:

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[3] Where mail is delivered to **freestanding** cluster or community mailboxes, one additional parking space per every 30 dwellings served by the mailboxes must be provided in close proximity.

[4] See also requirement for recreational vehicle parking in Sec. 24-4306.G, Dwelling, Multifamily, and Sec. 24-4306.G, Dwelling, Townhouse.

Sec. 24-5111. Alternative Minimum Requirements

The minimum number of off-street parking spaces required by Table 5110: Minimum Number of Off-Street Parking Spaces may be adjusted as follows:

• • • •

C. Multiple Tenant Use Commercial Centers

• • • •

2. Any theater, hotel, or any use that is not a Commercial use in a development subject to subsection 1 above must provide the amount of parking required by Table 5110: Minimum Number of Off-Street Parking Spaces, and the remaining development must provide 3.5 parking spaces per 1,000 square feet of the remaining gross floor area.

Sec. 24-5115. Off-Street Parking Alternative Parking Plans

In reviewing a parking plan (see Sec. 24-5102.E, Parking Plan Required), the Planning Director may approve alternatives to providing the off-street parking spaces required by Sec. 24-5110, Minimum number of Off-Street Parking Spaces, using one or more of the alternatives in Sections 24-5116 through 24-5119 below.

Sec. 24-5116. Off-Site Parking

An applicant may propose an alternative parking plan to meet a portion of the minimum number of off-street parking spaces required for that use through off-site parking at a separate parking lot. Such use of shared off-site parking will be subject to the following standards:

A. Maximum Shared Off-Site Spaces

Up to 50 percent of the number of parking spaces required for the use may be provided off-site provided that parking demands do not overlap.

• • • •

E. Off-Site Parking Agreement

• • • •

4. An attested copy of an approved and executed agreement must be recorded in the land records before issuance of a final certificate of occupancy for any use to be served by the ~~shared~~ **off-site** parking area.

• • • •

Sec. 24-5117. On-Street Parking

In the CMU and Planned Development zoning districts, an alternative parking plan may propose to provide up to 50 percent of the minimum number of required off-street parking spaces through on-street parking along streets that are within the development, **subject to Sec. 24-5116.C, Pedestrian Access.**

• • • •

Sec. 24-5124. Loading Standards

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C. Dimensional Standards

Each loading berth must be at least ~~12~~ **10** feet wide and must have at least 15 feet overhead clearance. For general industrial, distribution, or warehousing uses, each loading berth must be at least 45 feet long. For all other uses, each loading berth must be at least 25 feet long.

• • • •

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Sec. 24-5202. Applicability

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B. Exemptions

The following development is exempted from the standards in this division:

1. ~~Any development larger development plan (e.g., a residential subdivision or a business park) that consists of single family or duplex dwellings on individual lots, or other development on individual lots smaller than 8,000 square feet~~ **Development of single-family or duplex dwellings that is not part of a subdivision of land into more than 50 lots (including all phases or sections), a plan of development, a site plan, a mixed-use development, or a Planned Development;**

• • • •

4. Development where the total minimum open space ~~set-aside~~ otherwise required by this division, including all phases of development, would be 100 square feet or less.

• • • •

D. Open Space ~~Set-Aside~~ Plan Required

All development applications subject to review for compliance with the standards of this division must include an open-space ~~set-aside~~ plan. The plan must designate all open-space areas, including the amount of each type of open space ~~set-aside~~ provided and the relation of each ~~set-aside~~ **open space** area to the constructed areas of the site, including all buildings and pedestrian circulation systems and their links to the open spaces.

Sec. 24-5203. Amount of Open Space Required

Development subject to these standards must provide required open space in an amount that meets or exceeds the minimum in Table 5203: Required Open Space, based on the use and zoning district where the development is proposed. **The open space within a large, unified development (such as a shopping center or office park) may be allocated to the open space requirement for individual projects within that development (such as outparcels or individual buildings), provided no area of open space may be allocated to more than one project.**

• • • •

Sec. 24-5204. Areas Counted Towards ~~Set-Aside~~ Required Open Space

A. Qualifying Types of Open Space

The features and areas identified as counting toward required open space in Table 5204: Required Open Space Features, will be credited towards compliance with the amount of open space ~~set-aside~~ required by Sec. 24-5203 above if designed and maintained in accordance with Table 5204.

Table 5204: Required Open Space Features

Area Counted as Common Required Open Space, and Design and Maintenance Requirements

• • • •



Squares, Forecourts, and Plazas

Description: Flat, open areas immediately in front of a building, or framed by buildings or streets, **or rooftops** that provide gathering places, opportunities for outdoor dining, and other similar activities.

Design: A square, forecourt, or plaza must be at least 200 square feet, but no more than one acre, in area. It must have at least one direct access to a principal building, or to a street or walkway accessible to the public or the development's occupants and users. Surrounding principal buildings must be oriented toward the square, forecourt, or plaza where possible.

• • • •

Sec. 24-5205. Prioritization of Required Open Space

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- B.** In the CMU District, the highest priority for open space ~~set-asides~~ will be the establishment of squares, forecourts, plazas, and similar urban open space amenities, followed by parks and trails, all of which must be ADA accessible where practical. The priority of the remaining types of open space ~~set-asides~~ will be the same as listed in subsection A above.

Sec. 24-5206. Design and Development Standards

A. Location

Required open space must be readily accessible by occupants and users of the development to the maximum extent practicable. In residential subdivisions, each residential lot must be located within one-half mile of a required open space. To the extent practicable, a portion

of the open-space set-aside area should provide focal points for the development through prominent placement or direct visibility from streets.

• • • •

Figure 5206: Example Open Space Set-Aside Configuration

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Sec. 24-5302. Applicability

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B. Exemptions

1. The following are exempt from all standards in this division:

(a) Development of a single-family detached or duplex dwelling on an individual lot; however, the standards do apply to a single-family detached or duplex subdivision, as well as a residential project developed as a part of a plan of development (see Sec. 24-2314, Plan of Development) or site plan (see Sec. 24-2315, Site Plan); and

(b) Uses in the Agriculture use classification.

2. In addition to the exemptions in subsection 1 above, the following are exempt from the standards of Sec. 24-5313, Tree Protection:

• • • •

(d) The removal or pruning of trees within a **public right-of-way, private access drive, or** utility easement by a utility company **or as part of an approved road or utility project;**

• • • •

• • • •

Sec. 24-5304. General Planting Requirements

A. Required Plant Materials

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6. Trees and shrubs planted to comply with the standards in this division must have the minimum size in Table ~~5404~~**5304**: Minimum Size at Time of Planting, at the time they are planted.

• • • •

• • • •

Sec. 24-5305. Installation

- ~~1.~~**A.** Except as otherwise provided in subsection 2 below, all landscaping and tree cover required by this division must be completed, installed, or planted according to the

approved landscaping plan and certified by the Planning Director before use of the property, issuance of a final certificate of occupancy, or other final approval.

2. **B.** The Planning Director may, for good cause shown, allow installation of required landscaping to be deferred until after issuance of a certificate of occupancy. Circumstances that may warrant an extension include the following:
- (a) **1.** Unusual environmental conditions, such as drought, cold weather, or over-saturated soil;
 - (b) **2.** Proposed construction on an adjacent site that would have a negative impact on the viability of installed material;
 - (c) **3.** The inappropriateness of the current season for planting the approved plant species; or
 - (d) **4.** Utility work, road work, or site development activities occurring in a proposed landscaped area that is incomplete or delayed.
3. **C.** Any allowance of deferred installation in accordance with subsection 2 above will be conditioned on the required landscaping being installed as soon as practicable after the circumstances warranting deferral cease to exist, but no later than nine months after such time, and the provision of a performance guarantee if required by the Planning Director that ensures compliance with this division.
4. **D.** All support stakes and wires must be removed within ~~one year~~ **six months** after installation of required landscaping has been completed.

Sec. 24-5310. Transitional Buffers

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B. Transitional Buffer Standards

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Table 5310A: Buffer Type Assignment						
Proposed Use [1, 2]	Adjacent Controlled Access Road or Zoning District [3]					
	Controlled- Access Road	A-1, R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R- 3A, R-4, R-4A	R-5A, R-5, R-6, RTH	CMU, O-1, O-2, O-3, O/S	B-1, B-2, B-3	M-1, M-2, M-3
....						
Public, Civic, and Institutional uses not elsewhere listed, 15,000 sf or less ; Commercial and Industrial uses, 15,000 sf or less	Transitional Buffer 35	Transitional Buffer 35	Transitional Buffer 25	Transitional Buffer 10		
Public, Civic, and Institutional and Commercial and Industrial uses greater than 15,000 sf not elsewhere listed ; Industrial Uses	Transitional Buffer 35	Transitional Buffer 50	Transitional Buffer 50	Transitional Buffer 35	Transitional Buffer 25	

Table 5310A: Buffer Type Assignment

Proposed Use [1, 2]	Adjacent Controlled Access Road or Zoning District [3]					
	Controlled- Access Road	A-1, R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R- 3A, R-4, R-4A	R-5A, R-5, R-6, RTH	CMU, O-1, O-2, O-3, O/S	B-1, B-2, B-3	M-1, M-2, M-3

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• • • •

Table 5310C: Transitional Buffer Width and Planting Reduction

Screening Alternative	Minimum Height of Screening Alternative (ft)	Reduction in Minimum Buffer Width (ft) [1]	Reduction in Required Plantings (percent)
• • • •			
Opaque wood or otherwise architecturally solid fence of approved design and materials [2]	6	12	30
• • • •			

• • • •

3. Location and Design

• • • •

(c) Development within a transitional buffer must be limited to the following:

• • • •

- (2) Sidewalks, trails, and paths, and drainage and utility easements
that intersect the transitional buffer ~~yard~~ at or near a 90-degree
angle;

• • • •

• • • •

Sec. 24-5311. Screening

~~A. Areas and Equipment Requiring Screening~~

~~1. Except on lots where the principal use is a single-family, manufactured home, or duplex dwelling or any an Agricultural or Residential use, the following objects and areas must be screened from public view at ground level, both on and off the premises, in accordance with this section. **For Multifamily and Townhouse dwellings, see Sec. 24-4306, Residential Uses: Household Living. For Recycling and Refuse Collection Areas, see Sec. 24-4428, Accessory Recycling and Refuse Collection Area, Outdoor.**~~

A. Areas to be Screened by Buildings or Walls:

The following areas must be screened by the principal buildings on the site, or architecturally integrated building elements, or opaque walls or fences of approved design and materials compatible with the principal buildings:

- ~~(a) Large waste receptacles (dumpsters) and refuse and recycling collection points (including containers);~~
- ~~(b) Loading and service areas;~~
- ~~(c) 1. Outdoor storage areas, including storage tanks and;~~
- 2. Towing or wrecker service storage lot;**
- 3. Inoperable or nonrepairable vehicle storage, or nonpublic parking areas, such as automotive display lots;**
- 4. Unless they are located in a service area screened in accordance with subsection B. below, ground-mounted and rooftop** ~~(d) Utility and mechanical equipment, including HVAC units, electric, water, and gas meters, junction and accessory boxes, and transformers, **generators, and accessory solar energy equipment, but not including wall-mounted equipment,** and~~

B. Areas to be Screened by Walls, Fences, or Landscaping:

The following areas must be screened by opaque walls or fences of approved materials and design, or as approved on an Alternative Landscaping Plan (see Sec. 24-5303.B, Alternative Landscaping):

- 1. Wall-mounted utility and mechanical equipment;**
- 2. Loading docks and service areas;**
- 3. Automobile storage lots or nonpublic parking areas, including surplus inventory for automobile sales, fleet vehicles, or contractor service vehicles, if the lot does not meet the landscaping requirements for parking lots (see also Sec. 24-5312, Parking Lot Landscaping); and**
- ~~4.(e) Stormwater retention or detention ponds when not developed as a site amenity in accordance with Article 5, Division 2, Required Open Space.~~

~~2. On all lots, generators must be screened from public view at ground level off the premises in accordance with this section.~~

B. Required Screening

- ~~1. Screening required by subsection A above must be accomplished using any combination of buildings or masonry walls constructed of the same materials used in the principal structure if the principal structure is constructed of masonry, or materials that match the principal structure in terms of durability, color, and style if the principal structure is not constructed of masonry.~~
- ~~2. Screening provided in accordance with subsection 1 above may include gates constructed of wood, metal, PVC, or similarly durable material. Such gates must not be constructed of chain link with slats. Gates must remain closed except as needed to enter or exit the screened area.~~

Sec. 24-5312. Parking Lot Landscaping

A. Applicability

The standards in this section apply to parking lots containing six or more parking spaces. **Any parking lot that does not meet the standards of this section, such as automobile storage lots, nonpublic parking areas, or surplus storage lots for automobile sales, must meet the setbacks for principal uses for the zoning district in which it is located, and must be screened in accordance with Sec. 24-5311, Screening.**

B. Perimeter Landscaping Abutting Public Right-of-Way

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2. A continuous landscape strip no less than six feet in width along the perimeter. Within the landscape strip along the edge nearest the parking lot, an opaque wall must be provided that is no less than ~~four~~ **three** feet tall that meets the standards of Article 5, Division 4, Fences and Walls. An average of three shrubs must be planted every ten linear feet within the landscape strip. The shrubs must be at least 24 inches in height when planted and must have a mature height of at least 36 inches. One tree must be planted along every 100 feet. The landscape strip may include a sidewalk or trail. The remainder of the landscape strip must contain groundcover, turf, trees, or shrubs, or be mulched.

• • • •

D. Interior Landscaping

~~1.~~ Except for vehicle storage or nonpublic parking areas, such as automotive display **sales surplus storage** lots, parking lots must comply with the following standards:

1. ~~(a)~~ A parking lot must include interior landscaping area that is equal to at least five percent of the total area ~~dedicated to vehicles, including driveways, access aisles, and of the~~ parking spaces.
 2. ~~(b)~~ A parking lot must not include a line of more than 19 spaces uninterrupted by a landscape area at least nine feet in width, at least 162 square feet in area, and containing at least one large tree and at least two shrubs.
 3. ~~(c)~~ Every parking space must be within 100 feet of a canopy tree (see Figure 5312: Parking Lot Interior Tree Coverage).
 4. ~~(d)~~ Vegetation at the intersection of two drive aisles must be maintained at a maximum height of 30 inches to maintain visibility
- ~~2. Any parking lot that does not meet the standards for interior landscaping in subsection 1, including vehicle storage or nonpublic parking areas, such as automotive display lots, must meet the setbacks for principal uses for the zoning district in which it is located, and must be fenced and screened as outdoor storage in accordance with Sec. 24-5311.~~

• • • •

Sec. 24-5313. Tree Protection

A. Protected Tree Defined

For purposes of this section, the following are protected trees:

1. Any healthy tree with a diameter at breast height (DBH) of six inches or greater located within any minimum required yard abutting an existing public street right-of-way, a transitional buffer, a proffered natural buffer, a wetland, a Chesapeake Bay Resource Protection Area, or similar area protected by this Ordinance; and
2. Any healthy tree planted or preserved for the purpose of meeting a requirement for street tree planting, parking lot perimeter landscaping, parking lot interior landscaping, transitional buffer planting, required screening, a proffered condition, or otherwise required to be planted or preserved by this Ordinance; and
- ~~2-3.~~ Any healthy tree of a DBH of 22 inches or greater designated by the Board of Supervisors as a memorial, heritage, or specimen tree ~~of a DBH of 22 inches or greater.~~

• • • •

F. Replacement and Mitigation of Protected Trees

The removal of protected trees must be mitigated as follows:

- ~~1. A minimum of one replacement tree must be planted for every protected tree removed.~~
- ~~2. Each replacement tree must be a minimum of 4 caliper inches when planted~~ **meet the requirements of Sec. 24-5304.A, Required Plant Materials, or as specified below.**
- ~~3.~~**2. For protected trees removed in accordance with an approved tree protection plan or an approved tree removal permit (see Sec. 24-2313, Tree Removal Permit), a minimum of ten caliper inches of replacement trees must be planted for every ten inches DBH or fraction thereof of removed trees, or planting in accordance with an approved** **the number of replacement trees must be determined by one of the following methods:**
 - (a) One replacement tree for each protected tree removed, or**
 - (b) One large deciduous or evergreen replacement tree, 4 caliper inches, for every 1,000 square feet of woodland cleared, or**
 - (c) Approval of an alternative landscaping plan (see Sec. 24-5303.B, Alternative Landscaping).**
- ~~4.~~**3. For protected trees removed without an approved tree protection plan or tree removal permit where one is required (see Sec. 24-2313, Tree Removal Permit), a minimum of 15 caliper inches of replacement trees must be planted for every ten inches DBH or fraction thereof of removed** **protected trees removed. Where the number and size of protected trees cannot be determined, two large deciduous or evergreen replacement trees, 4 caliper inches, must be planted for every 1,000 square feet of woodland cleared.**
- ~~5.~~**4. To the extent practical, replacement trees must be planted within or adjacent to the area that constituted the tree protection zone where the removed tree was located.**
- ~~6.~~**5. Trees used to replace the removed** **Replacement** **trees must be of the same species as the removed tree,** unless the Planning Director approves a similar species because the species of the removed tree is invasive, a nuisance, or is unlikely to thrive.
- ~~7.~~**6. Establishment Period** **Required replacement trees must be maintained for one year from the time of their planting. Financial guarantee for the duration of the establishment** **one-year** **period must be provided at the time of planting. The financial guarantee will be canceled and returned at the end of the establishment** **one-year** **period if the required replacement trees have been planted and maintained and are healthy and growing; otherwise, the County may draw on the financial guarantor to ensure replacement trees are provided as required by this section.**

Sec. 24-5403. Location

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- G.** Fences and walls must not be taller than 42 inches within 15 feet of any street right of way, and must not obstruct vision at any height between 30 inches and eight feet above grade in the following locations:

• • • •

- 3. Fences and walls must not obstruct vision within sight lines and easements identified on an approved plan of development, site plan, or subdivision plan.**

Sec. 24-5405. Materials

A. Permitted Fence and Wall Materials

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Except in the C-1, A-1, and M-3 districts, or in conjunction with a **single-family or two-family dwelling or a** school playground or athletic field, ~~vinyl-clad~~ chain-link fences must be **vinyl clad and must be** supplemented with landscaped screening consisting of the types and spacing of plantings required by Sec. 24-5406.B, Fence and Wall Landscaping, along the side of the fence facing the exterior of the lot.

B. Prohibited Fence and Wall Materials

The following materials are specifically prohibited for use in walls or fences:

• • • •

2. Chicken wire, corrugated metal, fabric materials, **slats inserted into chain-link fences**, fiberboard, garage door panels, plywood, rolled plastic, sheet metal, debris, junk, or waste materials; and

• • • •

Sec. 24-5407. Retaining Walls

Retaining walls must comply with the following standards:

• • • •

- C. Any retaining wall having a height of at least four feet must have a minimum four-foot-high fence, measured from the top of the wall, installed on the upper side of the wall. See Figure ~~5507~~**5407**: Retaining Wall with Adjacent Parking Area. Any parking areas on the upper level and adjacent to the wall must be separated from the top of the wall by one of the following, unless there is an existing physical impediment to a vehicle reaching the edge of the wall:

• • • •

• • • •

- E. A retaining wall facing a street or adjacent parcel must be screened in accordance with ~~Sec. 24-5506.B~~**Sec. 24-5406.B**, Fence and Wall Landscaping, unless the wall is faced with stone, brick, or earth-colored materials similar to the surrounding natural landscape.

• • • •

- H. Where common retaining walls or their tiebacks encroach on residential property, a maintenance easement must be recorded and the declaration of covenants must provide for notice of the easement to be provided to prospective property owners. Tieback distances must be shown on the plan of development construction and landscape**ing** plans.

Sec. 24-5502. *Applicability*

A. General

Unless exempted in accordance with subsection B below, the standards in this division apply to:

1. All new development; ~~and~~
2. Any extension, enlargement, or reconstruction of a building, structure, or parking lot, but only regarding the extended, enlarged, or reconstructed portions of the building, structure, or parking lot; ~~and~~
3. Any change of use where the new use requires lighting or a CPTED plan under this division.

B. Exemptions

• • • •

4. Lighting on single-family dwellings and individual townhouse lots where light is contained on the property;

• • • •

• • • •

D. Lighting Plan Required

All development that requires approval of a plan of development or site plan must include a lighting plan which must identify the location and specifications of all lighting being installed with sufficient detail to demonstrate compliance with the standards of this division. The lighting plan must be submitted ~~prior to or concurrent with the electrical permit~~ initial plan of development or site plan, and lighting must not be installed before the ~~lighting plan~~ electrical permit is approved.

Sec. 24-5503. *General Standards*

A. Lighting to be Provided

For each of the specific site features listed in Table 5503A: Average Illuminance (Minimum and Maximum), lighting must be provided to create the average horizontal illuminance values between the minimum and maximum levels listed when the area is in use. The ratio of minimum to maximum illuminance must not exceed 1:10 except where necessary to comply with other requirements, including the maximum illumination levels of subsection B. below.

Table 5503A: Average Illuminance (Minimum and Maximum)		
Site Feature	Minimum (foot candles)	Maximum (foot candles)
<u>Pedestrian pathway for R-5A, townhouse, and detached condominium projects[1]</u>	<u>0.5</u>	<u>2</u>
Pedestrian pathway (other than sidewalks in single-family residential development) for <u>multifamily and nonresidential development</u>	3 <u>1</u>	6 <u>3</u>
Surface parking lot, other than convenience store <u>other than 24-hour nonresidential uses[1]</u>	3 <u>1</u>	6 <u>3</u>
Surface parking lot for convenience store <u>24-hour nonresidential uses[1]</u>	<u>6</u> 3	10 <u>6</u>
Parking deck or garage	<u>6</u> 3	10 <u>6</u>
Exterior service window <u>or ATM</u>	<u>6</u> 3	10 <u>6</u>
Exterior stair or elevator	<u>6</u> 3	10 <u>6</u>
<u>[1] including cluster mailboxes, bicycle parking, service areas, loading bays, and recycling and refuse collection areas, whether or not attached to a parking lot</u>		

• • • •

C. Hours of Illumination

1. Public, Civic, and Institutional uses, Commercial uses, Industrial uses, and mixed-use developments that are adjacent to existing residential development must extinguish all exterior lighting by 11 PM or within one hour of closing, whichever is earlier, except the minimum amount of exterior lighting necessary for security or emergency purposes, ~~which must be activated by motion sensor devices whenever practicable.~~

• • • •

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E. Maximum Height

1. Except as provided in subsection 2 below, the maximum height of exterior lighting fixtures must not exceed the following, measured from the ground to the light source (see Sec. 24-8309.C, Measurement of the Height of Exterior Lighting):

• • • •

• • • •

F. ~~Energy Efficiency~~

~~All outdoor light fixtures and light elements must meet DOE Energy Star requirements or be in the top 25 percent of efficiency for similar products. The Planning Director may allow exceptions to this requirement on finding the applicant demonstrates the use of such fixtures or elements is unreasonable or impractical due to cost, availability, or similar factors.~~

Sec. 24-5506. ~~Exceptions for a Security~~Alternative Lighting Plan

~~A landowner or tenant in need of heightened security may submit a security~~an alternative lighting plan to the Planning Director and Chief of Police proposing exterior lighting that deviates from the standards in this division. The Planning Director will approve or approve with conditions the ~~security~~alternative lighting plan and its proposed deviation from the standards, only on finding that:

- ~~A.~~ The proposed deviation from the standards is necessary for the adequate lighting is appropriate for the protection of the subject land, development, ~~or~~ and the public;
- ~~B.~~ If the requested lighting is greater than the maximum allowed by this division, the The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding land without the additional lighting; ~~and~~
- ~~C.~~ If the requested lighting is less than the minimum required by this division, the condition, location, or use of the land, or the character of surrounding development, indicates the purpose and intent of these regulations would be better served by reduced lighting; and
- ~~C.D.~~ The proposed deviation from the standards is the minimum required and, with any imposed conditions, will not have a significant adverse effect on neighboring lands.

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Sec. 24-5604. Building Height

Building height must not exceed the height established in Table 5604: Maximum Building Height (see Figure 5604: Neighborhood Compatibility Building Height Standards; **see also the Building Height limitations in Sec. 24-3707.E, IR-O Innsbrook Redevelopment Overlay District**).

Sec. 24-5605. Building Form and Façades

- A. All buildings subject to these standards must:
1. Orient porches and balconies away from **the rear yards of** single-family residential lots;
- • • •
- B. ~~B~~**Front** building façades facing single-family residential lots **across a public right-of-way** must:
- • • •
3. Comply with the transparency standards in Table 5605: Façade Transparency Standards (**see the definition and illustration in Sec. 24-3840**).
- • • •

Sec. 24-5703. Signs Not Requiring Permits

A sign permit is not required for:

- • • •
- H. In any Nonresidential or Mixed-Use District, or Planned Development District that includes nonresidential development, one display of attention-getting devices for a period not exceeding ten days in each three-month period: January 1 through March 31, April 1 through June 30, July 1 through September 30, or October 1 through December 31, provided that:
1. The display must not obstruct any public right-of-way, required parking space, or ingress or egress to any building;
 2. The display must not damage required landscaping; and
 3. **The display must not exceed 20 feet in any dimension, and the top of the display must not exceed a height of 30 feet above the ground; and**
- ~~3.4.~~ If an otherwise permissible attention-getting device is displayed more than ten days in any three-month period, in addition to any other remedy, the number of days in excess of ten will be counted against the number of days permitted in future three-month periods.

Sec. 24-5801. Chesapeake Bay Preservation: Purpose

The purpose of this division is to:

- • • •
- D. Establish standards and criteria to prevent a net increase in nonpoint source pollution from new development and development on previously developed land where the runoff was treated by a water quality protection best management practice (BMP), achieve a ten percent reduction in nonpoint source pollution from development on previously developed land where the runoff was not treated by one or more BMPs, and achieve a 40 percent reduction in nonpoint source pollution from agricultural and silvicultural uses. **Statutory**

authority for this section is provided by the Code of Virginia, §§ 15.2-2283 and 62.1-44.15:67 et seq.

Sec. 24-5802. Chesapeake Bay Preservation: Applicability

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C. Identification of Chesapeake Bay Preservation Areas

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3. As part of the plan of development review process pursuant to Sec. 24-2314, Plan of Development, or during the review of a water quality impact assessment pursuant to section 10-39(b) of the County Code, the County Engineer will ensure or confirm that (1) a reliable, site-specific evaluation is conducted to determine whether water bodies on or adjacent to the development site have perennial flow and (2) RPA boundaries on the site are adjusted, as necessary, based on this evaluation of the site. The County Engineer may conduct the site evaluation or require the applicant to conduct the evaluation and submit the required information for review. In determining whether water bodies have a perennial flow, the County Engineer will use ~~a scientifically valid system of in-field indicators of perennial flow~~ **field indicator protocols that have been found as acceptable site-specific determinations by the Division of Chesapeake Bay Local Assistance, or other appropriate agency.** Designation of the components listed in Sec. 24-5802.B.1(a) through Sec. 24-5802.B.1(d) above will not be subject to modification unless based on reliable, site-specific information as provided for in this subsection.

• • • •

D. Exempted Uses and Development

The following uses and development as regulated by this subsection will be exempt from the provisions of this division but will be subject to the other provisions of this Ordinance:

• • • •

3. Water wells, passive recreation facilities, such as boardwalks, trails and pathways, and historic preservation activities and archaeological ~~research~~ activities, provided any such activity disturbing 2,500 square feet or more of land must comply with the applicable erosion and sediment control requirements of Chapter 10 of the County Code and approval is obtained from the County Engineer.

• • • •

Sec. 24-5803. Chesapeake Bay Preservation Standards

A. Permitted Development in RPAs

1. There must be no development in RPAs unless permitted by the zoning district(s) of the lot and unless development is limited to:

• • • •

- (c) Roads and driveways not exempted by Sec. 24-5802.D, Exempted Uses and Development, may be constructed within or across RPAs provided the following conditions are met:

• • • •

- (2) The proposed alignment, design, and construction is optimized consistent with other applicable requirements to minimize (i) encroachment in the RPA and (ii) adverse effects on water quality;

• • • •

- (d) Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed, if:

- (1) The facility is allowed and constructed in accordance with the Virginia Stormwater Management Act and its attendant regulations;

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D. Minimization of Land Disturbance

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• • • •

F. Stormwater ManagementErosion and Sediment Control

• • • •

3. Any land disturbing activity of 2,500 square feet or more (including construction of all ~~one~~**single**-family dwellings, **septic tanks**, and ~~individual onsite sewage disposal systems~~**drainfields**) must comply with article II of Chapter 10 of the County Code. Enforcement for noncompliance with the erosion and sediment control requirements will be conducted under the provisions of the Erosion and Sediment Control Law and attendant regulations.

• • • •

H. On-Site Sewage Treatment

For new construction, any individual onsite sewage disposal system not requiring a VPDES permit must have a reserve sewage disposal site with a capacity at least equal to the primary sewage disposal site on the same lot in accordance with the requirements of section 23-60 of the County Code. Owners of all individual onsite sewage disposal systems that do not require a VPDES permit must, at least once every five years, either pump out their septic tanks and submit documentation thereof, or submit documentation, certified by an operator or on-site soil evaluator licensed or certified under Code of Virginia, Chapter 23 of title 54.1, as being qualified to operate, maintain, or design onsite sewage disposal systems, that the onsite sewage disposal system has been inspected within the last five years, is functioning properly, and the tank does not need to have the effluent pumped out of it. All documentation must be submitted to the ~~director of public works~~**County Engineer**. Building is prohibited on the area of all sewage disposal sites.

I. Soil and Water Quality Conservation Assessment

Land upon which agricultural activities are being conducted, including crop production, pasture and dairy and feed lot operations, and land otherwise defined as agricultural land by the County must have a soil and water quality conservation assessment that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides. Where necessary, there must be a

plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with Secs. 24-5901 through 24-5906 and the provisions of subsection 8 of 9VAC25-830-**130**:-

1. **Recommendations for additional conservation practices need address only those conservation issues applicable to the tract or field being assessed. Any soil and water quality conservation practices that are recommended as a result of such an assessment and are subsequently implemented with financial assistance from federal or state cost-share programs must be designed consistent with cost-share practice standards effective in January 1999 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service or the June 2000 edition of the "Virginia Agricultural BMP Manual" of the Virginia Department of Conservation and Recreation, respectively. Unless otherwise specified in this section, general standards pertaining to the various agricultural conservation practices being assessed will be as follows:**
 - (a) **For erosion and sediment control recommendations, the goal will be, where feasible, to prevent erosion from exceeding the soil loss tolerance level, referred to as "T," as defined in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. However, in no case may erosion exceed the soil loss consistent with an Alternative Conservation System, referred to as an "ACS", as defined in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service.**
 - (b) **For nutrient management, whenever nutrient management plans are developed, the operator or landowner must provide soil test information, consistent with the Virginia Nutrient Management Training and Certification Regulations (4VAC50-85).**
 - (c) **For pest chemical control, referrals must be made to the local cooperative extension agent or an Integrated Pest Management Specialist of the Virginia Cooperative Extension Service. Recommendations must include copies of applicable information from the "Virginia Pest Management Guide" or other Extension materials related to pest control.**
2. **A higher priority will be placed on conducting assessments of agricultural fields and tracts adjacent to Resource Protection Areas. However, if the landowner or operator of such a tract also has Resource Management Area fields or tracts in his operation, the assessment for that landowner or operator may be conducted for all fields or tracts in the operation. When such an expanded assessment is completed, priority must return to Resource Protection Area fields and tracts.**
3. **The findings and recommendations of such assessments and any resulting soil and water quality conservation plans will be submitted to the Henricopolis Soil and Water Conservation District Board, which will be the plan-approving authority.**

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Sec. 24-5805. Chesapeake Bay Preservation: Exceptions

A. Request to Planning Commission

1. A request for an exception to the requirements of Sec. 24-5803.A, Permitted Development in RPAs, and Sec. 24-5803.C, Buffer Requirements in RPAs, must be made in writing to the Planning Commission. The request must include a sketch or

site plan providing the name of the applicant, a legal description of the property, a sketch location of all proposed improvements, the boundary of RPAs **and RMAs**, and the location of existing private water supply and **existing and proposed** on-site sewage systems **and primary and reserve sewage drainfields**. The request must also identify the impacts of the proposed exception on water quality on lands within the RPA through a water quality impact assessment which complies with the provisions defined in Article II of Chapter 10 of the County Code. An environmental site assessment as described in Sec. 10-33 and a water quality impact assessment as described in Sec. 10-39 of the County Code must be submitted.

• • • •

B. Request to County Engineer

1. A request for an exception to provisions of this division other than Sec. 24-5803.A, Permitted Development in RPAs, and Sec. 24-5803.C, Buffer Requirements in RPAs, must be made in writing to the County Engineer with a sketch or site plan containing the name of the applicant, the legal description of the property, a sketch of the proposed improvement, the boundaries of the RPAs **and RMAs**, and the location of any existing private water supply and **existing or proposed** on-site sewage facilities **and primary and reserve sewage drainfields**. An environmental site assessment as defined in section 10-33 and a water quality impact assessment as defined in section 10-39 of the County Code must be submitted. The County Engineer will forward a copy of all exception requests submitted to him to the Planning Director.

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4. Exceptions to the requirements of this division will be granted in the following transitional cases, if the requirements of this subsection are satisfied and the County Engineer determines there is compliance with the requirements of this division to the maximum extent practicable:

• • • •

- (c) Approval of subdivision construction plans, utility plans, road construction plans or capital improvement construction plans of the owner or developer by the director of public utilities or the ~~director of public works~~ **County Engineer** before November 15, 1991.

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Sec. 24-5806. Chesapeake Bay Preservation: Nonconforming Uses and Noncomplying Structures in RPAs

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- ~~B. Waivers must not be granted under this section for remodeling, additions, or alterations~~ **This section will not apply** to accessory structures.
- C. Waiver requests must include a sketch or site plan with the name of the applicant, the legal description of the property, a sketch of the proposed improvement, the boundaries of the RPAs and RMAs, and the location of any existing private water supply and **existing or proposed** on-site sewage facilities and primary and reserve sewage drainfields. An environmental site assessment as defined in Sec. 10-33 and a water quality impact assessment as defined in Sec. 10-39 of the County Code must be submitted.

• • • •

Sec. 24-6201. Nonconforming Use May be Continued

A nonconforming use **may be continued but may not be expanded, enlarged, or changed to a more intense use.** ~~or a~~ A structure housing a nonconforming use may be continued, but must not be moved, enlarged, extended, reconstructed, substituted, or otherwise structurally altered except as provided in this division.

Sec. 24-6301. Nonconforming Structure May be Continued

A nonconforming structure **may be continued, but** must not be moved, enlarged, extended, reconstructed, or ~~otherwise structurally altered~~ **substituted** except as provided in this division.

Sec. 24-6301. 24-6302. Special Flood Hazard Area

Any dwelling legally constructed prior to January 11, 1989, within the special flood hazard area or closer to the special flood hazard area than the minimum rear yard depth required for the lot, may be improved, restored, or reconstructed subject to Chapter 10 of the County Code.

Sec. 24-6302. 24-6303. Enlargement

- A. Any structure that is conforming as to use **and** yard requirements but is nonconforming as to height requirements may be enlarged horizontally without bringing the nonconforming structure into conformity with the height requirements if the enlargement does not increase the extent of nonconformity.
- B. Any structure that is conforming as to use but is nonconforming as to yard requirements may be enlarged without bringing the nonconforming structure into conformity with this Ordinance if the enlargement does not extend further into the required yard **than the existing nonconforming structure.**

Sec. 24-6303. 24-6304. Relocation

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Sec. 24-6304. 24-6305. Reconstruction After Damage or Destruction

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Sec. 24-6305. 24-6306. Abandonment

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Sec. 24-6307. Government Acquisition of Land

Any structure that complied with the zoning regulations in effect at the time it was created and was or is subject to governmental acquisition of part of the lot for a public purpose resulting in the structure becoming nonconforming as to setbacks by 10 percent or less of the applicable standard, will be deemed a lawful nonconforming structure. Any modifications of such structures must comply with all other standards and requirements of this Ordinance, including all dimensional standards other than the nonconforming setbacks resulting from the governmental land acquisition.

Sec. 24-6401. General Provisions

Nonconforming lots of record are lots that were platted and recorded prior to September 1, 2021, and complied with the dimensional standards in effect at the time they were recorded but do not comply with the dimensional standards of the zoning district in which they are located. Such lots may be developed in accordance with this Division. **(See also Sec. 24-3105.E, Dimensional Standards for Lots Created Prior to January 1, 1960.)**

• • • •

- D. An existing dwelling on a lot that is conforming as to use but nonconforming with respect to the lot area, lot width, or public street frontage requirement may be replaced with a new dwelling provided the new dwelling complies with the applicable setbacks of this Ordinance.**

Sec. 24-6402. Development of Nonconforming Lots

New development will be allowed on a nonconforming lot in accordance with subsections A ~~and B through D~~ below. Except as otherwise provided in subsection A below, neither the nonconforming lot nor any portion of it must have been held in common ownership with any adjacent lot so that the combined property holdings of the landowner form a lot of sufficient width and area to conform to the requirements of this Ordinance at any time during the period of common ownership.

- A. Any nonconforming lot in the A-1, Agricultural District, or a One-Family Residence District ~~any of the Residential zoning districts~~ may be developed for a single-family dwelling if it meets the following requirements.**

• • • •

- 3. The dwelling must meet the minimum setback requirements of Sec. 24-3105.G ~~3105.E~~, Dimensional Standards for Lots Created Prior to January 1, 1960.**

• • • •

- B. Any other nonconforming lot in any district other than a One-family Residence District may be used for any use allowed in the zoning district in which the nonconforming lot is located provided the use complies with all other applicable standards, including all applicable setback, building height, and parking standards, as well as any applicable use-specific standards.**
- C. The boundaries, shape, or size of a nonconforming lot may be modified through a boundary adjustment or the assembly consolidation of multiple lots in accordance with Chapter 19 of the County Code, if the boundary adjustment or lot assembly consolidation results in the lot becoming more conforming. To retain its status as a nonconforming lot, the modified lot must contain all of one lot of record as of January 1, 1960 (other than any land taken for the purpose of widening a public right-of-way as provided in Sec. 24-6404). A modified lot that contains portions of two or more lots existing of record as of January 1, 1960, that does not contain all of one lot existing of record as of January 1, 1960, will be subject to the current standards of Article 3 for the zoning district in which it is located.**

• • • •

Sec. 24-6403. Reconstruction After Damage or Destruction

A building located on a nonconforming lot may be repaired, rebuilt, or replaced after being damaged or destroyed by a natural disaster or other act of God or a fire in accordance with Sec. 24-6304 ~~6305~~, Reconstruction After Damage or Destruction.

Sec. 24-8106. Delegation of Authority

Any act authorized by this Ordinance to be carried out by the Planning Director, **County Engineer, or Chief of Police** may be delegated by them ~~the~~ Planning Director to a professional-level County employee.

Sec. 24-8302. Measurement of Area, Width, Depth, and Coverage of Lots

A. Lot Area

Lot area means the total horizontal land area (in acres or square feet) within the lot lines of the lot. A lot to be used for a single-family, duplex, manufactured home, or townhouse dwelling must meet the required minimum lot area exclusive of bodies of water (lakes, ponds), submerged land (other than wetlands), and land within the special flood hazard area. **For residential stem lots shown on an approved subdivision plat, the area of the access strip is not included in the calculation of lot area.**

B. Lot Width

~~The shortest distance between the side lot lines measured at the minimum front yard setback except that lot width will be measured at the actual front building line for (1) approved stem lots and (2) residential cul-de-sac lots in districts other than the R-5A District. The shortest distance is measured at any angle and at any point along the front setback line or actual front building line, as appropriate.~~

1. In a One-Family Residence District, for a residential cul-de-sac lot shown on an approved subdivision plat and abutting a public street for at least 35 feet but less than 50 feet, lot width means the distance between the side lot lines along the actual front building line. Such lots must comply with the following requirements:

(a) Any side lot line between two cul-de-sac lots must extend radially from the center of the circular turn-around to the point where it intersects the actual building line.

(b) The actual front building line must be parallel to a chord connecting the points where the side lot lines intersect the right-of-way line.

(c) The depth of the actual front building line must not vary by more than ten feet from the front building lines of the two adjoining lots.

(d) The total number of cul-de-sac lots and stem lots on any street must not exceed five.

2. In a One-Family Residence District, for a residential stem lot shown on an approved subdivision plat and abutting a public street for at least 20 feet but less than 50 feet, lot width means the shortest distance between the side lot lines at the actual front building line. Residential stem lots must comply with the following requirements:

(a) The front of the proposed dwelling must not face the side or rear of any existing or proposed dwelling on the adjoining lots.

(b) The total number of cul-de-sac lots and stem lots on any street must not exceed five.

3. For any other lot, lot width means the shortest distance between the side lot lines measured at the minimum front yard setback, measured at any angle and at any point along the front setback line.

• • • •

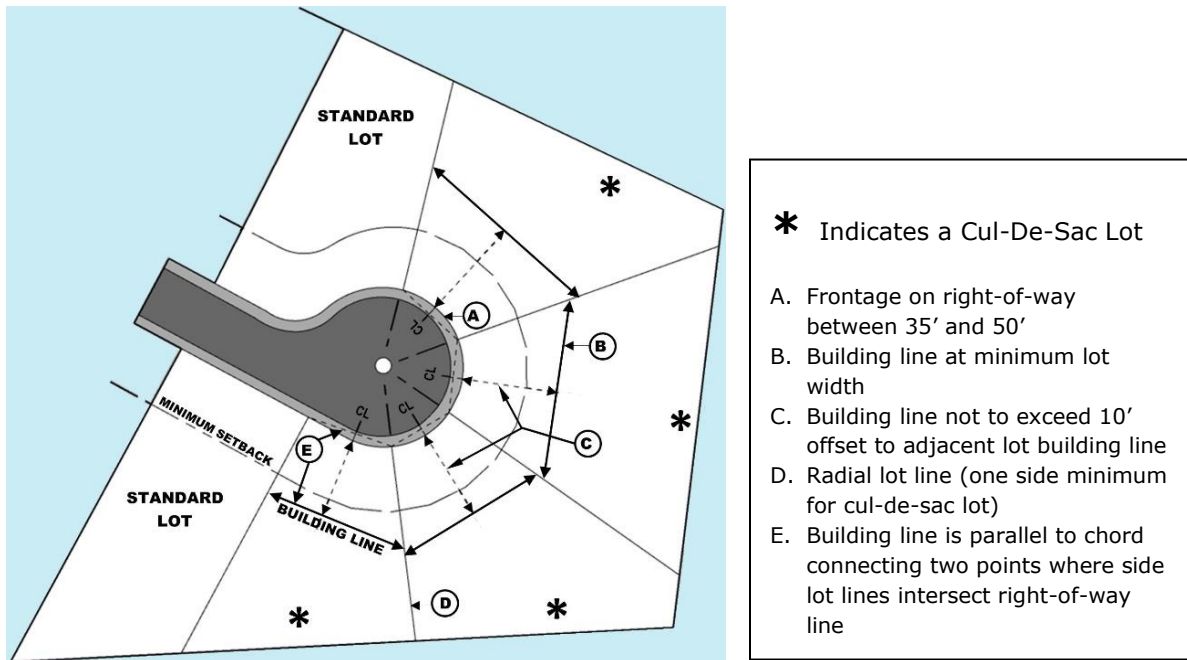


Figure 8302B: Lot Width of Cul-de-sac Lots

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Sec. 24-8305. Determination of Front, Side, and Rear Yards for Dwellings

Unless the Planning Director determines that specific conditions require otherwise, the following rules of measurement apply to any lot to be used for a single-family, duplex, townhouse, or manufactured home dwelling. For the purpose of this section, a controlled-access road will not be considered a public street.

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B. Side and Rear Lot Lines

1. Any public street frontage other than the front lot line is a street side lot line.
2. The rear lot line is the lot line most directly opposite and farthest from the front lot line. If no lot line is clearly most directly opposite and farthest from the front lot line, two or more lot lines will be designated as rear lot lines for consistent application of rear yard setbacks abutting the rear yards of adjacent lots. **However, a triangular lot may have a front lot line, two side lot lines, and no rear lot line (see Sec. 24-8307.C).**
2. **Any public street right-of-way line other than the front lot line or rear lot line is a street side lot line.**
3. Any property line other than a front, street side, or rear lot line is an interior side lot line.

Sec. 24-8306. Determination of Front, Side, and Rear Yards for Other Uses

Unless the Planning Director determines that specific conditions require otherwise, the following rules of measurement apply to any lot other than one used for a single-family, duplex, townhouse, or manufactured home dwelling.

A. Front Lot Line

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3. If a lot does not abut a public street, the front lot line is the line that the primary building entrance faces, ~~unless another front lot line is~~ **or as** designated on an approved plan of development or site plan.

B. Side and Rear Lot Lines

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2. The rear lot line is the line most directly opposite and farthest from the **front lot** line separating the lot from the street which the primary building entrance faces, ~~unless another rear lot line is~~ **or as** designated on an approved plan of development or site plan.

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Sec. 24-8309. Measurement of Height

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B. Measurement of the Height of Signs

The height of a sign is the vertical distance from the highest point of the sign to the greater elevation of (i) the street grade or (ii) the average lot grade at the front setback line.

C. Measurement of the Height of Exterior Lighting

The height of exterior lighting means the vertical distance from the finished grade up to the light source.

B. D. Measurement of the Height of Other Structures

The height of a structure other than a building, ~~or sign,~~ **or exterior lighting** means the vertical distance from the average finished grade at the base of the structure up to the highest point of the structure.

C. E. Base Reference Height

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Sec. 24-8310. Height Exceptions

Notwithstanding the maximum height standards in Article 3: Zoning Districts, any of the following structures ~~and uses~~ may have a height ~~up to 50 feet in any Residential district or 100 feet in any other zoning district~~ **as listed below**, or a greater height if a conditional use permit is issued for the greater height in accordance with Sec. 24-2308, Conditional Use Permit, provided the structure ~~or use~~ complies with Sec. 24-3705, AS-O Airport Safety Overlay District, and all other applicable standards in this Ordinance, including Article 4: Use Regulations and Article 5: Development Standards.

A. Detached and Attached Structures

The following structures may extend in height up to 50 feet in any Residential district or 100 feet in any other zoning district, unless a greater height is permitted by the base zoning district:

1. Belfries;
2. Chimneys, flues, and smokestacks;
3. Fire, bulkhead and parapet walls extending no more than four feet above the height limit applicable to the building;

- 4-2. Flagpoles;
5. Ornamental **3. Belfries**, towers, spires, minarets, domes, and cupolas;
6. Roof-mounted mechanical equipment such as heating, air conditioning, cooling towers, ventilating shafts, elevator penthouses, solar collector panels, and similar equipment for the operation and maintenance of the building when not exceeding 25 percent of the roof area;
- 7-4. Public monuments;
- 8-5. Silos and grain dryers;
9. Stair towers;
- Tanks;
- 11-6. Water towers and standpipes;
12. Windmills; and
- 13-7. Electric power structures and lines, derricks, or other necessary industrial, utility, or public service structures, other than wireless communication towers.

B. Fire, Bulkhead, and Parapet Walls

Fire, bulkhead, and parapet walls may extend up to four feet above the height limit applicable to the building.

C. Mechanical Equipment

Roof-mounted mechanical equipment such as heating, air conditioning, cooling towers, ventilating shafts, elevator penthouses, stair towers, solar collector panels, lighting, and similar equipment for the operation and maintenance of the building and any associated screening, when not exceeding 25 percent of the roof area, may exceed the height limit applicable to the building by 10 percent.

Sec. 24-8311. Measurement of Sign Area

A. Area Included in Measurement

1. **For a detached sign, the sign area includes all of the sign, including the background of the display. The supports, uprights, or structure on which a detached sign is supported are not included in determining the sign area unless they form an integral part of the display.**
2. **For an attached sign, the sign area includes all of the sign and that portion of the structure that forms the background of the display.**

B. Calculation of Sign Area

1. **For a sign in the shape of a regular polygon or circle, the area will be calculated by the mathematical formula for area of that polygon or circle. For a sign not in the shape of a regular polygon or circle, the sign area will be calculated based on a maximum of six abutting or overlapping rectangles that enclose the sign.**
2. **For a sign with two parallel faces not more than 24 inches apart, or two faces attached in a V-shape with an interior angle not exceeding 90 degrees, only one side will be included in the calculation of sign area. If one face is larger than the other, the larger face will be used.**
3. **For a sign consisting of three vertical faces attached in the shape of a triangle, the largest two faces will be included in the calculation of sign area.**
4. **For an attached sign that projects four inches or more from the wall to which it is attached, the sign area will also include the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.**
5. **For a cylindrical sign, the sign area will be calculated by multiplying one-half of its circumference by its height.**
6. **Where the allowed sign area is based on the length of a building, the building length will be the longest dimension parallel to one wall. For a building divided into multiple tenant spaces, the length of the building will be the sum of the lengths of the longest exterior wall of each tenant space.**

Sec. 24-8402. Agricultural Use Classification

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B. Animal Husbandry

The Animal Husbandry use category encompasses the propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ~~ducks~~, emus, horses, goats, llama, poultry, sheep, aquaculture, fisheries, and similar animal husbandry uses.

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Sec. 24-8404. Public, Civic, and Institutional Use Classification

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I. Utilities

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Utility, major

A structure or facility that is a relatively important component central to the functioning of an infrastructure system that provides community- or region-wide utility services. Examples of major utility facilities include potable water treatment plants, water towers, wastewater treatment plants, solid waste facilities, gas compressor stations, **energy storage facilities**, and electrical substations **as a principal use**.

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Sec. 24-8405. Commercial Use Classification

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C. Eating Establishments

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Restaurant other than drive-through

An establishment **other than a drive-through restaurant** where food, beverages, or both are prepared, served, and consumed.

Restaurant, drive-through

An establishment where food is prepared that has ~~any one or more of the following characteristics:~~

~~A~~ a drive-through facility or walk-up window; ~~or~~

~~F~~ facilities for customers to order food from and consume food in their vehicles; ~~or~~

~~A service counter (including a take-out restaurant) where all customers pay for their ordered items before consumption, except cafeterias primarily engaged in serving food and beverages for on-premises consumption are not considered drive-through restaurants if take-out service is clearly incidental to the principal use.~~

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I. Vehicle Sales and Services

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Automobile sales

An establishment that provides for the sale (including at auction) or lease of new or used automobiles, small trucks or vans, trailers, motorcycles, or recreational vehicles, **and the storage of such vehicles**. This use includes businesses licensed by the Department of Motor Vehicles as a "Salvage Dealer" but only to the extent of buying and selling automobiles that have salvage titles. It does not include stripping vehicles for parts, sale of used auto parts, or storage of inoperable vehicles.

• • • •

Commercial vehicle sales, ~~and rentals,~~ and storage

Uses that provide for the sale, ~~or rental,~~ **or storage** of large trucks (gross vehicle weight over 10,000 pounds), mass transit vehicles, or other similar vehicles. This use does not include sales of large construction or agricultural equipment or railway vehicles, which ~~are~~ **is** included in the Industrial Services use category, or aircraft and aircraft parts sales, which is included in the Retail Sales and Services use category. **It does not include stripping vehicles for parts, sale of used auto parts, or storage of inoperable vehicles.**

• • • •

Towing or wrecker service

An establishment providing the service of transporting individual motor vehicles and providing temporary storage of the vehicles, whether operable or temporarily inoperable, in an impound yard or storage area. This **use may include a business licensed by the Virginia Department of Motor Vehicles as a salvage pool or vehicle removal operator that does not store nonrepairable vehicles.** It does not include junk, salvage, scrap, or wrecking yards.

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Sec. 24-8406. Industrial Use Classification

A. Extractive Industry

The Extractive Industry use category is characterized by activities related to the extraction of naturally occurring materials, such as sand and gravel. **It includes the reclamation of such sites and depositing of imperishable materials such as stone, sand, gravel, and soil to fill land to facilitate its practical use or development.** Accessory uses may include washing and grading plants, offices, storage areas, and vehicle washing facilities.

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E. Waste-Related Services

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Salvage and junkyard

Any land or buildings used, in whole or in part, for the commercial collection, storage, and sale of waste paper, rags, scrap metal, bottles, salvage or non-repairable vehicles, or other abandoned, discarded, demolished, or worn-out materials. This use includes **businesses licensed by the Virginia Department of Motor Vehicles as** auto recyclers, demolishers, ~~salvage pools,~~ **and** scrap metal processors, ~~and vehicle removal operators as defined by the Virginia Department of Motor Vehicles.~~ **It also includes any business licensed by the**

Virginia Department of Motor Vehicles as a salvage pool or vehicle removal operator that stores nonrepairable vehicles.

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Sec. 24-8407. Interpretation of Unlisted Uses

A. Procedure for Interpreting Unlisted Uses

The Planning Director may interpret a proposed principal, ~~or~~ accessory, or temporary use not expressly listed in the use tables in Article 4: Use Regulations, as allowable in a particular zoning district, as a permitted, conditional, or provisional use, based on the standards in subsection B, ~~or~~ C, or D below, as appropriate, and in accordance with the procedures in Sec. 24-2317, Interpretation.

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D. Criteria for Allowing Unlisted Temporary Uses and Structures

The Planning Director will interpret an unlisted temporary use or structure as an allowable temporary use or structure if the Planning Director determines that:

1. The nature, function, and potential impacts of the use are so similar to those of a temporary use or structure listed in Table 4502 that the unlisted use should be deemed allowable in the same manner as the similar temporary use or structure;
2. The use or structure is compatible with the character of principal and accessory uses and structures allowable in the zoning district; and
3. Allowing the use or structure is consistent with the purpose and intent statements in this Ordinance concerning the zoning district (see Article 3: Zoning Districts).

Otherwise, the Planning Director will notify the applicant that the unlisted temporary use or structure requires a conditional use permit from the Board of Zoning Appeals pursuant to Sec. 24-2308.B.2.

Sec. 24-8501. Accessory Uses, Temporary Uses, and Other Terms

The following terms will have the meanings assigned below.

• • • •

Accessory use or structure

A use or structure subordinate to the principal use or structure on the same lot and serving a purpose customarily accessory and incidental thereto (i.e., established by common use as taking place on the same property as the principal use or structure, and having no impacts that would be noticeable in comparison with the impacts of the principal use or structure).

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Alley

An vehicular accessway less than 30 feet in width, **usually designed to** that provides secondary access to the **side or** rear of a building **or property**, where the primary access to the front of the building is from a street.

• • • •

Lot, corner

A lot bordering on **the intersection of** two streets that intersect at an angle not greater than 135 degrees.

Lot, cul-de-sac

A lot that fronts along the terminus of a public cul-de-sac street **for at least 35 feet but less than 50 feet** with radial side lot lines extending from the center of the right-of-way of the cul-de-sac to the actual front yard depth (setback) at which the lot width is to be measured **building line**.

• • • •

Outdoor seating and food preparation (as accessory to an Eating Establishments use)

The provision of on-site seating **and food preparation** areas other than in a building by an eating establishment where food or beverages are served for consumption. The accessory use also may include outdoor seating areas on public sidewalks in front of the establishment.

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Portable storage

A container that is designed ~~and rented or leased~~ for the temporary storage of commercial, industrial, or residential household goods and that does not contain **include** a foundation or wheels for movement. This use includes shipping containers ~~that can be transported by mounting on a chassis~~, and "PODS" or "Smartbox" type boxes that can be transported on a flatbed or other truck. This use does not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business.

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Sign

Any device (writing, letters, numerals, illustration, emblem, symbol, trademark, device, figure or character) visible to and designed to communicate information to persons in a public area. The term "sign" does not include the display of merchandise for sale on the site of the display.

Sign, attached

A sign attached to or painted on the outside wall of a building or structure.

Sign, detached

A sign not attached to or painted on a building, but permanently affixed to the ground or to a post, pylon, fence, or wall that is not part of a building.

Sign, monument

A detached sign that is either: 1) a solid structure made of brick, stone, concrete or similar durable material; or 2) constructed on or connected directly to a solid supporting foundation made of brick, stone, concrete or similar durable material, with no separation between the sign and the base and where the width of the base is at least 90 percent of the width of the sign.

Sign, outdoor advertising

A detached or attached sign and supporting sign structure, including a billboard, which advertises or directs the attention of the general public to a profession or business conducted, or to a commodity, service, activity or entertainment sold or offered, which is located off the premises on which the sign is located.

Sign, temporary

A sign not intended for permanent display and not permanently fixed to the ground or a structure, usually constructed of cloth, canvas, vinyl, paper, fabric, or other lightweight material.

Sign, window

A sign visible outside the window or door and attached to or within 18 inches in front of or behind the surface of a window or door.

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Story

That portion of a building included between the surface of any floor and either (1) the surface of the floor immediately above it or (2) or the ceiling immediately above it if there is no floor immediately above it.

Street

A dedicated public thoroughfare which affords the principal means of access to abutting property, including road, highway, drive, lane, avenue, place, boulevard, or any other thoroughfare. This definition does not include an alley **or any public right-of-way less than 30 feet in width.**

• • • •

Story

~~That portion of a building included between the surface of any floor and either (1) the surface of the floor immediately above it or (2) or the ceiling immediately above it if there is no floor immediately above it.~~

• • • •

Tree, Protected

~~Any healthy tree with a diameter at breast height (DBH) of six inches or greater located within any minimum required yard abutting a street right of way; or any healthy memorial, heritage, or specimen tree of a DBH of 22 inches or greater. See Sec. 24-5313.A.~~

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Yard, rear

A yard lying between the rear lot line and the nearest part of the building or use and extending across the full width of the lot, **except on a corner lot, in which case extending from the interior side lot line to the street side yard setback.**

• • • •

Yard, street side

A yard lying between the street side lot line and the nearest part of the building or use and extending from the front yard to the rear ~~yard~~ **lot line.**

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