

# Zoning Ordinance

## HENRICO COUNTY, VIRGINIA



**Adopted by the  
Board of Supervisors  
June 22, 2021**

**Effective Date:  
September 1, 2021**





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# ARTICLE 1 GENERAL PROVISIONS

## DIVISION 1. ENACTMENT AND AUTHORITY

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### ***Sec. 24-1101. Title***

This chapter will be officially known as the “Zoning Ordinance of the County of Henrico, Virginia” or “Henrico County Zoning Ordinance,” and may be referred to as “the Zoning Ordinance” or “this Ordinance.”

### ***Sec. 24-1102. General Authority to Adopt Zoning Ordinance***

The Zoning Ordinance is adopted in accordance with the enabling authority contained in Title 15.2, Chapter 22 of the Code of Virginia and all other relevant laws of the Commonwealth of Virginia.

### ***Sec. 24-1103. References to the Code of Virginia and Federal Law***

Whenever any provision of this Ordinance refers to or cites a section of the Code of Virginia or federal laws or statutes, and that section is later amended or superseded, this Ordinance will be deemed to refer to the section, as amended, or the superseding section.

### ***Sec. 24-1104. General Purpose and Intent***

The Board of Supervisors adopts this Ordinance to promote the health, safety, and general welfare of the present and future residents, businesses, and landowners of the County; accomplish the objectives of the Code of Virginia; and implement the County’s comprehensive plan. More specifically, this Ordinance is intended to:

- A.** Provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime, and other dangers;
- B.** Reduce or prevent congestion in the public streets;
- C.** Facilitate the creation of a convenient, attractive, and harmonious community;
- D.** Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
- E.** Protect against destruction of or encroachment upon historic areas and working waterfront development areas;
- F.** Protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life, health or property from fire, flood, impounding structure failure, panic, or other dangers;
- G.** Encourage economic development activities that provide desirable employment and enlarge the tax base;



## **Article 1 General Provisions**

### **Division 1. Enactment and Authority**

---

- H.** Provide for the preservation of agricultural and forest lands and other lands of significance for the protection of the natural environment;
- I.** Protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;
- J.** Promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the planning district within which the County is situated;
- K.** Provide reasonable protection against encroachment on military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard;
- L.** Provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. §12131 et seq.) or state and federal fair housing laws; and
- M.** Protect surface water and groundwater as defined in Code of Virginia §62.1-255, consistent with applicable state water quality standards.

### ***Sec. 24-1105. Implement Comprehensive Plan***

---

This Ordinance is intended to ensure all development within the County's jurisdiction is consistent with the goals and policies of the adopted comprehensive plan. All amendments to this Ordinance's text or the Zoning Districts Map should be consistent with the County's adopted comprehensive plan.

### ***Sec. 24-1106. General Applicability***

---

- A.** This Ordinance applies to the use and development of all lands within the County, unless expressly exempted by a specific division or section of this Ordinance.
- B.** Unless exempted, land within the County must be developed and used in compliance with this Ordinance and all other applicable County, state, and federal laws and regulations.
- C.** A building or structure for which a certificate of occupancy is required in accordance with the building code must not be occupied unless a certificate of occupancy is approved.
- D.** The requirements imposed by this Ordinance will be interpreted and applied as minimum requirements.

### ***Sec. 24-1107. Applicability to Governmental Units***

---

Except as stated herein, the provisions of this Ordinance do not apply to:

- A.** Development or use of land by the County or its agencies;
- B.** Development or use of land owned by the Commonwealth of Virginia, unless the Code of Virginia authorizes local regulation by this Ordinance; and
- C.** Development or use of land owned by the government of the United States, its agencies or departments, to the full extent required by law.

**Sec. 24-1108. Severability**

It is the intent of the Board of Supervisors that the provisions of this Ordinance be liberally construed to carry out the purposes of this Ordinance and to avoid conflict with the Code of Virginia and any other limitations imposed by law. However, if any provision of this Ordinance is determined by a court to be invalid, such decision will not affect the validity of the remaining portions of this Ordinance.

**DIVISION 2. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DEED RESTRICTIONS**

---

**Sec. 24-1201. General**

Except where otherwise stated in this Ordinance, this Ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with any other provision of law or ordinance, or any regulations or permits adopted or issued pursuant to law relating to the use or construction of buildings or premises, or private restrictions.

**Sec. 24-1202. Conflicts Between Provisions of this Ordinance and Other County Codes or Ordinances**

If a provision of this Ordinance is inconsistent with another provision of this Ordinance, or with a provision found in other codes or ordinances of the County, the provision that imposes greater restrictions or more stringent controls will govern.

**Sec. 24-1203. Conflicts with State or Federal Law**

If a provision of this Ordinance is inconsistent with a provision found in the law or regulations of the Commonwealth of Virginia or federal government, the more restrictive provision will govern, to the extent permitted by law.

**Sec. 24-1204. Private Agreements**

The County will not be responsible for monitoring or enforcing private easements, covenants, and restrictions, although the County may inquire if land is subject to easements, covenants, and restrictions during the review of development applications. Private easements, covenants, and restrictions notwithstanding, all development, unless expressly exempted by this Ordinance, must comply with this Ordinance's minimum requirements.

**DIVISION 3. ZONING DISTRICTS MAP**

---

**Sec. 24-1301. Establishment and Maintenance**

The location and boundaries of the various base zoning districts, overlay zoning districts, and planned development districts under the Ordinance are hereby established as shown on the maps derived from digital source files maintained by the County entitled "Zoning Districts Map of Henrico County, Virginia," effective January 1, 2002, as amended since that time, which constitute the Zoning Districts Map under



## Article 1 General Provisions

### Division 3. Zoning Districts Map

---

this Ordinance. The Zoning Districts Map is available for public inspection during normal business hours. It is the final authority as to the status of the current zoning district classification of land in the County and will only be amended in accordance with Sec. 24-2303, Map Amendment (Rezoning), Sec. 24-2304, Conditional Zoning, or Sec. 24-2305, Planned Development, as appropriate.

#### ***Sec. 24-1302. Incorporated by Reference***

---

The Zoning Districts Map, as amended, including all notations, dimensions and designations shown thereon, is incorporated herein by reference and made part of this Ordinance.

#### ***Sec. 24-1303. Interpretation of Zoning District Boundaries***

---

The Planning Director will be responsible for interpretations of the Zoning Districts Map in accordance with the procedures and standards in Sec. 24-2317, Interpretation, and the following standards:

- A.** Boundaries shown as approximately following a utility line or a street, alley, railroad, or other public access way will be interpreted as following the centerline of the right-of-way or easement for the utility line or access way. In the event of closure of a street or alley, the district boundary will be construed as the centerline of the street or alley unless the zoning district boundary is amended in accordance with this Ordinance.
- B.** Boundaries shown as approximately following a property line will be interpreted as following the property line as it existed when the boundary was established. If a subsequent minor adjustment (such as from a court ordered settlement of a boundary dispute or overlap) results in the property line moving ten feet or less, the zoning district boundary will be interpreted as moving with the property line.
- C.** Boundaries shown as approximately following rivers, streams, canals, and lakes will be interpreted as following the centerline of the watercourse and as moving with that centerline to the extent the watercourse moves as a result of natural processes (such as flooding, erosion, and sedimentation).
- D.** Where the full course of a boundary extending into a body of water is not shown, the boundary will be construed as continuing in a straight line to the intersection with another **zoning district boundary or to the limits of the County's zoning jurisdiction**, whichever occurs first.
- E.** Boundaries shown as approximately following political boundaries will be interpreted as following such boundaries.
- F.** Boundaries shown parallel to or as extensions of features indicated in this section will be interpreted as such.
- G.** If distances or other dimensions are not specifically indicated on the Zoning Districts Map, they will be determined by the scale of the map.
- H.** If the specific location of a boundary cannot be determined from notations on the Zoning Districts Map or application of the above standards, it will be determined by using the map scale to determine the boundary's distance from other features shown on the map.
- I.** Where the actual locations of existing physical or natural features vary from those shown on the Zoning Districts Map, or in other circumstances not covered by this section, the Planning Director will have the authority to interpret the district boundaries in accordance with Sec. 24-2317, Interpretation. If the Planning Director determines land is not included

definitely within any of the districts on the Zoning Districts Map, the land will be deemed to be in the C-1 Conservation District.

- J.** The Planning Director's interpretations may be appealed to the BZA in accordance with Sec. 24-2320, Appeal of Administrative Decisions. The BZA will not have the power to change substantially the locations of district boundaries.

### ***Sec. 24-1304. Changes to Zoning Districts Map***

---

Changes made in zoning district boundaries on the Zoning Districts Map will be considered an amendment to this Ordinance and are made in accordance with Sec. 24-2303, Map Amendment, Sec. 24-2304, Conditional Zoning, or Sec. 24-2305, Planned Development, as appropriate. Changes will be entered on the Zoning Districts Map by the Planning Director promptly after the amendment is approved by the Board of Supervisors. Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the Planning Director may enter on the Zoning Districts Map notations reflecting the ordinance wording.

## **DIVISION 4. TRANSITION FROM PRIOR REGULATIONS**

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### ***Sec. 24-1401. Effective Date***

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This Ordinance will become effective on September 1, 2021, and repeals and replaces Ordinance #179 adopted on December 23, 1959 as subsequently amended and codified as Chapter 24 of the Henrico County Code.

### ***Sec. 24-1402. Violations Continue***

---

Any development or activity in violation of the previous zoning ordinance will continue to be a violation under this Ordinance, unless the development or activity complies with the express terms of this Ordinance.

### ***Sec. 24-1403. Nonconformities***

---

If any use, structure, lot, sign, or site feature legally existed immediately prior to September 1, 2021, but does not fully comply with the standards of this Ordinance or any amendment thereto, the use, structure, lot, sign, or site feature is considered nonconforming under this Ordinance and must comply with the requirements in Article 6: Nonconformities.

### ***Sec. 24-1404. Complete Applications***

---

- A.** Applications accepted as complete before September 1, 2021, but still pending final action as of that date, will be processed in accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, will be nonconforming and subject to the provisions of Article 6: Nonconformities.
- B.** An applicant with a pending application accepted before September 1, 2021, may opt to have the proposed development reviewed and decided under the standards of this Ordinance

## **Article 1 General Provisions**

### **Division 4. Transition from Prior Regulations**

---

by withdrawing the pending application and submitting a new application in accordance with the procedures and standards of this Ordinance.

- C.** Applications accepted as complete will be processed in accordance with any time frames for review, approval, and completion established in the regulations in effect at the time the application was accepted as complete. If the application fails to comply with the required time frames, it will expire and future development will be subject to the requirements of this Ordinance.

#### ***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.

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

---

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.

#### ***Sec. 24-1407. Existing Vested Rights***

---

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any vested rights under applicable laws, provided such rights are lawfully established and remain in effect.



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# ARTICLE 2 ADMINISTRATION

## DIVISION 1. ADMINISTRATIVE AND DECISION-MAKING BODIES

### Sec. 24-2101. Summary Table of Review Responsibilities

Table 2101: Summary of Review Responsibilities identifies the bodies and persons responsible for review, recommendations, and decisions on development applications under this Ordinance. For purposes of this Article, text amendments and map amendments (rezonings) will be considered development applications. The table also identifies development applications that require a public hearing. Specific requirements and procedures are set forth in Article 2, Division 2, Common Procedures, and Article 2, Division 3, Specific Standards and Requirements for Development Applications.

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
Amendments					
Text Amendment		S/R		<R>	<D>
Map Amendment (Rezoning)		S/R		<R>	<D>
Conditional Zoning		S/R		<R>	<D>
Planned Development		S/R		<R>	<D>
Permits					
Provisional Use Permit		S/R		<R>	<D>
Transfer of Provisional Use Permit		D			<A>
Conditional Use Permit		S/R	<D>	R [3]	
Sign Permit	D [2]	S/D [2]	<A>		
Temporary Use Permit		D	<A>		
Tree Removal Permit		D	<A>		
POD or Site Plan					
Plan of Development		D		R	
Site Plan		D		R	
Modifications / Appeals					
Variance		S	<D>	R [3]	
Interpretation (other than proffer)		D	<A>		
Proffer Interpretation		D			<A>
Administrative Modification		D	<A>		
Appeal			<D>		

NOTES:

- [1] The table only reflects the development review responsibilities authorized by this Ordinance. In some instances, other County departments are involved in review.
- [2] Where a building permit is also required, the Building Official makes a decision on the application; in all other cases, the Planning Director makes a decision on the application.
- [3] The Planning Commission may, at its discretion, send a recommendation to the BZA or appear at the public hearing on the application held by the BZA.



## Article 2 Administration

### Division 1. Administrative and Decision-Making Bodies

---

#### **Sec. 24-2102. Board of Supervisors**

---

The following powers and duties are granted to the Board of Supervisors by the Code of Virginia:

- A.** To review and decide applications for the following:
  - 1.** Text amendments (Sec. 24-2302);
  - 2.** Map amendments (Rezoning) (Sec. 24-2303);
  - 3.** Conditional zoning (Sec. 24-2304);
  - 4.** Planned development (Sec. 24-2305); and
  - 5.** Provisional use permits (Sec. 24-2306).
- B.** To review and decide appeals from decisions on transfers of provisional use permits (Sec. 24-2307) and proffer interpretations (Sec. 24-2318).
- C.** To approve a schedule of fees governing applications for permits and development approvals reviewed under this Ordinance, to be contained in the Administrative Manual.
- D.** To take any other action not delegated to the Planning Commission, BZA, Planning Director, or other body, and **within the Board of Supervisors' authority, as the Board may deem desirable and necessary to implement the provisions of this Ordinance.**

#### **Sec. 24-2103. Planning Commission**

---

The Planning Commission is established by Chapter 2 of the County Code, which sets forth the Planning Commission's organization, including its membership, terms of members, officers, staff, rules of procedure, powers, and duties in addition to those identified in this section. The Planning Director serves as the secretary and supporting staff to the Planning Commission. The Planning Commission has the following powers and duties under this Ordinance:

- A.** To determine, in accordance with the Code of Virginia § 15.2-2232, whether a proposed street, connection to an existing street, park or other public area, public building or public structure, public utility facility, or public service corporation facility would be substantially in accord with the comprehensive plan (procedures for such determinations are not part of this Ordinance).
- B.** To review and make recommendations to the Board of Supervisors on the following:
  - 1.** Text amendments (Sec. 24-2302);
  - 2.** Map amendments (Rezoning) (Sec. 24-2303);
  - 3.** Conditional zoning (Sec. 24-2304);
  - 4.** Planned development (Sec. 24-2305); and
  - 5.** Provisional use permits (Sec. 24-2306).
- C.** To review and decide, at the request of the Planning Director or the applicant, the following:
  - 1.** Plans of development (Sec. 24-2314) and
  - 2.** Site plans (Sec. 24-2315)
- D.** To review and decide requests for exceptions from the requirements of Article 5, Division 8, Chesapeake Bay Preservation, in accordance with Sec. 24-5805, Chesapeake Bay Preservation: Exceptions.

- E.** To carry out any other powers and duties delegated to it by the Board of Supervisors, consistent with or as required by the Code of Virginia.

### **Sec. 24-2104. Board of Zoning Appeals (BZA)**

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The Board of Zoning Appeals (BZA) is established in accordance with the Code of Virginia § 15.2-2308. The BZA consists of five residents of the County appointed by the Circuit Court. They must hold no other public office in the County, except that one member may be a member of the Planning Commission. Members are appointed for five-year, staggered terms, may succeed themselves, and continue to serve until their successor is appointed and qualified. Vacancies occurring for reasons other than expiration of terms will be filled for the period of the unexpired term only. The secretary of the BZA must notify the Circuit Court at least 30 days in advance of the expiration of any term of office and also notify the Court promptly if any vacancy occurs.

The BZA will elect one of its members as chair and one as vice chair. The chair and vice chair will serve annual terms and may succeed themselves. The BZA may make, alter, and rescind rules and forms for its procedures, consistent with this Ordinance and state law. The chair, or in the chair's absence the vice chair, will preside at all meetings of the BZA. Three or more members of the BZA will constitute a quorum. No official business of the BZA will be conducted without a quorum present. All meetings of the BZA will be open to the public, except for closed meetings authorized by the Virginia Freedom of Information Act. The chair, or in the chair's absence the vice chair, may administer oaths and compel the attendance of witnesses. An affirmative vote of a majority of members present, voting, and constituting a quorum is required for all decisions of the BZA, except for decisions on variances and appeals from interpretations and decisions of the Planning Director, who is the zoning administrator under this ordinance, and on Notices of Violations, which require an affirmative vote of a majority of the entire membership of the BZA. The BZA will keep minutes of its proceedings and other official actions, which will be filed in the office of the secretary and will be public records. The minutes must show the vote of each member upon each question and must indicate any members who were absent or did not vote.

In accordance with the Code of Virginia § 15.2-2309 et seq., the BZA has the following powers and duties under this ordinance:

- A.** To review and decide applications for conditional use permits (Sec. 24-2308).
- B.** To review and decide applications for variances from the dimensional and development standards of this Ordinance in accordance with Code of Virginia § 15.2-2309.
- C.** To review and decide appeals from decisions on the following in accordance with Sec. 24-2320, Appeal of Administrative Decisions:
  - 1.** Sign permits (Sec. 24-2311);
  - 2.** Temporary use permits (Sec. 24-2312);
  - 3.** Tree removal permits (Sec. 24-2313);
  - 4.** Zoning and other interpretations and determinations in accordance with Code of Virginia § 15.2-2309 (Sec. 24-2317); and
  - 5.** Administrative modifications (Sec. 24-2319).
- D.** To revoke conditional use permits in accordance with Sec. 24-2308.C.7(b).

## Article 2 Administration

### Division 1. Administrative and Decision-Making Bodies

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#### **Sec. 24-2105. Planning Director**

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The Planning Director is designated by the County Manager and serves as the zoning administrator. Any act authorized by this Ordinance to be carried out by the Planning Director may be delegated by the Planning Director to professional-level staff (including Community Maintenance) under the Planning Director's direction.

Except where otherwise stated in this Ordinance, the Planning Director is responsible for the administration, interpretation, and enforcement of this Ordinance in accordance with state law. More specifically, the Planning Director has the following powers and duties under this Ordinance:

- A.** To review and decide applications for the following:
  - 1.** Transfers of provisional use permits (Sec. 24-2307);
  - 2.** Sign permits, if a building permit is not required (Sec. 24-2311);
  - 3.** Temporary use permits (Sec. 24-2312);
  - 4.** Tree removal permits (Sec. 24-2313);
  - 5.** Plans of development (Sec. 24-2314);
  - 6.** Site plans (Sec. 24-2315);
  - 7.** Interpretations (Sec. 24-2317);
  - 8.** Proffer interpretations (Sec. 24-2318); and
  - 9.** Administrative modifications (Sec. 24-2319).
- B.** To provide staff review and recommendations on the following:
  - 1.** Text amendments (Sec. 24-2302);
  - 2.** Map amendments (Rezoning) (Sec. 24-2303);
  - 3.** Conditional zoning (Sec. 24-2304);
  - 4.** Planned development (Sec. 24-2305);
  - 5.** Provisional use permits (Sec. 24-2306);
  - 6.** Conditional use permits (Sec. 24-2308);
  - 7.** Building permits (Sec. 24-2309);
  - 8.** Occupancy certificates (Sec. 24-2310);
  - 9.** Variances (Sec. 24-2316).
- C.** To establish administrative application submittal requirements and a submittal schedule for review of applications and appeals, in accordance with the standards provided by this Ordinance.
- D.** To prepare and amend as necessary an Administrative Manual containing requirements for application contents and forms, submittal schedules, and fees established in accordance with this Ordinance and specifying any delegation of duties or authority by the Planning Director. The Administrative Manual may contain additional information relevant to the submittal and review of development applications consistent with this Ordinance and for the administrative convenience of applicants and staff.
- E.** To determine whether a submitted application is complete and authorize its formal acceptance.
- F.** To review applications and submit staff reports to advisory and decision-making bodies, as appropriate.

- G.** To maintain the Zoning Districts Map and related materials.
- H.** To provide expertise and technical assistance to the County's other review and decision-making bodies, upon request, and as appropriate.
- I.** To issue notices of violations and enforce this Ordinance in accordance with Article 7: Enforcement.

### ***Sec. 24-2106. Building Official***

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The Building Official, or designee of the Building Official, has the powers and duties under the Code of Virginia, the Virginia USBC, and this Ordinance to review and decide applications for:

- A.** Building permits (Sec. 24-2309);
- B.** Certificates of occupancy (Sec. 24-2310); and
- C.** Sign permits, if a building permit is required (Sec. 24-2311).

## **DIVISION 2. COMMON PROCEDURES**

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### ***Sec. 24-2201. Purpose and Intent***

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This division sets forth common procedures that are generally applicable to the process of amending this Ordinance and the submittal and review of development applications under this Ordinance. Not all procedures in this division are required for every type of application. For example, procedures related to public hearings (see Sec. 24-2205, Public Hearing) do not apply to applications for which no public hearing is required (see Sec. 24-2101, Summary Table of Review Responsibilities). Article 2, Division 3, Specific Standards and Requirements for Development Applications, identifies the applicability of each common procedure for each type of application, as well as any modifications of the common procedure that apply. Figure 2201 shows the common procedures in the format of a flowchart. A similar flowchart is provided for each type of application in Article 2, Division 3, Specific Standards and Requirements for Development Applications.

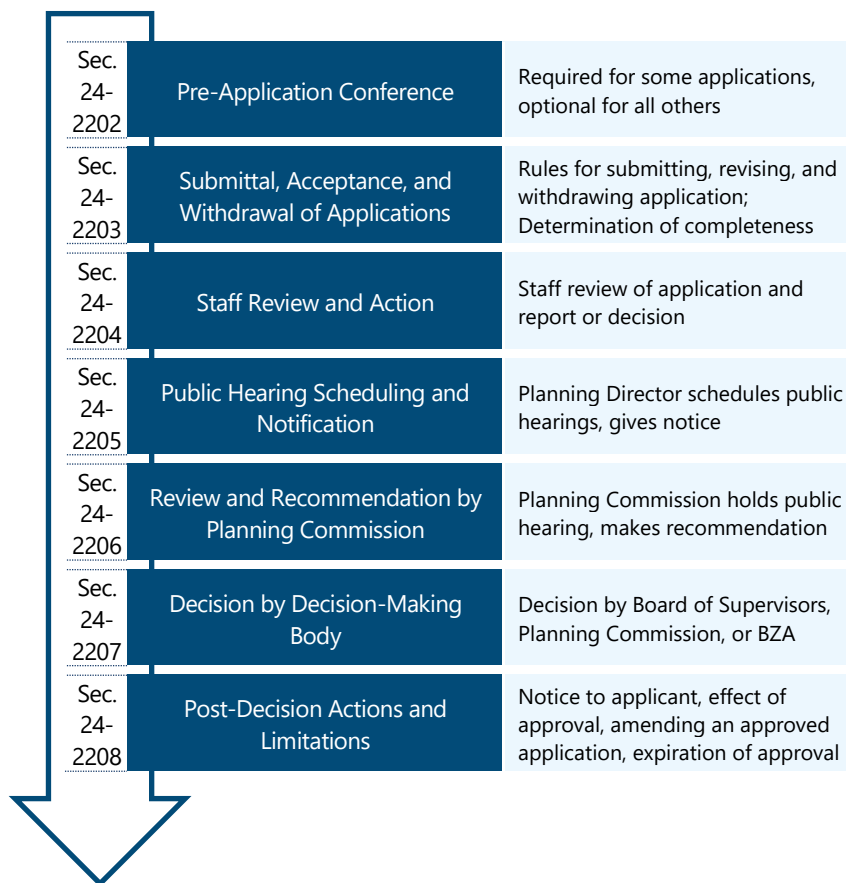


## Article 2 Administration

### Division 2. Common Procedures

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Figure 2201: Common Procedures in Flowchart Format



### **Sec. 24-2202. Pre-Application Conference**

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#### **A. Purpose**

The purpose of a pre-application conference is to provide an opportunity for the applicant to understand the submittal requirements and the procedures and standards applicable to an anticipated development application. A pre-application conference is also intended to provide an opportunity for Planning Department staff, and other County staff, to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed development.

#### **B. Applicability**

A pre-application conference between the applicant and Planning Department staff must be held before submittal of applications for rezoning, conditional zoning, planned development, or provisional use permit. For all other development applications, a pre-application conference is recommended but not required.

#### **C. Scheduling**

Upon receipt of the request for a pre-application conference, Planning Department staff will schedule the conference and notify the applicant of the time and place. The conference may be held on a regular schedule, or may be scheduled individually, at the discretion of the Planning Director.

## **D. Information to be Submitted Prior to Conference**

At least three business days before the pre-application conference, the applicant is encouraged to submit a written description and a conceptual plan that shows the location and general layout of the proposed development to Planning Department staff.

## **E. Conference Proceedings**

Planning Department staff will review the materials submitted by the applicant prior to the conference. At the conference, staff will ask the applicant questions about the proposed application and identify any concerns, problems, or other factors the applicant should consider about the application.

## **F. Effect**

The pre-application conference is intended as a means of facilitating the review process. Discussions held in accordance with this section are not binding on the County. Processing times for review of development applications do not begin until a formal application is submitted and determined to be complete in accordance with Sec. 24-2203.E, Determination of Application Completeness.

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## **Sec. 24-2203. Submittal, Acceptance, and Withdrawal of Applications**

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### **A. Authority to File Applications**

- 1.** Unless expressly stated otherwise in this Ordinance, all development applications reviewed under this Ordinance must be submitted by the owner of the land on which the development is proposed, or a person authorized in writing to submit the application on behalf of the owner (an "authorized representative").
- 2.** If there are multiple owners of the land on which a development is proposed, all such persons or their authorized representatives must sign the application or a power of attorney, letter, or other document consenting to the application.

### **B. Required Content and Fees**

#### **1. Application Content**

Requirements for the content and form of each type of specific development application are set forth in the submission requirements checklist contained in the Administrative Manual. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with all applicable standards.

#### **2. Application Fees**

The Board of Supervisors is authorized to establish application fees, by ordinance after public hearing, and may amend and update those fees as necessary. A schedule of application fees will be included in the Administrative Manual.

### **C. Schedule for Submittal and Review**

The Planning Director will establish and update from time to time specific submittal instructions and a review schedule for the various types of development applications, as necessary to ensure the effective and efficient administration of this Ordinance and to carry out the purposes and intent of this Ordinance. The Planning Director may include time

## **Article 2 Administration**

### **Division 2. Common Procedures**

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frames for review consistent with this Ordinance and state law. The instructions and schedule will be included in the Administrative Manual.

#### **D. Application Submittal**

Applications must be submitted to the Planning Director in the form established by the Planning Director, along with the appropriate application fee.

#### **E. Determination of Application Completeness**

##### **1. Completeness Review**

Upon receipt of an application, the Planning Director will, within ten business days, determine whether the application is complete or incomplete. A complete application is one that includes the completed application form, the submission requirements checklist, the applicable fee, and all information and materials required by this Ordinance in sufficient detail to evaluate whether it complies with the applicable review standards of this Ordinance.

##### **2. Application Incomplete**

On determining that an application is incomplete, the Planning Director will provide the applicant written notice of the submission deficiencies. If the applicant fails to resubmit an application within 45 calendar days after being first notified of submission deficiencies, the application will be returned to the applicant. The Planning Director will not process an application for review until it is determined to be complete.

##### **3. Application Complete**

On determining that an application is complete, the Planning Director will accept the application for review in accordance with the procedures and standards of this Ordinance.

#### **F. Withdrawal of Accepted Application**

##### **1. May be Withdrawn at Any Time**

An applicant may withdraw a development application at any time by submitting a letter of withdrawal to the Planning Director.

##### **2. Limit on Subsequent Applications after Withdrawal**

If a development application requiring a public hearing is withdrawn after required public notification of the public hearing is provided, no application proposing substantially the same development or change in zoning, including conditions, on all or part of the same land will be considered within 12 months after the date of withdrawal.

##### **3. Withdrawal through Inaction**

If an applicant requests or causes continuing postponement of submissions or actions required to complete the application review process, and such postponement causes inaction for six or more months in the review of the application, the application will be considered withdrawn, and the Planning Director will notify the applicant in writing. No application proposing substantially the same development on all or part of the same land will be considered by the County within six months after the date of withdrawal through inaction.

**Sec. 24-2204. Staff Review and Action**

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**A. Staff Review and Opportunity to Revise Application**

1. When an application is determined complete, the Planning Director will distribute it to all appropriate County staff and review agencies for review and comment.
2. In considering the application, the Planning Department staff, or other County staff and review agencies as deemed appropriate by the Planning Director, will review the application, relevant support material, and any comments or recommendations from staff and review agencies.
3. If deficiencies in complying with applicable standards in this Ordinance are identified during staff review of the application, the Planning Director will notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to revise the application to address the deficiencies. An applicant may revise an application after receiving notice of deficiencies from the Planning Director. Application revisions will be limited to changes that directly respond to specific deficiencies identified by staff and related design improvements; substantial design changes not related to staff comments may require submission of a new plan. The applicant must submit the revised application to the Planning Director.

**B. Application Subject to Decision by Planning Director or Building Official**

If the application is subject to a final decision by the Planning Director or Building Official (indicated by "D" in Table 2101: Summary of Review Responsibilities), the following procedures apply:

1. Decision  
After review of the application, the Planning Director or Building Official, as applicable, must make one of the decisions authorized for the particular type of application based on the review standards for the application set forth in Article 2, Division 3, Specific Standards and Requirements for Development Applications, for the particular type of application. The decision must be in writing and must state reasons for disapproval if the application is disapproved, or the conditions of approval if the application is approved subject to conditions of approval.
2. Submission of Revised Application  
If the application is disapproved, the applicant may revise the application in response to the specific reasons identified for the disapproval, and resubmit it for reconsideration within 30 days. After review of the resubmitted application, the Planning Director must make a decision on the revised application in accordance with subsection B.1 above.
3. Conditions of Approval  
If permitted by law and if applicable for the particular type of application, approval of an application may be subject to conditions of approval. Conditions of approval must be limited to those deemed necessary to ensure compliance with the standards of this Ordinance and must be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands. Conditions of approval may include requirements for performance guarantees. All conditions of approval must be expressly set forth in the permit or development approval.

### **C. Application Subject to Decision by Decision-Making Body**

If staff review and recommendation is required for an application (indicated by "S/R" in Table 2101: Summary of Review Responsibilities), the following procedures apply:

**1. Preparation of Staff Report and Recommendation**

Upon completion of the staff review on an application, the Planning Director will prepare a written staff report on the application. The staff report will evaluate whether the application complies with the applicable review standards of this Ordinance and recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in Article 2, Division 3, Specific Standards and Requirements for Development Applications. When applicable, the staff report may identify and recommend conditions of approval allowed for the type of application in accordance with Article 2, Division 3, Specific Standards and Requirements for Development Applications.

**2. Distribution and Availability of Application and Staff Report**

The Planning Director must take all the following actions before the meeting or public hearing at which the application is scheduled for review and as required by the Code of Virginia and this Ordinance:

- (a) Schedule and ensure notice (if applicable) of any required public hearing on the application in accordance with Sec. 24-2205, Public Hearing Scheduling and Notification;
- (b) Transmit the application, related materials, and the staff report to the appropriate advisory or decision-making body;
- (c) Transmit a copy of the staff report to the applicant; and
- (d) Make the application, related materials, and the staff report available for examination by the public in the Planning Department during normal business hours. Copies of such materials will be available at a reasonable cost.

### **Sec. 24-2205. Public Hearing Scheduling and Notification**

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#### **A. Public Hearing Scheduling**

**1. Responsibility for Scheduling**

The Planning Director will be responsible for scheduling public hearings required for applications as indicated in Sec. 24-2101, Summary Table of Review Responsibilities.

**2. Timing**

The Planning Director must schedule a required public hearing on the application such that there is sufficient time for a staff report to be prepared and for the public notice requirements to be satisfied.

**3. Deferral Request by Applicant**

An applicant may request that consideration of a development application at a public hearing be deferred by submitting a written request for deferral to the Planning Director or make such a request at the public hearing or meeting at which the application is considered. If public notification has not been provided, the applicant may request and will be granted approval to defer the application. If public



notification has been provided, the request for deferral must be placed on the agenda on the date the application is to be considered and acted upon by the advisory or decision-making body, which may approve the request for deferral for good cause. All deferrals must be to a date certain and must not be deferred generally or indefinitely. If the matter is deferred at the request of the applicant, the applicant must pay any applicable fee as established in the schedule of fees approved by the Board of Supervisors prior to the application being placed on an upcoming agenda.

## **B. Notification of Public Hearing**

Notice of public hearings must be provided in accordance with the Code of Virginia. The Planning Director may also notify any other person the Director deems advisable. The Planning Director is responsible for preparing and effecting all public hearing notifications. When giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Planning Director may give such notice by first-class mail rather than by registered or certified mail.

### ***Sec. 24-2206. Review and Recommendation by Planning Commission***

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If an application is subject to a recommendation by the Planning Commission (see Sec. 24-2101, Summary Table of Review Responsibilities), the Planning Commission will review and act on the application in accordance with the following procedures.

#### **A. Public Hearing or Meeting**

The Planning Commission will hold any required public hearing or meeting on the application and consider the application, relevant support materials, staff report, and any public comments. It will then make a recommendation based on the review standards applicable to the application type as set forth in Article 2, Division 3, Specific Standards and Requirements for Development Applications.

#### **B. Timing**

The Planning Commission will take action promptly, consistent with any time limitations established by the Code of Virginia.

#### **C. Conditions of Approval**

If permitted by law and if applicable for the particular type of application, the Planning Commission may recommend conditions of approval in accordance with Article 2, Division 3, Specific Standards and Requirements for Development Applications. Except as otherwise provided for conditional zonings in Sec. 24-2304.B.6, Decision by Decision-Making Body, conditions of approval must be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands. Conditions of approval may include requirements for performance guarantees. Any recommended conditions of approval must be expressly set forth in the recommendations to the decision-making body.

## Article 2 Administration

### Division 2. Common Procedures

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#### **Sec. 24-2207. *Decision by Decision-Making Body***

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If an application is subject to a final decision by the Board of Supervisors, Planning Commission, or BZA (see Sec. 24-2101, Summary Table of Review Responsibilities), such decision-making body must review and decide the application in accordance with the following procedures.

##### **A. Public Hearing or Meeting**

1. The decision-making body must hold any required public hearing or meeting and may consider the application, relevant support materials, staff report, any Planning Commission recommendations, and any public comments. It must then make one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in Article 2, Division 3, Specific Standards and Requirements for Development Applications.
2. The decision-making body may remand the application to the Planning Director or the Planning Commission, as applicable, for further consideration of new information or specified issues or concerns, if appropriate.
3. The decision-making body must consider the interests of the applicant, affected parties, and the public, and within time limitations established by the Code of Virginia, take the action it deems appropriate.
4. The decision-making body may require from an applicant a complete disclosure of the equitable ownership or parties in interest of real estate affected, including in the case of corporate ownership, the names of stockholders, officers and directors and in any case the names and addresses of all real parties of interest. However, this disclosure requirement will not require the disclosure of the names of stockholders, officers, and directors of a corporation whose stock is traded on a national or local stock exchange having more than 500 shareholders. In the case of a condominium, this disclosure requirement will apply only to the title owner, contract purchaser, or lessee if they own ten percent or more of the units in the condominium.

##### **B. Conditions of Approval**

If permitted by law and if applicable for the particular type of application, the decision-making body may condition its approval to address the anticipated impacts of the proposed development, and to ensure compliance with the review standards. Except as otherwise provided for conditional zonings in Sec. 24-2304.B.6, Decision by Decision-Making Body, the conditions of approval must be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands. Conditions of approval may include requirements for performance guarantees. All conditions of approval must be expressly set forth in the decision of approval.

#### **Sec. 24-2208. *Post-Decision Actions and Limitations***

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##### **A. Notice of Decision**

Within ten calendar days after a final decision on an application, the Planning Director will provide the applicant written notice of the decision and make a copy of the decision available to the public in the Planning Department.

## **B. Effect of Approval of Development Application**

Approval of a development application authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application and approval. Development must not begin until all required approvals are obtained. Approval of one development application does not guarantee approval of any subsequent development application.

## **C. Amendment of Development Approval**

Unless specified in the procedure for the particular type of development application in Article 2, Division 3, Specific Standards and Requirements for Development Applications, an amendment of a permit or development approval may only be reviewed in accordance with the procedures and standards established for its original approval.

## **D. Expiration of Development Approval**

1. Except for map amendments (rezonings), conditional zonings, and planned developments, permits and development approvals granted in accordance with this Ordinance will expire as provided in Article 2, Division 3, Specific Standards and Requirements for Development Applications, for the particular type of permits or development approvals.
2. Unless specifically provided in the permit or development approval, a change in ownership of the land will not affect the established expiration time period.
3. The filing of an appeal will stay the expiration period until final resolution of the appeal as provided by law.
4. An extension of time for a permit or development approval will be subject to approval by the decision-making body that granted the permit or development approval, using the procedures and standards established for its original approval.

## **E. Limitation on Subsequent Applications**

If a development application requiring a public hearing is disapproved, no application of the same type proposing substantially the same development or change in zoning, including conditions, on all or part of the same land will be considered within one year after the date of disapproval.

# **DIVISION 3. SPECIFIC STANDARDS AND REQUIREMENTS FOR DEVELOPMENT APPLICATIONS**

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## ***Sec. 24-2301. Purpose***

This division sets forth, for each type of development application reviewed under this Ordinance, the purpose of the permit or development approval, when it is required or allowed, the specific procedure required for submitting and reviewing the application, and the criteria for making a decision on the application. The required procedure for each type of application identifies the applicability of each common procedure set forth in Article 2, Division 2, Common Procedures, and any modifications of the common procedure that apply. For purposes of this division, text amendments and map amendments (rezonings) are included in the term, "development applications."

## Article 2 Administration

### Division 3. Specific Standards and Requirements for Development Applications

## Sec. 24-2302. Text Amendment

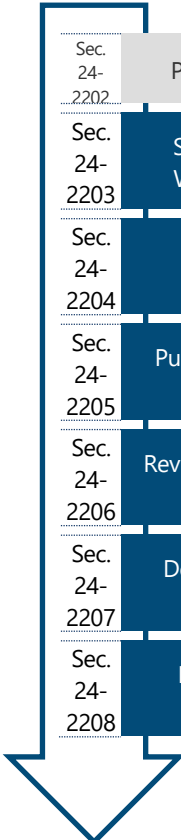
### A. Purpose

The purpose of this section is to provide a uniform mechanism for amending the text of this Ordinance (text amendment) whenever the public necessity, convenience, general welfare, or good zoning practice requires doing so.

### B. Text Amendment Procedure

This section sets forth the required procedure for a text amendment. Figure 2302 identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to a text amendment. Additions or modifications to the common procedures are identified below.

Figure 2302: Text Amendment



Sec. 24-2202	Pre-Application Conference	Does not apply
Sec. 24-2203	Submittal, Acceptance, and Withdrawal of Applications	Initiated only by Board of Supervisors or Planning Commission
Sec. 24-2204	Staff Review and Action	Planning Director reviews, prepares staff report
Sec. 24-2205	Public Hearing Scheduling and Notification	Planning Director schedules public hearings, gives notice
Sec. 24-2206	Review and Recommendation by Planning Commission	Planning Commission holds public hearing, makes recommendation
Sec. 24-2207	Decision by Decision-Making Body	Board of Supervisors holds public hearing, makes decision
Sec. 24-2208	Post-Decision Actions and Limitations	Notice of decision not required

**1.** Pre-Application Conference

A pre-application conference in accordance with Sec. 24-2202 does not apply.

**2.** Initiation of Text Amendment

The common procedures in Sec. 24-2203, Submittal, Acceptance, and Withdrawal of Applications, do not apply. Instead, a text amendment may be initiated only by a resolution of either the Board of Supervisors or the Planning Commission.

**3. Staff Review and Action**

The common procedures in Sec. 24-2204 apply.

**4. Public Hearing Scheduling and Notification**

The common procedures in Sec. 24-2205 apply.

**5. Review and Recommendation by Planning Commission**

The common procedures in Sec. 24-2206 apply, subject to the following additions or modifications:

(a) The Planning Commission must hold a public hearing, following which the Planning Commission must make a recommendation on the proposed text amendment to the Board of Supervisors in accordance with Sec. 24-2302.C, Text Amendment Decision Standards.

(b) If the Planning Commission does not make a recommendation on the proposed text amendment within 100 days after the first meeting of the Planning Commission after the proposed amendment has been referred to the Planning Commission, it will be deemed to have recommended approval of the amendment.

**6. Decision by Decision-Making Body**

The common procedures in Sec. 24-2207 apply, subject to the following additions or modifications:

(a) **After receipt of the Planning Commission’s recommendation, the Board of Supervisors** must hold a public hearing on the proposed amendment. After the public hearing on the proposed amendment is closed, the Board must make a decision on the application in accordance with Sec. 24-2302.C, Text Amendment Decision Standards. The decision must be one of the following:

(1) Adoption of the amendment as proposed;

(2) Adoption of a revised amendment (which may require a new public hearing);

(3) Disapproval of the amendment;

(4) Remand of the application back to the Planning Commission for further consideration; or

(5) Other action consistent with the Code of Virginia.

(b) A text amendment must be acted upon and a decision made within a reasonable time.

**7. Post-Decision Actions and Limitations**

The common procedures in Sec. 24-2208 do not apply.

**C. Text Amendment Decision Standards**

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the Board of Supervisors. In determining whether to adopt or disapprove the proposed text amendment, the Board of Supervisors may consider any factors consistent with the Code of Virginia, including whether, and the extent to which, the proposed amendment:

- 1.** Is consistent with the goals and policies of the comprehensive plan and other applicable County adopted plans and planning documents;



## **Article 2 Administration**

### **Division 3. Specific Standards and Requirements for Development Applications**

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- 2.** Fulfills any other appropriate land use or zoning purposes or any other relevant purpose permitted by law;
- 3.** Is not in conflict with any provisions of this Ordinance, the County Code, and the Code of Virginia; and
- 4.** Is required by the public necessity, convenience, general welfare, or good zoning practice.

### ***Sec. 24-2303. Map Amendment (Rezoning)***

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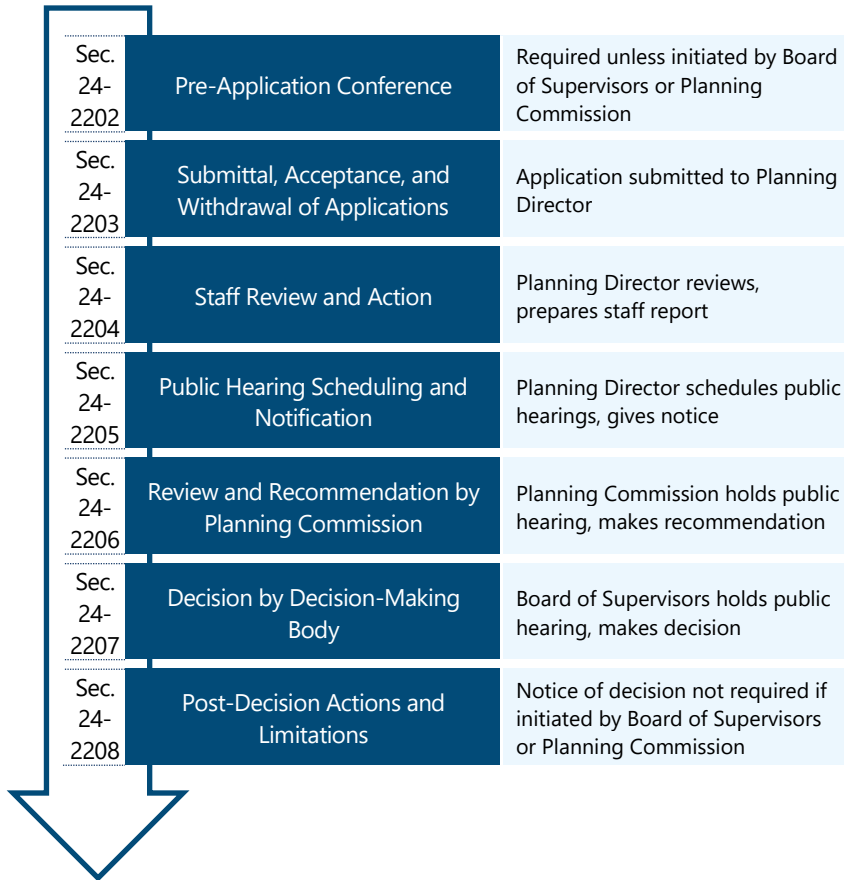
#### **A. Purpose**

The purpose of this section is to provide a uniform mechanism to review and decide proposed amendments to the **Zoning Districts Map** (“map amendment” or “rezoning”), other than conditional rezonings and planned developments, whenever the public necessity, convenience, general welfare, or good zoning practice requires doing so.

#### **B. Map Amendment (Rezoning) Procedure**

This section sets forth the required procedure for a map amendment. Figure 2303 identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to a map amendment (rezoning). Additions or modifications to the common procedures are identified below.

Figure 2303: Map Amendment (Rezoning)



**1. Pre-Application Conference**

A pre-application conference in accordance with Sec. 24-2202 is required if the amendment is not initiated by the Board of Supervisors or the Planning Commission and an increase of the density or intensity of the base zoning district is proposed.

**2. Submittal, Acceptance, and Withdrawal of Applications**

(a) A map amendment may be initiated by any of the following:

- (1) Resolution of the Board of Supervisors;
- (2) Resolution of the Planning Commission; or
- (3) Submittal of an application for a map amendment by anyone authorized to submit an application by Sec. 24-2203.A, Authority to File Applications.

(b) The common procedures in Sec. 24-2203 apply only if the map amendment is initiated in accordance with paragraph (a)(3) above; otherwise, the common procedures in Sec. 24-2203 do not apply.

**3. Staff Review and Action**

The common procedures in Sec. 24-2204 apply.

**4. Public Hearing Scheduling and Notification**

The common procedures in Sec. 24-2205 apply.

## Article 2 Administration

### Division 3. Specific Standards and Requirements for Development Applications

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#### 5. Review and Recommendation by Planning Commission

The common procedures in Sec. 24-2206 apply, subject to the following additions or modifications:

- (a) The Planning Commission must hold a public hearing, following which the Planning Commission must make a recommendation on the proposed map amendment to the Board of Supervisors in accordance with Sec. 24-2303.C, Map Amendment (Rezoning) Decision Standards.
- (b) If the Planning Commission does not make a recommendation on the proposed map amendment within 100 days after the first meeting of the Planning Commission after the proposed amendment has been referred to it, the application will be deemed to be recommended for approval, unless the application is withdrawn.

#### 6. Decision by Decision-Making Body

The common procedures in Sec. 24-2207 apply, subject to the following additions or modifications:

- (a) After receipt of the Planning Commission's recommendation, the Board of Supervisors must hold a public hearing. After the public hearing on the proposed amendment is closed, the Board must make a decision on the application in accordance with Sec. 24-2303.C, Map Amendment (Rezoning) Decision Standards. The decision must be one of the following:
  - (1) Approval of the application as submitted;
  - (2) Approval of the application with a reduction in the area proposed to be rezoned;
  - (3) Approval of a rezoning to a more restricted base zoning district;
  - (4) Disapproval of the application;
  - (5) Remand of the application back to the Planning Commission for further consideration; or
  - (6) Other action consistent with the Code of Virginia.
- (b) A motion, resolution, or application for a map amendment must be acted upon and a decision made within a reasonable time, which must not exceed 12 months from the date of the resolution initiating the amendment, or from the acceptance of the completed application, as applicable, unless the application is withdrawn or the applicant requests or consents to action beyond such period.

#### 7. Post-Decision Actions and Limitations

The common procedures in Sec. 24-2208 apply, subject to the following additions or modifications:

- (a) Sec. 24-2208.A, Notice of Decision, does not apply if the zoning map amendment was initiated by the Board of Supervisors or the Planning Commission.
- (b) If a map amendment is adopted by the Board of Supervisors, the Planning Director will place the amendment on the Zoning Districts Map within a reasonable period of time after its adoption.

### **C. Map Amendment (Rezoning) Decision Standards**

The advisability of an amendment to the Zoning Districts Map is a matter committed to the legislative discretion of the Board of Supervisors. In determining whether to adopt or disapprove a proposed map amendment, the Board of Supervisors may consider any factors consistent with the Code of Virginia, including whether and to what extent the proposed amendment:

1. Is consistent with the goals and policies of the comprehensive plan and other applicable County adopted plans and planning documents;
2. Fulfills any other appropriate land use or zoning purposes or any other relevant purpose permitted by law;
3. Is not in conflict with any provision of this Ordinance, the County Code, and the Code of Virginia; and
4. Is required by the public necessity, convenience, general welfare, or good zoning practice.

## ***Sec. 24-2304. Conditional Zoning***

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### **A. Purpose**

The purpose of this section is to provide a uniform mechanism as allowed under the Code of Virginia to accept reasonable conditions proffered by a landowner in conjunction with a proposed development that requires a map amendment, to ensure consistency with the comprehensive plan, address the impacts of the proposed development, and fulfill any other appropriate land use and zoning purposes.

### **B. Conditional Zoning Procedure**

This section sets forth the required procedure for conditional zoning. Figure 2304 identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to conditional zoning. Additions or modifications to the common procedures are identified below.

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Figure 2304: Conditional Zoning

Sec. 24-2202	Pre-Application Conference	Required
Sec. 24-2203	Submittal, Acceptance, and Withdrawal of Applications	Application submitted to Planning Director
Sec. 24-2204	Staff Review and Action	Planning Director reviews application, prepares staff report
Sec. 24-2205	Public Hearing Scheduling and Notification	Planning Director schedules public hearings, gives notice
Sec. 24-2206	Review and Recommendation by Planning Commission	Planning Commission holds public hearing, makes recommendation
Sec. 24-2207	Decision by Decision-Making Body	Board of Supervisors holds public hearing, makes decision
Sec. 24-2208	Post-Decision Actions and Limitations	Planning Director places designation on map, interprets and enforces conditions

**1. Pre-Application Conference**

The common procedures in Sec. 24-2202 apply.

**2. Submittal, Acceptance, and Withdrawal of Applications**

The common procedures in Sec. 24-2203 apply, subject to the following additions or modifications. In addition to the general application requirements, the application must include:

- (a) A plat and legal description of the land that is the subject of the application;
- (b) Satisfactory evidence that any delinquent real estate taxes owed to the County that have been assessed against the land subject to the application are paid;
- (c) The conditions proffered by the applicant, in writing, signed by all owners of the land, that obligate and bind the landowner to place some limitations on the development of the land, in order to mitigate impacts specifically attributable to the proposed new development or that address an impact to an offsite public facility in accordance with subsection 6(b) below, or that the landowner and applicant otherwise deem reasonable and appropriate; and
- (d) A conceptual plan that conforms to the application requirements for conditional zonings as set forth in the Administrative Manual. Unless the application includes all the land area with the recorded lots or parcels that



are the subject of the request, the conceptual plan must show the division of the site into new parcels along the proposed zoning district boundaries in a manner that conforms to the subdivision ordinance.

**3. Staff Review and Action**

The common procedures in Sec. 24-2204 apply.

**4. Public Hearing Scheduling and Notification**

The common procedures in Sec. 24-2205 apply.

**5. Review and Recommendation by Planning Commission**

The common procedures in Sec. 24-2206 apply, subject to the following additions or modifications:

(a) The Planning Commission must hold a public hearing on the proposed conditional zoning and make a recommendation on the proposed conditional zoning to the Board of Supervisors in accordance with Sec. 24-2304.C, Conditional Zoning Decision Standards.

(b) The Planning Commission may include in its recommendations additional or amended proffers from the applicant. Additional or amended proffers must be signed by all property owners or their authorized representatives and must be submitted to the Planning Director at least 48 hours before the hearing on the application. The Planning Commission may waive or modify the 48-hour minimum time period by a majority vote.

(c) If the Planning Commission does not make a recommendation on the proposed conditional zoning within 100 days after the first meeting of the Planning Commission after the proposed amendment has been referred to the Planning Commission, the application will be deemed to be recommended for approval, unless the application is withdrawn.

**6. Decision by Decision-Making Body**

The common procedures in Sec. 24-2207 apply, subject to the following additions or modifications:

(a) **After receipt of the Planning Commission's recommendation, the Board of Supervisors must hold a public hearing. After the public hearing on the proposed conditional zoning is closed, the Board must make a decision on the application in accordance with Sec. 24-2304.C, Conditional Zoning Decision Standards. The decision on the conditional zoning application must be one of the following:**

(1) Approval of the application as submitted;

(2) Approval of the application subject to additional or amended proffers from the applicant;

(3) Disapproval of the application;

(4) Remand of the application back to the Planning Commission for further consideration; or

(5) Other action consistent with the Code of Virginia.

(b) Conditions of approval must comply with the following requirements:

(1) Only conditions proffered by the applicant and accepted by the Board of Supervisors upon approving the conditional zoning become

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part of a conditional zoning district. The Board may accept some or all of the proffered conditions.

- (2) Conditions may include text, plans, drawings, and maps.
  - (3) The Board of Supervisors may include in its decision additional or amended conditions voluntarily proffered by the applicant in writing prior to the **Board's** hearing on the application. After the public hearing is opened, the Board will not accept proffer amendments that materially affect the overall proposal or increase the proposed development intensity on the site.
  - (4) The conditions must address an impact that is specifically attributable to the proposed development or use.
  - (5) If a condition includes improvements to an offsite public facility, the proposed development or use must create a need, or an identifiable portion of a need, for the public facility improvements in excess of **the public facility's existing capacity**, and the proposed development or use must receive a direct and material benefit from the proffered improvements.
  - (6) The conditions must be in conformity with the County's comprehensive plan.
  - (7) If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions must provide for the disposition of such property or cash in the event the property or cash is not used for the purpose for which proffered.
  - (8) The conditions must not be used for the purpose of discrimination in housing.
  - (9) The conditions must not be less restrictive than the standards of the corresponding base zoning district, any applicable overlay zoning district standard, or other applicable requirements of this Ordinance.
- (c) An application for conditional zoning must be acted upon and a decision made within a reasonable time, which must not exceed 12 months from the date of acceptance of the completed application unless the application is withdrawn or the applicant requests or consents to action beyond such period.

#### 7. Post-Decision Actions and Limitations

The common procedures in Sec. 24-2208 apply, subject to the following additions or modifications:

- (a) If a conditional zoning is adopted by the Board of Supervisors, the Planning Director will place the conditional zoning classification on the Zoning Districts Map within a reasonable period of time after adoption.
- (b) The Planning Director will keep in the Planning Department offices a Conditional Zoning Index, which must be available for public inspection during regular office hours. The Conditional Zoning Index must provide ready access to each ordinance creating a conditional zoning district and the conditions of approval.
- (c) Lands rezoned to a conditional zoning district are subject to the conditions proffered by the applicant and accepted by the Board of Supervisors. These

standards and modifying conditions are binding on the land as an amendment to this Ordinance and the Zoning Districts Map.

(d) The Planning Director is authorized to enforce conditions of approval in accordance with Sec. 24-2318, Proffer Interpretation. In so doing, the Planning Director may do any one or more of the following:

- (1) Order, in writing, compliance with the conditions;
- (2) Bring appropriate legal action to ensure compliance, including injunction, abatement, or other appropriate legal relief;
- (3) Require a guarantee, contract, or both for construction of physical improvements required by conditions of approval; or
- (4) Initiate other zoning enforcement actions as provided for in Article 7: Enforcement.

(e) Appeals of a decision of the Planning Director interpreting or enforcing conditions of approval must be in accordance with Sec. 24-2318, Proffer Interpretation.

(f) If the proffered conditions include the dedication of real property or the payment of cash, the property must not transfer and the payment of cash must not be made until the facilities for which the property is dedicated or cash is tendered are included in the County's capital improvement program.

### **C. Conditional Zoning Decision Standards**

The advisability of a conditional zoning is a matter committed to the legislative discretion of the Board of Supervisors. In determining whether to adopt or disapprove a conditional zoning the Board of Supervisors may consider many factors consistent with the Code of Virginia, including whether and to what extent the proposed amendment:

- 1.** Is consistent with the goals and policies of the comprehensive plan and other applicable County adopted plans and planning documents;
- 2.** Fulfills any other appropriate land use or zoning purposes or any other relevant purpose permitted by law;
- 3.** Is not in conflict with any provision of this Ordinance, the County Code, and the Code of Virginia; and
- 4.** Is required by the public necessity, convenience, general welfare, or good zoning practice.

## **Sec. 24-2305. *Planned Development***

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### **A. Purpose**

A planned development is a development that is under unified control and provides more flexible standards that are conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher quality development than could be achieved through base zoning district regulations. The purpose of this section is to provide a uniform mechanism for amending the Zoning Districts Map to establish any of the planned development (PD) Districts permitted by this Ordinance (see Article 3, Division 5, Planned Development Districts). It is the general intent of this section that PD Districts be used sparingly and only where the proposed development demonstrates innovative design and higher quality development.

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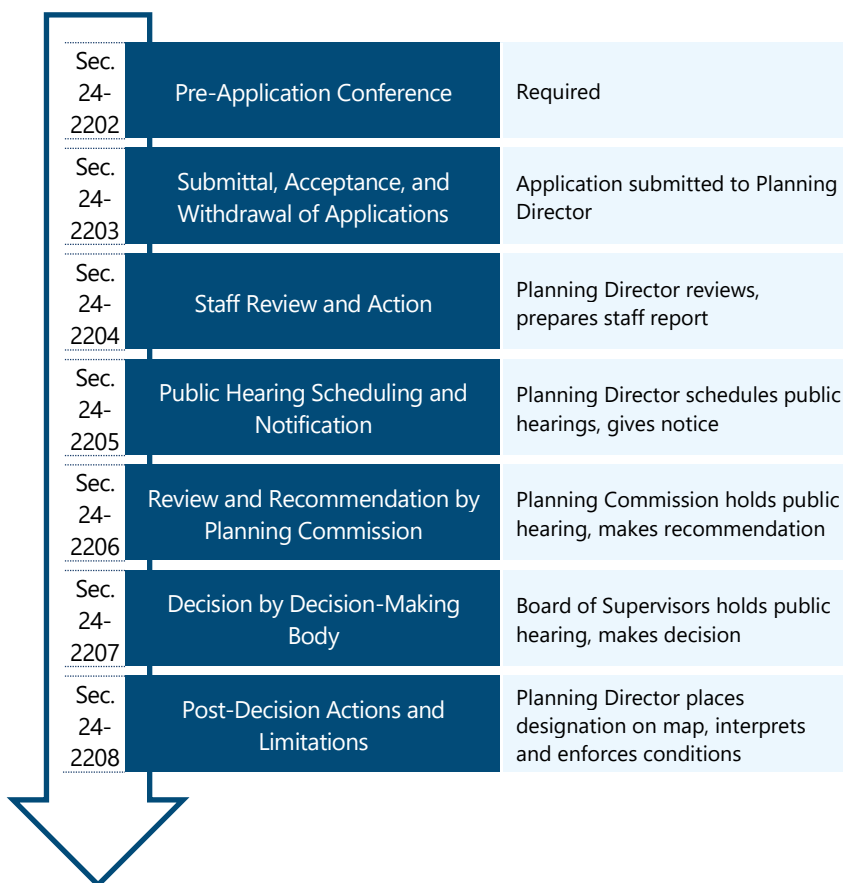
#### B. Scope

A planned development is established by an amendment to the Zoning Districts Map to rezone land to a PD District classification that is defined and regulated by this Ordinance and a PD Master Plan and a PD Terms and Conditions Document.

#### C. Planned Development Procedure

This section sets forth the required procedure for establishment of a planned development. Figure 2305 identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to planned development. Additions or modifications to the common procedures are identified below.

Figure 2305: Planned Development



**1. Pre-Application Conference**

The common procedures in Sec. 24-2202 apply.

**2. Submittal, Acceptance, and Withdrawal of Applications**

The common procedures in Sec. 24-2203 apply, subject to the following additions or modifications. In addition to the general application requirements, the application must include:

- (a) If requested by the Planning Director, satisfactory evidence that any delinquent real estate taxes owed to the County that have been assessed against the land subject to the application are paid; and

(b) A proposed PD Master Plan and PD Terms and Conditions Document for the planned development in accordance with Sec. 24-3503, PD Master Plan and Terms and Conditions.

**3. Staff Review and Action**

The common procedures in Sec. 24-2204 apply.

**4. Public Hearing Scheduling and Notification**

The common procedures in Sec. 24-2205 apply.

**5. Review and Recommendation by Planning Commission**

The common procedures in Sec. 24-2206 apply, subject to the following additions or modifications:

(a) The Planning Commission must hold a public hearing on the proposed planned development, following which the Planning Commission must make a recommendation to the Board of Supervisors in accordance with Sec. 24-2305.D, Planned Development Decision Standards.

(b) If the Planning Commission does not make a recommendation on the proposed planned development within 100 days after the first meeting of the Planning Commission after the proposed amendment has been referred to the Planning Commission, excluding any delay caused by a deferral **granted upon the applicant's request**, the application will be deemed to be recommended for approval, unless the application is withdrawn.

**6. Decision by Decision-Making Body**

The common procedures in Sec. 24-2207 apply, subject to the following additions or modifications:

(a) **After receipt of the Planning Commission's recommendation, the Board of Supervisors** must hold a public hearing on the proposed planned development. After the public hearing on the proposed planned development is closed, the Board must make a decision on the application in accordance with Sec. 24-2305.D, Planned Development Decision Standards. The decision on the planned development application must be one of the following:

(1) Approval of the application subject to the PD Master Plan and PD Terms and Conditions Document in the application;

(2) Approval of the application subject to modifications to the PD Master Plan or PD Terms and Conditions Document;

(3) Disapproval of the application;

(4) Remand of the application back to the Planning Commission for further consideration; or

(5) Other action consistent with the Code of Virginia.

(b) An application for planned development must be acted upon and a decision made within a reasonable time, which must not exceed 12 months from the date of acceptance of the completed application, unless the application is withdrawn or the applicant requests or consents to action beyond such period.

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#### 7. Post-Decision Actions and Limitations

The common procedures in Sec. 24-2208 apply, subject to the following additions or modifications:

- (a) If a PD District is adopted by the Board of Supervisors, the Planning Director must place the PD District classification on the Zoning Districts Map within a reasonable period of time after adoption.
- (b) The landowner must record the ordinance adopting the PD District, along with the PD Master Plan and PD Terms and Conditions Document, in the land records with the deed, within 90 days after adoption.
- (c) Lands rezoned to a PD District will be subject to the approved PD Master Plan and PD Terms and Conditions Document. The PD Master Plan and PD Terms and Conditions Document are binding on the land as an amendment to the Zoning Districts Map. The applicant may apply for and obtain subsequent permits and development approvals necessary to implement the PD Master Plan in accordance with the applicable procedures and standards set forth in this Ordinance. All permits and development approvals must substantially comply with the PD Master Plan and PD Terms and Conditions Document.
- (d) Subsequent plans and permits for development within an approved PD District may include minor deviations from the PD Master Plan or PD Terms and Conditions Document, provided the Planning Director determines that such deviations are limited to changes addressing technical considerations that could not reasonably be anticipated during the approval process, or any other change that has no material effect on the character of the approved PD District or any of its approved terms or conditions. Changes that materially affect the basic concept of the PD Master Plan or basic parameters set by the PD Terms and Conditions Document are not considered minor deviations and will only be changed as amendments to the PD Master Plan or PD Terms and Conditions Document. Examples of minor deviations that may be approved by the Planning Director include driveway relocations, minor architectural revisions, minor changes in building size or location, and minor modifications to amenities and public facilities.
- (e) If an applicant determines it is necessary to alter the concept or intent of the PD Master Plan or the PD Terms and Conditions Document, the PD Master Plan or PD Terms and Conditions Document may be amended, extended, or modified only in accordance with the procedures and standards consistent with this Ordinance and the Code of Virginia. Examples of changes that would be considered an alteration of the concept or intent of the PD Master Plan or the PD Terms and Conditions Document and are treated as an amendment include increases in density or intensity, decreases in open space, changes to the street network, substantial relocation of public easements, changes in the ratio of residential to nonresidential uses of more than five percent, and changes in the ratio of different housing types of more than fifteen percent.

#### D. Planned Development Decision Standards

The advisability of a planned development is a matter committed to the legislative discretion of the Board of Supervisors and is not controlled by any one factor. In determining whether



to approve or disapprove a planned development, the Board will consider, among other things, whether the planned development complies with the standards for the proposed type of PD District in Article 3, Division 5, Planned Development Districts, and the purposes of zoning ordinances as set forth in the Code of Virginia.

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**Sec. 24-2306. *Provisional Use Permit***

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**A. Purpose**

A use designated as a provisional use in a particular zoning district is a use that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this section is to establish a uniform mechanism for the Board of Supervisors to review provisional uses to ensure they are appropriate for a particular zoning district.

**B. Applicability**

Approval of a provisional use permit in accordance with the procedure and standards in this section is required prior to the development of a use identified in Article 4: Use Regulations, or elsewhere in this Ordinance, as requiring a provisional use permit.

**C. Provisional Use Permit Procedure**

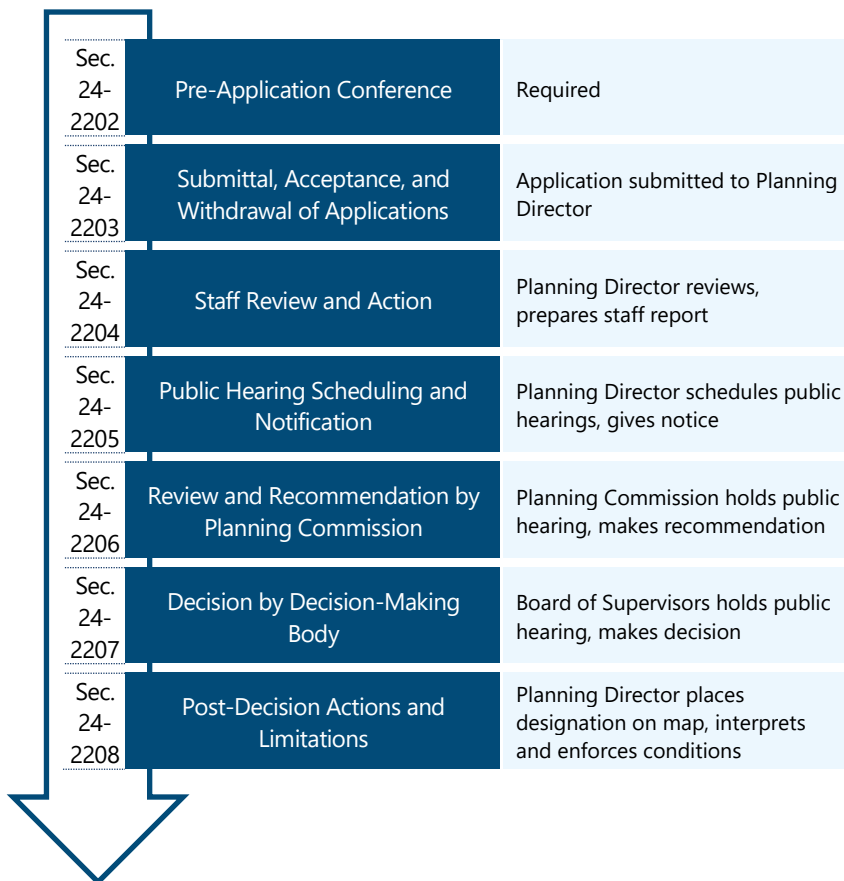
This section sets forth the required procedure for provisional use permits. Figure 2306 identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to provisional use permits. Additions or modifications to the common procedures are identified below.

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Figure 2306: Provisional Use Permit



- 1. Pre-Application Conference**  
The common procedures in Sec. 24-2202 apply.
- 2. Submittal, Acceptance, and Withdrawal of Applications**  
The common procedures in Sec. 24-2203 apply.
- 3. Staff Review and Action**  
The common procedures in Sec. 24-2204 apply.
- 4. Public Hearing Scheduling and Notification**  
The common procedures in Sec. 24-2205 apply.
- 5. Review and Recommendation by Planning Commission**  
The common procedures in Sec. 24-2206 apply, subject to the following additions or modifications:
  - (a) The Planning Commission must hold a public hearing on the provisional use permit application, following which the Planning Commission must make a recommendation on the application to the Board of Supervisors in accordance with Sec. 24-2306.D, Provisional Use Permit Decision Standards.
  - (b) If the Planning Commission does not make a recommendation on the application within 100 days after the first meeting of the Planning

Commission after the application has been referred to the Planning Commission, excluding any delay caused by a deferral granted upon the applicant's request, the application will be deemed to be recommended for approval, unless the application is withdrawn.

**6. Decision by Decision-Making Body**

The common procedures in Sec. 24-2207 apply, subject to the following additions or modifications:

- (a) After receipt of the Planning Commission's recommendation, the Board of Supervisors must hold a public hearing on the proposed provisional use permit. After the public hearing is closed, the Board must make a decision on the application in accordance with Sec. 24-2306.D, Provisional Use Permit Decision Standards.
- (b) In approving a provisional use permit, the Board of Supervisors may impose reasonable conditions to accomplish the objectives of this section with respect to use, screening, lighting, hours of operation, noise control, maintenance, operation, or other requirements. The following conditions apply to all provisional use permits approved by the Board of Supervisors, unless expressly waived or modified in the provisional use permit approval:
  - (1) The owner and management of the use approved (and the new owner or new management entity) must notify the Planning Director, in writing, of any change in ownership or management.
  - (2) The owner must authorize the Planning Director or a designee to enter the premises at reasonable times to inspect the property for compliance with the conditions of approval.
  - (3) Where appropriate, the owner must post a financial guarantee in an amount to be determined by the Planning Director, and in a form satisfactory to the County Attorney, prior to the issuance of the provisional use permit, to ensure compliance with all conditions of approval.
  - (4) If the use allowed by the provisional use permit is discontinued for a period greater than two years, the permit will become null and void, subject to the vesting provisions of the Code of Virginia.
- (c) Unless otherwise specified as a condition of approval, all other requirements not expressly modified by the provisional use permit will remain the same as for other uses in the district where the proposed provisional use is located.

**7. Post-Decision Actions and Limitations**

The common procedures in Sec. 24-2208 apply, subject to the following additions or modifications:

- (a) A provisional use permit will terminate in accordance with any conditions established and included in the permit approval, subject to the vesting provisions of the Code of Virginia. A provisional use permit will automatically expire if the subsequent permit or development approval (building permit or site plan, whichever is required first) required by this Ordinance is not obtained within two years from the date of approval of the provisional use permit, or if no subsequent approval is required, the development is not completed and operational within two years, subject to

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the vesting provisions under Virginia law, or such other time limit as may be prescribed in the permit approval.

(b) A provisional use permit will be subject to revocation at any time by the Board of Supervisors for failure of the permit holder to comply with the applicable conditions. Prior to revocation of the permit, the Board of Supervisors must hold a public hearing after written notice to the permit holder and notice in accordance with Code of Virginia, § 15.2-2204. The Board may refer the matter to the Planning Commission for a recommendation before the Board makes its decision.

(c) The Planning Director must review applications for transfer of a provisional use permit to a new owner or operator in accordance with Sec. 24-2307, Transfer of Provisional Use Permit.

#### **D. Provisional Use Permit Decision Standards**

The Board of Supervisors will approve a provisional use permit only if it finds the proposed provisional use:

1. Is consistent with the purposes, goals and policies of the comprehensive plan and other applicable County-adopted plans;
2. Complies with all applicable zoning district-specific standards in Article 3: Zoning Districts, all applicable use-specific standards in Article 4: Use Regulations, all applicable development and design standards in Article 5: Development Standards, and all relevant subdivision and infrastructure standards in the County Code;
3. Is appropriate for its location and is compatible with the general character of surrounding lands and the types, scale, and intensity of uses allowed in the zoning district where proposed; and
4. Will not adversely affect the public health, safety, and general welfare.

### ***Sec. 24-2307. Transfer of Provisional Use Permit***

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#### **A. Purpose**

The purpose of this section is to provide a uniform mechanism for the transfer of a valid provisional use permit to a new owner or operator of a structure or lands subject to the provisional use permit.

#### **B. Applicability**

The transfer of the rights and obligations of a valid provisional use permit to a new owner or operator may be approved by the Planning Director in accordance with the procedure and standards in this section. Whether or not a transfer occurs, no property subject to a provisional use permit may be used in any manner that violates the terms of the permit.

#### **C. Transfer of Provisional Use Permit Procedure**

This section sets forth the required procedure for a transfer of provisional use permit. Figure 2307 identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to a transfer of provisional use permit. Additions or modifications to the common procedures are identified below.

Figure 2307: Transfer of Provisional Use Permit

Sec. 24-2202	Pre-Application Conference	May be held at applicant's option
Sec. 24-2203	Submittal, Acceptance, and Withdrawal of Applications	Application submitted to Planning Director
Sec. 24-2204	Staff Review and Action	Planning Director reviews application, makes decision
Sec. 24-2205	Public Hearing Scheduling and Notification	Does not apply
Sec. 24-2206	Review and Recommendation by Planning Commission	Does not apply
Sec. 24-2207	Decision by Decision-Making Body	Does not apply
Sec. 24-2208	Post-Decision Actions and Limitations	Approval limited to transfer of provisional use permit

1. Pre-Application Conference
 

A pre-application conference **may be held at the applicant's option** in accordance with Sec. 24-2202.
2. Submittal, Acceptance, and Withdrawal of Applications
 

The common procedures in Sec. 24-2203 apply.
3. Staff Review and Action
 

The common procedures in Sec. 24-2204 apply, subject to the following additions or modifications:

  - (a) The Planning Director must review and make a decision to approve or deny the application in accordance with Sec. 24-2307.D, Transfer of Provisional Use Permit Decision Standards.
  - (b) The new owner will be subject to the same conditions of approval imposed on the original permit.
4. Post-Decision Actions and Limitations
  - (a) The common procedures in Sec. 24-2208 apply. Approval of a transfer of provisional use permit application by the Planning Director has the effect of transferring the rights and obligations associated with the corresponding provisional use permit to the current owner or operator of the structure or land. Such approval by the Planning Director will not be construed to modify the corresponding provisional use permit, including its conditions of approval.

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(b) Appeals of the Planning Director's decision will be to the Board of Supervisors in accordance with the following requirements.

- (1) **Any person who is aggrieved by the Planning Director's** decision may petition the Board of Supervisors for review of such decision. The petition must be filed with the Planning Director and the Clerk of the Board of Supervisors within 30 days from the date of decision for which review is sought. The petition must specify the grounds upon which the petitioner is aggrieved.
- (2) The Planning Director must forward the petition and the justification for the decision for which review is sought to the Board of Supervisors and to the aggrieved person no less than ten days prior to the next regularly scheduled meeting designated for hearing of zoning matters. Written notice of such meeting must be given to all parties as required by Code of Virginia, § 15.2-2204.
- (3) The Board of Supervisors must review the petition and the Planning Director's justification for the decision and must affirm (in whole or in part), modify (in whole or in part), or reverse (in whole or in part) the Planning Director's decision. **Any appeal of the Board of Supervisors' decision will be to the Circuit Court in accordance with the Code of Virginia.**

#### 5. Common Procedures that do not Apply

The common procedures in Sec. 24-2205, Public Hearing Scheduling and Notification; Sec. 24-2206, Review and Recommendation by Planning Commission; and Sec. 24-2207, Decision by Decision-Making Body, do not apply to this type of application.

## D. Transfer of Provisional Use Permit Decision Standards

The Planning Director must approve a transfer of provisional use permit application if the Planning Director makes the following determinations; otherwise, the Planning Director must deny the application:

1. The use or service is the same or substantially the same use or service authorized by the Board of Supervisors;
2. The owner or operator has acknowledged the conditions of the original provisional use permit and has agreed in writing to comply with all conditions;
3. There has been no change in circumstances substantially affecting the public health, safety, or welfare; and
4. No additional adverse effects on the surrounding neighborhood are anticipated.

## Sec. 24-2308. *Conditional Use Permit*

---

### A. Purpose

A use designated as a conditional use in a particular zoning district may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this section



is to establish a uniform mechanism for the Board of Zoning Appeals (BZA) to review conditional uses to ensure they are appropriate for a particular zoning district.

**B. Applicability**

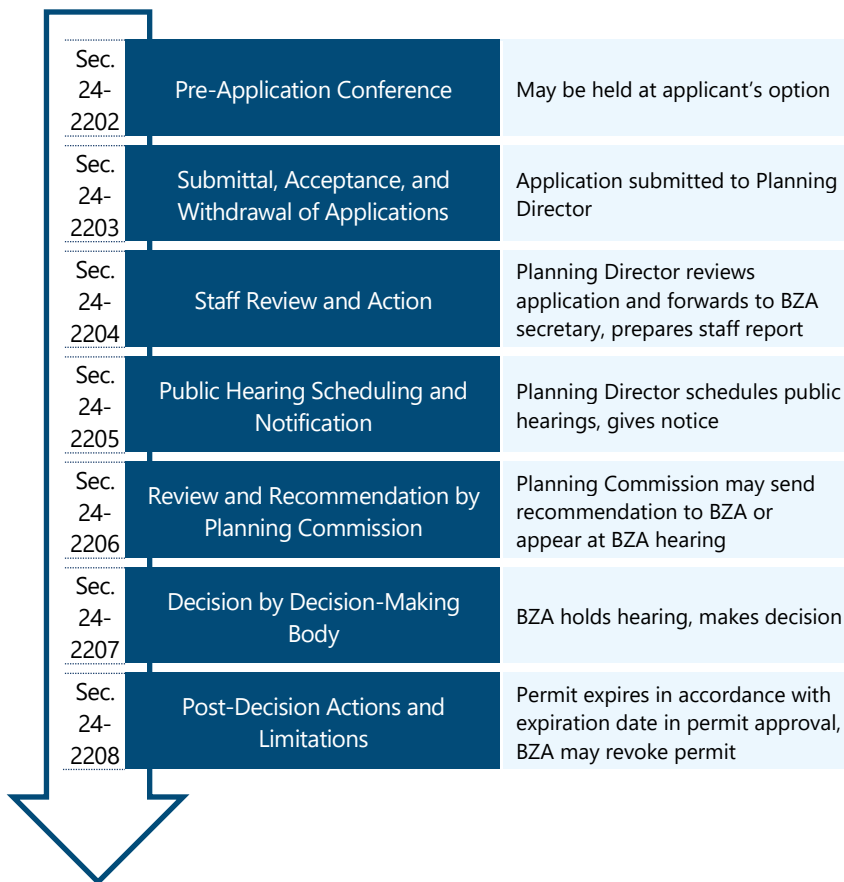
Approval of a conditional use permit in accordance with the procedure and standards in this section is required prior to the development of any of the following uses:

1. Any use identified in Article 4: Use Regulations, or elsewhere in this Ordinance, as requiring a conditional use permit; or
2. A 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.

**C. Conditional Use Permit Procedure**

This section sets forth the required procedure for conditional use permits. Figure 2308 identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to conditional use permits. Additions or modifications to the common procedures are identified below.

Figure 2308: Conditional Use Permit



1. Pre-Application Conference  
A pre-application conference may be held at the applicant's option in accordance with Sec. 24-2202.

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#### 2. Submittal, Acceptance, and Withdrawal of Applications

The common procedures in Sec. 24-2203 apply, except a conditional use permit application may be submitted by any property owner, tenant, or government official, department, board, or commission.

#### 3. Staff Review and Action

The common procedures in Sec. 24-2204 apply, subject to the following additions or modifications:

(a) The Planning Director must transmit the application to the Planning Commission and BZA, and must **place the matter on the BZA's agenda**.

(b) The Planning Director must review the application, prepare a written staff report on the application, and transmit the staff report to the secretary of the BZA.

#### 4. Public Hearing Scheduling and Notification

The common procedures in Sec. 24-2205 apply.

#### 5. Review and Recommendation by Planning Commission

The common procedures in Sec. 24-2206 apply. The Planning Commission may send a recommendation to the BZA or appear as a party at the public hearing held by the BZA on the proposed conditional use.

#### 6. Decision by Decision-Making Body

The common procedures in Sec. 24-2207 apply, subject to the following additions or modifications:

(a) The BZA must hold a public hearing on the conditional use permit application. At the hearing, any party may appear in person or by agent or by attorney and speak or submit materials in support of or in opposition to the application. After the public hearing is closed, the BZA must make a decision to approve or deny the application in accordance with Sec. 24-2308.D, Conditional Use Permit Decision Standards.

(b) The BZA may impose conditions relating to the use for which a conditional use permit is granted as it deems necessary in the public interest, including limiting the duration of a permit, and it may require a guarantee or bond to ensure compliance with the conditions imposed.

(c) The BZA must make a decision on the application within 90 days of the submittal of a complete application.

#### 7. Post-Decision Actions and Limitations

The common procedures in Sec. 24-2208 apply, subject to the following additions or modifications:

(a) A conditional use permit will expire in accordance with any expiration date established and included in the permit approval, and subject to the provisions of the Code of Virginia. In the case of a temporary use not otherwise permitted in the district, the expiration date for the conditional use permit must not be extended or renewed beyond 24 months.

(b) The BZA may revoke, in accordance with the requirements of the Code of Virginia, a conditional use permit that it previously granted if the BZA determines that there has not been compliance with the terms and conditions of the permit.

## **D. Conditional Use Permit Decision Standards**

The BZA must approve a conditional use permit only if it finds the proposed conditional use:

- 1.** Is consistent with the purposes, goals and policies of the comprehensive plan and other applicable County-adopted plans;
- 2.** Complies with all applicable zoning district-specific standards in Article 3: Zoning Districts, all applicable use-specific standards in Article 4: Use Regulations, all applicable development and design standards in Article 5: Development Standards, and all relevant subdivision and infrastructure standards in the County Code;
- 3.** Is appropriate for its location and is compatible with the general character of surrounding lands and the types, scale, and intensity of uses allowed in the zoning district where proposed; and
- 4.** Will not adversely affect the public health, safety, and general welfare.

### ***Sec. 24-2309. Building Permit***

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- 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 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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- A.** The submittal and review of applications for certificates of occupancy will be in accordance with Chapter 6 of the County Code and subsection B below.
- B.** A certificate of occupancy subject to this Ordinance must not be issued by the Building Official unless the Planning Director certifies 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. 24-2311. Sign Permit***

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#### **A. Purpose**

The purpose of this section is to establish a uniform mechanism for ensuring that all signs comply with the standards in Article 5, Division 7, Signs, and with other applicable standards in this Ordinance.

#### **B. Applicability**

Except where a sign permit is not required in accordance with Sec. 24-5703, Signs Not Requiring Permits, approval of a sign permit in accordance with the procedure and standards in this section is required prior to the display of any sign.

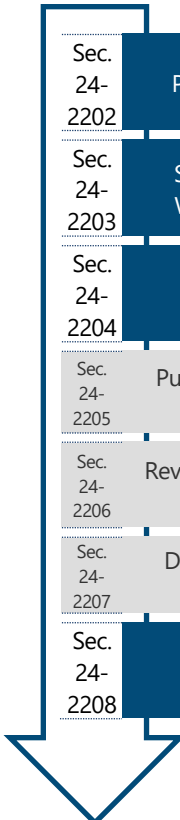
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#### C. Sign Permit Procedure

This section sets forth the required procedure for a sign permit. Figure 2311 identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to a sign permit. Additions or modifications to the common procedures are identified below.

Figure 2311: Sign Permit



Sec. 24-2202	Pre-Application Conference	May be held at applicant's option
Sec. 24-2203	Submittal, Acceptance, and Withdrawal of Applications	Application submitted to Building Official, who transmits application to Planning Director
Sec. 24-2204	Staff Review and Action	Planning Director reviews application, makes decision
Sec. 24-2205	Public Hearing Scheduling and Notification	Does not apply
Sec. 24-2206	Review and Recommendation by Planning Commission	Does not apply
Sec. 24-2207	Decision by Decision-Making Body	Does not apply
Sec. 24-2208	Post-Decision Actions and Limitations	Planning Director sends application with indication of approval or denial to Building Official

**1.** Pre-Application Conference

A pre-application conference may be held at the applicant's option in accordance with Sec. 24-2202.

**2.** Submittal, Acceptance, and Withdrawal of Applications

The common procedures in Sec. 24-2203 apply, subject to the following additions or modifications:

(a) If the proposed sign requires approval of a building permit, including an electrical permit, the following requirements apply:

(1) The applicant must submit the application to the Building Official. The applicant must provide sufficient information to allow for a determination of whether the proposed sign is permitted under the Virginia Uniform Statewide Building Code and under this Ordinance. Upon receipt of the application, the Building Official will submit a copy of the application to the Planning Director.

(2) For any property subject to a plan of development, a comprehensive sign program may be submitted with one or more sign permit applications. The comprehensive sign program will establish the

number, location, area, height, materials, and illumination of all signs to be placed on the site. The Planning Director may approve a comprehensive sign program that conforms to the total area and maximum height limitations for the property established by Article 5, Division 7, Signs.

**3. Staff Review and Action**

The common procedures in Sec. 24-2204 apply, subject to the following additions or modifications:

(a) If the application was not required to be submitted to the Building Official in accordance with subsection 2 above, the Planning Director must review the application and either approve or deny the application in accordance with Sec. 24-2311.D, Sign Permit Decision Standards. When approving a sign permit, the Planning Director may attach conditions of approval to ensure compliance with this Ordinance.

(b) If the application was submitted to the Building Official in accordance with subsection 2 above, the following requirements apply:

(1) The Planning Director must review the application and must indicate on the application that the proposed sign does or does not comply with this Ordinance and applicable conditions of approval, in accordance with Sec. 24-2311.D, Sign Permit Decision Standards.

(2) The Planning Director must note on the application any conditions of approval or reasons for noncompliance and must return the application to the Building Official within 20 business days of the date the Planning Director received the application.

(3) After receiving the application from the Planning Director, the Building Official must review the application and make a decision to approve or deny the application in accordance with Sec. 24-2311.D, Sign Permit Decision Standards. When approving a sign permit, the Planning Director may recommend conditions of approval to ensure compliance with this Ordinance.

**4. Post-Decision Actions and Limitations**

The common procedures in Sec. 24-2208 apply. If a sign for which a sign permit is issued is not installed within six months after issuance of the sign permit, the permit will be void.

**5. Common Procedures that do not Apply**

The common procedures in Sec. 24-2205, Public Hearing Scheduling and Notification; Sec. 24-2206, Review and Recommendation by Planning Commission; and Sec. 24-2207, Decision by Decision-Making Body, do not apply to sign permits.

**D. Sign Permit Decision Standards**

1. The Planning Director must approve a sign permit application or indicate the proposed sign complies with this Ordinance, as applicable, only if the Planning Director determines the proposed sign complies with Article 5, Division 7, Signs, all other applicable requirements of this Ordinance, any comprehensive sign program approved for the property, and any other applicable conditions of approval; otherwise, the Planning Director must deny the application or indicate the proposed sign does not comply with this Ordinance, as applicable.

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- 2.** The Building Official must not approve a sign permit application unless the Planning Director has approved the application. When approving a sign permit, the Building Official must attach any conditions of approval recommended by the Planning Director.

### ***Sec. 24-2312. Temporary Use Permit***

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#### **A. Purpose**

The purpose of this section is to establish a uniform mechanism for ensuring that temporary uses comply with Article 4, Division 5, Temporary Uses and Structures, and with other applicable standards in this Ordinance.

#### **B. Applicability**

Approval of a temporary use permit in accordance with the procedure and standards in this section is required prior to the establishment or commencement of any use identified as requiring a temporary use permit in Article 4, Division 5, Temporary Uses and Structures.

#### **C. Temporary Use Permit Procedure**

This section sets forth the required procedure for a temporary use permit. Figure 2312 identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to a temporary use permit. Additions or modifications to the common procedures are identified below.



Figure 2312: Temporary Use Permit

Sec. 24-2202	Pre-Application Conference	May be held at applicant's option
Sec. 24-2203	Submittal, Acceptance, and Withdrawal of Applications	Application submitted to Planning Director
Sec. 24-2204	Staff Review and Action	Planning Director reviews application, makes decision
Sec. 24-2205	Public Hearing Scheduling and Notification	Does not apply
Sec. 24-2206	Review and Recommendation by Planning Commission	Does not apply
Sec. 24-2207	Decision by Decision-Making Body	Does not apply
Sec. 24-2208	Post-Decision Actions and Limitations	Permit effective on date and for period indicated on permit

**1. Pre-Application Conference**

A pre-application conference may be held at the applicant's option in accordance with Sec. 24-2202.

**2. Submittal, Acceptance, and Withdrawal of Applications**

The common procedures in Sec. 24-2203 apply.

**3. Staff Review and Action**

The common procedures in Sec. 24-2204 apply. The Planning Director must review and make a decision to approve or deny the application in accordance with Sec. 24-2312.D, Temporary Use Permit Decision Standards. When approving a temporary use permit, the Planning Director may attach conditions of approval to ensure compliance with this ordinance.

**4. Post-Decision Actions and Limitations**

The common procedures in Sec. 24-2208 apply, subject to the following additions or modifications.

(a) If the application is denied, the Planning Director must include written reasons for the denial with the written notice of the decision provided to the applicant.

(b) A temporary use permit will be effective beginning on the date specified in the permit approval and will remain effective for the period indicated on the permit.

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#### **5. Common Procedures that do not Apply**

The common procedures in Sec. 24-2205, Public Hearing Scheduling and Notification; Sec. 24-2206, Review and Recommendation by Planning Commission; and Sec. 24-2207, Decision by Decision-Making Body, do not apply to temporary use permits.

#### **D. Temporary Use Permit Decision Standards**

The Planning Director must approve a temporary use permit application if the proposed temporary use complies with Article 4, Division 5, Temporary Uses and Structures, and all other applicable requirements of this Ordinance. Otherwise, the Planning Director must deny the application.

### ***Sec. 24-2313. Tree Removal Permit***

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#### **A. Purpose**

The purpose of this section is to provide a uniform mechanism to ensure that any removal of a protected tree complies with the requirements of Sec. 24-5313, Tree Protection.

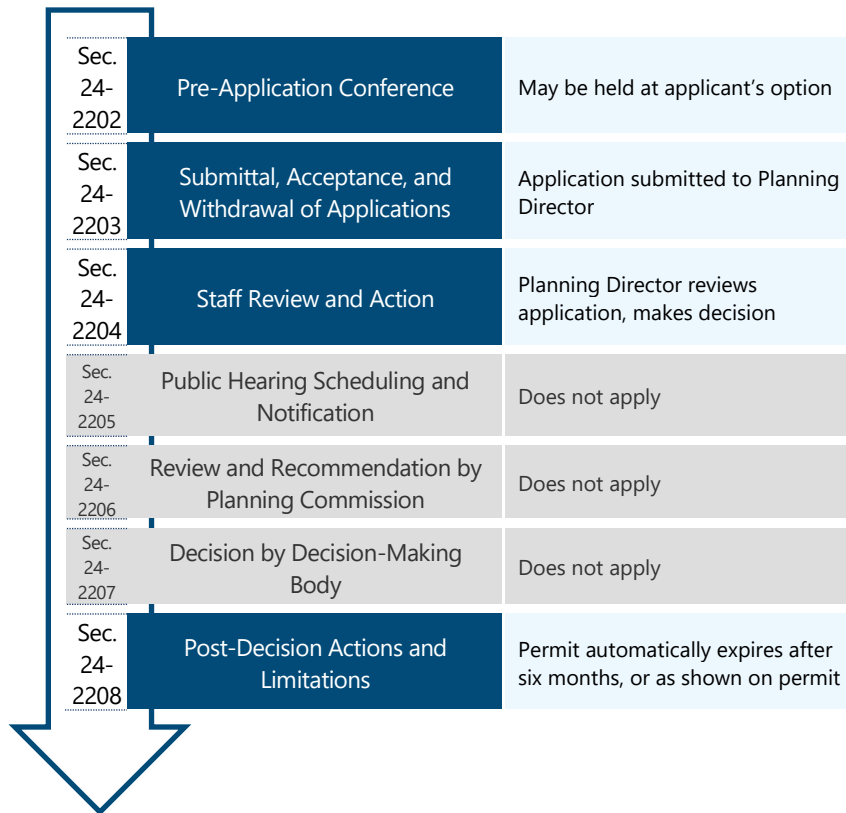
#### **B. Applicability**

Approval of a tree removal permit in accordance with the procedure and standards in this section is required prior to the removal of a protected tree (see Sec. 24-5313.A, Protected Tree Defined), unless the removal is exempted by Sec. 24-5302.B, Exemptions, or is shown on a tree protection plan approved as part of a construction plan, a clearing and grubbing plan, or an erosion control plan (see Sec. 24-2314, Plan of Development and Sec. 24-5313.C, Tree Protection Plan Required).

#### **C. Tree Removal Permit Procedure**

This section sets forth the required procedure for a tree removal permit. Figure 2313 identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to a tree removal permit. Additions or modifications to the common procedures are identified below.

Figure 2313: Tree Removal Permit



1. Pre-Application Conference
 

A pre-application conference may be held at the applicant's option in accordance with Sec. 24-2202.
2. Submittal, Acceptance, and Withdrawal of Applications
 

The common procedures in Sec. 24-2203 apply.
3. Staff Review and Action
 

The common procedures in Sec. 24-2204 apply. The Planning Director must review and approve or deny the application in accordance with Sec. 24-2313.D, Tree Removal Permit Decision Standards. When approving a tree removal permit, the Planning Director may attach conditions of approval to ensure compliance with this ordinance.
4. Post-Decision Actions and Limitations
 

The common procedures in Sec. 24-2208 apply, subject to the following additions or modifications.

  - (a) If the application is denied, the Planning Director must include written reasons for the denial with the written notice of the decision provided to the applicant.
  - (b) A tree removal permit will expire in accordance with any expiration date established and included in the permit approval. If no such date is included in the permit approval, the permit will automatically expire six months after the date it was issued.

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#### 5. Common Procedures that do not Apply

The common procedures in Sec. 24-2205, Public Hearing Scheduling and Notification; Sec. 24-2206, Review and Recommendation by Planning Commission; and Sec. 24-2207, Decision by Decision-Making Body, do not apply to tree removal permits.

#### D. Tree Removal Permit Decision Standards

The Planning Director must approve a tree removal permit application if the Planning Director determines the proposed activity complies with Sec. 24-5313, Tree Protection, and all other applicable requirements of this Ordinance; otherwise, the Planning Director must deny the application.

### **Sec. 24-2314. Plan of Development**

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#### A. Purpose

The purpose of this section is to establish a uniform mechanism for the Planning Director to review the layout and general design of proposed development to ensure it complies with all applicable standards in this Ordinance and the County Code prior to the development or use of the property. The procedure in this section provides for such review of development above a certain number of dwelling units or a specified gross floor area; development below those thresholds is approved through site plan review (see Sec. 24-2315, Site Plan). This section includes provisions for the review of clearing and grubbing plans and final construction plans to ensure that development on the site complies with the requirements in this Ordinance. It also includes provisions to ensure that required on-site improvements are installed in accordance with this Ordinance, including Article 5, Development Standards.

#### B. Applicability

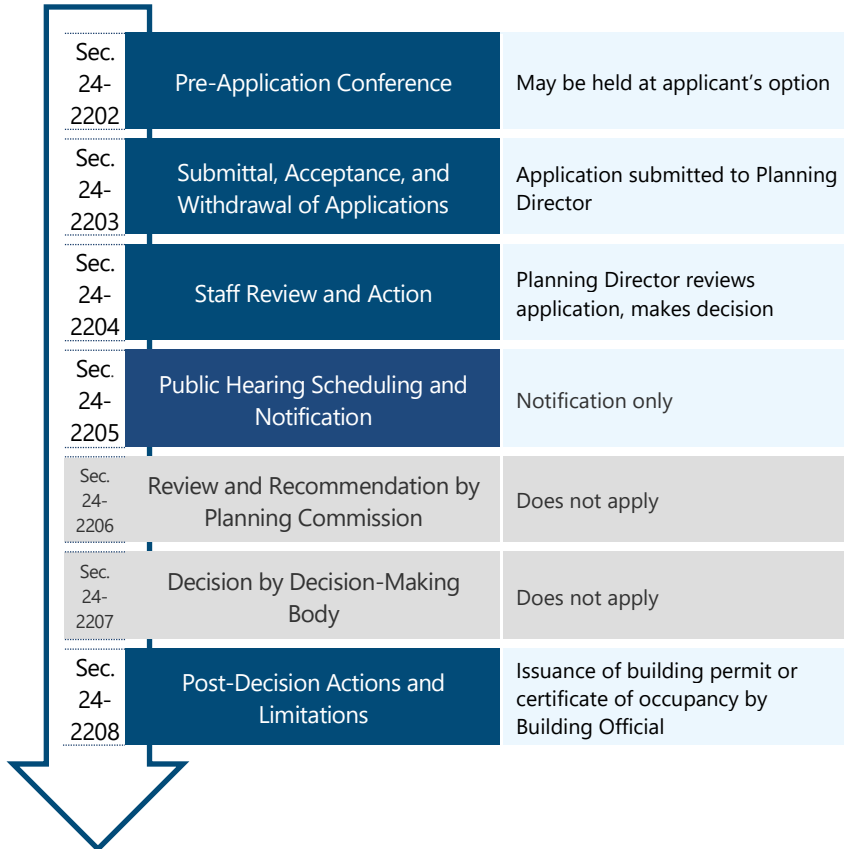
1. The following development requires approval of a plan of development in accordance with the procedure and standards in this section prior to the issuance of a building permit or an occupancy certificate:
  - (a) Residential development in the R-5A, R-5, R-6, RTH, Mixed Use, and Planned Development districts consisting of 50 or more dwelling units;
  - (b) Nonresidential development having a gross floor area of 65,000 square feet or more; and
  - (c) Development for which plan of development review is required by Article 4: Use Regulations.
2. In determining the number of dwelling units or the gross floor area of a development in accordance with subsection 1 above, all phases or sections of a development having more than one phase or section will be counted.
3. An application for a plan of development may be submitted and reviewed concurrently with an application for a minor subdivision in accordance with Chapter 19 of the County Code.

#### C. Plan of Development Procedure

This section sets forth the required procedure for a plan of development. Figure 2315 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.

Figure 2314: Plan of Development



1. Pre-Application Conference
 

A pre-application conference may be held at the applicant's option in accordance with Sec. 24-2202.
2. Submittal, Acceptance, and Withdrawal of Applications
 

The common procedures in Sec. 24-2203 apply.
3. Staff Review and Action
  - (a) General
    - (1) The common procedures in Sec. 24-2204 apply.
    - (2) The Planning Director must send the application to each state agency required to review it under state law within ten business days of submission.
  - (b) Development in Dam Break Inundation Zone
    - (1) For any development containing three or more residential units or any Commercial or Industrial use other than agricultural production proposed within the boundaries of a mapped dam break inundation

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zone (see subsection (3) below), the County Engineer must review the dam break inundation zone map, notify the dam owner, and, within ten days, forward a request to the Virginia Department of Conservation and Recreation to make a determination of the potential impacts of the proposed development on the spillway design flood standards required of the dam. Upon receipt of the determination of the Virginia Department of Conservation and Recreation or if the County has not received comments within 45 days of the Department's receipt of the County's request, the County must complete the review of the development.

- (2) If the Virginia Department of Conservation and Recreation determines that the proposed development is wholly or partially within a dam break inundation zone and would change the spillway design flood standards of an impounding structure, the developer must submit an engineering study meeting state standards to the Virginia Department of Conservation and Recreation prior to final approval of the proposed development. Following the completion of the engineering study, and prior to any development within the dam break inundation zone, the developer must change the proposed development so that it does not alter the spillway design flood standards of the impounding structure or must pay 50 percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the development, together with administrative fees required by state law. The payment must be made to the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund as provided by state law.
- (3) The owner of each impounding structure in the County must prepare a map of the dam break inundation zone for the impounding structure and submit the map to the County Engineer and the Virginia Department of Conservation and Recreation. Dam break inundation zone maps are only required for dams that meet the definition of an impounding structure. The requirements of this subsection do not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the County at the time of the official submission of a development plan to the County. However, the County Engineer may map the dam break inundation zone and recover the costs of such mapping from the owner of an impounding structure for which a dam break inundation zone map is not on file with the County and a map has not been prepared by the impounding structure's owner.

#### *(c) Decision on the Application*

- (1) The Planning Director must review and approve or disapprove the application in accordance with Sec. 24-2314.D, Plan of Development Decision Standards. When approving a plan of development, the Planning Director may attach conditions of approval to ensure compliance with this ordinance.
- (2) Unless the applicant requests an extension of time, the Planning Director must make a decision on the application within 60 days of



submission or, if state agency review is required, within 35 days of receipt of approvals from all reviewing agencies.

(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.
- B. The site, including the parking areas, must be kept clean of litter and debris. Recycling and refuse collection areas must be maintained with regular scheduled pickups and must be screened from view from all directions at ground level. Gates must remain closed except when the receptacles are being serviced and must be repaired or replaced as necessary.
- C. Plan of development approval is limited to the owner and applicant to whom it is issued. Upon written notification to the Planning Director, the plan of development approval may be transferred to subsequent owner(s). After an inspection of the site, the Planning Director will notify the current and prospective owners of any deficiencies from the approved plans. Upon correction of any deficiencies, the Planning Director will approve the transfer of approval, and will provide the new owner with a copy of the conditions of approval.
- D. The construction plan must show, and the developer must provide, fire hydrants as required by the Statewide Fire Prevention Code and the Department of Public Utilities standards.

(4) If the Planning Director disapproves the application, the Planning Director must set forth in writing the reasons for disapproval by referring to the specific ordinances, regulations, or policies and must identify, to the greatest extent practicable, modifications or corrections that will permit approval of the application.

(5) If the applicant and the Planning Director cannot agree on the review and approval of a plan of development, either party may request review by the Planning Commission. The Planning Commission will review the plan of development at a public meeting, and otherwise will be subject to the same standards as the Planning Director.

**4. Notification**

The common procedures for Public Hearing Scheduling in Sec. 24-2205.A do not apply. However, the common procedures for notification of adjoining landowners in Sec. 24-2205.B apply.

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#### 5. Post-Decision Actions and Limitations

The common procedures in Sec. 24-2208 apply, subject to the following additions or modifications:

##### *(a) Revision and Resubmittal of Application after Disapproval*

(1) If the application is disapproved, the applicant may revise the application, responding to the specific reasons identified for the disapproval and the identified modifications or corrections necessary to obtain approval, and resubmit it to the Planning Director. After review of the resubmitted application, the Planning Director must review and either approve or disapprove the application. The Planning Director must approve the resubmitted application only on finding the following:

- A. All deficiencies identified in the previous review of the application have been corrected; and
- B. The application does not contain new deficiencies, based on the review standards in Article 2, Division 3, Specific Standards and Requirements for Development Applications. If the application involves real property used for commercial or industrial purposes, only new deficiencies resulting from the following will be considered:
  - 1. Corrections made to address previously identified deficiencies;
  - 2. Errors or omissions occurring after the initial submission of the application;
  - 3. Material revisions of infrastructure or physical improvements from the earlier submission; or
  - 4. Material revisions that create a new required review by the state Department of Transportation or other state agency.

(2) The Planning Director must approve or disapprove a resubmitted application within 45 days of the date it was resubmitted. If the application involves real property used for commercial or industrial purposes, if the Planning Director fails to approve or disapprove a resubmitted application within 45 days of the date it was resubmitted, the application will be deemed approved; however, any deficiency in the proposed plan of development that, if left uncorrected, would violate local, state, or federal law or regulations, mandatory state Department of Transportation Engineering and Safety requirements, or other mandatory engineering and safety requirements, will not be considered, treated, or deemed as having been approved.

##### *(b) Petition to Circuit Court if Decision Not Made within Required Time*

If the Planning Director fails to approve or disapprove the application within the time specified in this Ordinance for approval, the applicant may petition the Circuit Court to direct approval of the plan of development in

accordance with the Code of Virginia, after giving ten-days' written notice to the Planning Director.

*(c) Period of Validity and Extension*

Approved plans of development will be valid for the periods provided in § 15.2-2261 of the Code of Virginia. Upon application of the subdivider or developer, the Planning Director may grant one or more extensions of approval for additional periods of one year, taking into consideration the size and phasing of the proposed development and the laws, ordinances, and regulations in effect at the time of the request for an extension. If the Planning Director denies an extension request, the applicant may appeal to the Circuit Court within 60 days of the written denial by the Planning Director.

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

- A. The Planning Director, County Engineer, and Director of Public Utilities have approved the project;
- B. All appropriate bonds, agreements, and authorizations from state and federal regulatory agencies for impacts to Waters of the United States have been submitted;
- C. Off-site drainage easements have been recorded;
- D. A VSMP permit has been issued by the Virginia Department of Environmental Quality, or if no VSMP permit is required, a stormwater management (SWM) plan has been submitted to and approved by the County Engineer and Planning Director; and
- E. A Preconstruction meeting has been conducted with the Environmental Inspector, the Developer, and the Contractor in attendance. The Planning Inspector will attend if tree protection measures are required.

(2) Construction Plans

- A. The applicant must prepare the construction plans for the project and submit them to the Planning Director for final approval and signature.
- B. Any necessary off-site easements for drainage, water, and sewer must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
- C. Any deviations from County standards for pavement or curb and gutter design must be approved by the County Engineer prior to final approval of the construction plans.
- D. If the Planning Director determines that the construction plans are not substantially in accordance with the approved

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plan of development, the Planning Director must notify the applicant of the deficiencies and allow the applicant a reasonable time to revise and resubmit the construction plans to address the deficiencies. Additional fees may be required to offset costs associated with review of resubmitted construction plans.

- E. If the Planning Director determines that the construction plans are substantially in accordance with the approved plan of development, the Planning Director must provide the applicant a signed letter of approval, which will authorize the applicant to proceed with site grading and utility work following a mandatory on-site pre-construction meeting.

#### *(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 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.
- (2) Subject to subsection (3) below, a final occupancy permit may be issued by the Building Official for an appropriately completed building, or part of a building, in a part of the total area covered by an approved plan of development if:
  - A. The other on-site construction and improvements included in the approved plan of development for the section have been completed and have been inspected and accepted by the Planning Director, the County Engineer, the Director of Public Utilities, the County health officer or their agents; and
  - B. The off-site improvements related to and necessary to service the section have been completed and inspected and accepted by the Planning Director, the County Engineer, and the Director of Public Utilities, or the developer has provided a financial guarantee acceptable to the County and has executed an agreement to construct any required physical improvements which are located within public rights-of-way or easements or are connected to any public facilities.
- (3) The easements for drainage and utilities as shown on approved plans must be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information must be submitted to the County Real Property Agent at least 60 days prior to requesting occupancy permits.

*(f) Installation of Required Improvements*

All on-site and off-site improvements pursuant to an approved plan must comply with the following requirements.

- (1) The improvements must conform to the County design and construction standards.
- (2) During installation, all improvements must be inspected by the department responsible for verifying their compliance with the approved plan of development and applicable County standards. The engineer, surveyor, or landscape architect of record must also inspect improvements during construction.
- (3) The owner must notify the County Engineer at least 24 hours prior to beginning any work on streets or storm sewers. The owner must notify the Department of Public Utilities at least 48 hours prior to beginning any work on County water or sewer construction.
- (4) The owner must have one set of approved plans, profiles, and specifications available at the site at all times when work is being performed. A designated responsible employee must be available for contact by County inspectors.
- (5) All improvements must be installed within 24 months of construction plan approval unless the Planning Director approves a longer period due to the size or complexity of the project. The time for completion of improvements may be extended upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement.
- (6) When all required improvements have been completed and prior to requesting a final certificate of occupancy, the engineer, surveyor, or landscape architect who supervised construction must certify that all improvements have been installed in substantial conformance with the approved plans, specifications, and County requirements.
- (7) When all required improvements have been completed and certified, the owner may request approval from the Planning Director, the County Engineer, and the Director of Public Utilities, authorizing the release of any financial guaranty which may have been furnished for the guarantee of satisfactory installation of the improvements. Within a reasonable time of the request, the Planning Director, the County Engineer, and the Director of Public Utilities will inspect the improvements. If the Planning Director, the County Engineer, and the Director of Public Utilities determine all improvements have been satisfactorily completed, they must authorize prompt release of the financial guaranty for the improvements.
- (8) The installation of improvements as required in this section will not bind the County to accept the improvements for the maintenance, repair, or operation thereof. **The County's acceptance of installed improvements will be subject to all applicable regulations concerning the acceptance of each type of improvement.**

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#### 6. Dam Break Inundation Zone Map Update

Following completion of development in a dam break inundation zone in accordance with Sec. 24-2314.C.3(b), Development in Dam Break Inundation Zone, the developer must provide the dam owner and the County Engineer with information necessary for the dam owner to update the dam break inundation zone map to reflect the new development.

#### 7. Common Procedures that do not Apply

The common procedures in Sec. 24-2205, Public Hearing Scheduling and Notification, and Sec. 24-2206, Review and Recommendation by Planning Commission, do not apply to plans of development.

### D. Plan of Development Decision Standards

The Planning Director must approve a plan of development on finding all of the following:

1. The proposed development complies with Article 3: Zoning Districts;
2. The development and uses comply with Article 4: Use Regulations;
3. The development proposed and its general layout and design comply with all applicable standards in Article 5: Development Standards;
4. The development proposed and its general layout and design comply with all applicable standards in Chapter 19 of the County Code; and
5. The development proposed is consistent with all other applicable standards of this Ordinance and the County Code.

## Sec. 24-2315. Site Plan

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### A. Purpose

The purpose of this section is to establish a uniform mechanism for the Planning Director to review the layout and general design of proposed development shown on a site plan to ensure it complies with all applicable standards in this Ordinance and all other applicable County regulations prior to the issuance of a building permit or an occupancy certificate. The procedure in this section provides for such review in situations where proposed development does not require plan of development review because it contains fewer than the specified number of dwelling units or less than the specified gross floor area of nonresidential development (see Sec. 24-2314, Plan of Development).

### B. Applicability

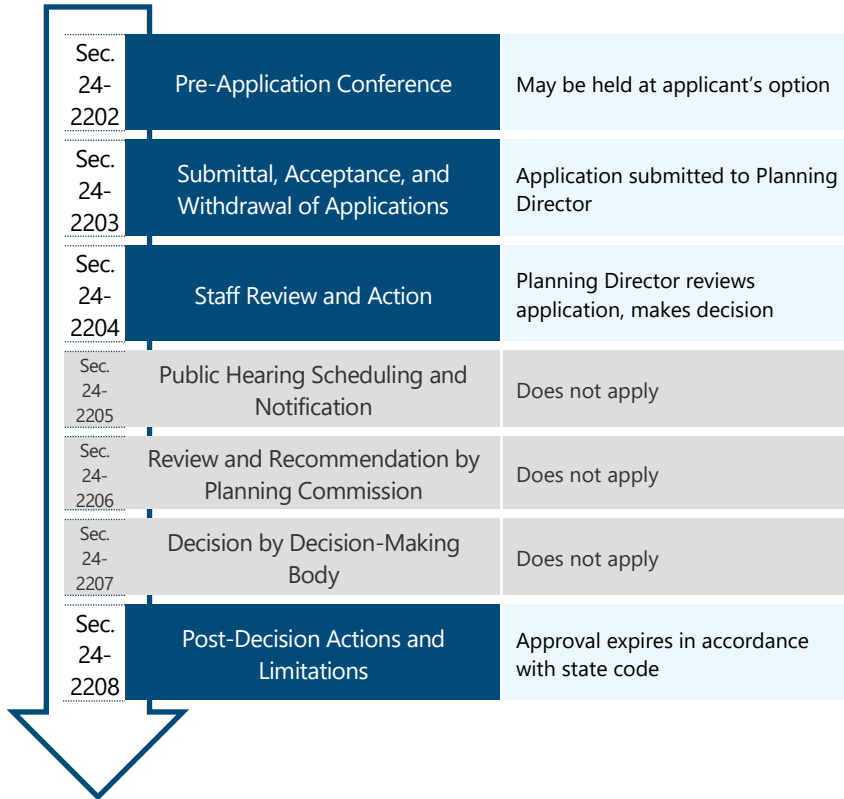
1. Unless exempted in accordance with paragraph 2 below, all development in the County requires approval of a site plan in accordance with the procedure and standards in this section prior to the issuance of a building permit or an occupancy certificate, or any land disturbance.
2. The following development is exempted from the requirements of this section:
  - (a) Development requiring approval of a plan of development (see Sec. 24-2314, Plan of Development);
  - (b) Development limited to activities requiring approval of a sign permit (see Sec. 24-2311, Sign Permit);
  - (c) Construction of or alterations to one single-family dwelling;

(d) Alterations to the interior of a building with no increase in the gross floor area, off-street parking, landscaping, buffers, or other development standards.

### C. Site Plan Procedure

This section sets forth the required procedure for a site plan. Figure 2316 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 Sec. 24-2314.C.

Figure 2315: Site Plan



1. Pre-Application Conference  
A pre-application conference may be held at the applicant's option in accordance with Sec. 24-2202.
2. Submittal, Acceptance, and Withdrawal of Applications  
The common procedures in Sec. 24-2203 apply.
3. Staff Review and Action  
The common procedures in Sec. 24-2204 and the Plan of Development Process in Sec. 24-2314.C.3 apply.
4. Notification  
The common procedures in Sec. 24-2205 do not apply except that the Planning Director may notify any person the Director deems advisable.



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#### 5. Post-Decision Actions and Limitations

The common procedures in Sec. 24-2208 and the Plan of Development Process in Sec. 24-2314.C.5 apply.

#### 6. Dam Break Inundation Zone Map Update

The procedures in the Plan of Development Process in Sec. 24-2314.C.6 apply.

#### 7. Common Procedures that do not Apply

The common procedures in Sec. 24-2205, Public Hearing Scheduling and Notification; Sec. 24-2206, Review and Recommendation by Planning Commission; and Sec. 24-2207, Decision by Decision-Making Body, do not apply to site plans.

## D. Site Plan Decision Standards

The Planning Director must approve a site plan on finding all of the following:

1. The proposed development complies with Article 3: Zoning Districts;
2. The development and uses comply with Article 4: Use Regulations;
3. The development proposed and its general layout and design comply with all applicable standards in Article 5: Development Standards;
4. The development proposed and its general layout and design comply with all applicable standards in Chapter 19 of the County Code; and
5. The development proposed is consistent with all other applicable standards of this Ordinance and the County Code.

## Sec. 24-2316. Variance

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### A. Purpose

1. The purpose of a variance is to allow, in accordance with the Code of Virginia, reasonable deviation from those provisions of this Ordinance regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure, when the strict application of this Ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purposes of this Ordinance.
2. The variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this Ordinance that create unreasonable restrictions on the use of property. When such unreasonable restrictions may be more appropriately remedied by other provisions of this Ordinance, the variance procedure is inappropriate.

### B. Applicability

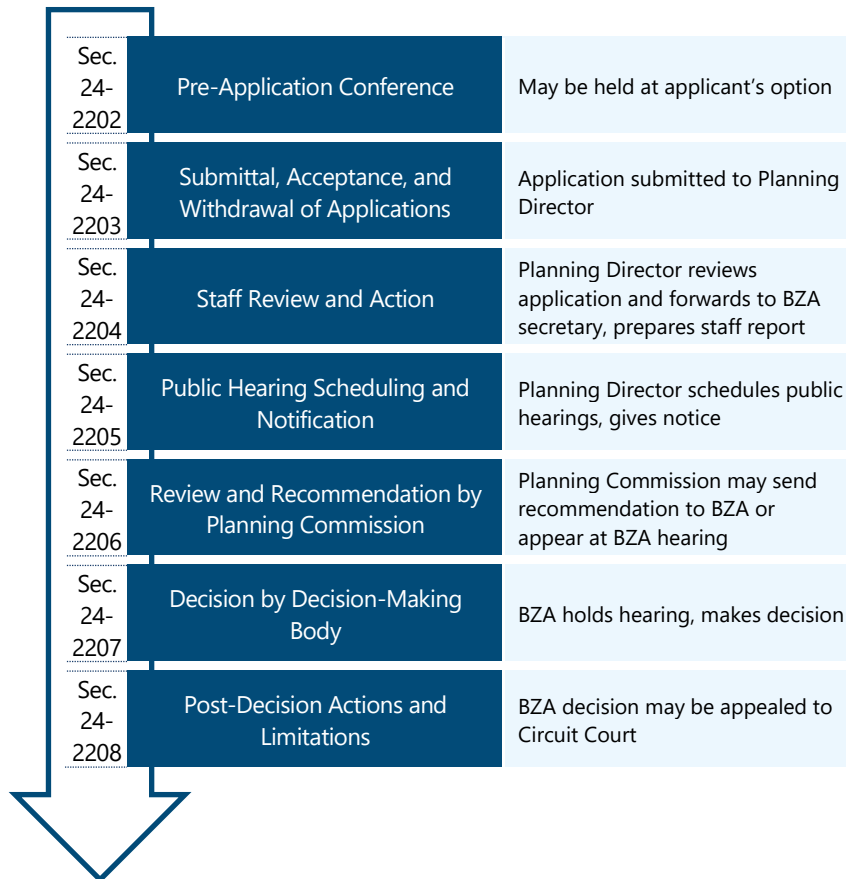
1. A variance may be requested when the strict application of this Ordinance would unreasonably restrict the use of the property and such need for a variance is not shared generally by other properties, and provided such variance is not contrary to the purposes of this Ordinance. It must not include a change in use, which change must be accomplished by a map amendment, a conditional zoning, or a planned development district.
2. The BZA, in accordance with its authority under Code of Virginia § 15.2-2309, must grant variances from the provisions of this Ordinance only in compliance with the

procedure set forth in Sec. 24-2316.C, Variance Procedure, and in accordance with Sec. 24-2316.D, Variance Decision Standards.

### C. Variance Procedure

This section sets forth the required procedure for variances. Figure 2317 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.

Figure 2316: Variance



**1. Pre-Application Conference**

A pre-application conference may be held at the applicant's option in accordance with Sec. 24-2202.

**2. Submittal, Acceptance, and Withdrawal of Applications**

The common procedures in Sec. 24-2203 apply, subject to the following additions or modifications:

- (a) A variance application may be submitted by any property owner, tenant, or government official, department, board, or bureau.
- (b) The application must include satisfactory evidence that any delinquent real estate taxes owed to the County that have been assessed against the land subject to the application are paid.

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#### 3. Staff Review and Action

The common procedures in Sec. 24-2204 apply, subject to the following additions or modifications:

- (a) The Planning Director must transmit the application to the Planning Commission and BZA, and must **place the matter on the BZA's agenda**.
- (b) The Planning Director must review the application, prepare a written staff report on the application, and transmit the staff report to the secretary of the BZA.

#### 4. Public Hearing Scheduling and Notification

The common procedures in Sec. 24-2205 apply. Any materials relating to a particular case, including a staff recommendation or report, furnished to a member of the BZA must be made available without cost to the applicant, appellant, or other person aggrieved as defined by the Code of Virginia, as soon as practicable but in no event more than three business days after the materials were furnished to the BZA member. If the applicant, appellant, or other person aggrieved as defined by the Code of Virginia, requests additional documents or materials be provided by the County other than those materials provided to the BZA, such request must be made in accordance with Code of Virginia § 2.2-3704. Any such materials furnished to a BZA member must also be made available for public inspection in accordance with Code of Virginia §2.2-3707.F.

#### 5. Review and Recommendation by Planning Commission

The common procedures in Sec. 24-2206 apply. The Planning Commission may send a recommendation to the BZA or appear as a party at the public hearing held by the BZA on the proposed variance.

#### 6. Decision by Decision-Making Body

The common procedures in Sec. 24-2207 apply, subject to the following additions or modifications:

- (a) The BZA must review the application at a public hearing. The non-legal staff of the County may have *ex parte* communications with a member of the BZA prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner, **or the landowner's agent or attorney** may have *ex parte* communications with a member of the BZA prior to the hearing but may not discuss the facts or law relative to the particular case. If any *ex parte* discussion of facts or law in fact occurs, the party engaging in such communication must inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, *ex parte* communications will not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which County **staff, the applicant, landowner or the landowner's agent or attorney** are all invited.
- (b) At the hearing, any party may appear in person or by agent or by attorney. Following the public hearing, the BZA must make a decision on the application in accordance with Sec. 24-2316.D, Variance Decision Standards.
- (c) In granting a variance, the BZA may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a financial

guaranty to ensure that the conditions being imposed are being and will continue to be complied with.

- (d) The BZA may provide that any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability will expire when the person benefited by it is no longer in need of the modification or improvements allowed by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990, as applicable.
- (e) The BZA must make a decision on the application within 90 days of the filing of the complete application with a quorum present and by a majority vote of the members present and voting.

**7. Post-Decision Actions and Limitations**

The common procedures in Sec. 24-2208 apply, subject to the following additions or modifications:

- (a) Any person or persons jointly or severally aggrieved by a decision of the BZA, or any aggrieved taxpayer or any officer, department, board, or bureau of the County, within 30 days of the date of the final decision of the BZA, may appeal the decision of the BZA on a variance to the Circuit Court in accordance with the Code of Virginia.
- (b) Lands or structures for which a variance has been granted will not be considered nonconforming under this Ordinance solely because of the deviations from this Ordinance granted by the variance. However, if a structure that is permitted by a variance is expanded, the expansion must be within an area of the site or part of the structure for which no variance is required under this Ordinance, unless a variance is granted for the expansion in accordance with this section.

**D. Variance Decision Standards**

**1. General**

The applicant for a variance must prove by a preponderance of the evidence that the application meets the standard for a variance set forth in Code of Virginia §§ 15.2-2201 and 15.2-2309(2):

- (a) In the application of the Ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of this Ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purposes of this Ordinance;
- (b) It must not include a change in use, which change must be accomplished by a map amendment, a conditional zoning, or a planned development; and
- (c) It meets the other criteria set forth in subsection 2 below.

**2. Findings**

A variance must be granted if a preponderance of the evidence shows that the strict application of the terms of this Ordinance would unreasonably restrict the utilization of the property, the granting of the variance would alleviate a hardship due to a

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physical condition relating to the property or improvements thereon at the time of the effective date of this Ordinance, or the granting of the variance would alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and the following standards are met:

- (a) The property interest for which the variance is requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- (b) The granting of the variance will not be of substantial detriment to nearby property;
- (c) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance;
- (d) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning district classification of the property; and
- (e) The relief or remedy sought by the variance application is not available through a conditional use permit procedure that is authorized in this Ordinance pursuant to Subdivision 6 of the Code of Virginia § 15.2-2309 or the process for modification of a zoning ordinance pursuant to Code of Virginia § 15.2-2286.A. at the time of filing of the variance application.

### **Sec. 24-2317. Interpretation**

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#### **A. Purpose**

The purpose of this section is to establish a uniform mechanism for rendering formal written interpretations of this Ordinance.

#### **B. Applicability**

The Planning Director is responsible for making, in accordance with the procedure and standards in this section, interpretations of all provisions of this Ordinance, including:

1. Interpretations of the text, including standards;
2. Interpretations of the zoning district boundaries;
3. Interpretations of whether a proposed use meets the definition of a listed use or not, and should be allowed in a zoning district or prohibited in that district;
4. Interpretations of compliance with a condition of approval, other than a condition proffered with a conditional zoning (see Sec. 24-2318, Proffer Interpretation); and
5. Interpretations of whether rights have been vested, with the concurrence of the County Attorney.

#### **C. Interpretation Procedure**

This section sets forth the required procedure for an interpretation. Figure 2318 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.

Figure 2317: Interpretation

Sec. 24-2202	Pre-Application Conference	May be held at option of person requesting interpretation
Sec. 24-2203	Submittal, Acceptance, and Withdrawal of Applications	Request for interpretation submitted to Planning Director
Sec. 24-2204	Staff Review and Action	Planning Director reviews request, makes interpretation
Sec. 24-2205	Public Hearing Scheduling and Notification	Does not apply
Sec. 24-2206	Review and Recommendation by Planning Commission	Does not apply
Sec. 24-2207	Decision by Decision-Making Body	Does not apply
Sec. 24-2208	Post-Decision Actions and Limitations	Planning Director provides notice, maintains record of interpretation

**1. Pre-Application Conference**

A pre-application conference may be held at the option of the person requesting the interpretation in accordance with Sec. 24-2202.

**2. Submittal, Acceptance, and Withdrawal of Applications**

The common procedures in Sec. 24-2203 apply.

**3. Staff Review and Action**

The common procedures in Sec. 24-2204 apply.

**4. Post-Decision Actions and Limitations**

The common procedures in Sec. 24-2208 apply, subject to the following additions or modifications.

- (a) If the request for an interpretation pertains to a specific parcel of land and the owner of that parcel of land is not the person requesting the interpretation, the Planning Director must provide notice of the interpretation to the owner of the specific parcel of land in addition to the person requesting the interpretation.
- (b) The Planning Director will maintain a record of written interpretations which will be available in the Planning Department for public inspection, on reasonable request, during normal business hours.
- (c) A use interpretation finding a particular use to be permitted as of right or as a provisional or conditional use will not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but will merely authorize the

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processing of development applications for any permits or development approvals that may be required by this Ordinance, or other relevant regulations in the County Code.

#### 5. Common Procedures that do not Apply

The common procedures in Sec. 24-2205, Public Hearing Scheduling and Notification; Sec. 24-2206, Review and Recommendation by Planning Commission; and Sec. 24-2207, Decision by Decision-Making Body, do not apply to interpretations.

## D. Interpretation Standards

In rendering an interpretation, the Planning Director must consider the following:

#### 1. Text Provisions, General

Interpretation of the textual provisions of this Ordinance, and of their application, must be based on Article 8, Division 1, General Rules for Interpretation, Article 8, Division 3, Measurement, Calculation, and Exceptions, and on the following considerations:

- (a) The definitions of terms in Article 8, Definitions, and on the common and accepted usage of terms that are not defined in that Article;
- (b) The intended purpose of the provision indicated by relevant purpose statements, its context and consistency with surrounding and related provisions, and the comprehensive plan; and
- (c) The general purposes served by this Ordinance, as set forth in Sec. 24-1104, General Purpose and Intent.

#### 2. Uses not Expressly Listed

The Planning Director may interpret a particular principal use or accessory use or structure not expressly listed in the use tables in Article 4: Use Regulations, as an allowable permitted, conditional, or provisional use in a particular zoning district in accordance with Sec. 24-8407, Interpretation of Unlisted Uses.

#### 3. Zoning District Boundaries

Interpretation of zoning district boundaries on the Zoning Districts Map must be in accordance with the standards in Sec. 24-1303, Interpretation of Zoning District Boundaries, and must be consistent with the comprehensive plan.

#### 4. Conditions of Approval

Interpretation of conditions of approval of permits and development approvals approved in accordance with this Ordinance must consider the review standards for the particular permit or development approval, the record of the meeting(s) and hearing(s) where the approval was made, and other relevant parts of the record of the approval.

## Sec. 24-2318. *Proffer Interpretation*

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### A. Purpose

The purpose of this section is to establish a uniform mechanism for the Planning Director to interpret proffers accepted by the Board of Supervisors in approving a conditional zoning, and for appeals of such interpretations to be made to the Board of Supervisors.



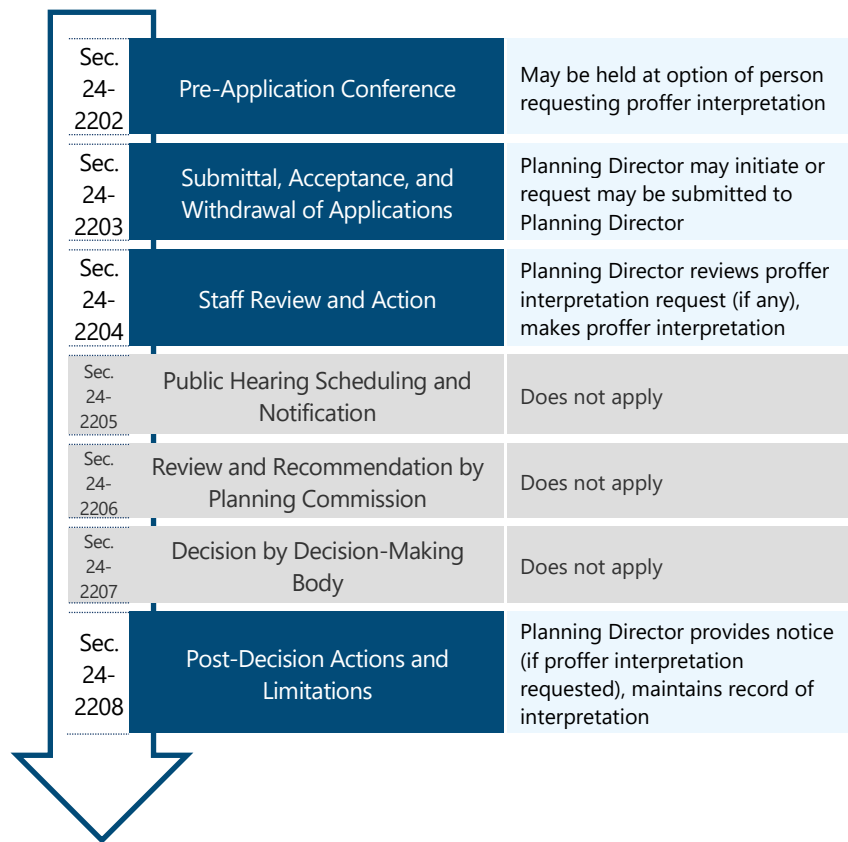
**B. Applicability**

The Planning Director is authorized to interpret, in accordance with the procedure and standards in this section, any proffer accepted by the Board of Supervisors in approving a conditional zoning.

**C. Proffer Interpretation Procedure**

This section sets forth the required procedure for a proffer interpretation. Figure 2319 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.

Figure 2318: Proffer Interpretation



**1. Pre-Application Conference**

A pre-application conference may be held at the option of a person requesting a proffer interpretation in accordance with Sec. 24-2202.

**2. Submittal, Acceptance, and Withdrawal of Applications**

The Planning Director may initiate a proffer interpretation in connection with the enforcement of a condition of approval of a conditional zoning (see Sec. 24-2304.B.7, Post-Decision Actions and Limitations). If the Planning Director initiates a proffer interpretation, the common procedures in Sec. 24-2203 do not apply; in all other cases, the common procedures in Sec. 24-2203 apply, except a proffer interpretation request may be submitted by any of the following:

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- (a) An owner of land in the County;
- (b) A person having a contractual interest in land in the County;
- (c) A resident of the County; or
- (d) An owner of a business located in the County; or
- (e) An authorized representative of an owner or other person identified in paragraphs (a) through (d) above.

#### 3. Staff Review and Action

The common procedures in Sec. 24-2204 apply. The Planning Director must review the condition(s) of approval and the request for a proffer interpretation, if any, and may consult with the County Attorney and any other agencies and officials the Planning Director deems appropriate. **Following the Planning Director's review and any consultation**, the Planning Director must make an interpretation of the proffer in accordance with Sec. 24-2318.D, Proffer Interpretation Standards.

#### 4. Post-Decision Actions and Limitations

The common procedures in Sec. 24-2208 apply, subject to the following additions or modifications.

- (a) The Planning Director must provide notice of the proffer interpretation to the owner of the specific parcel of land and to the person requesting the interpretation, if different from the owner.
- (b) Appeals of **the Planning Director's proffer interpretation or enforcement** of a condition of approval will be to the Board of Supervisors, in accordance with the following requirements.

- (1) **Any person who is aggrieved by the Planning Director's proffer interpretation or act enforcing a proffer** may petition the Board of Supervisors for review of such decision(s). The petition must be filed with the Planning Director and the Clerk of the Board of Supervisors within 30 days from the date of decision for which review is sought. The petition must specify the grounds upon which the petitioner is aggrieved.
- (2) The Planning Director must forward the petition and the justification for the decision(s) for which review is sought to the Board of Supervisors and to the aggrieved person no less than ten days prior to the next regularly scheduled meeting designated for hearing of zoning matters. Written notice of such meeting must be given to all parties as required by Code of Virginia, § 15.2-2204.
- (3) The Board of Supervisors must review the petition and the **Planning Director's justification for the decision(s)** and must affirm (in whole or in part), modify (in whole or in part), or reverse (in whole or in part) **the Planning Director's decision(s)**. Any appeal of the Board of **Supervisors' decision** will be to the Circuit Court in accordance with the Code of Virginia.

#### 5. Common Procedures that do not Apply

The common procedures in Sec. 24-2205, Public Hearing Scheduling and Notification; Sec. 24-2206, Review and Recommendation by Planning Commission; and Sec. 24-2207, Decision by Decision-Making Body, do not apply to this type of application.

### D. Proffer Interpretation Standards

In rendering a proffer interpretation, the Planning Director will consider the record of the meeting(s) and hearing(s) where the approval was made, other relevant parts of the record of the approval, any relevant considerations identified in Sec. 24-2317.D, Interpretation Standards, consistency with other standards of this Ordinance, and the Comprehensive Plan.

## Sec. 24-2319. Administrative Modification

### A. Purpose

The purpose of this section is to establish an administrative process for the Planning Director to review and act on requests for minor deviations (modifications) from the building setback standards contained in this Ordinance, in accordance with the Code of Virginia.

### B. Applicability

The Planning Director is authorized to approve, approve with conditions, or disapprove administrative modifications to the standards in Table 2319: Allowed Administrative Modifications, up to the amounts specified in Table 2319 in accordance with the procedure and standards of this section.

Table 2319: Allowed Administrative Modifications	
Standard	Maximum Modification Allowed
Minimum yard (front, interior side, street side, or rear)	15 percent
Maximum structure height	3 feet
Buffer width in Sec. 24-5310.B.2, Width and Planting Standards	10 percent

### C. Administrative Modification Procedure

This section sets forth the required procedure for an administrative modification. Figure 2319 identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to an administrative modification. Additions or modifications to the common procedures are identified below.

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Figure 2319: Administrative Modification

Sec. 24-2202	Pre-Application Conference	May be held at applicant's option
Sec. 24-2203	Submittal, Acceptance, and Withdrawal of Applications	Application submitted to Planning Director
Sec. 24-2204	Staff Review and Action	Planning Director reviews application, provides notice, makes decision
Sec. 24-2205	Public Hearing Scheduling and Notification	Does not apply
Sec. 24-2206	Review and Recommendation by Planning Commission	Does not apply
Sec. 24-2207	Decision by Decision-Making Body	Does not apply
Sec. 24-2208	Post-Decision Actions and Limitations	Expires after two years if development not completed or permits or approvals not obtained

**1. Pre-Application Conference**

A pre-application conference may be held at the applicant's option in accordance with Sec. 24-2202.

**2. Submittal, Acceptance, and Withdrawal of Applications**

The common procedures in Sec. 24-2203 apply.

**3. Staff Review and Action**

The common procedures in Sec. 24-2204 apply, subject to the following additions or modifications:

(a) Prior to making a decision on the application, the Planning Director must give all owners of adjoining land written notice of the request for an administrative modification. The Planning Director must provide the owners an opportunity to respond to the request within 21 days of the date of the notice. Any such responses must be sent to the Planning Director.

(b) Following the notice and response period required by paragraph (a) above the Planning Director must review the application and any responses received and must make a decision on the application, in writing, to approve or deny the application, in accordance with Sec. 24-2319.D, Administrative Modification Decision Standards. When approving an administrative modification, the Planning Director may attach conditions of approval to ensure compliance with the purpose and intent of this ordinance.

**4. Post-Decision Actions and Limitations**

The common procedures in Sec. 24-2208 apply, subject to the following additions or modifications.

(a) The Planning Director must provide a copy of the decision to the owner of the land for which the administrative modification was requested and to any owner of adjoining land who responded in writing to the notice sent in accordance with paragraph 3(a) above.

(b) Approval of an administrative modification will automatically expire if the subsequent permit or development approval (building permit or site plan, whichever is required first) required by this Ordinance is not obtained within two years from the date of approval of the administrative modification, or if no subsequent approval is required, if the development is not completed within two years, subject to the vesting provisions of the Code of Virginia.

**5. Common Procedures that do not Apply**

The common procedures in Sec. 24-2205, Public Hearing Scheduling and Notification; Sec. 24-2206, Review and Recommendation by Planning Commission; and Sec. 24-2207, Decision by Decision-Making Body, do not apply to this type of application.

**D. Administrative Modification Decision Standards**

The Planning Director must approve an administrative modification application if the Planning Director makes the following findings; otherwise, the Planning Director must deny the application:

1. The strict application of this Ordinance would produce undue hardship;
2. Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity;
3. The authorization of the administrative modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification; and
4. The administrative modification does not exceed the amount allowed by Table 2319.

***Sec. 24-2320. Appeal of Administrative Decisions***

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**A. Purpose**

The purpose of this section is to establish a uniform mechanism for any person aggrieved by an interpretation or decision by the Planning Director or a decision by any other administrative officer in the County related to any part of this Ordinance, to appeal the decision or interpretation to the BZA in accordance with the Code of Virginia.

**B. Applicability**

An appeal of a decision or interpretation under this Ordinance, other than a proffer interpretation or transfer of provisional use permit, may be made to the BZA in accordance with the procedures and standards of this section, by any person aggrieved, or any officer, department, board, or bureau of the County affected by a decision of the Planning Director or other County official in the administration or enforcement of this Ordinance.

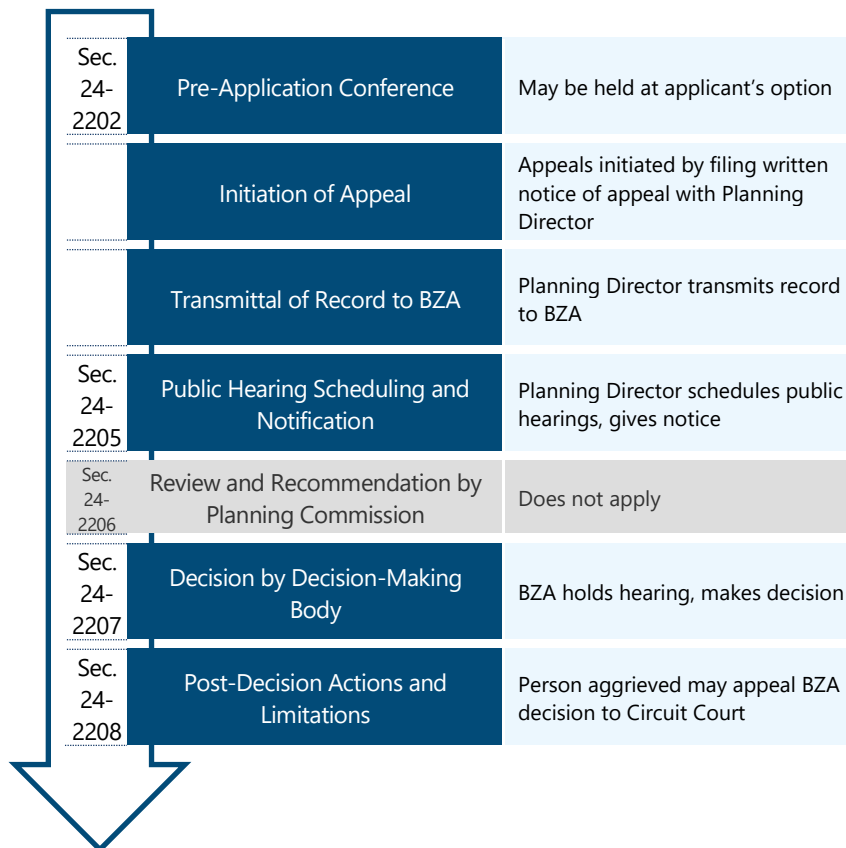
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#### C. Appeal Procedure

This section sets forth the required procedure for an appeal of a decision or interpretation under this Ordinance, other than a proffer interpretation or transfer of provisional use permit. Figure 2320 identifies the common procedures in Article 2, Division 2, Common Procedures, that apply to appeals. Additions or modifications to the common procedures are identified below.

Figure 2320: Appeal



#### 1. Pre-Application Conference

A pre-application conference may be held at the applicant's option in accordance with Sec. 24-2202.

#### 2. Initiation of Appeal

The common procedures in Sec. 24-2203, Submittal, Acceptance, and Withdrawal of Applications, do not apply to appeals. Instead, appeals must be initiated in accordance with the following requirements:

- (a) An appeal of a decision or interpretation under this Ordinance, other than a proffer interpretation or transfer of a provisional use permit, may be initiated by any person aggrieved, or any officer, department, board, or bureau of the County affected, by a decision or interpretation of the Planning Director or other County official in the administration or enforcement of this Ordinance.

(b) An appeal must be initiated by filing a written notice of appeal with the Planning Director and the BZA, within 30 days of the date of the decision or interpretation being appealed. The written notice of appeal must include a statement of the error or improper decision, the date of that decision, and the grounds for the appeal.

**3. Transmittal of Notice of Appeal and Record to BZA**

The common procedures in Sec. 24-2204, Staff Review and Action, do not apply to appeals. Instead, the Planning Director must transmit to the BZA the record of material considered by the Planning Director or other County official in making the decision.

**4. Public Hearing Scheduling and Notification**

The common procedures in Sec. 24-2205 apply, subject to the following additions or modifications:

(a) Notice of the public hearing must also be provided to the applicant for the decision being appealed, if different from the appellant. If the decision being appealed pertains to a particular property, notice also must be provided to the owner of the property.

(b) The non-legal staff of the County may have *ex parte* communications with a member of the BZA prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner, or the **landowner's agent or attorney may have** *ex parte* communications with a member of the BZA prior to the hearing but may not discuss the facts or law relative to the particular case. If any *ex parte* discussion of facts or law in fact occurs, the party engaging in such communication must inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, *ex parte* communications will not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which County **staff, the applicant, landowner or the landowner's agent or attorney** are all invited.

**5. Decision by Decision-Making Body**

The common procedures in Sec. 24-2207 apply, subject to the following additions or modifications:

(a) The BZA must conduct a public hearing on the appeal. The public hearing must be on the record of the appeal, with presentations limited to testimony and arguments as they relate to the grounds for appeal specified in the appeal. The determination of the administrative officer will be presumed to be correct. At the hearing, the administrative officer or his representative must explain the basis for the determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. Any party may appear and speak at the hearing in person or by agent or by attorney. Following the public hearing, the BZA must affirm, modify, or reverse, in whole or in part, the decision or determination that is the subject of the appeal. The decision must **be based on the BZA's judgment as to whether the administrative officer was correct**. The BZA must consider any applicable ordinances, laws, and regulations in making its decision.

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(b) The BZA must make a decision on the appeal within 90 days of the filing of the notice of appeal with a quorum of the BZA present and by a majority vote of the BZA present and voting.

#### **6. Post-Decision Actions and Limitations**

The common procedures in Sec. 24-2208.A apply. The common procedures in Sec. 24-2208.B through E do not apply. Within 30 days of the date of the final decision of the BZA, any person or persons jointly or severally aggrieved by any decision of the BZA, or any aggrieved taxpayer or any officer, department, board, or bureau of the County may appeal the decision of the BZA to the Circuit Court in accordance with the Code of Virginia.

#### **7. Common Procedures that do not Apply**

The common procedures in Sec. 24-2203, Submittal, Acceptance, and Withdrawal of Applications; Sec. 24-2204, Staff Review and Action; and Sec. 24-2206, Review and Recommendation by Planning Commission, do not apply to appeals.

### **D. Appeal Decision Standards**

The determination of the administrative officer will be presumed correct. The appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The BZA must consider the record on appeal and any applicable ordinances, laws, and regulations in making its decision.



## ARTICLE 3: ZONING DISTRICTS

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# ARTICLE 3 ZONING DISTRICTS

## DIVISION 1. GENERAL PROVISIONS

### **Sec. 24-3101. Compliance with Zoning District Standards**

Land in the County must not be used or developed except in accordance with the zoning regulations of this article and all other regulations of this Ordinance.

### **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 Districts Map).

Table 3102: Establishment of Zoning Districts	
Base Districts	
Conservation and Agricultural Districts	
C-1 Conservation District (Sec. 24-3203)	
A-1 Agricultural District (Sec. 24-3204)	
Residential Districts	
R-0 One-Family Residence District (Sec. 24-3303)	
R-0A One-Family Residence District (Sec. 24-3304)	
R-1 One-Family Residence District (Sec. 24-3305)	
R-1A One-Family Residence District (Sec. 24-3306)	
R-2 One-Family Residence District (Sec. 24-3307)	
R-2A One-Family Residence District (Sec. 24-3308)	
R-3 One-Family Residence District (Sec. 24-3309)	
R-3A One-Family Residence District (Sec. 24-3310)	
R-4 One-Family Residence District (Sec. 24-3311)	
R-4A One-Family Residence District (Sec. 24-3312)	
R-5A General Residence District (Sec. 24-3313)	
R-5 General Residence District (Sec. 24-3314)	
R-6 General Residence District (Sec. 24-3315)	
RTH Residential Townhouse District ( Sec. 24-3316)	
Nonresidential and Mixed-Use Districts	
CMU Community Mixed-Use District (Sec. 24-3403)	
O-1 Office District (Sec. 24-3404)	
O-2 Office District (Sec. 24-3405)	
O-3 Office District (Sec. 24-3406)	
O/S Office Service District (Sec. 24-3407)	
B-1 Business District (Sec. 24-3408)	
B-2 Business District (Sec. 24-3409)	
B-3 Business District Sec. 24-3410	
M-1 Light Industrial District (Sec. 24-3411)	
M-2 General Industrial District (Sec. 24-3412)	

## Article 3 Zoning Districts

### Division 1. General Provisions

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Table 3102: Establishment of Zoning Districts

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

#### Planned Development Districts

SMX-PD Suburban Residential Mixed Planned Development District (Sec. 24-3505)

TND-PD Traditional Neighborhood Development Planned Development District (Sec. 24-3506)

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

LI-PD Light Industrial Planned Development District (Sec. 24-3508)

#### 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 Westwood Redevelopment Overlay District (Sec. 24-3708)

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

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

### **Sec. 24-3103. Organization of Zoning Districts**

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In accordance with Table 3102: Establishment of Zoning Districts, each zoning district is classified as either a base district, a planned development district, or an overlay district. Conditional zoning districts are not identified in Table 3102: Establishment of Zoning Districts but will be established only in accordance with Sec. 24-2304, Conditional Zoning.

#### **A. Base Zoning Districts**

1. Base zoning districts consist of Conservation and Agricultural Districts, Residential Districts, and Nonresidential and Mixed-Use Districts, in accordance with Table 3102: Establishment of Zoning Districts. Base districts are established initially by the County's adoption of this Ordinance. **Additional base districts may be established** in accordance with Sec. Sec. 24-2302, Text Amendment. The boundaries of each base district on the Zoning Districts Map will be amended only in accordance with Sec. 24-1304, Changes to Zoning Districts Map.
2. Article 3, Division 2 through Article 3, Division 4 below set out each base **district's** purpose, establish the intensity and dimensional standards applicable in the district, reference other Ordinance standards generally applicable to development in the district, illustrate **the district's dimensional standards** applied to lots and typical building forms, and provide examples of development patterns and building forms typical in the district. Illustrations are intended to exemplify the general character of the district and do not necessarily reflect all the standards that may apply to a particular development.

#### **B. Planned Development (PD) Districts**

1. Sec. 24-3502, General Provisions for All Planned Development Districts sets forth the general purpose of planned development districts, in addition to the standards applicable to the proposed planned development district. Generally, PD Districts require unified control (by either one or multiple landowners) of a large project and allow for greater flexibility and a wider range of allowed uses than traditional base zoning districts allow, in return for innovative design and higher quality development. It is the intent of this Ordinance that PD Districts should be used only when these elements exist.

2. Planned development districts are adopted by the Board of Supervisors as zoning map amendments in accordance with Sec. 24-2305, Planned Development. The name and location of the specific planned development district is shown on the Zoning Districts Map.
3. Each planned development district is subject to an approved PD Master Plan and PD Terms and Conditions Document that establish a plan and regulations for development in the individual PD District. As provided in Sec. 24-2305, Planned Development, the PD Master Plan and PD Terms and Conditions Document are included with the adopting ordinance and recorded in the land records.

### **C. Conditional Zoning Districts**

Conditional zoning is a flexible zoning classification whereby development conditions, also known as proffers, are attached to rezoned land in order to ensure compatibility of future development, as allowed under the Code of Virginia. Conditional zoning districts are individually approved by the Board of Supervisors as provided in Sec. 24-2304, Conditional Zoning. Approved conditional zoning districts are shown on the Zoning Districts Map, and the adopting ordinance and conditions of approval are maintained in a Conditional Zoning Index (see Sec. 24-3603, Designation on Zoning Districts Map).

### **D. Overlay Districts**

1. Overlay districts are established initially by the County's adoption of this Ordinance. Additional overlay districts may be established in accordance with Sec. 24-2302, Text Amendment. The boundaries of each overlay district on the Zoning Districts Map will be amended only in accordance with Sec. 24-2303, Map Amendment (Rezoning).
2. Standards governing development in an overlay zoning district will apply in addition to, or instead of, the standards governing development in the underlying base zoning district or planned development district and may also provide a more flexible alternative to base zoning district standards. If the regulations governing an overlay district expressly conflict with those governing an underlying base zoning district, the regulations governing the overlay district will govern, whether more or less restrictive than the underlying district. If land is classified into multiple overlay districts and the regulations governing one overlay district expressly conflict with those governing another overlay district, the more restrictive regulations will govern.

### ***Sec. 24-3104. Photographs, Graphics, and Diagrams for Illustrative Purposes Only***

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Photographs, graphics, and diagrams in this article are included for illustrative purposes only. If there is any inconsistency between them and the text of this Ordinance, including tables, the text will govern (see Sec. 24-8102, Headings, Illustrations, and Text).

### ***Sec. 24-3105. Superseding Dimensional Standards***

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Dimensional standards for each zoning district are in tabular format in this article. Notes within each table provide additional details where necessary, and rules for measuring dimensional standards are in Article 8, Division 3, Measurement. The dimensional standards in the article apply generally but may be superseded by other standards in this Ordinance (see Article 8, Division 1, General Rules for

## Article 3 Zoning Districts

### Division 1. General Provisions

Interpretation), including the standards identified in this section below. Terms abbreviated in this article are defined in Article 8, Division 2, Table of Abbreviations.

#### A. Neighborhood Compatibility Standards

Article 5, Division 6, Neighborhood Compatibility, establishes height and setback requirements that apply to specific types of uses within a certain proximity to specific zoning districts and uses.

#### B. Use-Specific Standards

For some uses, Article 4: Use Regulations, establishes dimensional standards.

#### C. Lots Not Served by Public Water and Sewer

The dimensional standards in this article are minimum standards. A dwelling must not be erected on a lot that is not served by both public sewer and public water unless the lot meets all applicable Health Department requirements in addition to the standards in this article.

#### D. Additional Minimum Yard Requirements Adjacent to Major Thoroughfares

1. Table 3105: Additional Setback Requirements Adjacent to Specific Roadways in Major Thoroughfare Plan establishes additional setback requirements for yards adjacent to specific roadways. These requirements apply to all residential developments that did not, as of March 26, 2002, have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks, or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception. Except as otherwise provided in subsections 2 and 3 below, for each row in Table 3105, the additional setback requirement applies in the zoning district listed for each yard listed that is adjacent to the type of roadways listed, if the roadway is identified in the major thoroughfare plan.

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

Zoning District	Type of Roadway	Adjacent Yard	Additional Setback Required
A-1 R-0 R-0A R-1 R-1A R-2 R-2A R-3 R-3A R-4 R-4A R-5A	Any of the following, if the projected right-of-way is 60 feet or greater: <ul style="list-style-type: none"><li>• major arterial</li><li>• minor arterial</li><li>• controlled access road</li></ul>	Front, side, or rear yard	35 ft.
	Any of the following, if the projected right-of-way is 60 feet or greater: <ul style="list-style-type: none"><li>• major collector</li><li>• minor collector</li></ul>	Front, side, or rear yard	25 ft.
R-5 R-6	Any of the following, if the projected right-of-way is 60 feet or greater: <ul style="list-style-type: none"><li>• major arterial</li><li>• minor arterial</li><li>• major collector</li><li>• minor collector</li><li>• controlled access road</li></ul>	Front, side, or rear yard	15 ft.



2. The increased setback in Table 3105 may be reduced by the width of common area abutting both the projected right-of-way and the yard.
3. In approving an application for a development permit or approval, the Planning Commission or the Planning Director, as applicable, may approve an additional setback less than the additional setback in Table 3105 in order to avoid the creation of double-frontage lots or to improve consistency of the proposed development with the setbacks of existing development on the same block face or directly across the street from the same block face.

#### **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. 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.

1. Minimum setback requirements: front setback, 35 feet; rear setback, 25 feet; street side setback, ten feet; interior side setback, ten percent of the lot width (rounded down to the next lowest foot) or seven feet, whichever is greater.
2. 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.
3. The height of any building 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).
4. 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.

## **H. Minimum Street Side Yards in Specified Approved Residential Development**

For residential development that, as of March 26, 2002, had a recorded subdivision, a conditional subdivision approval, proffers relating to setbacks, or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved exception (subdivision), the minimum street side yard will be the minimum street side yard specified in the approved subdivision, proffers, plan of development, or special exception, or, if no street side yard was specified, the larger of the minimum interior side yard required or ten feet.

## **DIVISION 2. CONSERVATION AND AGRICULTURAL DISTRICTS**

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### ***Sec. 24-3201. General Purposes of Conservation and Agricultural Districts***

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The purpose and intent of the Conservation and Agricultural zoning districts established in this division is to:

- A.** Protect ongoing agricultural activities and prime agricultural lands;
- B.** Support and provide lands for agricultural, forestry, agribusiness, agritourism, agricultural support, and related uses important to the County's **economy and the character of the County's rural and agricultural areas**;
- C.** Preserve and protect the County's **important natural resources and environmentally sensitive lands**, while providing for their use and enjoyment;
- D.** Encourage agribusiness and agritourism uses that are compatible with the character of the County's **rural and agricultural areas**;
- E.** Promote the use of cluster subdivisions as the preferred means of accommodating residential development in a way that preserves open space consistent with the character of the County's **rural and agricultural areas**; and
- F.** Ensure open spaces are designed to maximize preservation and protection of important natural and agricultural resources, to facilitate stormwater management and protect water **quality, to maximize residents'** opportunities to experience open space, to maintain the visual character of scenic roads, and to promote rehabilitation of degraded habitats.

### ***Sec. 24-3202. Established Conservation and Agricultural Districts***

---

The Conservation and Agricultural zoning districts established by this Ordinance are identified in Table 3202: Established Conservation and Agricultural Districts.

Table 3202: Established Conservation and Agricultural Districts
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C-1 Conservation District (Sec. 24-3203)
--

A-1 Agricultural District (Sec. 24-3204)
--

## Article 3 Zoning Districts

### Division 2. Conservation and Agricultural Districts

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#### **Sec. 24-3203. C-1 Conservation District**

---

##### **A. Purpose**

The purpose of the C-1 Conservation District is to preserve and protect the County's natural resources, especially flood plain and floodway, while providing for their use and enjoyment. Allowed uses include:

- Agriculture and forestry and their support uses;
- Noncommercial recreation areas and facilities; and
- Animal care.

##### **B. Concept**



##### **C. Use Standards**

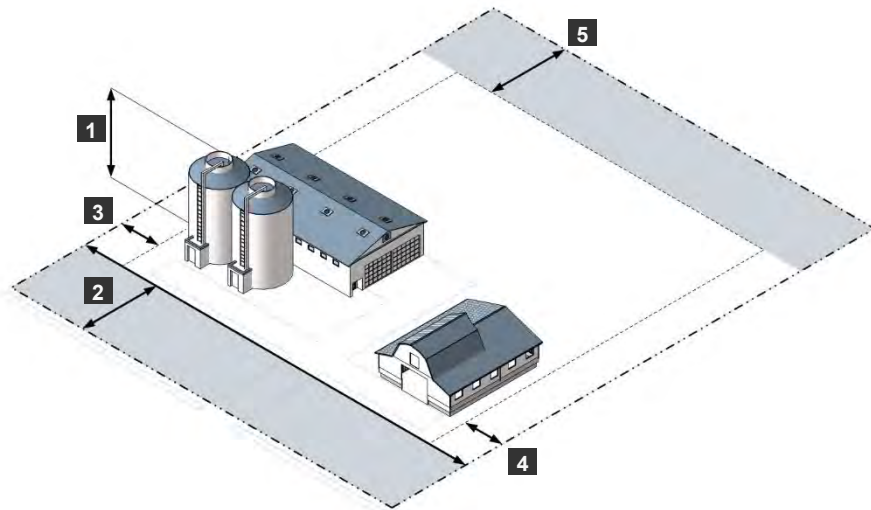
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**D. C-1 District Dimensional Standards**

	Standard	All Structures
1	Structure height, maximum (feet)	45 <sup>[1]</sup>
2	Front yard, minimum (feet)	50
3	Interior side yard, minimum (feet)	20
4	Street side yard, minimum (feet)	25
5	Rear yard, minimum (feet)	50

NOTES:

[1] Any structure used for agricultural purposes or by a public utility may be constructed to any height up to 200 feet provided it is set back from the nearest lot line a distance equal to its height.



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



## Article 3 Zoning Districts

### Division 2. Conservation and Agricultural Districts

---

#### **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; and
- Limited institutional and commercial uses in appropriate locations.

##### **B. Concept**



##### **C. Use Standards**

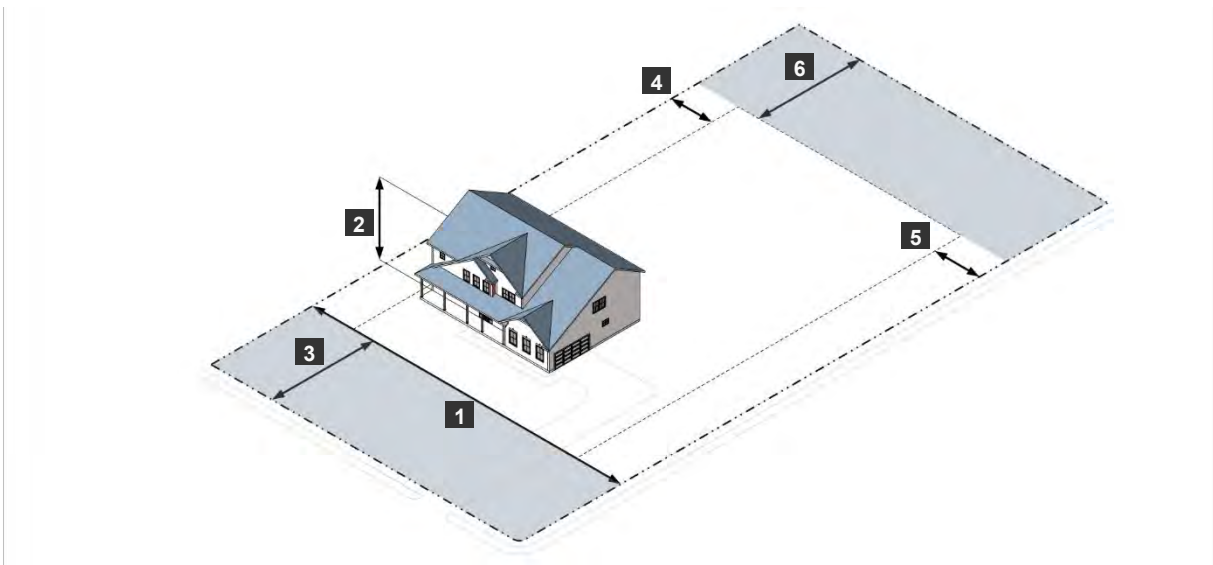
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**D. A-1 District Dimensional Standards**

Standard	Dwellings	All other uses
Lot area, minimum (acres)	1	2
<b>1</b> Lot width, minimum (feet)	150	200
<b>2</b> Structure height, maximum (feet)	45	45 <sup>[1]</sup>
<b>3</b> Front yard, minimum (feet)	50 <sup>[2]</sup>	50
<b>4</b> Interior side yard, minimum (feet)	20	40
<b>5</b> Street side yard, minimum (feet)	25 <sup>[2]</sup>	40
<b>6</b> Rear yard, minimum (feet)	50 <sup>[2]</sup>	50

NOTES:

- [1] Any structure used for agricultural purposes or by a public utility may be constructed to any height up to 200 feet provided it is set back from the nearest lot line a distance equal to its height.
- [2] Additional minimum yard requirements apply if a yard is adjacent to specific roadways identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions





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## DIVISION 3. RESIDENTIAL DISTRICTS

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### ***Sec. 24-3301. General Purposes of Residential Districts***

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The purpose and intent of the Residential base zoning districts established in this division is to:

- A.** Promote the safety and stability of residential neighborhoods;
- B.** Provide a variety of housing options to meet a range of housing demands;
- C.** Protect the character of residential neighborhoods from incompatible nonresidential development;
- D.** Provide for safe and efficient movement of vehicles and pedestrians in residential areas;
- E.** Ensure that residential development occurs at appropriate densities; and
- F.** Ensure that residential development is consistent with the goals and policies in the County's comprehensive plan.

### ***Sec. 24-3302. Established Residential Districts***

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The Residential base zoning districts established by this Ordinance are identified in Table 3302: Established Residential Base Zoning Districts.

Table 3302: Established  
Residential Base Zoning Districts

R-0 One-Family Residence District (Sec. 24-3303)
R-0A One-Family Residence District (Sec. 24-3304)
R-1 One-Family Residence District (Sec. 24-3305)
R-1A One-Family Residence District (Sec. 24-3306)
R-2 One-Family Residence District (Sec. 24-3307)
R-2A One-Family Residence District (Sec. 24-3308)
R-3 One-Family Residence District (Sec. 24-3309)
R-3A One-Family Residence District (Sec. 24-3310)
R-4 One-Family Residence District (Sec. 24-3311)
R-4A One-Family Residence District (Sec. 24-3312)
R-5A General Residence District (Sec. 24-3313)
R-5 General Residence District (Sec. 24-3314)
R-6 General Residence District (Sec. 24-3315)
RTH Residential Townhouse District (Sec. 24-3316)

**Sec. 24-3303. R-0 One-Family Residence District**

---

**A. Purpose**

The purpose of the R-0 One Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of one acre; and
- Supporting institutional, recreational, and public facilities and uses.

**B. Concept**



**C. Use Standards**

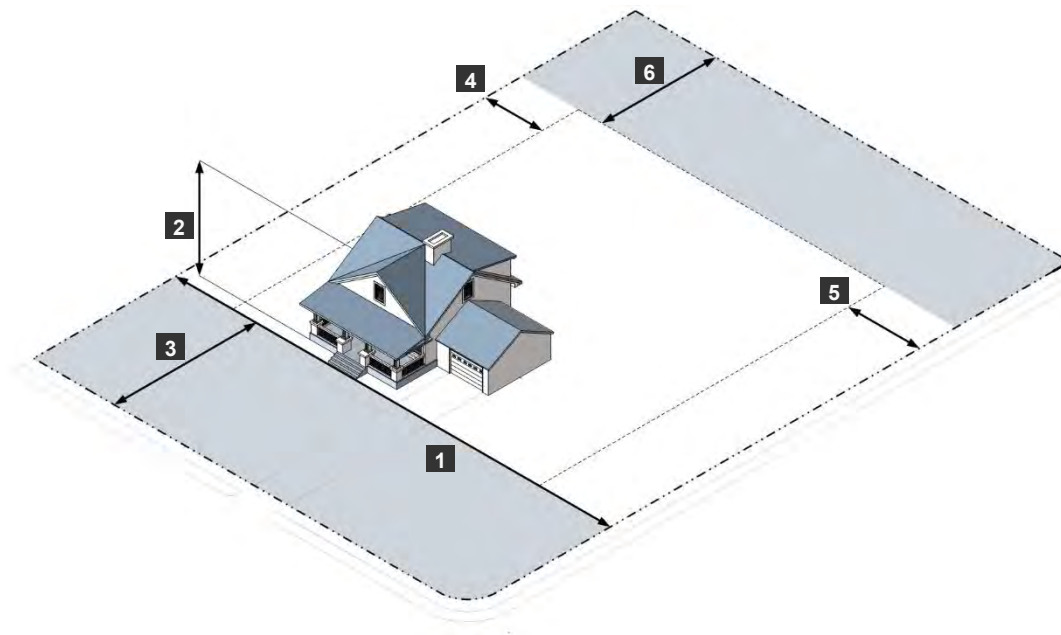
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**D. R-0 District Dimensional Standards**

Standard	Dwellings	All other uses
Lot area, minimum (acres)	1	1
<b>1</b> Lot width, minimum (feet)	200	200
<b>2</b> Structure height, maximum (feet)	40	45
<b>3</b> Front yard, minimum (feet)	50 <sup>[1]</sup>	50
<b>4</b> Interior side yard, minimum (feet)	20	40
<b>5</b> Street side yard, minimum (feet)	25 <sup>[1]</sup>	40
<b>6</b> Rear yard, minimum (feet)	50 <sup>[1]</sup>	50

NOTES:

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



**Sec. 24-3304. R-0A One-Family Residence District**

---

**A. Purpose**

The purpose of the R-0A One Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of 35,000 sq. ft.; and
- Supporting institutional, recreational, and public facilities and uses.

**B. Concept**



**C. Use Standards**

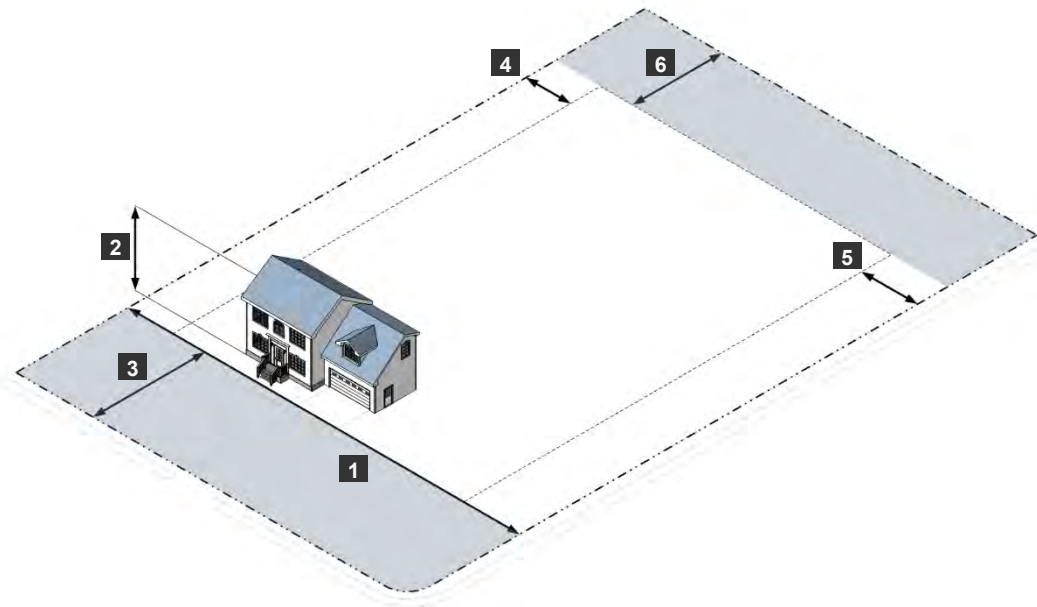
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### D. R-0A District Dimensional Standards

Standard	Dwellings	All other uses
Lot area, minimum	35,000 sf	1 ac
<b>1</b> Lot width, minimum (feet)	175	200
<b>2</b> Structure height, maximum (feet)	40	45
<b>3</b> Front yard, minimum (feet)	50 <sup>[1]</sup>	50
<b>4</b> Interior side yard, minimum (feet)	20	40
<b>5</b> Street side yard, minimum (feet)	25 <sup>[1]</sup>	40
<b>6</b> Rear yard, minimum (feet)	50 <sup>[1]</sup>	50

**NOTES:**

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



### E. Reference to Other Standards

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



**Sec. 24-3305. R-1 One-Family Residence District**

---

**A. Purpose**

The purpose of the R-1 One-Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of 25,000 sq. ft.; and
- Supporting institutional, recreational, and public facilities and uses.

**B. Concept**



**C. Use Standards**

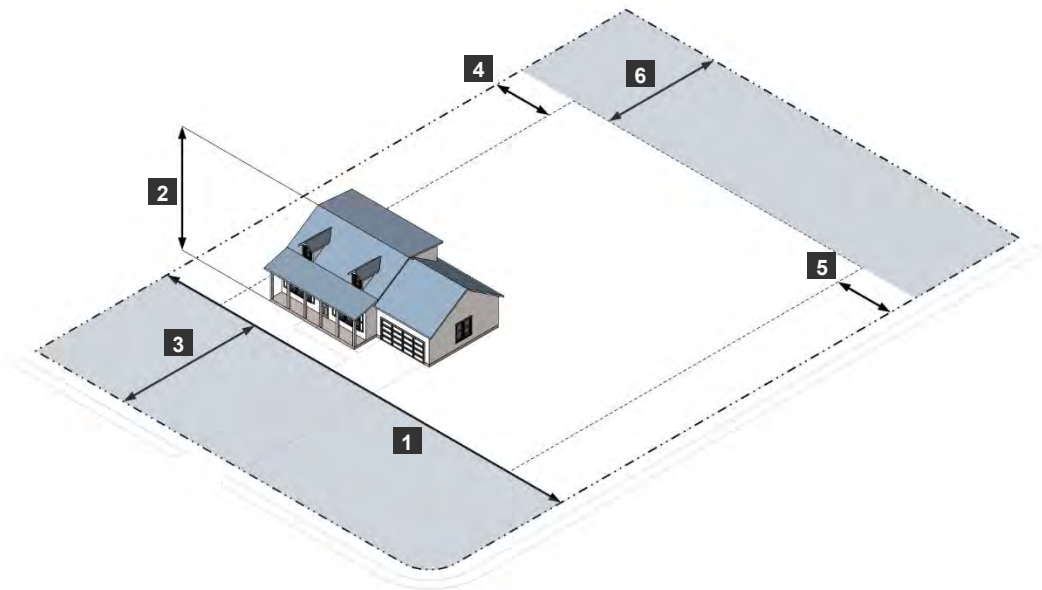
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### D. R-1 District Dimensional Standards

Standard	Dwellings	All other uses
Lot area, minimum	25,000 sf	1 ac
<b>1</b> Lot width, minimum (feet)	150	150
<b>2</b> Structure height, maximum (feet)	40	45
<b>3</b> Front yard, minimum (feet)	50 <sup>[1]</sup>	50
<b>4</b> Interior side yard, minimum (feet)	20	40
<b>5</b> Street side yard, minimum (feet)	25 <sup>[1]</sup>	40
<b>6</b> Rear yard, minimum (feet)	50 <sup>[1]</sup>	50

**NOTES:**

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



### E. Reference to Other Standards

Article 4	Use Regulations	Article 5, Division 6 Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7 Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8 Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9 Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6 Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8 Definitions



**Sec. 24-3306. R-1A One-Family Residence District**

---

**A. Purpose**

The purpose of the R-1A One-Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of 21,500 sq. ft.; and
- Supporting institutional, recreational, and public facilities and uses.

**B. Concept**



**C. Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

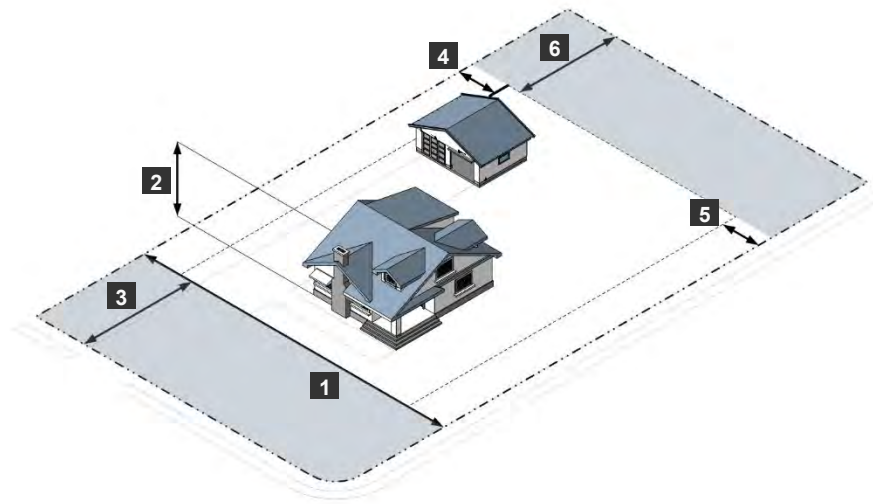


### D. R-1A District Dimensional Standards

Standard	Dwellings	All other uses
Lot area, minimum	21,500 sf	1 ac
<b>1</b> Lot width, minimum (feet)	125	150
<b>2</b> Structure height, maximum (feet)	40	45
<b>3</b> Front yard, minimum (feet)	45 <sup>[1]</sup>	50
<b>4</b> Interior side yard, minimum (feet)	15	40
<b>5</b> Street side yard, minimum (feet)	25 <sup>[1]</sup>	40
<b>6</b> Rear yard, minimum (feet)	45 <sup>[1]</sup>	50

**NOTES:**

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



### E. Reference to Other Standards

Article 4	Use Regulations	Article 5, Division 6 Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7 Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8 Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9 Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6 Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8 Definitions

**Sec. 24-3307. R-2 One-Family Residence District**

---

**A. Purpose**

The purpose of the R-2 One-Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of 18,000 sq. ft.; and
- Supporting institutional, recreational, and public facilities and uses.

**B. Concept**



**C. Use Standards**

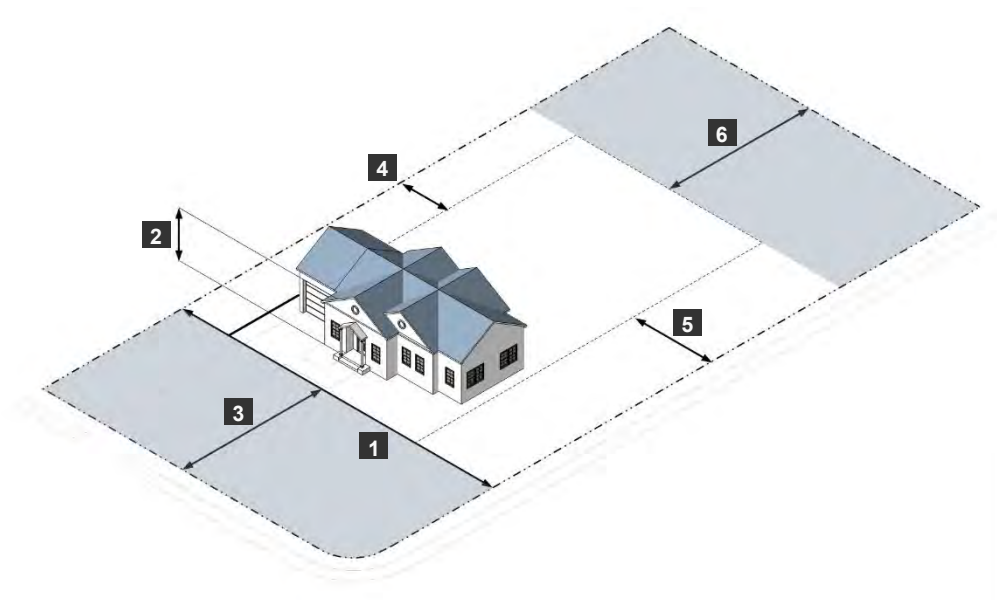
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### D. R-2 District Dimensional Standards

Standard	Dwellings	All other uses
Lot area, minimum	18,000 sf	1 ac
<b>1</b> Lot width, minimum (feet)	100	150
<b>2</b> Structure height, maximum (feet)	40	45
<b>3</b> Front yard, minimum (feet)	45 <sup>[1]</sup>	45
<b>4</b> Interior side yard, minimum (feet)	15	25
<b>5</b> Street side yard, minimum (feet)	25 <sup>[1]</sup>	25
<b>6</b> Rear yard, minimum (feet)	45 <sup>[1]</sup>	45

**NOTES:**

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



### E. Reference to Other Standards

Article 4	Use Regulations	Article 5, Division 6 Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7 Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8 Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9 Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6 Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8 Definitions



**Sec. 24-3308. R-2A One-Family Residence District**

---

**A. Purpose**

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R-2A One-Family Residence District

The purpose of the R-2A One-Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of 13,500 sq. ft.; and
  - Supporting institutional, recreational, and public facilities and uses.
- 

**B. Concept**

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**C. Use Standards**

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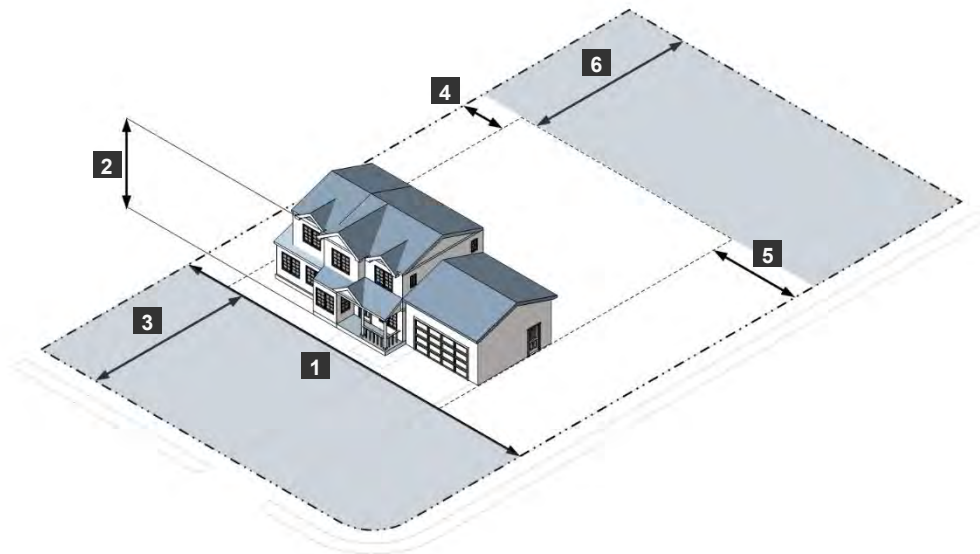
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**D. R-2A District Dimensional Standards**

Standard	Dwellings	All other uses
Lot area, minimum	13,500 sf	1 ac
<b>1</b> Lot width, minimum (feet)	80	150
<b>2</b> Structure height, maximum (feet)	40	45
<b>3</b> Front yard, minimum (feet)	45 <sup>[1]</sup>	45
<b>4</b> Interior side yard, minimum (feet)	12	25
<b>5</b> Street side yard, minimum (feet)	25 <sup>[1]</sup>	25
<b>6</b> Rear yard, minimum (feet)	45 <sup>[1]</sup>	45

NOTES:

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



### **Sec. 24-3309. R-3 One-Family Residence District**

---

#### **A. Purpose**

The purpose of the R-3 One-Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of 11,000 sq. ft.; and
- Supporting institutional, recreational, and public facilities and uses.

#### **B. Concept**



#### **C. Use Standards**

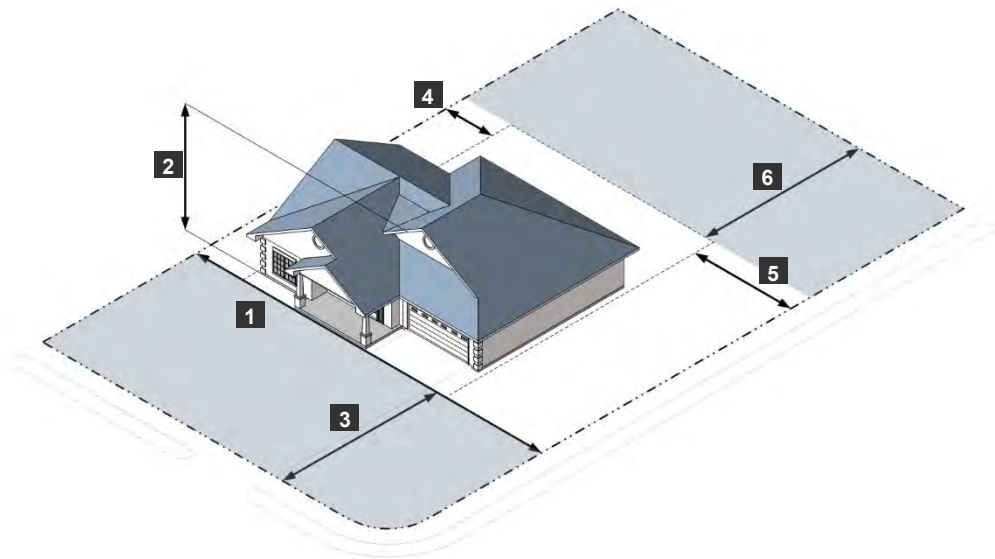
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### D. R-3 District Dimensional Standards

Standard	Dwellings	All other uses
Lot area, minimum	11,000 sf	1 ac
<b>1</b> Lot width, minimum (feet)	80	150
<b>2</b> Structure height, maximum (feet)	40	45
<b>3</b> Front yard, minimum (feet)	40 <sup>[1]</sup>	40
<b>4</b> Interior side yard, minimum (feet)	12	25
<b>5</b> Street side yard, minimum (feet)	25 <sup>[1]</sup>	25
<b>6</b> Rear yard, minimum (feet)	40 <sup>[1]</sup>	40

**NOTES:**

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



### E. Reference to Other Standards

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



**Sec. 24-3310. R-3A One-Family Residence District**

---

**A. Purpose**

The purpose of the R-3A One-Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of 9,500 sq. ft.; and
- Supporting institutional, recreational, and public facilities and uses.

**B. Concept**



**C. Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

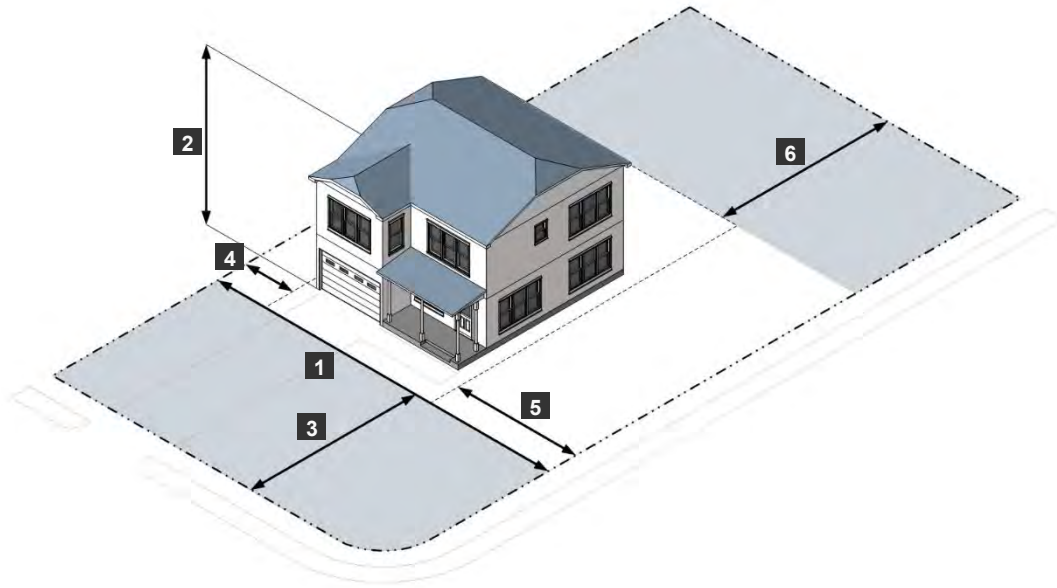


### D. R-3A District Dimensional Standards

	Standard	Dwellings	All other uses
	Lot area, minimum	9,500 sf	1 ac
<b>1</b>	Lot width, minimum (feet)	70	150
<b>2</b>	Structure height, maximum (feet)	40	45
<b>3</b>	Front yard, minimum (feet)	35 <sup>[1]</sup>	40
<b>4</b>	Interior side yard, minimum (feet)	10	25
<b>5</b>	Street side yard, minimum (feet)	25 <sup>[1]</sup>	25
<b>6</b>	Rear yard, minimum (feet)	35 <sup>[1]</sup>	40

**NOTES:**

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



### E. Reference to Other Standards

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions

**Sec. 24-3311. R-4 One-Family Residence District**

---

**A. Purpose**

The purpose of the R-4 One-Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of 8,000 sq. ft.; and
- Supporting institutional, recreational, and public facilities and uses.

**B. Concept**



**C. Use Standards**

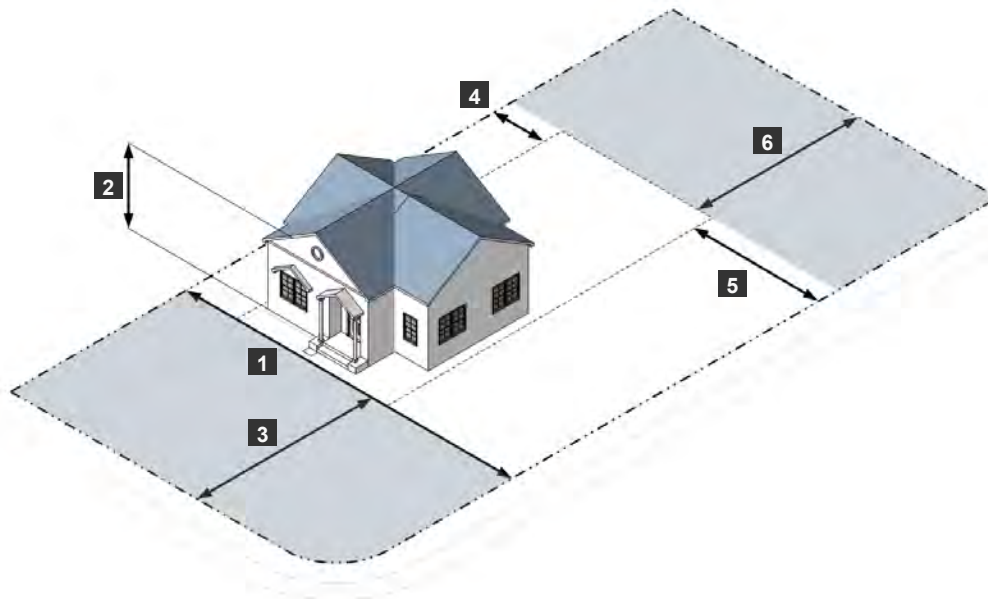
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### D. R-4 District Dimensional Standards

Standard	Dwellings	All other uses
Lot area, minimum	8,000 sf	1 ac
<b>1</b> Lot width, minimum (feet)	65	150
<b>2</b> Structure height, maximum (feet)	40	45
<b>3</b> Front yard, minimum (feet)	35 <sup>[1]</sup>	40
<b>4</b> Interior side yard, minimum (feet)	10	25
<b>5</b> Street side yard, minimum (feet)	25 <sup>[1]</sup>	25
<b>6</b> Rear yard, minimum (feet)	35 <sup>[1]</sup>	40

**NOTES:**

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



### E. Reference to Other Standards

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



**Sec. 24-3312. R-4A One-Family Residence District**

---

**A. Purpose**

The purpose of the R-4A One-Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of 7,750 sq. ft.; and
- Supporting institutional, recreational, and public facilities and uses.

**B. Concept**



**C. Use Standards**

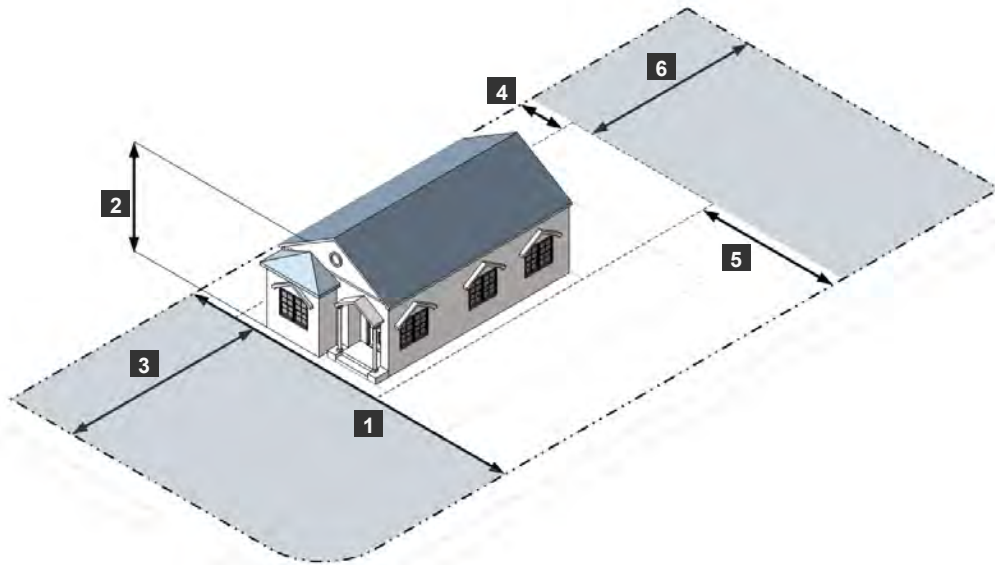
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### D. R-4A District Dimensional Standards

	Standard	Dwellings	All other uses
	Lot area, minimum	7,750 sf	1 ac
<b>1</b>	Lot width, minimum (feet)	60	150
<b>2</b>	Structure height, maximum (feet)	40	45
<b>3</b>	Front yard, minimum (feet)	35 <sup>[1]</sup>	40
<b>4</b>	Interior side yard, minimum (feet)	8	25
<b>5</b>	Street side yard, minimum (feet)	25 <sup>[1]</sup>	25
<b>6</b>	Rear yard, minimum (feet)	35 <sup>[1]</sup>	40

**NOTES:**

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



### E. Reference to Other Standards

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



**Sec. 24-3313. R-5A General Residence District**

---

**A. Purpose**

The purpose of the R-5A General Residence District is to provide for a range of housing types in a medium-density setting. Allowed uses include:

- Single-family dwellings on lots of 5,625 sq. ft., which may be detached, attached, or located on a zero lot line;
- Duplexes on lots of 11,250 sq. ft.; and
- Supporting institutional, recreational, and public facilities and uses.

**B. Concept**



**C. Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

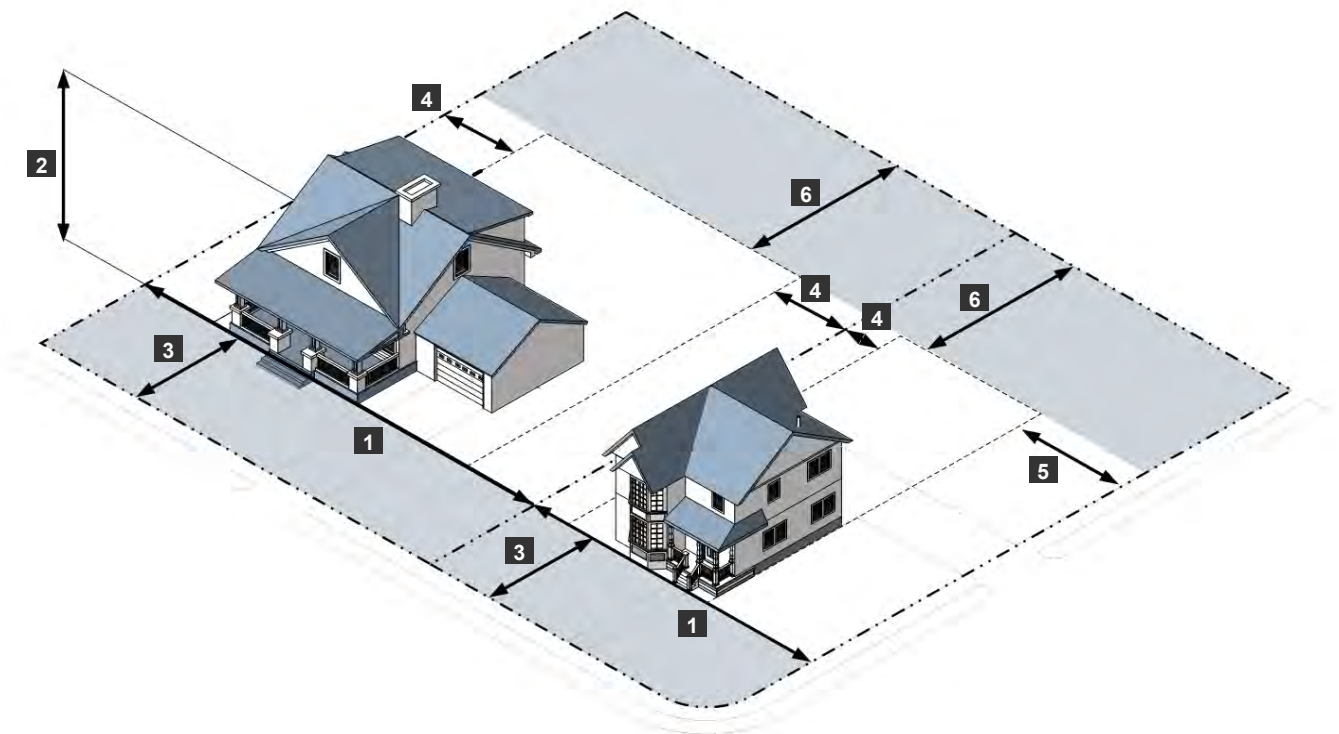
### D. R-5A District Dimensional Standards

Standard	Single-family Dwelling	Duplex	All other uses
Density, maximum (du/ac)	6.0	n/a	n/a
Lot area, minimum (square feet)	5,625	11,250	20,000
<b>1</b> Lot width, minimum (feet)	50	80	100
<b>2</b> Structure height, maximum (feet)	40	40	45
<b>3</b> Front yard, minimum (feet)	15/25/35 <sup>[1][2]</sup>	35 <sup>[2]</sup>	40
<b>4</b> Interior side yard, minimum (feet)	8/12/16 <sup>[3]</sup>	12	20
<b>5</b> Street side yard, minimum (feet)	25 <sup>[2]</sup>	25	20
<b>6</b> Rear yard, minimum (feet)	35 <sup>[2]</sup>	35 <sup>[2]</sup>	35

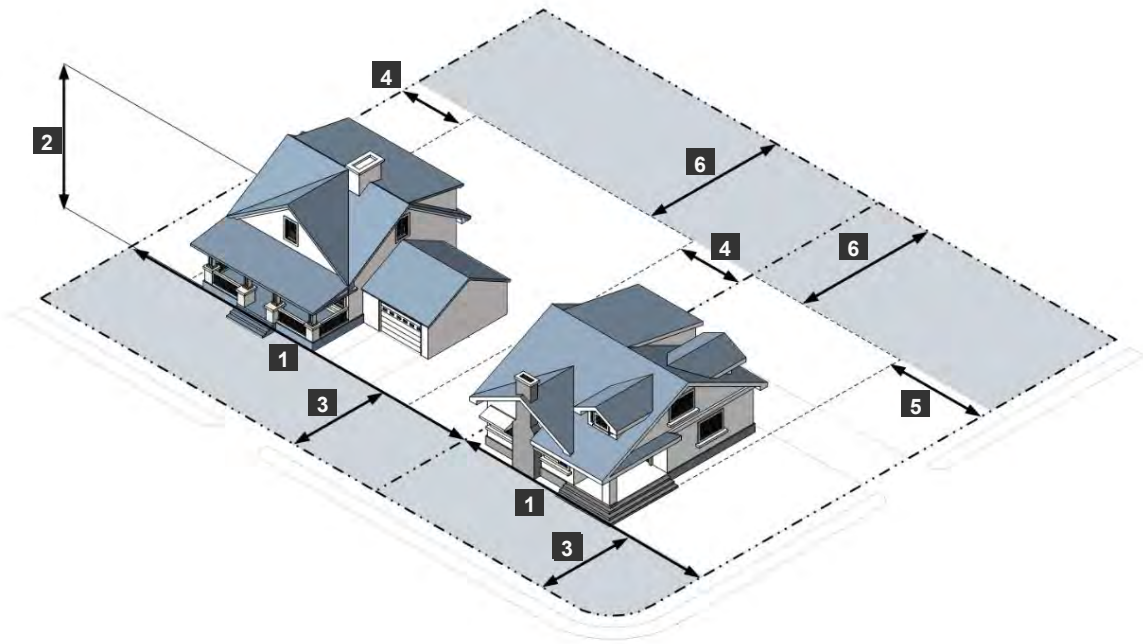
**NOTES:**

- [1] The minimum front yard depth is 15 feet from project drives and walkways, 25 feet from secondary residential streets, and 35 feet from all other streets.
- [2] Additional minimum yard requirements apply if a yard is adjacent to specific roadways identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.
- [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.

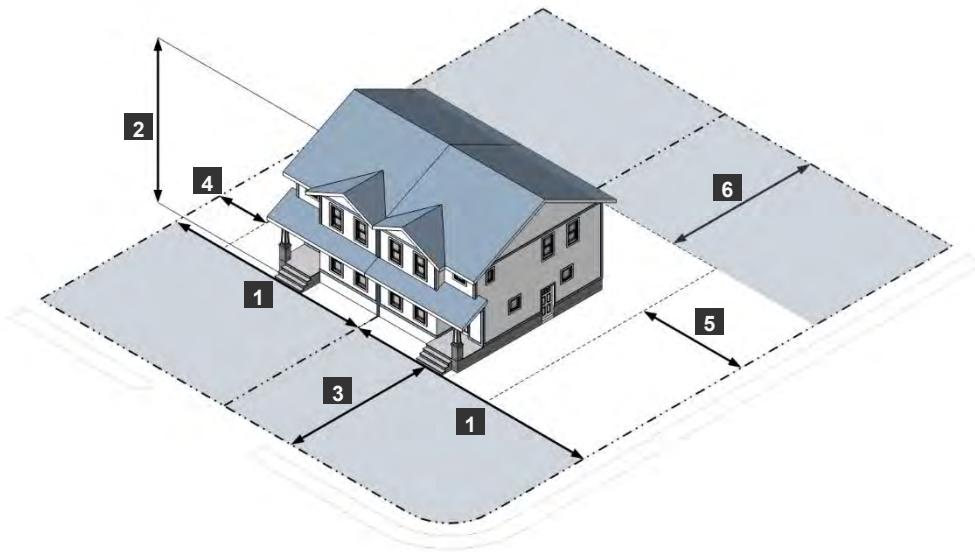
*Single-family detached dwelling*



*Single-family dwelling, zero lot line*

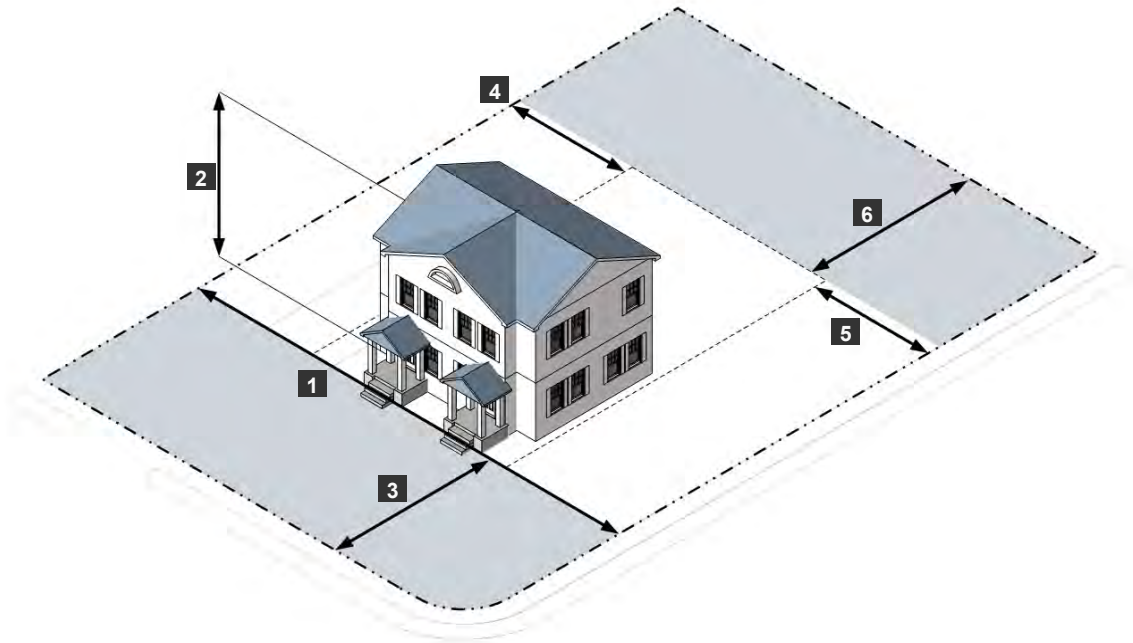


*Single-family attached dwelling*





*Duplex dwelling*



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions

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

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**A. Purpose**

The purpose of the R-5 General Residence District is to provide for townhouses and multifamily housing. Allowed uses include:

- Townhouses at a density of 12 units per acre;
- Multifamily dwellings at a density of 14.5 units per acre; and
- Supporting institutional, recreational, and public facilities and uses.

**B. Concept**



**C. Use Standards**

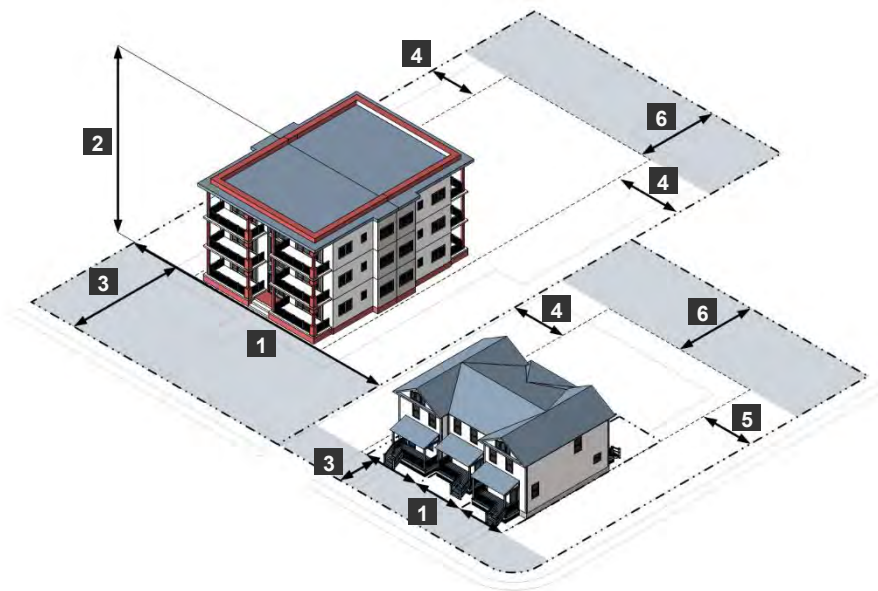
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### D. R-5 District Dimensional Standards

Standard	Townhouse	Multifamily	All other uses
Density, maximum (du/ac)	12.0	14.5	n/a
Lot area, minimum (square feet)	1,260	12,000	16,000
<b>1</b> Lot width, minimum (feet)	18	100	100
<b>2</b> Structure height, maximum (feet)	45 <sup>[1]</sup>	45 <sup>[1]</sup>	45 <sup>[1]</sup>
<b>3</b> Front yard, minimum (feet)	15/25/35 <sup>[2][4]</sup>	35	35
<b>4</b> Interior side yard, minimum (feet)	n/a	25	20
<b>5</b> Street side yard, minimum (feet)	20 <sup>[3][4]</sup>	25	20
<b>6</b> Rear yard, minimum (feet)	30 <sup>[4]</sup>	30	35

**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] The minimum front yard depth is 15 feet from project drives and walkways, 25 feet from secondary residential streets, and 35 feet from all other streets.
- [3] Applies only on the periphery of the development.
- [4] Additional minimum yard requirements apply if a yard is adjacent to specific roadways identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



### E. Reference to Other Standards

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



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

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**A. Purpose**

The purpose of the R-6 General Residence District is to provide for townhouses, multifamily housing, which can contain commercial uses in lower floors, and other limited commercial uses. Allowed uses include:

- Townhouses at a density of 12 units per acre;
- Multifamily dwellings at a density of 19.8 units per acre, or as otherwise specified in a master planned community;
- Commercial uses primarily in lower floors of multifamily dwellings;
- Assisted living, nursing care; and
- Supporting institutional, recreational, and public facilities and uses.

**B. Concept**



**C. Use Standards**

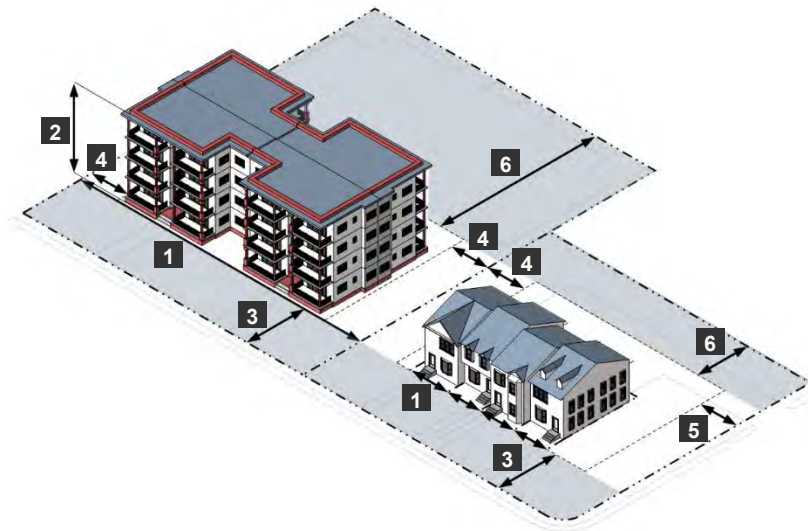
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations. Commercial uses may be established only in accordance with Sec. 24-4315.C.

### D. R-6 District Dimensional Standards

Standard	Townhouse	Multifamily	All other uses
Density, maximum (du/ac)	12.0	19.8 <sup>[1]</sup>	n/a
Lot area, minimum (square feet)	1,260	40,000	16,000
<b>1</b> Lot width, minimum (feet)	18	150	100
<b>2</b> Structure height, maximum (feet)	45 <sup>[2]</sup>	110 <sup>[2]</sup>	45 <sup>[2]</sup>
<b>3</b> Front yard, minimum (feet)	15/25/35 <sup>[3][4][5]</sup>	35 <sup>[4][5]</sup>	35 <sup>[5]</sup>
<b>4</b> Interior side yard, minimum (feet)	n/a <sup>[5]</sup>	25 <sup>[5]</sup>	20 <sup>[5]</sup>
<b>5</b> Street side yard, minimum (feet)	20 <sup>[4][5][6]</sup>	25 <sup>[5]</sup>	20 <sup>[5]</sup>
<b>6</b> Rear yard, minimum (feet)	30 <sup>[4]</sup>	30 <sup>[4]</sup>	30

**NOTES:**

- [1] The Board of Supervisors may approve a higher maximum density in a master planned community in accordance with Sec. 24-4315.C.
- [2] The Board of Supervisors may approve a building or structure height up to 200 feet in accordance with Sec. 24-2306, Provisional Use Permit.
- [3] The minimum front yard depth is 15 feet from project drives and walkways, 25 feet from secondary residential streets, and 35 feet from all other streets.
- [4] Additional minimum yard requirements apply if a yard is adjacent to specific roadways identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.
- [5] The Board of Supervisors may approve reduced minimum setbacks in a master planned community in accordance with Sec. 24-4315.C.
- [6] Applies only on the periphery of the development.



### E. Reference to Other Standards

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



**Sec. 24-3316. RTH Residential Townhouse District**

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**A. Purpose**

The purpose of the RTH Residential Townhouse District is to provide residential areas where townhouses are the predominant pattern of residential development. Allowed uses include:

- Townhouses at a density of 12 units per acre;
- Multifamily dwellings at a density of nine units per acre; and
- Supporting institutional, recreational, and public facilities and uses.

**B. Concept**



**C. Use Standards**

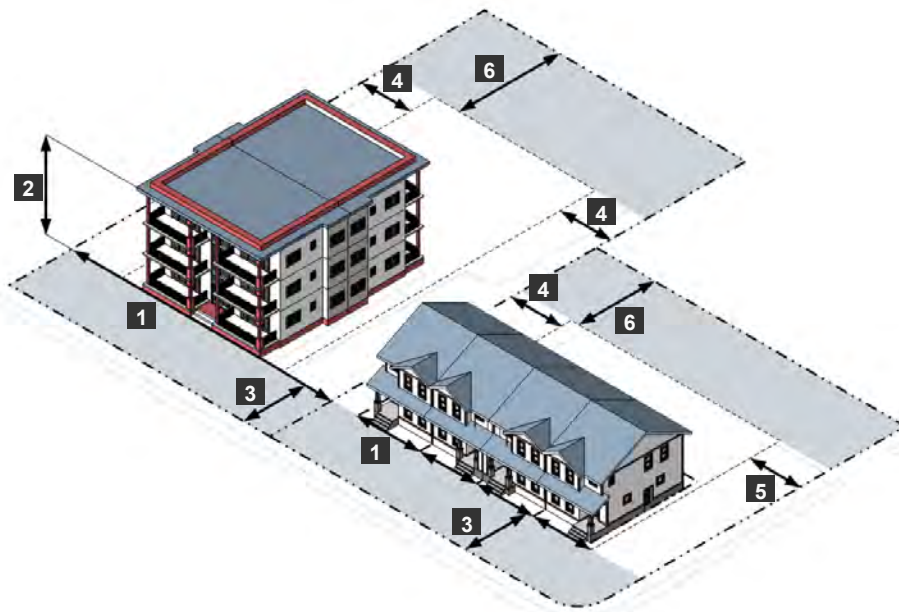
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### D. RTH District Dimensional Standards

Standard	Townhouse	Multifamily	All other uses
Density, maximum (du/ac)	12.0	9.0	n/a
Lot area, minimum (square feet)	1,260	12,000	20,000
<b>1</b> Lot width, minimum (feet)	18	100	100
<b>2</b> Structure height, maximum (feet)	45 <sup>[1]</sup>	45 <sup>[1]</sup>	45 <sup>[1]</sup>
<b>3</b> Front yard, minimum (feet)	15/25/35 <sup>[2]</sup>	15/25/35 <sup>[2]</sup>	40
<b>4</b> Interior side yard, minimum (feet)	n/a	25	20
<b>5</b> Street side yard, minimum (feet)	20 <sup>[3][4]</sup>	25 <sup>[3][4]</sup>	20
<b>6</b> Rear yard, minimum (feet)	30 <sup>[4]</sup>	30 <sup>[4]</sup>	40

**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] The minimum front yard depth is 15 feet from project drives and walkways, 25 feet from secondary residential streets, and 35 feet from all other streets.
- [3] Applies only on the periphery of the development.
- [4] Additional minimum yard requirements apply if a yard is adjacent to specific roadways identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



### E. Reference to Other Standards

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions





## DIVISION 4. NONRESIDENTIAL AND MIXED-USE DISTRICTS

### **Sec. 24-3401. General Purpose of Nonresidential and Mixed-Use Districts**

The purpose and intent of the Nonresidential and Mixed-use base zoning districts established in this division is to:

- A.** Provide appropriately located lands for the full range of business uses needed by the residents, businesses, and workers of the County, consistent with the policies of the comprehensive plan;
- B.** Strengthen the County’s economic base;
- C.** Create suitable environments for mixed-use developments that include business, office, retail, and residential development designed and integrated for compatibility, pedestrian-friendliness, and protection of sensitive natural features;
- D.** Encourage mixing of uses vertically within buildings in targeted areas;
- E.** Encourage high-quality design of the built environment and public spaces;
- F.** Ensure that new nonresidential and mixed-use development is designed to minimize potential negative impacts on surrounding residential areas; and
- G.** Accommodate new infill development and redevelopment that is consistent with the policies of the comprehensive plan and appropriate for the context and the character of the district in which it is located.

### **Sec. 24-3402. Established Nonresidential and Mixed-Use Districts**

The Nonresidential and Mixed-use base zoning districts established by this Ordinance are identified in Table 3402: Established Nonresidential and Mixed-use Base Zoning Districts.

Table 3402: Established Nonresidential and Mixed-use Base Zoning Districts
CMU Community Mixed-Use District (Sec. 24-3403)
O-1 Office District (Sec. 24-3404)
O-2 Office District (Sec. 24-3405)
O-3 Office District (Sec. 24-3406)
O/S Office Service District (Sec. 24-3407)
B-1 Business District (Sec. 24-3408)
B-2 Business District (Sec. 24-3409)
B-3 Business District (Sec. 24-3410)
M-1 Light Industrial District (Sec. 24-3411)
M-2 General Industrial District (Sec. 24-3412)
M-3 Heavy Industrial District (Sec. 24-3413)

## Article 3 Zoning Districts

### Division 4. Nonresidential and Mixed-Use Districts

## Sec. 24-3403. CMU Community Mixed-Use District

### A. Purpose

The purpose of the CMU Community Mixed-Use District is to increase available housing options while creating an enhanced pedestrian environment in which residential, commercial, cultural, institutional, or entertainment uses are physically and functionally integrated. Uses may be mixed horizontally (on adjacent lots), vertically (within the same building), or both.

The CMU base zoning district is distinguished from the UMU Planned Development District in that the base zoning district does not require the master plan, terms and conditions, and other documentation required for rezoning to a planned development district. Allowed uses include:

- Townhouses and multifamily dwellings (other dwelling types by provisional use permit);
- Commercial and office uses; and
- Cultural or educational facilities.

### B. Concept



### C. Use Standards

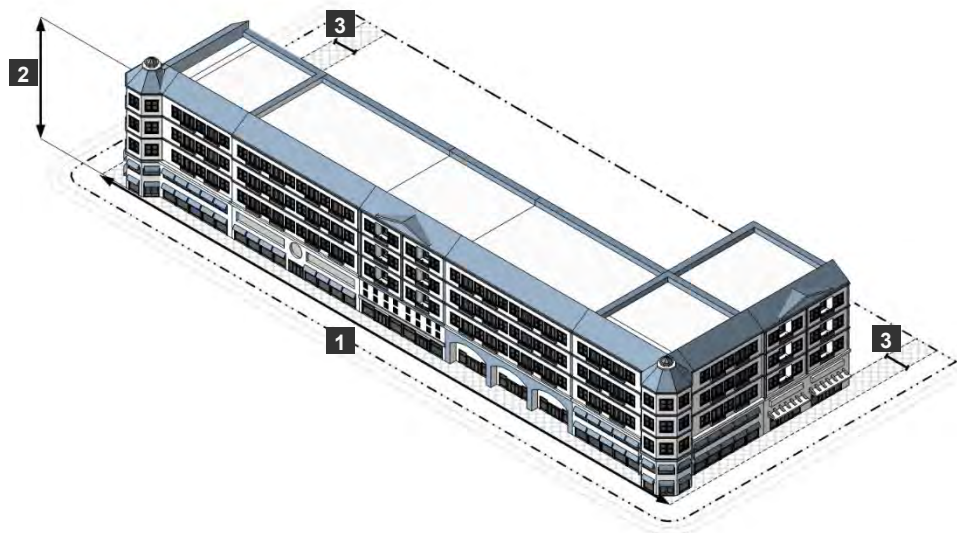
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

### D. CMU District Dimensional and Intensity Standards

Standard	Townhouse	Other Uses
Lot area, minimum (sf) <sup>[1]</sup>	1,000	1,500
<b>1</b> Lot width, minimum (feet) <sup>[1]</sup>	16	20
<b>2</b> Structure height, maximum (feet)	60 <sup>[2]</sup>	60 <sup>[2]</sup>
Density, minimum   maximum (du/ac) <sup>[3]</sup>	10   40	10   40
Lot coverage, minimum   maximum (% of net lot area)	50   100	65   100
<b>3</b> Front build-to zone boundaries, minimum   maximum (feet) <sup>[4]</sup>	12   30	12   30
Building width in front build-to zone, minimum (% of lot width) <sup>[5]</sup>	70	70
Front yard, minimum (feet)	0	0
Interior side yard, minimum (feet)	0	0
Rear yard, minimum (feet)	0	0

NOTES:

- [1] The Board of Supervisors may approve lot area and width requirements for single-family and duplex dwellings in accordance with Sec. 24-2306, Provisional Use Permit.
- [2] The Board of Supervisors may approve a building or structure height up to 200 feet in accordance with Sec. 24-2306, Provisional Use Permit.
- [3] Applicable to residential development and the residential component of mixed-use development.
- [4] The area between the minimum and maximum build-to zone boundaries that extends the width of the lot constitutes the build-to zone. The maximum front build-to zone boundary may be increased to 45 feet where civic spaces or outdoor dining areas are located, provided, such an increase is allowed along a maximum of 25 percent of the front lot line.
- [5] Buildings must be located such that the façades occupy the minimum percentage of the front build-to zone. The remaining build-to zone width may be occupied by outdoor gathering spaces, walkways, landscaped areas, stormwater management facilities, or driveways or surface parking (subject to Article 5, Division 1).



### E. Other District Standards

**1. Minimum Area for Rezoning**

The minimum contiguous area for lands to be classified to the CMU District is 12 acres. An area containing less than 12 acres may be reclassified to the CMU District

## Article 3 Zoning Districts

### Division 4. Nonresidential and Mixed-Use Districts

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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.

#### 2. Minimum Amount of Mixed-Use Development

(a) Except as exempted in accordance with subsection (b) below, no development will be approved in the CMU District unless a minimum of 20 percent of development consists of residential uses and a minimum of 20 percent consists of nonresidential uses. For the purpose of this provision, percentages will be measured including development on the site and, at the option of the applicant, development within 1/4 mile of the site, based on the floor area of the use.

(b) The body reviewing the development application may exempt a proposed development from this requirement if the applicant demonstrates, through economic or market studies prepared by a qualified professional, that the market will not reasonably support the required mix of uses on or within 1/4 mile of the site.

#### 3. Building Orientation

The front façade of all buildings, as defined by the primary entrance, must face a street or a courtyard, plaza, or similar open space.

#### 4. Connectivity

(a) The internal vehicular and pedestrian circulation systems of development must be designed in coordination with any existing or allowable future development on adjoining lots.

(b) Easements allowing vehicular or pedestrian cross-access between adjoining lots, along with agreements defining maintenance responsibilities of the property owners, must be recorded in the land records.

#### 5. Pedestrian Access and Circulation

(a) Sidewalks must be provided on both sides of every street. Each sidewalk must have a minimum width of seven feet along arterial and collector roads and a minimum width of five feet along other streets, exclusive of any outdoor dining, display, or vending area. In addition, street trees must be provided that are spaced between 35 and 45 feet on center, unless otherwise approved by the Planning Director to avoid utility conflicts or to ensure the visibility of major design features. Street trees must be located adjacent to any existing or proposed roadway in either a planting strip or tree well. Planting strips and tree wells must be at least five feet wide in the narrowest dimension.

(b) At least one walkway must be provided from an adjacent sidewalk to each building entrance designed for use by the general public that is located on the side of the building facing the sidewalk.

#### 6. Off-Street Parking

##### (a) *Reduced Minimum Vehicle Parking Space Requirements*

The minimum required number of off-street vehicle parking spaces for mixed-use development must be 70 percent of the minimum requirements in Sec. 24-5110, Minimum Number of Off-Street Parking Spaces, subject to any alternative parking plan or parking reductions approved in accordance with Sec. 24-5115, Off-Street Parking Alternative Parking

Plans, and Sec. 24-5120, Reduced Parking Standards for Parking Demand Reduction Strategies.

*(b) Maximum Off-Street Vehicle Parking Spaces*

The number of off-street surface vehicle parking spaces must not exceed 125 percent of the minimum requirements in Sec. 24-5110, Minimum Number of Off-Street Parking Spaces, in structured parking facilities do not count toward the maximum allowed, subject to any alternative parking plan approved in accordance with Sec. 24-5120, Reduced Parking Standards for Parking Demand Reduction Strategies.

*(c) Location*

All proposed new or expanded surface vehicle parking must be located to **the rear or side of the development’s principal building(s), or in a parking structure** built in accordance with Sec. 24-4320.B, Parking Structure. Parking may be provided along the street (on-street parking), subject to the approval of the County Engineer or VDOT, as appropriate.

*(d) Break-Up of Large Parking Lots*

Each surface parking lot with more than 100 parking spaces must be organized into smaller modules that contain 50 or fewer spaces each and are separated by buildings, pedestrian walkways, or landscaped areas in accordance with the Article 5, Division 3, Landscaping and Tree Protection.

*(e) Pedestrian Walkways Through Parking Areas*

Each vehicle parking lot or structure containing more than 50 parking spaces must provide clearly identified ADA accessible pedestrian routes between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas. Such pedestrian routes must be designed and located to minimize the exposure of pedestrians to vehicular traffic.

*(f) Parking Structures*

Where the façade of a parking structure abuts or faces a street frontage, the façade must be articulated by windows, masonry columns, decorative insets and projections, awnings, changes in color or texture, or similar decorative features that break up the vertical plane.

**7. Utility Lines**

All new utility lines such as electric, telephone, CATV, or other similar lines must be installed underground, in conduit and in duct banks where practical. This requirement applies to lines serving individual sites as well as to other necessary utility lines within the district. All junction and access boxes must be screened with appropriate landscaping.

**F. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation

## Article 3 Zoning Districts

### Division 4. Nonresidential and Mixed-Use Districts

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Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions





## Article 3 Zoning Districts

### Division 4. Nonresidential and Mixed-Use Districts

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#### **Sec. 24-3404. O-1 Office District**

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##### **A. Purpose**

The purpose of the O-1 Office District is to provide lands primarily for offices and office buildings that are generally compatible with low-density residential development. Allowed uses include:

- Offices (including medical), artist studios, and professional services;
- Limited retail uses such as financial institutions; and
- Childcare and adult care.

##### **B. Concept**



##### **C. Use Standards**

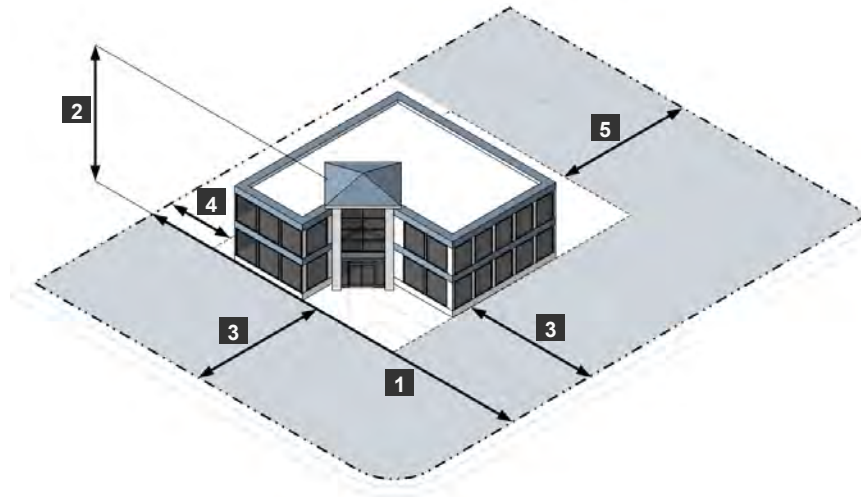
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**D. O-1 District Dimensional Standards**

Standard	All Uses
Lot area, minimum (sf)	16,000
<b>1</b> Lot width, minimum (feet)	100
<b>2</b> Structure height, maximum (feet)	45
<b>3</b> Front yard, minimum (feet) <sup>[1]</sup>	40
<b>4</b> Interior side yard, minimum (feet)	20
<b>5</b> Rear yard, minimum (feet)	40

NOTES:

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



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



## Article 3 Zoning Districts

### Division 4. Nonresidential and Mixed-Use Districts

## Sec. 24-3405. O-2 Office District

### A. Purpose

The purpose of the O-2 Office District is to provide lands primarily for offices, office buildings and limited retail uses that are generally compatible with medium-density residential development. Allowed uses include:

- Offices including medical, artist studios, and professional services;
- Limited retail such as financial institutions, restaurants, and drug stores;
- Childcare and adult care; and
- Hospitals.

### B. Concept



### C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

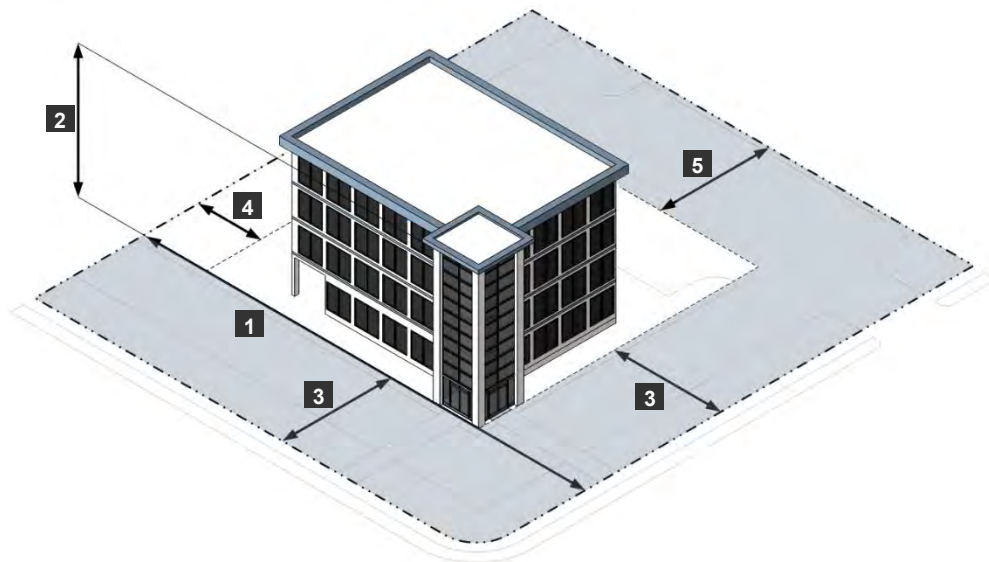
**D. O-2 District Dimensional Standards**

Standard	All Uses
Lot area, minimum (sf)	16,000
<b>1</b> Lot width, minimum (feet)	100
<b>2</b> Structure height, maximum (feet)	45 <sup>[1]</sup>
<b>3</b> Front yard, minimum (feet) <sup>[2]</sup>	35
<b>4</b> Interior side yard, minimum (feet)	20
<b>5</b> Rear yard, minimum (feet)	35

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 front lot lines** (see definition of "lot line, front" in Article 8, Division 5. General Definitions).



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



## Article 3 Zoning Districts

### Division 4. Nonresidential and Mixed-Use Districts

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#### **Sec. 24-3406. O-3 Office District**

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##### **A. Purpose**

The purpose of the O-3 Office District is to provide lands primarily for offices, office buildings and limited retail uses that are generally compatible with higher-density residential development and served by arterial thoroughfares. Allowed uses include:

- Offices including medical, artist studios, and professional services;
- Limited retail such as financial institutions, restaurants, drug stores, theaters, convenience stores;
- Childcare and adult care, hospitals, and funeral homes;
- Data centers;
- Trade schools; and
- Hotels

##### **B. Concept**



##### **C. Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.



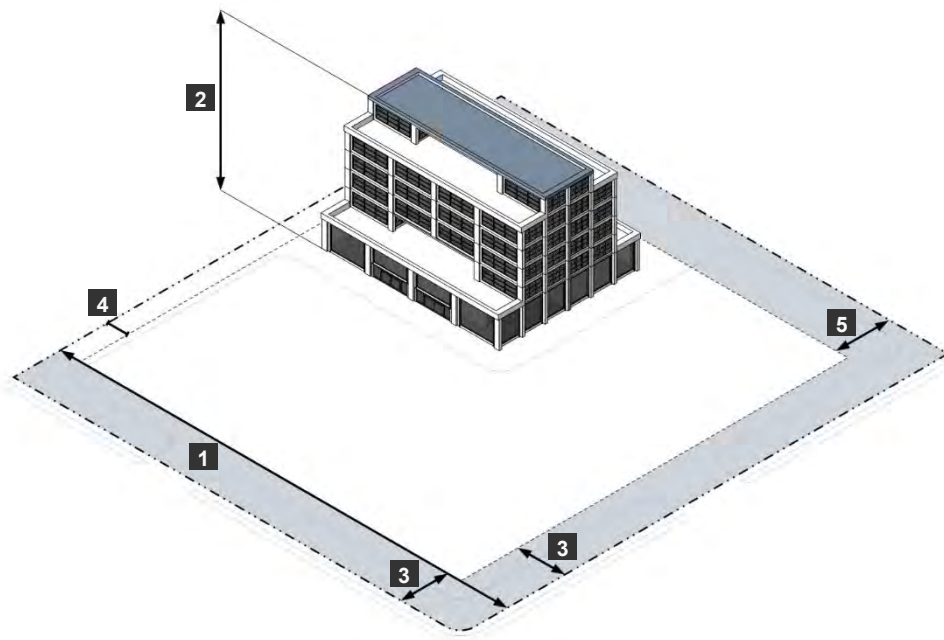
**D. O-3 District Dimensional Standards**

Standard	All Uses
Lot area, minimum (sf)	25,000
<b>1</b> Lot width, minimum (feet)	100
<b>2</b> Structure height, maximum (feet)	110 <sup>[1]</sup>
<b>3</b> Front yard, minimum (feet) <sup>[2]</sup>	35
<b>4</b> Interior side yard, minimum (feet)	15
<b>5</b> Rear yard, minimum (feet)	40

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 front lot lines** (see definition of "lot line, front" in Article 8, Division 5. General Definitions).



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions

## Article 3 Zoning Districts

### Division 4. Nonresidential and Mixed-Use Districts

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## Sec. 24-3407. O/S Office Service District

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### A. Purpose

The purpose of the O/S Office Service District is to provide lands for the development of office uses in combination with appropriate retail, service, and light industrial uses. Development in the district will occur within a distinct and planned environment under unified control and operational standards. Allowed uses include:

- Offices;
- Childcare and adult care;
- Trade Schools;
- Hotel;
- Limited retail such as financial institutions, restaurants, drug stores, theaters, convenience stores;
- Light industrial, manufacturing, and warehousing.

### B. Concept



### C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

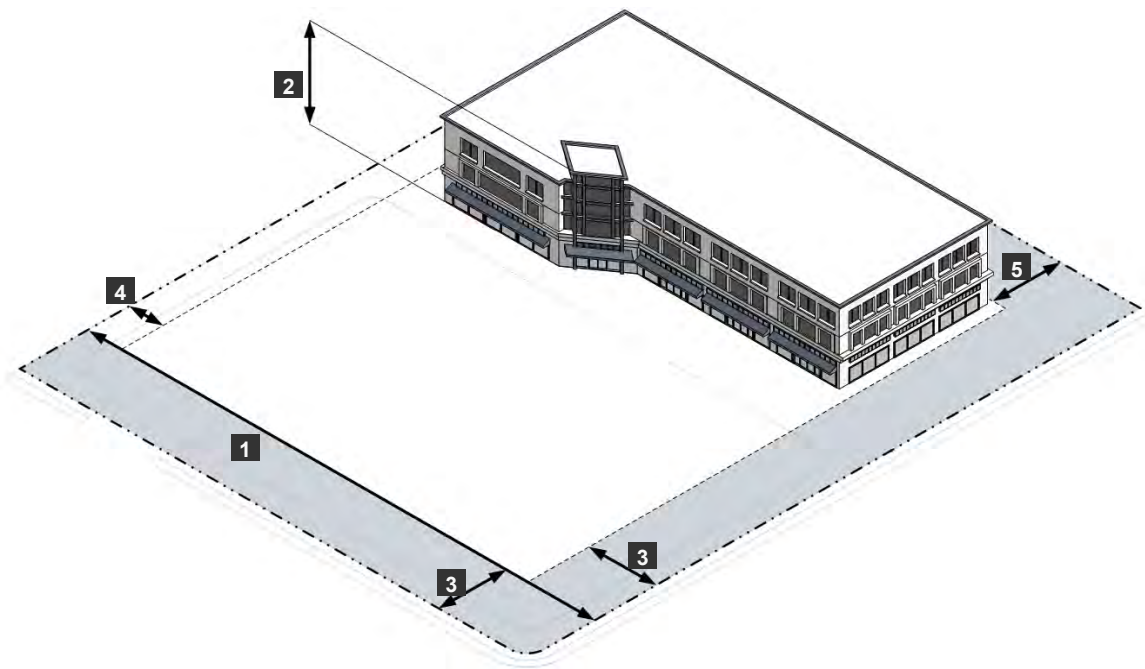
**D. O/S District Dimensional Standards**

Standard	All Uses
Lot area, minimum (acres)	1
<b>1</b> Lot width, minimum (feet)	100
<b>2</b> Structure height, maximum (feet)	110 <sup>[1]</sup>
<b>3</b> Front yard, minimum (feet) <sup>[2]</sup>	40
<b>4</b> Interior side yard, minimum (feet)	20
<b>5</b> Rear yard, minimum (feet)	40

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 front lot lines** (see definition of "lot line, front" in Article 8, Division 5. General Definitions).



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



## Article 3 Zoning Districts

### Division 4. Nonresidential and Mixed-Use Districts

#### **Sec. 24-3408. B-1 Business District**

##### **A. Purpose**

The purpose of the B-1 Business District is to provide lands primarily for low-intensity retail and personal service uses that serve the needs of relatively small land areas. Within the district, the height of buildings and size of certain uses, as well as permitted hours of operation, are limited to enhance the neighborhood character of the district, its function of neighborhood service, and its compatibility with surrounding residential uses. Allowed uses include:

- Offices;
- Retail uses; and
- Live/Work dwellings.

##### **B. Concept**



##### **C. Use Standards**

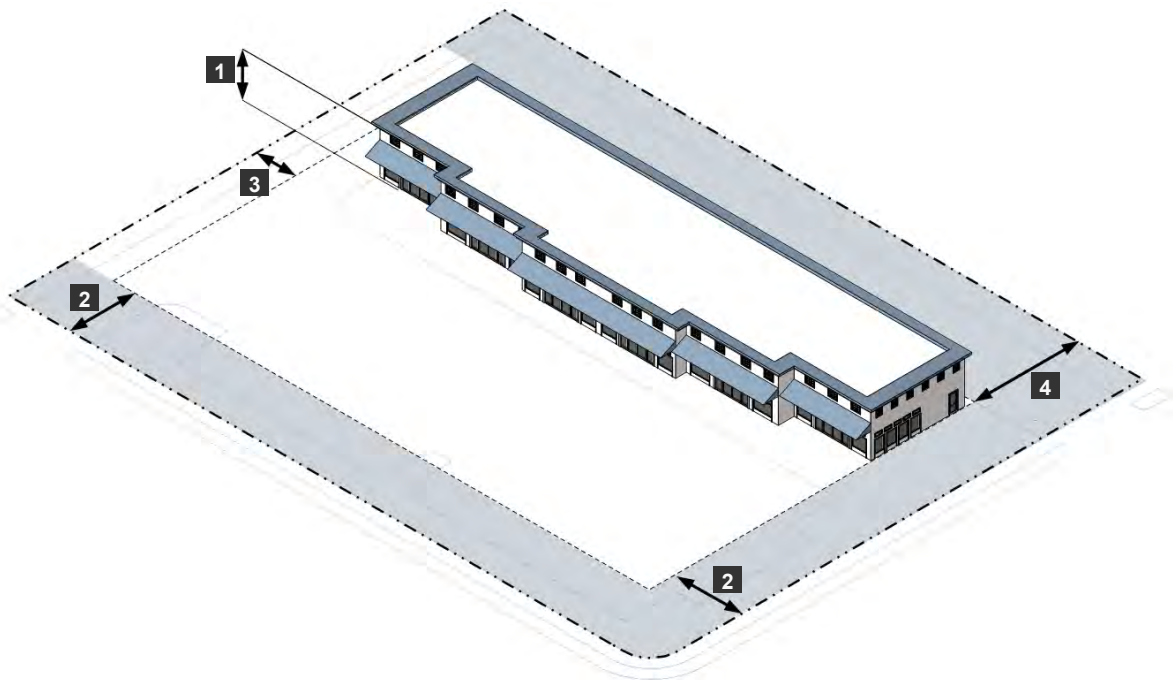
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**D. B-1 District Dimensional Standards\***

	Standard	All Uses
1	Structure height, maximum (feet)	45 <sup>[1]</sup>
2	Front yard, minimum (feet) <sup>[2]</sup>	25
3	Interior side yard, minimum (feet)	0/15 <sup>[3]</sup>
4	Rear yard, minimum (feet)	40 <sup>[4]</sup>

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 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 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 building 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.



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



## Article 3 Zoning Districts

### Division 4. Nonresidential and Mixed-Use Districts

## Sec. 24-3409. B-2 Business District

### A. Purpose

The purpose of the B-2 Business District is to provide lands primarily for community shopping, recreational, and service activities generally serving a community of several neighborhoods and appropriately located on major collector or arterial roadways. Allowed uses include:

- Offices;
- Retail uses;
- Drive-thru and specialty restaurants;
- Automotive filling stations; and
- Live/Work dwellings.

### B. Concept



### C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

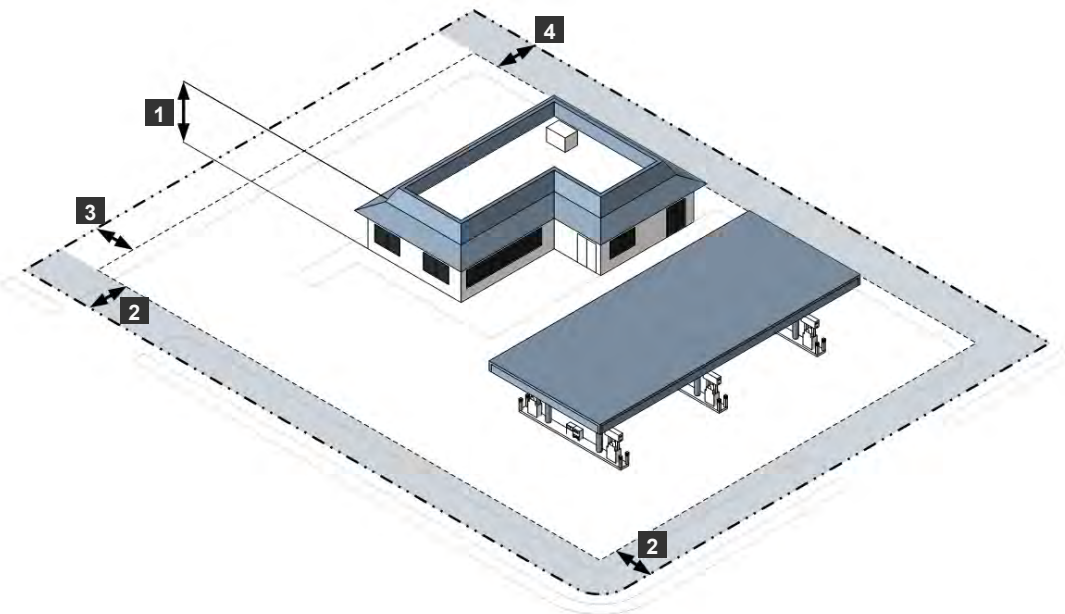


**D. B-2 District Dimensional Standards**

	Standard	All Uses
1	Structure height, maximum (feet)	45 <sup>[1]</sup>
2	Front yard, minimum (feet) <sup>[2]</sup>	15
3	Interior side yard, minimum (feet)	0/15 <sup>[3]</sup>
4	Rear yard, minimum (feet)	40 <sup>[4]</sup>

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 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 minimum rear yard requirement may be satisfied in either the rear yard or the interior side yard.



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions

## Article 3 Zoning Districts

### Division 4. Nonresidential and Mixed-Use Districts

## Sec. 24-3410. B-3 Business District

### A. Purpose

The purpose of the B-3 Business District is to provide a mix of commercial, automotive, and recreational activities that are located appropriately on arterial roadways. Allowed uses include:

- Offices;
- Retail uses;
- Drive-thru and specialty restaurants;
- Automobile sales, rental, repair, and service;
- Live/Work dwellings;
- Theaters, arenas, stadiums, and sports parks; and
- Kennels.

### B. Concept



### C. Use Standards

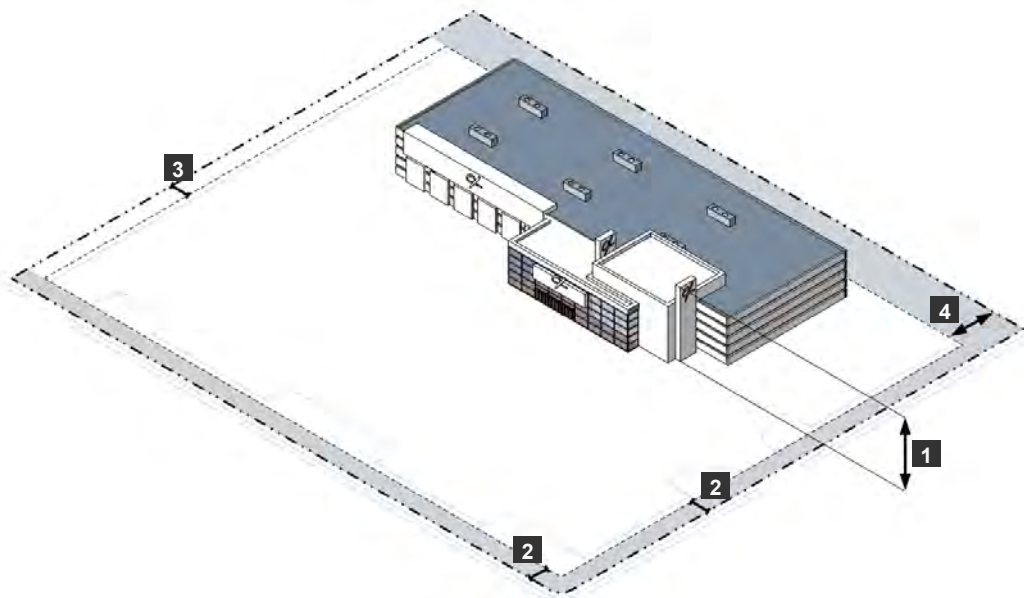
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**D. B-3 District Dimensional Standards**

	Standard	All Uses
1	Structure height, maximum (feet)	110 <sup>[1]</sup>
2	Front yard, minimum (feet) <sup>[2]</sup>	15
3	Interior side yard, minimum (feet)	0/15 <sup>[3]</sup>
4	Rear yard, minimum (feet)	40 <sup>[4]</sup>

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 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 minimum rear yard requirement may be satisfied in either the rear yard or the interior side yard.



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



## Article 3 Zoning Districts

### Division 4. Nonresidential and Mixed-Use Districts

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

### A. Purpose

The purpose of the M-1 Light Industrial District is to provide lands for a variety of commercial uses and manufacturing, fabricating, and warehousing activities that only produce minimal odors, noises, and similar adverse impacts on nearby lands. To ensure minimal adverse impacts, many industrial activities are only allowed if conducted within enclosed buildings. Allowed uses include:

- Light manufacturing;
- Laboratories;
- Warehouses; and
- Recycling.

### B. Concept



### C. Use Standards

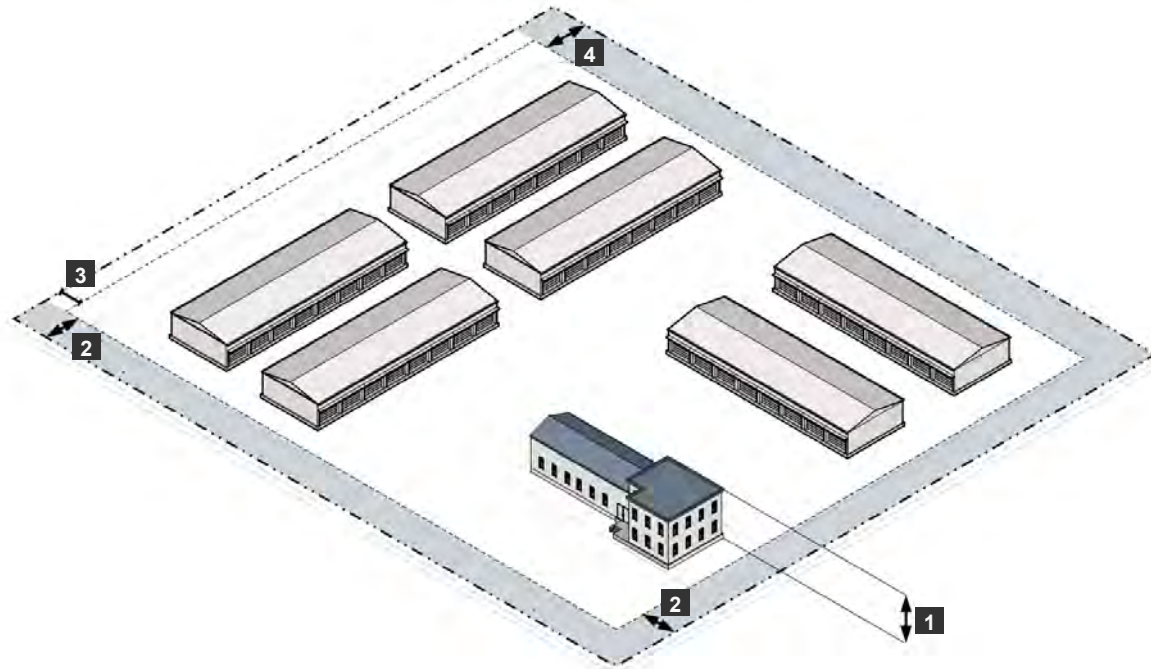
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**D. M-1 District Dimensional Standards**

	Standard	All Structures
<b>1</b>	Structure height, maximum (feet)	110 <sup>[1]</sup>
<b>2</b>	Front yard, minimum (feet) <sup>[2]</sup>	25
<b>3</b>	Interior side yard, minimum (feet)	0/15 <sup>[3]</sup>
<b>4</b>	Rear yard, minimum (feet)	30 <sup>[4]</sup>

NOTES:

- [1] 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 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 minimum rear yard requirement may be satisfied in either the rear yard or the interior side yard.



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



## Article 3 Zoning Districts

### Division 4. Nonresidential and Mixed-Use Districts

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

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### A. Purpose

The purpose of the M-2 General Industrial District is to provide lands for a variety of commercial uses and manufacturing, fabricating, and warehousing activities that have the potential to produce low to moderate levels of odor, noise, and similar adverse impacts on nearby lands. To minimize adverse impacts on adjacent lands, many uses are allowed only if they are located a minimum distance from adjacent Residential zoning districts. Allowed uses include:

- Manufacturing;
- Laboratories;
- Warehouses; and
- Recycling.

### B. Concept



### C. Use Standards

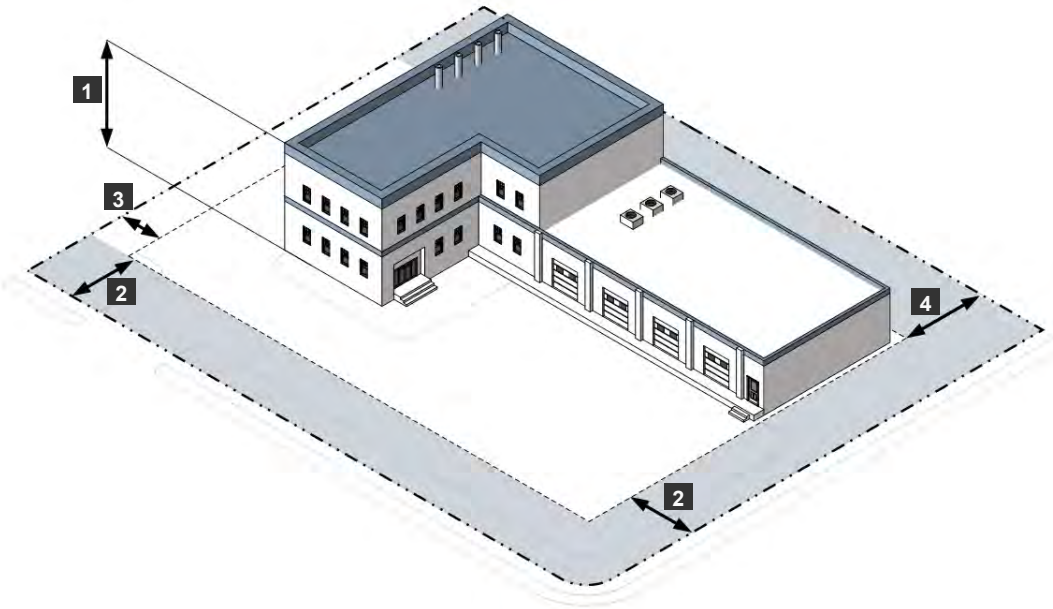
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**D. M-2 District Dimensional Standards**

	Standard	All Structures
1	Structure height, maximum (feet)	110 <sup>[1]</sup>
2	Front yard, minimum (feet) <sup>[2]</sup>	25
3	Interior side yard, minimum (feet)	0/15 <sup>[3]</sup>
4	Rear yard, minimum (feet)	30 <sup>[4]</sup>

NOTES:

- [1] 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 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 minimum rear yard requirement may be satisfied in either the rear yard or the interior side yard.



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions



## Article 3 Zoning Districts

### Division 4. Nonresidential and Mixed-Use Districts

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

### A. Purpose

The purpose of the M-3 Heavy Industrial District is to provide lands that accommodate intense industrial development that is important to the County's economy **but may adversely impact** surrounding lands. To minimize adverse impacts on nearby lands, many uses are allowed only if they are located a minimum distance from adjacent Residential zoning districts. Allowed uses include:

- Heavy Manufacturing;
- Laboratories;
- Warehouses; and
- Recycling.

### B. Concept



### C. Use Standards

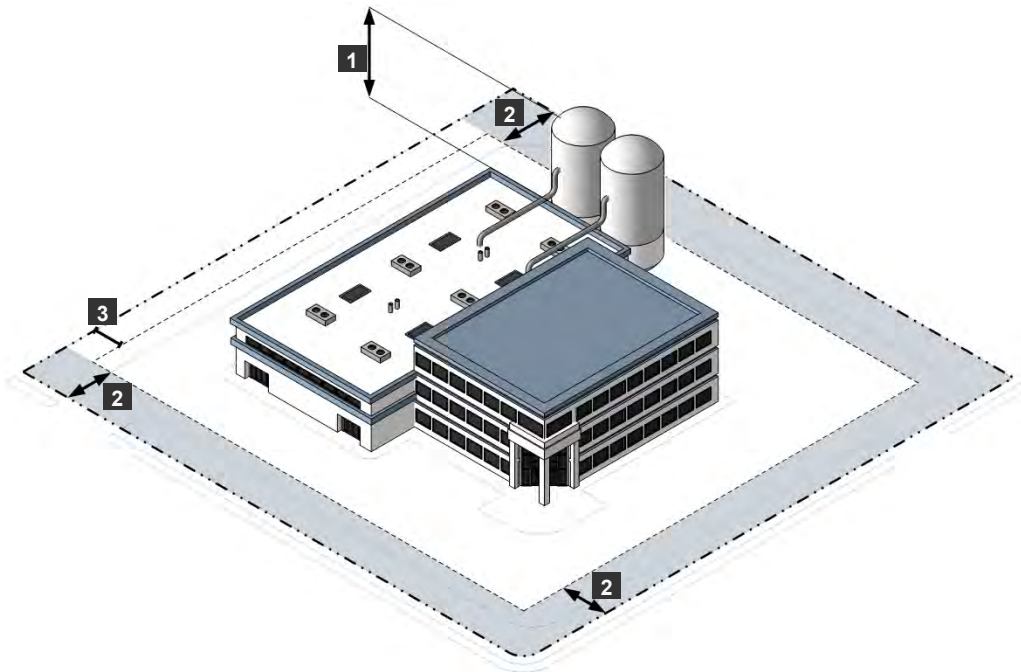
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**D. M-3 District Dimensional Standards**

	Standard	All Structures
1	Structure height, maximum (feet)	110 <sup>[1]</sup>
2	Front yard, minimum (feet) <sup>[2]</sup>	25
3	Interior side yard, minimum (feet)	0/15 <sup>[3]</sup>
4	Rear yard, minimum (feet)	30 <sup>[4]</sup>

NOTES:

- [1] 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 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 minimum rear yard requirement may be satisfied in either the rear or interior side yard.



**E. Reference to Other Standards**

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions

## Article 3 Zoning Districts

### Division 5. Planned Development Districts

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## DIVISION 5. PLANNED DEVELOPMENT DISTRICTS

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### ***Sec. 24-3501. Establishment of Planned Development Districts***

The planned development zoning districts established by this Ordinance are identified in Table 3501: Established Planned Development Zoning Districts.

Table 3501: Established Planned Development Districts

SMX-PD Suburban Residential Mixed Planned Development District (Sec. 24-3505)
TND-PD Traditional Neighborhood Development Planned Development District (Sec. 24-3506)
UMU-PD Urban Mixed-Use Planned Development District (Sec. 24-3507)
LI-PD Light Industrial Planned Development District (Sec. 24-3508)

### ***Sec. 24-3502. General Provisions for All Planned Development Districts***

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#### **A. General Purpose of Planned Development Zoning Districts**

The purpose of planned development zoning districts is to encourage innovative and efficient land planning and physical design concepts on large, unified sites. Planned development zoning districts are intended to:

1. Support high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and provision of public services;
2. Provide greater flexibility in selecting the form and design of development, the ways by which pedestrians and vehicular traffic circulate, the location and design of the development with respect to the natural features of the land and protection of the environment, the location and integration of open space and civic space into the development, and the provision of amenities;
3. Provide a well-integrated mix of nonresidential uses, residential dwelling types, lot sizes, and densities and intensities within the same development;
4. Allow more efficient use of land, with coordinated and right-sized networks of streets, utilities, and pedestrian connections, both within the development and to other developments nearby;
5. Encourage the provision of accessible and useable open space and recreational amenities within the development;
6. Promote development forms and patterns that respect the character of established surrounding neighborhoods and other land uses; and
7. Promote development forms that respect and take advantage of a site's natural and man-made features, such as rivers, lakes, wetlands, floodplains, trees, and historic and cultural resources.

#### **B. Classification of Land into a Planned Development Zoning District**

Land will be classified into a planned development zoning district only in accordance with the procedures and standards set forth in Sec. 24-2305, Planned Development.



## **C. Organization of Planned Development Zoning District Regulations**

Sec. 24-3502, General Provisions for All Planned Development Districts, Sec. 24-3503, PD Master Plan and Terms and Conditions, and Sec. 24-3504, General Development Standards, establish standards that apply to all planned development zoning districts. Sec. 24-3505, SMX-PD Suburban Residential Mixed Planned Development District; Sec. 24-3506, TND-PD Traditional Neighborhood Development Planned Development District; Sec. 24-3507, UMU-PD Urban Mixed-Use Planned Development District; and Sec. 24-3508, LI-PD Light Industrial Planned Development District, contain specific provisions and standards that apply to the respective types of planned development zoning districts.

### ***Sec. 24-3503. PD Master Plan and Terms and Conditions***

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Before approving a planned development zoning district, the Board of Supervisors must find that the application for the planned development zoning district classification, as well as the Planned Development Master Plan ("PD Master Plan") and Planned Development Terms and Conditions Document ("PD Terms and Conditions Document"), comply with the following standards.

#### **A. PD Master Plan**

As set forth in Sec. 24-2305, Planned Development, a PD Master Plan is a required component in the establishment of a planned development zoning district. The PD Master Plan must:

- 1.** Establish a statement of planning and development goals for the zoning district that is consistent with the comprehensive plan and purposes of the specific type of planned development zoning district;
- 2.** Establish the specific principal, accessory, and temporary uses permitted in the zoning district. Any use allowed in Sec. 24-4205, Principal Use Table, may be proposed for a planned development zoning district. They must align in the PD Master Plan in a way that conforms to the requirements, goals, and purpose of the individual planned development zoning district and the comprehensive plan;
- 3.** Establish the general location of each development area in the zoning district, types and mix of land uses, maximum number of residential units (by unit type), and maximum nonresidential floor area (by use type). The residential density and nonresidential intensity must be consistent with the purposes of the planned development zoning district and the specific requirements of the individual planned development zoning district;
- 4.** Establish the dimensional standards that apply in the individual planned development zoning district. The dimensional standards must be consistent with the requirements of the individual planned development zoning district, and its purposes;
- 5.** Where relevant, establish the standards and requirements that ensure development on the perimeter of the planned development zoning district is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character will be based on densities and intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas;
- 6.** Establish the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual planned development zoning district;

## Article 3 Zoning Districts

### Division 5. Planned Development Districts

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7. Establish provisions addressing how public facilities will be provided to accommodate the proposed development in a manner consistent with the purposes of the individual planned development zoning district and the requirements of this Ordinance, including the following:
  - (a) The general design and layout of the on-site transportation circulation system, including the general location of all public streets, existing or projected transit corridors, and how they interface with the pedestrian and bicycle pathways and trails, and connect to existing and planned public systems, consistent with the comprehensive plan and the major thoroughfare plan;
  - (b) The general location and layout of on-site potable water and wastewater facilities and on-site storm drainage facilities, and how they will connect to existing and planned County and regional systems, as appropriate;
  - (c) The general location and layout of all other on-site and offsite public facilities serving the development, including parks, schools, fire protection, police protection, emergency management, and solid waste management;
8. Identify the location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and ensure protection of these lands consistent with the purposes of the individual planned development zoning district and the requirements of this Ordinance; and
9. Establish the development standards that will be applied to sites within the development. The development standards must be consistent with the requirements of the individual planned development zoning district and its purposes, and the requirements of this Ordinance, as appropriate. At a minimum, the development standards must address:
  - (a) Mobility and circulation;
  - (b) Off-street parking and loading;
  - (c) Required open space;
  - (d) Landscaping and tree protection;
  - (e) Fences and walls;
  - (f) Exterior lighting;
  - (g) Neighborhood compatibility; and
  - (h) Signage.

## B. Development Phasing Plan

If development in a planned development zoning district is proposed to be phased, the PD Master Plan must include a development phasing plan that identifies the general sequence or phases in which the zoning district is proposed to be developed, including how residential and nonresidential development will be timed, how public and private infrastructure, open space, and other amenities will be provided and timed, how development will be coordinated with the County's **capital improvements program**, and how **environmentally sensitive lands** will be protected and monitored.

## C. Conversion Schedule

The PD Master Plan may include a conversion schedule that identifies the extent to which one type of use may be converted to another type of use.

## **D. PD Terms and Conditions Document**

As set forth in Sec. 24-2305, Planned Development, a PD Terms and Conditions Document is a required component in the establishment of a planned development zoning district. All conditions in the PD Terms and Conditions Document must be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands. The Terms and Conditions Document must include, but not be limited to:

- 1.** Conditions related to approval of the application for the individual planned development zoning district classification;
- 2.** Conditions related to the approval of the PD Master Plan, including any conditions related to the form and design of development shown in the PD Master Plan;
- 3.** Provisions addressing how public facilities (transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This must include provisions for the following:
  - (a) The applicant or landowner will be responsible to design and construct or install required and proposed on-site public facilities in compliance with applicable County, state, and federal laws and regulations; and
  - (b) The applicant or landowner will dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable County, State, and federal laws and regulations;
- 4.** Provisions related to environmental protection and monitoring (e.g., restoration of mitigation measures, annual inspection reports);
- 5.** Provisions related to any required covenants to be recorded in the land records;
- 6.** Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the individual planned development zoning district; and
- 7.** Any other provisions the Board of Supervisors determines are relevant and necessary to the development of the planned development.

## **Sec. 24-3504. General Development Standards**

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### **A. Use Standards**

Unless otherwise specified in the PD Master Plan, use-specific standards for principal, accessory, and temporary uses set out in Article 4: Use Regulations, apply within the district.

### **B. Development Standards**

Unless modified in the PD Master Plan, the requirements of Article 5: Development Standards, apply within the district. Any modifications to the development standards must be consistent with the purpose of the planned development zoning district.

### **C. Vehicular access (external):**

- 1.** Streets, alleys, and driveways proposed must be adequate to serve the anticipated traffic of the district. The PD Master Plan must indicate the party responsible for construction and maintenance of alleys.

## **Article 3 Zoning Districts**

### **Division 5. Planned Development Districts**

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- 2.** Proposed street layouts must be coordinated with the existing street system in surrounding areas and with the major thoroughfare plan. Existing streets must, to the maximum extent practicable, be extended to provide access to adjacent developments and subdivisions and to provide for additional points of ingress and egress.
- 3.** The arrangement of streets in a development must provide for the alignment and continuation of existing or proposed streets into adjoining lands where the adjoining lands are undeveloped and deemed appropriate for future development or are developed and include opportunities for such connections.
- 4.** For development that abuts vacant lands, street rights-of-way must be extended to or along adjoining property boundaries such that a roadway connection or stub street must be provided in each direction where practicable and feasible.
- 5.** At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign must be installed in accordance with the requirements of the Department of Public Works or the Virginia Department of Transportation, as appropriate, to inform landowners of the future road connection.
- 6.** Construction plans (see Chapter 19 of the County Code) must identify all stub streets and include a notation that all stub streets are intended for connection with future streets on adjoining undeveloped or underdeveloped lands.

#### **D. Vehicular circulation (internal):**

- 1.** Streets must be organized according to a hierarchy based on function, capacity, and design speed. They must connect to other streets within the development and connect to existing and projected through streets outside the development. Internal street design must achieve as high a connectivity index as reasonably practical.
- 2.** The PD Master Plan must include traffic calming measures such as reduced street widths and block lengths, on-street parking, controlled intersections, and roundabouts.

#### **E. Pedestrian circulation:**

Pedestrian and bicycle amenities must be provided to establish connections within the site, and to adjacent public streets. The pedestrian circulation system and its related walkways must be insulated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. Additional pedestrian and bicycle connections must be provided wherever the street layout creates an impediment to circulation.

#### **F. Streetscape requirements:**

The PD Master Plan must show how streetscapes will be designed to reflect high quality development. Any proposed parking lots, decks, and garages must be integrated into the streetscape to minimize their visual impact on the overall development.





**Sec. 24-3505. SMX-PD Suburban Residential Mixed Planned Development District**

**A. Purpose**

The purpose of the SMX-PD, Suburban Residential Mixed Planned Development District is to encourage unified, high-quality residential development with a harmonious blend of different dwelling types under a master plan that creates a community rather than a series of isolated subdivisions. The variety of housing types is complemented by prominent open space developed for active recreational purposes, as well as preservation of significant natural resources.

The SMX-PD district is intended predominantly for residential development; however, community services, day care, educational facilities, and institutional uses are allowed, as well as recreation, entertainment, retail sales, and personal service uses primarily serving the residents of the district. Unlike the TND-PD District, the streets are not required to be connected in a grid-like manner, alleys are optional, and retail uses may be segregated from the residential uses.

**B. Area and Intensity Standards**

Minimum area of district		100 acres
Residential density, maximum (averaged over residential land area of the district)		4 dwelling units per acre
Required area, Minimum   Maximum (as a percentage of the land area of the district)	Residential uses	70%   90%
	Nonresidential uses (except open space)	No minimum   10%
	Open space	10%   No maximum

**C. Use Standards**

1. Each SMX-PD District must contain a mix of residential use types and may include nonresidential uses. Any of the principal, accessory, and temporary uses that are identified as allowed in the SMX-PD zoning district in Article 4 Use Regulations, may be established as permitted uses in accordance with Sec. 24-3503.A, PD Master Plan, provided, the PD Master Plan must comply with the area and intensity standards in subsection B above.
2. The mix of residential densities and housing types in an SMX-PD District must include at least two of the following:
  - (a) Detached single-family dwellings at a density of less than 1.5 du/ac;
  - (b) Detached single-family dwellings between 1.5 and 3.0 du/ac;
  - (c) Detached single-family dwellings between 3.0 and 4.5 du/ac;
  - (d) Townhouse dwellings at a density of up to 12.0 du/ac; or
  - (e) Multifamily dwellings at a density of up to 6.0 du/ac.
3. A minimum of 5 percent of the dwelling units in an SMX-PD District must be townhouse or multifamily units.

**D. Development Standards**

The PD Master Plan must establish development standards that will provide for high quality development and create a distinctive built environment consistent with the comprehensive plan.



**Sec. 24-3506. TND-PD Traditional Neighborhood Development Planned Development District**

**A. Purpose**

The purpose of the TND-PD, Traditional Neighborhood Planned Development District is to encourage unified, high-quality development combining a variety of lot sizes and housing types with public parks in a compact, walkable neighborhood setting. Depending on its size, the development may include commercial and civic uses. The variety of housing types is served by a highly interconnected street network that complements the topography and natural features of the site, with setbacks appropriate to create a public realm built on a human scale. Prominent sites are saved for community buildings or parks. Parking lots and garage doors are located at the rear of buildings, accessed by alleys.

Each TND-PD district will feature a discernable center, such as a park or civic use. In a district over 40 acres in land area, the overall development will be designed around a village center including commercial uses, and each neighborhood will be designed around a park or civic use. The intent of allowing nonresidential uses is to create a small node of retail and commercial services primarily for the convenience and enjoyment of residents of the TND District. Unlike the UMU-PD District, mixed uses are located primarily on adjacent sites rather than on separate floors of the same building.

**B. Area and Intensity Standards**

Minimum area of district: 8 acres

		Area of District	
		Between 8 and 40 Acres	Greater than 40 Acres
Residential density, maximum (averaged over residential land area of the district)		8.0 dwelling units per acre	10.0 dwelling units per acre
Required area, Minimum   Maximum (as a percentage of the land area of the district)	Residential uses	70%   80%	50%   70%
	Nonresidential uses (except open space)	No minimum   10%	5%   25%
	Open space	15%   No maximum	20%   No maximum

**C. Use Standards**

1. Each TND-PD District must contain a mix of uses. A district of 40 acres or less may include nonresidential uses; a district of more than 40 acres must include nonresidential uses. Any of the principal, accessory, and temporary uses that are identified as allowed in the SMX-PD zoning district in Article 4 Use Regulations, may be established as permitted uses in accordance with Sec. 24-3503.A, PD Master Plan, provided, the PD Master Plan must comply with the area and intensity standards in subsection B above.
2. The mix of residential densities and housing types in a TND-PD District must include at least two of the following:
  - (a) Detached single-family dwellings between 2.0 and 4.0 du/ac;
  - (b) Detached single-family dwellings more than 4.0 du/ac;
  - (c) Townhouse dwellings at a density of up to 12.0 du/ac; or
  - (d) Multifamily dwellings at a density of up to 20.0 du/ac.
3. A single nonresidential use must not occupy more than 25,000 square feet of floor area.

4. At least 25 percent of the required open space must be developed and maintained as usable open space. Parks that are surrounded on at least three sides by residential or commercial uses which front the park will be counted at twice their actual area toward satisfaction of the 25 percent requirement. Each neighborhood must be designed around a park with a minimum size of 0.25 acres. Two adjacent neighborhoods may share a park provided it is at least 0.5 acres in area and is located within 1,500 feet of 80 percent of the home sites in each neighborhood. The PD Master Plan must indicate the party responsible for maintenance of parks.

## D. District-Specific Standards

1. District and Neighborhood Centers.
  - (a) The PD Master Plan must show each district organized around a center including public spaces such as parks or village greens and each neighborhood organized around a neighborhood center.
  - (b) The district and neighborhood centers must promote pedestrian activity by providing ground floor area devoted to retail uses, offices, and restaurants.
2. Vehicular Circulation (Internal):
  - (a) The PD Master Plan must show streets designed in a grid pattern to form a connected network, including narrow streets with on-street parking.
  - (b) The PD Master Plan must provide alleys for all residential lots except where impracticable due to unusual features of the site and must indicate the party responsible for construction and maintenance of alleys.
3. Streetscape Requirements
  - (a) The PD Master Plan must show a layout of street trees.
  - (b) The PD Master Plan must show build-to zones for each street type.
  - (c) The primary entrance of each principal building must face a street, courtyard, plaza, or similar public space.
  - (d) The PD Master Plan must show how each building located at the terminus of a street, on a corner lot, or at a similar focal point will be addressed with special architectural detailing.
  - (e) Similar land use categories must face each other across streets. For example, single-family dwellings should face other single-family dwellings, townhouses should face other townhouses, and retail uses should face other retail uses.
4. Parking Lots and Garages
  - (a) For nonresidential and multifamily residential uses, at least 75 percent of required parking spaces must be located at the rear of buildings.
  - (b) For residential uses other than multifamily, garage doors must be located at the rear of the dwelling, accessed by alleys. Front-loaded garages may be allowed on no more than 20 percent of the lots when it is not practical to provide an alley. Where front-loaded garages are necessary, they must be set back from the dwelling and driveways must be no wider than ten feet within the street right of way.

## Article 3 Zoning Districts

### Division 5. Planned Development Districts

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

### A. Purpose

The purpose of the UMU-PD, Urban Mixed Use Planned Development District is to encourage moderate to high density neighborhood development integrated with commercial and civic uses. Unlike the base zoning districts, which prescribe specific design standards, the UMU-PD District allows the applicant to propose development standards for review and approval.

Like the TND-PD district, the UMU-PD district combines a variety of lot sizes and housing types with public parks in a compact, walkable neighborhood setting. However, the UMU-PD district allows for more intense development with higher density, and commercial and civic uses are required.

In exchange for substantial flexibility, it features a highly interconnected street network that recognizes and complements the topography, views, and other natural features of the site, with setbacks appropriate to create a public realm built on a human scale. Prominent sites are saved for community buildings or parks. Parking lots and garage doors are located at the rear of buildings, accessed by alleys.

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 area of district		20 acres
Residential density (averaged over residential land area of the district)	Minimum	10.0 dwelling units per acre
	Maximum	60.0 dwelling units per acre
Required area, Minimum   Maximum (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

### C. Use Standards

1. Any of the principal, accessory, and temporary uses that are identified as allowed in the UMU-PD zoning district in Article 4: Use Regulations, may be established as permitted in accordance with Sec. 24-3503.A, PD Master Plan, provided, the PD Master Plan must comply with the area and intensity standards in subsection B above.
2. There must be a minimum of three different residential housing types, one of which must be upper story dwellings. Each housing type must constitute a minimum of 15 percent of the dwelling units in the district at build-out.

### D. Development Standards

1. District and Neighborhood Centers

The district must be organized around a discernible center, such as a town square with restaurants, commercial, offices, high density residential, and a public park. The PD Master Plan must indicate the party responsible for maintenance of parks.



The district center must promote pedestrian activity by providing ground floor area for retail uses, offices, or restaurants.

**2. Vehicular Circulation (Internal)**

The PD Master Plan must show streets designed in a grid pattern to form a connected network. Residential streets must be narrow with on-street parking. The PD Master Plan must provide alleys for all residential types other than multifamily development and must indicate the party responsible for the construction and maintenance of alleys.

**3. Pedestrian circulation**

In cases where a block length exceeds 800 feet, a sidewalk or multi-use path must be provided through the middle of the block to connect parallel sidewalks on the long side of the block.

**4. Streetscape requirements**

(a) The PD Master Plan must show a layout of street trees.

(b) The PD Master Plan must establish minimum and maximum build-to zone boundaries.

(c) The primary entrance of each principal building must face a street, courtyard, plaza, or similar public space.

(d) The PD Master Plan must show how each building located at the terminus of a street, on a corner lot, or similar focal point will be addressed with special architectural detailing.

(e) Similar land use categories must face each other across streets. For example, townhouses should face other townhouses and retail uses should face other retail uses.

**5. Parking lots, decks, and garages**

The PD Master Plan must show how parking lots will be screened. Parking decks must be architecturally consistent with surrounding development.

## Article 3 Zoning Districts

### Division 5. Planned Development Districts

#### **Sec. 24-3508. LI-PD Light Industrial Planned Development District**

##### **A. Purpose**

The purpose of the LI-PD, Light Industrial Planned Development District is to encourage unified, high-quality, mixed-use development that encourages light industrial employment centers to be located near residential and commercial uses, creating an environment where residents live, work, shop, and play. LI-PD districts may combine residential, commercial, office, and light industrial uses complemented by prominent open space developed for active recreational purposes, as well as preservation of significant natural resources.

The LI-PD district is intended to encourage the efficient use of land and resources, promote greater efficiency in providing services and infrastructure, and mitigate potential adverse impacts on surrounding developments. It is the most flexible of the PD districts, allowing for more variety of nonresidential uses while not requiring suburban, traditional neighborhood, or urban forms of development.

##### **B. Area and Intensity Standards**

Minimum area of district		50 acres
Residential density, maximum (averaged over residential land area of the district)		60.0 dwelling units per acre
Required area, Minimum   Maximum (as a percentage of the land area of the district)	Residential uses	25%   75%
	Nonresidential uses (except open space)	25%   75%
	Open space	15%   No maximum

##### **C. Use Standards**

Any of the principal, accessory, and temporary uses that are identified as allowed in the LI-PD zoning district in Article 4. Use Regulations, may be established as permitted in accordance with Sec. 24-3503.A, PD Master Plan, provided, the PD Master Plan must comply with the area and intensity standards in subsection B above.

##### **D. Development Standards**

The PD Master Plan must establish development standards that will provide for high quality development and create a distinctive built environment consistent with the comprehensive plan.



## **DIVISION 6. CONDITIONAL ZONING DISTRICTS**

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### ***Sec. 24-3601. Purpose of Conditional Zoning Districts***

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The rezoning of land to a conditional zoning district is intended to provide a more flexible and adaptable alternative to conventional zoning. In conditional zoning districts, development conditions, also known as proffers, are attached to rezoned land to ensure compatibility of future development, as allowed under the Code of Virginia Sections 15.2-2296 through 15.2-2303.4.

### ***Sec. 24-3602. Procedure for Establishing Conditional Zoning Districts***

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Land will be classified into a conditional zoning district only in accordance with the procedures and requirements set forth in Sec. 24-2304, Conditional Zoning.

### ***Sec. 24-3603. Designation on Zoning Districts Map***

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Approved conditional zoning districts are designated on the Zoning Districts Map by including “C” at the end of the corresponding base zoning district designation, for example, “R-6C.” In addition, the adopting ordinance and conditions of approval will be maintained in a Conditional Zoning Index.

### ***Sec. 24-3604. Relationship to Overlay Districts***

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Regulations governing development in an overlay zoning district will apply in addition to the regulations governing development in the underlying conditional zoning district. If the standards governing a conditional zoning district expressly conflict with those governing an overlay zoning district, the conditional zoning district standards will govern.

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## DIVISION 7. GENERAL OVERLAY DISTRICTS

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### ***Sec. 24-3701. General Purpose of Overlay Districts***

The purpose and intent of Overlay zoning districts are to provide supplemental standards with respect to special areas, land uses, or environmental features, that supersede the standards of the underlying base zoning district or planned development district.

### ***Sec. 24-3702. Overlay District Boundaries***

Land will be placed within or removed from an overlay district only in accordance with the procedures and standards in Sec. 24-2303, Map Amendment (Rezoning).

### ***Sec. 24-3703. Conflicting Standards***

If there is a conflict between any base zoning district and overlay district regulations, the overlay district regulations will govern, unless expressly stated to the contrary.

### ***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 Westwood Redevelopment Overlay District (Sec. 24-3708)
GA-O, Glen Allen Overlay District (Sec. 24-3710)
FBA-O Form-Based Alternative Overlay District (Article 3, Division 8)



## **Sec. 24-3705. AS-O Airport Safety Overlay District**

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### **A. Purpose**

The purpose of the AS-O Airport Safety Overlay District is to regulate and restrict the height of permanent and temporary structures and other objects, including natural growth, in the vicinity of Richmond International Airport ("the airport") and to restrict the uses of land in the vicinity of the airport by prohibiting any use that would in any way interfere with aircraft landing, taking off, or maneuvering with the intention of using the airport.

### **B. District Boundaries**

The boundaries of the AS-O district are the limits of the airport's horizontal surfaces, conical surfaces, primary surfaces, approach surfaces, and transitional surfaces as defined in §77.19 of Title 14 of the Code of Federal Regulations or successor regulations applicable to the airport. These surfaces will be shown on the Zoning Districts Map to delineate those areas covered by the AS-O district.

### **C. Height Limitations**

No structure or other object or vegetation will be permitted to penetrate the floor of any of the surfaces referenced in Sec. 24-3705.B, District Boundaries.

### **D. Performance Standards**

A use of land or water must not:

1. Create electrical interference with navigational signals or radio communications between the airport and airborne aircraft;
2. Diminish the ability of pilots to distinguish between airport lights and other lights;
3. Result in glare in the eyes of pilot using the airport;
4. Impair visibility in the vicinity of the airport;
5. Increase the potential for bird strike hazards; or
6. Otherwise in any way endanger or interfere with the landing or takeoff or maneuvering of aircraft intending to use the airport.

### **E. Compliance with District Standards**

In determining whether proposed development complies with the standards in this section, the Planning Director may consult with the FAA, the state department of aviation, or the airport administration to determine whether any changes are necessary to bring the proposed construction into compliance with the provisions of this section.

### **F. Variance from District Standards**

If the applicant for a permit which has been denied seeks a variance from the requirements of this section, the variance application must include a determination from the state department of aviation as to whether the proposal will adversely affect the operation of the airport and the safe, efficient use of navigable airspace above and around the airport. A variance may be granted only if the determination is that the proposal will not adversely affect the operation of the airport and the safe, efficient use of navigable airspace above and around the airport.

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

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### **A. Purpose**

The purpose of the WBS-O West Broad Street Overlay District is to establish additional requirements for development in the West Broad Street corridor in order to reduce traffic congestion, protect landowners from potential adverse impacts of adjoining development, avoid distracting visual clutter, and enhance the appearance and environment of western Henrico County consistent with the aesthetic values of the district. Within the district, well-planned development that includes a mixture of land uses with adequate buffering, screening, and landscaping to help reduce the visual impacts of development is encouraged. Development that is consistent in timing and location with available public facilities is also encouraged.

### **B. District Boundaries**

The boundaries of the WBS-O District are the boundaries of the "West Broad Street Special Strategy Area" in the 2010 Land Use Plan adopted by the Henrico County Board of Supervisors on December 13, 1995. The district is generally comprised of the area on either side of the West Broad Street corridor west of the West Broad Street/Interstate 64 interchange to the Goochland County line. This area will be shown on the Zoning Districts Map to delineate the district.

### **C. Prohibited Uses**

Within the district, the following are prohibited:

1. The display of attention getting devices; and
2. The use of outside speakers to produce sound that is audible beyond the property lines of the development.

### **D. Applicability of Design Standards**

All applications for development or redevelopment in the district filed after the establishment of the district must satisfy the design standards in this section.

### **E. Outparcel Access**

Outparcels that are part of a larger development site or shopping center must not have direct access onto adjacent public roadways.

### **F. Streetscape Buffers**

1. Within the district, streetscape buffers having a minimum width of 35 feet are required for all new development and redevelopment, other than single-family residential development, on West Broad Street, North Gayton Road, John Rolfe Parkway, Lauderdale Drive, Pouncey Tract Road, Pump Road, and Three Chopt Road.
2. 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, 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

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the tree trunk remains clear of branches and vegetation to a minimum height of six feet above the ground.

3. 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 continuous line of evergreen shrubbery planted along the entire length of the streetscape buffer not more than ten feet behind the trees along the right-of-way frontage. The shrubbery must be at least two feet high when planted and must be regularly trimmed for appearance and height not to exceed 3½ feet.
4. Vegetation planted in the streetscape buffer must be located so as not to interfere with overhead or underground utility lines when it is fully grown.
5. Sidewalks, trails, utility easements, and signs may be located in the streetscape buffer.
6. Streetscape buffers must be irrigated and maintained to ensure all plantings remain healthy.
7. Streetscape buffers must be maintained in accordance with Sec. 24-5306, Maintenance.
8. Streetscape buffers must adhere to all sight distance requirements as determined by the Department of Public Works or the Virginia Department of Transportation.
9. The Planning Director may approve deviations from the standards in this subsection where topography, configuration, or other unique circumstances prevent full compliance with the standards. In approving such a deviation, the Planning Director may impose conditions which will accomplish the purposes of the requirements to the maximum extent practicable.

### **G. Transitional Buffers**

In addition to any transitional buffer required by Sec. 24-5310, Transitional Buffers, a transitional buffer must be provided from all abutting Residential district boundaries a minimum of 15 feet in width and complying with the planting requirements of a Buffer 10 type of transitional buffer.

### **H. Screening**

On properties zoned or used for office, commercial, industrial, or multifamily residential use, loading docks, recycling and refuse containers, and mechanical equipment must be screened from view at the property line.

### **I. Signs**

Each parcel must have an overall sign plan which specifies the size and color scheme for proposed signs. Signs located within the streetscape buffer must be monument-style signs and must not exceed ten feet in height.

### **J. Architecture**

Consistent architectural style is required within individual shopping center sites, including outparcels.

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

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**A. Purpose**

The purpose of the IR-O Innsbrook Redevelopment overlay district is to enhance and provide flexibility for redevelopment projects within the district by:

1. Encouraging use of development policies adopted with the Innsbrook Area Study contained in the 2026 Land Use Plan adopted by the Board of Supervisors on September 14, 2010;
2. Protecting landowners from possible adverse impacts of adjoining development; and
3. Encouraging development that is consistent in timing and location with available public facilities.

**B. District Boundaries**

The boundaries of the IR-O Innsbrook Redevelopment Overlay District are the boundaries of Land Bays A, B, and C of the "Innsbrook Study Area" as identified in the 2026 Comprehensive Plan. The boundaries are shown on the Zoning Districts Map.

**C. Internal Circulation**

Properties within the overlay district must provide vehicular and pedestrian circulation between adjacent properties unless otherwise approved by the Planning Director due to design considerations such as utility conflicts, steep topography, or other similar factors. Copies of applicable cross access agreements must be provided at the request of the Planning Director.

**D. Innsbrook Area Study Development Policies**

Implementation of the development policies adopted with the Innsbrook Area Study is strongly encouraged.

## **Sec. 24-3708. *WR-O Westwood Redevelopment Overlay District***

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### **A. Purpose**

The Westwood Redevelopment Overlay (WR-O) District is hereby created to enhance and provide flexibility for redevelopment projects within the overlay district by:

1. Providing alternative parking requirements for properties within the overlay district;
2. Protecting landowners from adverse impacts of adjoining development;
3. Ensuring adequate access for existing and future development; and
4. Encouraging the timing and location of development consistent with available public facilities.

### **B. District Boundaries**

The boundaries of the WR-O District will be those of the "Westwood Area Study" in the amendment to the 2026 Comprehensive Plan adopted by the Board of Supervisors on December 11, 2018. The boundaries are delineated on the Zoning Districts Map.

### **C. Permitted Uses**

In addition to the uses allowed by the underlying zoning district, multifamily dwelling units in conjunction with nonresidential development permitted in the district may be allowed by provisional use permit. Each application for a provisional use permit in accordance with this subsection must include a master plan showing the location and height of all existing and proposed structures, public and private streets, parking spaces, the developer's architectural design requirements, pedestrian accommodations, open space, landscaping, buffers, and site lighting.

### **D. Parking**

In lieu of compliance with the parking requirements of Sec. 24-5110, Minimum Number of Off-Street Parking Spaces, a development or redevelopment may provide parking in compliance with the following requirements:

1. A parking study submitted with a master plan containing the information for master plans in subsection C must show that the parking allocation for the development is not likely to conflict on a regular basis with the parking allocation for other properties within the overlay district, based on the manner and time of parking for other properties. The parking study must be prepared by a licensed engineer and must show the number of parking spaces required and provided for the proposed development. The parking study may consider the use of on-street parking and the use of shared parking under shared parking agreements. Such agreements must be included with the parking study.
2. Each parking space allocated to the property must be located within 1,000 feet of the main entrance of the building to which it is allocated, measured along an accessible walking path.

### **E. Access and Circulation**

1. Vehicular and pedestrian circulation must be provided between new development or redevelopment and adjacent properties unless otherwise approved by the Planning Director due to design considerations such as environmental features, steep topography, or utility conflicts. Copies of cross-access agreements must be provided at the request of the Planning Director.



2. Sidewalks must be provided along all public streets contiguous to new development or redevelopment. Sidewalks on the opposite side of the street from the development or redevelopment will not satisfy this requirement.

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

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### **A. Purpose**

The purpose of the Route 5 Corridor Overlay (R5C-O) District is to ensure that all new development and significant redevelopment in the district is consistent with the desired character of the district. More specifically, it is intended to:

1. Preserve views from Route 5 of existing mature stands of trees;
2. Ensure that development is located and designed in ways that respect existing topography and the natural features of the land;
3. Minimize the visual impact of new development using existing and supplemental vegetation;
4. Maintain a consistent character along the corridor; and
5. Ensure the development is consistent with the built character of development in the corridor.

### **B. Overlay District Boundaries**

The boundaries for the Route 5 Corridor Overlay (R5C-O) District extend 500 feet on either side of Route 5, from I-295 to the Charles City County line.

### **C. Applicability**

All new development, and any expansion of existing development that increases floor area by 30 percent or more, must comply with the standards of this section, in addition to the requirements of the underlying zoning district in which it is located.

### **D. Site Design**

1. Development should avoid mass grading to the maximum extent practicable.
2. Development should respect and maintain, to the extent feasible, existing significant views along the Route 5 corridor, and should not block an existing view if an alternative to the location and orientation of structures is available.
3. Buildings should be oriented to front (face) the corridor.
4. Blank facades should be avoided.
5. Architectural detailing and fenestration, such as windows, dormers, awnings, doors, louvres, wall panels, skylights, and storefronts are encouraged. Rear facing facades lacking such details visible from the corridor are prohibited.
6. Any new development taller than adjacent existing buildings by more than 30 percent must be designed to ensure an adequate transition and maintain a building height facing Route 5 that is more consistent with the adjacent buildings through step-backs and similar design techniques.
7. To the maximum extent practicable, new development must not be located on the top of ridgelines, hilltops, and visually prominent rises within open fields.

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8. New residential development should use Cluster Subdivision in accordance with Article 5 of Chapter 19 of the County Code, to the maximum extent practicable, to preserve open space, existing vegetation, and other natural features on the site.
9. In instances where Cluster Subdivision is not used, the layout and design of all new residential development must, to the maximum extent practicable, take into consideration the topography and natural features of the land and use existing topography and vegetation to screen the development from view from Route 5.
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 alternate landscape plan is approved in accordance with Sec. 24-5303.B, Alternative Landscaping, that demonstrates how supplemental landscaping will adequately screen the new residential development.

#### E. Streets and Access

1. New streets must be configured to maximize and preserve existing scenic views. When new streets are adjacent to open areas such as fields and meadows, the view to or across these areas should be preserved and not obstructed by structures, opaque fencing or other buildings, to the extent practicable.
2. New streets must maintain the rural character of the Route 5 corridor and be configured to avoid natural resources and open space areas. Single-loaded streets with lots on one side and common open space area on the other are strongly encouraged.
3. The alignment of new streets for residential development should follow natural contours and avoid placement on prominent hillsides or ridges to ensure development is consistent with the character of the district.
4. New two-way streets in residential developments should use a narrow cross section of 24 feet.
5. Nonresidential entrances for new streets should be clearly visible with connections to sidewalks or pedestrian trails.
6. The Capital Trail is a unifying element of the Route 5 corridor. Consequently, new development and redevelopment must provide sidewalk and bikeway links to the trail and other amenities such as rest areas, bike racks, and additional parking for trail users. Additionally, driveways and streets should be designed for safe crossings by bicyclists and pedestrians using the Capital Trail.
7. Access points along Route 5 should be limited to maintain safe travel and pedestrian conditions and maintain the character of the district.

#### F. Landscaping

When new development requires landscaped buffers and supplemental planting, the use of native species is encouraged, provided they can be reasonably maintained. To the maximum extent practicable, existing vegetation and natural features should be used to integrate new development into the landscape. On visually prominent landforms where natural topography or existing vegetation, hedgerows, and windbreaks cannot be used as a vegetated backdrop, natural plantings should be used to visually anchor the development.

## **G. Signs and Lighting**

1. Signs should complement the character of the district. Businesses should employ signs that resemble a traditional storefront style rather than suburban monument style signs.
2. The scale, size, and materials of signs must be consistent with the character of the district. Cabinet signs and attention getting devices are prohibited. Sign illumination should avoid objectionable glare and light spill-over on adjacent properties.
3. Consistent ornamental and pedestrian scale lighting is encouraged in the R5C-O district to create a uniform streetscape.
4. Lighting along the corridor should be designed to avoid light trespass and nuisance glare.
5. Light poles and fixtures should avoid unnecessary or excessive height and use concealed source fixtures.

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

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### **A. Purpose**

The purpose of the Glen Allen Overlay District is to encourage development that is appropriate for the district, prevent traffic congestion, avoid distracting visual clutter, and facilitate the creation of a convenient, attractive, and harmonious community. More specifically, it is intended to:

1. Ensure adequate buffering, screening and landscaping to help reduce the visual impacts of development;
2. Ensure well planned development;
3. Protect landowners from adverse impacts of adjoining development; and
4. Enhance the environment and appearance of the district.

### **B. Overlay District Boundaries**

The boundaries of the Glen Allen Overlay (GA-O) District are delineated on the Zoning Districts Map.

### **C. Applicability**

All new development, and any expansion of existing development that increases floor area by 30 percent or more, must comply with the standards of this section, in addition to the requirements of the underlying zoning district in which it is located.

### **D. Prohibited Uses.**

The following uses are expressly prohibited within the district:

1. Attention getting devices.
2. Outside speakers audible beyond the property lines of the development, except for temporary events sponsored or approved by the County.
3. Adult businesses.
4. Drive-through windows.
5. Outdoor display of retail products during nonbusiness hours.

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6. Vending machines for food and beverage or similar merchandise outside of an enclosed building.

#### **E. Provisional Uses.**

Where the following uses would be allowed by right in the underlying zoning district, within the Glen Allen Overlay District they are allowed only by provisional use permit in accordance with Sec. 24-2305, Provisional Use Permit.

1. Retail uses in which a single business occupies more than 5,000 square feet of floor area.
2. Automotive filling and service stations with more than four fuel pumps.
3. Hours of service to the general public after 12:00 midnight or prior to 6:00 am.
4. All uses in the Industrial Use Classification.

#### **F. Additional Permitted Use.**

A restaurant is allowed as an accessory use to a bed and breakfast home allowed in the underlying zoning district.

#### **G. Building Height.**

Buildings and structures must not exceed a height of 25 feet unless a provisional use permit is issued in accordance with Sec. 24-2305, Provisional Use Permit.

#### **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:
  - (a) An average of four trees for each 100 feet of road frontage, except where driveways are located. Such trees must be evenly spaced along the right-of-way frontage and located within 10 feet of the edge of roadway pavement. Where sidewalks are constructed parallel to the roadway, such trees must be placed between the edge of roadway pavement and the sidewalk. This requirement may be satisfied if such trees are located within the right-of-way instead of the streetscape buffer. Such trees must be maintained clear of branches and vegetation from the ground up to a height of eight feet.
  - (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 3½ feet.
2. Vegetation planted in the streetscape buffer must not interfere with overhead or underground utility lines when fully grown.
3. Streetscape buffers may also contain a sidewalk or trail, utility easements and signs.
4. Streetscape buffers must be irrigated and maintained to ensure the landscaping remains healthy.

**I. Enhanced Transitional Buffers.**

Parcels zoned for business or industrial use that abut a Residential district must provide an enhanced transitional buffer at least 15 feet wide in addition to the transitional buffer required under Sec. 24-5310, Transitional Buffers.

**J. Signs.**

Each plan of development must include a comprehensive sign program that specifies the location and size of all proposed signs and meets the following requirements in addition to the requirements of the underlying zoning district:

1. Signs located within the streetscape buffer must be monument-style and must not exceed six feet in height or 20 square feet in area.
2. The display on a sign must not change more often than once every ten minutes.

**K. Screening.**

On properties zoned or used for office, commercial, industrial, or multi-family residential use, heating and air conditioning units, ventilation units, loading docks, recycling and refuse containers, and mechanical equipment must be screened from view at the property line.

**L. Parking Lot Design.**

1. Each parking lot must include one landscape area at least nine feet in width and containing at least 162 square feet for every line of nine parking spaces. The interior dimensions of each landscape area must be sufficient to protect all landscape material planted therein.
2. Each parking lot must be paved with asphalt or an alternative material approved at the time of plan of development.
3. Each parking lot must be located in a side or rear yard, except that one row of parking and the necessary drive aisle may be located in any front yard.

**M. Deviations.**

The Planning Director may approve deviations from the requirements of subsections G, H, I, J, K, and L where full compliance would be impractical due to the topography, configuration, or other unique circumstances of the site. In approving a deviation, the Planning Director may require conditions that will accomplish the purposes of the requirements to the maximum extent practicable.

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**DIVISION 8. FBA-O FORM-BASED ALTERNATIVE OVERLAY DISTRICT**

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***Sec. 24-3801. Purpose and Intent***

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- A.** The purpose of the FBA-O Form-Based Alternative Overlay District is to provide an alternative set of standards for targeted areas within the County that may be used as an option by a landowner in place of the zoning district standards that apply in the base district, in order to achieve a balance between vehicular and pedestrian-oriented design and facilitate mixed-use, walkable development at higher densities. The FBA-O District standards allow



## Article 3 Zoning Districts

### Division 8. FBA-O Form-Based Alternative Overlay District

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landowners and developers to access otherwise untapped potential on a property by allowing additional forms of development by right in exchange for a better public realm.

- B.** The FBA-O District is intended to foster predictable built results and a high-quality public realm by using the physical form as the organizing principle for development with a lesser focus on land use. Overlay district regulations address the relationship between building frontage and the public realm of the street and civic spaces, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The overall vision for subdistricts in the FBA-O is illustrated with an illustrative plan and visualizations. The FBA-O is regulated by a regulating and street hierarchy plan and district and subdistrict standards that specify the required form of development in these areas.
- C.** The FBA-O District is intended to provide:
  - 1.** A highly interconnected street network that disperses traffic and provides convenient routes for pedestrians and bicyclists;
  - 2.** High-quality public spaces, with building façades having windows and doors facing tree-lined streets, plazas, squares, or neighborhood parks;
  - 3.** Compact development, creating a walkable urban environment and conserving land and energy through reduced automobile dependence;
  - 4.** Diversity, not homogeneity, with a variety of building types, street types, open spaces, and land uses serving people of all ages and multiple modes of mobility; and
  - 5.** Resilient and sustainable neighborhoods, adaptable over time to improved public transit and changing economic conditions.

### **Sec. 24-3802. *Applicability***

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- A.** An applicant proposing to develop lands in the FBA-O District may elect either to comply with all of the standards that apply in the base zoning district in which the lands are located, or to comply with the base district standards as modified by this division. Development approved in accordance with the standards in this division must comply with all standards applicable in the underlying zoning district unless modified by the standards in this division.
- B.** An applicant proposing to develop lands in the FBA-O District in accordance with this section must submit an application for either a plan of development or a site plan for the proposed development, as appropriate.
- C.** If there is a conflict or inconsistency between the text of this division and any heading, caption, figure, illustration, table, or map, the text will govern (see Sec. 24-8102, Headings, Illustrations, and Text).

### **Sec. 24-3803. *Subdistricts Established***

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The FBA-O District is hereby established and composed of FBA-O subdistricts established in this section.

- A.** The Brookfield Area Subdistrict (see Sec. 24-3861);
- B.** The Parham/Broad Area Subdistrict (see Sec. 24-3865);
- C.** The Williamsburg Road Area Subdistrict (see Sec. 24-3869);
- D.** The Virginia Center Commons Subdistrict (see Sec. 24-3872);

- E. The Short Pump Town Center Subdistrict (see Sec. 24-3875).

**Sec. 24-3804. FBA-O Subdistrict Boundaries**

The boundaries of the FBA-O subdistricts are identified on the Zoning Districts Map.

**Sec. 24-3805. Organization of FBA-O District Standards**

The FBA-O District standards are organized as follows:

- A. *Development Areas.* Each subdistrict is composed of development areas that are shown on the subdistrict’s regulating and street hierarchy plan. Sec. 24-3806 provides a general description of each of the development areas.
- B. *Streets and Sidewalks.* Sec. 24-3807 through Sec. 24-3819 establish standards for streets, alleys, sidewalks, street trees, and street lighting that apply in all subdistricts. Typical sections are included for primary, secondary, and tertiary streets that are identified on each subdistrict’s regulating and street hierarchy plan.
- C. *Civic Open Space.* Sec. 24-3821 through Sec. 24-3824 establish minimum standards for required minimum civic open space, provide descriptions of different types of civic open space, and identify what types of civic open space are allowed in each development area.
- D. *Frontage Standards.* Sec. 24-3825 through Sec. 24-3832 establish standards for the location of buildings and parking areas, building height, and frontage elements in each of the development areas.
- E. *Use Standards.* Sec. 24-3833 establishes what uses are allowed in each of the development areas.
- F. *Other General Standards.* These sections establish additional general standards within the FBA-O District:
  - 1. *Parking Standards* (Sec. 24-3834 through Sec. 24-3837);
  - 2. *Standards for New Buildings* (Sec. 24-3838 through Sec. 24-3844);
  - 3. *Specialty Buildings* (Sec. 24-3845 through Sec. 24-3848);
  - 4. *Signage* (Sec. 24-3849); and
  - 5. *Exterior Lighting* (Sec. 24-3850).
- G. *Subdistrict Standards.* These sections establish additional standards that apply to individual subdistricts within the FBA-O District and provide an illustrative plan for development in each subdistrict:
  - 1. Brookfield Area Subdistrict Standards (Sec. 24-3861 through Sec. 24-3864);
  - 2. Parham/Broad Area Subdistrict Standards (Sec. 24-3865 through Sec. 24-3868);
  - 3. Williamsburg Road Area Subdistrict Standards (Sec. 24-3869 through Sec. 24-3871);
  - 4. Virginia Center Commons (VCC) Area Subdistrict Standards (Sec. 24-3872 through Sec. 24-3874); and
  - 5. Short Pump Town Center Subdistrict Standards (Sec. 24-3875 through Sec. 24-3878).

## Article 3 Zoning Districts

### Division 8. FBA-O Form-Based Alternative Overlay District

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#### **Sec. 24-3806. Development Areas**

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The regulating and street hierarchy plan for each FBA-O subdistrict (see Sec. 24-3860, FBA-O Subdistricts, et seq.) establishes the location of development areas within the subdistrict. All parcels within a subdistrict are assigned to a development area and are subject to the specific standards for that development area, which govern the height and location of buildings and the location of parking (see Sec. 24-3825, Frontage Standards), civic open space (see Sec. 24-3821 through Sec. 24-3824), and allowable uses of land (see Sec. 24-3833, Use Standards). A brief description of each type of development area is set out below.

##### **A. Mixed-Use Corridor**

Mixed-use Corridor development areas provide for a wide variety of retail, residential, and commercial uses intended to serve an area larger than a specific neighborhood in an urban setting. These areas are similar to Mixed-use Core areas, with a key difference being the build-to distance along a primary street. Mixed-use Corridor areas are designed to be used when properties abut a wide, major thoroughfare, such as Broad Street and East Parham Road. A mix of nonresidential and residential uses on individual lots is encouraged but not required. These areas permit the greatest intensity and mix of uses, and feature buildings located farther from the street but adjacent to the sidewalk, plentiful shade for pedestrians, along with parking lots and structured parking screened from the view of public spaces and streets.

##### **B. Mixed-Use Core**

Mixed-use Core development areas provide for a wide variety of retail, residential, and commercial uses intended to serve an area larger than a specific neighborhood in an urban setting. A mix of residential and nonresidential uses on individual lots is encouraged but not required. These areas permit the greatest intensity and mix of uses, and feature buildings located adjacent to the sidewalk, plentiful shade for pedestrians, along with parking lots and structured parking screened from the view of public spaces and streets.

##### **C. Walkable Corridor**

Walkable Corridor development areas provide a mix of residential uses and nonresidential uses that serve the surrounding residential neighborhoods. These areas are similar to Walkable Center areas, with a key difference being the build-to distance along a primary street. Walkable Corridor areas are designed to be used when properties directly abut wide, high-speed thoroughfares, such as Williamsburg Road. These areas feature pedestrian-oriented urban form with buildings located farther from the street but close to the sidewalk, plentiful shade for pedestrians, and parking lots screened from view.

##### **D. Walkable Center**

Walkable Center development areas provide a mix of residential uses and nonresidential uses that serve the surrounding residential neighborhoods. These areas feature pedestrian-oriented urban form with buildings located close to the sidewalk, plentiful shade for pedestrians, and parking lots screened from view. When present, parking structures should be lined with habitable space facing public spaces or streets.

##### **E. Neighborhood General**

Neighborhood General development areas provide a mix of uses but are primarily residential, in a pedestrian-oriented urban form. They may have a wide range of building

types. Setbacks and landscaping are variable. These areas provide a transition from the more commercial oriented Mixed-use Core and Walkable Center to Connected Edge.

**F. Connected Edge**

Connected Edge development areas are predominately residential but may have some neighborhood scale retail uses or home occupations. Buildings are primarily detached with a few attached building types in these areas. The built environment in these areas should retain key features of walkability such as front porches within conversation distance of the sidewalk.

**G. Highway Edge**

Highway Edge development areas provide a transition of appropriate development between a walkable development area to an existing highway that creates a barrier. These areas may include a wide variety of retail, residential, and commercial uses. A mix of residential and nonresidential uses on individual lots is permitted but not required. While oriented primarily toward the highway, the built environment in these areas should retain key features of walkability.

**Sec. 24-3807. Streets and Sidewalks: Street Hierarchy**

- A.** The street hierarchy for each subdistrict identifies the streets that serve that subdistrict. The precise alignment of new streets and thoroughfares may be adjusted in accordance with Sec. 24-3808, Streets and Sidewalks: New Street Connections.
- B.** For each parcel that has multiple street frontages, the street hierarchy map determines the highest priority street frontage where the front build-to zone or setback will apply (see Sec. 24-3825, Frontage Standards, et seq.). Along the lower priority frontages, the side or rear build-to zones or setbacks will apply. Primary Streets are the streets with the highest priority, followed by Secondary Streets, then Tertiary Streets, then Alleys, as illustrated below:



- C.** If a parcel has more than one street frontage that is the highest priority street frontage (e.g., frontage on two primary streets, or no frontage on primary streets and frontage on two secondary streets), the applicant must select one of the highest priority frontages to be the primary street frontage where the front build-to zone or setback will apply. If a parcel within 600 feet of any boundary of the initial parcel selecting the primary street in accordance with this subsection is developed or redeveloped subsequent to the approval of the application of the initial parcel, it must use the same primary street frontage as the initial parcel.

## Article 3 Zoning Districts

### Division 8. FBA-O Form-Based Alternative Overlay District

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#### **Sec. 24-3808. *Streets and Sidewalks: New Street Connections***

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- A.** All potential new street connections identified on the regulating and street hierarchy plan for each subdistrict must be provided when adjoining land is developed. The precise location and alignment of new street connections may be adjusted with the agreement of the Planning Director and the County Engineer at the time of plan of development review and approval. The number of connections provided to surrounding parcels must not be reduced. Private streets are allowed.
- B.** Any block face in the Mixed-Use Core, Walkable Center, Neighborhood General, and Connected Edge Districts that exceeds 600 feet must have a mid-block pedestrian access with a minimum width of eight feet.

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

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

- A.** Improvements to thoroughfares must be coordinated with the County Engineer.
- B.** All thoroughfares must connect to other streets if reasonably practicable.
- C.** Cul-de-sac streets and T-turnarounds are prohibited.
- 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.** On-street parking lanes must not be closer than 20 feet to intersections measured from the intersecting property lines.
- F.** All new thoroughfares must have sidewalks on both sides of the travel lanes.
- G.** 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.** Free and clear public use of the sidewalk area outside of the right-of-way must be provided by a public access easement.
- I.** With the exception of fire hydrants, 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.** 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).



Figure 3809: Illustration of Roundabout

**Sec. 24-3810. Streets and Sidewalks: Alleys**

- A.** Where practical, alleys must be used for access to parking and services at the rear of lots.
- B.** Alleys must comply with the required alley dimensions in Table 3810: Required Alley Dimensions.

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

- C.** When sidewalks cross alleys, the sidewalk must remain at the same elevation for pedestrians, and the pavement texture must change to signify the alley.

**Sec. 24-3811. Streets and Sidewalks: Curb Radius**

Streets with on-street parking must have a maximum corner curb radius of 15 feet, in order to enhance safety for pedestrians by inhibiting drivers from turning corners at high speeds. (The effective turning radius is larger than the curb radius when parking is present. See Figure 3811: Corner Curb with On-Street Parking)



## Article 3 Zoning Districts

### Division 8. FBA-O Form-Based Alternative Overlay District

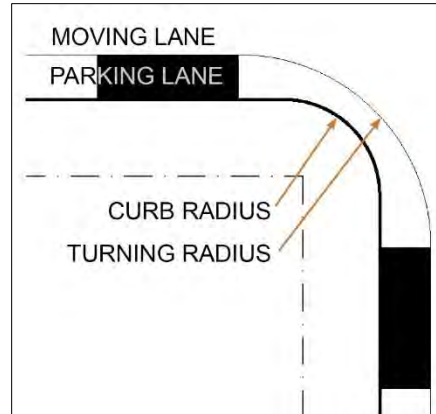


Figure 3811: Corner Curb with On-Street Parking

### Sec. 24-3812. Streets and Sidewalks: Streetscape

Sidewalks may have three zones with differing functions. They are the Frontage Zone, Clear Path, and Furnishing and Landscape Strip (see Figure 3812: Sidewalk Zones). The purpose of each zone and applicable standards are set forth below.

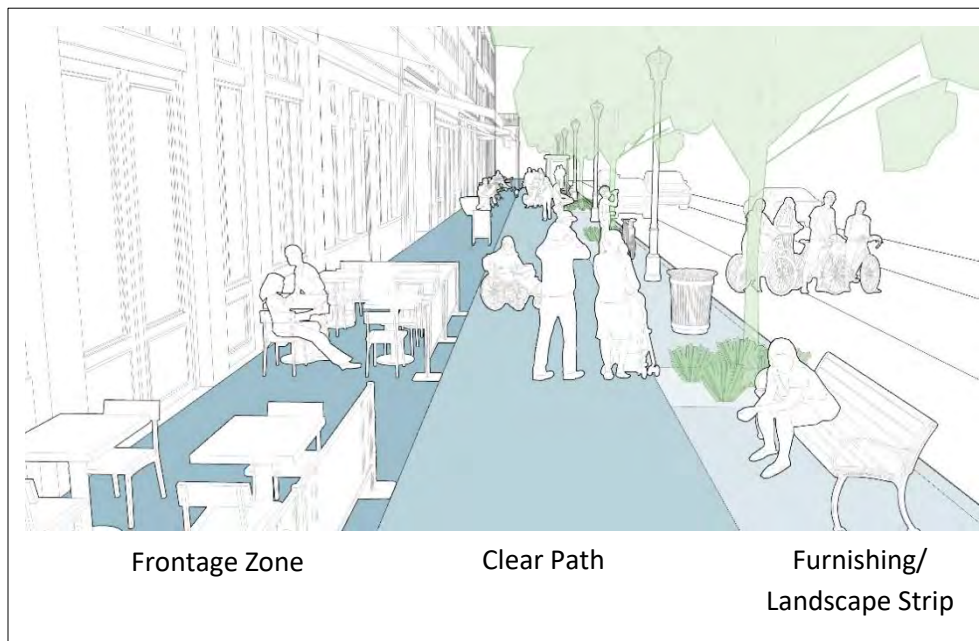


Figure 3812: Sidewalk Zones

#### A. Frontage Zone

The frontage zone is the space between the building façade or property line and the clear path. This space supplements the buildings' activities and provides a buffer between pedestrians, frontage elements that extend beyond the façade such as arcades or colonnades, and opening doors. It is the location for seating, signs, retail displays, and landscaping.

## B. Clear Path

The clear path is the portion of the sidewalk dedicated to pedestrian travel. It should be accessible and free of physical obstructions to allow for the movement of people. It should be well-lit and functional in all weather conditions, including snowy winters, and must comply with the following standards:

1. A paved sidewalk at least six feet wide must be provided.
2. The sidewalk must be located in the existing right-of-way or, if the sidewalk cannot fit within the right-of-way, in a dedicated public easement.
3. The sidewalk must be aligned with any adjoining sidewalk and must be paved to the same elevation as the adjoining sidewalk or land.

## C. Furnishing and Landscape Strip

The furnishing and landscape strip serves many functions, varying greatly depending on the type of street. Its primary purpose is to separate the clear path from motorists and provide a location for street furniture and utilities, street trees, storm water elements, lighting, transit stops, bike racks, parking meters, signage, and other elements.

### Sec. 24-3813. Streets and Sidewalks: Street Trees

Either a sidewalk planting strip at least five feet wide between the sidewalk and the street or minimum five-foot wide by six-foot long street tree planting areas, must be provided for the location of street trees. Street trees must be planted at a maximum average spacing of 30 feet on center. Street tree areas must be coordinated with public utilities to ensure that the placement and growth of required plantings will not interfere with utilities.

### 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).

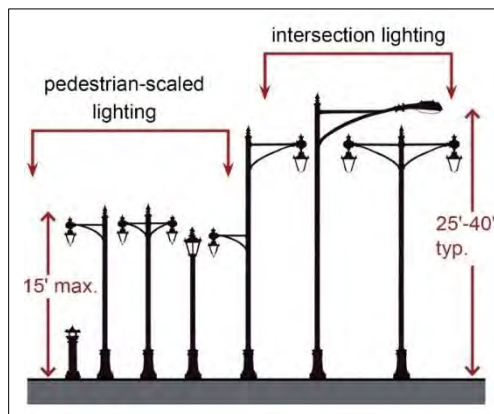


Figure 3814: Types of Street Lighting

- B.** Intersection-scaled lighting must be used in addition to pedestrian-scaled lights where required by the Department of Public Works (see Figure 3814: Types of Street Lighting).

## Article 3 Zoning Districts

### Division 8. FBA-O Form-Based Alternative Overlay District

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- C.** Streetlights must be aligned with street tree placement (generally between two and a half feet and four feet from the back of the curb). Placement of fixtures must be coordinated with the organization of sidewalks, landscaping, street trees, building entries, curb cuts, signage, etc.
- D.** Pedestrian scaled light fixtures must not exceed 15 feet in height to promote a pedestrian scale to the public realm and to minimize light spill to adjoining properties. Light fixtures must be spaced not more than 40 feet on center on average. In cases where this spacing requirement would require two fixtures to be located within 20 feet of each other, they may be consolidated into one fixture.
- E.** Light poles may include armature that allows for the hanging of banners or other amenities (e.g., hanging flower baskets, artwork, etc.).
- F.** Lighting must be designed to prevent the direct view of the light source from neighboring residential areas.
- G.** Light fixtures must be downcast or low cut-off fixtures to prevent glare and light pollution.
- H.** To conserve energy and reduce long-term costs, energy-efficient lamps must be used for all public realm lighting.
- I.** There must be consistency of lighting fixtures along each street to create a unifying scheme of illumination that is appropriate to the scale of the street and the level of nighttime activity. Lamp styles must be consistent along both sides of each block of each street.

#### ***Sec. 24-3815. Streets and Sidewalks: Terminated Vista***

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To enhance wayfinding and mark an important view, where a point of reference is indicated on regulating and street hierarchy plans, a tower, cupola, statue, monument, or a similar significant architectural feature must be placed in the area where the point of reference is indicated.

#### ***Sec. 24-3816. Streets and Sidewalks: Typical Street Types***

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The following typical street sections may be used to create new streets or modify existing streets within the FBA-O District: typical primary street sections as shown in Sec. 24-3817, typical secondary street sections as shown in Sec. 24-3818, typical tertiary street sections as shown in Sec. 24-3819, and typical one-way street sections as shown in Sec. 24-3820.

**Sec. 24-3817. Streets and Sidewalks: Typical Primary Street Sections**

**A. Multiway Boulevard**

The Multiway Boulevard is designed for high traffic counts while providing an access lane for local traffic to access shops and restaurants. Street trees provide shade for pedestrians and bicyclists. Wide sidewalks accommodate outdoor dining. The Multiway Boulevard will ideally be utilized for West Broad Street through the Brookfield Area Subdistrict and the Parham/Broad Area Subdistrict. (See Figure 3817A: Multiway Boulevard Section.)

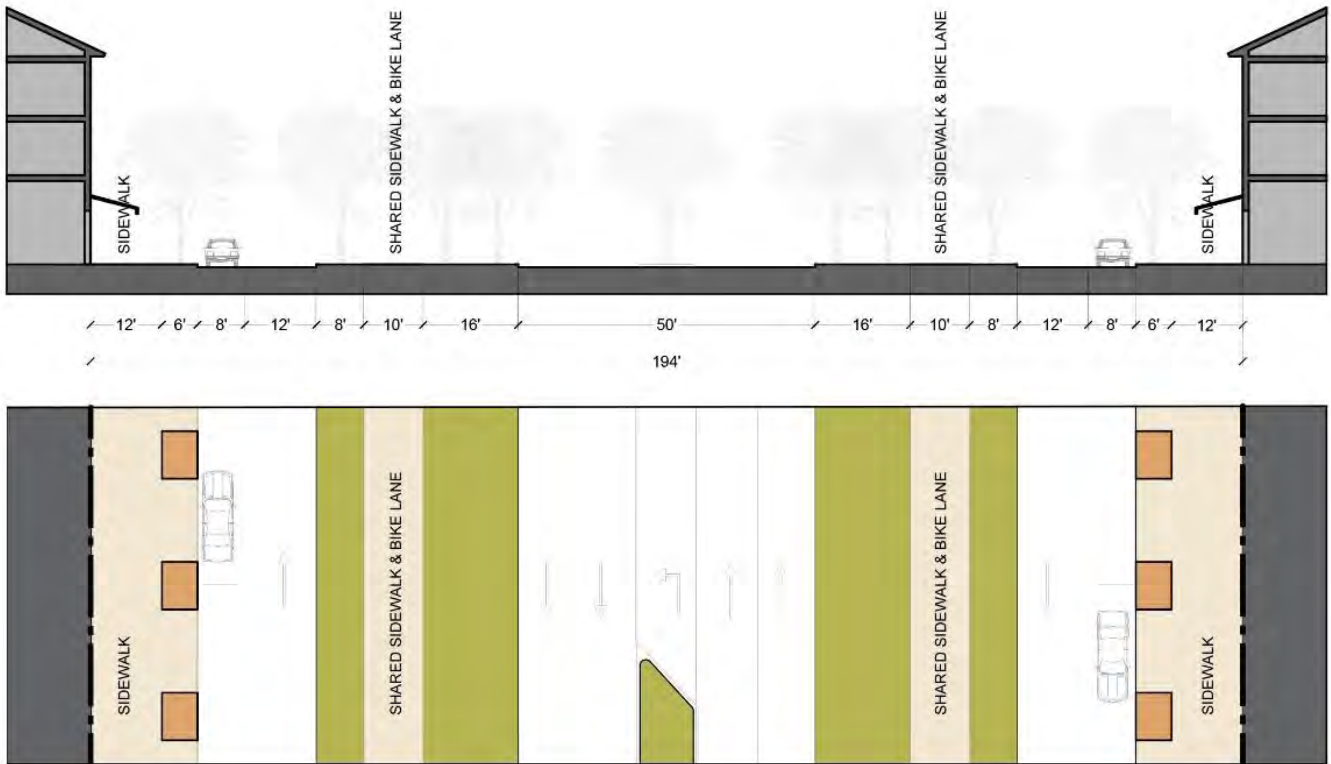


Figure 3817A: Multiway Boulevard Section

# Article 3 Zoning Districts

## Division 8. FBA-O Form-Based Alternative Overlay District

### B. Primary Street 1

Primary Street 1 accommodates two-way traffic with parallel parking on either side. Pairs of trees are planted on each side of two bike lanes. These bike lanes are located between the parallel parking and sidewalk along the street. (See Figure 3817B: Primary Street 1 Section.)

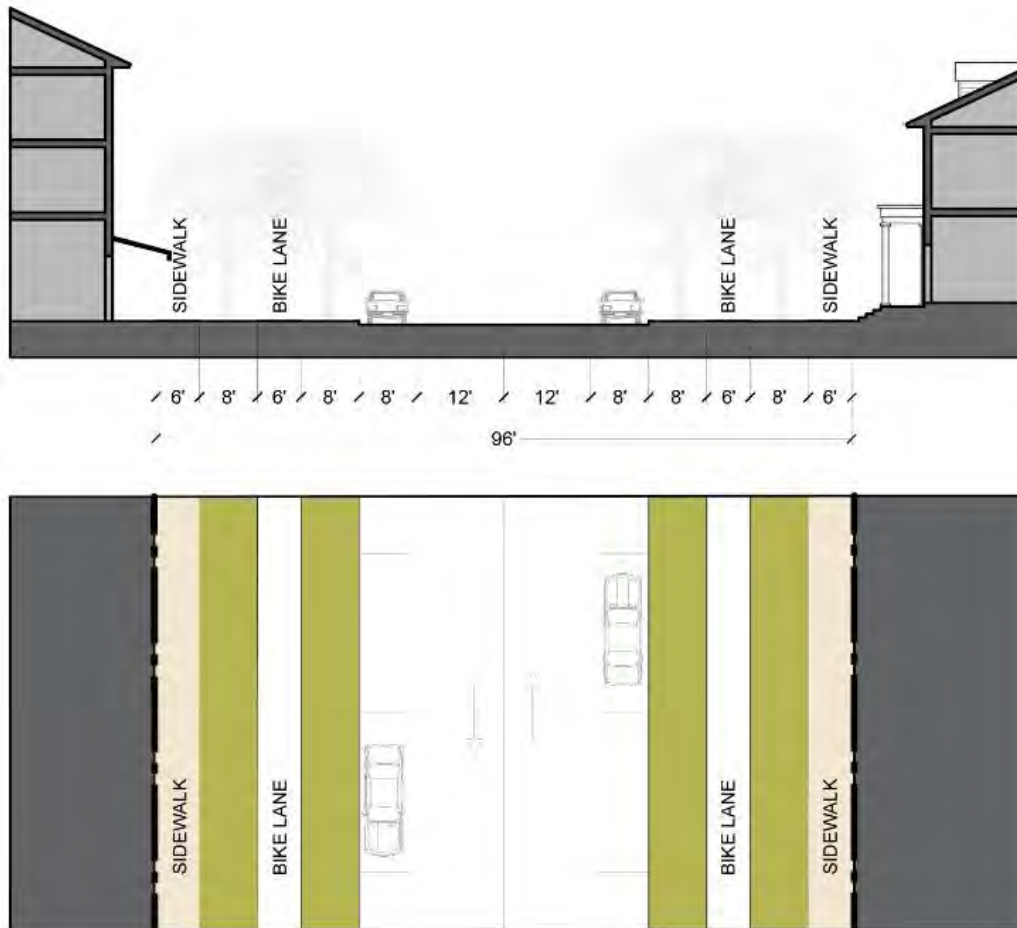


Figure 3817B: Primary Street 1 Section

### C. Primary Street 2

Primary Street 2 accommodates two-way traffic with parallel parking on either side. Bike lanes are located between the parallel parking and sidewalk along the street. A raised curb is located between the bike lanes and parallel parking while street trees are located between the bike lanes and sidewalks. (See Figure 3817C: Primary Street 2 Section.)

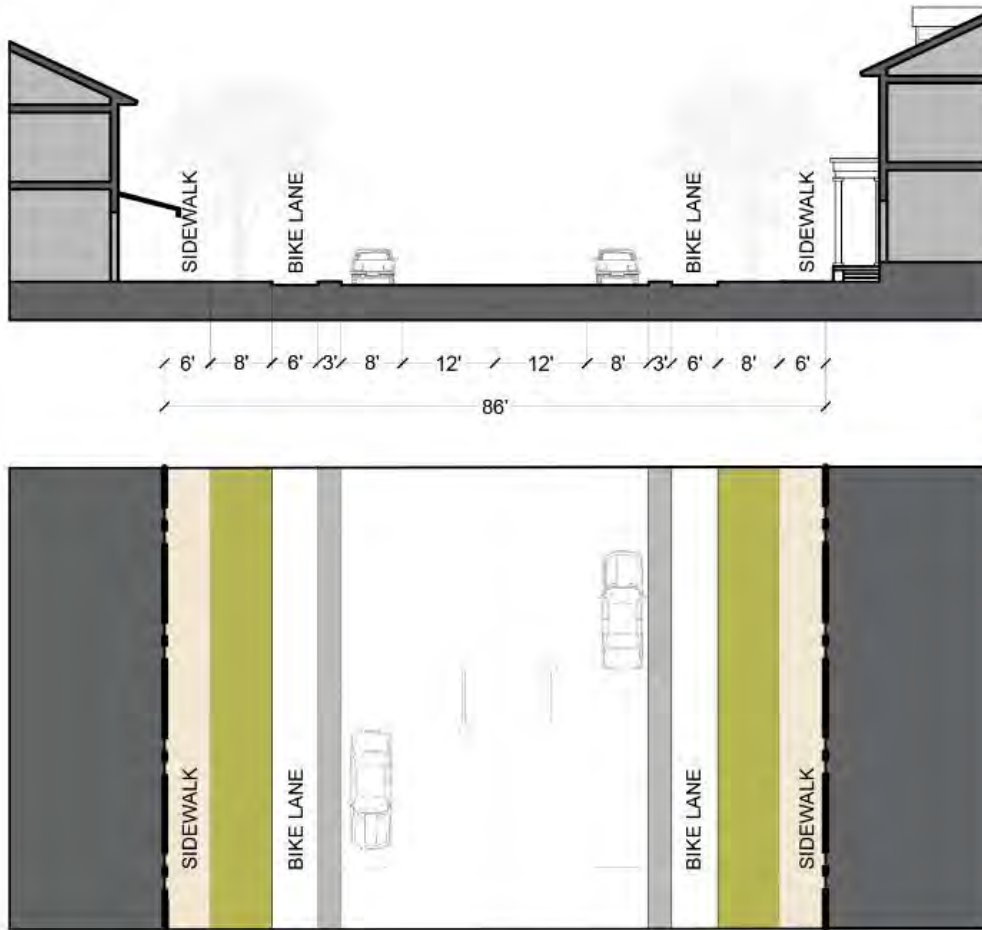


Figure 3817C: Primary Street 2 Section



# Article 3 Zoning Districts

## Division 8. FBA-O Form-Based Alternative Overlay District

### D. Primary Street 3

Primary Street 3 accommodates two-way traffic with parallel parking on either side. A two-way cycle track is located on one side of the street with street trees planted on either side. (See Figure 3817D: Primary Street 3 Section.)

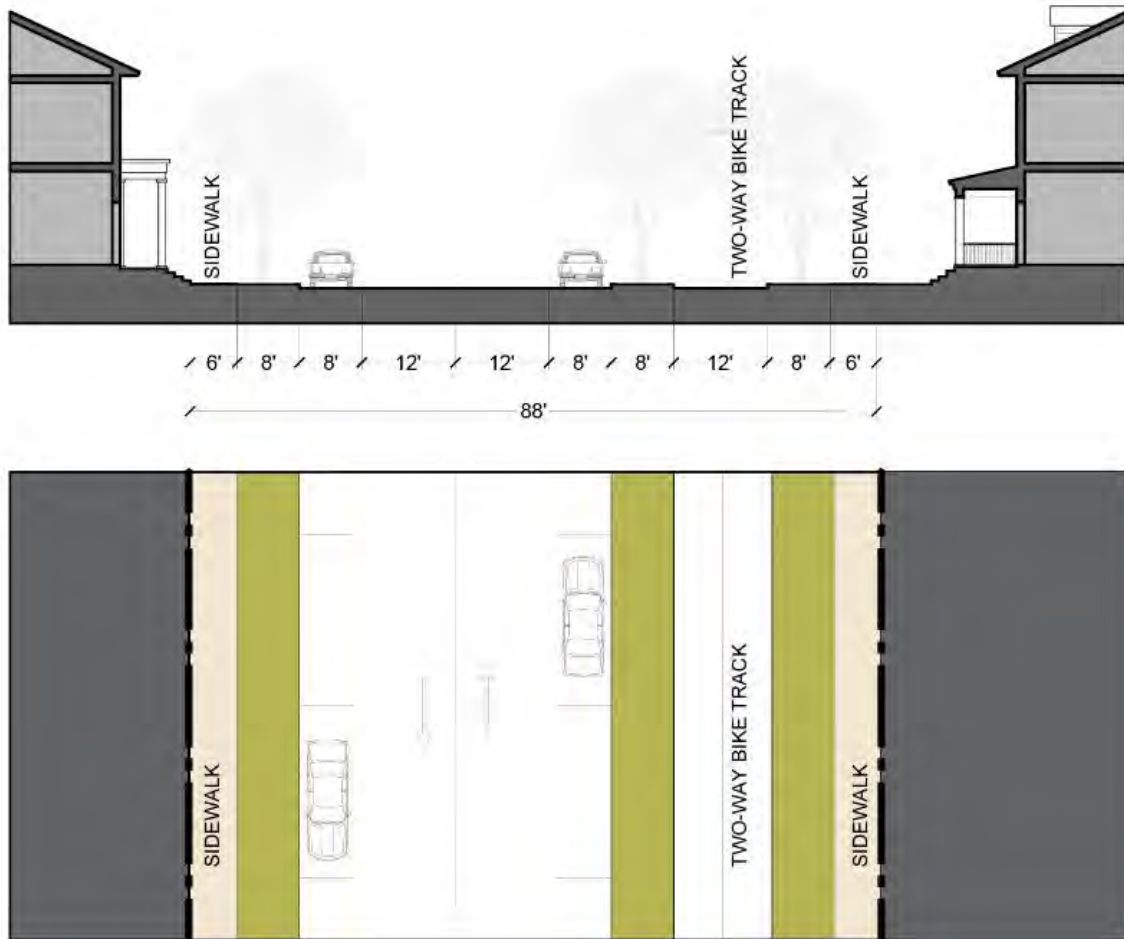


Figure 3817D: Primary Street 3 Section

### E. Primary Street 4

Primary Street 4 accommodates two-way traffic with parallel parking on either side. Street trees are located between parallel parking and the sidewalk. An optional turn lane that does not decrease the planting area and sidewalks may be added. (See Figure 3817E: Primary Street 4 Section.)

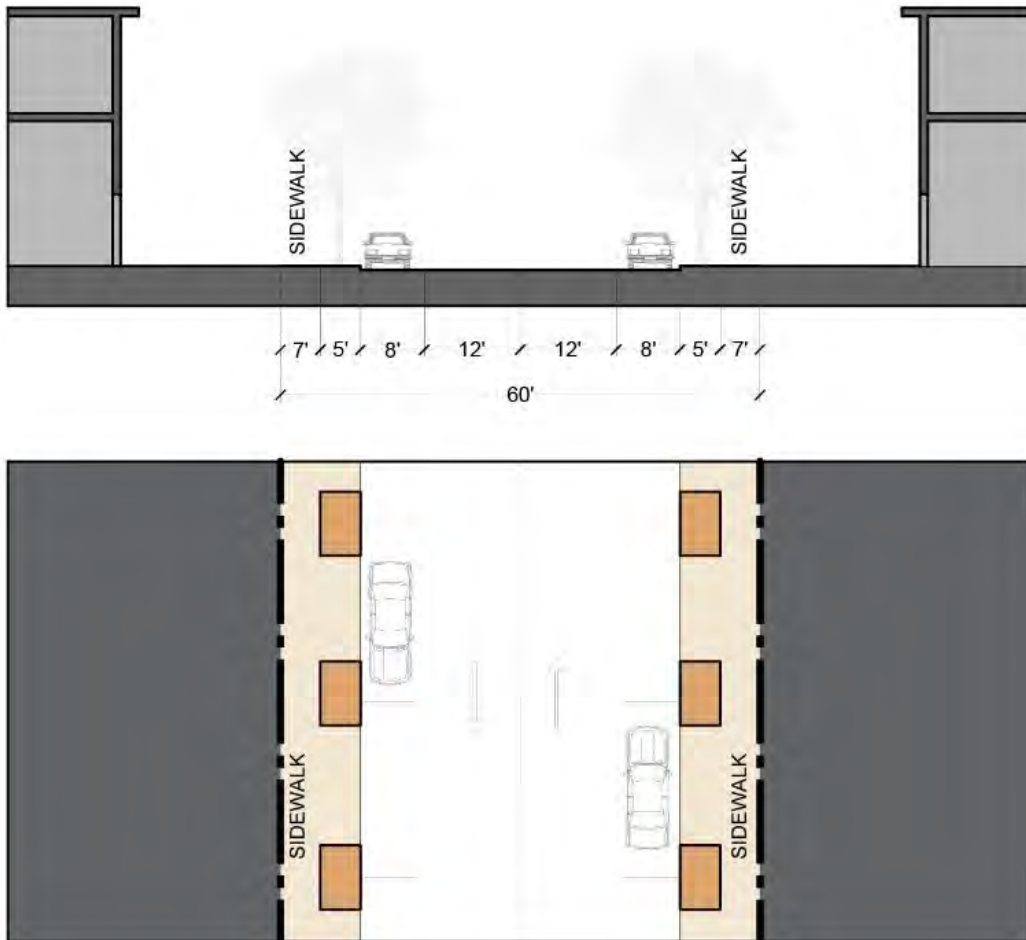


Figure 3817E: Primary Street 4 Section

**Article 3 Zoning Districts**

Division 8. FBA-O Form-Based Alternative Overlay District

**Sec. 24-3818. Streets and Sidewalks: Typical Secondary Street Sections**

**A. Secondary Street 1**

Secondary Street 1 accommodates two-way traffic with parallel parking on either side. Street trees are located between parallel parking and the sidewalk. An optional turn lane that does not decrease the planting area and sidewalks may be added. (See Figure 3818A: Secondary Street 1 Section.)

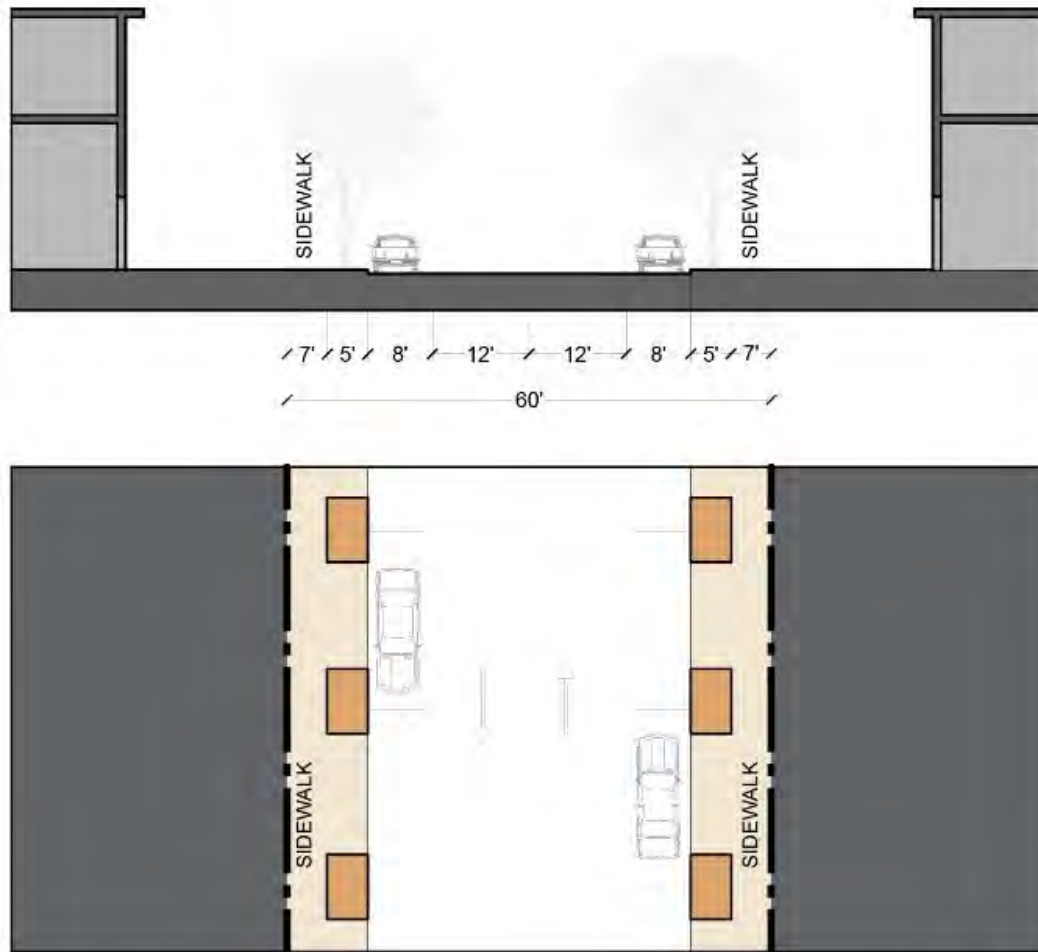


Figure 3818A: Secondary Street 1 Section

## B. Secondary Street 2

Secondary Street 2 is for residential areas with narrower right-of-way. It accommodates two-way traffic with parallel parking on one side. Street trees provide shade and are located between the street and the sidewalk. (See Figure 3818B: Secondary Street 2 Section.)

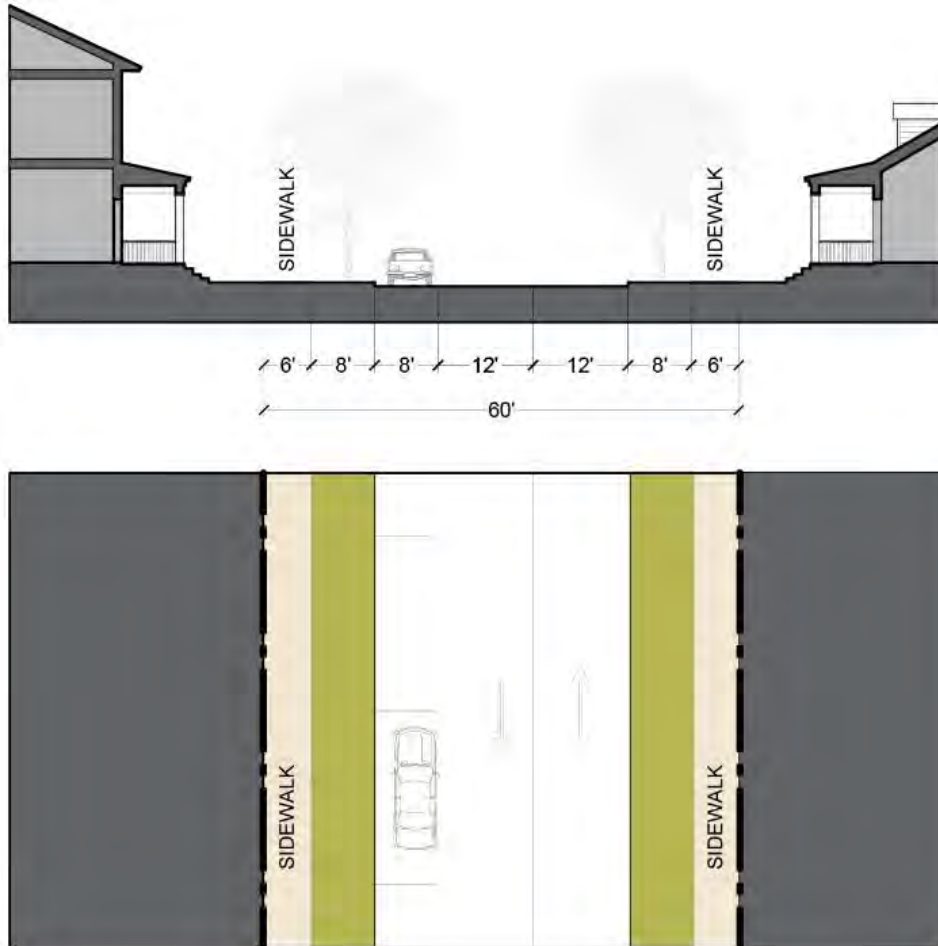


Figure 3818B: Secondary Street 2 Section

## Article 3 Zoning Districts

Division 8. FBA-O Form-Based Alternative Overlay District

### Sec. 24-3819. Streets and Sidewalks: Typical Tertiary Street Sections

#### A. Tertiary Street 1

Tertiary Street 1 is intended for slower residential streets that are relatively urban. It accommodates two-way traffic with parallel parking on either side. Street trees are located between the street and sidewalks. (See Figure 3819A: Tertiary Street 1 Section.)

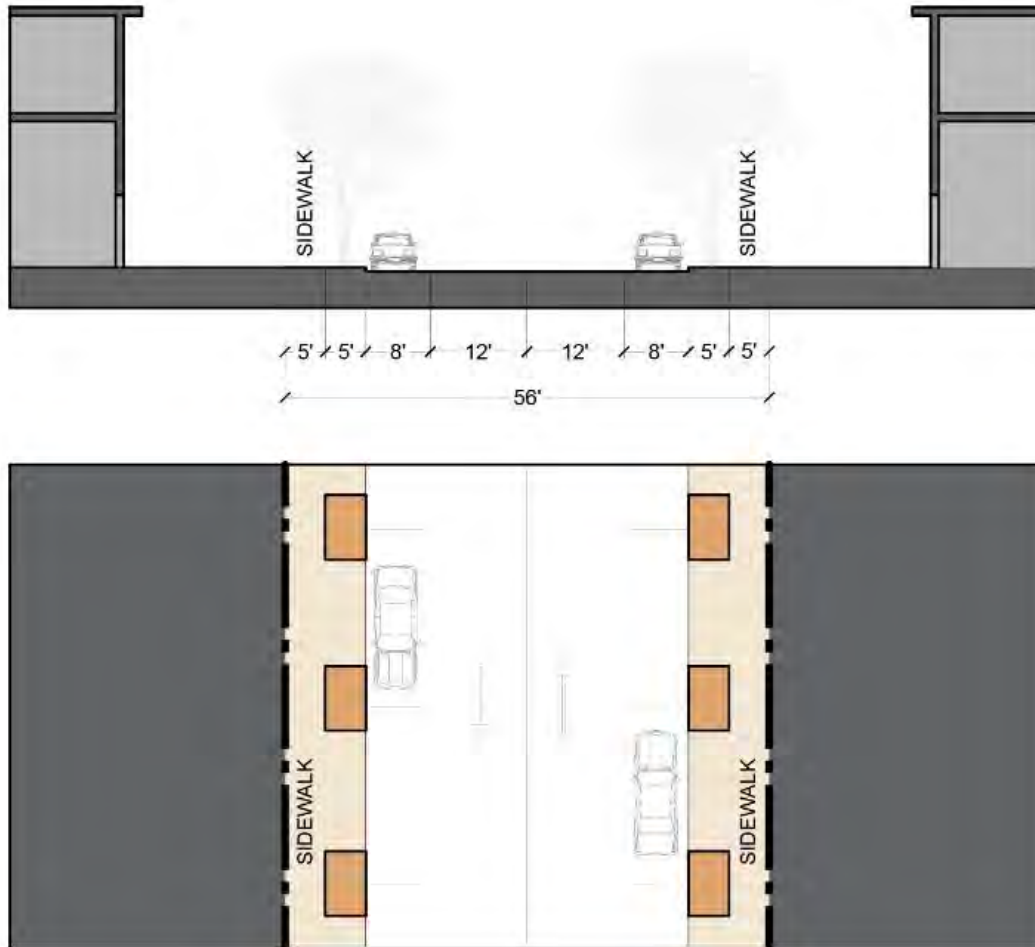


Figure 3819A: Tertiary Street 1 Section

### B. Tertiary Street 2

Tertiary Street 2 is primarily for residential streets with slow traffic. It accommodates two-way traffic with parallel parking on one side. Street trees are located between the street and the sidewalk. (See Figure 3819B: Tertiary Street 2 Section.)

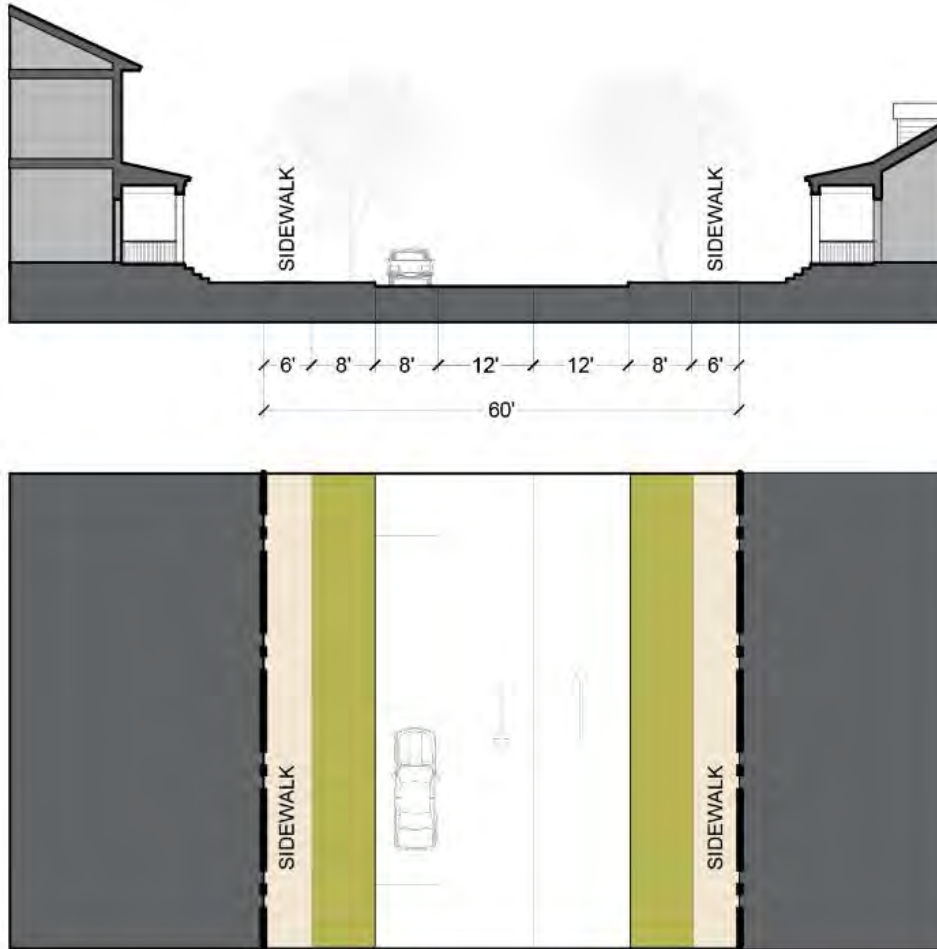


Figure 3819B: Tertiary Street 2 Section



## Article 3 Zoning Districts

### Division 8. FBA-O Form-Based Alternative Overlay District

#### **Sec. 24-3820. Streets and Sidewalks: Typical One-Way Street Sections**

One-way streets may not be used as a Primary Street except when used in a pair on opposite sides of a civic space. One-way streets may be used as secondary and tertiary streets when the right-of-way is not wide enough for a two-way street and does not limit the overall circulation of traffic.

##### **A. One-Way Street 1**

One-way Street 1 accommodates one-way traffic with parallel parking on both sides of the one-way drive lane. Street trees and sidewalks are on both sides of the street section.

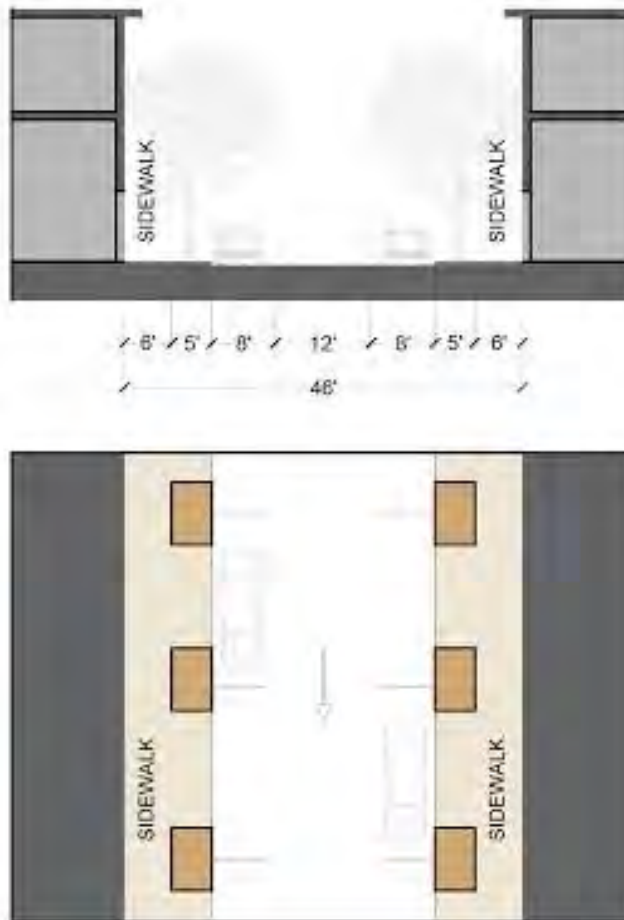


Figure 3820A: One-Way Street 1 Section

### B. One-Way Street 2

One-way Street 2 accommodates one-way traffic with parallel parking on one side of the street. Street trees and sidewalks are on both sides of the street section.

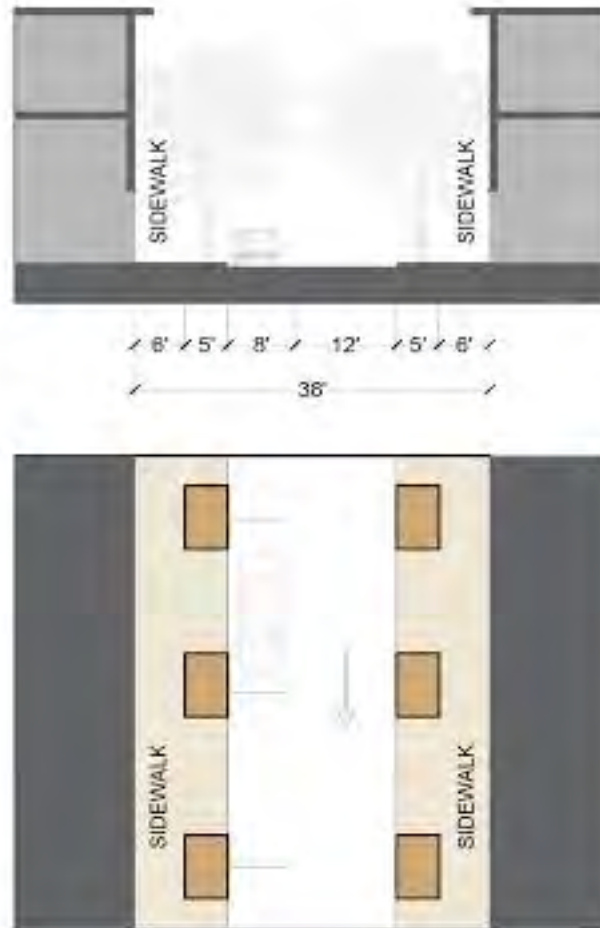


Figure 3820B: One-Way Street 2 Section

## Article 3 Zoning Districts

### Division 8. FBA-O Form-Based Alternative Overlay District

#### C. One-Way Street 3 Section

One-way Street 3 accommodates one-way traffic with a bike lane on one side. Street trees provide shade and are located between the street and the sidewalk on both sides of the street.

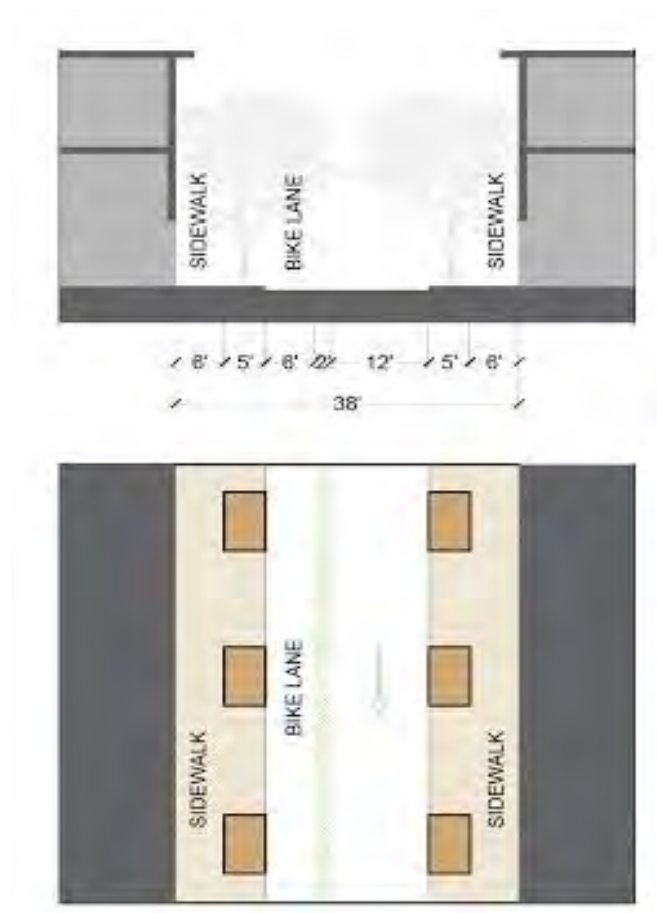


Figure 3820C: One-Way Street 3 Section


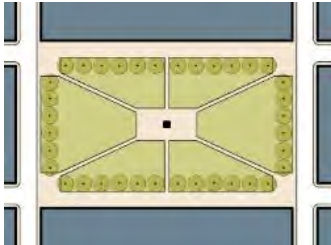
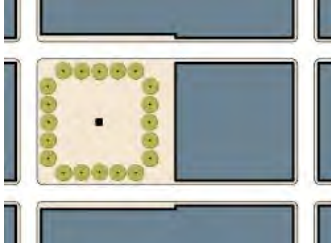

#### **Sec. 24-3821. Civic Open Space: Minimum Civic Open Space Required**

- A.** All new development must provide civic space within one-quarter-mile walking distance of every parcel.
- B.** Except as otherwise provided in subsection D below, the following minimum percentages of the area of each development site must be set aside as civic open spaces:
  - 1.** 7.5% for residential uses;
  - 2.** 5% for non-residential uses and mixed uses.
- C.** The requirement in subsection B above, is in addition to any planting strips within street rights-of-way and open space provided on lots with private buildings.

- D. The requirement in subsection B above may be met by a comparable amount of civic open space within 1/4 mile walking distance that already exists or is committed to be provided by another public or private development to comply with subsection B above but not counted toward the civic open space requirement for that development.

**Sec. 24-3822. Civic Open Space: Types of Civic Open Space**

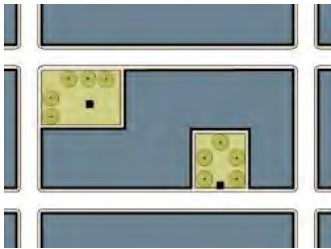
Civic open spaces are categorized as described in Table 3822: Illustrations of Typical Civic Open Space.

Table 3822: Illustrations of Typical Civic Open Spaces	
	<p><b>Green</b></p> <p>A green is an informal space consisting of lawn and informally arranged trees and shrubs, typically furnished with paths, benches, and open shelters. Greens are spatially defined by abutting streets.</p>
	<p><b>Square</b></p> <p>A square is a formal open space available for recreational and civic uses and spatially defined by abutting streets and building frontages. Landscaping in a square consists of lawn, trees, and shrubs planted in formal patterns and it is typically furnished with paths, benches, and open shelters.</p>
	<p><b>Plaza</b></p> <p>A plaza is a formal open space available for civic and commercial uses and spatially defined by building frontages. Landscaping in a plaza consists primarily of pavement or other hardscapes; trees and shrubs are optional.</p>
	<p><b>Neighborhood Park</b></p> <p>A neighborhood park is a natural landscape consisting of open and wooded areas, typically furnished with paths, benches, and open shelters. Neighborhood parks are often irregularly shaped but may be linear in order to parallel water features or corridors.</p>

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Table 3822: Illustrations of Typical Civic Open Spaces

	<p><b>Playground</b></p> <p>A playground is a fenced open space, typically interspersed within residential areas, that is designed and equipped for the recreation of children. Playgrounds may be freestanding or located within parks or greens.</p> <p><b>Community Garden</b></p> <p>A community garden is a grouping of garden plots available to nearby residents for small-scale cultivation.</p>
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### Sec. 24-3823. Civic Open Space: Civic Open Space Types Counted in Development Areas

Table 3823 identifies **with an "X"** which types of open space types are counted toward meeting the requirement in each development area.

Table 3823: Civic Open Space Types Counted in Development Areas

Civic Space Type	Must front at least:	Typical Size	Mixed-use Corridor	Mixed-use Core	Walkable Corridor	Walkable Center	Neighborhood General	Connected Edge	Highway Edge
Green	2 Streets	0.5 to 5 acres	X	X	X	X	X	X	X
Square	2 Streets	0.5 to 2 acres	X	X	X	X			X
Plaza	1 Street	0.1 to 2 acres	X	X	X	X			X
Neighborhood Park	1 Street	Min. 0.5 acres					X	X	X
Playground	0 Streets	0.1 to 1 acre	X	X	X	X	X	X	X
Community Garden	0 Streets	0.1 to 1 acre	X	X	X	X	X	X	X

### Sec. 24-3824. Civic Open Space: Design Standards

- A.** Squares and plazas must be located so that at least 25 percent of buildings on the public space are facing it with their primary facades.
- B.** Civic open spaces must be designed, landscaped, and furnished and not treated as leftover space. They must be included in each plan phase.
- C.** Stormwater management improvements must be integrated with the final landscape design as site amenities (see Article 5, Division 2, Required Open Space).

### Sec. 24-3825. Frontage Standards

The frontage standards in this section establish the physical and functional relationships between buildings and the street in all development areas. The standards include rules related to building

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placement (build-to zones, setbacks, location of parking, etc.) and building heights. New development in the FBA-O must comply with the frontage standards in this Division based on the development area designation on the regulating and street hierarchy plan where the development is located. Table 3825: Summary of Frontage Standards, summarizes the frontage standards that apply in each development area. New development in each development area in the FBA-O District must comply with the corresponding frontage standards in Sec. 24-3826 through Sec. 24-3832.

**Table 3825: Summary of Frontage Standards**

Frontage Standards	Development Area						
	Mixed-use Corridor	Mixed-use Core	Walkable Corridor	Walkable Center	Neighborhood General	Connected Edge	Highway Edge
Heights <sup>1</sup>							
Primary Street <sup>1</sup>	75' max <sup>1,2</sup>	75' max <sup>1,2</sup>	60' max <sup>1,2</sup>	60' max <sup>1,2</sup>	55' max <sup>1,2</sup>	40' max <sup>1,2</sup>	165' max <sup>1,2</sup>
Secondary Street <sup>1</sup>	65' max <sup>1,2</sup>	65' max <sup>1,2</sup>	60' max <sup>1,2</sup>	60' max <sup>1,2</sup>	55' max <sup>1,2</sup>	35' max <sup>1,2</sup>	165' max <sup>1,2</sup>
Tertiary Street <sup>1</sup>	60' max <sup>1,2</sup>	60' max <sup>1,2</sup>	55' max <sup>1,2</sup>	55' max <sup>1,2</sup>	50' max <sup>1,2</sup>	35' max <sup>1,2</sup>	110' max <sup>1,2</sup>
First Floor Height <sup>3</sup>	13' min	13' min	13' min	13' min	13' min	13' min	13' min
Ground Finished Floor <sup>4</sup>	Com: 0' min Res: 2' min	Com: 0' min Res: 2' min	Com: 0' min Res: 2' min	Com: 0' min Res: 2' min	Com: 0' min Res: 2' min	Res: 2' min	Com: 0' min Res: 2' min
Building Placement							
Primary Street Build-to Zone	15' to 25' <sup>5</sup>	0' to 10' <sup>5</sup>	15' to 25' <sup>5</sup>	0' to 10' <sup>5</sup>	0' to 12'	10' min setback	0' to 8' <sup>5</sup>
Secondary Street Build-to Zone	0' to 12' <sup>5</sup>	0' to 10' <sup>5</sup>	0' to 15' <sup>5</sup>	0' to 12' <sup>5</sup>	0' to 18'	10' min setback	0' to 10' <sup>5</sup>
Interior Side Yard Setback	0' min	0' min	0' min	0' min	0' min	5' min	0' min
Tertiary Street Build-to Zone	0' to 10'	0' to 10'	6' to 18'	6' to 18'	6' to 18'	12' min setback	0' to 10'
Alley or Rear Setback	5' min	5' min	5' min	5' min	5' min	5' min	5' min
Lot Coverage	90% max	90% max	75% max	75% max	70% max	60% max	90% max
Frontage Build-Out							
Building Front	80% min	80% min	60% min	60% min	60% min	40% min	80% min
Building Side (street)	40% min	40% min	30% min	30% min	30% min	20%	40% min
Building Rear (street)	60% min	60% min	40% min	40% min	40% min	N/A	60% min
Parking Location							
Front Setback <sup>4</sup>	30' min <sup>6</sup>	30' min <sup>6</sup>	30' min <sup>6</sup>	30' min <sup>6</sup>	20' min <sup>6</sup>	24' min <sup>6</sup>	30' min <sup>6</sup>
Interior Side Yard Setback <sup>4</sup>	0' min <sup>6</sup>	0' min <sup>6</sup>	0' min <sup>6</sup>	0' min <sup>6</sup>	0' min <sup>6</sup>	0' min <sup>6</sup>	0' min <sup>6</sup>
Street Side Yard Setback <sup>4</sup>	30' min <sup>6</sup>	30' min <sup>6</sup>	30' min <sup>6</sup>	30' min <sup>6</sup>	20' min <sup>6</sup>	20' min <sup>6</sup>	30' min <sup>6</sup>
Rear Setback (lot) <sup>4</sup>	5' min <sup>6</sup>	5' min <sup>6</sup>	5' min <sup>6</sup>	5' min <sup>6</sup>	5' min <sup>6</sup>	5' min <sup>6</sup>	5' min <sup>6</sup>
Rear Setback (alley) <sup>4</sup>	0' min <sup>6</sup>	0' min <sup>6</sup>	0' min <sup>6</sup>	0' min <sup>6</sup>	3' min <sup>6</sup>	3' min <sup>6</sup>	0' min <sup>6</sup>
Rear Setback (street) <sup>4</sup>	30' min <sup>6</sup>	30' min <sup>6</sup>	20' min <sup>6</sup>	20' min <sup>6</sup>	20' min <sup>6</sup>	20' min <sup>6</sup>	20' min <sup>6</sup>



## Article 3 Zoning Districts

### Division 8. FBA-O Form-Based Alternative Overlay District

Table 3825: Summary of Frontage Standards

Frontage Standards	Development Area						
	Mixed-use Corridor	Mixed-use Core	Walkable Corridor	Walkable Center	Neighborhood General	Connected Edge	Highway Edge
Frontage Elements							
Allowed Frontage Elements <sup>7</sup>	Forecourt, Stoop, Shopfront, Gallery, Arcade / Colonnade <sup>5</sup>	Forecourt, Stoop, Shopfront, Gallery, Arcade / Colonnade <sup>5</sup>	Terrace or Lightwell, Forecourt, Stoop, Shopfront, Gallery, Arcade / Colonnade <sup>5</sup>	Terrace or Lightwell, Forecourt, Stoop, Shopfront, Gallery, Arcade / Colonnade <sup>5</sup>	Porch, Terrace or Lightwell, Forecourt, Stoop, Shopfront	Porch, Stoop, Common Yard	Terrace or Lightwell, Forecourt, Stoop, Shopfront, Gallery, Arcade / Colonnade <sup>5</sup>

**NOTES:**

1. Allowable building height determined based on street designation where front of building is located.
2. Towers, cupolas, and other architectural rooftop features with a footprint smaller than 15' by 15' may extend up to 20' above the designated height limit.
3. Measured floor to floor.
4. Measured above grade.
5. A minimum front 6' sidewalk must be provided. The sidewalk may be a combination of public and private property.

6. See Sec. 24-3834, Parking Standards: Purpose, et seq.
7. See Sec. Sec. 24-3825, Frontage Standards, et seq.

General Table NOTES:

- All buildings must have a Primary Pedestrian Entrance along the front facade.
- Loading docks and other service entries must not be located on primary frontages.
- "Com" is an abbreviation for "Commercial."
- "Res" is an abbreviation for "Residential."

**Sec. 24-3826. Mixed-use Corridor Frontage Standards**

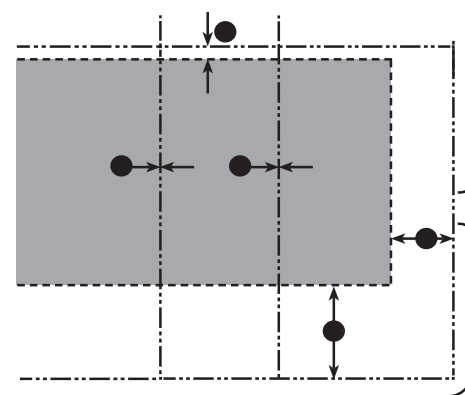
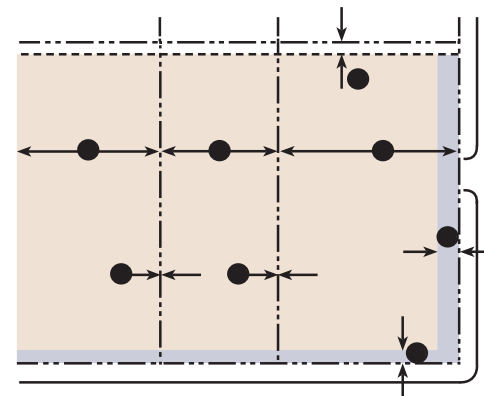
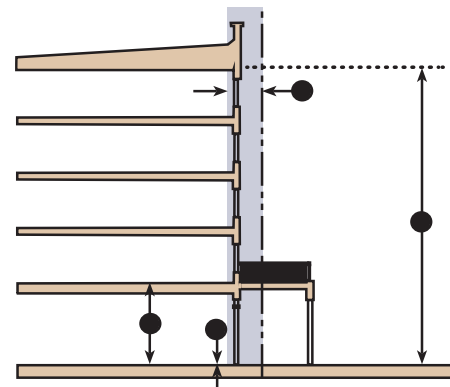
Building Heights		
A	Primary Street Building Height <sup>1</sup>	75' max <sup>1,2</sup>
A	Secondary Street Building Height <sup>1</sup>	65' max <sup>1,2</sup>
A	Tertiary Street Building Height <sup>1</sup>	60' max <sup>1,2</sup>
B	First Floor Height (floor to floor)	13' minimum
C	Ground Finished Floor above sidewalk or finished grade	Commercial: 0' min Residential: 2' min
Building Placement		
D	Primary Street Build-to Zone 3	15' minimum to 25' maximum <sup>3</sup>
E	Secondary Street Build-to Zone 3	0' minimum to 12' maximum <sup>3</sup>
F	Interior Side Yard Setback	0' minimum
	Tertiary Street Build-to Zone	0' minimum to 10' maximum
G	Alley or Rear Setback	5' minimum
	Lot Coverage	90% maximum
Frontage Built-Out		
H	Building Front	80% minimum
	Building Side (street)	40% minimum
	Building Rear (street)	60% minimum
Parking Location		
I	Front Setback <sup>4</sup>	30' minimum <sup>4</sup>
J	Interior Side Yard Setback <sup>4</sup>	0' minimum <sup>4</sup>
K	Street Side Yard Setback <sup>4</sup>	30' minimum <sup>4</sup>
L	Rear Setback (lot) <sup>4</sup>	5' minimum <sup>4</sup>
	Rear Setback (alley) <sup>4</sup>	0' minimum <sup>4</sup>
	Rear Setback (Street) <sup>4</sup>	30' minimum <sup>4</sup>
Frontage Elements		
	Allowed Frontage Elements <sup>5</sup>	Forecourt, Stoop, Shopfront, Gallery, Arcade / Colonnade <sup>5</sup>

NOTES:

1. Allowable building height determined based on street designation where front of building is located.
2. Towers, cupolas, and other architectural rooftop features with a footprint smaller than 15' by 15' may extend up to 20' above the designated height limit.
3. A minimum front 6' sidewalk must be provided in the Mixed-Use Corridor. The sidewalk may be a combination of public and private property.
4. Reference Parking section for requirements.
5. See General Standards for requirements of frontage elements.

General Table NOTES:

- All buildings must have a primary pedestrian entrance along the front façade.
- Loading docks and other service entries must not be located on Mixed-use Corridor frontages.



# Article 3 Zoning Districts

## Division 8. FBA-O Form-Based Alternative Overlay District

### Sec. 24-3827. Mixed-use Core Frontage Standards

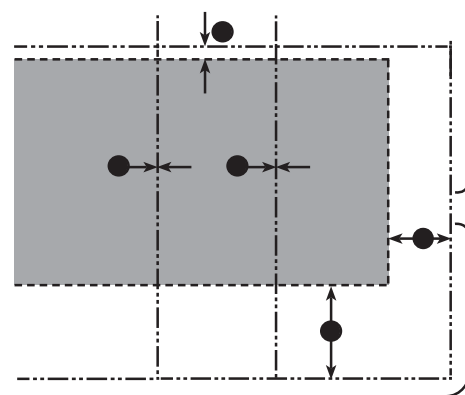
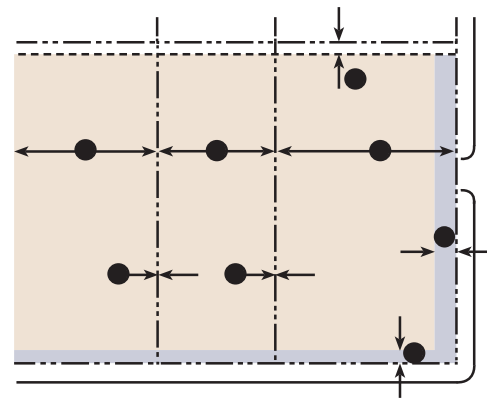
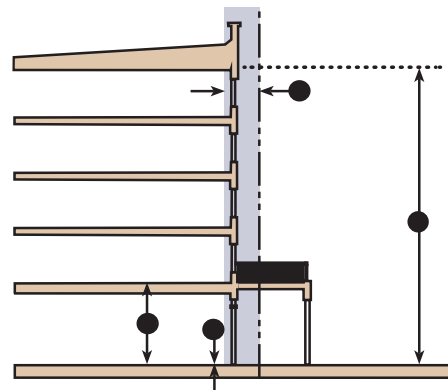
Building Heights		
A	Primary Street Building Height <sup>1</sup>	75' max <sup>1,2</sup>
A	Secondary Street Building Height <sup>1</sup>	65' max <sup>1,2</sup>
A	Tertiary Street Building Height <sup>1</sup>	60' max <sup>1,2</sup>
B	First Floor Height (floor to floor)	13' minimum
C	Ground Finished Floor above sidewalk or finished grade	Commercial: 0' min Residential: 2' min
Building Placement		
D	Primary Street Build-to Zone <sup>3</sup>	0' minimum to 10' maximum <sup>3</sup>
E	Secondary Street Build-to Zone <sup>3</sup>	0' minimum to 10' maximum <sup>3</sup>
F	Interior Side Yard Setback	0' minimum
	Tertiary Street Build-to Zone	0' minimum to 10' maximum
G	Alley or Rear Setback	5' minimum
	Lot Coverage	90% maximum
Frontage Built-Out		
H	Building Front	80% minimum
	Building Side (street)	40% minimum
	Building Rear (street)	60% minimum
Parking Location		
I	Front Setback <sup>4</sup>	30' minimum <sup>4</sup>
J	Interior Side Yard Setback <sup>4</sup>	0' minimum <sup>4</sup>
K	Street Side Yard Setback <sup>4</sup>	30' minimum <sup>4</sup>
L	Rear Setback (lot) <sup>4</sup>	5' minimum <sup>4</sup>
	Rear Setback (alley) <sup>4</sup>	0' minimum <sup>4</sup>
	Rear Setback (Street) <sup>4</sup>	30' minimum <sup>4</sup>
Frontage Elements		
	Allowed Frontage Elements <sup>5</sup>	Forecourt, Stoop, Shopfront, Gallery, Arcade / Colonnade <sup>5</sup>

**NOTES:**

1. Allowable building height determined based on street designation where front of building is located.
2. Towers, cupolas, and other architectural rooftop features with a footprint smaller than 15' by 15' may extend up to 20' above the designated height limit.
3. A minimum front 6' sidewalk must be provided in the Mixed-Use Core. The sidewalk may be a combination of public and private property.
4. Reference Parking section for requirements.
5. See General Standards for requirements of frontage elements.

**General Table NOTES:**

- All buildings must have a primary pedestrian entrance along the front façade.
- Loading docks and other service entries must not be located on Mixed-use Core frontages.



**Sec. 24-3828. Walkable Corridor Frontage Standards**

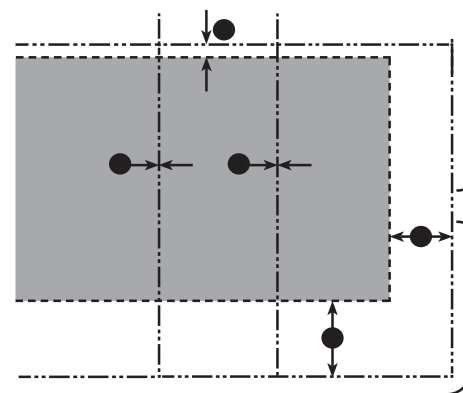
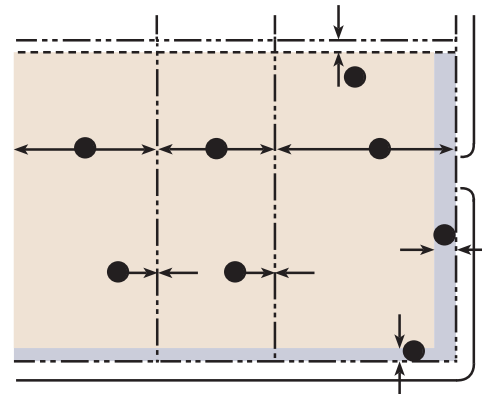
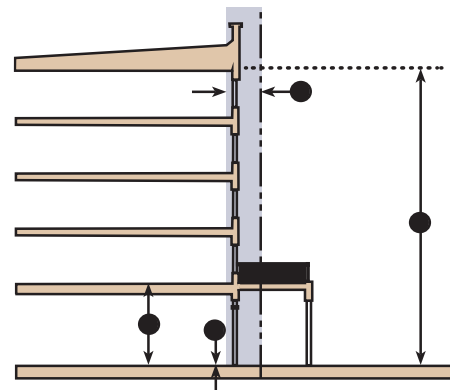
Building Heights		
A	Primary Street Building Height <sup>1</sup>	60' max <sup>1,2</sup>
A	Secondary Street Building Height <sup>1</sup>	60' max <sup>1,2</sup>
A	Tertiary Street Building Height <sup>1</sup>	55' max <sup>1,2</sup>
B	First Floor Height (floor to floor)	13' minimum
C	Ground Finished Floor above sidewalk or finished grade	Commercial: 0' min Residential: 2' min
Building Placement		
D	Primary Street Build-to Zone <sup>3</sup>	15' minimum to 25' maximum <sup>3</sup>
E	Secondary Street Build-to Zone <sup>3</sup>	0' minimum to 15' maximum <sup>3</sup>
F	Interior Side Yard Setback	0' minimum
	Tertiary Street Build-to Zone	6' minimum to 18' maximum
G	Alley or Rear Setback	5' minimum
	Lot Coverage	75% maximum
Frontage Built-Out		
H	Building Front	60% minimum
	Building Side (street)	30% minimum
	Building Rear (street)	40% minimum
Parking Location		
I	Front Setback <sup>4</sup>	30' minimum <sup>4</sup>
J	Interior Side Yard Setback <sup>4</sup>	0' minimum <sup>4</sup>
K	Street Side Yard Setback <sup>4</sup>	30' minimum <sup>4</sup>
L	Rear Setback (lot) <sup>4</sup>	5' minimum <sup>4</sup>
	Rear Setback (alley) <sup>4</sup>	0' minimum <sup>4</sup>
	Rear Setback (Street) <sup>4</sup>	20' minimum <sup>4</sup>
Frontage Elements		
	Allowed Frontage Elements <sup>5</sup>	Terrace or Lightwell, Forecourt, Stoop, Shopfront, Gallery, Arcade/Colonnade <sup>5</sup>

NOTES:

1. Allowable building height determined based on street designation where front of building is located.
2. Towers, cupolas, and other architectural rooftop features with a footprint smaller than 15' by 15' may extend up to 20' above the designated height limit.
3. A minimum front 6' sidewalk must be provided in the Walkable Corridor. The sidewalk may be a combination of public and private property.
4. Reference Parking section for requirements.
5. See General Standards for requirements of frontage elements.

General Table NOTES:

- All buildings must have a primary pedestrian entrance along the front façade.
- Loading docks and other service entries must not be located on Walkable Corridor frontages.



## Article 3 Zoning Districts

### Division 8. FBA-O Form-Based Alternative Overlay District

#### Sec. 24-3829. Walkable Center Frontage Standards

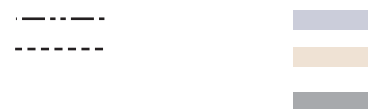
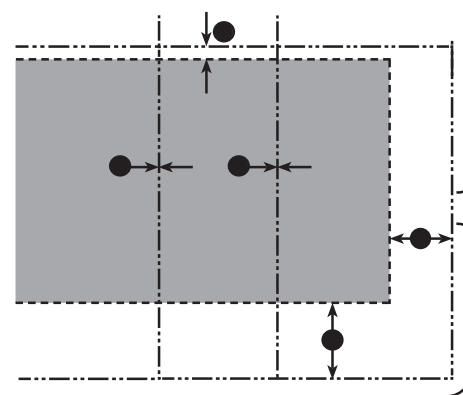
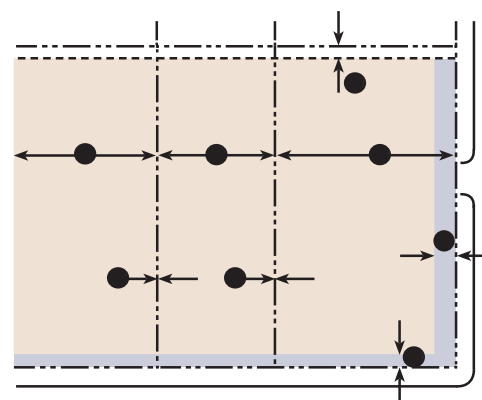
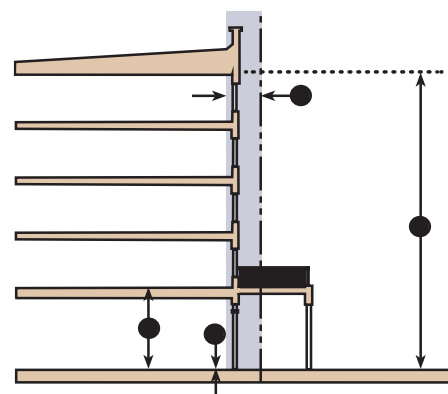
Building Heights		
A	Primary Street Building Height <sup>1</sup>	60' max <sup>1,2</sup>
A	Secondary Street Building Height <sup>1</sup>	60' max <sup>1,2</sup>
A	Tertiary Street Building Height <sup>1</sup>	55' max <sup>1,2</sup>
B	First Floor Height (floor to floor)	13' minimum
C	Ground Finished Floor above sidewalk or finished grade	<b>Commercial: 0' min</b> <b>Residential: 2' min</b>
Building Placement		
D	Primary Street Build-to Zone <sup>3</sup>	0' minimum to 10' maximum <sup>3</sup>
E	Secondary Street Build-to Zone <sup>3</sup>	0' minimum to 12' maximum <sup>3</sup>
F	Interior Side Yard Setback	0' minimum
	Tertiary Street Build-to Zone	6' minimum to 18' maximum
G	Alley or Rear Setback	5' minimum
	Lot Coverage	75% maximum
Frontage Built-Out		
H	Building Front	60% minimum
	Building Side (street)	30% minimum
	Building Rear (street)	40% minimum
Parking Location		
I	Front Setback <sup>4</sup>	30' minimum <sup>4</sup>
J	Interior Side Yard Setback <sup>4</sup>	0' minimum <sup>4</sup>
K	Street Side Yard Setback <sup>4</sup>	30' minimum <sup>4</sup>
L	Rear Setback (lot) <sup>4</sup>	5' minimum <sup>4</sup>
	Rear Setback (alley) <sup>4</sup>	0' minimum <sup>4</sup>
	Rear Setback (Street) <sup>4</sup>	20' minimum <sup>4</sup>
Frontage Elements		
	Allowed Frontage Elements <sup>5</sup>	Terrace or Lightwell, Forecourt, Stoop, Shopfront, Gallery, Arcade/Colonnade <sup>5</sup>

#### NOTES:

1. Allowable building height determined based on street designation where front of building is located.
2. Towers, cupolas, and other architectural rooftop features with a footprint smaller than 15' by 15' may extend up to 20' above the designated height limit.
3. A minimum front 6' sidewalk must be provided in the Walkable Center. The sidewalk may be a combination of public and private property.
4. Reference Parking section for requirements.
5. See General Standards for requirements of frontage elements.

#### General Table NOTES:

- All buildings must have a primary pedestrian entrance along the front façade.
- Loading docks and other service entries must not be located on Walkable Center frontages.



**Sec. 24-3830. Neighborhood General Frontage Standards**

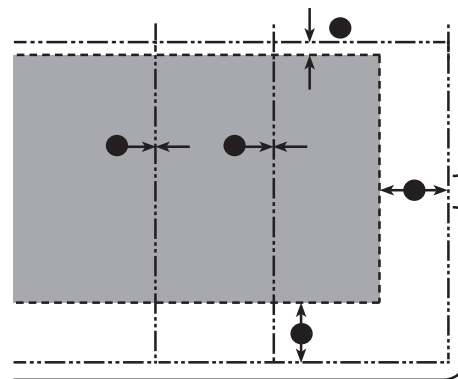
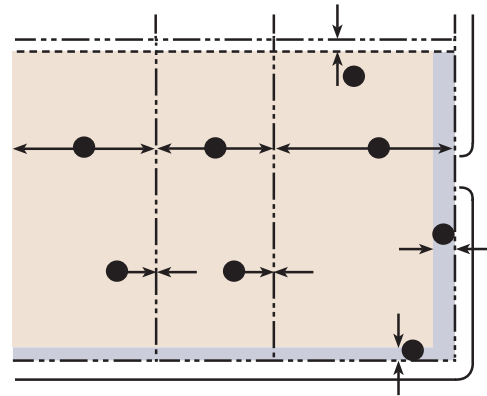
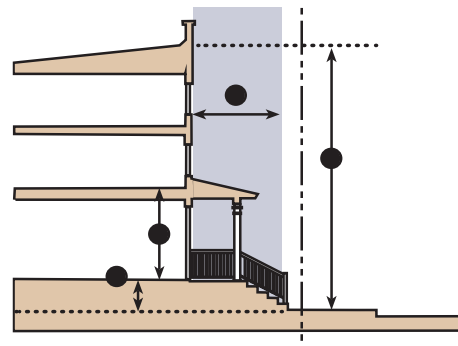
Building Heights		
A	Primary Street Building Height <sup>1</sup>	55' max <sup>1,2</sup>
A	Secondary Street Building Height <sup>1</sup>	55' max <sup>1,2</sup>
A	Tertiary Street Building Height <sup>1</sup>	50' max <sup>1,2</sup>
B	First Floor Height (floor to floor)	13' minimum
C	Ground Finished Floor above sidewalk or finished grade	Commercial: 0' min Residential: 2' min
Building Placement		
D	Primary Street Build-to Zone	0' minimum to 12' maximum
E	Secondary Street Build-to Zone	0' minimum to 18' maximum
F	Interior Side Yard Setback	0' minimum
	Tertiary Street Build-to Zone	6' minimum to 18' maximum
G	Alley or Rear Setback	5' minimum
	Lot Coverage	70% maximum
Frontage Built-Out		
H	Building Front	60% minimum
	Building Side (street)	30% minimum
	Building Rear (street)	40% minimum
Parking Location		
I	Front Setback <sup>4</sup>	20' minimum <sup>4</sup>
J	Interior Side Yard Setback <sup>4</sup>	0' minimum <sup>4</sup>
K	Street Side Yard Setback <sup>4</sup>	20' minimum <sup>4</sup>
L	Rear Setback (lot) <sup>4</sup>	5' minimum <sup>4</sup>
	Rear Setback (alley) <sup>4</sup>	3' minimum <sup>4</sup>
	Rear Setback (Street) <sup>4</sup>	20' minimum <sup>4</sup>
Frontage Elements		
	<sup>M</sup> Allowed Frontage Elements <sup>4</sup>	Porch, Terrace or Lightwell, Forecourt, Stoop, Shopfront <sup>4</sup>

NOTES:

1. Allowable building height determined based on street designation where front of building is located.
2. Towers, cupolas, and other architectural rooftop features with a footprint smaller than 15' by 15' may extend up to 20' above the designated height limit.
3. Reference Parking section for requirements.
4. See General Standards for requirements of frontage elements.

General Table NOTES:

- All buildings must have a primary pedestrian entrance along the front façade.





## Article 3 Zoning Districts

### Division 8. FBA-O Form-Based Alternative Overlay District

## Sec. 24-3831. Connected Edge Frontage Standards

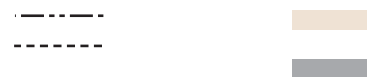
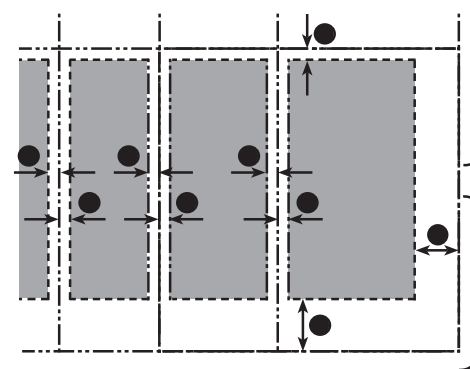
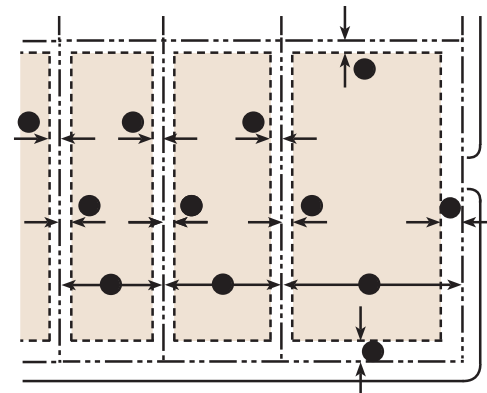
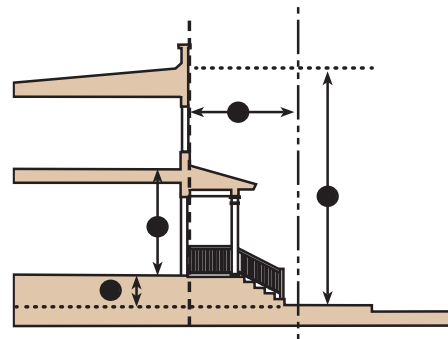
Building Heights		
A	Primary Street Building Height <sup>1</sup>	40' max <sup>1,2</sup>
A	Secondary Street Building Height <sup>1</sup>	35' max <sup>1,2</sup>
A	Tertiary Street Building Height <sup>1</sup>	35' max <sup>1,2</sup>
B	First Floor Height (floor to floor)	13' minimum
C	Ground Finished Floor above sidewalk or finished grade	<b>Residential: 2' min</b>
Building Placement		
D	Primary Street Build-to Zone	10' minimum setback
F	Interior Side Yard Setback	<b>5' minimum</b>
	Tertiary Street Build-to Zone	12' minimum setback
G	Alley or Rear Setback	<b>5' minimum</b>
	Lot Coverage	60% maximum
Frontage Built-Out		
H	Building Front	40% minimum
	Building Side (street)	20% minimum
	Building Rear (street)	n/a
Parking Location		
I	Front Setback <sup>3</sup>	24' minimum <sup>3</sup>
J	Interior Side Yard Setback <sup>3</sup>	0' minimum <sup>3</sup>
K	Street Side Yard Setback <sup>3</sup>	20' minimum <sup>3</sup>
L	Rear Setback (lot) <sup>3</sup>	5' minimum <sup>3</sup>
	Rear Setback (alley) <sup>3</sup>	3' minimum <sup>3</sup>
	Rear Setback (Street) <sup>3</sup>	20' minimum <sup>3</sup>
Frontage Elements		
	Allowed Frontage Elements <sup>4</sup>	Porch, Stoop, Common Yard <sup>4</sup>

#### NOTES:

1. Allowable building height determined based on street designation where front of building is located.
2. Towers, cupolas, and other architectural rooftop features with a footprint smaller than 15' by 15' may extend up to 20' above the designated height limit.
3. Reference Parking section for requirements.
4. See General Standards for requirements of frontage elements.

#### General Table NOTES:

- All buildings must have a primary pedestrian entrance along the front façade.



**Sec. 24-3832. Highway Edge Frontage Standards**

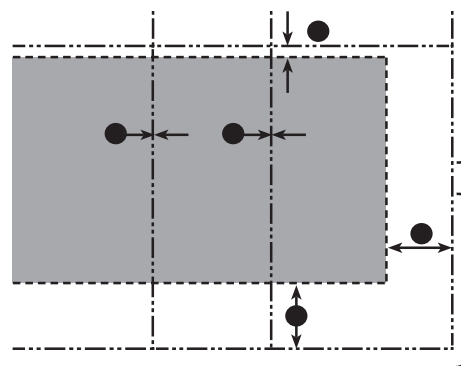
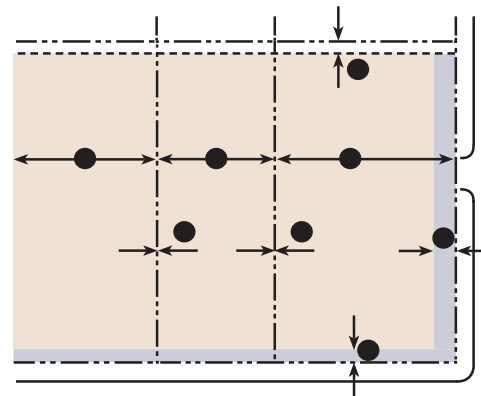
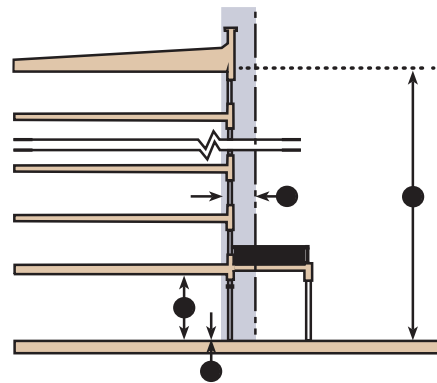
Building Heights		
A	Primary Street Building Height <sup>1</sup>	165' max <sup>1,2</sup>
A	Secondary Street Building Height <sup>1</sup>	165' max <sup>1,2</sup>
A	Tertiary Street Building Height <sup>1</sup>	110' max <sup>1,2</sup>
B	First Floor Height (floor to floor)	13' minimum
C	Ground Finished Floor above sidewalk or finished grade	Commercial: 0' min Residential: 0' min
Building Placement		
D	Primary Street Build-to Zone <sup>3</sup>	0' minimum to 8' maximum <sup>3</sup>
E	Secondary Street Build-to Zone <sup>3</sup>	0' minimum to 10' maximum <sup>3</sup>
F	Interior Side Yard Setback	0' minimum
	Tertiary Street Build-to Zone	0' minimum to 10' maximum
G	Alley or Rear Setback	5' minimum
	Lot Coverage	90% maximum
Frontage Built-Out		
H	Building Front	80% minimum
	Building Side (street)	40% minimum
	Building Rear (street)	60% minimum
Parking Location		
I	Front Setback <sup>4</sup>	30' minimum <sup>4</sup>
J	Interior Side Yard Setback <sup>4</sup>	0' minimum <sup>4</sup>
K	Street Side Yard Setback <sup>4</sup>	30' minimum <sup>4</sup>
L	Rear Setback (lot) <sup>4</sup>	5' minimum <sup>4</sup>
	Rear Setback (alley) <sup>4</sup>	0' minimum <sup>4</sup>
	Rear Setback (Street) <sup>4</sup>	30' minimum <sup>4</sup>
Frontage Elements		
	Allowed Frontage Elements <sup>5</sup>	Terrace or Lightwell, Forecourt, Stoop, Shopfront, Gallery, Arcade / Colonnade <sup>5</sup>

**NOTES:**

- Allowable building height determined based on street designation where front of building is located.
- Towers, cupolas, and other architectural rooftop features with a footprint smaller than 15' by 15' may extend up to 20' above the designated height limit.
- A minimum front 6' sidewalk must be provided in the Highway Edge. The sidewalk may be a combination of public and private property.
- Reference Parking section for requirements.
- See General Standards for requirements of frontage elements.

**General Table NOTES:**

- All buildings must have a primary pedestrian entrance along the front façade.
- Loading docks and other service entries must not be located on Highway Edge frontages.



## Article 3 Zoning Districts

### Division 8. FBA-O Form-Based Alternative Overlay District

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#### **Sec. 24-3833. Use Standards**

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Principal, accessory, and temporary uses are allowed in each of the development areas in accordance with Article 4: Use Regulations.

#### **Sec. 24-3834. Parking Standards: Purpose**

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The purpose and intent of the parking standards is to encourage a balance between pedestrian-oriented development and necessary car storage, so that neither more nor less parking than is needed is developed.

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

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- A.** A minimum number of parking spaces must be provided for each use in accordance with 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
Retail Sales and Service Uses	
Industrial Uses	
Public, Civic, and Institutional Use	As determined by the Planning Director

- B.** The Planning Director may approve a reduction of up to 30 percent of the minimum parking standards in subsection A above based on a parking study prepared by a professional engineer submitted by the applicant demonstrating that parking demand does not justify the otherwise required parking spaces or may be met by sharing parking with other existing uses.
- C.** Parking spaces required by subsection A above may include on-street parking spaces adjacent to the property. The on-street parking must be within 300 feet of the front of the building for which the parking is to serve.

#### **Sec. 24-3836. Parking Standards: Shared Parking Standards**

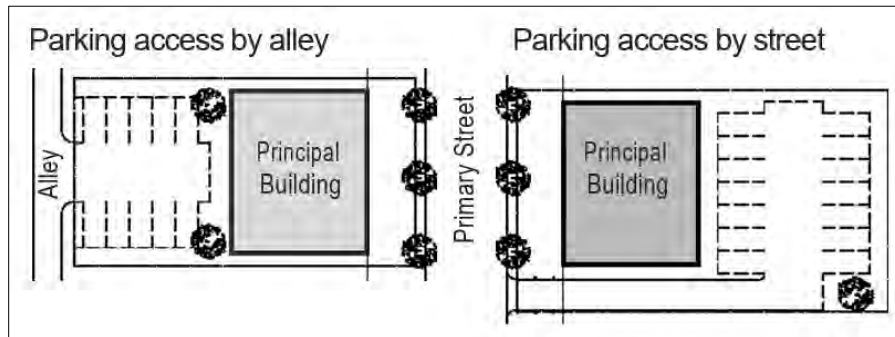
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- A.** Shared parking is encouraged in all subdistricts for more efficient parking solutions. The amount of parking required is calculated by adding the total number of spaces required by Table 3835: Minimum Parking Spaces, for each separate use and dividing by the appropriate factor from Table 3836: Shared Parking Factors, based on the uses proposed to share parking. The shared parking calculations must be documented in a shared parking study prepared by a professional transportation engineer approved by the Planning Director. For example, consider a residential use that requires ten spaces and an office use that requires twelve spaces. If the uses shared parking, the sum of the separate minimum parking requirements, 22 spaces, would be divided by the sharing factor of 1.4, resulting in a shared parking requirement of 16 spaces. When more than two uses share parking, the lowest shared parking factor will apply.

Table 3836: Shared Parking Factors				
Use Sharing Parking	Use Sharing Parking			
	Residential	Lodging	Office	Retail
Residential	1.0	1.1	1.4	1.2
Lodging	1.1	1.0	1.7	1.3
Office	1.4	1.7	1.0	1.2
Retail	1.2	1.3	1.2	1.0

**Sec. 24-3837. Parking Standards: Parking Location and Access**

- A.** Parking must be located in accordance with Sec. 24-3825 Frontage Standards.
- B.** All parking must be accessed from rear alleys where they exist (see diagram) or from side streets if the lot is located on a corner. If no rear alley or side street exists, access must be shared with neighboring properties to the extent practical.
- C.** When access to rear parking must be directly from the primary street, driveways must be located along side property lines (see Figure 3837: Parking Access Location) and designed such that pedestrians crossing on sidewalks always have the right-of-way.



*Figure 3837: Parking Access Location*

**Sec. 24-3838. Standards for New Buildings: Primary Entrances**

The primary entrance of every building that provides access to a principal use must face a street or a public space. A public space may include a central garden or courtyard that opens directly onto the primary street.

**Sec. 24-3839. Standards for New Buildings: Wide Buildings**

The primary façade of buildings wider than 250 feet must include at least one of the following:

- A.** A break in the façade plane extending the full height of the primary façade or a wall projection or molding the full height of the primary façade; or
- B.** A change in the roof line consisting of a variation in building height or a variation in roof form to divide the building into different components.

## Article 3 Zoning Districts

### Division 8. FBA-O Form-Based Alternative Overlay District

#### **Sec. 24-3840. Standards for New Buildings: Façade Transparency**

All building façades which face onto a street or public space must comply with the minimum transparency standards in Table 3840A: Minimum Façade Transparency. An example of appropriate façade transparency is shown in Figure 3840B: Illustration of Façade Transparency Requirements.

Table 3840A: Minimum Façade Transparency	
Building Story and Use	Minimum Building Façade Transparency [1]
Ground story, retail use	60 percent
Ground story, uses other than retail	30 percent
Upper story, all uses	30 percent

NOTES:

[1] Measure of the amount of transparent window area or door openings in the façade of a building relative to the overall surface area of the façade. The percentage of transparency per story is calculated within the area between finished floors and is a total percentage of doors and windows along that portion of the façade.



Figure 3840B: Illustration of Façade Transparency Requirements

#### **Sec. 24-3841. Standards for New Buildings: Frontage Elements: Purpose and General Requirements**

- A.** Frontage elements are semi-private elements of a building typically located in the area between the primary façade and the lot line. Frontage elements create the transition between the public realm and private buildings and establish the physical and functional relationship between the street and the private lot. This section identifies common frontage elements and sets out standards that apply to those elements. Frontage elements are allowed, but not required. However, if a frontage element is used, it must conform to the standards in this section.
- B.** Frontage elements may be located between the build-to zone or setback line and the right-of-way.

- C. Enclosed useable space is permitted above an arcade or gallery forward of the build to zone or setback.
- D. Arcades, galleries, and porches may wrap around the side of the building to face side streets on corner lots.
- E. Frontage elements on commercial buildings must maintain a clear envelope of space with 10' head clearance and 10' between the building and any other element that reaches the ground.

**Sec. 24-3842. Standards for New Buildings: Frontage Elements: Encroachments within Right-of-Way**

- A. Arcades, galleries, balconies, and awnings may encroach into the right-of-way only with the agreement of the County Engineer or VDOT, as appropriate, but may not encroach within a DPU easement. The agreement must establish the sole responsibility of the owner of the frontage element for repairing any damage that may result from public maintenance or improvements in the right-of-way. Enclosed useable space above an arcade or gallery within the right-of-way must be approved as part of the agreement.
- B. Frontage elements must not extend closer than three feet from the curb line.

**Sec. 24-3843. Standards for New Buildings: Frontage Elements: Commercial or Shopfront Frontage Elements**

**A. Shopfront**

A shopfront is a frontage element in which the building façade is aligned close to the property line with a high percentage of glazing conventional for shop displays and dining. The building entrance is generally at sidewalk grade. It is often used with arcades, colonnades, galleries, awnings, canopies, or other shade devices. See Figure 3843A-1: Shopfront Illustrations.

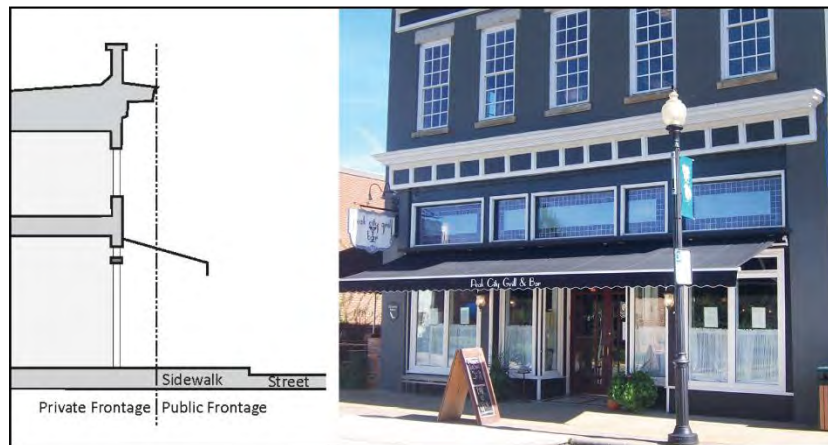


Figure 3843A-1: Shopfront Illustrations



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### Division 8. FBA-O Form-Based Alternative Overlay District

1. Shopfronts must have a cornice or expression line between the first and second story (see Figure 3843A-2: Shopfront Transparency and Expression Line). Expression lines must either be moldings extending a minimum of two inches outward from the primary façade or jogs in the surface plane of the building wall greater than two inches.



Figure 3843A-2: Shopfront Transparency and Expression Line

2. The entrances to all shopfronts must be covered, either by an awning, canopy, second floor balcony, arcade, colonnade, or gallery, or by being inset into the main body of the building.
3. Entrances for public access into commercial areas must be provided at intervals no greater than 50 feet.
4. Shopfront doors must contain at least 50 percent transparent glass.
5. The top of all shopfront windowsills must be between one and three feet above the adjacent sidewalk. Shopfront windows must extend up from the sill at least eight feet above the adjacent sidewalk (see Figure 3843A-2: Shopfront Transparency and Expression Line).
6. The ground floor of a shopfront must have untinted transparent storefront windows or doors covering no less than 60 percent of the wall area. See Sec. 24-3840: Façade Transparency.
7. Shopfront windows must not be made opaque by window treatments (excepting operable sunscreen devices within the heated and cooled space). Reflective and frosted glass is prohibited on shopfronts. Low emissivity glass with high visual light transmittance is permitted.
8. Shopfronts must remain unshuttered at night to provide views of display spaces and are encouraged to remain lit from within until 10:00 PM to provide security to pedestrians.

### B. Arcade, Colonnade, or Gallery

An arcade, colonnade, or gallery is a frontage element where the building façade is aligned close to the property line with an attached cantilevered shed or a colonnade overlapping the

sidewalk. See Figure 3843B: Arcade, Colonnade, or Gallery Illustrations. This frontage element type is conventional for retail use.

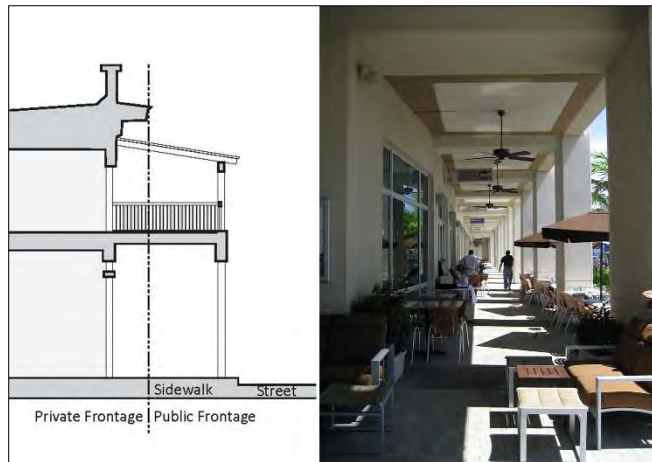


Figure 3843B: Arcade, Colonnade, or Gallery Illustrations

1. The sidewalk may be a combination of public and private sidewalk.
2. The Arcade or Gallery must extend a minimum of 75 percent of the building frontage.

### C. Forecourt

A forecourt is a frontage element where the primary portion of the building’s main façade is at the build-to zone while a small percentage is set back, creating a court space. This space can be used as an apartment entry court, garden space, or for restaurant outdoor dining. A forecourt should be used in conjunction with other frontage element types. See Figure 3843C: Forecourt Illustrations.



Figure 3843C: Forecourt Illustrations

### D. Terrace

A terrace is a frontage element where the building façade is set back from the property with a relatively level paved or planted area adjoining a building and connecting it to the sidewalk. It takes up more space than a forecourt and is often elevated. A terrace may be used in conjunction with other frontage types. A terrace tends to buffer residential uses from urban sidewalks and removes the private yard from public encroachment. Terraces are suitable for use as, or conversion to, outdoor cafes. See Figure 3843D: Terrace Illustrations.

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Figure 3843D: Terrace Illustrations

### E. Awning

1. Awnings over ground-story doors or windows must not exceed five feet in depth.
2. Awnings must extend over at least 25 percent of the width of the primary façade.

## Sec. 24-3844. Standards for New Buildings: Frontage Elements: Residential Frontage Elements

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### A. Stoop

A stoop is a frontage element in which the residential building facade is aligned close to the property line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair with a landing that is shallower in depth than a porch. A stoop is recommended for ground-floor residential use. See Figure 3844A: Stoop Illustrations.

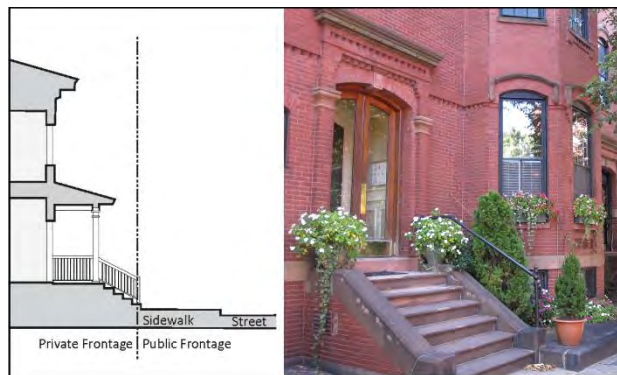


Figure 3844A: Stoop Illustrations

1. The finished floor of the stoop must be no more than eight inches below the first floor level, and no more than 42 inches above the finished grade of the sidewalk.
2. Stoop stairs may run to the front or to the side.
3. Stoops may be covered, either with a roof, or area inset into the main body of the building.
4. Partial walls and railings on stoops must be no higher than 42 inches.

## B. Porch

A porch is a frontage element where the building facade is set back from the property line, the ground floor is elevated, and stairs lead up to a landing that is large enough for people to gather and can accommodate patio furniture. A fence or low knee wall may be located at the property line to maintain street spatial definition. See Figure 3844B: Porch Illustrations.



Figure 3844B: Porch Illustrations

1. Minimum porch depth is eight feet.
2. The finished floor of the porch must be no more than eight inches below the first floor level, and no more than 42 inches above the finished grade of the sidewalk.
3. Front porches may occur forward of the build-to zone or setback but must not extend into the right-of-way or any easement.
4. Side porches may extend past the side setback requirements, but not into any easement.
5. Front and side porches may be screened; however, if screened, columns, railings, etc., must be located on the outside of the screen facing a street or public space.

## C. Balcony

1. Balconies must not exceed six feet in depth.
2. Balconies must extend over at least 25 percent of the width of the primary facade. See Figure 3844C: Balcony Example.

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Figure 3844C: Balcony Example

3. Balconies may have roofs but must be open toward the primary street.
4. Open balconies are permitted over galleries above the sidewalk level.

#### **Sec. 24-3845. Specialty Buildings: Purpose**

---

The purpose of the standards for specialty buildings is to ensure any auto-oriented development permitted in the FBA-O District does not detract from the walkability of the district. There are three types of specialty buildings:

- A. Liner Buildings;
- B. Automobile Filling Stations; and
- C. Drive-throughs

#### **Sec. 24-3846. Specialty Buildings: Liner Buildings**

---

- A. Parking structures and parking decks must be separated from adjacent streets (but not alleys) by liner buildings, to the maximum extent practicable.
- B. Liner buildings must be at least two stories in height with no less than 15 feet in depth (see Figure 3846: Liner Building Configuration).

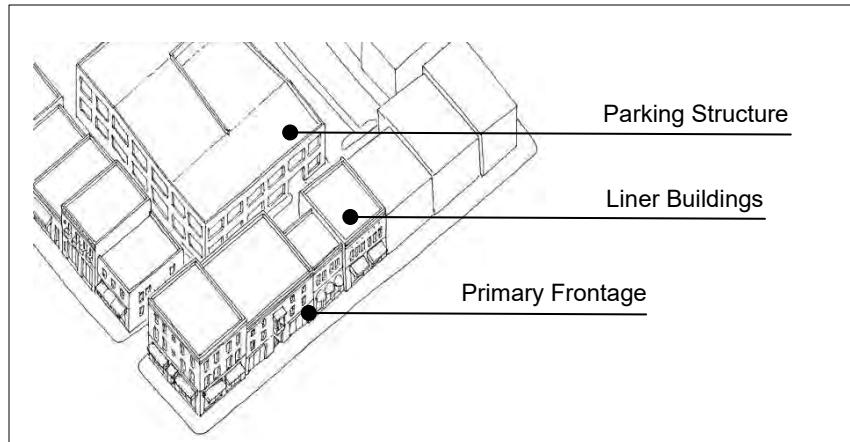


Figure 3846: Liner Building Configuration

- C.** Liner buildings may be detached from or attached to the primary building (see Figure 3846: Liner Building Configuration).
- D.** When access to a parking structure or deck cannot be accommodated on an alley, the required liner building may have a break of up to 30 feet to allow vehicular access on the lowest hierarchy street the parcel adjoins.
- E.** Liner buildings may be occupied for any use permitted and as regulated in the district, except for parking.
- F.** Liner buildings must comply with the primary façade transparency standards in Sec. 24-3840, Standards for New Buildings: Façade Transparency.

### **Sec. 24-3847. Specialty Buildings: Automobile Filling Stations**

Automobile filling stations in the FBA-O District must comply with the following standards:

- A.** A ground-floor shopfront is required. The shopfront must face the primary street and if it is located on a corner lot must be located at the build-to line at the corner of the lot.
- B.** All pumps, parking, and drive-through areas must be located behind the building.
- C.** An example of an appropriate automobile filling station configuration is shown in Figure 3847: Automobile Filling Station Configuration.



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### Division 8. FBA-O Form-Based Alternative Overlay District

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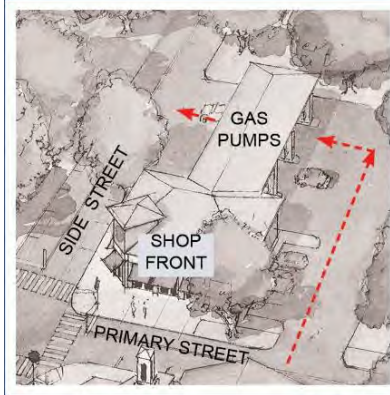


Figure 3847: Automobile Filling Station Configuration

### Sec. 24-3848. Specialty Buildings: Drive-throughs

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Drive-through facilities in the FBA-O District must comply with the following standards:

- A.** A ground-floor shopfront must face the primary street.
- B.** All parking must be located in the rear and accessed from a rear alley when present.
- C.** Drive-through windows must not be located to the front of the building.
- D.** Subsections A, B, and C above may be altered through approval of a provisional use permit in accordance with Sec. 24-2306, Provisional Use Permit.
- E.** An example configuration of an appropriate building with a drive-through is shown in Figure 3848: Drive-through Building Configuration.

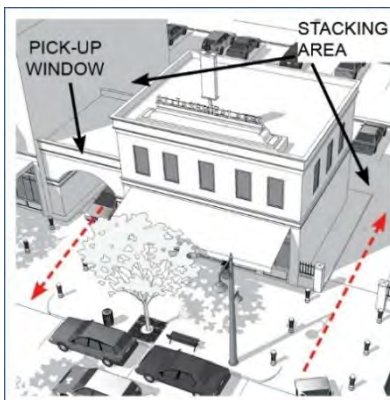


Figure 3848: Drive-through Building Configuration

### Sec. 24-3849. Signs

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Signage in the FBA-O District must comply with the following standards in addition to the standards in Article 5, Division 7, Signs.

- A.** Signs must be designed and scaled for use by pedestrians, in accordance with the following standards:

- 1.** Signs mounted flat against a building façade must be limited to a band having a maximum height of three feet on any building façade. The maximum gross area of all such signs mounted on a building façade must not exceed ten percent of the façade area.
  - 2.** Signs mounted on and perpendicular to a building façade must maintain a minimum vertical clearance of eight feet above sidewalks and must not extend closer than two feet from the curb line. Such signs must not exceed nine square feet in area.
- B.** Signs must be consistent within the subdistrict in theme and placement and coordinated with other streetscape furniture (e.g., light posts) to reduce visual clutter in the public realm.
- C.** Signs must be coordinated with streetscape plantings to allow required plantings without reducing the visibility of signage and businesses.
- D.** Detached signs are prohibited, except as provided in Sec. 24-3864, Brookfield Area Subdistrict: Additional Brookfield Area Standards.
- E.** Banner signs must comply with the following standards:
  - 1.** Banner signs must not exceed four feet in height or 40 feet in length.
  - 2.** Banner signs must be mounted only on light poles or other street furniture designed for the purpose of hanging banners. In addition, with the agreement of the County Engineer or VDOT, temporary banner signs may be hung over a roadway within a public right-of-way having a width of 70 feet or less.
  - 3.** Banner signs must not be illuminated.
  - 4.** Banner signs must not extend over or into a public right-of-way except with the agreement of the County Engineer or VDOT.
- F.** Signs that are illuminated must be externally illuminated from the front. Back lighting is permitted as an exception only for individual letters or numbers (panelized back lighting is prohibited). Signage within a storefront may be neon lit.

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## **Sec. 24-3850. Exterior Lighting**

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### **A. Parking Lot Lighting**

- 1.** Light fixtures located within the interior of a parking lot must not exceed 30 feet in height.
- 2.** Light fixtures located along the perimeter of a parking area within 50 feet of a property line must not exceed 20 feet.

### **B. Pedestrian Walkway Lighting**

- 1.** Light fixtures located along pedestrian walkways adjacent to parking lots or streets must not exceed 15 feet in height.
- 2.** Light fixtures located along internal pedestrian walkways or paths not adjacent to a parking area or a street must not exceed 10 feet in height.

### **C. Building & Security Lighting**

- 1.** All exterior building or security lighting must be full cutoff, shielded, or angled downward to focus the light only on the intended doorway or walkway.

## Article 3 Zoning Districts

### Division 8. FBA-O Form-Based Alternative Overlay District

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2. Security lighting is encouraged to be provided with regular pedestrian light fixtures where visible from the street or public way to match other fixtures used on site.
3. Building-mounted architectural “accent lights” are permitted when downward facing only.
4. Lighting must be designed in such a way as to prevent the direct view of the light source to neighboring residential areas.

### ***Secs. 24-3851 through 24-3859 Reserved.***

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### ***Sec. 24-3860. FBA-O Subdistricts***

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The FBA-O District consists of the subdistricts identified in Table 3860: FBA-O Subdistricts. The following sections set out the intent of each subdistrict and establish standards required in each subdistrict that apply in addition to the other FBA-O District standards.

Table 3860: FBA-O Subdistricts
Brookfield Area Subdistrict
Parham/Broad Area Subdistrict
Williamsburg Road Area Subdistrict
Virginia Center Commons Subdistrict
Short Pump Town Center Subdistrict

### ***Sec. 24-3861. Brookfield Area Subdistrict: Boundary***

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The boundary of the Brookfield Area Subdistrict is identified on the Zoning Districts Map.

### ***Sec. 24-3862. Brookfield Area Subdistrict: Intent***

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The Brookfield Area is currently an office park with a single land use and large areas of surface parking. The intent of these subdistrict provisions is to identify a set of design principles and establish regulations that support development in the area that results in a vibrant and lively complete neighborhood with a network of streets, a mix of uses, and public civic space.

### ***Sec. 24-3863. Brookfield Area Subdistrict: Regulating and Street Hierarchy Plan***

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The regulating and street hierarchy plan for the Brookfield Area Subdistrict is set out in Figure 3863: Brookfield Area Regulating and Street Hierarchy Plan.

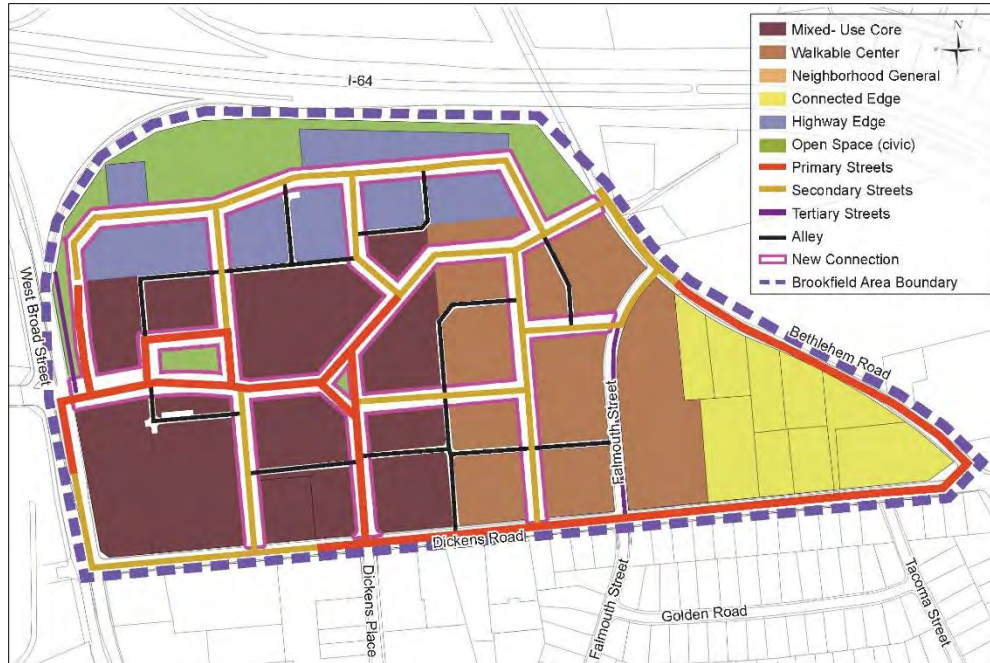


Figure 3863: Brookfield Area Regulating and Street Hierarchy Plan

**Sec. 24-3864. Brookfield Area Subdistrict: Additional Brookfield Area Standards**

Monument Signs are permitted along West Broad Street.

**Sec. 24-3865. Parham/Broad Area Subdistrict: Boundary**

The boundary of the Parham/Broad Area Subdistrict is identified on the Zoning Districts Map.

**Sec. 24-3866. Parham/Broad Area Subdistrict: Intent**

The Parham/Broad Area is located around the intersection of West Broad Street and East Parham Road. The area consists mainly of shopping centers and car dealerships with large parking areas. The intent of these subdistrict provisions is to identify a set of design principles and establish regulations that support more walkable development with storefronts facing streets such as West Broad Street transitioning to residential uses towards the edges.

**Sec. 24-3867. Parham/Broad Area Subdistrict: Regulating and Street Hierarchy Plan**

The regulating and street hierarchy plan for the Parham/Broad Area subdistrict is set out in Figure 3867: Parham/Broad Area Regulating and Street Hierarchy Plan.



## Article 3 Zoning Districts

### Division 8. FBA-O Form-Based Alternative Overlay District

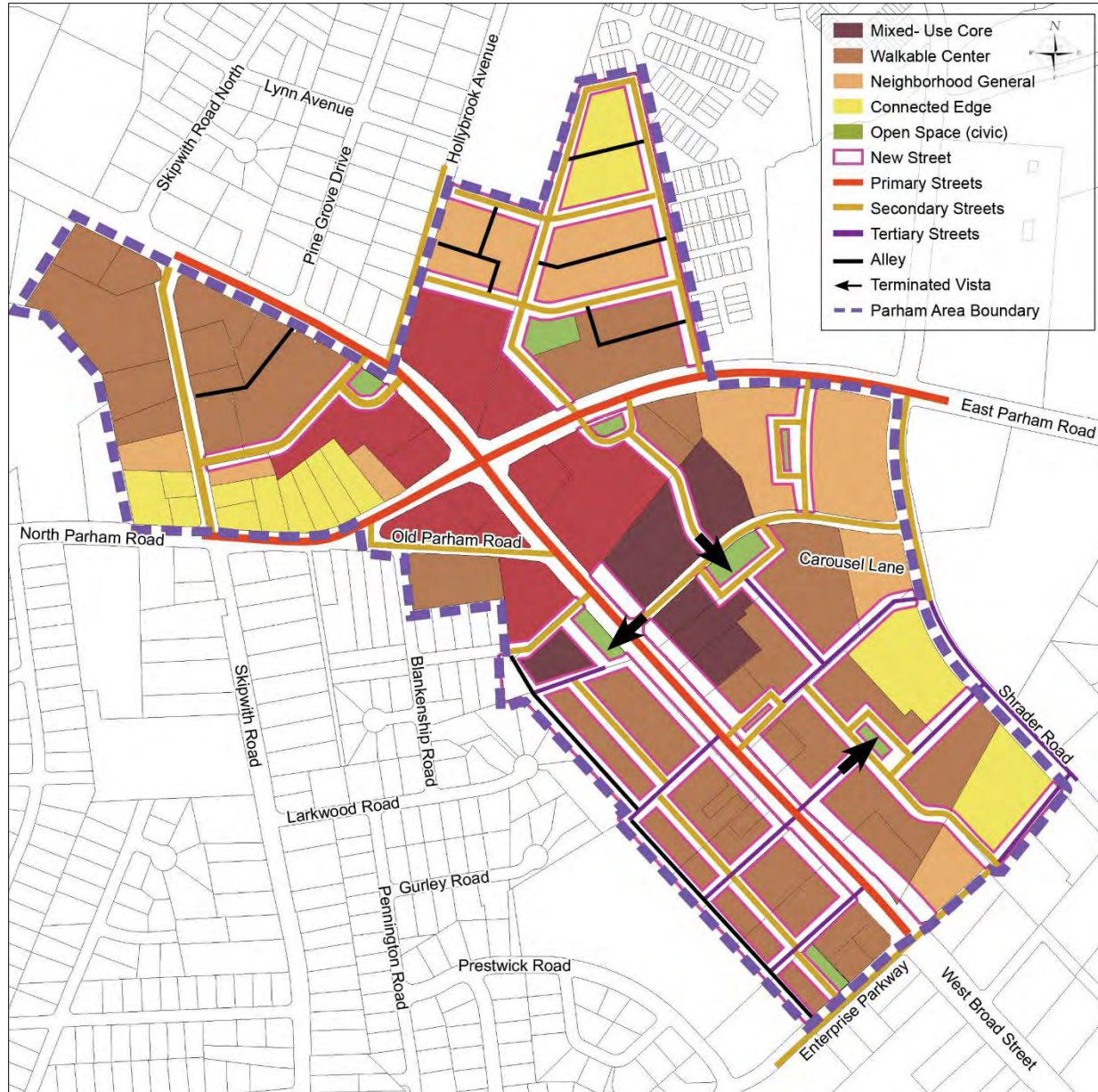


Figure 3867: Parham/Broad Area Regulating and Street Hierarchy Plan

### **Sec. 24-3868. Parham/Broad Area Subdistrict: Additional Parham/Broad Area Standards**

In addition to the allowed uses established in Article 4: Use Regulations, Auto Services and Auto Sales are permitted.

### **Sec. 24-3869. Williamsburg Road Area Subdistrict: Boundary**

The boundary of the Williamsburg Road Area Subdistrict is identified on the Zoning Districts Map.

**Sec. 24-3870. Williamsburg Road Area Subdistrict: Intent**

Williamsburg Road is a thoroughfare immediately adjacent to the Richmond International Airport. Hotels lining the street that historically attracted travelers arriving by plane have declined, and strip mall shopping is prevalent. The high visibility of this area from the airport provides an opportunity to draw visitors to the area while also providing amenities and services to the local community. The intent of these subdistrict provisions is to identify a set of design principles and establish regulations that support a variety of housing options and the redevelopment of the shopping plaza at Williamsburg Road and Laburnum Avenue into a neighborhood center, connected by Williamsburg Road to a new center at the edge of the airport property.

**Sec. 24-3871. Williamsburg Road Area Subdistrict: Regulating and Street Hierarchy Plan**

The regulating and street hierarchy plan for the Williamsburg Road Area subdistrict is set out in Figure 3871: Williamsburg Road Area Regulating and Street Hierarchy Plan.



Figure 3871: Williamsburg Road Area Regulating and Street Hierarchy Plan

**Sec. 24-3872. Virginia Center Commons (VCC) Area Subdistrict: Boundary**

The boundary of the Virginia Center Commons (VCC) Area Subdistrict is identified on the Zoning Districts Map.

**Sec. 24-3873. Virginia Center Commons (VCC) Area Subdistrict: Intent**

The Virginia Center Commons (VCC) Area is located between US Route 1 and I-95, north of the I-95 and I-295 interchange. The area consists of the declining Virginia Center Commons Mall with several



## Article 3 Zoning Districts

### Division 8. FBA-O Form-Based Alternative Overlay District

out parcels, hotels, a movie theater, and medical offices. This area is envisioned to become a mixed-use neighborhood housing a hotel, sports complex, retail and dining, along with a range of housing while incorporating existing uses as the market demands.

### **Sec. 24-3874. Virginia Center Commons (VCC) Area Subdistrict: Regulating and Street Hierarchy Plan**

The regulating and street hierarchy plan for the Virginia Center Commons Area Subdistrict is set out in Figure 3874: Virginia Center Commons Area Regulating and Street Hierarchy Plan.



Figure 3874: Virginia Center Commons Area Regulating and Street Hierarchy Plan

### **Sec. 24-3875. Short Pump Town Center Subdistrict: Boundary**

The boundary of the Short Pump Town Center Subdistrict is identified on the Zoning Districts Map.

**Sec. 24-3876. Short Pump Town Center Subdistrict: Intent**

The Short Pump Town Center Area is an open-air shopping mall with a single land use and large areas of surface parking. The area is a large draw in the region for shopping, people watching, and outdoor recreation. However, the retail landscape is rapidly changing. The intent of these subdistrict provisions is to ensure the Town Center remains viable and productive and has options as it continues to evolve and adapt. These subdistrict provisions are intended to make it easier to add housing, entertainment areas, cafes with outdoor seating, and similar types of development and amenities to facilitate people spending the day or even living within the site, with the ultimate purpose of establishing the Short Pump Town Center Area as a vibrant and lively complete neighborhood with a network of streets, a mix of uses, and public civic space.

**Sec. 24-3877. Short Pump Town Center Subdistrict: Regulating and Street Hierarchy Plan**

The regulating and street hierarchy plan for the Short Pump Town Center Area Subdistrict is set out in Figure 3877.



Figure 3877: Short Pump Town Center Regulating and Street Hierarchy Plan

## **Article 3 Zoning Districts**

Division 8. FBA-O Form-Based Alternative Overlay District

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### ***Sec. 24-3878. Short Pump Town Center Subdistrict: Additional Standards***

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Primary Streets identified on Figure 3877 may be pedestrian only streets where vehicles are not allowed. Such streets must be at least 20 feet wide.

# 4

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# ARTICLE 4 USE REGULATIONS

## DIVISION 1. ORGANIZATION OF THIS ARTICLE

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### ***Sec. 24-4101. Organization***

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Article 4: Use Regulations, provides the use regulations for each zoning district and is organized into five divisions. Article 4, Division 1, Organization of this Article, describes the organization of this article.

Article 4, Division 2, Principal Use Table, sets out which land uses are allowed as principal uses in each of the various zoning districts and whether they are allowed by right, require a conditional use permit (see Sec. 24-2308, Conditional Use Permit), or require a provisional use permit (see Sec. 24-2306, Provisional Use Permit). The table also cross references any specific standards that apply to particular principal uses.

Article 4, Division 3, Standards for Specific Principal Uses, identifies standards that apply to particular principal uses.

Article 4, Division 4, Accessory Uses and Structures, identifies land uses and structures commonly allowed as accessory to principal uses and sets out where they are allowed, what type of permit or review is required to establish them, general standards applicable to all accessory uses and structures, and any special standards applicable to particular accessory uses and structures.

Article 4, Division 5, Temporary Uses and Structures, sets out which land uses or structures are allowed on a temporary basis, whether a Temporary Use Permit is required to establish them, general standards applicable to all temporary uses and structures, and any special standards applicable to particular temporary uses and structures.

## DIVISION 2. PRINCIPAL USE TABLE

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### ***Sec. 24-4201. Organization of Principal Uses***

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The principal use table organizes allowable uses by use classifications, use categories, and use types. The use tables and Article 8, Division 4, Use Definitions and Interpretation, together provide a systematic basis for identifying and organizing uses and distinguishing unidentified uses to determine whether a particular use is allowable in a particular zoning district. Standards in Article 4, Division 3, Standards for Specific Principal Uses, are also organized using the same hierarchical structure.

#### **A. Use Classifications**

Use classifications identify broad general classifications of land use and include residential uses; public, civic, and institutional uses; commercial uses; agricultural uses; and industrial uses. Use classifications are broken down into a series of general use categories and specific use types.

#### **B. Use Categories**

Use categories describe the major sub-groups of the respective use classifications, and are based on common functional characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site



## Article 4 Use Regulations

### Division 2. Principal Use Table

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conditions. For example, the Residential Use Classification is divided into the Household Living and Group Living use categories. Use categories are further broken down into a series of individual use types.

#### C. Use Types

The specific use types identify the specific principal uses that fall within each use category. For example, live/work dwellings, single-family detached dwellings, and townhouse dwellings are use types in the Household Living use category.

### ***Sec. 24-4202. Abbreviations in Principal Use Table Cells***

---

The abbreviations in this section apply to Table 4205: Principal Use Table. Each cell is located at the intersection of a row and a column, which are referenced in each subsection below.

#### A. Permitted Uses

“R” in a table cell indicates that the use type in that row is allowed by right in the zoning district at the head of that column, subject to any use-specific standards in Article 4, Division 3, Standards for Specific Principal Uses, and all other applicable regulations of this Ordinance.

#### B. Conditional Uses

“C” in a table cell indicates that the use type in that row is allowed in the zoning district at the head of that column only upon approval of a Conditional Use Permit by the Board of Zoning Appeals in accordance with Sec. 24-2308, Conditional Use Permit, and subject to any use-specific standards in Article 4, Division 3, Standards for Specific Principal Uses. Uses requiring a Conditional Use Permit are subject to all other applicable regulations of this Ordinance and any conditions placed on the CUP by the BZA.

#### C. Provisional Uses

“P” in a table cell indicates that the use type in that row is allowed in the zoning district at the head of that column only upon approval of a Provisional Use Permit by the Board of Supervisors in accordance with Sec. 24-2306, Provisional Use Permit, and subject to any use-specific standards in Article 4, Division 3, Standards for Specific Principal Uses. Uses requiring a Provisional Use Permit are subject to all other applicable regulations of this Ordinance and any conditions placed on the PUP by the Board.

#### D. Allowed Uses

“A” in a table cell in a planned development district column indicates that the use type in that row is allowed in that district provided the use is set out as a possible use type in an approved PD Master Plan. Allowed uses are subject to the PD Master Plan, PD Terms and Conditions Document, and the other applicable regulations in this Ordinance, including those set forth in Article 3, Division 5, Planned Development Districts.

#### E. Prohibited Uses

“-” in a table cell indicates that the use type in that row is prohibited in the zoning district at the head of that column. Any use that is not specifically listed as a permitted use, a conditional use, a provisional use, or an allowed use is prohibited.

***Sec. 24-4203. Unlisted Uses***

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The Planning Director must determine whether or not an unlisted use is part of an existing use category or use type as defined in Article 8, Division 4, Use Definitions and Interpretation, and if not, the appropriate Use Category and the most similar use type, using the criteria in Sec. 24-8407, Interpretation of Unlisted Uses. Upon determining the most similar use type, the Planning Director will treat the proposed use the same as the most similar use. If the Planning Director determines that the proposed use is not similar to any listed use type, that use is prohibited.

***Sec. 24-4204. Overlay District Use Regulations***

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- A.** All regulations of specific uses within overlay districts, other than the FBA-O District, that apply in addition to, or instead of, one or more use regulations in the underlying base zoning district or planned development district, are established in Article 3, Division 7, General Overlay Districts.
- B.** Uses are allowed in each of the development areas in the FBA-O District Form-Based Alternative Overlay District (see Sec. 24-3806, Development Areas) in accordance with Article 3, Division 8, FBA-O Form-Based Alternative Overlay District, and Table 4205: Principal Use Table, Table 4402: Accessory Use or Structure Table, and Table 4502: Temporary Use and Structure Table.



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	Use Type	C&A		Residential												Nonresidential & Mixed-Use					PD			FBA-O Dev. Area					Use-Specific 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
Agriculture Support and Services (Not Directly Related)	Agricultural research facility	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4304.B
	Distribution hub for agricultural products	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4304.A
	Farm machinery sales, rental, and service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	-	-	-	-	-	-	-	-	-	-	Sec. 24-4304.A
	Stockyard or Slaughterhouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	-	-	-	-	-	-	-	-	Sec. 24-4304.C	
Silviculture	All Silviculture uses	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4305	
Residential Use Classification																																								
Household Living	Dwelling, duplex	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4306.A
	Dwelling, live/work	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	R	-	-	-	-	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4306.A
	Dwelling, manufactured home	-	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4306.B
	Dwelling, multifamily	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4306.C
	Dwelling, single-family attached	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4306.D	
	Dwelling, single-family detached	-	R	R	R	R	R	R	R	R	R	R	R	R	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4306.E Sec. 24-4306.F

**Article 4 Use Regulations**

Division 2. Principal Use Table

**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	Use Type	C&A		Residential												Nonresidential & Mixed-Use					PD			FBA-O Dev. Area					Use-Specific 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			
Group Living	Dwelling, townhouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	-	-	-	-	-	-	-	-	-	A	A	A	A	R	R	R	R	R	R	R	R	Sec. 24-4306.G	
	Dwelling, upper story	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	-	R	-	-	-	-	R	R	R	-	-	-	A	A	A	A	R	R	R	R	R	-	R		
	Boardinghouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	P	P	P	P						
	Children's residential facility	-	C	C	C	C	C	C	C	C	C	C	C	C	C	R	R	C	R	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	-	-	R	R	R	R	-		
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	R	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	-	-	-	
	Group home	-	R	R	R	R	R	R	R	R	R	R	R	R	R	-	-	-	R	-	-	-	-	-	-	-	-	-	-	A	A	A	A	-	-	-	-	R	R	-			
<b>Public, Civic, and Institutional Use Classification</b>																																											
Community Services	Auditorium, conference, and convention center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	P	R	R	-	-	-	-	A	A	-	R	R	-	-	-	R				
	Club or lodge	-	P	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	-	-	P	-	R	R	R	R	R	-	-	-	-	A	R	R	R	R	-	-	-				
	Community center	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. 24-4307.A	
	Cultural facility	R	R	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	R	-	-	-	-	R	R	R	R	-	-	A	A	A	A	R	R	R	R	R	R	R	R		
	Donation center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	R	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	R	Sec. 24-4307.B	
	Public recreation facility	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		
	Radio or television station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	R	R	P	R	R	R	R	R	-	A	A	A	A	R	R	R	R	R	R	R	R		
	Religious institution	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	R	Sec. 24-4307.C	

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	Use Type	C&A		Residential														Nonresidential & Mixed-Use					PD			FBA-O Dev. Area					Use-Specific 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					
Day Care	Adult day care center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	-	R	R	R	R	R	R	R	-	-	A	A	A	A	R	R	R	R	R	R	-	-				
	Childcare center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	-	R	R	R	R	R	R	R	R	-	-	A	A	A	A	R	R	R	R	R	R	-	-	Sec. 24-4308.A		
Educational Facilities	College or university	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	P	P	P	R	R	R	-	-	-	A	A	A	-	-	-	-	-	-	-	-	-	-	Sec. 24-4309.A	
	School, elementary or secondary	-	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. 24-4309.B		
	Vocational or trade school	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	R	R	P	R	R	-	-	-	A	A	A	-	-	-	-	-	-	-	R	-	Sec. 24-4309.C		
Funeral and Mortuary Services	Crematory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Funeral home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	R	R	-	P	R	R	R	R	-	-	-	A	-	A	R	R	R	R	R	R	R	R	-	-	R	
Government Facilities	Correctional facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Government maintenance, storage, or distribution facility	-	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	R	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4310	
	Government office	-	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	R	R	R	R	R	R	R	R	R	R	R	
	Police, fire, or EMS facility	-	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	R	R	R		
Health Care Facilities	Assisted living facility	-	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	R	-	-	-	-	-	-	-	-	-	-	A	A	A	A	R	R	R	R	R	R	R	R	R		Sec. 24-4311.A	
	Continuing care retirement community	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	R	-	R	-	-	-	-	-	-	-	-	-	-	A	A	A	A	R	R	R	R	-	-	R		Sec. 24-4311.B			



**Article 4 Use Regulations**

Division 2. Principal Use Table

**Table 4205: Principal Use Table**

R=Permitted by right | C=Allowed subject to conditional use permit | P=Allowed subject to provisional use permit  
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Use Category	Use Type	C&A		Residential														Nonresidential & Mixed-Use							PD			FBA-O Dev. Area							Use-Specific 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	
Hospitals	Hospice facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	P	R	-	P	R	R	-	-	-	A	A	A	A	R	R	R	R	-	-	-	-	Sec. 24-4311.A
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	R	-	P	R	R	-	-	-	A	A	A	A	-	-	-	-	-	-	-	R	Sec. 24-4311.C
	Medical treatment facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	R	R	R	R	R	R	-	-	-	A	A	A	R	R	R	R	-	-	R	Sec. 24-4311.D	
	Nursing home	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	R	-	R	-	-	-	-	-	-	-	-	A	A	A	A	R	R	R	R	R	R	R	Sec. 24-4311.E
Parks and Open Areas	Cemetery	-	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4312.A	
	Community garden	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	R	Sec. 24-4312.B
	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	A	A	A	A	R	R	R	R	R	R	R	R	Sec. 24-4312.C
	Parks and open areas not specified elsewhere	R	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	R	P	P	P	P	R	R	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	R	Sec. 24-4312.C
Transportation	Airport	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4313.A
	Helicopter landing facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	P	R	R	-	-	A	A	-	-	-	-	-	-	-	P	Sec. 24-4313.B
	Passenger terminal, surface transportation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	R	-	R	-	-	P	P	R	R	R	A	A	A	A	R	R	R	R	R	R	R	R	Sec. 24-4313.B
Utilities	Solar array	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4314.A

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		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			
Utility	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	P	R	A	-	-	A	-	-	-	-	-	-	-	-	-	Sec. 24-4314.B	
	Utility, minor	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	R	R	Sec. 24-4314.C
	Wind energy facility, large	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4314.D	
	Wireless communications short structure or co-location	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	R	R	Sec. 24-4314.E
	Wireless communications tower, freestanding	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	P	P	A	A	A	A	P	P	P	P	P	P	P	P	P	Sec. 24-4314.F	
	Commercial Use Classification																																										
Adult Uses	All Adult Uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4316
Animal Care	Animal grooming	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	-	-	-	-	R	R	R	R	R	R	A	A	A	A	R	R	R	R	R	-	-	R	-	Sec. 24-4317	
	Kennel or animal shelter	-	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	R	A	A	A	A	-	-	-	-	-	-	-	-	-	-	Sec. 24-4317	
	Veterinary hospital or clinic	-	R	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	-	-	-	-	R	R	R	R	R	R	-	A	A	A	A	R	R	R	R	R	R	-	R	-	Sec. 24-4317
Eating Establishments	Microbrewery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	-	-	R	R	-	-	-	A	A	A	A	R	R	R	R	R	R	R	R	R	-	R	-	Sec. 24-4315
	Restaurant	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	-	P	R	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	-	R	-	Sec. 24-4315	

**Article 4 Use Regulations**

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Offices	Restaurant, drive-through	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	R	R	R	R	R	R	A	-	A	A	P	P	P	P	-	-	R	Sec. 24-4318
	Specialty eating establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	-	R	-	R	R	R	R	R	-	A	A	A	R	R	R	R	-	-	R	Sec. 24-4315	
Offices	Business and sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	R	R	R	R	R	R	R	R	R	R	-	A	A	A	R	R	R	R	P	P	R	Sec. 24-4315	
	Business school	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	R	R	R	R	R	R	R	R	R	-	A	A	A	R	R	R	R	-	-	R	Sec. 24-4315		
	Business training and conference facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	R	R	R	R	R	R	R	R	R	-	A	A	A	R	R	R	R	-	-	R	Sec. 24-4315		
	Data center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	R	R	R	R	R	-	-	-	A	-	-	-	-	-	-	-	R	Sec. 24-4319	
	Professional services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	R	R	R	R	R	R	R	R	R	R	-	A	A	A	R	R	R	R	R	R	R	Sec. 24-4315	
	Parking, Commercial	Parking lot	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	P	-	R	R	R	R	R	R	R	R	R	A	-	-	A	R	R	R	R	R	R	R	Sec. 24-4320.A	
Parking structure		-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	R	-	R	R	R	R	R	R	R	R	R	-	-	A	A	R	R	R	R	R	R	R	Sec. 24-4320.B		
Recreation and Entertainment, Indoor	Fitness center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	R	-	P	R	R	R	R	R	R	-	-	A	A	A	A	R	R	R	R	R	-	R	Sec. 24-4321.A	
	Shooting range, indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4321.B		
	Theater	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	P	P	-	R	R	R	R	R	A	-	A	A	R	R	R	R	-	-	R	Sec. 24-4315		

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	Indoor Recreation and Entertainment not elsewhere listed	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	P	-	P	R	R	R	R	R	A	-	A	A	R	R	R	R	-	-	R	Sec. 24-4315
Recreation and Entertainment, Outdoor	Amusement park, sports park, or waterpark	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	P	P	P	P	-	-	-	A	-	-	-	-	-	-	-	Sec. 24-4322.A
	Arena, amphitheater, or stadium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	P	P	P	P	-	-	A	A	-	-	-	-	-	-	-	Sec. 24-4322.A
	Golf course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	A	-	-	-	-	-	-	-	Sec. 24-4322.A
	Marina	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	-	-	-	-	-	-	-	-	A	A	A	A	-	-	-	-	-	-	-	Sec. 24-4322.B
	Racetrack, outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	R	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4322.A
	Shooting range, outdoor	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4322.C	
	Outdoor Recreation and Entertainment not elsewhere listed	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	P	P	P	P	A	A	A	A	-	-	-	-	-	-	-	Sec. 24-4322.A
Retail Sales and Services	Aircraft and aircraft parts sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4315
	Alternative lending institution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	-	-	-	A	A	A	P	P	P	P	-	-	P	Sec. 24-4315
	Artist studio	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	R	R	R	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	Sec. 24-4315

**Article 4 Use Regulations**

Division 2. Principal Use Table

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	Auction house	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	R	R	R	R	R	R	-	A	A	A	-	-	-	-	-	-	-	Sec. 24-4315	
	Automated teller machine (ATM)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	R	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	R	Sec. 24-4323.A
	Convenience store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	R	R	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	R	Sec. 24-4315
	Drive-through ice machine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	R	R	R	R	A	A	A	A	-	-	-	-	-	-	R	-	Sec. 24-4323.B	
	Drug store or pharmacy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	-	P	R	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	-	-	R	-	Sec. 24-4315
	Farmers market	R	R	-	-	-	-	-	-	-	-	-	-	-	P	P	-	R	-	-	-	-	R	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	R	R	Sec. 24-4323.C
	Financial institution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	R	R	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	-	-	R	-	Sec. 24-4315	
	Grocery store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	-	-	-	-	R	R	R	R	R	A	A	A	A	R	R	R	R	-	-	R	-	Sec. 24-4315	
	Laundromat	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	-	-	-	-	R	R	R	R	R	A	A	A	A	R	R	R	R	R	-	R	-	Sec. 24-4323.D	
	Personal services establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	-	P	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	-	-	R	-	Sec. 24-4323.E	
	Repair establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	-	P	R	R	R	R	R	R	R	A	A	A	A	-	-	-	-	-	-	R	-	Sec. 24-4323.F	
	Retail sales establishment, not elsewhere listed	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	R	-	P	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	P	-	R	-	Sec. 24-4315	
	Sign printing and painting	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	R	R	R	R	R	R	A	A	A	A	R	R	R	R	-	-	R	-	Sec. 24-4315	

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	Use Type	C&A		Residential													Nonresidential & Mixed-Use					PD			FBA-O Dev. Area					Use-Specific 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	
Vehicle Sales and Services	Automobile filling station (fuel only)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	R	R	R	R	R	A	A	-	A	P	P	P	P	-	-	P	Sec. 24-4324.B		
	Automobile rentals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	R	R	R	R	-	-	-	A	R	R	-	-	-	-	-	R	Sec. 24-4324.C	
	Automobile sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	-	-	-	A	-	-	-	-	-	-	-	R	Sec. 24-4324.D	
	Automotive painting and body shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	-	-	-	A	-	-	-	-	-	-	-	-	Sec. 24-4324.A	
	Automotive parts and installation and minor servicing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	R	R	R	R	-	-	-	A	-	-	-	-	-	-	-	R	Sec. 24-4324.A	
	Automotive repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	-	-	-	A	-	-	-	-	-	-	-	R	Sec. 24-4324.A	
	Boat and marine rental, sales, and service	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	-	-	-	A	-	-	-	-	-	-	-	-	Sec. 24-4324.A	
	Car wash or auto detailing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	R	R	R	A	-	-	A	-	-	-	-	-	-	-	-	R	Sec. 24-4324.E
	Commercial fuel depot	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4324.A
	Commercial vehicle repair and maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4324.A
Commercial vehicle sales and rentals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4324.A	



**Article 4 Use Regulations**

Division 2. Principal Use Table

**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	Use Type	C&A		Residential												Nonresidential & Mixed-Use					PD			FBA-O Dev. Area					Use-Specific 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			
Visitor Accommodations	Fleet terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4324.A		
	Towing or wrecker service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4324.F	
Visitor Accommodations	Bed and breakfast inn	-	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	-	R	R	-	-	Sec. 24-4325.A		
	Campground	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4325.B		
	Hotel or Motel	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	R	R	P	R	R	R	R	R	-	A	A	A	R	R	R	R	-	P	R	-	-	Sec. 24-4325.C		
<b>Industrial Use Classification</b>																																											
Extractive Industry	All Extractive Industry uses	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4327	
Industrial Services	Contractor services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	R	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4328.A	
	Fuel oil or bottled gas distributor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4326
	General industrial service and repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	R	R	-	-	-	A	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4326
	Heavy equipment sales, rental, and service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4328.B
Industrial Services	Laundry, dry cleaning, and carpet cleaning plants	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4328.C	



**Article 4 Use Regulations**

Division 2. Principal Use Table

**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	Use Type	C&A		Residential													Nonresidential & Mixed-Use					PD			FBA-O Dev. Area					Use-Specific 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	
	Warehouse (storage)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	-	R	R	R	-	-	-	A	-	-	-	-	-	-	-	-	-	Sec. 24-4330.E
Waste-Related Services	Landfill, construction and demolition debris	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4331.A	
	Landfill, sanitary	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4331.B	
	Recycling collection center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	A	A	A	A	-	-	-	-	-	-	-	-	-	Sec. 24-4331.C
	Recycling processing center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	R	R	-	-	-	A	-	-	-	-	-	-	-	Sec. 24-4331.D	
	Salvage and junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4331.E		
	Solid waste transfer station	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	-	-	-	-	-	-	-	-	-	-	Sec. 24-4331.F		
	Waste composting	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	R	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4326		
Wholesale Sales	All wholesale sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	R	R	R	R	-	-	-	A	-	-	-	-	-	-	-	-	Sec. 24-4326		

## **DIVISION 3. STANDARDS FOR SPECIFIC PRINCIPAL USES**

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### ***Sec. 24-4301. Organization and General Standards***

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- A.** This division sets forth the standards for all principal uses that have a reference provided in the “Use-Specific Standards” column of the principal use table in Article 4, Division 2, Principal Use Table, as well as standards for use classifications and use categories that apply to all uses in the classification or category. The standards set forth in this division for a specific principal use apply to the individual principal use, regardless of the review procedure by which it is approved, unless otherwise specified in this Ordinance. Standards are organized in this division using the same organization of use classifications, use categories, and use types used in Article 4, Division 2, Principal Use Table, and Article 8, Division 4, Use Definitions and Interpretation.
- B.** Every principal use must comply with all applicable County, state, and federal laws and regulations.

### ***Sec. 24-4302. Agricultural Uses: Animal Husbandry Uses***

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#### **A. All Animal Husbandry Uses**

- 1.** Animals must be kept on the property and not permitted to run at large. Animals may graze up to the property line if the property immediately on the other side of the property line is classified in a Conservation and Agricultural District. Fenced areas for grazing must be set back at least 40 feet from any lot in a Residential District and at least 20 feet from any lot in a Nonresidential and Mixed Use District or a Planned Development District.
- 2.** Unless the farm is subject to a nutrient management plan or similar conservation plan approved by the Henricopolis Soil and Water Conservation District, all barns, pens, feed lots, and similar animal enclosures, and all areas where animal waste is stored, must be located at least 400 feet from any lot in a Residential district and 200 feet from any other lot where the principal use is a dwelling.
- 3.** For a farm subject to a nutrient management plan or similar conservation plan approved by the Henricopolis Soil and Water Conservation District, all barns, feed lots, and similar animal enclosures, and all areas where animal waste is stored, must be located at least 60 feet from any lot in a Residential district and any other lot where the principal use is a dwelling. The conservation plan must indicate the number of each type of animal that will be kept on the property and must indicate the location of all proposed barns, pens, feed lots, and similar enclosures, and all areas where animal waste will be stored. Once the plan has been approved by the Henricopolis Soil and Water Conservation District and the Planning Director, no additional animals may be added to the property without an approved amendment to the plan.
- 4.** Pens, stalls, and grazing areas must be maintained in a sanitary manner free from noxious odors.

## Article 4 Use Regulations

### Division 3. Standards for Specific Principal Uses

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## **Sec. 24-4303. Agriculture Support and Services Uses (Directly Related)**

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### **A. All Agriculture Support and Services Uses (Directly Related)**

1. An agriculture support and services use (directly related) is allowed only in direct association with and on the same lot as an on-going agriculture, horticulture, animal husbandry, or silvicultural use.
2. An agriculture support and services use must be accessible from an arterial, collector, or major access road without passing through a residential neighborhood.
3. All stationary motorized equipment must be located at least 400 feet from any Residential district and 200 feet from any other lot where the principal use is a dwelling.

### **B. Agri-Education**

In addition to the requirements of subsection A above, the following requirements apply to agri-education uses.

1. All structures intended for occupancy by members of the public must comply with all applicable permit requirements.
2. Approval of a temporary use permit is required for any special event drawing more than 50 people to the site (see Sec. 24-2312, Temporary Use Permit).
3. An agri-education use must include public restrooms and must be designed and operated to provide adequate parking and pedestrian circulation.

### **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.

### **D. Equestrian Facility**

In addition to the requirements of subsection A above, all parts of an equestrian facility where animals are kept or equestrian events are held 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.

### **E. Farm or Limited Production of Food and Beverages**

In addition to the requirements of subsection A above, the following requirements apply to farm or limited production of food and beverages.

1. Sampling and sale for on- and off-site consumption of food and beverages produced on the premises are allowed as an accessory use in accordance with all applicable state regulations. This may include a farm winery, limited brewery, or limited distillery; or a home food processing operation (foods prepared in a private kitchen) or commercial kitchen food processing operation (foods prepared in a kitchen other than a private kitchen) as regulated by the Virginia Department of Agriculture and Commercial Services.

2. Sale of prepackaged foods and beverages that are consumed on the premises is allowed as an accessory use to a permitted farm winery, limited brewery, limited distillery, agri-education, or agritourism use.
3. A restaurant is allowed as an accessory use if it has a conditional use permit in accordance with Sec. 24-2308, Conditional Use Permit, and the Board of Zoning Appeals finds that the restaurant is compatible with the rural character of the farm and the surrounding area, and that traffic, parking, exterior lighting, and hours of operation will not be detrimental to nearby property.
4. Retail sales of merchandise is permitted as an accessory use if the items sold are associated with the site (e.g., glassware and souvenirs), or are locally produced goods of the type that would be sold at an artisan's and crafter's market or farmers' market.

## **F. Produce Market**

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

1. The gross floor area of a produce market must not exceed 8,000 square feet.
2. A minimum of 25 percent of the products sold must be agricultural products produced on-site

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## ***Sec. 24-4304. Agricultural Support and Services (Not Directly Related)***

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### **A. All Agriculture Support and Services Uses (Not Directly Related)**

1. An agricultural support and services use (not directly related) must be accessible from an arterial, major collector, or major access road without passing through a residential neighborhood.
2. Structures must not exceed 35 feet in height if located within 500 feet of a dwelling.

### **B. Agricultural Research Facility**

In addition to the requirements of subsection A above, the following requirements apply to agricultural research facilities.

1. In the A-1 District, all stationary motorized equipment must be located at least 400 feet from any Residential district and 200 feet from any other lot where the principal use is a dwelling.
2. In the M-1 District, all research activities must take place in fully enclosed buildings.

### **C. Stockyard or Slaughterhouse**

In addition to the requirements of subsection A above, the following requirements apply to stockyards and slaughterhouses.

1. A stockyard or slaughterhouse must be located at least 1,200 feet from any Residential district or any other lot where the principal use is a dwelling.
2. Slaughter of animals must take place inside an enclosed building to prevent the transmission of sound to the outside.
3. Animals must be enclosed in gated enclosures with a minimum height of six feet.
4. Waste must be stored in airtight containers and must be confined in fully enclosed structures.



## Article 4 Use Regulations

### Division 3. Standards for Specific Principal Uses

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5. All loading and unloading areas must be screened from view from adjacent lands and public streets.

#### **Sec. 24-4305. *Agricultural Uses: Silviculture***

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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."

#### **Sec. 24-4306. *Residential Uses: Household Living***

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##### **A. Dwelling, Live/Work**

1. The residential portion of a live/work dwelling must occupy at least 50 percent of the total gross floor area.
2. The nonresidential portion of a live/work dwelling must comply with all applicable Uniform Statewide Building Code requirements.
3. No more than three persons other than residents of the dwelling may be employed at a live/work dwelling.
4. Drive-through facilities are prohibited for live/work dwellings.
5. Any off-street parking provided for the nonresidential portion of a live/work dwelling must be located as far as practicable from adjacent single-family dwellings.

##### **B. Dwelling, Manufactured Home**

1. The manufactured home dwelling must comply with the Virginia Manufactured Housing Construction and Safety Standards Law.
2. The manufactured home dwelling must be placed on a permanent foundation and must comply with the requirements of the Virginia Uniform Statewide Building Code, including skirting requirements.
3. One manufactured home dwelling must be the only principal structure on the lot. Manufactured home dwellings must not be used as accessory structures.
4. Two or more manufactured home dwellings must not be joined or connected together as one dwelling except for those designed and constructed at the factory as multi-section homes. An accessory building must not be attached to a manufactured home dwelling.

##### **C. Dwelling, Multifamily**

1. All ground level and rooftop HVAC and mechanical equipment must be screened from view from the property lines at ground level. Screening must consist of materials used in the principal building's front façade or other materials approved by the Planning Director as allowing the screened area to blend in with its surroundings, supplemented with landscaping.
2. Any stormwater management facility must be designed and utilized as a water feature amenity or designed and landscaped in a manner consistent with the surrounding development.

3. Except for junction boxes, meters, and pre-existing overhead utility lines, all utilities serving multifamily dwellings must be underground, except where the Planning Director determines that underground utilities are not practical or desirable for technical or environmental reasons. Junction boxes must be screened from view from the property lines at ground level with approved fencing or landscaping.
4. All multifamily dwellings must be served by public water and sewer.
5. In the RTH District, the number of dwelling units in a multifamily building must not exceed six.

#### **D. Dwelling, Single-Family Attached**

1. No openings are permitted in a party wall between two attached dwellings.
2. The front wall immediately adjacent to the common lot line of one dwelling must not be set back a greater distance from the front line than the rear wall immediately adjacent to the common lot line of the attached dwelling.
3. In the R-5A District, single-family attached dwellings are only allowed within an approved subdivision of five or more lots which has been approved in accordance with Sec. 24-2314, Plan of Development or Sec. 24-2315, Site Plan.

#### **E. Dwelling, All Single-Family Detached**

1. Each lot to be used for a single-family detached dwelling must front on 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 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. 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 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. 24-2315, Site Plan.

#### **F. Dwelling, Single-Family on Zero Lot Lines**

1. In the R-5A District, single-family dwellings on zero lot lines are allowed only within an approved subdivision of five or more lots with a plan of development approved in accordance with Sec. 24-2314, Plan of Development or a site plan approved in accordance with Sec. 24-2315, Site Plan.
2. Each block must be designated on the plan of development or site plan as either dwellings on zero lot lines or detached dwellings (having side yards on both sides). Dwellings on zero lot lines cannot be mixed within the same block as detached dwellings with side yards on both sides.
3. At least 50 percent of the length of the wall must be located on the zero lot line.
4. Along one side of each zero lot line, on the opposite side of the lot line abutting where a dwelling will be located, a construction, drainage, and maintenance easement at least 8 feet in width must be provided and shown on the plan of development or site plan.

## Article 4 Use Regulations

### Division 3. Standards for Specific Principal Uses

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5. Roof overhangs and ornamental features are prohibited from extending over the zero lot line unless specifically authorized by the recorded construction, drainage, and maintenance easement.
6. The mechanical equipment for each dwelling, including gas meters, HVAC condensers, generators, and similar structures, but not including wall-mounted equipment that does not project more than 12 inches from the wall, must be located on the same lot as the dwelling served, not in the 8-foot construction, drainage, and maintenance easement.

#### **G. Dwelling, Townhouse**

1. Each row of townhouses must contain no fewer than three and no more than eight dwelling units.
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.
3. Each townhouse lot must front on either a public street or a private access that meets the following requirements:
  - (a) All private access drives must be designed in accordance with applicable standards for private access design at the intersection of a public road, requirements for sight distance, and all applicable design standards for emergency services.
  - (b) Units fronting common areas not improved for vehicular access must provide complete pedestrian access from each unit to an overall project pedestrian network. Where deemed necessary, improvements may be required to meet standards for emergency services.
4. Townhouses fronting on public streets must not have front-loaded garages served by individual driveways.
5. Each row of townhouse lots must abut common area a minimum of ten feet in width on each end of each row, along all rear lot lines, and along any front lot line that does not abut a public right of way. Common area that adjoins a controlled access road must be at least 25 feet in width and existing vegetation must be supplemented with trees and shrubs to meet the requirements of a Transitional Buffer 35 (see Sec. 24-5310, Transitional Buffers).
6. Any permanent wet pond stormwater best management practice (BMP) must be designed and developed as a water feature amenity or designed and landscaped in a manner consistent with the surrounding development. Wet ponds must include adequate aeration features for movement of water.
7. Except for junction boxes, meters, and pre-existing overhead utility lines, all utilities serving townhouse dwellings must be underground, except where the Planning Director determines that underground utilities are not practical or desirable for technical or environmental reasons. Junction boxes must be screened from view from the property lines at ground level with approved landscaping or fencing.
8. All ground level and rooftop HVAC and mechanical equipment must be screened from view from the property lines at ground level. Screening must consist of materials used in the front façade of the principal building or other materials approved by the Planning Director, supplemented with landscaping.
9. Buildings and structures within common areas must comply with the following standards:

- (a) The setback for any structure not designed or certified for permanent occupancy must be ten feet or a distance equal to the height of the structure, whichever is greater.
- (b) The setback for any structure designed or certified for permanent occupancy must be 20 feet or a distance equal to the height of the structure, whichever is greater.
- (c) Pedestrian access must be provided to all common area elements, including mail kiosks, parking lots, refuse collection areas, and recreational amenities.

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

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**A. Community Center**

1. Hours of operation 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 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.
3. Public address systems may be used at athletic competitions, swim meets, and similar events, and in case of emergency, but at no other time.

**B. Donation Center**

1. All donated goods must be stored either in a fully enclosed building or in closed containers within a designated area not exceeding 972 square feet in area that complies with the dimensional standards for principal buildings in the district in which they are located.
2. The donation center must not impede traffic on any public street or parking lot drive aisle or interfere with any required parking space.
3. The donation center must not occupy required parking, and parking must be provided at the rate of 1 space for every 200 square feet of floor area or designated area.

**C. Religious Institution**

1. Memorial gardens for the sprinkling or burial of cremated human remains may be located on the premises outside of all required minimum yards.
2. The Planning Director may grant modifications of the standards applicable to a religious institution on finding that the modification is necessary to eliminate a substantial burden on religious practice, as guaranteed by the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. § 2000 et seq.). In doing so, the Planning Director may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent development.

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

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##### **A. Childcare Center**

1. If not located in a stand-alone building, the childcare center, including restrooms, must be segregated from other uses in the building in which it is located.
2. A childcare center established after September 1, 2021, must be accessible from an arterial, collector, or major access road without passing through a residential neighborhood.
3. A childcare center must be located at least 500 feet from any adult use.
4. An outdoor play area must be located in the side or rear yard and must meet the setbacks for the principal use. If abutting a residential use, parking lot, or street, the play area must be screened by a solid fence or wall at least six feet in height supplemented with landscaping. Outdoor play areas must not be operated after 9:00 p.m.
5. Parking areas and vehicular circulation for the childcare center must be designed to enhance the safety of children as they arrive at and leave the facility. The center must provide a designated pickup and delivery area that includes at least one parking space per 20 children and is located adjacent to the childcare center in such a way that children do not have to cross vehicular travel ways to enter or exit the center.

#### **Sec. 24-4309. Public and Civic Uses: Educational Facilities**

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##### **A. College or university**

A college or university may include educational, scientific, and other related research facilities.

##### **B. Elementary or secondary school**

An elementary or secondary school may include as accessory uses childcare and charitable, cultural, and other community service activities on school property.

##### **C. Vocational or Trade School**

1. All facilities within a vocational or trade school that typically generate significant noise or fumes, such as auto body or engine repair, industrial painting, auto body painting, industrial manufacturing processes, or campus-wide energy and utility systems, and that are adjacent to a Residential district or the CMU, O-1, O-2, or O-3, district must comply with the following standards:
  - (a) The facilities must be located at least 100 feet from any adjacent Residential district;
  - (b) A Transitional Buffer 35 must be provided between the facilities and the adjacent district; and
  - (c) Plans for new facilities must indicate any other mitigation steps appropriate to the impacts of the facilities, such as additional sound-containment features.

2. In the O-3 and CMU districts, a vocational or trade school must not include activities which typically generate significant noise or fumes, such as auto body or engine repair, industrial painting, auto body painting, or manufacturing and production.

***Sec. 24-4310. Public and Civic Uses: Government Maintenance, Storage, or Distribution Facilities Uses***

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Portions of government facilities used for maintenance of vehicles and equipment or where there is regular vehicle movement must be screened from view from ground level on any adjoining lots in Residential districts and must be set back a minimum of 20 feet from all such lots.

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

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**A. All Health Care Facilities**

All health care facilities must be accessible from an arterial, collector, or major access road without passing through a residential neighborhood.

**B. Continuing Care Retirement Community**

In addition to the requirements of subsection A above, a minimum of ten percent of a continuing care retirement community's land area must be devoted to outdoor open space, indoor or outdoor recreation facilities, and indoor or outdoor social-oriented amenities, including community centers. Such areas must be safely and conveniently accessible to community residents. Any continuing care retirement community must have at least three physically separate areas that provide space for recreational and social activities at different intensity levels. Each outdoor area intended for active recreation must have a minimum area of 5,000 square feet and no dimension may be less than 50 feet.

**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 300 feet.
2. Any hospital that includes an emergency room must include vehicular access and circulation systems that provide safe and separate emergency vehicle access, with minimal conflicts with other vehicular and pedestrian traffic. Entrances designated for emergency vehicles must be from an arterial, major collector, or major access road.
3. Principal buildings must be located at least 50 feet from the perimeter of the hospital site.

**D. Medical Treatment Facility**

In addition to the requirements of subsection A above, a facility for the treatment of persons with opiate addiction using methadone, or any opioid replacements not approved for the treatment of opioid addiction by the U.S. Food and Drug Administration, must be located at least one-half mile from all schools and day care centers, unless the facility is a hospital that is licensed by the State Board of Health or the State Health Commissioner or owned or operated by a state or County agency.



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#### E. Nursing Home

In addition to the requirements of subsection A above, a nursing home may include retail sales of foods and beverages, gifts, books and periodicals, and other convenience items, provided **the floor area of such uses does not exceed 10 percent of the building's** gross floor area or 1,000 square feet, whichever is less.

### **Sec. 24-4312. Public and Civic Uses: Parks and Open Areas**

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#### A. Cemetery

1. The minimum area for a new cemetery is two acres. This standard does not apply to cemeteries existing on September 1, 2021, or the expansion of such a cemetery.
2. A cemetery must be accessible from an arterial, major collector, or major access road without passing through a residential neighborhood. This standard does not apply to cemeteries existing on September 1, 2021, or the expansion of such a cemetery.
3. Adequate space for the parking and maneuvering of funeral processions must be provided on-site.
4. All graves must be located a minimum of 50 feet from the perimeter of the site and a minimum of 250 feet from any dwelling or well.
5. A fence complying with Article 5, Division 4, Fences and Walls, must be provided around the perimeter of the cemetery.
6. If a cemetery is located in combination with a funeral home or crematory, each use must comply with all applicable standards.

#### B. Community Garden

A community garden as a principal use must comply with the standards in this subsection (see Sec. 24-4412, Accessory Community Garden , for standards that apply to a community garden as an accessory use).

1. Community garden accessory buildings must be limited to storage buildings for tools, greenhouses, and seasonal farm stands. The combined area of all buildings and other structures must not exceed 15 percent of the area of the parcel.
2. Areas used for communal composting must be located a minimum of 50 feet from the perimeter of the site and must not exceed ten percent of the area of the parcel or 100 square feet, whichever is smaller.
3. The owner of the community garden must designate an operator, who must establish operating rules for the garden, including hours of operation, assignment of garden plots, and maintenance and security requirements and responsibilities.

#### C. Public Park and Parks and Open Areas Not Specified Elsewhere

Any area designated principally for dogs to recreate and exercise off-leash must comply with the following standards:

1. The dog park must include at least one acre of land, excluding wetlands, floodplains, and resource protection areas.
2. The dog park must be enclosed by a fence having a minimum height of five feet with at least one double-gated entry and exit.

3. A minimum of 15 parking spaces must be provided in addition to any other parking spaces required by this Ordinance.
4. Retail sales, boarding, and other commercial activities are not allowed at a dog park.
5. The operator of the dog park must post rules for the use of the dog park and must be responsible for the enforcement of those rules.

### **Sec. 24-4313. Public and Civic Uses: Transportation**

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#### **A. Airport**

1. All airport runways must be located at least 100 feet from the perimeter of the site.
2. Any new airport established after September 1, 2021, must be located at least 1,200 feet from any Residential district. Runways must be located such that no Residential district, school, religious institution, hospital, or nursing home is located within one-half mile of the centerline of the runway extended one mile from each end of the runway.
3. An airport may include any buildings, structures, and service facilities that are customarily accessory to the operation of an airport, including hangars, terminal buildings, restaurants, parking areas, fueling facilities, and parts storage.

#### **B. Helicopter Landing Facility**

In the O-3, O/S, B-1, and CMU districts, a helicopter landing facility must not include refueling, servicing, or maintenance facilities or hangars.

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

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#### **A. Solar Array**

1. Maximum lot coverage of the solar array and any associated equipment must not exceed 65 percent.
2. Adequate access for maintenance of the solar array must be provided.
3. The solar array must not exceed a height of 20 feet.
4. The solar array must be enclosed by security fencing and locked gates that are at least six feet high, and must provide warning signs at each vehicular access point to the site. The fencing must be screened from adjacent streets by landscaping material in accordance with Article 5, Division 3, Landscaping and Tree Protection.
5. Except for transmission lines and collector utility structures, all utilities associated with the solar array must be located underground.
6. The applicant must transmit a copy of all application materials to all airports located within five miles of the proposed facility. A final decision on the application will not be made until at least 14 days after the date of transmittal.
7. The application must include a decommissioning plan that describes the timeline and manner in which the array will be decommissioned and the site restored to a condition similar to its condition prior to the establishment of the facility.
8. If the solar array ceases operating for a period of 18 consecutive months, the County will deem it abandoned and will provide a written notice of abandonment to the owner. Within 180 days after notice of abandonment is provided, the owner must

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either complete all decommissioning activities and site restoration in accordance with the decommissioning plan for the array or resume regular operation of the array.

#### **B. Utility, major**

1. An electrical power facility must be located a minimum of 250 feet from all lot boundary lines. An electric substation must be located a minimum of 100 feet from all lot boundary lines.
2. 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.

#### **C. Utility, minor**

1. A minor utility must not include facilities for construction, repair, service, or storage of vehicles or off-site utility equipment.
2. An access easement at least 20 feet wide must be provided to the site of any pumping station, water storage tank, or well house.

#### **D. Wind energy facility, large**

1. A wind energy facility must utilize monopole or self-supporting towers.
2. All towers must be set back from the perimeter of the facility a distance equal to or exceeding the overall height of the tower and associated wind turbine blade (as measured from the base of the tower).
3. The height of any tower, measured at the highest point of the arc of the blades, must not exceed 199 feet.
4. Blade tips or vanes must have a minimum ground clearance of 75 feet above grade, as measured at the lowest point of the arc of the blades.
5. Blades must not extend over public rights-of-way.
6. All towers and turbines of a wind energy facility must be uniform in design, type, color, number of blades per turbine, and direction of blade rotation. Towers and wind turbines must be painted or finished and maintained in the color originally applied by the manufacturer, or a matte and generally nonreflective neutral color (e.g., gray, white, or galvanized steel).
7. A wind energy facility must be enclosed by security fencing and locked gates that are at least eight feet high and have anti-climbing devices. The facility must provide warning signs at each vehicular access point to the site. The fencing must be screened from adjacent streets by landscaping material in accordance with Article 5, Division 3, Landscaping and Tree Protection.
8. Except for transmission lines and collector utility structures, all utilities associated with a wind energy facility must be located underground.
9. The wind energy facility must not be lighted or illuminated unless required by the FAA, in which case strobes or blinking lights must be avoided to the maximum extent practicable.
10. Shadows cast by the towers or blades must not fall upon any off-site area for more than 30 minutes in any 24-hour period.
11. The noise produced by a wind energy facility during normal operation must not exceed 55 dBA at any lot line.

- 12.** The owner of a wind energy facility must take all reasonable steps to prevent or eliminate interference with transmission of communications signals (e.g., radio, television, telephone, etc.) resulting from the facility.
- 13.** If use of a wind energy facility is discontinued for a period of one year, the County will deem it abandoned and provide the owner a written notice of abandonment stating that the owner has 90 days from the date of receipt of the notice to either resume use of the facility or file a notice of termination with the County. The owner must remove the facility (including all towers, turbines, above-ground structures and equipment, outdoor storage, and hazardous materials) within 180 days after a notice of termination is filed. On removing an abandoned facility, the owner must restore the site of the facility to as good a condition as existed before construction or installation of the facility, unless otherwise instructed by the County.

### **E. Wireless Communications Short Structure or Co-location**

- 1.** The review of applications for wireless communications short structures and co-locations will comply with Article 7.2, Chapter 22, Title 15.2 of the Code of Virginia.
- 2.** An antenna mounted on a building must comply with the standards in Sec. 24-4407, Accessory Antenna.

### **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 feet in height, except that a tower up to 60 feet in height may be approved in accordance with Sec. 24-2306, Provisional Use Permit.
- (b)* A freestanding wireless communications tower that is not located in a Residential district or within 200 feet of a dwelling must not exceed 50 feet in height unless the tower, and any accessory structure, is camouflaged to fit into the surrounding area (through use of paint colors and surface materials, incorporation into architectural design and structure, or by other means), in which case it must not exceed 100 feet in height. A tower greater than 100 feet in height may be approved in accordance with Sec. 24-2306, Provisional Use Permit.

#### **2. Additional Application Requirements for Provisional Use Permit**

An application for a provisional use permit in accordance with subsection F.1. above must include the following certifications and evidence, in addition to all other application materials required by this Ordinance:

- (a)* Certification, to the satisfaction of the Building Code Official, by the manufacturer or a structural engineer registered in the Commonwealth of Virginia that the height, design, installation, and total anticipated capacity of the structure meet all requirements and safety considerations set forth in the BOCA Basic Building Code and section 222(D) of the standards adopted by the Electronics Industries Association, as amended. The certification must state the number and type of antennas that the tower can accommodate.
- (b)* Certification from a licensed professional engineer primarily experienced with the design and operation of communication towers and antennas that the nonionizing electromagnetic radiation (NIER) emitted from the facility

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will not result in a level of exposure at any point beyond the property line of the facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the federal government or by the American National Standards Institute. Exceptions to this requirement may be authorized by the Planning Director for low power transmission facilities such as two-way radio, telephone (cellular and VHF), microwave, government communication equipment, and similar type transmitters.

(c) Verifiable evidence that there is not sufficient space on suitable existing towers, buildings, or other structures to locate the proposed antenna(s).

#### 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 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.

#### 4. Other Standards

(a) Unless otherwise required or allowed by another provision of this subsection, any wireless communications tower 200 feet or less in height must have a galvanized finish or be painted silver, light blue, or a color or combination of colors that serves to minimize the visual impact of the tower in relation to its surroundings.

(b) A wireless communications tower must not be lighted or illuminated unless required by the Federal Aviation Administration (FAA), and all such lighting must be the minimum required by the FAA. Unless required by the FAA, strobe lights must not be used for lighting and lighting must be oriented so as not to project directly onto any surrounding property.

(c) Signs must not be placed on a wireless communications tower unless otherwise required by state or federal law.

(d) Landscaping on the site of a wireless communications tower must comply with Article 5, Division 3, Landscaping and Tree Protection.

### Sec. 24-4315. All Commercial Uses

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

1. Located on the street level floor of a multi-story building; or
2. Part of a unified development that is approved in accordance with Sec. 24-2314, Plan of Development, or Sec. 24-2315, Site Plan, that complies with the following standards:

(a) The floor area used for Commercial uses that are not in the Offices use category must not exceed 30 percent of the floor area of the entire development; and

(b) All Commercial uses that are not in the Offices use category must be connected to the overall development through the placement and orientation of buildings, the location and design of open space, and the vehicular and pedestrian circulation systems.

**B.** In the R-5 District, any Commercial use that is allowed must be either:

- 1.** Located on the street level floor of a multi-story building; or
- 2.** Part of a unified development that is approved in accordance with Sec. 24-2314, Plan of Development, or Sec. 24-2315, Site Plan, that complies with the following standards:

(a) The floor area used for Commercial uses must not exceed 20 percent of the floor area of the entire development; and

(b) All commercial uses must be integrated into the development through the placement and orientation of buildings and the design of required open space; and

(c) All commercial uses must be coordinated with the vehicular and pedestrian circulation systems of the development.

**C.** In the R-6 District, Commercial uses are allowed within a master planned community in accordance with the following requirements:

- 1.** The master-planned community may not exceed ten acres in area.
- 2.** A provisional use permit must be approved for the master planned community in accordance with Sec. 24-2306, Provisional Use Permit. The provisional use permit application must include a master plan showing the location and mix of proposed residential and commercial uses, the location and height of all existing and proposed structures, public and private streets, parking spaces, pedestrian circulation, open space, the developer's architectural design requirements, landscaping, buffers, and site lighting. The master plan may establish the maximum allowed multifamily residential density and minimum setback requirements that apply in the master planned community in accordance with Sec. 24-3315.D, R-6 District Dimensional Standards. Subsequent approval of a provisional use permit is not required for the establishment of uses identified on the master plan of the approved provisional use permit.
- 3.** Commercial uses must occupy no less than 15 percent and no more than 35 percent of the floor area of the master planned community, except that a higher percentage may be permitted if specified on a master plan approved in accordance with subsection 2 above.
- 4.** Commercial uses are allowed only in the first or second story of a building exceeding two stories in height, except up to 35 percent of floor area occupied by commercial uses may be located in buildings without residential uses; however, a higher percentage is permitted if specified on a master plan approved in accordance with subsection 2 above.
- 5.** The master plan required by subsection 2 above, may include a parking study prepared by a licensed engineer showing the number of parking spaces required and proposed for the project. The parking study may consider the use of on-street parking and the use of shared parking under shared parking agreements. The number of parking spaces proposed in the study will apply in lieu of the parking requirements of Sec. 24-5110, Minimum Number of Off-Street Parking Spaces, if the provisional use permit is granted.



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- 6.** The master plan required by subsection 2 above may show setbacks that do not meet the minimum setback requirements of Sec. 24-3315.D, R-6 District Dimensional Standards. Reduced setbacks shown on the master plan will apply in lieu of the minimum setback requirements of this chapter if the provisional use permit is granted.
  - 7.** Each commercial use may have one attached sign not to exceed 15 square feet in area.
- D.** In the B-1 district, any single Commercial use must not occupy more than 10,000 square feet of floor area unless expressly authorized by a provisional use permit in accordance with Sec. 24-2306, Provisional Use Permit.
- E.** In the B-1 and B-2 districts, between the hours of 12:00 midnight and 6:00 am, a Commercial use 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. 24-4316. Commercial Uses: Adult Uses**

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

- A.** All adult uses must be located at least 500 feet from any Residential or Agricultural zoning district, and at least 500 feet from the property line of any land used for any of the following:
- 1.** A residence;
  - 2.** A nursing home, assisted living facility, or similar institution;
  - 3.** An adult day care center;
  - 4.** A child care center;
  - 5.** A school, college or university;
  - 6.** A public park;
  - 7.** A public library, museum or other cultural facility;
  - 8.** A religious institution;
  - 9.** A hotel, motel or boardinghouse; or
  - 10.** Any other adult use.
- B.** Adult merchandise must not be visible from any point outside the establishment.
- C.** Signs or attention-getting devices for the use must not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in Article 8, Division 5, General Definitions.
- D.** The following restrictions on hours of operation apply to all adult uses other than adult motels. The use must not begin service to the public or any outside activity before 6:00 a.m. Hours of operation for any adult movie theater, adult nightclub, or other business providing adult entertainment must not extend after 2:00 a.m. Hours of operation for any adult bookstore, adult video store, adult model studio, adult store or any other adult business must not extend after 12:00 midnight.
- E.** In any adult entertainment use other than an adult motel or adult movie theater, there must be no viewing of videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices, Internet sites or files transmitted over the Internet, or similar media characterized by an

- emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in Article 8, Division 5, General Definitions, while on the premises.
- F.** Adult merchandise must be located in a separate room or other area inaccessible to persons under 18 years of age.
  - G.** All owners, managers, employees, and entertainers of adult businesses must be at least 18 years of age.
  - H.** The owner or operator of an adult business must install, operate, and maintain a security camera and video recording system designed by a security specialist. Surveillance cameras must continuously monitor all entrances, parking areas, and all areas of the establishment where the adult business is conducted, except for the sleeping rooms of an adult motel. Such cameras must provide clear imagery of the establishment's patrons and their vehicles. Video recordings of activities in the areas under surveillance must be preserved for a period of one month. Authorized representatives of the Henrico County Division of Police or the Henrico County Planning Department must have access to such recordings upon request.
  - I.** The owner or operator of an adult business must provide lighting sufficient for clear visual and security camera surveillance for all entrances, exits, and parking areas serving the adult use, and all areas of the establishment where the use is conducted, except for the private rooms of an adult motel or the movie viewing areas in an adult movie theater.

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**Sec. 24-4317. Commercial Uses: Animal Care**

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

- A.** Those parts of structures in which animals are boarded must be fully enclosed and sufficiently insulated so no plainly audible noise or plainly noticeable odor can be detected off the premises.
- B.** All boarded animals must be kept within a totally enclosed part of the structures between the hours of 10:00 p.m. and 8:00 a.m.
- C.** Any outdoor exercise runs or pens must be located at least 200 feet from any Residential district and 75 feet from any lot line in any other district. A Transitional Buffer 50 must be provided between the run or pen and the property line.
- D.** If the facility provides services to large animals such as cows, horses, swine, goats, and sheep, it must be located at least 400 feet from any Residential district, or any lot where the principal use is a dwelling.

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**Sec. 24-4318. Commercial Uses, Eating Establishments: Drive-Through Restaurants**

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In addition to the requirements of Sec. 24-4315, All Commercial Uses, the following requirements apply to drive-through restaurants.

- A.** A drive-through restaurant must be accessible from an arterial, major collector, or major access road without passing through a residential neighborhood.

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- B.** The driveway providing access to the drive-through must be at least 25 feet from any other driveway, measured from curb to curb.
- C.** Vehicle stacking lanes must be provided.
- D.** Traffic circulation patterns on the site in relation to the drive through must not impede vehicular movement external to the site or block access to any required parking spaces located on the site. The County Engineer may require the owner to provide standard traffic control signs to notify customers that stopping or standing in the public right of way is prohibited.
- E.** Drive-through facilities must not obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.
- F.** Drive-through facilities, including stacking lanes, must not be located within 50 feet of a Residential district or a lot containing a residential use.

#### ***Sec. 24-4319. Commercial Uses: Offices***

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In addition to the requirements of Sec. 24-4315, All Commercial Uses, 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. 24-4320. Commercial Uses: Parking***

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

##### **A. Parking Lot**

Parking must be the principal use of the parking lot. Parking spaces may be rented for parking but repair, servicing, washing, or display of vehicles is not allowed.

##### **B. Parking Structure**

- 1.** In the R-6, CMU, O-2, O-3, O/S, B-1, B-2, and B-3 Districts, if a parking structure is developed for office, retail, or residential use on its ground floor along 70 percent of two of its façades that face a street, a residential use, or a courtyard or other open space area, the structure may extend an additional 12 feet in height above the maximum allowed in the district.
- 2.** All parking structures must be provided with security cameras and call boxes to provide for the security of patrons.

#### ***Sec. 24-4321. Commercial Uses: Recreation and Entertainment, Indoor***

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

### **A. Fitness Center**

In the R-5, R-6, and B-1 districts, the gross floor area of a fitness center must not exceed 10,000 square feet.

### **B. Shooting Range, Indoor**

Any indoor shooting range must be located within a structure that is fully enclosed with steel plate and acoustical tiles, or other materials with comparable bullet-stopping and soundproofing capacities.

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

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

### **A. All Outdoor Recreation and Entertainment Uses**

- 1.** An outdoor recreation and entertainment use must have direct access to an arterial, major collector, or major access road without passing through a residential neighborhood.
- 2.** Access points to an outdoor recreation and entertainment use must be located to minimize traffic to and through local streets in Residential districts.
- 3.** The site of an outdoor recreation and entertainment use must be enclosed by fences eight feet in height as necessary to protect the public safety.

### **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 at least 300 feet of water frontage; and
- 2.** A marina must not be located within 400 feet of a Residential district or within 200 feet of any other lot where the principal use is a dwelling.

### **C. Shooting Range, Outdoor**

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

- 1.** A shooting range must provide backstops that are at least 20 feet high behind all target lines, and supplemental baffles designed and arranged to contain all projectiles within the boundaries of the range and to reduce noise exiting the site.
- 2.** The owners, operators, tenants, or occupants of a shooting range must implement appropriate environmental management practices for containing, controlling, and removing lead from the range in accordance with the latest edition of "Best Management Practices for Lead at Outdoor Shooting Ranges" from the U.S. Environmental Protection Agency (EPA).

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

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

## Article 4 Use Regulations

### Division 3. Standards for Specific Principal Uses

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#### A. Automated Teller Machine (as a principal use)

1. An ATM designed for walk-up use and located in the exterior wall of a building or within a parking area must be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.
2. An ATM designed for use by customers in their vehicles must comply with the following standards:
  - (a) Vehicle stacking lanes must be provided.
  - (b) Traffic circulation patterns on the site in relation to the ATM must not impede vehicular movement external to the site or block access to any required parking spaces located on the site. The County Engineer may require the owner to provide standard traffic control signs to notify customers that stopping or standing in the public right of way is prohibited.
  - (c) Traffic for the ATM must not obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.

#### B. Drive-through Ice Machine

A drive-through ice machine must comply with the following standards:

1. The structure must be located at least 100 feet from any lot line or public right-of-way.
2. The structure must be screened with landscaping on any side facing a public street or Residential district. Plantings must be at least 36 inches in height at the time of planting.
3. Accessways within a parking area must be clearly designated.
4. The drive-through must not obstruct pedestrian movement along sidewalks, public use areas, parking spaces, or building entrances.
5. Vehicle stacking lanes must be provided.
6. The roof or awning over any drive-through must match the design and exterior building materials of the principal building on the lot where the facility is located.
7. All roof-top mechanical equipment must be screened.

#### C. Farmers' Market

1. A **farmers' market must be accessible from an arterial, collector, or major access road without passing through a residential neighborhood.**
2. Stalls, sales tables, and any other outdoor facilities related to a **farmers' market** must be located at least 25 feet from any abutting street.
3. Items for sale must not be displayed or stored within customer walkways.
4. The owner of the property must designate an operator **of the farmers' market** who must establish operating rules addressing the governance of the market, hours of operation, and maintenance and security requirements and responsibilities.
5. **During hours of operation, a farmers' market** must have a manager on site authorized to direct the operations of all participating vendors during all hours of operation.

#### **D. Laundromat**

In the CMU Community Mixed Use District, the gross floor area of a laundromat must not exceed 10,000 square feet.

#### **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***

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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 Uses**

- 1.** A vehicle sales and service use must not be located within 250 feet of any dwelling, educational facility (except vocational or trade schools), or child care center.
- 2.** All repair and maintenance of vehicles, including parts installation, must be performed within an enclosed building.
- 3.** All vehicle parts and equipment must be stored within an enclosed building.
- 4.** Inoperable vehicles must not be parked or stored on the site.
- 5.** 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 by a building, or by an opaque fence or masonry wall, in accordance with Article 5, Division 4, Fences and Walls.
- 6.** 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.

#### **B. Automobile Filling Station (Fuel Only)**

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

- 1.** An automobile filling station may include a convenience store or drive-through restaurant, or both, in the same building.
- 2.** Outdoor speakers must not produce sound that is audible at lot property lines of an automobile filling station.
- 3.** All bulk storage of fuel for vehicles must be underground.
- 4.** Storage of wrecked or inoperable vehicles is prohibited at an automobile filling station.



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5. Storage of rental vehicles, trailers, campers, or similar equipment is prohibited at an automobile filling station.
6. If automotive parts installation and minor servicing are offered as an accessory to an automobile filling station, such accessory use must be located in the same building as the automobile filling station and must not exceed two bays.

#### 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.

1. An automobile rental use must have no vehicle display pads.
2. Vehicles, trailers, or other similar items for rent must not be displayed on the top of buildings.
3. A parking space must be provided for each rental vehicle, in addition to the off-street parking spaces required in Article 5, Division 1, Access, Circulation, Off-Street Parking, and Loading.
4. All rental vehicle service and maintenance areas, and parking of all trucks, vans, or recreational vehicles for rent, must be located behind the principal building and must be screened from view with approved fencing or landscaping.

#### D. Automobile Sales

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

1. An automobile sales use must not have more than one vehicle display pad for every 100 feet of street frontage. The vehicle display pad must not be elevated more than two feet above adjacent parking or street grade level.
2. All vehicles for sale must be parked in an approved, paved parking space or a vehicle display pad.
3. A parking space must be provided for each vehicle for sale, in addition to the off-street parking spaces required in Article 5, Division 1, Access, Circulation, Off-Street Parking, and Loading.
4. An automobile sales site must include an area for unloading new inventory, which must not impede vehicular movement external to the site or block access to any required parking spaces located on the site.
5. Minor repair and service of vehicles are permitted as an accessory use to automobile sales provided they are conducted inside a completely enclosed building.

#### E. Car Wash or Auto Detailing

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

1. A car wash must comply with the standards in Article 5, Division 1, Access, Circulation, Off-Street Parking, and Loading, and must be designed to avoid obstructions to vehicular movement along adjacent streets, through parking areas, and in front of buildings. The County Engineer may require the owner to provide standard traffic control signs to notify customers that stopping or standing in the public right of way is prohibited.
2. All car washing and auto detailing activity must occur within an enclosed building.
3. Equipment for vacuuming vehicle interiors must:

- (a) Be screened from view from the right-of-way and from abutting properties;
- (b) Be located a minimum of 10 feet from abutting property; and
- (c) Not produce sound more than 55 dBA above ambient sound at any lot boundary line at the periphery of the site.

- 4. In the CMU District, a car wash must be located within and have access only through a parking garage or parking deck and must be entirely screened from view from any sidewalks and adjacent streets.

## **F. Towing or Wrecker Service**

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

- 1. In the B-3 Districts, only the dispatch office and parking of a wrecker is allowed. Impound yards for operable vehicles may be located in M-1 Districts. All other vehicle storage areas must be located in M-2 or M-3 Districts.
- 2. Impound yards and vehicle storage areas must be located outside of all required minimum yards.
- 3. Impound yards and vehicle storage areas must be screened from view from the right-of-way and from adjoining lands 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.

## **Sec. 24-4325. Commercial Uses: Visitor Accommodations**

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

### **A. Bed and breakfast inn**

- 1. The owner or a full-time employee of the bed and breakfast inn must reside on the premises.
- 2. No guest may rent a room at a bed and breakfast inn for more than 14 consecutive days.
- 3. Parking areas must be located and designed to complement the residential character of the bed and breakfast inn and to minimize potential impacts on adjacent properties.
- 4. The bed and breakfast inn must contain at least one full bathroom for the exclusive use of paying guests and one full bathroom for the exclusive use of the owner or employee that resides on the premises.

### **B. Campground**

- 1. Only tents, trailers, recreational vehicles, and other enclosures customarily developed, marketed, and used by the camping trade for use as temporary living quarters are allowed.
- 2. A campground must have a minimum area of ten acres.
- 3. A campground must have access from an arterial, collector, or major access road without passing through residential neighborhoods.
- 4. Each campsite must be served by a dust-free, all-weather drive that has a minimum width of 12 feet for one-way travel or 20 feet for two-way travel.

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5. Each recreational vehicle, trailer, tent, or other enclosure must be located within a designated campsite that has a minimum width of 30 feet and a minimum area of 1,600 square feet.
6. Campsites must not be rented or occupied for periods longer than 30 consecutive days. Vehicles, trailers, or structures must not remain on a campsite for more than 30 consecutive days.
7. Retail and service uses customarily incidental to a campsite must be oriented internally to the campground, and must not have direct access onto, or signs visible from, any public street.

### C. Hotel or Motel

A room or suite in a hotel or motel must not be occupied as a person's primary residence.

### **Sec. 24-4326. Industrial Uses Generally**

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- A. In the O/S District, any Industrial use that is allowed must:
  1. Be located only within a completely enclosed building that has at least 40 percent of its gross floor area occupied by uses in the Offices use category; and
  2. Not create any danger to the health, safety, and welfare of the owners and occupants of neighboring lands or any substantial noise, vibration, smoke, dust, lint, odor, heat, or glare beyond the boundaries of the site.
- B. In the M-1 District, any Industrial use must:
  1. Be conducted entirely within an enclosed building, except for parking areas, loading and unloading facilities, and outdoor storage as an accessory use (see Sec. 24-4423); and
  2. Not create any hazardous, objectionable, or offensive conditions on neighboring lands because of odor, dust, smoke, cinders, fumes, noise, vibration, wastes, fire, explosion, or unsightliness.

### **Sec. 24-4327. Industrial Uses: Extractive**

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

#### **A. Extractive Industry Uses: Location**

1. Excavation areas must be located at least:
  - (a) 100 feet from any lot boundary line other than a public right-of-way;
  - (b) 200 feet from any public right-of-way; and
  - (c) 400 feet from any Residential district.
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, and from the right-of-way of any public street.
3. Vehicular access to an extraction operation must be provided from an arterial, major collector, or major access road without passing through a residential area.

## **B. Extractive Industry Uses: Operation**

1. All roadways internal to an extraction operation and entrances from and exits onto public streets must be located to ensure public safety, lessen congestion, and facilitate transportation, and be maintained to eliminate any nuisance from dust to neighboring properties.
2. Upon the expiration of the conditional use permit for an extraction operation, or if operations on the site have ceased for 12 consecutive months, all plants, buildings, structures (except fences), stockpiles, and equipment must be entirely removed from the premises, and the premises must be restored in accordance with the approved reclamation plan.
3. A financial guarantee must be furnished prior to land disturbance guaranteeing the faithful performance of all applicable requirements in this Ordinance and reclamation of the property when the extraction operation is concluded.

### ***Sec. 24-4328. Industrial Uses: Services Uses***

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

#### **A. Contractor Services**

1. Outdoor storage of contractor materials and equipment is prohibited in the B-2 and B-3 districts. Areas used for outdoor storage of materials and equipment must be screened from view from the right-of-way in the M-1 and M-2 districts.
2. In the B-2, B-3, and M-1 districts, all contractor services conducted on the site must be conducted within a completely enclosed building.

#### **B. Heavy Equipment Sales, Rental, and Service**

Ground testing of aircraft must not be conducted within 1,200 feet of any Residential district or any lot where the principal use is a dwelling.

#### **C. Laundry, Dry Cleaning, and Carpet Cleaning Plants**

1. All laundry, dry cleaning, and carpet cleaning operations must be conducted within an enclosed building.
2. In the B-3, M-1, and M-2 districts, a laundry, dry cleaning, or carpet cleaning plant must use nonflammable liquids in the cleaning processes.

#### **D. Research and Development Facility**

1. In all districts except the M-3 District, all research and development operations must be conducted within a completely enclosed building.
2. In all districts except the M-3 District, chemicals that would be hazardous to humans must be contained completely within enclosed buildings.

### ***Sec. 24-4329. Industrial Uses: Manufacturing and Production***

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In addition to the requirements of Sec. 24-4326, Industrial Uses Generally, the following requirements apply to manufacturing and production uses.

## Article 4 Use Regulations

### Division 3. Standards for Specific Principal Uses

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#### A. Manufacturing, Heavy

1. All heavy manufacturing uses must have a hazard management plan approved by local emergency service agencies and, at their discretion or in accordance with the requirements of the U.S. Federal Emergency Management, by appropriate state and federal agencies.
2. The production of fissionable or other nuclear materials, or the production of radium or radioactive materials is allowed subject to approval of a Provisional Use Permit in accordance with Sec. 24-2306, Provisional Use Permit.
3. Heavy manufacturing must not be conducted within 600 feet of any Residential district.

#### B. Manufacturing, Light

1. All light manufacturing activities must be conducted within an enclosed building.
2. In the M-1 District, a brewery must not produce more than 15,000 barrels of beer per calendar year.

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

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

#### A. All Warehouse and Freight Management Uses

Unless a more restrictive standard is provided below, all warehouse and freight management uses must be accessible from an arterial, major collector, or major access road without passing through a residential neighborhood.

#### B. Mini-warehouse

1. Each travel way that provides direct vehicular access to mini-warehouse storage spaces must include a parking lane having a minimum width of ten feet.
2. All travel ways, including parking lanes, must be located a minimum of 15 feet from the perimeter of the mini-warehouse site.
3. The one- or two-way traffic flow patterns in travel ways and the location of parking lanes must be designated by painted lane markings, including arrows for travel lanes, and directional signs.
4. Doors serving mini-warehouse storage bays must not face public streets.
5. A mini-warehouse site must include a Transitional Buffer 35 along any property line that abuts any use other than an Industrial use.
6. All mini-warehouse storage must occur within a completely enclosed building, except storage of boats and recreational vehicles, which must be screened from view by an opaque wall or fence.
7. Mini-warehouse rental spaces must not be used for any purpose other than storage. Sales of goods and services, manufacturing, and other non-storage uses are prohibited, except for sales of storage-related items, such as boxes and packing tape.
8. Mini-warehouse rent or lease agreements must state that hazardous materials, including flammable liquids, are prohibited within rental spaces.

9. Mini-warehouse service to the public and outdoor activities are not allowed between the hours of 10:00 p.m. and 6:00 a.m.
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 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. The height of materials and equipment stored must not exceed the height of the screening fence or wall.
2. Any repair of equipment must be conducted within an enclosed building.
3. An outdoor storage site must be designed and maintained to allow customers and vehicles to circulate through the area used for outdoor storage.

### **D. Self-Service Storage Facility**

In the B-2 and B-3 districts, self-service storage facilities must comply with the following standards:

1. Access to all self-service storage rental spaces must be from the interior of a building. A maximum of four exterior loading doors are allowed. All areas used for loading and unloading must be designed to not impede vehicular movement or block access to required parking spaces.
2. All self-service storage on the property must be within an enclosed building, except for outdoor locations approved for storage of passenger automobiles, recreational vehicles, or boats, which must be screened from view by an opaque wall or fence.
3. Self-service rental spaces must not be used for any purpose other than storage. Sales of goods and services, manufacturing, and other non-storage uses are prohibited, except for sales of storage-related items, such as boxes and packing tape.
4. Hazardous goods, including flammable liquids, are prohibited within self-service rental spaces.
5. Service to the public and outdoor activities on the premises of a self-service storage facility are not allowed between the hours of 10:00 p.m. and 6:00 a.m.
6. Accessory uses to a self-service storage facility may include rental offices, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard.
7. Truck or trailer rental is not allowed at a self-service storage facility except that up to two trucks may be offered to storage rental customers as an accessory use.

### **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.



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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.
3. A freight terminal or warehouse site must be designed to accommodate stacking, circulation, and turning movements of freight vehicles in a manner that does not impede vehicular movement or block access to any required parking spaces.
4. A freight terminal or warehouse that exceeds 400,000 square feet of floor area must have access to an arterial or major access road without passing through a residential neighborhood.

#### **F. Warehouse (Distribution)**

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 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 must be located a minimum of 600 feet from all districts other than Industrial districts.

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

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

#### **A. Landfill; Construction, Demolition, and Debris**

1. A construction, demolition, and debris ("CDD") landfill must have access to an arterial, major collector, or major access road without passing through a residential neighborhood.
2. A CDD landfill must be set back at least 300 feet from any existing residential use, school, or childcare center, and must provide a Transitional Buffer 50 around its perimeter.
3. Access to a CDD landfill must be controlled by a fence, wall, gate, or other suitable device to prevent unregulated dumping.
4. Materials other than construction and demolition debris must not be deposited in a CDD landfill, including as fill or cover.
5. A CDD landfill must be operated and maintained in a manner that prevents dust from adversely impacting adjacent properties.
6. Filling associated with a CDD landfill must not take place within any flood hazard area, drainage ways, or utility easements.

#### **B. Landfill, Sanitary**

1. The minimum site area for a sanitary landfill is 50 acres.
2. A sanitary landfill must have access to an arterial, major collector, or major access road without passing through a residential neighborhood.

### **C. Recycling Collection Center**

All recyclable materials must be stored in a fully enclosed building, or in closed containers completely enclosed by an opaque wall or fence that complies with the dimensional standards for a principal building, such that neither the recyclable materials nor the containers in which they are stored are visible from any public right-of-way or adjacent lots.

### **D. Recycling Processing Center**

1. The center must be located at least 250 feet from any Residential district or any lot on which the principal use is a dwelling.
2. Recyclable materials must not be processed or stored within 50 feet of a property line.
3. All recyclable materials must be stored in a fully enclosed building, or in tractor trailers, shipping containers, or similar enclosures. Storage enclosures other than buildings must be screened by an opaque wall or fence that complies with the dimensional standards for a principal building, such that neither the recyclable materials nor the enclosures are visible from any public right-of-way or adjacent lots.
4. There must be no collection or storage of hazardous or biodegradable materials at a recycling processing center.

### **E. Salvage and Junkyard**

A salvage and junkyard must:

1. Not be located within 500 feet of a public right-of-way;
2. Be completely screened from view from all public right-of-way 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.
3. Not involve storage in excess of six feet in height;
4. Not involve collection or storage of any material containing, or contaminated with, dangerous explosives, chemicals, gases, or radioactive substances; and
5. Be operated and maintained in such a manner as not to allow the breeding of rats, flies, mosquitoes or other disease-carrying animals and insects.

### **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.

## **DIVISION 4. ACCESSORY USES AND STRUCTURES**

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### **Sec. 24-4401. General**

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#### **A. Purpose and Intent**

The purpose of this division is to authorize accessory uses and structures, which are land uses and structures that are 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.

#### **B. Organization of this Division**

The table in Sec. 24-4402.E, Accessory Use or Structure Table, identifies the zoning districts in which specific accessory uses and structures are allowed. Sec. 24-4403, General Standards for All Accessory Uses and Structures, sets out general standards applicable to all accessory uses and structures. Sec. 24-4405, Standards for Specific Accessory Uses and Structures, sets out specific standards applicable to particular accessory uses and structures.

### **Sec. 24-4402. Accessory Use or Structure Table**

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#### **A. Organization of Accessory Uses and Structures**

The Accessory Use or Structure Table in this subsection lists accessory uses and structures alphabetically.

#### **B. Abbreviations in Accessory Use or Structure Table Cells**

The abbreviations in this section apply to Table 4402: Accessory Use or Structure Table. Each cell is located at the intersection of a row and a column, which are referenced in each subsection below.

##### **1. Permitted Uses**

**"R" in a table cell indicates that the** accessory use or structure in that row is allowed by right in the zoning district at the head of that column, subject to any specific standards for the use or structure that are referenced in the right-most column. Permitted accessory uses and structures are subject to all other applicable regulations of this Ordinance, including those set forth in Sec. 24-4403, General Standards for All Accessory Uses and Structures, Sec. 24-4405: Standards for Specific Accessory Uses and Structures, Article 3: Zoning Districts, and Article 5: Development Standards.

##### **2. Conditional Uses**

**"C" in a table cell indicates that the** accessory use or structure in that row is allowed in the zoning district at the head of that column only upon approval of a Conditional Use Permit by the Board of Zoning Appeals in accordance with Sec. 24-2308, Conditional Use Permit. The accessory use is also subject to any standards in Sec. 24-4405: Standards for Specific Accessory Uses and Structures, for the use or structure that are referenced in the right-most column. Accessory uses and structures requiring a Conditional Use Permit are subject to all other applicable

regulations of this Ordinance, including those set forth in Sec. 24-4403, General Standards for All Accessory Uses and Structures, Article 3: Zoning Districts, and Article 5: Development Standards.

**3. Provisional Uses**

“P” in a table cell indicates that the accessory use or structure in that row is allowed in the zoning district at the head of that column only upon approval of a Provisional Use Permit by the Board of Supervisors in accordance with Sec. 24-2306, Provisional Use Permit, and subject to any specific standards for the use or structure that are referenced in the right-most column and set out as Sec. 24-4405: Standards for Specific Accessory Uses and Structures. Accessory uses and structures requiring a Provisional Use Permit are subject to all other applicable regulations of this Ordinance, including those set forth in Sec. 24-4403, General Standards for All Accessory Uses and Structures, Article 3: Zoning Districts, and Article 5: Development Standards.

**4. Allowed Uses**

“A” in a table cell in a planned development district column indicates that the accessory use or structure in that row is allowed in that district provided the use is set out as a possible accessory use or structure in an approved PD Master Plan. Allowed accessory uses and structures are subject to the PD Master Plan, PD Terms and Conditions Document, and the other applicable regulations in this Ordinance, including those set forth in this section and Article 3, Division 5, Planned Development Districts.

**5. Prohibited Uses**

“-” in a table cell indicates that the accessory use or structure in that row is prohibited in the zoning district at the head of that column.

**C. Standards for Specific Accessory Uses and Structures**

A particular accessory use or structure that is allowed in a zoning district may be subject to additional standards that are specific to that use or structure. The applicability of such specific standards is noted in the right-most column of Table 4402: Accessory Use or Structure Table, through a reference to standards Sec. 24-4405, Standards for Specific Accessory Uses and Structures.

**D. Unlisted Uses**

The Planning Director is authorized to evaluate potential accessory uses or structures that are not identified in Table 4402: Accessory Use or Structure Table, on a case-by-case basis, as an Interpretation (see Sec. 24-2317, Interpretation). In making the interpretation, the Planning Director must consider the following:

- 1.** Accessory uses identified in Article 8, Division 4, Use Definitions and Interpretation.
- 2.** The definition of “accessory use” (see Article 8, Division 5, General Definitions), and the general accessory use standards established in Sec. 24-4403, General Standards for All Accessory Uses and Structures;
- 3.** Whether the proposed use is customary (established by common use) in relation to the principal use, and whether the proposed use would be incidental (secondary and subordinate in character and impact) to the principal use;
- 4.** The additional regulations for specific accessory uses established in Sec. 24-4405, Standards for Specific Accessory Uses and Structures;

## **Article 4 Use Regulations**

### **Division 4. Accessory Uses and Structures**

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- 5.** The purpose and intent of the zoning district in which the accessory use or structure is located (see Article 3: Zoning Districts);
- 6.** Any potential adverse impacts the accessory use or structure may have on other lands in the area, compared with other accessory uses permitted in the zoning district; and
- 7.** The compatibility of the accessory use or structure with other principal and accessory uses permitted in the zoning district.

**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			
Accessory dwelling unit	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	A	A	A	A	R	R	R	R	R	R	R	R	Sec. 24-4406	
Agribusiness	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4403
Agritourism activity	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4403	
Antenna	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	R	Sec. 24-4407	
Automated teller machine (ATM) (as an 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	R	Sec. 24-4408	
Automatic car wash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	-	R	R	R	R	R	A	-	-	A	-	-	-	-	-	-	-	R	Sec. 24-4409	
Bicycle parking rack	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	R	Sec. 24-4403	
Bike share station	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	R	Sec. 24-4403	
Caretaker dwelling unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	R	R	R	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	R	Sec. 24-4410	
Child care center (as an 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	R	Sec. 24-4411	
Community garden (as an accessory use)	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. 24-4412	
Composting, small scale	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	-	-	-	-	-	-	-	-	-	-	-	A	A	-	A	R	R	R	R	R	R	R	R	Sec. 24-4403	
Cremation chamber (as accessory to a funeral home or a veterinary hospital or clinic)	-	R	-	-	-	-	-	-	-	-	-	-	-	-	R	-	R	-	R	R	-	R	R	R	R	R	R	-	A	A	A	R	R	R	R	R	R	R	R	Sec. 24-4413	



**Article 4 Use Regulations**

**Division 4. Accessory Uses and Structures**

**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		
Donation box	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	R	Sec. 24-4414
Drive-through facility (other than a drive-through restaurant)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	R	R	R	R	R	R	R	R	R	R	R	R	A	-	A	A	P	P	P	P	-	-	P	R	Sec. 24-4415
Electric vehicle (EV) level 1, 2, or 3 charging station	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	R	Sec. 24-4416
Family day home, large (accessory to a dwelling)	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	R	R	R	R	R	R	R	R	Sec. 24-4404
Family day home, small (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	R	Sec. 24-4404
Greenhouse	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	-	-	-	-	R	R	R	R	Sec. 24-4403
Green roof	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	R	Sec. 24-4403
Helicopter landing facility (as an accessory use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	P	R	-	-	R	R	R	R	-	-	-	-	-	-	-	-	-	-	-	R	R	Sec. 24-4417
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	R	Sec. 24-4404
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	R	Sec. 24-4418
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	R	Sec. 24-4419
Limited fuel oil or bottled gas distribution	R	R	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	A	A	A	A	-	-	-	-	-	-	-	-	Sec. 24-4420
Outdoor display of merchandise (as accessory to a Retail Sales and Services use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	R	R	-	-	-	-	-	A	R	R	R	R	-	R	R	R	Sec. 24-4421	

**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 seating (as accessory to an Eating Establishments use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	R	P	P	R	R	P	R	R	R	R	R	A	A	A	A	R	R	R	R	R	R	R	R	R	R	Sec. 24-4422	
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	
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	
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	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	R	R	R	Sec. 24-4425	
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	R	A	A	A	A	R	R	R	R	R	R	R	R	R	R	Sec. 24-4426
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	R	A	A	A	A	R	R	R	R	R	R	R	R	R	R	Sec. 24-4427
Retail sales (accessory to an Industrial use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	-	R	R	R	-	A	A	A	A	R	R	R	R	R	R	R	R	R	Sec. 24-4428	
Sand and gravel washing and grading plant (accessory to an Extractive Industry use)	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4429
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	R/C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	-	R	R	R	R	R	R	R	R	R	R	Sec. 24-4430
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	R	A	A	A	A	R	R	R	R	R	R	R	R	R	R	R	Sec. 24-4431
Swimming pool (accessory to a dwelling)	-	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	R	R	R	Sec. 24-4432

**Article 4 Use Regulations**

Division 4. Accessory Uses and Structures

**Table 4402: Accessory Use or Structure Table**

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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	
Tasting and retail sales (accessory to winery, brewery, or distillery)	-	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	R	-	-	-	A	-	-	-	-	-	-	-	-	-	Sec. 24-4433
Truck rental (as accessory to retail sales, mini-warehouse, or self-service storage)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	R	R	R	-	-	-	-	-	-	-	-	-	-	R	Sec. 24-4434	
Underground storage tank	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	R	R	R	R	R	A	A	-	A	R	R	R	R	-	-	R	Sec. 24-4435	
Vending machine	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	R	Sec. 24-4436
Wind energy system (small)	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	R	Sec. 24-4437

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

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- A.** All accessory uses and structures must conform to the applicable requirements of this Ordinance, including the standards for the zoning district in which they are located (see Article 3: Zoning Districts), the use regulations in this article, and the development standards in Article 5: Development Standards. The provisions of this section establish additional standards and restrictions for accessory uses and structures.
- B.** All accessory uses and accessory structures must:
- 1.** Directly serve the principal use or structure;
  - 2.** Be customarily accessory and clearly incidental and subordinate to the principal use and structure;
  - 3.** Be subordinate in area, height, extent, and purpose to the principal use or structure;
  - 4.** Be subordinate in lot coverage to the principal use or structure if accessory to a single-family dwelling;
  - 5.** Be owned or operated by the same person as the principal use or structure;
  - 6.** Be located on the same lot as the principal use or structure;
  - 7.** Together with the principal use or structure, not violate any standards of this Ordinance;
  - 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).
- C.** Except as otherwise provided by subsection Sec. 24-4404.A below; Sec. 24-8308, Allowable Encroachments into Required Yards; or another provision of this Ordinance, accessory uses and structures must comply with all minimum yard requirements for principal structures in Article 3: Zoning Districts.

### ***Sec. 24-4404. Uses and Structures Accessory to a Single-Family Dwelling***

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- 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 must comply with the following standards:
- 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.
  - 2.** Accessory uses that do not include structures may occupy all or part of a rear yard or interior side yard.
  - 3.** All detached accessory structures on a lot may not occupy, in the aggregate, more than 30 percent of the rear yard area of the lot unless a conditional use permit is issued for the accessory structures in accordance with Sec. 24-2308, Conditional Use Permit.

## Article 4 Use Regulations

### Division 4. Accessory Uses and Structures

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- 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, but do apply to the following:
    - (a) Any fully or partially roofed detached accessory building, such as a garage, shed, gazebo, or other similar structure, including any horizontal projections of the building; and
    - (b) Any other detached accessory structure, 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 structure.
    - (c) The lot coverage of accessory structures will be measured around the perimeter of the outermost horizontal extensions of the structure.
  - 5.** An accessory structure must not exceed 20 feet in height.
  - 6.** Subject to subsection 7 below, accessory structures must be located:
    - (a) Outside of any County easements, except as allowed by subsection 8 below;
    - (b) Ten feet from the nearest point of the principal dwelling, including attached accessory structures other than decks;
    - (c) Six feet from all structures other than the principal dwelling;
    - (d) Ten feet from all street and alley lines; and
    - (e) Three feet from all other lot lines.
  - 7.** Where the rear yard of a single-family residential corner lot adjoins the side of a neighboring single-family residential lot (either abutting or across an alley or common area less than 30 feet wide), and an adjoining dwelling either has been built or could be built within 100 feet of the rear lot line of the subject lot, any detached accessory structure on the subject lot must be set back from the street side lot line no less than the required front yard setback or the actual building line of the adjoining residential lot, whichever is less. The Planning Director may reduce the setback to 25 feet upon finding that the proposed accessory structure will not be detrimental to nearby dwellings due to the location or configuration of the dwellings or landscaping or similar features of the property.
  - 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.
  - 9.** On double frontage lots, accessory structures must meet the front yard setback at the rear of the principal dwelling unless a planting strip easement is provided in accordance with Chapter 19 of the County Code.
- B.** For purposes of subsection A above:
- 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.
- C.** A private garage or other accessory structure may be attached to the principal dwelling if the accessory structure is (1) made integral with the principal dwelling, or (2) attached to the principal dwelling by a covered passageway not less than ten feet wide. An attached accessory structure must meet the setbacks required for the principal dwelling, must be at least 10 feet from any detached accessory structure, and must not exceed the height of the principal dwelling (except for accessory antennas).
- D.** Trailers, boats, and recreational vehicles may be stored in completely enclosed buildings, or may be stored outside as follows:
  - 1.** A total of no more than two of the following items may be stored outside on any residential lot: recreational vehicle, boat trailer, travel trailer, or utility trailer.
  - 2.** Boat, travel, or utility trailers must not be stored in the front yard or in any public right-of-way.
  - 3.** Recreational vehicles must not be parked in any public right-of-way.
  - 4.** Any recreational vehicle or travel trailer on a residential lot must not be occupied and must not be connected to any utility service or to the ground or other structure in any manner that would prevent its ready removal.
  - 5.** Any boat stored outside on a residential lot must be stored on a trailer at all times.

### ***Sec. 24-4405. Standards for Specific Accessory Uses and Structures***

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The standards set forth in the following sections for a specific accessory use or structure will apply to the particular accessory use or structure, regardless of the zoning district in which it is located or the review procedure by which it is approved, and in addition to the standards in Sec. 24-4403, General Standards for All Accessory Uses and Structures, and Sec. 24-4404, Uses and Structures Accessory to a Single-Family Dwelling, as appropriate, unless explicitly stated otherwise in this Ordinance. The following sections are intended to set forth and consolidate the standards for all accessory uses and structures for which a reference to these sections is provided in the right-most column of Table 4402: Accessory Use or Structure Table.

### ***Sec. 24-4406. Accessory Dwelling Unit***

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- A.** An accessory dwelling unit is allowed only as accessory to a single-family detached dwelling, and only if the lot and all principal and accessory structures on the lot comply with the dimensional standards for the zoning district in which they are located.
- B.** There must be no more than one accessory dwelling unit on a lot.
- 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.
- D.** An accessory dwelling unit must:
  - 1.** Have the same street address and mailbox as the principal dwelling;



## Article 4 Use Regulations

### Division 4. Accessory Uses and Structures

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2. Not be subdivided or otherwise segregated in ownership from the principal dwelling;
  3. Use the same water, sanitary sewer, gas, and electric utilities as the principal dwelling; and
  4. Use the same driveway as the principal dwelling, unless it is accessed from a right-of-way not used by the principal dwelling (e.g., a rear alley or separate street access on a corner or through lot).
- E.** The floor area of an accessory dwelling unit must not exceed the lesser of 800 square feet or 35 percent of the finished floor area of the principal dwelling (excluding carports, garages, and unfinished basements).
- F.** Only one kitchen is allowed in an accessory dwelling unit.
- G.** At least one off-street parking space must be provided in addition to those required for the principal dwelling.
- H.** A manufactured home or recreational vehicle, travel trailer, camper, or similar vehicle must not be used as an accessory dwelling unit (a temporary family healthcare home is regulated as a temporary use in accordance with Article 4, Division 5, Temporary Uses and Structures).
- I.** An accessory dwelling unit must not be offered, leased, or rented for tenancies of less than 30 days.

### **Sec. 24-4407. Accessory Antenna**

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- A.** An antenna placed on a building as an accessory use, other than an amateur (ham) radio antenna, a satellite dish antenna, or a receive-only television or radio antenna placed on a building for use only by the occupants of the building, must comply with the following standards:
1. When applying for a building permit, the applicant must demonstrate that the building upon which the antenna is proposed to be placed can accept the additional structural loading created by the placement of the antenna.
  2. An antenna that is placed on a building must comply with the following standards, unless a conditional use permit is approved for an alternative design in accordance with Sec. 24-2308, Conditional Use Permit:
    - (a) The antenna must not be placed on any residential building that is less than 45 feet tall.
    - (b) The total area devoted to placement of communication antennas and permitted roof-mounted mechanical equipment must not exceed 25 percent of the roof area of the building or structure.
    - (c) The antenna must not extend more than 20 feet above the highest point of the building.
    - (d) More than one antenna may be placed on a building, provided the antennas are either screened from view from the right-of-way or painted or otherwise camouflaged to minimize their appearance.
- B.** Any satellite dish antenna more than 18 inches in diameter must comply with the following standards:
1. A satellite dish antenna located on property within the exclusive use or control of the antenna user and designed to receive direct broadcast satellite service, including

direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, is subject to the standards in this subsection only to the extent that the standards do not unreasonably delay, prevent, or increase the cost of its installation, maintenance, or use or preclude reception of an acceptable quality signal.

- 2.** Antennas must not be located in a front or street side yard, or within three feet of any rear or side lot line. On through lots and corner lots, antennas must not be located between the principal building and a public street.
  - 3.** Antennas must not exceed 12 feet in diameter
  - 4.** Antennas must not exceed 13.5 feet in height above the eaves of the roof or 35 feet above the ground.
  - 5.** A ground-mounted antenna must be screened from ground-level view from adjacent streets and parcels with approved fencing or landscaping.
  - 6.** The antenna must be installed in accordance with all FCC, building code, and manufacturer specifications, rules, and requirements.
- C.** An amateur (ham) radio antenna must comply with the following standards:
- 1.** The antenna must not exceed a height of 75 feet above grade.
  - 2.** An antenna attached to a principal structure on the lot must be located on a side or rear elevation of the structure.
  - 3.** A freestanding antenna must not be located in a front or street side yard or within 10 feet of any lot line.
  - 4.** The Planning Director must approve a waiver or deviation of the above standards if the ham radio operator demonstrates that such waiver or deviation is necessary to accommodate the operator's amateur communications needs.

### ***Sec. 24-4408. Accessory Automated Teller Machine (ATM)***

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An automated teller machine (ATM) as an accessory use must comply with the standards in this section.

- A.** An ATM designed for walk-up use and located in the exterior wall of a building or within a parking area must be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.
- B.** An ATM designed for use by customers in their vehicles must comply with the accessory use standards (including zoning district where allowed) for a drive-through facility in this Ordinance (see Sec. 24-4415, Accessory Drive-Through Facility).
- C.** The roof or awning over any drive-through for an ATM, including any supporting columns and brackets, must match the design and exterior building materials of the principal building.

### ***Sec. 24-4409. Accessory Automatic Car Wash***

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- A.** An automatic car wash is allowed as an accessory use to any of the following uses:
  - 1.** Automobile fueling station;
  - 2.** Convenience store;
  - 3.** Automobile rentals; and
  - 4.** Automobile sales.

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- B.** An automatic car wash must comply with the standards in Article 5, Division 1, Access, Circulation, Off-Street Parking, and Loading, and must be designed to avoid obstructions to vehicular movement along adjacent streets, through parking areas, and in front of buildings.
- C.** All washing activity must occur within an enclosed building.
- D.** Equipment for vacuuming vehicle interiors must:
  - 1.** Be screened from view from the right-of-way and from abutting property;
  - 2.** Be located a minimum of 10 feet from abutting property; and
  - 3.** Not produce sound more than 55 dBA above ambient sound at any lot boundary line at the periphery of the site.
- E.** An automatic car wash must comply with the standards applicable to the principal use.
- F.** In the B-2 District, up to one automatic car wash bay is allowed, provided the total number of bays, including car wash, parts installation, and minor servicing bays, must not exceed two.

#### ***Sec. 24-4410. Accessory Caretaker Dwelling Unit***

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No more than one caretaker dwelling unit may be located in any building or shopping center.

#### ***Sec. 24-4411. Accessory Child Care Center***

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- A.** A childcare center is allowed as an accessory use to a religious institution.
- B.** A childcare center as an accessory use must comply with all standards in Sec. 24-4308.A, Childcare Center.
- C.** In any Residential district, a childcare center as an accessory use must not be operated between the hours of 12:00 midnight and 6:00 a.m.

#### ***Sec. 24-4412. Accessory Community Garden***

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A community garden as an accessory use must comply with the standards in this section (see Sec. 24-4312.B, Community Garden, for standards that apply to a community garden as a principal use).

- A.** Community gardens must only be located on lots having a minimum area of two acres within any Residential district and one acre within any other district.
- B.** Community gardens may include up to 1,500 total square feet of floor area combined among greenhouses, storage buildings, or other related structures.
- C.** Equipment or materials must be stored within an enclosed structure or within a fully-screened enclosure.
- D.** Retail sales and display must not be located within 300 feet of any dwelling.
- E.** Temporary shade structures must not cover more than 500 square feet of ground area and must not remain in place overnight.
- F.** Exterior lighting is subject to approval of a landscape and lighting plan.

- G.** Plantings must not obstruct roadway visibility or impede the flow of traffic.
- H.** Fences and walls must comply with the standards in Article 5, Division 4, Fences and Walls.
- I.** Composting must be limited to vegetative matter produced on site, must be confined to an area not exceeding ten percent of the lot area or 100 square feet, whichever is smaller, and must not be located within 60 feet of any residential lot.

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**Sec. 24-4413. Accessory Cremation Chamber**

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A maximum of one cremation chamber is allowed as an accessory use to any funeral home or veterinary hospital or clinic, subject to applicable state law.

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**Sec. 24-4414. Accessory Donation Box**

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- A.** A donation box is allowed as an accessory use to any principal use other than a single-family dwelling, only with the written permission of the property owner.
- B.** All donated goods must be stored in closed containers that comply with the dimensional standards for principal buildings in the district in which they are located.
- C.** The donation box must not occupy or interfere with required parking and must be located outside all required minimum setbacks.
- D.** The donation box and the area around it must be maintained in a clean and orderly condition.
- E.** The name, address, and phone number of the organization collecting the donated goods must be posted on the side of the donation box.

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**Sec. 24-4415. Accessory Drive-Through Facility**

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A drive-through facility for a use other than a restaurant must comply with the standards in this section.

- A.** The facility must be accessible from an arterial, collector, or major access road without passing through a residential neighborhood.
- B.** The driveway providing access to the drive-through facility must be at least 25 feet from any other driveway, measured from curb to curb.
- C.** Vehicle stacking lanes must be provided.
- D.** Traffic circulation patterns on the site in relation to the drive through must not impede vehicular movement external to the site or block access to any required parking spaces located on the site. The County Engineer may require the owner to provide standard traffic control signs to notify customers that stopping or standing in the public right of way is prohibited.
- E.** Drive-through facilities must not obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.
- F.** Drive-through facilities, including stacking lanes, must not be located within 50 feet of a Residential district or a lot containing a residential use.

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#### **Sec. 24-4416. Accessory Electric Vehicle (EV) Level 1, 2, or 3 Charging Station**

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- A.** EV Level 1 charging stations and EV Level 2 charging stations are allowed as an accessory use to any permitted principal use. EV Level 3 charging stations are allowed as an accessory use to any residential use with 100 or more dwelling units or any nonresidential principal use (including a continuing care retirement community or a nursing home).
- B.** Except as otherwise provided below or where accessory to an individual single-family detached, townhouse, duplex, or manufactured home dwelling, EV charging station spaces must be reserved and designated for the charging of electric vehicles only. Information regarding amperage and voltage levels, any enforceable time limits or tow-away provisions, and contact information for reporting non-operating equipment or other problems must be posted at the spaces.
- C.** A required accessible parking space for persons with physical disabilities (see Article 5, Division 1, Access, Circulation, Off-Street Parking, and Loading) may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.
- D.** EV charging station equipment must not interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.
- E.** Electrical equipment used to power the EV charging station must be screened by a masonry enclosure.

#### **Sec. 24-4417. Accessory Helicopter Landing Facility**

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- A.** Auxiliary facilities such as parking, a waiting room, fueling, and maintenance equipment are not permitted at an accessory helicopter landing facility (see Sec. 24-4313.B, Helicopter Landing Facility, for helicopter landing facility as a principal use).
- B.** The facility must be located as far as reasonably practical from any residential use.

#### **Sec. 24-4418. Accessory Home Occupation**

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Home occupations must comply with the standards in this section, as applicable.

##### **A. General Standards Applicable to All Home Occupations**

All home occupations must comply with the following standards:

- 1.** Home occupations must be customarily incidental to a dwelling.
- 2.** All persons who work at a dwelling must reside in the dwelling.
- 3.** A home occupation must not involve the use of machinery or equipment other than that which is customary for residential use. For example, personal computers and peripherals, hand tools, household woodworking tools, picture framing tools, soldering irons, hot glue guns, domestic sewing machines, up to two hair drying units, and standard household cooking appliances are customary for residential use; commercial kitchen equipment and commercial kilns are not customary for residential use.

4. A home occupation must not result in adverse noise, vibration, odor, glare, or fumes that can be detected by normal human senses off the premises.
5. Commercial vehicles must comply with the limitations of Sec. 24-4424, Accessory Parking of Trucks and Commercial Vehicles (as accessory to a dwelling).
6. A home occupation must not involve any adult business (see Sec. 24-4316), or any **business that requires a dealer's license from the Motor Vehicle Dealer Board** or a food service permit from the Virginia Department of Health. A home occupation may include engraving, customizing, refinishing, or repairing firearms, but must not include any other activity that requires a Federal Firearms License.

### **B. Standards Applicable to Home Occupations, Office Activities**

In addition to the general standards applicable to all home occupations, home occupations limited to office activities must also comply with the following standard: No customers may come to the site of the home occupation.

### **C. Standards Applicable to Home Occupations, Provision of Services**

In addition to the general standards applicable to all home occupations, home occupations that provide services must also comply with the following standards:

1. The home occupation must be a customary professional service, such as bookkeeping, counseling, tutoring, music instruction, beauty culture, or a similar use as determined by the Planning Director.
2. The home occupation must not involve boarding or breeding of animals.
3. Only one home occupation, provision of services may be conducted in the dwelling unit, and it must not be combined with any home occupation, sale of goods.
4. Customers may come to the site by appointment only.
5. The home occupation must be conducted in the principal dwelling, not in an accessory structure and not outdoors.
6. Storage or sale of merchandise is prohibited, except incidental to the provision of a service on the site (e.g., a hairdresser may sell shampoo to clients).
7. Hours of operation must be limited to Monday through Saturday, 8:00 a.m. to 8:00 p.m.
8. One off-street parking space must be provided for the home occupation (in addition to those required for the dwelling).

### **D. Standards Applicable to Home Occupations, Sale of Goods**

In addition to the general standards applicable to all home occupations, home occupations that involve the sale of goods must also comply with the following standards:

1. The home occupation must be limited to handicrafts made on site, clothes made or altered on site, and home cooking and preparation of packaged food items. Purchasing finished products and offering them for resale is not allowed as a Home Occupation, Sale of Goods.
2. Only one such home occupation may be conducted on the property, and it must not be combined with any home occupation, provision of service.
3. Customers may come to the site by appointment only.
4. The home occupation must be conducted in the principal dwelling, not in an accessory structure and not outdoors.



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5. Hours of operation must be limited to Monday through Saturday, 8:00 a.m. to 8:00 p.m.
6. One off-street parking space must be provided for the home occupation (in addition to those required for the dwelling).

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

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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.

#### **A. General Standards**

1. There must be no boarding of animals for compensation on the premises.
2. All animals, other than honeybees, must be confined to the premises at all times.
3. The keeping of animals, including the storage of food and the storage and disposal of animal waste, must not produce any objectionable odors or vermin on surrounding properties.
4. The keeping of wild animals or animals of a species that is not customarily domesticated is prohibited.

#### **B. Honeybees**

1. Hives for honeybees 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.
2. Where one or more hives are located within 100 feet of a property line, the number of hives must not exceed four. Where all hives are located 100 feet or more from all property lines, the number of hives must not exceed 10.
3. For each standard hive, no more than two nucleus colonies may be maintained from April 15 to August 15 of each year.
4. If the opening or landing platform of a hive faces a property line within 15 feet, the hive must be screened by an opaque fence or evergreen hedge seven feet in height, positioned parallel to the property line, and extending ten feet beyond the hive in each direction.
5. At all times, a source of water for the honeybees must be provided within 50 feet of all hives.
6. A sign must provide reasonable warning of the presence of beehives.

#### **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 allowed only in rear yards.
2. The maximum number of animals allowed is four animals age twelve weeks or older and 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, except in accordance with subsection 3 below.
3. The keeping of more than four animals age twelve weeks 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:

- (a) By right in the A-1 District, if the animals are kept at least 400 feet from any dwelling in a Residential district and 100 feet from any other dwelling that is the principal use of the lot; and
- (b) In all other cases, subject to a conditional use permit issued in accordance with Sec. 24-2308, Conditional Use Permit.

#### **D. Fish**

The keeping of any number of fish outdoors as pets is allowed 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.

#### **E. Horses or Ponies**

1. The keeping of horses or ponies is allowed by right only in the A-1, Agricultural District. In the R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, and R-4A districts, the keeping of horses or ponies accessory to a dwelling is allowed subject to approval of a Conditional Use Permit in accordance with Sec. 24-2308, Conditional Use Permit.
2. A maximum of three horses or ponies may be kept for personal enjoyment as accessory to a dwelling.
3. A minimum of one acre of fenced pasture is required for each horse or pony.
4. Any barn, stable, or similar structure must be located at least 400 feet from any dwelling in a Residential district and 100 feet from any other dwelling that is the principal use of the lot.

#### **F. Miniature Livestock**

The keeping of miniature livestock, including miniature horses, potbellied pigs, and pygmy goats, is allowed by right only in the A-1, Agricultural District. In the R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, and R-4A districts, the keeping of miniature livestock accessory to a dwelling is allowed subject to approval of a conditional use permit in accordance with Sec. 24-2308, Conditional Use Permit.

#### **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).

1. The keeping of poultry is allowed by right only in the A-1, Agricultural District. In the R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, and R-4A districts, the keeping of poultry accessory to a dwelling is allowed subject to approval of a Conditional Use Permit in accordance with Sec. 24-2308, Conditional Use Permit.
2. No more than six hens may be kept on the property. Roosters are prohibited.
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 be located in the rear yard only and must meet a side yard setback of 25 feet and the rear yard setback that applies to the dwelling.

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#### **Sec. 24-4420. Accessory Limited Fuel Oil or Bottled Gas Distribution**

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Limited fuel oil or bottled gas distribution is allowed as an accessory use to retail sales and services uses, automotive filling stations (fuel only), and campgrounds, subject to the following standards:

- A.** Location of tanks for on-site storage and distribution must be approved by the Fire Marshal.
- B.** The Planning Director may require additional safety signs, fencing, and screening of on-site fuel tanks, in addition to those required for the principal use, as necessary to protect public safety.
- C.** Any structure housing the fuel, oil, or bottled gas that is located on a sidewalk or other walkway must maintain at least five feet of clearance along the sidewalk or other walkway for use by pedestrians.

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

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##### **A. General**

- 1.** Merchandise displayed must be limited to that sold or rented by the principal use.
- 2.** Except for large outdoor display areas (see subsection B below), the display area must be located either on raised gasoline pump islands or immediately adjacent to the front or side of the principal building, and not in drive aisles, loading zones, fire lanes, parking lots, or within any required buffer, planting area, or area required to meet minimum sidewalk width.
- 3.** Outdoor display areas must be located within an area that is an integral part of the architectural design of the building and designed for the purpose of outdoor displays.
- 4.** Outdoor display areas must maintain a clearance in front of primary building entrances for at least ten feet directly outward from the entrance width.
- 5.** Except for large outdoor display areas (see subsection B below), the display area must not extend more than 15 feet from the exterior wall of the principal building and must comply with the minimum setbacks that apply to the principal structure.
- 6.** Any sidewalk abutting an outdoor display area must have a minimum width of five feet.

##### **B. Large Outdoor Display Areas**

Any outdoor display areas over 7,500 square feet in area and any display of trailers, sheds, or similar merchandise must comply with the standards in subsection A above and, in addition, with the following requirements.

- 1.** The outdoor display area must be located to the side of the principal building and must not extend more than 25 feet from the front façade;
- 2.** The outdoor display area must be screened by a fence a minimum of six feet in height made of wrought iron, masonry, or other material of a similar quality and finish as the principal structure; and
- 3.** Sheds, trailers, and similar merchandise must be set back a minimum of 25 feet from the fence.

**Sec. 24-4422. Accessory Outdoor Seating (as accessory to an Eating Establishments use)**

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

- A.** Outdoor seating areas must not be located within 100 feet of any R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, R-4A, or R-5A districts.
- B.** Outdoor seating areas must be located entirely on privately owned land.
- C.** Sound production or reproduction machines or devices (including musical instruments, loudspeakers, and sound amplifiers) must not be played in the outdoor seating area at volumes clearly audible inside a dwelling not located on the same property as the restaurant.
- D.** Hours of operation of the outdoor seating area must not exceed those for the eating establishment. Within 200 feet of a Residential district, operation of the outdoor seating is not allowed between the hours of 10:00 p.m. and 6:00 a.m.
- E.** The outdoor seating area must not obstruct the movement of pedestrians along sidewalks or through areas intended for public use. The outdoor seating area may be permitted on a sidewalk abutting or adjacent to the eating establishment, subject to the following requirements:
  - 1.** The outdoor seating area must be limited to that part of the sidewalk directly to the front or side of the eating establishment.
  - 2.** Tables, chairs, umbrellas, or other furnishings or equipment associated with the outdoor seating area must not be attached, chained, bolted, or otherwise affixed to any curb, sidewalk, tree, post, sign, or other fixture within the outdoor seating area.
  - 3.** A clear, unobstructed pathway at least five feet wide must be maintained to allow through pedestrian traffic along the sidewalk and from the sidewalk into the entrance to the eating establishment. A greater width may be required by the County Engineer where necessary to ensure the safe and convenient flow of pedestrian traffic.
  - 4.** A clear separation of at least five feet must be maintained from any alley, crosswalk, fire hydrant, or similar public or emergency access feature in or near the outdoor seating area. A greater clear distance may be required where necessary to ensure use of the public or emergency access feature.
  - 5.** The perimeter of the outdoor seating area must not create a physical or visual barrier discouraging the use of the sidewalk by the general public. This does not prohibit use of barriers for areas where alcohol is served as required by state law.
  - 6.** Tables, chairs, umbrellas, and other furnishings associated with the outdoor seating area must be of sufficient quality design, materials, and workmanship to ensure the safety and convenience of area occupants and compatibility with adjacent uses.

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

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- 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:

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- 1.** Outdoor storage areas for shopping carts must be located either contiguous to and at the entrance to the building, or in the parking lot. If located in the parking lot, shopping cart storage areas must be clearly marked and include sufficient area for the carts to be stored safely without blocking the drive aisles or parking spaces. If located adjacent to the building, shopping cart storage areas must be screened from view by a masonry wall or another material having a similar quality and finish as the principal building.
  - 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, and 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 a dwelling must comply with the following standards:
- 1.** Outdoor storage of household appliances or furniture manufactured and sold for indoor use 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. 24-4424. Accessory Parking of Trucks and Commercial Vehicles (as accessory to a dwelling)***

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- A.** Parking of noncommercial trucks not exceeding 10,000 pounds gross weight, as determined by the vehicle registration, is allowed.
- B.** Parking of up to one commercial vehicle, other than a commercial trailer or wrecker, not exceeding 10,000 pounds gross weight as determined by the vehicle registration, is allowed.
- C.** Parking of any truck or commercial vehicle exceeding 10,000 pounds gross weight, or any commercial trailer or wrecker, is permitted only while loading, unloading, or working at or near the location where it is parked.

#### ***Sec. 24-4425. Accessory Produce Stand***

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- A.** A produce stand must not exceed 750 square feet in gross floor area or 15 feet in height.
- B.** A produce stand must be limited to the retail sale of vegetables and fruits grown on the site.
- C.** A produce stand must be located to minimize the visual impact of the structure from adjacent public streets and must be located a minimum of ten feet from all lot boundary lines.
- D.** A produce stand must be situated so that adequate ingress, egress, and off-street parking areas are provided. A produce stand that is accessory to a use other than a community garden must provide at least five parking spaces meeting the requirements of Article 5, Division 1, Access, Circulation, Off-Street Parking, and Loading.

***Sec. 24-4426. Accessory Rainwater Cistern or Barrel***

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An aboveground rainwater cistern or barrel is allowed as an accessory use or structure to any principal use or structure provided it is located directly adjacent to the principal structure on the lot.

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

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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:

- A.** A recycling and refuse collection area must not impede or adversely affect vehicular or pedestrian circulation.
- B.** Concrete pavement must be used where a recycling or refuse container pad and apron are located.
- C.** All recycling and refuse containers and bins 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. The use of portable shipping containers or tractor trailers for storage is prohibited.
- D.** Roofed recycling and refuse enclosures, including enclosures for fats, oils, and grease, must comply with the minimum setbacks that apply to the principal structure.
- E.** Gates intended for service access to the recycling and refuse collection area must provide an opening at least ten feet wide. Gates and doors must be opaque, substantial, and oriented to minimize views of the enclosures from public rights-of-way. Support posts, gate frames, hinges and latches must be of a sufficient size and strength to allow the gates to function without sagging or becoming misaligned. Where a gate in the screening faces a public right-of-way, the gate must be closed and latched at all times except two hours prior to a scheduled collection time and one hour after collection.
- F.** Recycling and refuse collection areas must not be serviced before 6:00 a.m. or after 12:00 midnight, or as otherwise required by Article 5, Division 6, Neighborhood Compatibility.
- G.** The recycling and refuse collection area must be kept free of litter, debris, and residue. Storage outside of containers or bins is prohibited.

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

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

- A.** In buildings with single occupancy, retail sales area must not exceed 20 percent of the building floor area;
- B.** In buildings with multiple occupancy, retail sales areas must not exceed 33 percent of the building floor area;
- C.** Additional off-street parking must be provided for the retail sales in accordance with Article 5, Division 1, Access, Circulation, Off-Street Parking, and Loading;



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- D. With the exception of building materials, all goods for sale must be stored indoors, or in an outdoor storage area in the rear yard that meets all principal structure setbacks and complies with the screening requirements for accessory outdoor storage;
- E. Merchandise must not be displayed such that it is visible from a public right-of-way;
- F. Retail customers must not have access to other storage areas, and retail displays must not be placed in other storage areas.

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

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- A. The plant must process only materials extracted from the premises on which the plant is located;
- B. The plant must be located at least 600 feet from all Residential districts;
- C. The plant must not exceed five acres in area; and
- D. The plant must comply with all standards that apply to the principal use.

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

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- 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 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).
- B. *Principal residence and ownership required.* Only a dwelling that is occupied by the property owner for at least 185 days per year may be offered for short-term rental. Prior to offering any property as a short-term rental, the property owner must certify, on a form provided by the Planning Director, that the property owner occupies the property for at least 185 days per year. For purposes of this section, ownership includes, among other forms, a dwelling (1) held by a person alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (2) held in a revocable inter vivos trust over which a person or a person and his spouse hold the power of revocation, or (3) held in an irrevocable trust under which a person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. However, ownership does not include a dwelling held under a leasehold or term of years.
- C. *Parking spaces.* One off-street parking space must be provided for each guestroom in addition to parking spaces required for the principal dwelling.
- D. *Resolution of issues and complaints.* During short-term rental, hosted stays, the property owner must respond to and resolve issues and complaints that arise in connection with the stay at any time. For short-term rental, unhosted stays, prior to offering the property as a short-term rental, the property owner must provide, on a form provided by the Planning Director, the name and contact information of an adult who will be available at all times when the property is occupied as a short-term rental. The designated adult must respond

- in person at the property within 30 minutes whenever necessary to resolve issues and complaints arising in connection with the short-term rental.
- E.** *Limit on number of occupants.* The occupancy of any property during a short-term rental may not exceed a number equal to twice the number of bedrooms in the dwelling.
- 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, 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.
- G.** *Prohibition against double-booking.* No property owner may rent any property pursuant to two or more booking transactions for the same dates, such that no two separately-booked groups of short-term renters may occupy the same property at the same time. For the purpose of this prohibition, a "booking transaction" is any transaction in which there is a charge to one or more short-term renters by a property owner in exchange for the occupancy of the property.
- H.** *Prohibition against renting to minors.* No property owner may provide a short-term rental unless at least one of the short-term renters is 18 years of age or older.
- I.** *Hours of check-in and check-out.* The property owner may not offer check-in or check-out services to short-term renters between the hours of 11:00 p.m. and 7:00 a.m.
- J.** *Provision of smoke detectors, etc.* The property owner of any property offered for short-term rental must provide and maintain in good working order every smoke detector, carbon monoxide detector, and fire extinguisher required to be in the short-term rental by law. No property owner may obstruct any emergency egress required by law.
- K.** *Posting of information required.* The property owner must conspicuously post the following information in any property offered for short-term rental:
- 1.** The property address;
  - 2.** The name and contact information of the property owner and, if applicable, the adult designated pursuant to subsection D above;
  - 3.** Detailed instructions for emergency shut-off of gas, electricity, and water, including the locations of gas and water valves and circuit breakers;
  - 4.** Recycling and trash collection schedules; and
  - 5.** The Henrico County noise ordinance.
- L.** *Limitation on pets.* No property owner may allow more than three pets to be kept on the property of a short-term rental at any time.
- M.** *Record of rentals.* The property owner must keep an accurate and complete record of each short-term rental for two years from the ending date of the rental and provide those records to the Planning Director for inspection upon **the Director's** request. The record of each rental must show, at a minimum, the beginning and ending dates of each rental and the number of persons occupying the dwelling.

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### Division 4. Accessory Uses and Structures

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#### **Sec. 24-4431. Accessory Solar Energy Equipment**

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- A.** Accessory solar energy equipment must comply with the maximum height standards for the zoning district in which it is located, except roof-mounted equipment may extend a maximum of three feet above the roofline of the building on which it is mounted, regardless of building height.
- B.** Accessory solar energy equipment must not produce glare on neighboring properties.

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

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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. 24-4433. Accessory Tasting and Retail Sales (as accessory to winery, brewery, or distillery)**

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A minimum of one off-street parking space meeting the requirements of Article 5, Division 1, Access, Circulation, Off-Street Parking, and Loading, must be provided for every 100 square feet of tasting areas and other areas designed for on-premise consumption of food and beverages.

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

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- A.** A parking space must be provided for each rental vehicle, in addition to the off-street parking spaces required in Article 5, Division 2, Off-Street Parking and Loading.
- B.** All parking, service, and maintenance areas of establishments that rent small trucks, vans, 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**

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An underground storage tank as an accessory use to any use other than an automobile filling station (fuel only) must comply with the standards for bulk storage of flammable liquids in Sec. 24-4330.F, Warehouse (Distribution).

**Sec. 24-4436. Accessory Vending Machine**

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Vending machines for selling food or beverages are allowed as an accessory use to any use provided a maximum of two such vending machines may be located on the premises outside of an enclosed building.

**Sec. 24-4437. Accessory Wind Energy System (small)**

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- A.** Tower-mounted wind energy systems must not be located within a front yard.
- B.** The wind energy system must be set back from all property lines and overhead utility lines a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus 15 feet. Guy wires and other support devices must be set back at least five feet from all property lines.
- C.** The wind energy system, including any tower and extended blades, must not exceed the maximum height allowed in the zoning district plus 60 feet.
- D.** Sound produced by the wind energy system under normal operating conditions, as measured at the property line, must not exceed 55 dBA at any time.
- E.** Wind turbines and towers must be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site.
- F.** Wind turbine blade tips and vanes must have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public rights of way, driveways, or sidewalks.
- G.** Illumination of turbines and towers is prohibited unless required by the FAA.
- H.** On a freestanding tower, any climbing foot pegs or rungs below 12 feet must be removed to prevent unauthorized climbing. For lattice or guyed towers, barriers must be fastened to the bottom tower section to prevent unauthorized climbing.
- I.** The wind energy system must not include signs visible from any public street other than signs required by law.
- J.** If use of the wind energy system is discontinued for a period of six months, the County will deem it abandoned and provide the owner a written notice of abandonment. Within 90 days after written notice of abandonment is provided, the owner must either remove the system, including all towers, turbines, and above-ground structures and equipment, or resume regular operation of the system.

**DIVISION 5. TEMPORARY USES AND STRUCTURES**

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**Sec. 24-4501. General**

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**A. Purpose**

The purpose of this division is to authorize the establishment of certain temporary uses and structures, including special events. This division also identifies the zoning districts in which such temporary uses and structures are allowed, identifies what type of permit or review is

## Article 4 Use Regulations

### Division 5. Temporary Uses and Structures

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required to establish them, sets out general standards applicable to all temporary uses and structures, and sets out any special standards applicable to particular temporary uses and structures. This division is intended to ensure that such uses or structures do not negatively affect adjacent land, are discontinued upon expiration, and do not involve the construction or alteration of any permanent building or structure.

#### B. Organization of This Division

Table 4502: Temporary Use and Structure Table, shows whether a particular type of temporary use or structure is permitted or prohibited within the various zoning districts. Sec. 24-4503, General Standards for all Temporary Uses and Structures, establishes general standards that apply to all allowed temporary uses and structures. Sec. 24-4504, Standards for Specific Temporary Uses and Structures, establishes standards that apply to particular types of temporary uses or structures regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary. These standards may be modified by other applicable requirements in this Ordinance.

### **Sec. 24-4502. Temporary Use and Structure Table**

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#### A. Organization of Temporary Uses and Structures

The Temporary Use and Structure Table in this section lists temporary uses and structures alphabetically.

#### B. Abbreviations in Temporary Use and Structure Table Cells

The abbreviations in this subsection apply to Table 4502: Temporary Use and Structure Table. Each cell is located at the intersection of a row and a column, which are referenced in each subsection below.

**1. Permitted Uses**

“R” in a table cell indicates that the temporary use or structure in that row is allowed by right in the zoning district at the head of that column, subject to any specific standards for the temporary use or structure that are referenced in the right-most column, Sec. 24-4504, Standards for Specific Temporary Uses and Structures, and all other applicable regulations of this Ordinance. No Temporary Use Permit is required.

**2. Temporary Use Permit Uses**

“T” in a table cell indicates that the temporary use or structure in that row is allowed in the zoning district at the head of that column only upon approval of a temporary use permit in accordance with Sec. 24-2312, Temporary Use Permit, subject to any specific standards for the use or structure that are referenced in the right-most column, Sec. 24-4504, Standards for Specific Temporary Uses and Structures, and all other applicable regulations of this Ordinance.

**3. Prohibited Uses**

“-” in a table cell indicates that the temporary use or structure in that row is prohibited in the zoning district at the head of that column.

### **C. Standards for Specific Temporary Uses and Structures**

A particular temporary use or structure that is allowed in a zoning district may be subject to additional standards that are specific to that use or structure. The applicability of such specific standards is noted in the right-most column of Table 4502: Temporary Use or Structure Table, through a reference to standards in Sec. 24-4504, Standards for Specific Temporary Uses and Structures.



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#### D. 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		
Construction-related building, structure, or use	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	A	A	A	A	T	T	T	T	T	T	T	T	Sec. 24-4505	
Family healthcare home, temporary	-	T	T	T	T	T	T	T	T	T	T	T	T	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	T	T	T	T	T	T	T	T	Sec. 24-4506	
<b>Farmers' market, temporary</b>	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	A	A	A	A	T	T	T	T	T	T	T	T	Sec. 24-4507	
Flea market, temporary	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	T	-	-	-	-	T	T	-	-	-	-	-	-	A	T	T	-	-	T	T	T	T	Sec. 24-4508		
Food truck	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	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. 24-4509
Garage or yard sale	-	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. 24-4503	
Model sales home or unit	-	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	-	-	-	-	-	-	-	-	-	-	A	A	A	A	T	T	T	T	T	T	T	T	Sec. 24-4510	
Portable storage	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	R	Sec. 24-4511	
Recyclables collection point, temporary	-	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	A	A	A	A	T	T	T	T	T	T	T	T	Sec. 24-4512	
Sawmill, temporary	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 24-4513	
Seasonal decorations sales and commercial display	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	-	-	R	R	R	-	-	-	-	A	A	R	R	-	-	R	R	R	R	Sec. 24-4514		
Special event	-	T	-	-	-	-	-	-	-	-	-	-	-	-	T	-	T	-	T	-	-	T	T	T	T	T	T	A	A	A	A	R	R	-	-	R	R	R	R	Sec. 24-4515	
Temporary produce stand	R	R	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R	-	-	-	A	-	-	-	-	-	R	R	Sec. 24-4516		

**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	
Temporary use of an accessory structure as a principal dwelling after a catastrophe	-	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	-	-	-	T	T	T	T	-	-	-	A	A	A	A	R	R	R	R	R	R	R	R	Sec. 24-4517
Temporary use of a factory-fabricated transportable building	-	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	A	A	A	A	T	T	T	T	T	T	T	T	Sec. 24-4518

## Article 4 Use Regulations

### Division 5. Temporary Uses and Structures

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#### ***Sec. 24-4503. General Standards for all Temporary Uses and Structures***

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Unless otherwise specified in this Ordinance, all temporary uses and structures must:

- A.** Comply with all applicable County, state, and federal regulations and obtain all applicable County, state, and federal licenses and permits;
- B.** Not involve the retail sales or display of goods, products, or services within a public right-of-way, except as part of a County-authorized event;
- C.** Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- D.** Be compatible with the principal uses taking place on the site;
- E.** Not have adverse health, safety, noise, or nuisance impacts on any adjoining permanent uses or nearby residential neighborhoods;
- F.** Not include permanent alterations to the site;
- G.** Comply with temporary signs standards in Article 5, Division 7, Signs (all temporary signs must be removed promptly after the activity ends).
- H.** Not violate the conditions of approval that apply to a site or a use on the site;
- I.** Be located on a site containing sufficient land area to allow the temporary use, structure, or special event to occur and accommodate associated pedestrian, parking, and traffic movement without disturbing environmentally sensitive lands; and
- J.** Not damage any required landscaping.

#### ***Sec. 24-4504. Standards for Specific Temporary Uses and Structures***

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The standards set forth in Sections 24-4505 through 24-4518 for a specific temporary use or structure apply to the particular individual temporary use or structure, regardless of the zoning district in which it is located or the review procedure by which it is approved, and in addition to the standards in Sec. 24-4503, General Standards for all Temporary Uses and Structures, unless otherwise specified in this Ordinance. The following sections are intended to set forth and consolidate the standards for all temporary uses and structures for which a reference to these sections is provided in the right-most column of Table 4502: Temporary Use or Structure Table. These standards may be modified by other applicable standards or requirements in this Ordinance.

#### ***Sec. 24-4505. Temporary Construction-related Building, Structure, or Use***

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- A.** The temporary building, structure, or use must not be moved onto the project site prior to the issuance of a building permit for the related project and must be removed within 30 days after either (i) the expiration of the building permit, or (ii) the issuance of the final certificate of occupancy for the building or completed development, at which time the temporary use permit will expire.
- B.** The temporary building, structure, or use may be placed on a property adjacent to the construction site if site constraints make it impractical to locate the building, structure, or use on the construction site, provided the adjacent site must be restored to its previous

- condition within 60 days after issuance of the final certificate of occupancy for the building or completed development.
- C.** Adequate off-street parking for the temporary building, structure, or use must be provided in accordance with the minimum standards for number of off-street parking spaces in Article 5, Division 1, Access, Circulation, Off-Street Parking, and Loading.
  - D.** Construction site fencing may remain in place provided the building permit remains active and has not expired.
  - E.** The Planning Director will issue the temporary use permit for an appropriate period of time not to exceed 36 months and may extend the temporary use permit for an additional period not to exceed 36 months on finding that the building construction or land development is proceeding in a timely manner.

### ***Sec. 24-4506. Temporary Family Healthcare Home***

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- A.** A temporary family healthcare home must
  - 1.** Comply with all dimensional standards that apply to principal structures in the zoning district in which it is located;
  - 2.** Not be placed on a permanent foundation;
  - 3.** Be connected to all water, sewer, and electric utilities serving the primary residence in accordance with all required building, electrical, plumbing permits; and
  - 4.** Comply with applicable requirements of the Virginia Department of Health, including any required individual onsite sewage disposal system permits.
- B.** A temporary use permit for a family healthcare home will be valid for one year. The Planning Director may grant written requests for extension of this time period for up to one year per extension on finding the applicant has provided
  - 1.** Sufficient evidence that the family healthcare home complies with the requirements of this Ordinance;
  - 2.** Sufficient evidence that the applicant is a caregiver as defined in Article 8, Division 5, General Definitions; and
  - 3.** A certification from the mentally or physically impaired person's physician that the person still requires assistance with two or more activities of daily living.
- C.** The temporary family healthcare home must be removed from the site within 60 days of the date on which it was last occupied by a mentally or physically impaired person receiving services or in need of the caregiver's assistance.

### ***Sec. 24-4507. Temporary Farmers' Market***

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- A.** The farmers' market must not operate without written permission from the owner of the property on which it is located.
- B.** The farmers' market must not operate for more than 50 days in any calendar year.
- C.** The farmers' market must operate only during daylight hours.

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### Division 5. Temporary Uses and Structures

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- D.** From April 1 through November 30, a farmer's market must only be located in a parking lot or other open area. **From December 1 through March 31, a farmer's market may operate indoors.**
- E.** **The farmers' market must provide adequate ingress, egress, and off-street parking areas.** Vehicular access to the subject property must not be by local streets.
- F.** Sales must be limited to the retail sale of agriculture, aquaculture, and horticulture products produced by the vendor, including the sale of products made by the vendor from such products (e.g., baked goods, jams and jellies, juices, cheeses) and incidental sales of crafts or similar home-made products made by the vendor.
- G.** Items for sale must not be displayed or stored within customer walkways.
- H.** The property owner must designate a manager, who must establish operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities. The manager must be authorized to direct the operations of all participating vendors.

#### ***Sec. 24-4508. Temporary Flea Market***

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- A.** A temporary flea market must not operate without written permission from the owner of the property on which it is located.
- B.** A temporary flea market must not operate for more than 30 days in any calendar year.
- C.** A temporary flea market must operate only during daylight hours.
- D.** A temporary flea market must only be located on a parking lot or other open area.
- E.** Stalls, sales tables, and any other facilities related to the flea market must be located at least 25 feet from any adjoining street. If located within a parking lot, sufficient parking must be provided for the patrons.
- F.** Items for sale must not include automobiles, automobile parts, and non-portable household appliances.
- G.** Items for sale must not be displayed or stored within customer walkways.
- H.** The property owner must designate a manager, who must establish operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities. The manager must be authorized to direct the operations of all participating vendors.

#### ***Sec. 24-4509. Temporary Food Truck***

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- A.** A food truck must not be operated without the written consent of the landowner or tenant, or their authorized agent.
- B.** A food truck 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, 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 must not remain overnight on the same premises where food sales occur.
- E.** The vicinity around the food truck 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.

### ***Sec. 24-4510. Temporary Model Sales Home or Unit***

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A single model sales home or unit may be located on a new development site and temporarily used for sales or leasing uses associated with the development, subject to the following standards:

- A.** A model sales home or unit must be located on a lot or building site approved as part of the development, or within a building approved as part of the development. The building must comply with all applicable development standards, including the dimensional standards of the district in which it is located, under both the current lot configuration and the approved lot configuration.
- B.** A temporary use permit for the model sales home will be issued only when actual construction on or in the immediate vicinity of the development site necessitates the model sales home or unit. The permit will be initially valid for no more than three years. The Planning Director may grant written extensions of up to three years per extension, or the length of time required for the construction of the development, whichever is less.
- C.** Adequate measures must be taken to ensure the model sales home will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood.
- D.** There must be no more than one model sales home or unit per builder in the development, and no more than three model homes per development.
- E.** At least one parking space must be provided for every 300 square feet of gross floor area devoted to the model sales home. Accessible parking for persons with physical disabilities is required.
- F.** A model sales home or unit may be used for temporary sales or leasing until such time as the last lot is developed.
- G.** On termination of the temporary real estate sales or leasing use of a model sales home or unit, the home or unit must be converted into, or removed and replaced with, a permanent dwelling, and any excess parking must be removed and landscaped in accordance with the development permits and approvals for the development.
- H.** A model sales home must not be used for storage of building materials.

### ***Sec. 24-4511. Temporary Portable Storage***

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- A.** In Residential districts, storage containers, other than those located on construction sites, must not exceed 130 square feet in floor area or eight feet in height.



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### **Division 5. Temporary Uses and Structures**

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- B.** In districts other than Residential districts and on construction sites in Residential districts, storage containers must not exceed 160 square feet in floor area or eight and one-half feet in height.
- 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.
- D.** Except for storage containers located on construction sites, storage containers must not be located on an individual parcel or site for more than:
  - 1.** One period not exceeding 10 consecutive days in any six-month period in Residential districts; or
  - 2.** One period not exceeding 30 consecutive days in any six-month period in districts other than Residential districts.

#### ***Sec. 24-4512. Temporary Recyclables Collection Point***

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- A.** A temporary recyclables collection point must not be operated for more than one period not exceeding 30 consecutive days in any six-month period.
- B.** A temporary recyclables collection point must not be located on the same lot as a single-family detached, duplex, or manufactured home dwelling.
- C.** A temporary recyclables collection point must not exceed 100 square feet in area.
- D.** A temporary recyclables collection point must not impede or adversely affect vehicular or pedestrian circulation.
- E.** Storage outside of a closed container or bin is prohibited. An application for a temporary use permit must identify measures for daily monitoring and maintenance that will be taken to ensure this requirement is met.

#### ***Sec. 24-4513. Temporary Sawmill***

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- A.** A temporary sawmill must be used only for the sawing of timber cut from the immediate premises.
- B.** A temporary sawmill 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, elementary or secondary school, religious institution, Health Care Facilities use, or Day Care use.

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

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- 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 must not exceed 400 square feet in area.
- C.** Outdoor display area must not exceed 1,600 square feet. This does not include area occupied by a sales stand.

- D.** Display or sales areas must not be located in required yards or sight distance triangles.
- E.** Off-street parking must be adequate to accommodate the proposed sale of products. A minimum of one parking space for every 200 square feet of display area is required in addition to any other parking spaces required by this Ordinance.

## **Sec. 24-4515. Temporary Special Event**

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### **A. Applicability**

- 1.** All special events (including cultural events, musical events, celebrations, festivals, fairs, carnivals, circuses, and communal camping) held on private property within the County must comply with the requirements and standards in this section, unless exempted in accordance with subsection (2) below.
- 2.** The following events or activities are exempt from the standards in this section and may occur without a temporary use permit for a special event; however, they are subject to all other applicable procedures and standards of this Ordinance:
  - (a) Special events or activities that are limited to no more than 50 persons;
  - (b) Special events or activities occurring within, or on the grounds of, a private residence or on the common areas of a single-family attached, townhouse, two- to four-family, or multifamily residential development that are accessory to the residential use;
  - (c) Any event sponsored in whole or in part by the County or the state;
  - (d) Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; wedding services conducted at reception halls, or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services, and funeral services conducted at religious institutions; and
  - (e) Temporary special events that are expressly approved as part of a Conditional Use Permit (Sec. 24-2308), Provisional Use Permit (Sec. 24-2306), Planned Development (Sec. 24-2305), or Musical or Entertainment Festival Permit (Sec. 4-91 et seq.).

### **B. Standards**

An application for a temporary permit for a special event will be approved unless:

- 1.** The application contains intentionally false or materially misleading information;
- 2.** The Planning Director determines that the special event would create an unreasonable risk of significant:
  - (a) Damage to public or private property, beyond normal wear and tear;
  - (b) Injury to persons;
  - (c) Public or private disturbances or nuisances;
  - (d) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;

## Article 4 Use Regulations

### Division 5. Temporary Uses and Structures

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(e) Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; and

(f) Other adverse effects upon the public health, safety, or welfare;

3. The special event would be of such a nature, size, or duration that the proposed location cannot reasonably accommodate the event; or
4. The special event would be at a time and location that has already been permitted or reserved for other activities such that emergency services may not be available.

### C. Conditions of Approval

In approving the temporary use permit for the special event, the Planning Director is authorized to impose such conditions upon the permit as may be necessary to mitigate any potential adverse impacts upon other property in the area created or potentially created by the proposed special event. The Planning Director is authorized, where appropriate, to:

1. Require temporary parking facilities, including vehicular ingress and egress;
2. Require control of nuisance factors, such as the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
3. Regulate temporary buildings, structures and facilities, including location, height and size, location of equipment and open spaces, including buffer areas and other yards;
4. Require sanitary and medical facilities;
5. Require solid waste collection and disposal;
6. Require security and safety measures;
7. Authorize an alternative location or date for the proposed special event;
8. Modify or eliminate proposed activities that would be detrimental to public health, safety, or welfare;
9. Limit operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this section; and
10. Require a financial guarantee to ensure that any temporary facilities or structures used for such proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

### D. Duration of Permit

A temporary use permit for a special event authorized in accordance with this section will be limited to a maximum duration of 14 days per site per calendar year; however, the Planning Director may authorize a single extension not to exceed 16 days.

### **Sec. 24-4516. Temporary Produce Stand**

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- A. The produce stand must be used only for the display and sale of agricultural products grown or produced on the premises.
- B. Access to the produce stand must be by a street other than a local street.
- C. The produce stand must not exceed 200 square feet.

- D.** The produce stand must not be used outside the growing seasons of the products sold in the stand and must be removed promptly at the end of each season. The stand must not be used for more than 30 days in any calendar year.
- E.** The produce stand must be located at least 15 feet from the road right-of-way.
- F.** A minimum of four on-site parking spaces are required in addition to any other parking spaces required by this Ordinance. The location and configuration of parking spaces must comply with Article 5, Division 2, Off-Street Parking and Loading.

### ***Sec. 24-4517. Temporary Use of an Accessory Structure as a Principal Dwelling after a Catastrophe***

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An existing building that is accessory to an existing principal dwelling that has been damaged or destroyed by a fire, hurricane, or other physical catastrophe may be temporarily used as the principal dwelling on the lot while the damaged or destroyed principal dwelling is being repaired or reconstructed, provided it complies with the following standards:

- A.** The building or inhabited part of the building must meet all applicable building, health, and other regulations for a habitable dwelling;
- B.** The building must comply with any standards set forth in a Declaration of Emergency issued in response to the catastrophe; and
- C.** The building must be removed or converted to an authorized accessory use within 30 days after issuance of the certificate of occupancy for the permanent principal dwelling. The building must not be used as a dwelling for more than one year unless expressly authorized in a Declaration of Emergency issued in response to the catastrophe.

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

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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;
  - 2.** Temporary office space for construction management and security uses during construction of new development in accordance with County-approved plans;
  - 3.** Temporary office space pending completion of permanent office space if a building permit has been issued for the permanent office space;
  - 4.** A temporary space for real estate sales or leasing activities associated with a new development pending construction of the development;



# 5

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# ARTICLE 5 DEVELOPMENT STANDARDS

## DIVISION 1. ACCESS, CIRCULATION, OFF-STREET PARKING, AND LOADING

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### *Sec. 24-5101. Purpose and Intent*

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- A.** The purpose of this division is to ensure that new developments are served by a coordinated multimodal transportation system that facilitates the safe and efficient movement of motor vehicles, emergency vehicles, transit, bicyclists, and pedestrians within the development and between the development and external transportation systems, neighboring development, and local destination points, such as places of employment, schools, parks, and shopping areas.
- B.** The multimodal transportation system required by this division is intended to:
1. Provide transportation options;
  2. Increase the effectiveness of local service delivery;
  3. Reduce emergency response times;
  4. Promote walking and bicycling;
  5. Facilitate use of public transportation;
  6. Contribute to the attractiveness of the development and community;
  7. Connect neighborhoods and increase opportunities for interaction between neighbors;
  8. Reduce vehicle miles of travel and travel times;
  9. Reduce greenhouse gas emissions;
  10. Improve air quality;
  11. Minimize congestion and traffic conflicts; and
  12. Preserve the safety and capacity of the County's transportation systems. The purpose of this division is to.
- C.** The parking and loading standards in this division are intended to ensure provision of off-street parking and loading facilities in proportion to the parking and loading demand of different uses allowed by this Ordinance by accomplishing the following:
1. Provide for adequate but not excessive off-street parking and loading while accommodating alternative parking solutions for permanent, temporary, and seasonal demands;
  2. Minimize the environmental impact of vehicular parking by avoiding excessive paved surface areas, applying appropriate minimum parking requirements, and encouraging the use of permeable parking surfacing;
  3. Support walking and bicycling in appropriate locations through context-driven parking standards and the provision of bicycle parking; and
  4. Achieve County policies of supporting redevelopment of commercial corridors and new mixed-use development and accommodating appropriate infill development.

## Article 5 Development Standards

### Division 1. Access, Circulation, Off-Street Parking, and Loading

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#### **Sec. 24-5102. Applicability**

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##### **A. New Development**

All new development must provide access, circulation, off-street parking, and loading areas in accordance with the standards of this division.

##### **B. Existing Development**

###### **1. Change in Use**

Any change in use of existing development must be accompanied by the provision of any additional off-street vehicular parking, loading areas, and bicycle parking spaces required for the proposed use by this division.

###### **2. Expansion**

If an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, number of employees, or seating capacity as applicable in accordance with Sec. 24-5110, Minimum Number of Off-Street Parking Spaces), any additional off-street vehicular parking, loading areas, and bicycle parking that may be required must be provided in accordance with the requirements of this division as applied only to the expanded or enlarged part of the structure or use.

###### **3. Nonconforming Parking**

Nonconforming parking facilities on the site of an enlarged or expanded building or use must comply with the requirements of this division in accordance with Article 6: Nonconformities.

##### **C. Timing of Review**

Review for compliance with the standards of this division will occur during review of an application for a provisional use permit, conditional use permit, building permit, certificate of occupancy, plan of development, site plan, or subdivision (see Chapter 19 of the County Code), as appropriate.

##### **D. Developer Responsible for Access and Circulation Improvements**

If the development substantially generates a need for road, street, sidewalk, and other access and circulation improvements, the developer must provide such improvements at the **developer's cost in accordance with the** applicable requirements in this division and Chapter 19 of the County Code, and the developer must dedicate such improvements that are to become public facilities to the County.

##### **E. Parking Plan Required**

- 1.** All development applications subject to review for compliance with the standards of this division must include a parking plan.
- 2.** The parking plan must accurately designate the number and location of required vehicular and bicycle parking spaces, access aisles, and driveways, demonstrate compliance with ADA standards, and identify the relation of the off-street parking facilities to the development they are designed to serve, including how the parking facilities coordinate with the vehicular, pedestrian, bicycle, and transit circulation systems for the development. The parking plan must also include the information required in accordance with Sec. 24-5115, Off-Street Parking Alternative Parking Plans, if applicable.

## **Sec. 24-5103. Access and Circulation System**

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### **A. Integrated Access and Circulation System**

All new development must be served by a system of sidewalks, paths, roadways, accessways, and other facilities designed to provide for multiple travel modes (vehicular, transit, and pedestrian), as appropriate to the development's size, character, relationship to surrounding development and development patterns, and existing and planned community transportation systems. Vehicular, transit, and pedestrian access and circulation systems must be coordinated and integrated to provide transportation choices within and to and from the proposed development, as deemed necessary by the agency responsible for review.

### **B. Internal Streets**

All streets internal to every development must comply with the standards in Division 4, Street Standards, of Chapter 19 of the County Code.

### **C. Vehicular Cross-Access between Adjoining Development**

- 1.** An internal vehicular circulation system in a nonresidential or mixed-use development that is subject to the requirements of this division must be designed and constructed to provide vehicular cross-access between any public parking lots within the development and any public parking lots on adjoining parcels containing nonresidential or mixed-use development, and to the boundary of adjoining vacant land if it is in a Nonresidential or Mixed-Use District, and to a Planned Development district that includes nonresidential development. Each required cross-access must consist of a two-way driveway or drive aisle that is at least 22 feet wide or two one-way driveways or drive aisles that are each at least 14 feet wide. See Figure 5103: Example of Parking Lot Cross-Access.
- 2.** Easements allowing cross-access to and from lands served by a vehicular cross-access in accordance with subsection C.1. above, along with agreements defining maintenance responsibilities of landowners pertaining to the vehicular cross-access, must be recorded in the land records before issuance of a certificate of occupancy.
- 3.** All nonresidential development must have access to a public street without crossing private property in a Residential District.
- 4.** The Planning Director may modify the requirement for vehicular cross-access established in this subsection on determining that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, vehicular safety factors, land use conflicts, site-specific security concerns, or existing development on adjacent lands that precludes the cross-access. If the Planning Director does not require cross-access because of land use conflicts or existing development that precludes cross access but determines that cross access may be provided in the future, the applicant must record easements to allow for future cross-access having a minimum width required by subsection C.1. above between the development and adjacent lands.

## Article 5 Development Standards

### Division 1. Access, Circulation, Off-Street Parking, and Loading

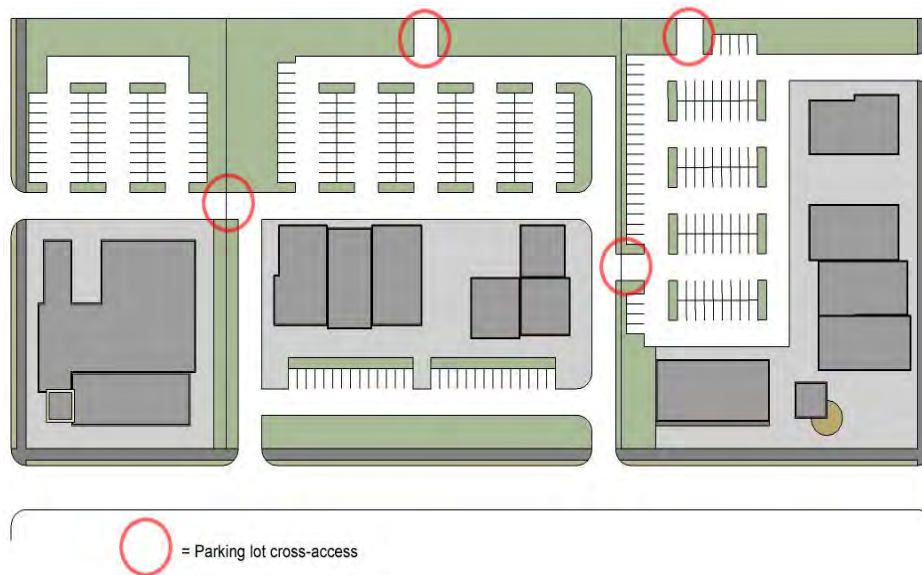


Figure 5103: Example of Parking Lot Cross-Access

#### D. Pedestrian Cross-Access Between Adjoining Development

1. Multifamily, nonresidential, or mixed-use development subject to the requirements of this division must establish an internal pedestrian circulation system that is designed to allow for pedestrian walkway cross-access between the development's buildings and parking areas and those on adjoining lots containing multifamily, nonresidential, or mixed-use development, and to lands zoned for such uses or designated for such uses on the comprehensive plan future land use map. Each required cross-access must consist of sidewalk at least 6 feet wide that is ADA accessible and lighted in accordance with Sec. 24-5504.C, Pedestrian Areas.
2. Easements allowing cross-access to and from properties served by a pedestrian cross-access in accordance with subsection 1 above, along with agreements defining maintenance responsibilities of landowners, must be recorded in the land records before issuance of a certificate of occupancy.
3. The Planning Director may modify the requirement for pedestrian cross-access established in subsection 1 above on determining that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features vehicular safety factors, land use conflicts, site-specific security concerns, or existing development on adjacent lands that precludes the cross-access.

#### 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 right-of-way 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 5, 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**

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**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. 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. Vehicles must only be parked in approved and constructed parking spaces.
4. Except where permitted in Planned Development districts, for residential uses, space in a private garage does not count toward the off-street parking requirement.
5. 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.

**B. Entrances and Exits**

1. Entrances and exits to off-street vehicular parking and loading areas must comply with the following standards, unless the County Engineer, Planning Director, and, for state-maintained roads, VDOT jointly authorize modifications of the standards on determining strict compliance is impractical or undesirable due to site-specific traffic safety concerns such as slopes, curves, or sight distance obstructions:
  - (a) They must be located a minimum of 12.5 feet from abutting properties;
  - (b) They must be located a minimum of 200 feet (measured along the same side of street and in the same block) from the premises of elementary or secondary schools, public parks, religious institutions, hospitals, cultural facilities, and childcare centers, except for a parking or loading area that is serving that use;
  - (c) On corner lots, they must be located a minimum of 25 feet from the intersection of property lines and reference lines as defined in Sec. 24-8307.A, Front Yard or Street Side Yard;
  - (d) They must have a maximum width of 50 feet if no on-street parking is provided along the intersecting road, or 40 feet if parking is provided along the intersecting road; and
  - (e) They must be separated by a minimum of 25 feet from any other entrance or exit, unless the entrances or exits are less than five feet apart.
2. Distances in subsection 1 above will be measured from the nearest edge of pavement of the entrance or exit.

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

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**A. Surfacing**

Except as provided in subsection B below, all off-street vehicular parking and loading areas must be surfaced in accordance with one of the following methods:

1. A hard, durable, and bonded surface material such as asphalt, concrete, brick, cobblestone, pavers, or recycled glass, rubber, asphalt, or other materials,

## **Article 5 Development Standards**

### **Division 1. Access, Circulation, Off-Street Parking, and Loading**

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maintained in a smooth, well-graded, clean, and orderly condition that meets County specifications.

- 2.** A pervious parking lot surfacing material such as pervious asphalt and concrete, open joint pavers, and reinforced grids made of grass, gravel, or shell may be used for all or part of a parking and loading area subject to the following:
  - (a) The applicant must provide a maintenance plan and commit to an ongoing maintenance program in accordance with industry standards; and
  - (b) Any pervious or semi-pervious surfacing used for aisles within or driveways to vehicular parking and loading areas must be certified by an engineer licensed within the state as capable of accommodating anticipated traffic loading stresses and maintenance impacts.

## **B. Surfacing Alternatives**

Alternative surfacing may be used for off-street vehicular parking areas as follows:

- 1.** Natural unpaved surfaces such as grass, crushed stone, gravel, and mulch may be used, provided the surface is maintained in a neat, orderly, and passable condition, for the following uses and situations:
  - (a) Uses in the A-1 district;
  - (b) Bed and breakfast inns; and
  - (c) Areas designated or used for temporary overflow parking, provided that the area is used for parking not more than 24 days in a calendar year.
- 2.** Off-street parking spaces and driveways for single-family detached, manufactured, or duplex dwellings may be surfaced with pervious materials such as crushed stone or gravel. Such material must be confined to the parking space or driveway with bricks, railroad ties, landscaping borders, or similar means, and must be replaced as necessary to maintain a neat and orderly appearance.

## **C. Required Markings and Separation Stripe**

- 1.** Except for parking areas serving single-family detached, manufactured home, duplex, or townhouse dwellings, each required off-street vehicular parking area and space, and each off-street loading area and berth, must be identified by surface markings that provide for orderly and safe loading, unloading, parking, and storage of vehicles, in accordance with Sec. 24-5109, Dimensional Standards for Parking Spaces and Aisles. Parking spaces must be marked on the pavement surface with painted lines four inches wide. All markings must be white in color except for markings dividing traffic, which must be yellow. All surface markings, including striping, directional arrows, and lettering on signs and in accessible-designated areas, must be maintained to be readily visible at all times.
- 2.** One-way and two-way accesses into off-street vehicular parking facilities must be identified by directional arrows painted on the surface and by associated signs. Any two-way access intersecting a street at any angle other than 90 degrees must be marked with a traffic separation stripe running along the length of the access; this requirement does not apply to interior intersections between drive aisles.
- 3.** Required fire lanes must be marked and maintained in accordance with the Virginia Statewide Fire Prevention Code.
- 4.** Traffic control signs must be provided.

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

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### **A. Exterior Lighting**

All off-street vehicular parking, loading, and bicycle parking areas must be lighted in accordance with Article 5, Division 5, Exterior Lighting and Crime Prevention.

### **B. Landscaping**

All off-street vehicular parking and loading areas must comply with Article 5, Division 3, Landscaping and Tree Protection.

### **C. Protected Walkway**

Adequate and safe pedestrian access by a walkway protected by a curb separation and elevation from the street grade must be provided to connect parking areas and the primary pedestrian entrances to the uses served by the parking.

### **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. 24-5107. Design Requirements for Large Parking Lots***

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Public parking lots that contain 300 or more parking spaces must be organized into a series of parking bays separated by buildings, landscaping, or primary drive aisles in accordance with the following standards. The Planning Director may approve an alternative configuration on determining that the site's topography, current configuration, or other unique circumstances make full compliance with the standards in this section impractical and the proposed configuration provides similar pedestrian access and visual partitioning of the parking lot to the maximum extent practicable.

### **A. Primary Drive Aisle**

The primary drive aisles must be designed to appear as an extension of the public street network extending from the external public or private right-of-way along the full length of the primary façades of structures being served by the drive aisle (see Figure 5107A: Primary Drive Aisle). The primary drive aisle must:

- 1.** Have a minimum cross section width between curbs sufficient to serve two travel lanes;
- 2.** Include a sidewalk or curb-delineated pedestrian passageway at least five feet wide along the front façade of each building façade parallel to the drive aisle; and
- 3.** Include street trees along both sides with an average spacing of 40 feet on-center with at least five trees every 200 feet.



## Article 5 Development Standards

### Division 1. Access, Circulation, Off-Street Parking, and Loading



Figure 5107A: Primary Drive Aisle

## B. Pedestrian Pathways

Improved pedestrian pathways must be provided to the entrance to each use served by the parking. Pedestrian pathways must meet the following standards (see Figure 5107B: Pathways through Vehicular Parking Area):

1. The pathways must be at least five feet wide;
2. The pathways must comply with ADA requirements for accessible routes;
3. One pathway must be provided every 200 feet of parking lot width;
4. A landscaping strip must be provided along one or both sides of each pathway. The strips must be planted with shade trees with a maximum spacing of 40 feet on-center, measured linearly along the pathway.
5. Any pathway serving retail uses must be at the same grade as the abutting parking service or must provide access points for persons pushing shopping carts spaced no more than every 75 feet along each side of the pathway.
6. Pathways must be aligned with and perpendicular to the primary entrance into the building served by the parking lot, to the maximum extent practicable.
7. Pathways must be paved with asphalt, cement, brick, or other comparable material, and must be distinguished by contrasting color or materials when crossing drive aisles. See Figure 5107C: Contrasting Drive-Aisle Crossing. White painted crosswalks do not comply with this standard.

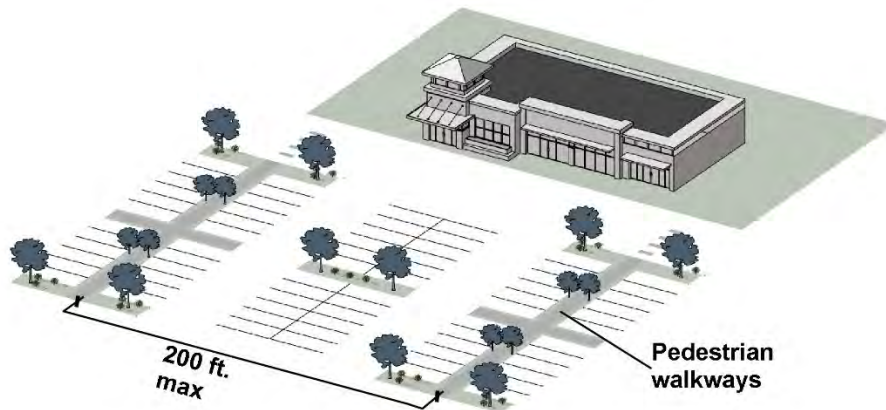


Figure 5107B: Pathways through Vehicular Parking Area



Figure 5107C: Contrasting Drive Aisle Crossing

## Sec. 24-5108. Off-Street Parking Lot Completion, Maintenance, and Use

### A. Completion

All off-street vehicular parking, loading, and bicycle parking areas must be completed, or a financial guarantee must be posted to ensure their timely completion, prior to the issuance of a final certificate of occupancy for the development they serve. In the case of phased development, parking and loading facilities are only required to be provided for the phase being developed.

### B. Maintained in Good Repair at All Times

All off-street vehicular parking and loading areas must be maintained in a safe condition and good repair at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land.

### C. Use of Parking Area

Except as part of a temporary use approved in accordance with the requirements of Sec. 24-2312, Temporary Use Permit, required parking spaces must be used solely for the parking of licensed motor vehicles in operating condition. Other use of required parking areas, such as the display of goods for sale (including building or landscaping materials or supplies), or the sale, lease, storage, dismantling, or service of vehicles, boats, motor homes, campers, mobile homes, building materials equipment or supplies, is prohibited.

## Article 5 Development Standards

### Division 1. Access, Circulation, Off-Street Parking, and Loading

#### D. Required Parking May Not Be Reserved

Required parking spaces must not be designated or reserved for use by specific persons (e.g., employees, executives, or patrons of a particular use) unless such spaces are in addition to the minimum required.

#### E. Trucks and Commercial Vehicles

In Conservation, Agricultural, and Residential Districts, the parking of any truck or commercial vehicle in excess of 10,000 pounds gross weight, or any commercial trailer or wrecker, is prohibited on private land or public roads except while loading, unloading, or working at or near the location where it is parked.

### 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 <sup>[1]</sup> <sup>[2]</sup>

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	8	8	11	22
45	9	19	12	13
60	9	20	15	10.5
90	9	18	22	9

#### NOTES

[1] Refer to Figures 5109A and 5109B below for illustrations showing how dimensions for parking spaces and aisles in various configurations (A-E) are measured.

[2] For one-way traffic. Aisles for two-way traffic must be at least 22 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.

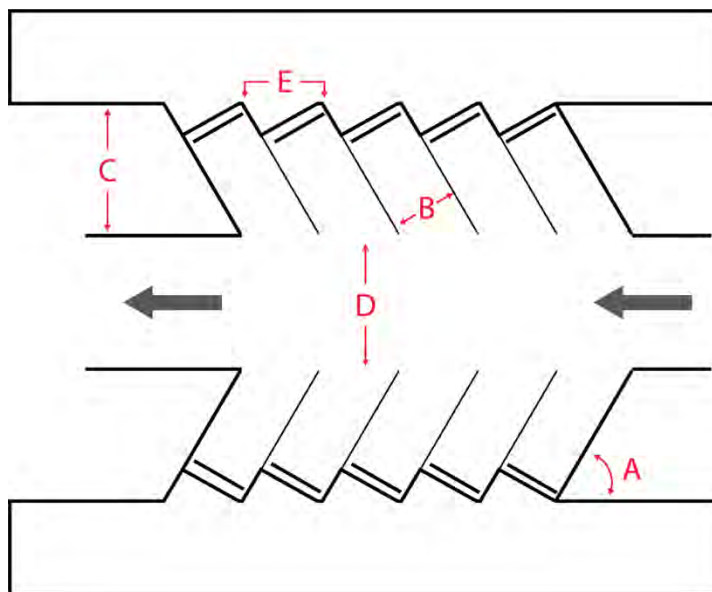


Figure 5109A: Measurement of Parking Space and Aisle Dimensions

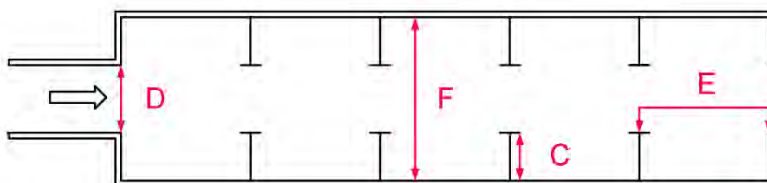


Figure 5109B: Measurement of Parallel Parking Space and Aisle Dimensions

## B. Vertical Clearance

All off-street parking spaces must have a minimum overhead vertical clearance of 8.2 feet for van-accessible parking and 7.0 feet for all other vehicles.

## C. Accessible Parking

A percentage of the required off-street vehicular parking spaces must be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the Federal Americans with Disabilities Act Accessibility Guidelines and State law, including the Uniform Statewide Building Code and related regulations. Compliance with these standards will be reviewed by the Building Official.

## 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.

## E. Motorcycle Parking

Motorcycle, scooter, and moped parking spaces must have a minimum depth of five feet and a minimum width of four and one-half feet.

## Article 5 Development Standards

### Division 1. Access, Circulation, Off-Street Parking, and Loading

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

Except as provided in Sec. 24-5111, Alternative Minimum Requirements, all new development and any change in use or expansion must provide the minimum number of off-street parking spaces set forth in Table 5110: Minimum Number of Off-Street Parking Spaces, based on the principal use(s) involved and the extent of development. Off-street parking standards for principal uses with variable parking demands or unlisted principal uses will be interpreted in accordance with Sec. 24-5112, Required Number of Parking Spaces for Unlisted Uses.

Table 5110: Minimum Number of Off-Street Parking Spaces		
Principal Use Category	Principal Use Type	Minimum Off-Street Parking Spaces <sup>[1, 2]</sup>
<b>Agricultural Uses</b>		
Horticulture	All Horticulture uses	No minimum
Animal Husbandry	All Animal Husbandry Uses	No minimum
Agriculture Support and Services (Directly Related)	Agri-education	No minimum
	Agricultural processing	No minimum
	Equestrian facility	No minimum
	Farm or limited production of alcoholic beverages	3.5 per 1,000 sf GFA of retail sales and restaurant
	Nursery, production	No minimum
Agriculture Support and Services (Not Directly Related)	Produce market	3.0 per 1,000 sf
	Agricultural research facility	No minimum
	Distribution hub for agricultural products	1.0 per 1,000 sf
Agriculture Support and Services (Not Directly Related)	Farm machinery sales, rental, and service	2.5 per 1,000 sf
	Stockyard or slaughterhouse	2.0 per 1,000 sf
Silviculture	All Silviculture uses	No minimum
<b>Residential Uses</b>		
Household Living <sup>[3]</sup>	Dwelling, duplex	1.5 per du
	Dwelling, live/work	2.0 per du
	Dwelling, manufactured home	2.0 per du
	Dwelling, multifamily	2.0 per du; 1.0 per du in an age-restricted community
	Dwelling, single-family attached	1.0 per du
	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	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
	Dwelling, upper story	1.0 per du
Group Living	Boardinghouse	1.0 per guestroom
	<b>Children's residential facility</b>	1.0 per 2 children capacity
	Dormitory	0.5 per bedroom
	Group home	2.0 per du
<b>Public, Civic, and Institutional Uses</b>		
Community Service	Auditorium, conference and convention center	1.0 per 5 seats or 10 per 1,000 sf of floor area used for assembly

Table 5110: Minimum Number of Off-Street Parking Spaces		
Principal Use Category	Principal Use Type	Minimum Off-Street Parking Spaces <sup>[1, 2]</sup>
	Club or lodge	2.0 per 1,000 sf
	Community center	3.0 per 1,000 sf
	Cultural facility	3.0 per 1,000 sf
	Donation center	2.0 per 1,000 sf
	Public recreation facility	6.0 per 1,000 sf
	Radio or television station	1 per 5 seats of audience seating plus 2.5 per 1,000 sf all other area
	Religious institution	20 per 1,000 sf floor area in primary worship or assembly area
Day Care	Adult day care center	1.0 per 3 occupants design capacity
	Child care center	1.0 per 10 children design capacity
Educational Facilities	College or university	1.0 per 2 faculty/FTE, plus 2.0 per 1,000 SF classroom and research space
	School, elementary or secondary	Under 11 <sup>th</sup> grade: 1.0 per 8 students design capacity 11 <sup>th</sup> and 12 <sup>th</sup> grades: 1.0 per 2 students design capacity
	Vocational or trade school	2.5 per 1,000 sf
Funeral and Mortuary Services	Crematory	No minimum
	Funeral home	1.0 per 4 persons seating capacity
Government Facilities	Correctional facility	1.0 per 6 inmates design capacity
	Government maintenance, storage, or distribution facility	2.0 per 1,000 sf
	Government office	2.5 per 1,000 sf
	Police, fire, or EMS facility	2.5 per 1,000 sf
Health Care Facilities	Assisted living facility	1 per 4 beds
	Continuing care retirement community	1 per 4 nursing home or assisted living beds plus 1.0 per du independent living
	Hospice facility	1.0 per 4 beds
	Hospital	1.0 per 2 beds
	Medical treatment facility	4.0 per 1,000 sf
	Nursing home	1 per 4 beds
Parks and Open Areas	Cemetery	No minimum
	Community garden	No minimum
	Public park	No minimum
	Parks and open areas not specified elsewhere	No minimum
Transportation	Airport	No minimum
	Helicopter landing facility	No minimum
	Passenger terminal, surface transportation	In accordance with facility plan
Utilities	Solar array	No minimum
	Utility, major	2.0 per 1,000 sf of office facilities



## Article 5 Development Standards

### Division 1. Access, Circulation, Off-Street Parking, and Loading

Table 5110: Minimum Number of Off-Street Parking Spaces		
Principal Use Category	Principal Use Type	Minimum Off-Street Parking Spaces <sup>[1, 2]</sup>
	Utility, minor	2.0 per 1,000 sf of office facilities
	Wind energy facility, large	no minimum
	Wireless communications short structure co-location	No minimum
	Wireless communications tower, freestanding	1.0 total
<b>Commercial Uses</b>		
Adult Uses	All Adult Uses	3.5 per 1,000 sf
Animal Care	Animal grooming	3.0 per 1,000 sf
	Kennel or animal shelter	3.0 per 1,000 sf
	Veterinary hospital or clinic	3.0 per 1,000 sf
Eating Establishments	Microbrewery	10.0 per 1,000 sf GFA including outdoor dining area
	Restaurant	10.0 per 1,000 sf GFA including outdoor dining area
	Restaurant, drive-through	10.0 per 1,000 sf GFA including outdoor dining area
	Specialty eating establishment	3.0 per 1,000 sf GFA including outdoor dining area
Offices	Business and sales	2.5 per 1,000 sf
	Business school	2.5 per 1,000 sf
	Business training and conference facility	4.0 per 1,000 sf training or display space, plus 2 per 1,000 sf office or other administrative space
	Data center	2.0 per 1,000 sf offices
	Professional services	2.5 per 1,000 sf
Parking, Commercial	Parking lot	No minimum
	Parking structure	No minimum
Recreation and Entertainment, Indoor	Fitness center	5.0 per 1,000 sf
	Shooting range, indoor	3.0 per lane or target and 1.0 per 2 employees
	Theater	1.0 per 4 seats
	Indoor Recreation and Entertainment not elsewhere listed	5.0 per 1,000 sf
Recreation and Entertainment, Outdoor	Amusement park, sports park, or waterpark	5.0 per 1,000 sf activity area
	Arena, amphitheater, or stadium	1.0 per 4 seats
	Golf course	5.0 per hole
	Marina	0.75 per boat slip
	Racetrack, outdoor	1.0 per 5 seats
	Shooting range, outdoor	3.0 per lane or target
	Outdoor Recreation and Entertainment not elsewhere listed	5.0 per 1,000 sf activity area
Retail Sales and Services	Aircraft and aircraft parts sales	2.5 per 1,000 sf
	Alternative lending institution	3.0 per 1,000 sf
	Artist studio	2.5 per 1,000 sf
	Auction house	3.5 per 1,000 sf



Table 5110: Minimum Number of Off-Street Parking Spaces		
Principal Use Category	Principal Use Type	Minimum Off-Street Parking Spaces <sup>[1, 2]</sup>
	Automated teller machine (ATM as a principal use)	1.0 total
	Convenience store	3.5 per 1,000 sf
	Drive-through ice machine	1.0 total
	Drug store or pharmacy	3.5 per 1,000 sf
	Farmers market	1.0 per 1,000 sf vending area
	Financial institution	3.0 per 1,000 sf
	Grocery store	3.5 per 1,000 sf
	Laundromat	2.5 per 1,000 sf
	Personal services establishment	2.5 per 1,000 sf
	Repair establishment	2.5 per 1,000 sf
	Retail sales establishment, not elsewhere listed	3.5 per 1,000 sf
	Sign printing and painting	2.5 per 1,000 sf
Vehicle Sales and Services	Automobile filling station (fuel only)	3.5 per 1,000 sf
	Automobile rentals	3.0 per 1,000 sf
	Automobile sales	3.0 per 1,000 sf
	Automotive painting and body shop	2.0 per service bay
	Automotive parts and installation and minor servicing	2.0 per service bay
	Automotive repair	2.0 per service bay
	Boat and marine rental, sales, and service	0.4 per 1,000 sf of outdoor display area
	Car wash or auto detailing	2.0 per service bay
	Commercial fuel depot	1.0 per fueling station
	Commercial vehicle repair and maintenance	4.0 per 1,000 sf
	Commercial vehicle sales and rentals	2.0 per 1,000 sf
	Fleet terminal	2.5 per 1,000 sf
	Towing or wrecker service	1.5 per 1,000 sf
Visitor Accommodations	Bed and breakfast inn	1.0 per guest room
	Campground	1.0 per campsite
	Hotel or Motel	1.0 per guest room
<b>Industrial Uses</b>		
Extractive Industry	All Extractive Industry uses	1.0 per 2 employees on maximum shift
Industrial Services	Contractor services	2.0 per 1,000 sf
	Fuel oil or bottled gas distributor	2.0 per 1,000 sf
	General industrial service and repair	2.0 per 1,000 sf
	Heavy equipment sales, rental, and service	2.5 per 1,000 sf
	Laundry, dry cleaning, and carpet cleaning plants	2.0 per 1,000 sf
	Manufactured home and prefabricated building sales	2.5 per 1,000 sf office or administrative space
Manufacturing and Production	Research and development facility	2.0 per 1,000 sf
	Manufacturing, artisan	2.0 per 1,000 sf
	Manufacturing, heavy	2.0 per 1,000 sf
	Manufacturing, light	2.0 per 1,000 sf

## Article 5 Development Standards

### Division 1. Access, Circulation, Off-Street Parking, and Loading

Table 5110: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Minimum Off-Street Parking Spaces <sup>[1, 2]</sup>
Warehouse and Freight Movement	Cold storage plant	2.0 per 1,000 sf
	Mini-warehouse	0.5 per 1,000 sf rentable storage area
	Outdoor storage (as a principal use)	2.0 per 1,000 sf office area
	Self-service storage facility	2.0 plus 0.67 per 1,000 sf rentable storage area
	Truck or freight terminal	2.0 per 1,000 sf
	Warehouse (distribution)	2.0 per 1,000 sf office area
	Warehouse (storage)	5.0 plus 0.3 per 1,000 sf over 3,000 sf storage area
Waste-Related Services	Landfill, construction and demolition debris	2.0 per 1,000 sf office area
	Landfill, sanitary	2.0 per 1,000 sf office area
	Recycling collection center	1.5 per 1,000 sf
	Recycling processing center	2.0 per 1,000 sf office area
	Salvage and junkyard	1.5 per 1,000 sf office area
	Solid waste transfer station	2.0 per 1,000 sf office area
	Waste composting	2.0 per 1,000 sf office area
Wholesale Sales	All wholesale sales	1.2 per 1,000 sf

NOTES:

[1] Parking standards in the CMU District are modified by Sec. 24-3403.E.6, Off-Street Parking.

[2] **Unless otherwise specified, in this table the term "sf" is an abbreviation for "square feet of gross floor area"**

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

### **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:

#### **A. Rideshare and Delivery**

Vehicular parking spaces that are reserved for rideshare or taxi pick-up and drop-off in accordance with subsection Sec. 24-5106.E above, or for small-scale delivery service such as food delivery, will reduce the amount of minimum parking required in accordance with Table 5110: Minimum Number of Off-Street Parking Spaces, by a 1:1 ratio.

#### **B. Motorcycle Parking**

Parking spaces that are reserved for motorcycle users in accordance with the standards in subsection Sec. 24-5109.E above will reduce the amount of minimum vehicular parking by a 1:1 ratio up to a maximum of five percent of the spaces required by Table 5110: Minimum Number of Off-Street Parking Spaces.

### **C. Multiple Tenant Commercial Centers**

- 1.** Except as otherwise provided by subsection 2 below, a development that includes at least 8,000 square feet of retail or commercial space and at least four different storefronts, and that includes a recorded agreement providing for shared parking and vehicular and pedestrian circulation systems, must provide 3.5 parking spaces per 1,000 square feet of gross floor area in the development.
- 2.** Any theater 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. 24-5112. Required Number of Parking Spaces for Unlisted Uses***

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An applicant proposing to develop a principal use that is unlisted in Table 5110: Minimum Number of Off-Street Parking Spaces, must propose the amount of required parking by one of the three methods in subsections A through C below. On receiving the application, the Planning Director will determine the amount of required parking using the method selected by the applicant or using any of the following methods:

- A.** Apply the minimum off-street parking space requirement for the listed use that the Planning Director deems most similar to the proposed use;
- B.** Establish the minimum off-street parking space requirement by reference to standard parking resources published by the Institute for Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association, or the American Planning Association (APA); or
- C.** Require the applicant to conduct a parking demand study to demonstrate the appropriate minimum off-street parking space requirement. The study must estimate parking demand based on the recommendations of the ITE, ULI, or another comparable source of parking demand data. This demand study must include relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

### ***Sec. 24-5113. Required Number of Parking Spaces for Mixed-Use Development***

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#### **A. Applicability**

- 1.** An applicant for a development containing more than one principal use may calculate minimum parking requirements based on the potential to share parking between uses, thus reducing the overall parking supply that would result from each individual use meeting minimum standards, for a maximum potential reduction of 30 percent.
- 2.** These provisions do not limit the opportunity for an applicant to reduce the minimum number of required off-street parking spaces through approval of an alternative parking plan in accordance with Sec. 24-5115, Off-Street Parking Alternative Parking Plans, or other provisions of this Ordinance.

## Article 5 Development Standards

### Division 1. Access, Circulation, Off-Street Parking, and Loading

## B. Methodology

The following methodology will be used to calculate the required parking:

1. The applicant must determine the minimum parking required for each principal use in the development in accordance with Table 5110: Minimum Number of Off-Street Parking Spaces.
2. The applicant must apply the time-of-day demand factors for each principal use in accordance with Table 5113: Shared Parking Time-of-Day Parking Ratios.
3. The applicant must calculate the sum of each column in the resulting table (rounding up all fractions). These sums represent the total estimated shared demand for each time period throughout a typical day.
4. The highest of the sums of the columns may be used as the minimum amount of parking required for the development.

Table 5113: Shared Parking Time-of-Day Parking Ratios

Use Classification, Category, or Type	Weekdays			Weekends		
	2 AM to 7 AM	7 AM to 6 PM	6 PM to 2 AM	2 AM to 7 AM	7 AM to 6 PM	6 PM to 2 AM
Office	20%	100%	20%	5%	10%	0%
Residential	100%	60%	100%	100%	80%	100%
Retail sales	0%	100%	80%	0%	100%	60%
Personal service establishments	20%	100%	40%	0%	60%	0%
Eating establishments	20%	80%	100%	20%	80%	100%
Hotel or motel	100%	60%	100%	100%	60%	100%
Schools	10%	100%	80%	10%	20%	10%
All other uses	100%					

### **Sec. 24-5114. Electric Vehicle Charging Stations**

Up to ten percent of the required number of off-street parking spaces may be used and designated as electric vehicle (EV) charging stations, subject to the standards in Sec. 24-4416, Accessory Electric Vehicle (EV) Level 1, 2, or 3 Charging Station. The Planning Director may approve the use and designation of additional required parking spaces as EV charging stations, provided that such additional spaces will count as only one-half of a parking space when computing the minimum number of parking spaces required. EV charging stations must be contiguous to spaces clearly marked for electric vehicles.

### **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 24-5216 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 parking will be subject to the following standards:

## **A. Maximum Shared 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.

## **B. Location**

- 1.** The off-site parking spaces must be located within a maximum walking distance of the primary pedestrian entrances to the uses served by the parking of 660 feet for residential uses (including mixed-use dwellings), and 800 feet for all other uses, measured by the actual walking distance using adequate and safe pedestrian facilities.
- 2.** The off-site parking spaces must not be separated from the use they serve by an arterial road unless pedestrian access across that street is provided by appropriate traffic controls (such as a signalized crosswalk), or a pedestrian walkway (such as a bridge or tunnel).
- 3.** The location of the off-site parking must not result in the routing of traffic through a single-family residential area or lead to a change in character of a single-family residential area.

## **C. Pedestrian Access**

Adequate and safe pedestrian access by a walkway protected by landscape buffer, or a curb separation and elevation from the street grade, must be provided to connect the off-site parking areas and the primary pedestrian entrances to the uses served by the parking.

## **D. Signage Required**

Signage complying with the standards in Article 5, Division 7, Signs, must be provided to direct the public to the off-site parking spaces.

## **E. Off-Site Parking Agreement**

- 1.** An approved off-site parking arrangement will be enforced through written agreement among all the owners or long-term lessees of lands containing the parking spaces.
- 2.** The agreement must state that no party can cancel the agreement without first sending written notice to the Planning Director at least 120 days prior to the termination of the agreement.
- 3.** The agreement must be submitted to the Planning Director for review and approval before execution.
- 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 parking area.
- 5.** The agreement will run with the land and will bind the heirs, successors, and assigns of the landowner. A violation of the agreement will constitute a violation of this Ordinance.
- 6.** If the off-site parking becomes permanently unavailable to the use it serves, the use must not continue operating unless the full number of off-street parking spaces required by this section are provided.

## Article 5 Development Standards

### Division 1. Access, Circulation, Off-Street Parking, and Loading

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#### **Sec. 24-5117. On-Street Parking**

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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.

#### **Sec. 24-5118. Deferred Parking**

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An alternative parking plan may propose to defer construction of up to 25 percent of the number of off-street parking spaces required by Table 5110: Minimum Number of Off-Street Parking Spaces, in accordance with the following standards:

##### **A. Justification**

The alternative parking plan must include a study demonstrating that because of the location, nature, or mix of uses, the number of parking spaces actually needed to serve the development is less than the minimum required by Table 5110: Minimum Number of Off-Street Parking Spaces.

##### **B. Reserve Parking Plan**

The alternative parking plan must include a reserve parking plan identifying the amount of off-street parking being deferred and the location of the area to be reserved for future parking if needed.

##### **C. Parking Demand Study**

The alternative parking plan must provide assurance that within 24 months after the initial certificate of occupancy is issued for the proposed development, an off-street parking demand study evaluating the adequacy of the existing parking spaces in meeting the off-street parking demand generated by the development will be submitted to the Planning Director. However, if the Planning Director determines that additional time beyond 24 months is needed to determine whether the supply of parking is adequate to meet demand, the Planning Director may delay the preparation of the parking study for up to 24 additional months.

If the Planning Director determines that the study demonstrates the existing parking is adequate, then construction of the remaining number of parking spaces will not be required at that time. If the Planning Director determines the study indicates additional parking is needed, such parking must be provided consistent with the reserve parking plan and the standards of this section.

##### **D. Limitations on Reserve Areas**

Areas reserved for future parking must be brought to the finished grade at the time the site is developed and must not be used for buildings, storage, loading, or other purposes, even if the reserved parking is not needed. Such areas may be used for temporary overflow parking, provided such use is sufficiently infrequent to ensure maintenance of its ground cover in a healthy condition.

##### **E. Landscaping of Reserve Areas Required**

Areas reserved for future off-street parking must be landscaped with an appropriate ground cover such as grass or mulch, and if ultimately developed for off-street parking, must be landscaped in accordance with Article 5, Division 3, Landscaping and Tree Protection.

### ***Sec. 24-5119. Valet and Tandem Parking***

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An alternative parking plan may propose to use valet and tandem parking to meet a portion of the minimum number of off-street parking spaces required in accordance with the following standards:

#### **A. Number of Valet or Tandem Spaces**

The percentage of the total number of required parking spaces that may be designated for valet or tandem spaces must not exceed 50% for restaurants, or 80% for hotels, or 35% for all other uses.

#### **B. Drop-Off and Pick-Up Areas**

The development must provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building served but may not be located in a fire lane or where its use would impede vehicular or pedestrian circulation, cause queuing in a public street, or impede an internal drive aisle serving the development. Drop-off and pick-up areas must not use impede sidewalks.

#### **C. Valet or Tandem Parking Agreement**

Valet or tandem parking may be established and managed only in accordance with a valet or tandem parking agreement that complies with the following requirements

- 1.** The agreement must be for a minimum of 10 years, and include provisions ensuring that a valet parking attendant will be on duty during hours of operation of the uses served by the valet parking.
- 2.** The agreement must be submitted to the Planning Director for review and approval before execution.
- 3.** An attested copy of an approved and executed agreement must be recorded in the land records before issuance of a certificate of occupancy for any use to be served by the valet or tandem parking.
- 4.** The agreement will run with the land and will bind the heirs, successors, and assigns of the landowner.
- 5.** A violation of the agreement will constitute a violation of this Ordinance.
- 6.** If the valet or tandem parking services becomes unavailable for more than 30 days, the use must cease until the standards of this section are met.

### ***Sec. 24-5120. Reduced Parking Standards for Parking Demand Reduction Strategies***

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Use of transportation demand reduction strategies in this section allows for a reduction of off-street parking provided by Sec. 24-5110, Minimum Number of Off-Street Parking Spaces. Parking reductions are not exclusive and may be applied cumulatively.

#### **A. Transit Accessibility**

A five percent reduction in the minimum number of off-street parking spaces required by Table 5110: Minimum Number of Off-Street Parking Spaces, may be approved for uses located within one-eighth mile of any station, stop, or other transit facility served by scheduled transit with weekday peak-level frequencies of 15 minutes or less and weekday off-peak frequencies of 20 minutes or less at the time of approval.



## Article 5 Development Standards

### Division 1. Access, Circulation, Off-Street Parking, and Loading

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## B. Transportation Demand Management

The Planning Director may, through approval of a Transportation Demand Management (TDM) plan, authorize up to a 30 percent reduction in the minimum number of off-street parking spaces required by Sec. 24-5110, Minimum Number of Off-Street Parking Spaces, for nonresidential uses having a floor area of at least 25,000 square feet, including nonresidential components of mixed-use developments, in accordance with the following standards.

### 1. TDM Plan Requirements

The required TDM plan must include facts, projections, an analysis (e.g., type of development, proximity to transit or other multi-modal systems, anticipated number of employees and patrons, minimum parking requirements) and indicate the types of transportation demand management activities that will be instituted to reduce single-occupant vehicle use and reduce traffic congestion. The plan must identify the amount by which parking requirements have been reduced from the amounts otherwise required by Sec. 24-5110.

### 2. Transportation Demand Management Activities

The TDM Plan must provide the following TDM activities:

- (a) A Guaranteed Ride Home program that offers emergency ride services to each employee with an allowance of no fewer than four rides per year, which an applicant may establish to serve the development or in partnership with other developments or uses.
- (b) Written notice to all employees of available transportation and ride-sharing options.
- (c) Formation of transportation demand reduction programs such as carpooling, vanpooling, ridesharing, subsidy of employee bus passes, teleworking, and shuttle service programs.

### 3. Two Transportation Demand Management Options Required

The TDM plan must implement at least two of the following transportation demand management strategies:

- (a) Establishment of a development-specific website that provides multi-modal transportation information such as real-time travel and traffic information, bus schedules and maps, and logging of alternative commutes (e.g., bicycle, pedestrian, carpool, and vanpool). Specific information will vary depending on the specific services and transportation infrastructure available in the vicinity of the development, but in general will allow tenants or customers to compare travel modes available.
- (b) In lieu of the website described in subsection (a) above, installation of a real-time visual display screen or other display device of this type that provides multi-modal transportation information.
- (c) A parking cash-out or transportation stipend, or provision of a cash incentive to employees not to use parking spaces otherwise available to tenants of a development.
- (d) Unbundling of parking from leases, or issuing tenant leases that do not include parking as an integral part of a floor-area space lease and require parking to be leased, purchased, or otherwise accessed through separate payment.

- (e) Creation of a Preferential Parking Management Plan that specifically marks spaces for registered carpool and vanpool vehicles that are located near building entrances or in other preferential locations.
- (f) Institution of off-peak work schedules that allow employees to arrive and depart at times other than the peak morning commute period (defined as 7:00 a.m. to 9:00 a.m.) and peak evening commute period (defined as 5:00 p.m. to 7:00 p.m.).
- (g) Any other transportation demand management activity may be approved by the Planning Director as a means of complying with the parking reduction provisions of this section.

**4. Recording of TDM Plan**

A copy of the approved TDM plan must be recorded in the land records before issuance of a building permit for the development to be served by the plan. The TDM plan will run with the land, and the applicant and successors in interest in the land will be responsible for implementing the plan.

**5. TDM Program Coordinator**

The applicant must appoint a TDM program coordinator to oversee transportation demand management activities. The TDM program coordinator must be a licensed engineer, certified planner, or a traffic consultant who is also a qualified or trained TDM professional. The TDM program coordinator must be appointed prior to issuance of a building permit for the buildings to be served by the TDM program.

**6. TDM Report**

The TDM program coordinator must submit to the Planning Director a report on a biennial basis that details implementation of the approved TDM plan and the extent to which it has achieved the target reduction in drive-alone trips that justified the original reduction in parking. The report must include, but is not limited to, the following:

- (a) A description of transportation demand management activities undertaken;
- (b) An analysis of parking demand reductions based on employee and resident use of ridership programs or alternative transportation options;
- (c) Changes to the TDM plan to increase bus ridership, bicycle ridership, and other commuting alternatives, as defined in subsection 7 below; and
- (d) The results of an employee transportation survey.

**7. Amendments**

The Planning Director may approve amendments to an approved TDM plan in accordance with the procedures and standards for its original approval. Changes in transportation options subsequent to the approval of the original plan that allow a development to meet the reduction targets identified in the original plan, such as introduction of new transit service to a development area, will not require amendments to the plan so long as the development continues to comply with the approved plan and annual reports demonstrate that these services contribute to the **plan's intent**.

**8. Parking Required if TDM Terminated**

If the applicant or successor in interest in the development subject to a TDM plan stops implementing the plan or fails to submit a TDM report within one year of the regularly scheduled date the biennial report is due, the TDM plan will be terminated

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### Division 1. Access, Circulation, Off-Street Parking, and Loading

and become null and void. Any such termination of the TDM plan does not negate **the parties' obligations to comply with parking requirements** in this Ordinance, and will constitute a violation of this Ordinance. No use served by the TDM plan may be continued unless another TDM plan is approved or all required off-street parking spaces are provided in accordance with this section and this Ordinance, within 120 days of termination of the TDM plan.

### **Sec. 24-5121. Dedicated Facilities for Bicycle Commuters**

A five percent reduction in the minimum number of off-street parking spaces required by Table 5110: Minimum Number of Off-Street Parking Spaces, is allowed for developments that comply with the bicycle parking standards in Sec. 24-5122, Bicycle Parking Standards, and provide both of the following: additional bicycle parking spaces that are secure and either enclosed or covered (indoor or locker) equal to at least five percent of the number of vehicle parking spaces provided; and shower and dressing areas for employees.

### **Sec. 24-5122. Bicycle Parking Standards**

#### **A. Minimum Bicycle Parking Required**

The following types of development must include bicycle parking spaces in accordance with Table 5122: Minimum Bicycle Parking Standards:

1. All new development; and
2. Any individual expansion or alteration of a building existing prior to September 1, 2021, if the expansion increases the building's gross floor area by 50 percent or more, or if the alteration involves 50 percent or more of the building's gross floor area (including interior alterations), provided no long-term bicycle parking is required if the building has a gross floor area of less than 2,500 square feet after the expansion or alteration.

Table 5122: Minimum Bicycle Parking Standards

Principal Use Type	Minimum Required Bicycle Parking Spaces	
	CMU District	All Other Districts
Residential Uses		
Dwelling, multifamily	1 per 20 du	1 per 40 du
Dormitory	1 per 10 bedrooms	1 per 20 bedrooms
Other residential uses	No minimum	
Public, Civic, and Institutional Uses		
School, elementary or secondary	1 per 20 students planned capacity	1 per 40 students planned capacity
Passenger terminal, surface transportation	In accordance with facility plan	In accordance with facility plan
Other Public, Civic, and Institutional uses	No minimum	
All other use classifications		
All other uses	No minimum	

## B. Bicycle Parking Space Design Standards

1. A bicycle parking space must be located on a paved or similar hard, all-weather surface, having a slope not greater than three percent.
2. Lighting must be provided for bicycle parking spaces that are accessible after dark.
3. Bicycle parking must be visible from the main entrance of the building it serves unless the Planning Director determines that another location provides better security for users.
4. The minimum dimensional requirements for a bicycle parking space are:
  - (a) For horizontal storage, six feet long by two feet wide (See Figure 5122A: Bicycle Parking Space and Rack Dimensional Standards Context View, and Figure 5122B: Bicycle Parking Space and Rack Dimensional Standards Overhead View); or
  - (b) For vertical storage, four feet long by two feet wide by eight feet high (see Figure 5122C: Vertical Bicycle Parking Dimensional Standards Context View).

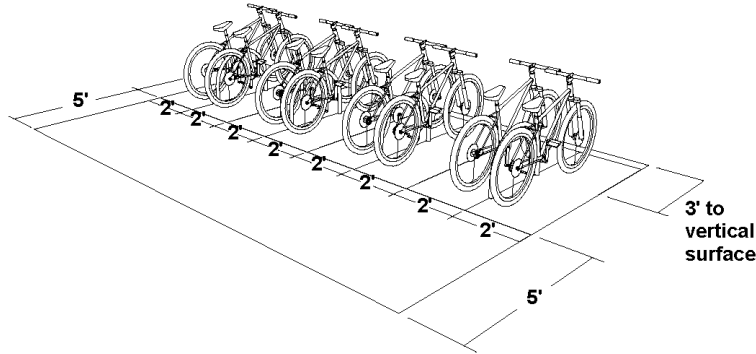


Figure 5122A: Bicycle Parking Space and Rack Dimensional Standards Context View

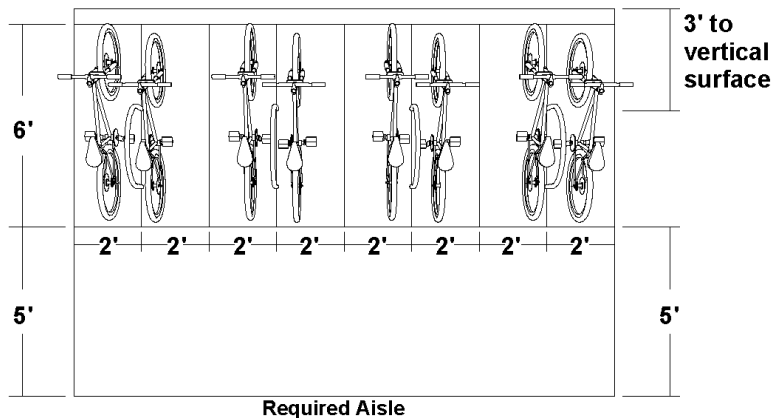


Figure 5122B: Bicycle Parking Space and Rack Dimensional Standards Overhead View

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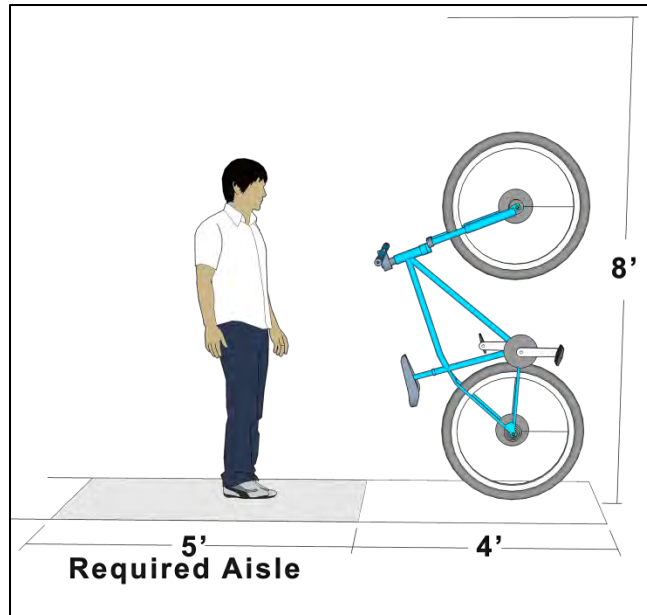


Figure 5122C: Example of Vertical Bicycle Parking Dimensional Standards

(c) Each bicycle parking space must be accessible without moving another parked bicycle.

(d) Not more than 35 percent of required bicycle parking spaces may be vertical or wall-mounted parking unless bicycle parking and retrieval services are provided.

**5.** A bicycle parking rack must:

(a) Allow for the securing of the frame and at least one wheel of a bicycle in a bicycle parking space to the rack with an industry-standard U-shaped bike lock;

(b) Provide each bicycle parking space with support for a bicycle in a stable position with direct support to the bicycle frame;

(c) Be securely anchored to the ground or to a structural element of a building or structure;

(d) Be designed and located so it does not block pedestrian circulation systems and pedestrian movements;

(e) Be constructed of materials designed to withstand cutting, severe weather, and permanent exposure to the elements, such as powder-coated steel or stainless steel;

(f) If bicycles must be moved onto or off of the rack parallel to their direction of travel, provide an aisle having a minimum width of five feet between all bicycle parking spaces served by the rack and any bicycle spaces served by another bicycle parking rack, parking lot, or obstructions, including fences, walls, doors, posts, columns, or landscaping areas (see Figures 5122A and 5122B);

(g) Be located at least three feet from any vertical surface, such as another bicycle parking rack, the side of a building, a tree, or a fence or wall (see Figures 5122A and 5122B); and

## Article 5 Development Standards

### Division 1. Access, Circulation, Off-Street Parking, and Loading

(h) Be separated from any abutting parking lot by at least three feet and a physical barrier, such as bollards, curbing, wheel stops, reflective wands, or a fence or wall.

6. Bicycle parking areas must be maintained free of inoperable bicycles (such as bicycles with flat tires or missing parts) and debris. Bicycle parking racks must be maintained in good repair, securely anchored, and free of rust.

7. Location

(a) A bicycle parking space serving a development with a single use must be located within 75 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route.

(b) A bicycle parking space that is located in a bicycle parking area serving more than one use must be located within 150 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route.

(c) Long-term bicycle parking that provides enhanced protection from weather, theft, and vandalism, such as bicycle lockers or designated and secured indoor storage areas, must be located within 500 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route.

### Sec. 24-5123. Vehicle Stacking Standards

Uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service facility must provide stacking spaces.

### Sec. 24-5124. Loading Standards

#### A. Minimum Number

Any new development listed below involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development must provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner. Table 5124: Minimum Number of Off-Street Loading Berths, sets forth the minimum number of loading berths for the different principal uses for which loading berths are required. For proposed uses not listed in Table 5124, the requirement for a use most similar to the proposed use will apply. Loading berths may be shared among multiple uses in a single development. The addition of loading berths will not be required solely because of a change of use of an existing structure

Table 5124: Minimum Number of Off-Street Loading Berths

Principal Use Classification/Category	Dwelling Units or Gross Floor Area	Minimum Number of Loading Berths
Non-Industrial Uses		
Household Living Uses (Multifamily only) and Group Living Uses	Between 100 and 299 dwelling units PLUS Each additional 200 dwelling units or major fraction thereof	1  Add 1

## Article 5 Development Standards

### Division 1. Access, Circulation, Off-Street Parking, and Loading

**Table 5124: Minimum Number of Off-Street Loading Berths**

Principal Use Classification/Category	Dwelling Units or Gross Floor Area	Minimum Number of Loading Berths
Health Care Uses, Commercial Services Uses, Office Uses, Personal Service Uses, and Visitor Accommodations Uses (Hotel or Motel only)	At least 5,000 sf up to 100,000 sf	1
	Over 100,000 sf	2
Commercial Uses not listed elsewhere	At least 5,000 but less than 20,000 sf	1
	At least 20,000 sf but less than 60,000 sf PLUS	2
	Each additional 60,000 sf or major fraction thereof	Add 1
<b>Industrial Uses</b>		
All Industrial Uses	At least 5,000 up to 25,000 sf	1
	At least 25,000 but less than 40,000 sf	2
	At least 40,000 but less than 100,000 sf	3
	At least 100,000 but less than 160,000 sf	4
	At least 160,000 but less than 240,000 sf	5
	At least 240,000 but less than 320,000 sf	6
	At least 320,000 but less than 400,000 sf PLUS	7
	Each additional 90,000 sf	Add 1

NOTE:

sf = square feet

### B. Car Carrier Trailers

In addition to the requirements of Table 5124: Minimum Number of Off-Street Loading Berths, Vehicle Sales and Service Uses that receive vehicles shipped on car carrier trailers that accommodate multiple vehicles (e.g., Automobile Sales uses) must ensure there is sufficient loading area to accommodate the loading and unloading of all such vehicles without impeding a public right-of-way.

### C. Dimensional Standards

Each loading berth must be at least 12 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.

### D. Location

1. To the maximum extent practicable, loading berths must be located to the rear of the use they serve (see Figure 5124: Loading Area Configuration). In the M-1, M-2, and M-3 district, a loading berth may occupy any part of a front or street side yard if:
  - (a) All loading doors, docks, and berths are set back a minimum of 50 feet from the property line;
  - (b) Loading berths are delineated by a curb or bumper parallel to the property line to prevent encroachment on the right-of-way; and
  - (c) Curb and gutter and storm sewer are provided.
2. Loading berths must be located adjacent to the building's loading doors in an area that promotes their practical use.



- 3.** Loading berths must not be located within 50 feet of a lot in a Residential zoning district.
- 4.** Loading berths must be located and designed so vehicles using them can maneuver safely and conveniently to them from a public street and complete loading without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.



Figure 5124: Loading Area Configuration

## **DIVISION 2. REQUIRED OPEN SPACE**

### **Sec. 24-5201. Purpose and Intent**

Required open space is intended to promote the public health, safety, and welfare. The standards in this division are intended to ensure that a minimum amount of required open space is provided in new development for the use and enjoyment of the **development's residents, employees, and users** in a manner that:

- A.** Preserves the County's natural resources;
- B.** Provides open areas for use as active and passive recreation;
- C.** Reduces the heat island effect of developed areas;
- D.** Provides civic and meeting spaces for use by the public;
- E.** Preserves specimen trees and strands of older growth trees;
- F.** Enhances stormwater management; and
- G.** Provides other public health benefits.

## Article 5 Development Standards

### Division 2. Required Open Space

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#### **Sec. 24-5202. Applicability**

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##### **A. General**

Unless exempted in accordance with subsection B below, all new development in the County must comply with the standards in this division.

##### **B. Exemptions**

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

1. Any development not part of a 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;
2. Utility uses;
3. Agricultural uses; and
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.

##### **C. Timing of Review**

Review for compliance with the standards of this division will occur during review of an application for a planned development, provisional use permit, conditional use permit, building permit, certificate of occupancy, plan of development, site plan, or subdivision, as appropriate.

##### **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 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**

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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.

Use Type	Base Zoning Districts	Planned Development Districts
Residential uses	20%	25%
Public, Civic, and Institutional uses	15%	15%
Commercial uses and Mixed uses	15%	15%
Industrial uses	10%	10%

**Sec. 24-5204. Areas Counted Towards Set-Aside**

**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	
	<p>Natural Features</p> <p>Description: Native mixed forests, monoculture pine forests, wildlife habitat areas, areas with groupings of grand trees, natural vegetation, streams, rivers, ponds, lakes, wetlands, steep slopes, drainageways, riparian buffers, other riparian areas, and flood hazard areas with natural service trails.</p> <p>Design and Maintenance Requirements: Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, and unhealthy conditions, and the clearing of trails.</p>
	<p>Passive Recreation Areas</p> <p>Description: Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, community gardens, green roofs, gazebos, and similar structures.</p> <p>Design and Maintenance Requirements: Passive recreation areas must have at least one direct access to a building or to a street or walkway accessible to the <b>development's occupants and users</b>.</p>
	<p>Required Landscape Areas, Tree Protection Areas, Screening, and Buffers</p> <p>Description: All areas occupied by required landscape areas, tree protection areas, vegetative screening, and water quality buffers, except for landscape areas within parking lots.</p> <p>Design and Maintenance Requirements: See, Article 5, Division 3, Landscaping and Tree Protection</p>

**Article 5 Development Standards**

**Division 2. Required Open Space**

**Table 5204: Required Open Space Features**

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



**Stormwater Management Areas  
Treated as Site Amenities**

Description: Up to 75 percent of the land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices) may be included, but only when such features are incorporated into a site amenity (e.g., with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water circulation device, and pedestrian access or seating).

Design and Maintenance Requirements: To qualify, stormwater management facilities must support passive recreation uses by providing access, pedestrian elements such as paths and benches, gentle slopes (less than 3:1), and vegetative landscaping.



**Public Access Easements with Paths or Trails**

Description: Public access easements that include paths or trails that are available for passive recreational activities such as walking, running, and biking.

Design and Maintenance Requirements: Such access easements must include at least one improved access from a public street, sidewalk, or trail that includes signage designating the access point.



**Active Recreational Areas**

Description: Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, community buildings and clubhouses, and land dedicated for parks.

Design and Maintenance Requirements: Land must be compact and contiguous unless used to link or continue an existing or planned open space resource. Areas must have at least one direct access to a building or to a street or walkway **accessible to the public or the development's occupants and users.**



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 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.

NOTES:

[1] Images are for illustrative purposes only.

**B. Areas Not Counted as Required Open Space**

The following features and areas will not be counted as required open space for purposes of this section:

1. Yards on lots containing a single-family detached or attached, manufactured home, duplex, or townhouse dwelling, that are not subject to an open space or conservation easement;
2. Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements, other than a sidewalk located in a landscape strip that exceeds the minimum requirements in Article 5, Division 3, Landscaping and Tree Protection;
3. Parking areas and driveways, including parking lot interior landscaping and walkways;
4. Land covered by structures, unless designed for active recreational uses;
5. Designated outdoor storage areas and mechanical yards; and
6. Stormwater ponds not located and designed as a site amenity (see design and maintenance requirements in Table 5204: Required Open Space Features).

**Sec. 24-5205. Prioritization of Required Open Space**

**A.** Except as otherwise provided in subsection B below, and to the maximum extent practicable, required open space must be located and organized to include, protect, and enhance as many of the following open areas and features as possible, in the following order of priority:

1. Preserved historic resources.
2. Natural features such as riparian areas and buffers, shorelines, flood hazard areas, floodplains, steep slopes, wildlife habitation, and woodland areas.
3. Water features such as rivers, bays, lakes, creeks, canals, natural ponds, and retention and detention ponds.
4. Protected trees, including heritage, memorial, or specimen trees, and other mature trees.

## Article 5 Development Standards

### Division 2. Required Open Space

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5. Parks and trails (regardless of public or private ownership).
  6. Lands with active agricultural uses and activities.
  7. Perimeter buffers or visual transitions between different types or intensities of uses.
  8. Areas that accommodate multiple compatible open space set-aside uses rather than a single use.
  9. Squares, forecourts, plazas, rooftop plazas, and similar open space amenities.
- 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**

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#### **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.

#### **B. Configuration**

1. Required open space must be compact and contiguous unless a linear configuration is needed to continue an existing trail or accommodate preservation of natural features. A minimum of 40 percent of the required open space must be contiguous unless a different configuration provides better access to usable open space for intended users of the open space.
2. If the development site is adjacent to existing or planned public trails, parks, or other public open space area, the required open space must, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other public open space area (see Figure 5206: Example Open Space Set-Aside Configuration).
3. Pedestrian access to required open space must be provided from sidewalks or other pedestrian ways within or adjacent to the development.
4. If a passive recreation open space with a minimum width of 20 feet or more abuts an existing or planned open space area, a buffer is not required between the two open space areas, even if otherwise required by Sec. 24-5310, Transitional Buffers.



Figure 5206: Example Open Space Set-Aside Configuration

### C. Orientation of Adjacent Buildings

To the extent practicable, buildings adjacent to required open space must have at least one entrance facing the open space.

### D. Limited Development Allowed

Development within required open space must be appropriate to the purposes of the type of required open space. Where appropriate, such development may include walking, jogging, and biking paths and trails; benches and other seating areas; meeting areas; tables, shelters, grills, and other picnicking facilities; docks and other facilities for fishing; educational guides and exhibits; gazebos and other decorative structures; fountains and other water features; play structures for children; gardens and seasonal planting areas; pools; athletic fields and courts; consolidated mail facilities; and clubhouses. All structures within required open space must comply with setback and other dimensional requirements of the zoning district.

### E. Protection During Construction

1. Required open space must be protected and maintained during the development process in accordance with the requirements of this Ordinance and Chapter 10 of the County Code.
2. During the development process, required open space must not be used for storing, filling, or dumping of any materials and must not be denuded, defaced, or otherwise disturbed without the prior approval of the appropriate County department and the Planning Director.
3. Any required open space consisting of natural features that are damaged or destroyed must be restored by the developer or owner to the condition existing prior to the disturbance, including the removal of dead or damaged trees, stumps, and remnants in accordance with an appropriate plan and performance guarantees approved by the Planning Director.

## Sec. 24-5207. Ownership, Management, and Maintenance

- A. All required open space must include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes and provide for



## Article 5 Development Standards

### Division 3. Landscaping and Tree Protection

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- the continued and effective management, operation, and maintenance of the land and facilities.
- B.** Stormwater features treated as site amenities must be maintained in accordance with Chapter 10, Article 2 of the County Code.
  - C.** Other than stormwater features treated as site amenities, required open space must be **maintained by the developer or owner of the project or by a property owners' association** comprising owners of the property in the project. If property is conveyed to the property owners' association, **deed restrictions and covenants**, in form satisfactory to the County Attorney, must provide that any assessments, charges, or costs of maintenance of required open space constitute a pro rata lien upon the individual properties inferior in lien and dignity only to taxes and bona fide duly recorded first deeds of trust on each property or lot.
  - D.** Required open space may be dedicated to the County for public use only in a manner and form approved by the County Attorney.

## **DIVISION 3. LANDSCAPING AND TREE PROTECTION**

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### ***Sec. 24-5301. Purpose and Intent***

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The purpose of this division is to establish standards for landscaping that facilitate the creation of a convenient, attractive, and harmonious community; conserve and protect natural resources, including air and water quality; preserve the unique character of the area; and encourage the appropriate use of land. In particular, this division is intended to:

- A.** Provide screening between potentially incompatible uses of land;
- B.** Improve the quality of the streetscape;
- C.** Require landscaping around and within parking lots and around multifamily and nonresidential buildings;
- D.** Provide shade to reduce heat and glare reflected by paving and reduce the heat island effect;
- E.** Reduce stormwater runoff;
- F.** Reduce the glare of headlights and noise on adjacent properties;
- G.** Ensure that development enhances tree canopy and preserves existing trees to the maximum extent possible;
- H.** Enhance parking lot appearance; and
- I.** Protect trees that have particular significance in the County, enhance the appeal and economic value of properties in the County, encourage site design techniques that preserve the existing natural environment.

### ***Sec. 24-5302. Applicability***

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#### **A. General**

Except as provided in subsection B below, the standards in this division apply to the following:

1. All new development;
2. Expansions and alterations of existing development that increase building area or parking lot area, but only regarding the site of the expansion, enlargement, or reconstruction; and
3. Removal or maintenance of vegetative material.

## **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:
  - (a) Routine or seasonal pruning in accordance with Sec. 24-5306. Maintenance;
  - (b) The removal or pruning, after providing documentation to the Planning Director of the condition of the tree(s), of dead or naturally fallen trees; trees damaged during a hurricane, tornado, ice or wind storm, or flood; or trees that are found by the Planning Director to be a threat to the public health, safety, or welfare;
  - (c) The selective and limited removal or pruning of trees or vegetation necessary to obtain clear visibility at driveways or intersections;
  - (d) The removal or pruning of trees within a utility easement by a utility company;
  - (e) The removal or pruning of trees when required by the Federal Aviation Administration; and
  - (f) The removal or pruning of trees or vegetation on land zoned or lawfully used for commercial cultivation of trees, outside of any right-of-way, transitional buffer, front or street side yard, or interior planting area in a parking lot.

## **C. Timing of Review**

Review for compliance with the standards of this division will occur during review of an application for a planned development, provisional use permit, conditional use permit, building permit, certificate of occupancy, tree removal permit, plan of development, or site plan, as appropriate.

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### ***Sec. 24-5303. Landscaping Plan Required***

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#### **A. Landscaping Plan Submission**

1. A landscaping plan must be submitted with an application for any development subject to the requirements of this division that proposes land-disturbing activity.

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2. The landscaping plan must include all information necessary to demonstrate how the proposed development complies with the requirements of this division, and must include the following:
  - (a) All property and right-of-way lines, easements, existing and proposed buildings, vehicular storage areas, parking lots, recycling and refuse containers, and similar features;
  - (b) The location, size, and description of all existing and proposed landscaping materials and tree cover;
  - (c) All information required in Sec. 24-5313, Tree Protection; and
  - (d) Any information determined necessary by the Planning Director to ensure compliance with the standards in this division.

#### B. Alternative Landscaping

1. At the request of the applicant, a plan with alternative landscaping may be approved if the plan demonstrates all of the following:
  - (a) The site size, configuration, topography, existence of utility or other easements, location of existing buildings on the site, or other site conditions make strict compliance with the standards of this division impractical;
  - (b) The alternative landscaping is of a similar quality, effectiveness, durability, and performance as is required by the standards in this division; and
  - (c) The alternative landscaping is consistent with the purposes of this division, taking into account the number of plantings, the species, arrangement, and coverage proposed, the location of plantings on the development site, the level of screening achieved, and the height, spread, and canopy of the proposed plantings at maturity.
2. The Planning Director or, at the request of the applicant or the Planning Director, the Planning Commission may approve the alternative landscaping plan upon determining that the plan meets the standards of subsection 1 above.

### Sec. 24-5304. General Planting Requirements

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#### A. Required Plant Materials

1. Any healthy existing tree or shrub that is not identified in the Landscape Manual as a member of a nuisance or invasive species, and that meets the standards for new plantings in Table 5304: Minimum Size at Time of Planting, may be included for credit towards the requirements of this division.
2. Species planted to comply with standards in this division must be selected from the Tree Selection and Cover Guide included within the Landscape Manual. A minimum of 35 percent of all plantings on a site must be native species.
3. Species listed in the Landscape Manual as undesirable in an urban environment must be avoided in urban or developed areas, such as near buildings, parking structures, roads, and pedestrian walkways.
4. Species that are identified in the Landscape Manual as invasive or nuisance species are prohibited.
5. Each species should be selected with consideration of the site conditions where it will be planted, in accordance with the guidelines in the Landscape Manual, to further

the purposes of this division and to maximize the likelihood that the tree or shrub will survive and be healthy.

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

Table 5304: Minimum Size at Time of Planting	
Tree or Shrub	Minimum Size at Time of Planting
Large or medium deciduous tree	2.5 caliper inches <sup>[1]</sup>
Evergreen tree of any size	Six feet in height <sup>[2]</sup>
Small deciduous tree	Six feet in height <sup>[2]</sup>
Shrub	Minimum 24 inches in height or 18 inches in spread <sup>[2]</sup>

NOTES:

[1] Trunk diameter measured six inches above the ground. The caliper size of a multi-trunk tree will be deemed to be the average caliper size of the largest three leaders.

[2] Tree or shrub height measured from the ground elevation after planting.

## **B. Plant Diversity**

To minimize the spread of disease and insect infestation in a plant species, the following genus diversity requirements apply to trees required to be planted on a site:

1. If fewer than 20 trees are required to be planted on a site, no more than 70 percent of the required trees must be of a single genus.
2. If 20 or more trees are required to be planted on a site, no more than 35 percent of the required trees must be of a single genus.

### **Sec. 24-5305. Installation**

1. 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. 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) Unusual environmental conditions, such as drought, cold weather, or over-saturated soil;
  - (b) Proposed construction on an adjacent site that would have a negative impact on the viability of installed material;
  - (c) The inappropriateness of the current season for planting the approved plant species; or
  - (d) Utility work, road work, or site development activities occurring in a proposed landscaped area that is incomplete or delayed.
3. 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.

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4. All support stakes and wires must be removed within one year after installation of required landscaping has been completed.

#### **Sec. 24-5306. Maintenance**

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- A. The owner or lessee of the property where landscaping is required will be responsible for the maintenance and protection of all plant and screening material and fencing, must maintain all landscaped areas in good condition, and must replace any removed vegetative material with replacement landscaping that meets the standards of this section.
- B. All diseased and dead plant materials, except leaves and other normal forest litter, must be promptly removed and replaced during the next normal planting season and in all cases within a year.
- C. Required landscaped areas must not be used for accessory structures, recycling or refuse collection, parking, or other functional use unless otherwise allowed by this Ordinance.
- D. All required trees must be allowed to reach their mature size and must be maintained at their mature size. Except for trimming and pruning within a utility easement in accordance with applicable policies of the affected utility, required plants must not be cut or severely pruned or otherwise damaged so that their natural form is impaired.

#### **Sec. 24-5307. Location**

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Plantings must not be placed where they would obstruct vision at any height between 30 inches and eight feet above grade in the following locations:

- A. At any street intersection with another street or a driveway serving any property other than a single-family or duplex dwelling, within a triangular area that is included between the lines of the street and driveway, extended to the point where the lines intersect, and, at points on each line 20 feet distant from that point, a straight line connecting them.
- B. At any street intersection with a driveway serving a single-family or duplex dwelling, within a triangular area that is included between the lines of the street and driveway, extended to the point where the lines intersect, and, at points on each line ten feet distant from that point, a straight line connecting them.

#### **Sec. 24-5308. Minimum Tree Cover**

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##### **A. Minimum Tree Cover Required**

Except as otherwise provided by subsection 1 or 2 below, all developments requiring approval of a site plan or construction plan must provide the minimum tree cover in Table 5308A: Tree Cover Requirements. The minimum percentage tree cover will be calculated based on the area within the tree's drip line projected at ten years' maturity for all trees on the site as a percentage of the gross site area.

Table 5308A: Tree Cover Requirements	
Base Zoning District	Minimum Percentage Tree Cover
B-1, B-2, B-3, M-1, M-2, M-3, and CMU Districts	10
Residential Districts, O-1, O-2, O-3, and O/S Districts, and Planned Development Districts	15
Conservation and Agricultural Districts	20

- 1.** The following are exempt from the requirements in this section:
  - (a) Single-family detached dwellings other than developments in the R-5A District requiring a plan of development or site plan; and
  - (b) In Conservation and Agricultural districts, uses in the Agricultural use category and uses in the Public, Civic, and Institutional use category.
  - (c) In all zoning districts, cemeteries must provide 10% tree cover.
- 2.** The Planning Director may allow an applicant to provide less than the minimum required tree cover in Table 5308A: Tree Cover Requirements, and impose alternate conditions to accomplish the intent of this section, if necessary:
  - (a) To allow for the reasonable development of farmland or other areas devoid of woody materials;
  - (b) To allow for clearing and grading required to achieve drainage away from residential structures;
  - (c) To allow for the reasonable development of dedicated school sites, playing fields, and other non-wooded recreation areas;
  - (d) To allow for the preservation of wetlands; or
  - (e) To avoid unreasonable hardship to the owner.
- 3.** The methodologies for calculating the required tree cover and for applying tree preservation credit are included in the Landscape Manual and are incorporated herein by reference.

## **B. Planting Requirements**

- 1.** The landscaping plan (see Sec. 24-5303) must provide for a reasonable distribution of trees throughout the site. It must reflect the topography and configuration of the site and the location of existing and proposed improvements and must conform with good horticultural practices.
- 2.** Trees planted to meet the tree cover requirements of this section must be provided a minimum planting area in accordance with Table 5308B: Planting Area Requirements, except that trees used to meet the requirements of Sec. 24-5310, Transitional Buffers, will be subject to the minimum planting area requirements in the Landscape Manual instead.

Table 5308B: Planting Area Requirements		
Tree Type and Size	Projected 10-Year Tree Cover Area	Minimum Planting Area Required for Each Tree
Small Deciduous Trees	Less than 75 sf	30 sf
Compact Evergreen Trees, or Small or Medium Deciduous Trees	75 – 125 sf	50 sf
Medium Deciduous Trees, or Medium Evergreen Trees	126 – 175 sf	90 sf
Large Deciduous Trees, or Large Evergreen Trees	More than 175 sf	130 sf

**C. Credit for Preserved Trees**

1. Existing trees identified on the tree protection plan (see Sec. 24-5313.C) may be counted towards the tree cover requirements. Freestanding trees will be credited by 1.25 multiplied by the area defined by the boundaries of the existing dripline of a freestanding tree or group of trees as surveyed in the field and delineated on the tree protection plan. A credit up to 2.0 may be granted by the Planning Director for trees of outstanding size and quality.
2. If any preserved tree that has received credit in accordance with this subsection C dies within three years of issuance of a certificate of occupancy, replacement trees must be planted to meet the required minimum tree cover canopy density.

**Sec. 24-5309. Foundation Landscaping**

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**A. Applicability**

1. Unless exempted by subsection 2 below, all development must comply with the standards in this section.
2. The following are exempt from the standards in this section:
  - (a) Development that consists solely of a change in land use;
  - (b) Single-family detached, manufactured home, duplex, and townhouse dwellings;
  - (c) Heavy manufacturing; and
  - (d) Agricultural, Transportation, Utilities, and Waste-Related Services uses.

**B. Plantings Required**

1. Landscaping must be provided along the building perimeter facing public rights-of-way in the amount listed in Table 5309: Required Foundation Plantings, based on the proposed use:



Table 5309: Required Foundation Plantings	
Use Classification	Number of Shrubs Per 10 Feet of Building Perimeter Facing Right-of-Way
Multifamily Residential	3
Public, Civic, and Institutional	2
Commercial or Mixed-Use	3
Industrial	2

- Required shrubs must be placed a maximum of five feet from the building if there is no sidewalk located between the planting area and the building wall, or up to 15 feet from the building if there is a sidewalk located between the planting area and building wall, as measured from the center of the shrub. See Figure 5309A: Foundation Planting Requirements and Figure 5309B: Foundation Planting Requirements with Sidewalk.



*Figure 5309A: Foundation Planting Requirements*



Figure 5309B: Foundation Planting Requirements with Sidewalk

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## **Sec. 24-5310. Transitional Buffers**

### **A. Applicability**

- 1.** Except as otherwise provided in subsections 2 through 7 below, all new development must comply with the standards in this section.
- 2.** Where a change of use of an existing structure is proposed that requires a zoning map amendment, the site must be brought into compliance with the standards in this section to the extent practicable.
- 3.** A transitional buffer is required abutting a public right-of-way 80 feet or less in width or abutting the right-of-way of a controlled-access road. A transitional buffer is not required abutting a public right-of-way greater than 80 feet in width other than a controlled-access road.
- 4.** A transitional buffer is not required between uses, buildings, or lots developed under a common plan or operated under common management.
- 5.** Development in accordance with an approved plan of development or site plan will be considered in compliance with the requirements of this section regardless of subsequent changes outside of the property boundaries.
- 6.** The Planning Director or Planning Commission may approve modifications to these requirements, proposed in accordance with Sec. 24-5303.B, Alternative Landscaping, upon determining that the modified transitional buffer plan, including

any additional conditions or requirements imposed on the development project, meets the intent of this section.

7. The applicant may propose, and the Planning Director may approve, a screening alternative where a building or screening has been specifically designed to minimize adverse effects through a combination of architectural and landscaping techniques, and the Planning Director determines the building or screening is consistent with the purposes of this section.

## B. Transitional Buffer Standards

### 1. Buffer Type Required

Table 5310A: Buffer Type Assignment, identifies the type of transitional buffer, if any, required between a proposed use identified from the column on the left, and an existing adjacent zoning district identified in the table heading rows. **“Adjacent”** includes land closer to the proposed use than the required buffer width even if they are separated by a narrow strip of land with different zoning. Transitional buffers for planned developments will be determined as part of the PD Master Plan.

Table 5310A: Buffer Type Assignment						
Proposed Use <small>[1, 2]</small>	Adjacent Controlled Access Road or Zoning District <sup>[3]</sup>					
	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
Single-family or duplex dwelling	See Sec. 19-3202.B and Sec. 24-3105.D					
Household Living uses not elsewhere listed, 12 du/ac or less; Agricultural uses	See Sec. 24-3105.D and Sec. 24-4306.G	Transitional Buffer 10				
Residential uses not elsewhere listed; Mixed-use development; Community Services, Day Care, Educational Facilities, and Parks and Open Areas uses	Transitional Buffer 35	Transitional Buffer 25	Transitional Buffer 25			
Public, Civic, and Institutional uses not elsewhere listed, 15,000 sf or less; Commercial uses, 15,000 sf or less	Transitional Buffer 35	Transitional Buffer 35	Transitional Buffer 25	Transitional Buffer 10		
Public, Civic, and Institutional and Commercial uses not elsewhere listed; Industrial Uses	Transitional Buffer 35	Transitional Buffer 50	Transitional Buffer 50	Transitional Buffer 35	Transitional Buffer 25	

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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

NOTES:

- [1] du/ac = dwelling units per acre; sf = square feet of gross floor area; shaded cell = transitional buffer not required
- [2] Where proposed development includes more than one use or use category, it will be assigned the use or category requiring the largest transitional buffer, unless the Planning Director determines it should be assigned another of the proposed uses or categories because of physical conditions or the proposed arrangement of the uses on the site.
- [3] When adjacent to a Planned Development district, the column for Adjacent Zoning District will be determined based on the base zoning district that mostly closely matches the type of development existing or proposed for the planned development adjacent to the site.

**2. Width and Planting Standards**

(a) Subject to subsection (b) below, each transitional buffer type identified in Table 5310A: Buffer Type Assignment, must have the minimum width and planting requirements identified for the buffer type in Table 5310B: Minimum Width and Planting Requirements.

**Table 5310B: Minimum Width and Planting Requirements**

Buffer Type	Minimum Buffer Width (ft)	Number of Required Large Deciduous or Evergreen Trees (per 100 linear feet) [1][2]	Number of Required Small Deciduous or Evergreen Trees (per 100 linear feet) [1][3]	Required Shrubs (per 100 linear feet) [1][4]
Buffer 10	10	2	1	25
Buffer 25	25	4	2	16
Buffer 35	35	5	2 ½	19
Buffer 50	50	7	4	24

NOTES:

- [1] A proportional amount of trees and shrubs must be provided for lengths of less than 100 feet, rounded up to the nearest whole number.
- [2] The height at maturity of a large deciduous or evergreen tree must be at least 50 feet.
- [3] The height at maturity of a small deciduous or evergreen tree must be at least 20 feet.
- [4] The height at maturity of shrubs must be at least six feet.

(b) The minimum width of a transitional buffer and the minimum plantings required by subsection (a) above may be adjusted along portions of the buffer where a screening wall is installed in accordance with Table 5310C: Transitional Buffer Width and Planting Reduction. Screening alternatives must be situated where they will best perform their intended function as determined by the Planning Director.

**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)
Brick or architectural block wall [2]	6	12	30
	8	16	40
	10	20	50

**Table 5310C: Transitional Buffer Width and Planting Reduction**

Screening Alternative	Minimum Height of Screening Alternative (ft)	Reduction in Minimum Buffer Width (ft) <sup>[1]</sup>	Reduction in Required Plantings (percent)
Opaque wood or otherwise architecturally solid fence of approved design and materials <sup>[2]</sup>	6	12	30
Evergreen plantings in an unbroken strip (at maturity) <sup>[3]</sup>	6 (planted) 10 (at maturity)	8	30

NOTES:

- [1] The minimum width of a transitional buffer must not be reduced below ten feet.
- [2] Walls and fences must comply with the standards in Sec. 24-5406, Finished Side and Landscaping.
- [3] This screening alternative is only available in a Transitional Buffer 50 or Transitional Buffer 35 and may not be used adjacent to a proposed or existing use in the Extractive Use category or a heavy manufacturing use.

**3. Location and Design**

- (a) Transitional buffers must extend along the outer boundaries of a lot and must be provided except where driveways or other openings are permitted.
- (b) Transitional buffers may be located in required minimum front, side, or rear yards.
- (c) Development within a transitional buffer must be limited to the following:
  - (1) Fences and walls, including retaining walls;
  - (2) Sidewalks, trails, and paths that intersect the transitional buffer yard at or near a 90-degree angle;
  - (3) Driveways and parking lot aisles in accordance with Sec. 24-5103.C, Vehicular Cross-Access between Adjoining Development; and
  - (4) Areas that incorporate Low Impact Development (LID) practices to manage stormwater.
- (d) Development within a transitional buffer must not reduce the separation of land uses or interfere with the required plantings.

**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 Agricultural 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:
  - (a) Large waste receptacles (dumpsters) and refuse and recycling collection points (including containers);
  - (b) Loading and service areas;
  - (c) Outdoor storage areas, including storage tanks and vehicle storage or nonpublic parking areas, such as automotive display lots;
  - (d) Utility and mechanical equipment, including HVAC units, electric, water, and gas meters, junction and accessory boxes, and transformers; and

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(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***

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#### **A. Applicability**

The standards in this section apply to parking lots containing six or more parking spaces.

#### **B. Perimeter Landscaping Abutting Public Right-of-Way**

Along the perimeter of a parking lot that abuts a public right-of-way, except along driveway openings or other openings where impractical or where a transitional buffer is required by Sec. 24-5310, Transitional Buffers, one of the following must be provided:

1. A continuous landscape strip no less than ten feet in width between the parking lot and the property line. If easements preclude placing the landscape strip adjacent to the right-of-way, it must be situated adjacent to the easement if practicable, or an equivalent area must be provided as close as practicable to the right-of-way or easement. Within the landscape strip, evergreen shrubs at least 24 inches in height when planted and with a mature height of at least 36 inches must be planted three and one-half feet on center, except where a greater distance is necessary to accommodate trees. Along every 100 feet, there must be three trees planted, with a minimum of one tree in each landscape strip. 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; or
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 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.

### **C. Perimeter Landscaping Not Abutting Public Right-of-Way**

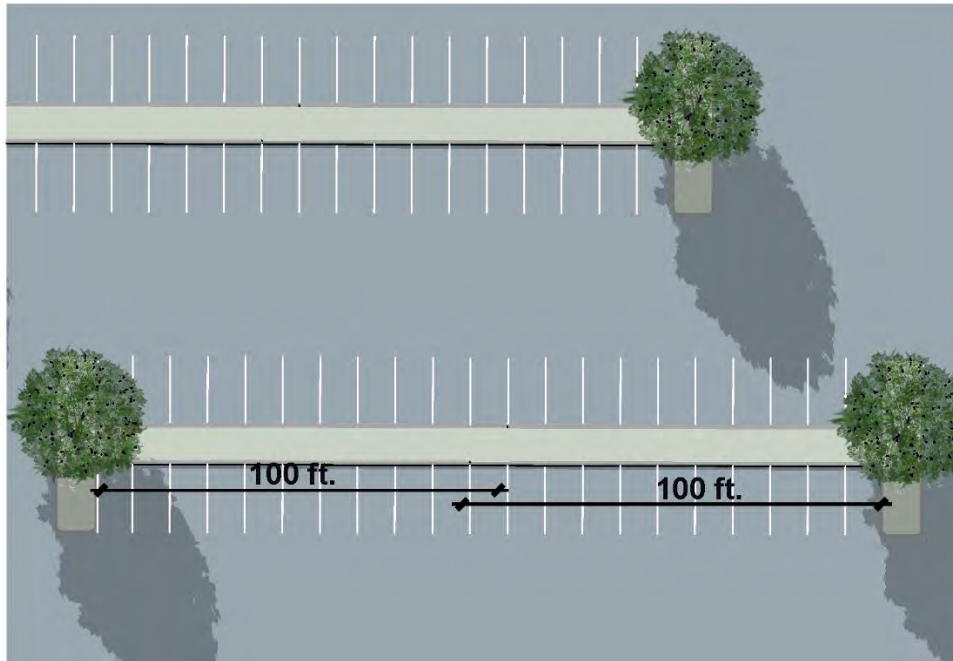
Along the perimeter of a parking lot that does not abut a public right-of-way, except along driveway openings or other openings where impractical or where a transitional buffer is required by Sec. 24-5310, Transitional Buffers, one of the following must be provided:

- 1.** A continuous landscape strip no less than six feet in width; if the strip would adversely separate functional parking areas and reduce efficiency and vehicular circulation, an equivalent area may be provided in landscape islands within the parking lot. Within the landscape strip, evergreen shrubs at least 24 inches in height when planted and with a mature height of at least 36 inches must be planted three and one-half feet on center, except where a greater distance is necessary to accommodate trees. Along every 100 feet, there must be two trees planted, with a minimum of one tree in each landscape strip. The remainder of the landscape strip must contain groundcover, turf, trees, or shrubs, or be mulched; or
- 2.** A continuous landscape strip no less than four 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 feet tall that meets the standards of Article 5, Division 4, Fences and Walls. An average of three shrubs must be planted every ten feet within the landscape strip. The shrubs must be at least 24 inches in height when planted with a mature height of at least 36 inches. 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 lots, parking lots must comply with the following standards:
  - (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 parking spaces.
  - (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.
  - (c)* Every parking space must be within 100 feet of a canopy tree (see Figure 5312: Parking Lot Interior Tree Coverage).
  - (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.





*Figure 5312: Parking Lot Interior Tree Coverage*

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### **Sec. 24-5313. Tree Protection**

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#### **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 a street right-of-way; and
- 2.** Any healthy memorial, heritage, or specimen tree of a DBH of 22 inches or greater.

#### **B. Tree Protection Zone**

The tree protection zone of a protected tree consists of the area within the drip line of the tree extended one foot outward.

#### **C. Tree Protection Plan Required**

A tree protection plan must be submitted before any land disturbance takes place, with a clearing and grubbing plan (see Sec. 24-2314, Plan of Development), or with an erosion and sediment control plan in accordance with the requirements in the Landscape Manual, and must include the following:

- 1.** Identification of all protected trees on the site;
- 2.** Identification of tree protection zone boundaries, including the limits of land disturbance, clearing, grading, and trenching;
- 3.** Detailed drawings of tree protection measures, including protective tree fencing, tree wells and aeration systems, staking specifications, transplanting specifications, and other applicable drawings;

4. Procedures and schedules for the implementation, installation, and maintenance of tree protection measures, all of which must be installed prior to any land disturbing activity;
5. Limits of wetlands, tributary streams, 100-year floodplains (base flood hazard area), limits of Chesapeake Bay resource protection areas, all buffers required by the County Code (including resource protection area buffers), and other natural features; and
6. Identification of all zoning proffers and other applicable conditions of approval relating to buffers, landscaping, screening, berms, mounds, erosion and sediment control, and water quality maintenance or protection.

#### **D. Tree Protection During Construction**

1. During construction, the landowner or developer will be responsible for the erection and maintenance of all barriers necessary to protect trees within a tree protection zone, and any other existing vegetation to be retained, from damage both during and after construction. Protective barriers must be installed prior to, and maintained throughout, the land disturbance and construction process. Such barriers must be installed along the outer edge of and completely surrounding all tree protection zones.
2. Protective barriers must consist of one of the following:
  - (a) A minimum four-foot-high wooden post and rail fence with two-inch by four-inch posts and a double one-inch by four-inch rail;
  - (b) A minimum four-foot-high orange safety fencing made of polyethylene laminar or similar durable plastic and mounted on wooden posts; or
  - (c) A fencing method offering similar protection approved by the Planning Director.
3. Protective barriers must be posted with warning signs at least one square foot in area, not more than 150 feet apart, that are clearly visible from all sides of the tree protection zone, identifying the fenced area as a tree protection zone and directing **construction workers not to encroach into the area (e.g., "Tree Protection Zone: Do Not Enter")**.
4. Construction site activities, including cutting, filling, grading, parking, equipment or material storage, bury pits, concrete washout, or burning of debris, are prohibited within tree protection zones.
5. Trees located within a tree protection zone must be protected from contamination from liquids or other materials, including paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from cleaning of concrete trucks or other vehicles.
6. Prior to machinery passing over any area within a tree protection zone during construction activities, the area must be cushioned using plywood sheeting covered by a minimum four-inch-thick layer of wood mulch, or materials providing an equivalent degree of protection, as shown on an approved landscaping plan.
7. Any violation of the tree protection standards in this section is a violation of this Ordinance and may result in remedies and penalties set forth in Article 7: Enforcement, and require replacement in accordance with subsection F below. Any violation of this section that results in damage to a protected tree that jeopardizes its survival will be deemed removal of a protected tree.

## Article 5 Development Standards

### Division 4. Fences and Walls

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#### E. Removal of Protected Trees

Protected trees must not be removed unless a tree protection plan has been approved or a tree removal permit has been issued (Sec. 24-2313, Tree Removal Permit). Removal of protected trees from a development site may be approved if the landowner demonstrates development on the site cannot otherwise be located and designed to allow for a reasonable use, after exploration of applicable alternatives for relief including submission and approval of an alternative landscaping plan (see Sec. 24-5303.B, Alternative Landscaping). Mitigation must be provided in accordance with subsection F below. Protected trees removed without an approved tree protection plan or a tree removal permit will require additional mitigation as set forth in subsection F below.

#### 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.
3. 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 alternative landscaping plan (see Sec. 24-5303.B, Alternative Landscaping).
4. For protected trees removed without an approved 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 trees.
5. 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. Trees used to replace the removed trees must be of the same species, 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. 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 period must be provided at the time of planting. The financial guarantee will be canceled and returned at the end of the establishment 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.

## DIVISION 4. FENCES AND WALLS

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### ***Sec. 24-5401. Purpose and Intent***

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The purpose and intent of this division is to regulate the location, height, and appearance of fences and walls to:

- A.** Ensure the safety, security, and privacy of people and land;
- B.** Ensure that fences and walls are subject to timely maintenance, as needed; and
- C.** Protect adjacent lands from the indiscriminate placement, excessive height, and unsightliness of fences and walls.

### ***Sec. 24-5402. Applicability***

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Unless exempted in accordance with subsection A below, the standards of this division apply to any construction, reconstruction, or replacement of fences or walls, except that only the standards of Sec. 24-5407, Retaining Walls, apply to retaining walls.

#### **A. Exemptions**

The following are exempt from the standards of this division:

- 1.** Fences and walls required for the physical support of a principal or accessory structure;
- 2.** Fences erected temporarily for construction sites or a similar purpose, provided that they comply with all relevant requirements of the Uniform Statewide Building Code and do not block sight distance as determined by the County Engineer.
- 3.** Landscaping berms without fences;
- 4.** Noise attenuation walls installed by a public entity along a public roadway;
- 5.** Fences and walls necessary for soil erosion control;
- 6.** Fences at government facilities;
- 7.** Fences for protecting livestock or for other similar agricultural functions if part of a use in the Agricultural use classification; and
- 8.** Fences for tree protection (temporary and permanent).

#### **B. Timing of Review**

Review for compliance with the standards of this division will occur during review of an application for a provisional use permit, conditional use permit, building permit, certificate of occupancy, plan of development, site plan, or subdivision, as appropriate, and in conjunction with a landscaping plan required by Sec. 24-5303, Landscaping Plan Required. Fences and walls constructed in accordance with an approved plan will be considered in compliance with the requirements of this division regardless of subsequent changes outside of the property boundaries.

### ***Sec. 24-5403. Location***

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- A.** Fences and walls are permitted on the property line between two or more parcels of land held in private ownership.
- B.** Fences and walls may be located within any required yard; however, uses within a fenced area may be subject to limitations on their location within a given yard.
- C.** Fences and walls may be installed within required landscaping areas, subject to an approved landscaping plan.

## Article 5 Development Standards

### Division 4. Fences and Walls

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- D.** Fences must not be located within utility easements without written authorization from the easement holder or the County, as appropriate. The County will not be responsible for damage to, or the repair or replacement of, fences that must be removed to access utility easements or facilities.
- E.** A fence or wall must not block or divert natural drainage flow onto or off of any land.
- F.** Fences and walls must not prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices, in accordance with the Fire Code.
- 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:
  - 1.** At any street intersection with another street or a driveway serving any property other than a single-family or duplex dwelling, within a triangular area that is included between the lines of the street and driveway, extended to the point where the lines intersect, and, at points on each line 20 feet distant from that point, a straight line connecting them.
  - 2.** At any street intersection with a driveway serving a single-family or duplex dwelling, within a triangular area that is included between the lines of the street and driveway, extended to the point where the lines intersect, and, at points on each line ten feet distant from that point, a straight line connecting them. See Figure 5403: Visibility at Single-Family or Duplex Dwelling Driveway Intersection.

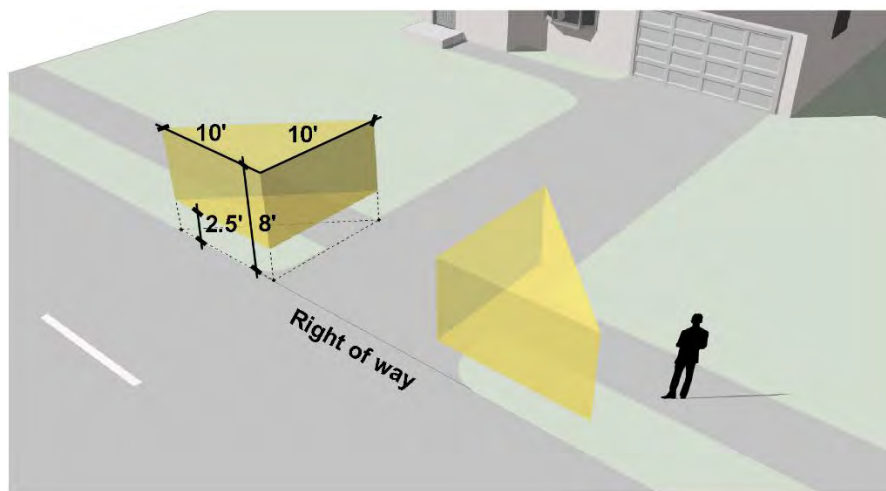


Figure 5403: Visibility at Single-Family or Duplex Dwelling Driveway Intersection

### **Sec. 24-5404. Height Standards**

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#### **A. General**

Except as otherwise provided in subsection B below, or unless excess height for a wall or fence is permitted as part of a transitional buffer in accordance with Sec. 24-5310, Transitional Buffers or required screening in accordance with Sec. 24-5311, Screening, fences and walls must comply with the following:

1. A fence or wall in the front yard or street-side yard of a single-family dwelling, or the minimum required front yard or street side yard on a lot that contains any other use or is vacant, must not exceed three feet, six inches in height.
2. A fence or wall in a side yard or a rear yard must not exceed ten feet in height for uses in the Commercial or Industrial classification, uses in the Government Facilities category, and major utility uses, and seven feet in height for all other uses.

## **B. Exceptions**

1. Customary fencing provided as part of a permitted tennis court, athletic field, and similar recreational facility will be exempt from the height standards.
2. Where the side lot line of a residential lot adjoins a business, office, or industrial use, a fence or wall along the side lot line up to seven feet tall may be extended into the front yard within 15 feet of the front lot line, subject to the sight distance requirements in Sec. 24-5403, Location.
3. Where the side lot line of a residential lot adjoins the rear lot line of the adjoining lot, or when the side lot line and rear lot line are separated by an alley, a seven-foot-high fence, wall or hedge may be permitted along either of the abutting or adjacent side and rear lot lines.
4. On double frontage lots where a planting easement is required in accordance with Sec. 19-3202 of Chapter 19 of the County Code, a fence or wall up to ten feet in height may be approved within a side yard or a rear yard as part of a landscaping plan.
5. The Planning Director, or the Planning Commission if review of an alternative landscaping plan by the Planning Commission is requested (see Sec. 24-5303.B, Alternative Landscaping), will permit fences or walls identified on a landscaping plan or alternative landscaping plan up to ten feet in height upon finding that the fences and walls comply with the sight distance requirements in Sec. 24-5403, Location, and do not adversely affect:
  - (a) The health, safety or welfare of persons residing on or working on the premises;
  - (b) The visibility or value of abutting and adjacent properties;
  - (c) The adequate supply of light and air to adjoining property; and
  - (d) Traffic or pedestrian safety.

## **C. Measurement of Height**

1. Fence or wall height will be measured from the highest point above grade, not including supporting columns or posts, to grade on the side of the fence or wall where the grade is lowest, but excluding the height of any retaining wall directly beneath the fence or wall (see Figure 5404: Measurement of Fence Height).
2. Supporting columns or posts may extend up to 18 inches above the maximum allowed height for the fence or wall.

## Article 5 Development Standards

### Division 4. Fences and Walls

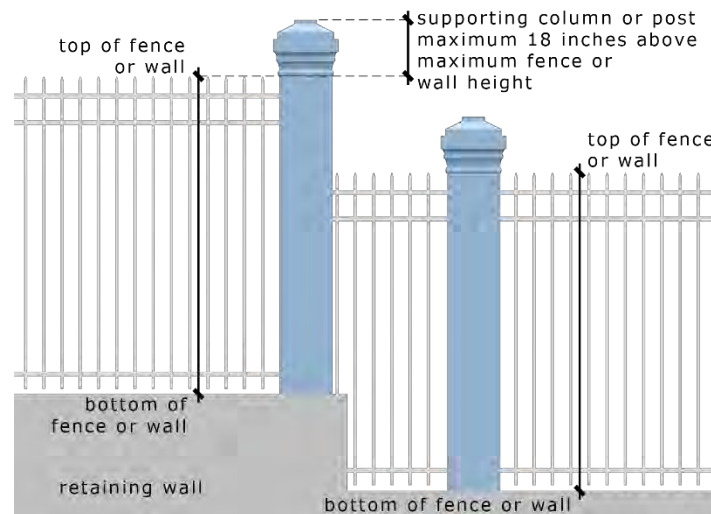


Figure 5404: Measurement of Fence Height

### Sec. 24-5405. Materials

#### A. Permitted Fence and Wall Materials

Fences and walls must be constructed of durable all-weather materials such as masonry, stone, wrought iron, welded steel, electroplated aluminum, pressure-treated or rot-resistant lumber, composite materials designed to appear as wood or masonry, vinyl, or similar customary fencing materials.

Except in the C-1, A-1, and M-3 districts, or in conjunction with a school playground or athletic field, vinyl-clad chain-link fences 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:

1. Barbed or razor wire, unless
  - (a) Approved as part of a security exemption plan in accordance with Sec. 24-5409, Security Exemptions;
  - (b) As part of an Agricultural use; or
  - (c) On land used for installation and operation of high-voltage equipment for electrical generation, transmission, and distribution by a regulated public utility;
2. Chicken wire, corrugated metal, fabric materials, fiberboard, garage door panels, plywood, rolled plastic, sheet metal, debris, junk, or waste materials; and
3. Above-ground fences that carry electrical current, except as used for the purposes of enclosing livestock in the C-1 or A-1 districts (this does not prohibit below-ground electrical fences intended for the keeping of pets).



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**Sec. 24-5406. Finished Side and Landscaping**

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**A. Support Framing and Textured Surfaces**

Wherever a fence or wall is visible from off-site locations, if one side of the fence or wall has visible support framing and the other does not, or one side of a wall has a textured surface and the other does not, then the side of the fence without support framing or with a textured surface must face the exterior of the lot (see Figure 5406A: Fence with Finished Side Facing Out).



Figure 5406A: Fence with Finished Side Facing Out

**B. Fence and Wall Landscaping**

1. Except as provided in subsection 3 below, portions of fences or walls taller than four feet in height located within 20 feet of a street right-of-way must be supplemented with landscaped screening in accordance with the following standards (see Figure 5406B: Fence and Wall Landscaping):
  - (a) At least one evergreen shrub must be installed for every five linear feet of fence or wall, on the side of the fence or wall facing the public street right of way. Shrubs may be installed in a staggered, clustered, grouped, or linear fashion.
  - (b) One small tree may be substituted for every three shrubs, provided the trees meet the requirements in Sec. 24-5304, General Planting Requirements.

## Article 5 Development Standards

### Division 4. Fences and Walls

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Figure 5406B: Fence and Wall Landscaping

2. Trees and shrubs required by subsection 1 above must comply with the standards in Sec. 24-5304, General Planting Requirements, and may also be counted toward requirements in Article 5, Division 3, Landscaping and Tree Protection, if they comply with those requirements.
3. The Planning Director may modify the landscaping requirements of this subsection B on determining that the proposed fence or wall provides a similar degree of screening through the use of alternative landscape materials, horizontal offsets, variation of height, opacity, variation of materials, decorative features, or other design features.

### **Sec. 24-5407. Retaining Walls**

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Retaining walls must comply with the following standards:

- A. If the elevation at the top of a retaining wall is more than six feet higher than the elevation at the nearest property line, the retaining wall must comply with the setbacks for the principal use in the zoning district in which it is located.
- B. If the elevation at the top of a retaining wall is more than six feet higher than a street right-of-way located within 20 feet, or is more than ten feet higher than a street right-of-way located within 50 feet or an abutting parcel, the base of the retaining wall must be screened in accordance with Sec. 24-5406.B, Fence and Wall Landscaping.
- 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: 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:
  1. Guardrails;

2. Earthen berms having a minimum height of three feet; or
3. Concrete filled steel bollards spaced a maximum of four feet on center.

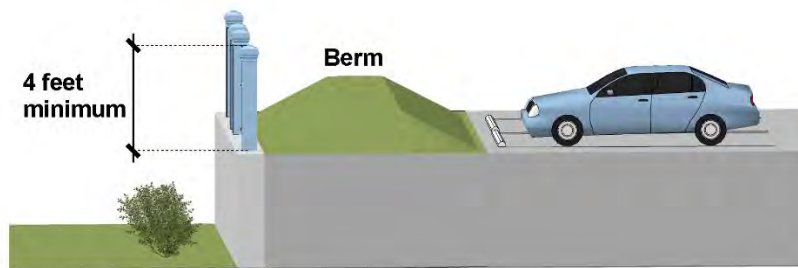


Figure 5407: Retaining Wall with Adjacent Parking Area

- D. Terraces created between retaining walls must be permanently landscaped with native vegetation. Two vertical retaining walls that are each less than six feet in height must be separated by a terrace with a minimum width of three feet. Two vertical retaining walls, one or both of which is greater than six feet in height, must be separated by a terrace with a minimum width of five feet.
- E. A retaining wall facing a street or adjacent parcel must be screened in accordance with Sec. 24-5506.B, Fence and Wall Landscaping, unless the wall is faced with stone, brick, or earth-colored materials similar to the surrounding natural landscape.
- F. Utilities or storm sewers crossing under retaining walls greater than three feet in height must be installed in sleeves unless an exception is approved by the Director of Public Utilities or the County Engineer, as applicable.
- G. Retaining walls located within five feet of drive aisles or parking spaces must be designed to accommodate dynamic loading of parked vehicles and emergency vehicles as determined by the County Engineer.
- 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 plans.

### **Sec. 24-5408. Maintenance Requirements**

Fences and walls and associated landscaping must be maintained in good repair and in a safe condition. Maintenance of fences and walls must include the timely replacement of missing, decayed, or broken elements and the repair of deteriorated or damaged fence materials, including weathered surfaces visible from the public right-of-way, sagging sections, and posts that lean more than ten degrees from vertical. Trash must not be allowed to accumulate along a fence or wall and must be promptly removed.

### **Sec. 24-5409. Security Exemptions**

- A. A landowner or tenant in need of heightened security may submit to the Planning Director and Chief of Police a security plan proposing a fence or wall taller than what is permitted by this division or proposing the use of barbed, razor, or electric wire atop a fence or wall for

## Article 5 Development Standards

### Division 5. Exterior Lighting and Crime Prevention

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security reasons. The security plan is distinct from the landscaping plan and lighting plan but may incorporate elements of each.

- B.** The Planning Director may approve the security plan on finding that a taller wall or fence, or the addition of barbed, razor, or electrical wire, will alleviate an unusual danger of theft or damage or a significant hazard to public safety without adversely affecting the security, function, appearance, or value of nearby property.

## DIVISION 5. EXTERIOR LIGHTING AND CRIME PREVENTION

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### *Sec. 24-5501. Purpose and Intent*

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The purpose and intent of this division is to regulate exterior lighting to:

- A.** Provide security for persons and land;
- B.** Ensure all exterior lighting is designed and installed to maintain adequate light levels on site;
- C.** Ensure that adjacent lands, neighboring areas, and motorists are protected from excessive light spillage and glare;
- D.** Curtail light pollution, reduce skyglow, and preserve the nighttime environment for the enjoyment of residents and visitors; and
- E.** Conserve energy and resources.

### *Sec. 24-5502. Applicability*

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#### **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.

#### **B. Exemptions**

- 1.** Lighting exempt under State or federal law;
- 2.** Lighting relating to signs (see Article 5, Division 7, Signs);
- 3.** Government facilities;
- 4.** Lighting on single-family dwellings where light is contained on the property;
- 5.** Lighting required by applicable building codes such as lighting for exit signs, stairs, and ramps, to the extent that such lighting is unable to comply with these standards;
- 6.** Temporary lighting for circuses, fairs, carnivals, and theatrical and other performance areas, provided such lighting is discontinued upon completion of the activity;

7. Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity;
8. Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation; and
9. Outdoor lighting fixtures that do not comply with provisions of this division on September 1, 2021, provided they are brought into compliance with this division when they are replaced.

### **C. Timing of Review**

Review for compliance with the standards of this division will occur during review of an application for a provisional use permit, conditional use permit, building permit, certificate of occupancy, plan of development, site plan, or subdivision, as appropriate. Exterior lighting installed in accordance with an approved lighting plan will be considered in compliance with the requirements of this division regardless of subsequent changes outside of the property boundaries.

### **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, and lighting must not be installed before the lighting plan is approved.

## **Sec. 24-5503. General Standards**

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### **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.

<b>Table 5503A: Average Illuminance (Minimum and Maximum)</b>		
<b>Site Feature</b>	<b>Minimum (foot candles)</b>	<b>Maximum (foot candles)</b>
Pedestrian pathway (other than sidewalks in single-family residential development)	3	6
Surface parking lot, other than convenience store	3	6
Surface parking lot for convenience store	6	10
Parking deck or garage	6	10
Exterior service window	6	10
Exterior stair or elevator	6	10

### **B. Maximum Illumination Levels**

All lighting visible from outside, except for street lighting and pedestrian area lighting (see Sec. 24-5504.C below), must be designed and located so that the maximum illumination measured in footcandles at ground level at any lot line does not exceed the standards in Table 5503B: Maximum Illumination Levels.

Table 5503B: Maximum Illumination Levels	
Use Abutting a Lot Line	Maximum Illumination at Lot Line (footcandles)
All household living uses except for live/work dwelling, multifamily dwelling, or upper-story dwelling	0.5
All other Residential uses and vacant land in mixed-use or residential districts.	1.0
Public, civic, and institutional uses (except for uses in the Transportation or Utilities categories) and Commercial Uses	2.0
All other uses	3.0

**C. Hours of Illumination**

- 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.
- Athletic events that are adjacent to existing residential development must be scheduled to end by 11 PM but may maintain exterior lighting until the end of the event.

**D. Shielding**

All exterior luminaries, including security lighting, must be full cut-off fixtures that are directed downward, consistent with Figure 5503: Full Cut-off Fixtures. Lighting must not be directed above a horizontal plane through the lighting fixtures.

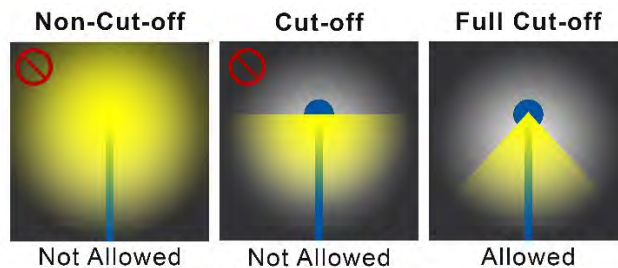


Figure 5503: Full Cut-off Fixtures

**E. Maximum Height**

- Except as provided in subsection 2 below, the maximum height of exterior lighting fixtures must not exceed the following:
  - In Residential Districts and within 100 feet of any Residential District, 15 feet;
  - In the A-1, M-1, M-2, and M-3 Districts more than 100 feet from all Residential Districts, 35 feet; and
  - In all other districts more than 100 feet from any Residential District, 25 feet.



2. The maximum height of exterior lighting may be exceeded by athletic field or outdoor venue lighting fixtures, streetlights, and other fixtures where the Planning Director determines that taller lights will better achieve the purpose and intent of this division.

## **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.

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## **Sec. 24-5504. Lighting Standards for Specific Uses and Site Features**

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### **A. Off-Street Parking Areas**

Lighting fixtures for off-street parking areas must be activated by a timer or photo-cell.

### **B. Athletic Fields and Outdoor Venues**

Lighting fixtures for outdoor sports areas, athletic fields, and performance areas must not exceed 95 feet in height and must be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

### **C. Pedestrian Areas**

1. All fixtures for sidewalks, walkways, and trails outside of off-street parking lots must have a maximum height of 15 feet.
2. Any pedestrian bollard lamps must be mounted no higher than four feet above grade (See Figure 5504: Examples of Pedestrian Bollard Lamps).



*Figure 5504: Examples of Pedestrian Bollard Lamps*

### **D. Streetlights**

1. All streetlights must be located inside full cut-off fixtures mounted on non-corrosive poles served by underground wiring.



## Article 5 Development Standards

### Division 5. Exterior Lighting and Crime Prevention

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2. The streetlight pole must have a concrete base; direct embedded construction is prohibited.
3. The light structure and light color of streetlights in an individual subdivision or development must be consistent throughout the subdivision or development.
4. Streetlight poles must be designed and placed in accordance with VDOT or County standards. Streetlight poles must be placed on or near the side property lines of residential dwelling units.

#### **Sec. 24-5505. Prohibited Lighting**

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Light fixtures that imitate an official highway or traffic control light or sign or emergency vehicle lighting, or that have a flashing or intermittent pattern of illumination, are prohibited.

#### **Sec. 24-5506. Exceptions for a Security Plan**

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A landowner or tenant in need of heightened security may submit a security 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 plan and its proposed deviation from the standards, only on finding that:

- A. The proposed deviation from the standards is necessary for the adequate protection of the subject land, development, or the public;
- B. 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. 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.

#### **Sec. 24-5507. Illumination Measurement**

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Illumination will be measured at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not practical, light level measurements may be made at the boundary of the public right-of-way that adjoins the land. Measurements will be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground.

#### **Sec. 24-5508. Crime Prevention Through Environmental Design**

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##### **A. Purpose and Intent**

The purpose and intent of Crime Prevention Through Environmental Design (CPTED) is to design and use the built environment to contribute to a reduction in the incidence and fear of crime and an improvement in the quality of life. CPTED principles include the following design elements:

1. *Natural Surveillance*: Provide natural surveillance throughout the site, especially to parking areas, buildings, building entrances, walkways, etc. Natural surveillance is the placement of physical features, activities, and people in such a way as to maximize visibility.

2. *Natural Access Control:* Provide natural access control throughout the site. Natural access control is the physical guidance of people coming and going from a space by the judicious placement of entrances, exits, fencing, landscaping and lighting. The goal is to guide people where you want them to go and how you want them to get there.
3. *Territorial reinforcement:* Territorial reinforcement is the use of physical attributes that express ownership, such as fences, pavement treatments, art, signage, lighting and landscaping.
4. *Maintenance:* Allows for the continued use of space for its intended purpose. It also serves as an additional expression of ownership

## **B. Specific Uses Requiring a CPTED Plan**

A CPTED Plan must be reviewed and approved by the Planning Director, in accordance with subsection C, for the following uses:

1. Any business open to the public between 12:00 midnight and 6:00 am;
2. Automatic teller machines (ATMs);
3. Billiard parlors;
4. Gambling-related uses, including charitable gaming, off-track betting, and skill games;
5. Gun shops;
6. Pawn shops; and
7. Video game rooms.

## **C. CPTED Plan Submission**

A CPTED Plan must be submitted with an application for any plan of development or site plan where one of the uses listed in subsection B above is proposed. The CPTED Plan must include all information necessary to demonstrate that the proposed development complies with the CPTED principles listed in subsection A above. The CPTED Plan will be reviewed by the Chief of Police, who will make a recommendation to the Planning Director whether the CPTED Plan meets the requirements of this section. The Planning Director will review the CPTED Plan and recommendation and approve the Plan if it meets the requirements of this section.

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# **DIVISION 6. NEIGHBORHOOD COMPATIBILITY**

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## ***Sec. 24-5601. Purpose and Intent***

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The purpose of these neighborhood compatibility standards is to provide a proper transition from and ensure compatibility between single-family detached dwellings in the single-family residential zoning districts and more intense forms of development. More specifically, it is the intent of these standards to:

- A. Protect the character of existing neighborhoods consisting primarily of single-family detached dwellings from adverse impacts resulting from more intense and incompatible adjacent forms of development;

**Article 5 Development Standards**  
Division 6. Neighborhood Compatibility

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- B.** Use development form and design treatments as alternatives to large, vegetated buffers; and
- C.** Establish and maintain vibrant pedestrian-oriented areas where multiple uses can operate near one another.

**Sec. 24-5602. Applicability**

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**A. General**

- 1.** Unless exempted by subsection B below, the standards in this division apply to:
  - (a) New multifamily, nonresidential, and mixed-use development when located on land adjacent to, or across a street or alley from, a single-family residential lot (see subsection 2 below); and
  - (b) Any expansion or alteration of an existing multifamily, nonresidential, or mixed-use development when located on land adjacent to, or across a street or alley from, a single-family residential lot, if the expansion **increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area.**
- 2.** For the purposes of this division, single-family residential lots include:
  - (a) Lots where an existing single-family detached or duplex dwelling is the principal use; and
  - (b) Undeveloped land in the R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, R-4A, and R-5A districts.
- 3.** For the purpose of this division, multifamily, nonresidential, or mixed-use development includes the following:
  - (a) Live-work dwellings;
  - (b) Multifamily dwellings;
  - (c) Townhouse dwellings;
  - (d) Uses in the Group Living uses category;
  - (e) Uses in the Public, Civic, and Institutional use classification (except for uses in the Community Service and Utilities use categories);
  - (f) Uses in the Commercial use classification;
  - (g) Uses in the Industrial use classification; and
  - (h) Buildings containing both dwellings and nonresidential uses as principal uses.

**B. Exemptions**

The following are exempt from these standards:

- 1.** Multifamily, nonresidential, or mixed-use development when the adjacent single-family detached or duplex dwelling is located on a lot that is not within a Residential district.
- 2.** Multifamily, nonresidential, or mixed-use development when separated from the single-family residential lot by a street with four or more lanes of travel or a right-of-way greater than 80 feet; and
- 3.** Uses in the Community Service and Utilities use categories.

### **C. Timing of Review**

Review for compliance with the standards of this division will occur during review of an application for a provisional use permit, conditional use permit, building permit, certificate of occupancy, plan of development, or site plan, as appropriate. Development in accordance with an approved application will be considered in compliance with the requirements of this division regardless of subsequent changes outside of the property boundaries.

### **D. Conflict**

If these neighborhood compatibility standards conflict with other standards in this ordinance, these neighborhood compatibility standards will govern.

## **Sec. 24-5603. Site Design**

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### **A. Building Orientation and Placement**

1. For a multi-building development that includes varying uses and development intensities in different buildings, the buildings with the lowest intensity must be located nearest to adjacent single-family residential lots, and those with the highest intensity must be located furthest from the single-family residential lots.
2. To the maximum extent practicable, multifamily, nonresidential, and mixed-use development must be oriented to face similar forms of development on adjacent or opposing lots rather than single-family residential lots.

### **B. Parking and Driveway Areas**

1. The total amount of off-street parking must not exceed 1.2 times the required minimum specified in Sec. 24-5110, Minimum Number of Off-Street Parking Spaces, unless approved by the Planning Director based on a parking study demonstrating the need for additional off-street parking spaces.
2. When required, off-street parking must be established in one or more of the following locations, listed in priority order:
  - (a) Adjacent to off-street parking lots serving nonresidential uses on abutting lots;
  - (b) Adjacent to lot lines abutting nonresidential development;
  - (c) Adjacent to lot lines abutting mixed-use development; or
  - (d) Adjacent to lot lines abutting single-family residential lots.
3. Off-street parking areas must be screened from adjacent single-family residential lots by an opaque fence or a fully opaque vegetative buffer at least ten feet wide in accordance with Sec. 24-5311, Screening.
4. Parking structure façades adjacent to single-family residential lots must be designed to appear as articulated building walls or must be landscaped to decrease their visual impact.

### **C. Loading and Refuse Collection Areas**

Loading, service, fuel storage, mechanical, and refuse and recycling collection areas must be:

1. Located away from adjacent single-family residential lots to the maximum extent practicable;

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2. Screened from view in accordance with Sec. 24-5311, Screening; and
3. Provided with access that is integrated with parking areas and the vehicular circulation network.

**D. Drive-Throughs and Outdoor Dining**

1. Drive-through and pick-up windows must not be located on a building façade that faces a single-family residential lot.
2. Order boxes associated with a drive-through or pick-up window must not be located within 200 feet of any single-family residential lot.
3. Outdoor dining areas must not be located between the principal building and any adjoining single-family residential lot.

**E. Required Open Space and Recreation Features**

1. Required open space must be located between the proposed development and the single-family residential lot to the maximum extent practicable.
2. Any outdoor recreation features such as swimming pools, tennis courts, playgrounds, and similar features must be located at least 100 feet from any single-family residential lot.

**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).

Table 5604: Maximum Building Height	
Distance from Single-Family Dwelling or Lot <sup>[1][2]</sup>	Maximum Height <sup>[3]</sup>
Less than 75 feet	45 feet
75 to 150 feet	55 feet
More than 150 feet	Applicable zoning district maximum height

NOTES:

- [1] Measured from the nearest lot.
- [2] All required minimum zoning district setbacks will apply.
- [3] The building height must not exceed the maximum building height in the zoning district where the building is located.

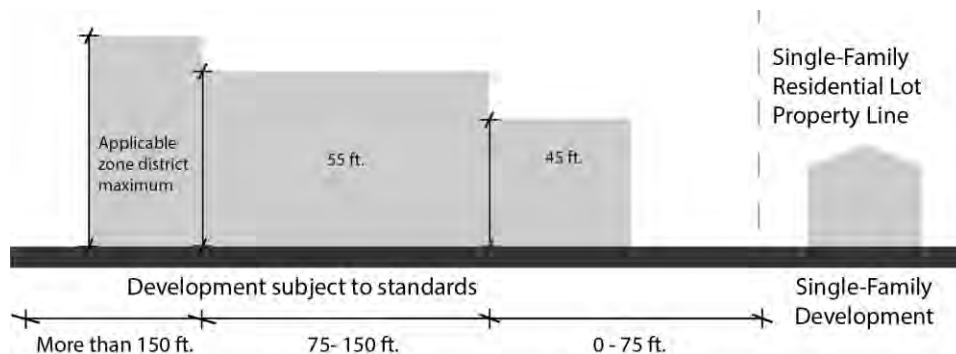


Figure 5604: Neighborhood Compatibility Building Height Standards

### Sec. 24-5605. *Building Form and Façades*

- A.** All buildings subject to these standards must:
1. Orient porches and balconies away from single-family residential lots;
  2. Use similarly sized and patterned wall offsets and other building articulations found on adjacent single-family or duplex dwellings; and
  3. Configure all roof-mounted equipment to be screened from view at ground level by a parapet wall or similar architectural feature.
- B.** Building façades facing single-family residential lots must:
1. Use building articulations that are similar to those used on adjacent single-family residential development, through features such as windows, doors, awnings, arcades, pilasters, cornices, and wall offsets;
  2. If the building houses a use in the Retail Sales and Services category, be designed to appear as a series of discrete storefronts, with no single storefront occupying more than 50 feet or 50 percent of the total façade width of the building, whichever is less; and
  3. Comply with the transparency standards in Table 5605: Façade Transparency Standards.

Table 5605: Façade Transparency Standards

Building Story	Minimum Façade Area Percentage to be Transparent (percent) <sup>[1]</sup>
Ground Floor	40
Second Floor	15
Third Floor or Higher	10

NOTES:

[1] The façade area will be measured from two feet above grade to the underside of the eaves, or from story line to story line on upper building stories.

### Sec. 24-5606. *Signs*

In addition to the standards of Article 5, Division 7, Signs, development subject to these standards must comply with the following:

- A.** To the maximum extent practicable, signs must be located a minimum of 100 feet from all single-family residential lots.
- B.** Signs within 100 feet of a single-family residential lot must not exceed 32 square feet in area or eight feet in height.

### Sec. 24-5607. *Operational Standards*

The following operational standards apply to development subject to these standards:

- A.** Otherwise permitted outdoor dining or other outdoor activities within 150 feet of single-family residential lots must not operate earlier than 7:00 a.m., or later than 9:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday;

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- B.** Service functions such as deliveries or recycling and refuse collection must not be conducted before 7:00 a.m. or after 11:00 p.m.; and
- C.** Amplified music or other forms of noise clearly audible at lot lines shared with a single-family residential lot must be extinguished after 9:00 p.m. Sunday through Thursday and after 11:00 p.m. Friday and Saturday nights, and may not resume until 7:00 a.m.

## DIVISION 7. SIGNS

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### *Sec. 24-5701. Purpose and Intent*

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#### **A. Purpose and Intent**

Signs have the potential to obstruct views, distract motorists, displace alternative uses for land, and pose other problems that call for regulation. The purpose of this division is to regulate the size, color, illumination, movement, materials, location, height, and condition of signs, in order to:

1. Reduce the problems caused by signs;
2. Facilitate the creation of a convenient, attractive, and harmonious community;
3. Protect property values and the character of neighborhoods and historic areas within the County;
4. Promote the safety of pedestrians and traffic; and
5. Encourage economic development.

### *Sec. 24-5702. Applicability*

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- A.** All signs are subject to the standards of this division. Except as provided in Sec. 24-5703 below, a sign permit in accordance with Sec. 24-2311, Sign Permit, is required prior to the installation or display of any sign within the County.
- B.** If any provision of this division is found by a court of competent jurisdiction to be invalid, the remaining provisions should be given effect to the fullest extent possible, consistent with the First Amendment guarantee of free speech.
- C.** Unless otherwise provided, wherever this chapter allows a sign with commercial content, noncommercial content is also permitted, subject to the same regulations.

### *Sec. 24-5703. Signs Not Requiring Permits*

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A sign permit is not required for:

- A.** Any sign placed by a government body, required by law, or permitted by the Virginia Department of Transportation.
- B.** Up to three noncommercial flags on any lot. Any commercial flag must comply with the regulations for detached signs.
- C.** The refacing or repair of an existing permitted sign.



- D.** On any lot, not more than two non-illuminated signs not exceeding two square feet in aggregate area or four feet in height.
- E.** Non-illuminated signs posted along the property line of any lot, except that (i) such signs must not exceed one square foot in area and (ii) such signs must not be posted within 250 feet of each other on the same property line. Notwithstanding the general prohibition in Sec. 24-5704.A.1 below, such signs may be attached to trees.
- F.** Window signs that do not exceed 50 percent of the total area of the window or door.
- G.** Temporary signs, as follows:
  - 1.** On property where a building permit is active, one sign no more than three square feet in area;
  - 2.** On property actively marketed for sale or rent, one sign no more than 32 square feet in area and eight feet in height when the sign abuts a street classified as a controlled access, major arterial, minor arterial, major collector, or major access road; and no more than three square feet in area and four feet in height when the sign abuts any other street;
  - 3.** In any Conservation and Agricultural District or Residential District, or Planned Development District that includes only residential development, temporary noncommercial signs not exceeding 16 square feet in aggregate area for each lot may be displayed no more than 90 consecutive days and no more than 120 days in any calendar year;
  - 4.** In any Nonresidential or Mixed-Use District, or Planned Development District that includes nonresidential development, temporary noncommercial signs may be displayed no more than 90 consecutive days and no more than 120 days in any calendar year. Each sign must not exceed 32 square feet in area, and the total aggregate area of signs along any 300-foot segment of street frontage must not exceed 32 square feet; and
  - 5.** Detached temporary signs must not be illuminated and must not exceed eight feet in height.
- 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.** 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. 24-5704. Prohibited Signs***

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In addition to signs prohibited in certain parts of the County in accordance with Sec. 24-5606, Signs, the following signs are prohibited:

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#### A. General Prohibitions

1. Any sign attached to trees, bushes, shrubberies, or other plants or vegetation except those allowed in accordance with Sec. 24-5703.E above;
2. Any sign simulating, or which is likely to be confused with, a traffic control sign, any other sign displayed by a public authority, or the lights or markings on an emergency vehicle; and
3. Any sign displayed on a stationary vehicle or trailer that is used for the purpose of a mobile or portable sign, including the parking of a vehicle for a period of more than 24 hours within 100 feet of and plainly visible from the public right-of-way.

#### B. Distraction-Based Prohibitions

1. Any sign with parts that rotate or move, or appear to rotate or move;
2. Any sign displaying flashing, scrolling, or intermittent lights or lights of changing degrees of intensity;
3. Searchlights;
4. Any sign consisting primarily of exposed illuminated tubing or strings of lights, except in windows or when used for temporary decorations not to exceed 90 days in any calendar year;
5. Any sign that emits smoke, flame, scent, mist, aerosol, liquid, or gas;
6. Any sign that emits sound; and
7. Strings of pennants or flags except temporary attention-getting devices as provided in Sec. 24-5703.H above.

#### C. Location-Based Prohibitions

1. Off-premises commercial signs, except outdoor advertising signs allowed by Sec. 24-5707.D.7;
2. Any sign placed on public land, including street right-of-way, other than those approved in writing by the County Engineer or the Virginia Department of Transportation, required by law without such approval, or permitted under Code of Virginia § 24.2-310 E. Any unauthorized sign is subject to immediate removal and disposal by any authorized official. Removal of the sign by an authorized official does not preclude prosecution of the person responsible for the sign;
3. Any sign attached to the roof of a building (other than the lower plane of a mansard roof), extending above the ridge of a sloped roof, or attached to a parapet wall and extending above the top of such wall; and
4. Any sign that prevents a driver from having an unobstructed view of an intersection or seeing conflicting vehicles or pedestrians in the roadway.

### **Sec. 24-5705. General Requirements**

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The following requirements apply to all signs subject to this division:

- A. Detached signs must be set back from any street right-of-way at least five feet.
- B. Any attached sign in a business or industrial district located within 150 feet of a Residential District on the same side of the same street must be attached flat against a building wall that does not face the adjacent Residential District.

- C.** External lighting of signs must consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the sign. The beam width must not be wider than that needed to illuminate the sign.
- D.** Illumination from any sign must not exceed 0.5 footcandles above ambient lighting conditions at any property line and must not shine directly into oncoming traffic or directly into a dwelling.
- E.** For any sign in the B-1, B-2, B-3, M-1, M-2, or M-3 districts, except for outdoor advertising signs subject to Sec. 24-5707.D.7, the image or message must not change more often than once every ten seconds. For any sign in any other zoning district, the image or message must not change more often than once every five minutes. The images, messages, and transitions between them must not include or simulate motion, video, or animation.

### ***Sec. 24-5706. Maintenance and Removal***

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- A.** All signs must be constructed and maintained in compliance with the Uniform Statewide Building Code and in a neat and clean condition.
- B.** The Building Official may order the immediate removal or repair of any sign the Building Official determines presents an immediate threat to the safety of the public because it has become insecure, in danger of falling, or otherwise unsafe. If such action is necessary to render a sign safe, the cost of such action will be at the expense of the owner or lessee of the premises.
- C.** Any sign that becomes a safety hazard or is not kept in a reasonably good state of repair must be repaired or removed after written notice by the Building Official to the property owner or permit holder.
- D.** When the business advertised on a sign has ceased operating, the owner of the property must remove the sign or replace the sign face with a blank face within 60 days of the cessation of business operations until such time as a new use has begun operating on the property.
- E.** Any sign that constitutes a nuisance may be abated by the County under the provisions of Code of Virginia §§ 15.2-900, 15.2-906, or 15.2-1115.

### ***Sec. 24-5707. Signs Requiring Permits***

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#### **A. Agricultural and Conservation Districts, and Single-Family Residential Districts**

A sign permit may be issued for the following signs in the R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5A, A-1, and C-1 districts:

- 1.** At each entrance to a section of an approved and recorded subdivision: One detached sign not exceeding 25 square feet in area or six feet in height, or two signs attached to a wall or fence on opposite sides of the entrance and not exceeding 30 square feet in aggregate area. Such signs may be located in the right-of-way if approved by the County Engineer.
- 2.** Accessory to any principal use other than a single-family dwelling:

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(a) No more than three attached or detached signs, not exceeding 50 square feet each or 82 square feet in aggregate area. Detached signs must not exceed eight feet in height.

(b) For each parking lot serving two or more buildings: One detached sign per building, not exceeding three square feet in area or five feet in height.

### **B. Other Residential Districts**

A sign permit may be issued for the following signs in the R-5, R-6, and RTH districts:

1. Accessory to a residential use for which a plan of development or site plan is required, including a townhouse project or multifamily development:

(a) At each entrance to a phase or section as shown on the approved plan of development or recorded subdivision plat: One sign not exceeding 32 square feet in area or eight feet in height, or two signs attached to a wall or fence on opposite sides of the entrance and not exceeding 36 square feet in aggregate area. Such signs may be located in the right-of-way if approved by the County Engineer.

(b) For each parking lot serving two or more buildings: one detached sign per building, not exceeding three square feet in area or five feet in height.

2. Accessory to any principal use other than a residential use:

(a) No more than three attached or detached signs, not exceeding 50 square feet each or 82 square feet in aggregate area. Detached signs must not exceed eight feet in height.

(b) For each parking lot serving two or more buildings: one detached sign per building, not exceeding three square feet in area or five feet in height.

### **C. Office and Office/Service Districts**

A sign permit may be issued for the following signs in the O-1, O-2, O-3, and O/S districts:

1. For each lot: One detached sign if the lot has an entrance on one public street, or two detached signs if the lot has entrances on two or more public streets. Each sign must not exceed 32 square feet in area or 15 feet in height.

2. For each building: Attached signs not exceeding 32 square feet in aggregate area for each 25,000 square feet of finished floor area or part thereof. One detached sign not exceeding 12 square feet in area or five feet in height may be substituted for 12 square feet of attached sign area.

3. For each parking lot serving two or more buildings: One detached sign per building, not exceeding three square feet in area or five feet in height.

4. For each phase or section in the approved plan of development: One attached or detached sign not exceeding 20 square feet in area. Detached signs must not exceed ten feet in height. Such signs may be located in the right-of-way if approved by the County Engineer.

5. For a coordinated development of 20 acres or more:

(a) For each entrance from a major arterial, minor arterial, or major collector road: one detached sign not exceeding 75 square feet in area, or two signs not exceeding 75 square feet in aggregate area when attached to a wall or fence on opposite sides of an entrance. Each sign must not exceed 15 feet in height and must not be located within 75 feet of any other detached

sign. Such signs may be located in the right-of-way if approved by the County Engineer.

- (b) For each 20 acres or part thereof: one detached sign not exceeding 36 square feet in area or six feet in height, provided such signs must not be located within 75 feet of any other detached sign. Such signs may be located in the right-of-way if approved by the County Engineer.

## D. Business Districts

A sign permit may be issued for the following signs in the B-1, B-2 and B-3 districts, provided that in the B-1 district, signs must not be illuminated between 12:00 am (midnight) and 6:00 am:

1. Attached signs not exceeding the following aggregate allowance of sign area for each linear foot of building length: In the B-1 district, one and one-half square feet; in the B-2 district, three square feet; in the B-3 district, four square feet.
2. Detached signs: One of the following may be allowed on a parcel as applicable, but not both:
  - (a) Accessory to one business with independent street access and parking: One detached sign may be located along each public street frontage. Such signs must not exceed 32 square feet in area each or eight feet in height and must be located at least 75 feet from any other detached sign.
  - (b) Accessory to a group of two or more businesses with coordinated street access and parking: One detached sign for each point of access to a public street, provided that any two signs on the same public street must be located at least 500 feet apart, and any such sign must be located at least 75 feet from any other detached sign. Such signs must not exceed 150 square feet in area each or 25 feet in height, except that for a coordinated development of 40 acres or more, one detached sign may be up to 250 square feet in area and 30 feet in height.
3. For each parking lot serving two or more buildings: One detached sign per building, not exceeding three square feet in area or five feet in height.
4. For a coordinated development of 20 acres or more: One detached sign not exceeding 36 square feet in area or six feet in height for each 20 acres or part thereof. Such signs must not be located within 75 feet of any other detached sign. Such signs may be located in the right-of-way if approved by the County Engineer.
5. For a coordinated development of 40 acres or more: for each parcel improved with a building of 60,000 square feet or more of finished floor area, one monument sign not exceeding 35 square feet in area or five feet in height.
6. As a part of a drive-through facility: No more than two detached signs for each position where orders are placed or customers are served, not exceeding 48 square feet in area or eight feet in height.
7. In the B-3 district, outdoor advertising signs as provided below.
  - (a) No permit will be issued for a new outdoor advertising sign in addition to those lawfully in existence on May 27, 1998, except as follows:
    - (1) Replacement
 

A lawful outdoor advertising sign for which a permit has been issued may be replaced with a new outdoor advertising sign at the same location provided the new sign must not:

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- A. Exceed 500 square feet in area;
- B. Exceed 40 feet in height if abutting an interstate highway or 25 feet in height if not abutting an interstate highway; and
- C. Project over any property line or any right-of-way line (public or private).

#### (2) Relocation

A lawful outdoor advertising sign for which a permit has been issued may be relocated to, or replaced with a new outdoor advertising sign at, a new site on the same side of the same street provided that the following requirements are met. For purposes of this provision, "original sign" will mean the sign as it existed on May 27, 1998:

- A. The new location must be on the same lot as the original sign or on a different lot and within 500 feet of the original sign, measured parallel to the front property line;
- B. The new location must be at least 1,000 feet from any other outdoor advertising sign on the same side of the same street;
- C. The new location must be at least 500 feet from any Residential district fronting on the same side of the same street, or from any school, County park, or religious institution;
- D. The relocated or replacement sign must not exceed 500 square feet in area;
- E. The relocated or replacement sign must not exceed 40 feet in height if abutting an interstate highway, or 25 feet in height if not abutting an interstate highway; and
- F. The relocated or replacement sign must not project over any property line or any right-of-way line (public or private).

(b) A lawful outdoor advertising sign for which a permit has been issued may be continued, maintained, refaced, or repaired at its existing location, size, and height.

(c) Artistic embellishments may be added to a lawful outdoor advertising sign structure for which a permit has been issued if such embellishments do not exceed ten percent of the area of the sign face and such embellishments do not extend more than five feet from such sign structure.

## E. Industrial Districts

For any use in the M-1, M-2, or M-3 district that is also allowed in the B-3 district, a sign permit may be issued for any sign that would be allowed in the B-3 district pursuant to subsection D above subject to the standards for the B-3 district in subsection D.7 above. For any use in the M-1, M-2, or M-3 district that is not allowed in the B-3 district, a sign permit may be issued for the following signs:

1. Attached signs not exceeding four and one-half square feet of sign area for each linear foot of building length.
2. Detached signs: One for each point of access to a public street, provided that any two signs on the same public street must be located at least 500 feet apart. Each

sign must not exceed 150 square feet in area or 25 feet in height and must be located at least 75 feet from any other detached sign.

3. For each parking lot serving two or more buildings: One detached sign per building, not exceeding three square feet in area or five feet in height.
4. For a coordinated development of 20 acres or more: One detached sign not exceeding 50 square feet in area or six feet in height for each 20 acres or part thereof. Such signs must not be located within 75 feet of any other detached sign. Such signs may be located in the right-of-way if approved by the County Engineer.
5. Outdoor advertising signs will be allowed subject to subsection D.7 above.

## **F. Planned Development Districts**

Signs requiring a permit may be allowed in Planned Development Districts in accordance with the approved PD Master Plan (see Sec. 24-3503.A, PD Master Plan) and PD Terms and Conditions Document (see Sec. 24-3503.D, PD Terms and Conditions Document).

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## **DIVISION 8. CHESAPEAKE BAY PRESERVATION**

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### ***Sec. 24-5801. Chesapeake Bay Preservation: Purpose***

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The purpose of this division is to:

- A. Protect Chesapeake Bay Preservation Areas which if improperly developed may result in a substantial adverse impact to the waters of the Chesapeake Bay and its tributaries;
- B. Reduce nonpoint source pollution to state waters;
- C. Promote and restore the high quality of state waters in order to provide for the health, safety and welfare of the present and future residents of the County and the Commonwealth of Virginia; and
- 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.

### ***Sec. 24-5802. Chesapeake Bay Preservation: Applicability***

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#### **A. General Applicability**

1. Except as permitted and regulated by this division and as further regulated by Article II of Chapter 10 of the County Code, within Chesapeake Bay Preservation Areas and the associated buffer, all land disturbing activities; use, development, and redevelopment of land; and clearing of live vegetation are prohibited.
2. Where the provisions of this division are more restrictive or in conflict with any other provisions of this chapter, or other chapters of the County Code, or where the provisions of this division impose a greater requirement or higher standard than state or federal law, the provisions of this division will govern.



## **B. Areas of Applicability**

This subsection governs the identification of Chesapeake Bay Preservation Areas in the County and applies to all land identified under its provisions as resource protection areas (RPAs) and resource management areas (RMAs). These areas, which are collectively referred to as “Chesapeake Bay Preservation Areas,” will be as defined in this chapter. The planning office will maintain maps of all Chesapeake Bay Preservation Areas, the extent of which are identified from available mapping resources, but such maps are for illustrative purposes only and do not definitively identify all Chesapeake Bay Preservation Areas. In the event of a conflict between the terms of this division and the maps, the provisions of this division will govern.

### **1. Resource Protection Areas (RPAs)**

In their natural condition, RPAs provide for the removal, reduction or assimilation of sediments, nutrients and potentially harmful or toxic substances in runoff entering the bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. The RPA will consist of:

- (a) Tidal wetlands;
- (b) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
- (c) Tidal shores;
- (d) Such other lands which the Board of Supervisors may designate by ordinance to provide the benefits of RPAs set forth herein and which are necessary to protect the quality of state waters; and
- (e) A vegetated buffer area no less than 100 feet in width located adjacent to and landward of the components listed in subsections (a) through (d) above and along both sides of any water body with perennial flow. The full buffer area will be designated as the landward component of the RPA notwithstanding the presence of permitted uses, encroachments, and permitted vegetation clearing in compliance with Sec. 24-5803, Chesapeake Bay Preservation Standards.

### **2. Resource Management Areas (RMAs)**

A RMA must be provided contiguous to the entire inland boundary of the RPA. Where mapping indicates the presence of the following land types contiguous to RPAs, the following will be classified as an RMA:

- (a) All areas specifically designated as RMAs by ordinance by the Board of Supervisors because of their potential effect on water quality.
- (b) Base flood hazard areas (100-year floodplains)
- (c) Highly erodible soils, including steep slopes.
- (d) Highly permeable soils.
- (e) Nontidal wetlands not included in RPAs; and
- (f) Where the land contiguous to RPAs is not an RMA as defined above, the 100-foot area contiguous to the RPA.

## **C. Identification of Chesapeake Bay Preservation Areas**

- 1.** The Planning Director will develop maps delineating Chesapeake Bay Preservation Areas. These maps are only intended as general guides to the location of Chesapeake Bay Preservation Areas in the County and are not conclusive evidence

of inclusion or exclusion. Owners may demonstrate that their property is not within a Chesapeake Bay Preservation Area, even if mapped, by submission of an environmental site assessment containing the elements listed in section 10-33 of the County Code.

- 2.** Questions concerning boundaries of Chesapeake Bay Preservation Areas will be resolved by the County Engineer based upon submission of an environmental site assessment.
- 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. 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.
- 4.** After approval of land development in Chesapeake Bay Preservation Areas is granted, prior to any land disturbing activity, all wetlands must be conspicuously flagged or otherwise identified and not disturbed unless authorized by law.

## **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:

- 1.** Construction, installation, operation and maintenance of electric, fiber optic, natural gas and telephone transmission lines, railroads and public roads and their appurtenant structures in accordance with regulations promulgated pursuant to the Erosion and Sediment Control Law (Code of Virginia, § 62.1-44.15:51 et seq., as amended) and the Stormwater Management Act (Code of Virginia, § 62.1-44.15:24 et seq., as amended) and an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Environmental Quality. Public roads must be designed, approved and constructed to prevent or otherwise minimize encroachment in the RPA and adverse effects on water quality. For purposes of this subsection, "public road" means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation (VDOT), including regulations promulgated pursuant to Code of Virginia, §§ 62.1-44.15:51 and 62.1-44.15:2 et seq., as amended. This definition includes those roads where VDOT exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by the County in accordance with County standards. Appurtenant structures include bridges, culverts, guardrails, drainage facilities, lighting, traffic control devices, fences, and berms.
- 2.** Construction, installation and maintenance of water, sewer, natural gas, and underground telecommunications and cable television lines owned or permitted, or both, by the County provided:

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- (a) To the degree possible, the location of such utilities should be outside RPAs.
  - (b) No more land will be disturbed than is necessary to provide for the proposed utility installation.
  - (c) All such construction, installation and maintenance of the utilities and facilities will be in compliance with all applicable state and federal permits and designed and conducted in a manner that protects water quality.
  - (d) Any land disturbance of 2,500 square feet or more must comply with the applicable erosion and sediment control requirements of Chapter 10 of the County Code.
- 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.
- 4.** Silvicultural activities, provided such activities adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the Fifth edition (March 2011) of "Forestry Best Management Practices for Water Quality Technical Manual."

### **Sec. 24-5803. Chesapeake Bay Preservation Standards**

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#### **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:
- (a) New or expanded water-dependent facilities which satisfy the following conditions:
    - (1) The use does not conflict with the comprehensive plan;
    - (2) The facility complies with the performance criteria set forth in Sec. 24-5803.D through Sec. 24-5803.I below;
    - (3) Any non-water-dependent components are located outside of RPAs; and
    - (4) Access will be provided with the minimum disturbance necessary. Where possible, a single point of access will be provided.
  - (b) Redevelopment on isolated redevelopment sites, but only if there is (i) no increase in the amount of impervious cover within the RPA, (ii) no further encroachment within the RPA, and (iii) compliance with the applicable erosion and sediment control criteria set forth in the Erosion and Sediment Control Law and the Virginia Stormwater Management Act and their attendant regulations, the erosion and sediment control requirements in Chapter 10 of the County Code and Sec. 24-5803.F, Stormwater Management, and all applicable stormwater management requirements of state and federal agencies.
  - (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:

- (1) The County Engineer makes a finding that there are no reasonable alternatives for the proposed alignment within or across the RPA;
  - (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;
  - (3) The design and construction is in accordance with the applicable criteria of this section, including submission of a water quality impact assessment; and
  - (4) The plan for the road or driveway is reviewed and approved during the site plan, subdivision, or plan of development approval process.
- (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;
  - (2) The County Engineer has conclusively established that location of the facility within the RPA is the optimum location and has given approval before construction;
  - (3) The size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment, or both;
  - (4) The facility is consistent with a comprehensive stormwater management plan that has been developed and approved in accordance with 9VAC25-870-92 of the Virginia Stormwater Management Program regulations;
  - (5) All applicable permits for construction in state or federal water have been obtained from the appropriate state and federal agencies; and
  - (6) Maintenance agreements have been executed to allow the County to perform routine maintenance on such facilities to ensure that they continue to function as they were designed. It is not the intent of this subdivision to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within an RPA.
- (e) New uses established pursuant to Sec. 24-5803.C.2(b).

2. For any proposed land disturbance in RPAs, a water quality impact assessment in accordance with section 10-39(b) of the County Code must be submitted for approval by the County Engineer.

## **B. Permitted Development in RMAs**

Any development permitted and regulated by the zoning district(s) of the lot will be allowed in RMAs subject to the performance criteria set forth in Sec. 24-5803.D through Sec. 24-5803.I below.

## **C. Buffer Requirements in RPAs**

1. The 100-foot wide buffer area will be the landward component of the RPA. Notwithstanding permitted uses, encroachments, and vegetation clearing as set forth in this section and in accordance with the provisions of Article II of Chapter 10

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of the County Code, the 100-foot wide buffer area will not be reduced in width. To minimize the adverse effects of human activities on the other components of the RPA, state waters, and aquatic life, a 100-foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff must be retained if present or established where it does not exist.

- (a) The 100-foot wide buffer area will be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients.
- (b) Where land uses such as agriculture or silviculture within the area of the buffer cease and the lands are proposed to be converted to other uses, the full 100-foot wide buffer must be reestablished. In reestablishing the buffer, management measures must be undertaken to provide woody vegetation that accomplishes the buffer functions set forth in this section.

**2.** The buffer must be maintained as follows:

- (a) In order to maintain the functional value of the buffer, indigenous vegetation may be removed with the approval of the County Engineer only to provide for reasonable sight lines, access paths, general woodlot management and BMPs, including those that prevent upland erosion and concentrated flows of stormwater, as follows:

- (1) Trees may be pruned or removed as necessary to provide for sight lines and vistas; provided, that where removed, they must be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff.
- (2) Any path must be constructed and surfaced so as to effectively control erosion.
- (3) Dead, diseased or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu, and multiflora rose) may be removed and thinning of trees may be allowed pursuant to sound horticultural practices adopted by the County.
- (4) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

- (b) When the requirements of this section for a buffer would result in the loss of a buildable area on a lot recorded prior to October 1, 1989, encroachments into the buffer area may be allowed by the County Engineer in accordance with the following criteria:

- (1) Encroachments into the buffer area must be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.
- (2) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area must be established elsewhere on the lot.

- (3) The encroachment may not extend into the seaward 50 feet of the buffer area.
- (c) When the requirements of this section for a buffer would result in the loss of a buildable area on a lot recorded between October 1, 1989, and March 1, 2002, encroachments into the buffer area may be allowed by the County Engineer in accordance with the following criteria:
- (1) The lot or parcel was created as a result of a legal process conducted in conformity with Chapter 19 of the County Code;
  - (2) Conditions or mitigation measures imposed through a previously approved exception are met;
  - (3) If the use of a BMP was previously required, the BMP has been evaluated to determine if it continues to function effectively and, if necessary, the BMP must be reestablished or repaired and maintained as required;
  - (4) Encroachments into the buffer area must be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
  - (5) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area must be established elsewhere on the lot; and
  - (6) The encroachment may not extend into the seaward 50 feet of the buffer area.
- (d) On agricultural lands the agricultural buffer must be managed to prevent concentrated flows of surface water from breaching the buffer and noxious weeds from invading the buffer area. Agricultural activities may encroach into the buffer as follows:
- (1) Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural BMP which, in the opinion of the Henricopolis Soil and Water Conservation District Board, addresses the more predominant water quality issues on the adjacent land (erosion control or nutrient management) is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the BMP achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil tests, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations" (4 VAC 5-15 et seq.) administered by the Virginia Department of Conservation and Recreation.
  - (2) Agricultural activities may encroach into the landward 75 feet of the 100-foot wide buffer area when agricultural BMPs which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss

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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. A nutrient management plan, including soil tests, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations" (4 VAC 5-15 et seq.) administered by the Virginia Department of Conservation and Recreation. In conjunction with the remaining buffer area, this collection of BMPs will be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot wide buffer area.

- (3) The buffer need not be designated adjacent to agricultural drainage ditches if the adjacent agricultural land has in place at least one BMP considered by the Henricopolis Soil and Water Conservation District Board to address the more predominant water quality issue on the adjacent land (erosion control or nutrient management).
- (4) If the County Engineer identifies specific problems with agricultural activities which are causing pollution of a nearby water body with perennial flow or which violate performance standards for the vegetated buffer area, the County Engineer, in conjunction with the Henricopolis Soil and Water Conservation District, will recommend a compliance schedule and require the landowner to correct the problems. This schedule will expedite environmental protection while taking into account seasonal and other temporal considerations to maximize the probability of successful implementation of the corrective measures.
- (5) When the owner has refused assistance from the Henricopolis Soil and Water Conservation District in complying with or documenting compliance with the agricultural requirements of this section, the district will report the noncompliance to the County Engineer. The County Engineer will recommend a compliance schedule and require the owner to correct the problems within 18 months of the initial notification of the deficiencies to the owner. This schedule will expedite environmental protection while taking into account seasonal and other temporal considerations to maximize the probability of successful implementation of the corrective measures.
- (6) A water quality impact assessment will be required for any proposed development within the RPA consistent with this section and for any other development in Chesapeake Bay Preservation Areas that may warrant such assessment because of the unique characteristics of the site or intensity of the proposed use or development.
  - A. The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands in the RPAs consistent with the goals and objectives of the Chesapeake Bay Preservation Act, this chapter and Secs. 24-5901 through 24-5906 for mitigation of those impacts. The specific content and procedures for the water quality impact assessment have been established in section 10-39(b).



- B. The water quality impact assessment must be of sufficient specificity to demonstrate compliance with the criteria of Secs. 24-5901 through 24-5906.

## **D. Land Disturbance**

1. No more land must be disturbed than is necessary to provide for the proposed use or development.
2. Ingress and egress during construction must be limited to one access point unless otherwise approved by the County Engineer.
3. The limits of clearing and grading must be marked on all site plans submitted for approval. These limits should be the smallest necessary for development, and the construction footprint may not violate the setbacks established in the zoning ordinance for the zoning district.

## **E. Vegetation**

Indigenous vegetation must be preserved to the maximum extent practicable consistent with the proposed use and development. Such vegetation and new or replacement vegetation will be reviewed and approved in accordance with Article 5, Division 3, Landscaping and Tree Protection.

## **F. Stormwater Management**

1. Land development must minimize impervious cover consistent with the proposed use or development.
2. All development of 2,500 square feet or more of land disturbance must obtain approval in accordance with Sec. 24-2314, Plan of Development or Sec. 24-2315, Site Plan, and section 10-29 of the County Code.
3. Any land disturbing activity of 2,500 square feet or more (including construction of all one-family dwellings and individual onsite sewage disposal systems) 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.

## **G. Wetlands Permits**

The County Engineer will require evidence that all wetlands permits required by law are obtained prior to authorizing grading and other on-site activities to begin.

## **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. 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.

### **J. Changes in Land Surface Impacting Runoff Characteristics**

Any man-made change to the land surface that potentially changes its runoff characteristics, including clearing, grading, or excavation, must comply with the requirements of 9VAC25-870-51 and 9VAC25-870-103 unless the activity is exempted by Va. Code § 62.1-44.15:34(C).

## ***Sec. 24-5804. Chesapeake Bay Preservation: Administration and Enforcement***

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- A.** Except as herein provided, the review and approval procedures for uses and development impacting on Chesapeake Bay Preservation Areas will be as provided in this chapter and Article II of Chapter 10 (Stormwater Management), Chapter 19 (Subdivisions), and Chapter 23 (Water and Sewer) of the County Code.
- B.** The County Engineer will be responsible for the administration and enforcement of the water quality provisions of this division and for the initial review, approval or disapproval of exemptions and waivers. Decisions of the County Engineer may be appealed by the applicant to the County Manager within 15 working days of the decision being appealed. The County Manager's decision will be the final decision of the County.

## ***Sec. 24-5805. Chesapeake Bay Preservation: Exceptions***

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### **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 the location of existing private water supply and on-site sewage systems. 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.
- 2.** The Planning Commission will notify the affected public of such exception requests and will consider these requests in a public hearing in accordance with Code of Virginia, § 15.2-2204.

- 3.** The Planning Commission will review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as it deems necessary only if the Planning Commission finds:
  - (a) Granting the exception will not confer upon the applicant any special privilege denied to similarly situated property owners;
  - (b) The exception request is not based on conditions or circumstances that are self-created or self-imposed, and the request does not arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels;
  - (c) The exception request is the minimum necessary to afford relief;
  - (d) The exception request is in harmony with the purpose and intent of the zoning ordinance and is not of substantial detriment to water quality; and
  - (e) Reasonable and appropriate conditions which will prevent the exception request from causing a degradation of water quality are imposed.
- 4.** If the Planning Commission cannot make the required findings or refuses to grant the exception, the Planning Commission will return the request for an exception and the water quality impact assessment to the applicant.

## **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 RPA, and the location of any existing private water supply and on-site sewage facilities. 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.
- 2.** The County Engineer will evaluate requests for exceptions on a case-by-case basis. Except for exceptions to the provisions in Sec. 24-5803.D through Sec. 24-5803.I, the County Engineer may grant the exception request provided that exceptions to the requirements are the minimum necessary to afford relief and reasonable and appropriate conditions are imposed upon the exception to achieve the purpose and intent of this division.
- 3.** For requests for an exception to the provisions in Sec. 24-5803.D through Sec. 24-5803.I, the County Engineer will review the request for an exception and the water quality impact assessment and may grant the exception with necessary conditions and safeguards if the County Engineer finds:
  - (a) Granting the exception will not confer upon the applicant any special privilege denied to similarly situated property owners;
  - (b) The exception request is not based on conditions or circumstances that are self-created or self-imposed, and the request does not arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels;
  - (c) The exception request is the minimum necessary to afford relief;
  - (d) The exception request is in harmony with the purpose and intent of this Ordinance and is not of substantial detriment to water quality; and

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**Division 8. Chesapeake Bay Preservation**

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- (e) Reasonable and appropriate conditions which will prevent the exception request from causing a degradation of water quality are imposed.
- 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:
- (a) Conditional subdivision approval granted to the owner or developer by the planning commission before November 15, 1991, provided application for final subdivision approval is made by November 15, 1992, and such application is complete and satisfies all requirements of the County Code in effect at the time of the application.
  - (b) Final subdivision approval granted to the owner or developer by the Planning Director or planning commission before November 15, 1991.
  - (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 before November 15, 1991.
  - (d) Approval of site plans, including grading and erosion and sediment control plans, of the owner or developer by the director of public utilities, the County Engineer or the Planning Director before November 15, 1991.
  - (e) Approval of a plan of development by the Board of Supervisors or the planning commission before November 15, 1991.
  - (f) Granting of a conditional use permit to the owner or developer by the planning commission or the Board of Zoning Appeals before November 15, 1991.
  - (g) Granting of a provisional use permit to the owner or developer by the Board of Supervisors before November 15, 1991.
  - (h) Approval of proffered rezoning by the Board of Supervisors before November 15, 1991, where full compliance with this division would conflict with the proffered conditions accepted by the Board of Supervisors.
  - (i) Granting of a variance by the Board of Zoning Appeals before November 15, 1991, provided application for all necessary permits is made by November 15, 1992.
  - (j) Approval of an individual onsite sewage disposal system permit by the County Department of Health before November 15, 1991.
  - (k) Filing on or before September 12, 1991, for any of the approvals listed in (a) through (j) above, provided that the application was complete and satisfied all requirements of the County Code in effect at the time of filing, subsequent approval is based upon the application filed and approval is obtained by March 12, 1992.
  - (l) Filing for a building permit prior to November 15, 1991, provided that the application contains all the information required by the County Code in effect at the time of filing and construction is commenced within 12 months of approval and is diligently pursued to completion.
- 5.** Existing uses rendered nonconforming on November 15, 1991, and uses vested by law as of November 15, 1991, will not be subject to the requirements of Secs. 24-5901 through 24-5906 in accordance with state law. In addition, this division will not be applied so as to constitute an unconstitutional taking of property.

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

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- A.** The County Engineer may waive or modify the requirements of this division for remodeling, additions or alterations to principal structures on legal nonconforming lots that were legally in existence in RPAs on November 15, 1991, provided that:
  - 1.** There will be no net increase in nonpoint source pollutant loads;
  - 2.** Any development or land disturbance of 2,500 square feet or more complies with the erosion and sediment control requirements of Chapter 10 of the County Code; and
  - 3.** Additions must be built outside RPAs where possible.
- B.** Waivers must not be granted under this section for remodeling, additions, or alterations 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 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.
- D.** An application for the expansion of a nonconforming structure may be approved by the County Engineer provided that the following findings are made:
  - 1.** The request for the waiver is the minimum necessary to afford relief;
  - 2.** Granting the waiver will not confer upon the applicant any privilege that is denied to property owners in similar situations;
  - 3.** The waiver is in harmony with the purpose and intent of this division and does not result in water quality degradation;
  - 4.** The waiver is not based on conditions or circumstances that are self-created or self-imposed; and
  - 5.** Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality.
- E.** A nonconforming use development waiver will become null and void 12 months from the date it is issued if substantial work has not commenced.
- F.** This section will not prohibit the reconstruction of preexisting structures within Chesapeake Bay Preservation Areas because of casualty loss.

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**DIVISION 9. ENVIRONMENTALLY FRIENDLY DESIGN INCENTIVES**

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**Sec. 24-5901. Purpose and Intent**

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The purpose and intent of this division is to encourage new development to incorporate environmentally friendly features into projects. Specifically, this division is intended to provide incentives for developments that incorporate green building features that support:

- A.** Energy conservation;

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### Division 9. Environmentally Friendly Design Incentives

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- B.** Alternative energy generation and use;
- C.** Water conservation;
- D.** Water quality;
- E.** Urban agriculture;
- F.** Recycled building materials;
- G.** Multimodal transportation; and
- H.** Increased resiliency.

### **Sec. 24-5902. *Applicability***

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#### **A. General**

The incentives in this division are available in all base zoning districts except the A-1 and C-1 districts for the following:

- 1.** All new development; and
- 2.** Any expansion of an existing development that increases its gross floor area by 50 percent or more.

#### **B. Timing of Review**

Review for determining whether proposed development qualifies for incentives provided by this division will take place during review of an application for a planned development, provisional use permit, conditional use permit, building permit, certificate of occupancy, plan of development, or site plan, as appropriate, in accordance with subsection Sec. 24-5905 below.

### **Sec. 24-5903. *Environmentally Friendly Development Incentives***

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- A.** Development integrating environmentally-friendly features in accordance with this division will be eligible for the following incentives:
  - 1.** A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zoning district.
  - 2.** An increase in the maximum allowable height by up to 14 feet beyond the maximum allowed in the base zoning district;
  - 3.** In the CMU, O-1, O-2, O-3, and O/S districts, a decrease in minimum required lot area by ten percent; and
  - 4.** A modification to the off-street parking requirements resulting in a reduction from the minimum requirements by 15 percent without an alternative parking plan.
- B.** Development that includes a sufficient number of environmentally friendly building features may take advantage of more than one type of incentive.

**Sec. 24-5904. Conflicts with Neighborhood Compatibility**

If the incentives in this division conflict with the neighborhood compatibility standards in Article 5, Division 6, Neighborhood Compatibility, the neighborhood compatibility standards will govern.

**Sec. 24-5905. Procedure**

- A.** Development seeking to use environmentally friendly development incentives in this division must include a written request with the development application that demonstrates how compliance with the standards of this division will be achieved.
- B.** The decision-making body or person responsible for review of the development application will also be responsible for the review of the environmentally friendly development incentive request.
- C.** The incentives will be based on the number of environmentally friendly development features provided, in accordance with Table 5905: Environmentally Friendly Development Incentives, and Sec. 5906: Environmentally Friendly Development Features. To obtain the right to a particular incentive identified in the left column of Table 5905: Environmentally Friendly Development Incentives, the development proposed is required to provide the minimum number of environmentally friendly building features associated with the incentive from both schedule A and schedule B in Table 5905: Environmentally Friendly Development Incentives. For example, for a density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zoning district, the proposed development is required to include two green building features from Schedule A and four green building features from Schedule B.
- D.** Each environmentally friendly design feature may only count for one incentive. If an applicant wants to achieve a second type of incentive (for example, both the density bonus incentive and the lot coverage incentive), the proposed development must include the minimum number of green building features in Schedule A and Schedule B required for both incentives (e.g., two from Schedule A and four from Schedule B for the density bonus incentive, and two from Schedule A and three from Schedule B for the lot coverage incentive).

Table 5905: Environmentally Friendly Development Incentives		
Type of Incentive	Minimum Number of Green Building Practices Provided	
	From Schedule A	From Schedule B
A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zoning district	2	4
An increase in the maximum allowable height by up to 14 feet beyond the maximum allowed in the base zoning district	2	3
A decrease in minimum required lot area in the base zoning district by 10 percent	2	3
A modification to the off-street parking requirements resulting in a reduction from the minimum requirements by 15 percent	2	2



## Article 5 Development Standards

### Division 9. Environmentally Friendly Design Incentives

#### **Sec. 24-5906. Determination of Nonconformity Status**

In all cases, the burden of establishing that a nonconformity lawfully exists and was lawful at the time it was established will be on the owner of the land on which the purported nonconformity is located.

#### **Sec. 24-5907. Menu of Environmentally Friendly Features**

The environmentally friendly development features listed in Table 5906: Environmentally-Friendly Development Features, may be offered by an applicant for proposed development in accordance with Table 5905: Environmentally-Friendly Development Incentives.

Table 5906: Environmentally Friendly Development Features	
Schedule	Green Building feature
Energy Conservation	
A	Install a "cool roof" for at least 50 percent of the total roof area of the primary buildings in a multi-building development. Cool roofs must have a Solar Reflectance Index of 78 for flat roofs or 29 for roofs with a slope greater than 2:12
A	Use central air conditioners that are Energy Star qualified
A	Use only solar or tank-less water heating systems throughout the structure
B	Provide skylights in an amount necessary to ensure natural lighting is provided to at least 20 percent of the habitable rooms in the structure
B	Construct roof eaves or overhangs of three feet or more on southern or western elevations
B	Provide shade, open-grid pervious pavement, or solar-reflective paving on 50% of total area of roads, sidewalks, and parking areas in development
B	Use a structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)
B	Use vegetation or vegetated structures to shade HVAC units
Alternative Energy	
AAA	Generate at least 75 percent of energy on-site by alternative energy (e.g., solar, wind, geothermal)
AA	Generate at least 50 percent but less than 75 percent of energy on-site by alternative energy (e.g., solar, wind, geothermal)
A	Generate at least 25 percent but less than 50 percent of energy on-site by alternative energy (e.g., solar, wind, geothermal)
A	Pre-wire at least 75 percent of residential dwelling units in the development for solar panels
B	Pre-wire at least 25 percent but less than 75 percent of residential dwelling units in the development for solar panels
Green Building Certification Standards	
AAA	Construct the principal building(s) to meet or exceed LEED ® Platinum or comparable certification standards
AA	Construct the principal building(s) to meet or exceed LEED ® Gold or comparable certification standards
BB	Construct the principal building(s) to meet or exceed LEED ® Silver or comparable certification standards
Water Conservation and Water Quality	
AAA	Install a green vegetated roof on the primary building(s), or at least 50 percent of primary buildings in a multi-building complex – green or vegetated roofs must include vegetation on at least 50 percent of the roof area (25 percent for renovated buildings) and must use only plant materials permitted by this Ordinance.
AA	Provide rain gardens, street-side swales, or other appropriate storm water infiltration system(s) incorporating Low-Impact Development (LID) features that capture a minimum of 50 percent of site stormwater runoff

**Table 5906: Environmentally Friendly Development Features**

Schedule	Green Building feature
A	Provide rain gardens, street-side swales, or other appropriate storm water infiltration system(s) incorporating Low-Impact Development (LID) features that capture a minimum of 25 percent of site stormwater runoff
A	Use pervious pavement on at least 50 percent of parking lot and driveway area in development
A	Include rainwater capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons for every two residential units
<b>Vegetation</b>	
A	Retain at least 25 percent of existing pre-development natural vegetation
A	Remove all lawn or turf in favor of ground cover consisting of plant material or mulch
B	Limit turf grass to 40 percent of the landscaped area
<b>Urban Agriculture</b>	
A	Provide a fenced, centrally located community garden space (which may be located as a rooftop garden) for residents, for urban gardening purposes, at a ratio of 50 square feet per dwelling unit
B	Provide a fenced community garden space for employees at an office, for gardening purposes, at a ratio of 15 square feet per employee
B	Provide a minimum of one on-site composting station for every 25 residential dwelling units
<b>Building Materials</b>	
AA	Source a minimum of 25 percent, by cost, of construction materials from recycled products or products manufactured, extracted, harvested, or recovered within 250 miles of the site
<b>Transportation</b>	
A	Provide a minimum of two electric vehicle level 3 charging stations that are made available in a parking structure or off-street parking lot to those using the building
B	Provide a minimum of two electric vehicle level 2 charging stations that are made available in a parking structure or off-street parking lot to those using the building
B	Provide a minimum of five percent of required automobile parking spaces that are signed and reserved for hybrid, electric, or low energy vehicles in preferred locations near the primary building entrance
B	Provide more bicycle parking than required by Sec. 24-5122.A, Minimum Bicycle Parking Required, while ensuring that all other bicycle parking standards in Sec. 24-5122.B, Bicycle Parking Space Design Standards, are met
B	Include showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation
<b>Resiliency to Natural Hazards</b>	
A	Equip the project with at least one alternative, independent source of electricity supply so that the project is capable of operating if a primary source of power experiences an interruption
B	Install operable windows to allow for natural ventilation in the event of power failures

NOTES:

- [1] "AA" means credited as provision of two schedule "A" features.  
"AAA" means credited as provision of three schedule "A" features.  
"BB" means credited as provision of two schedule "B" features.
- [2] LEED Certification from the U.S. Green Building Council, or equivalent criteria from the International Code Council Green Construction Code, the National Green Building Standards, or similar certification programs as determined by the Director.

**Sec. 24-5908. Failure to Install or Maintain Features**

Failure to install or maintain the environmentally friendly development features for which development incentives are provided is a violation of this Ordinance and may result in revocation of a development approval or permit.



# 6

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# ARTICLE 6 NONCONFORMITIES

## DIVISION 1. GENERAL APPLICABILITY

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### ***Sec. 24-6101. Purpose and Scope***

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- A.** The purpose of this article is to establish general rules for nonconformities. Nonconformities are uses, structures, lots, signs, and other site features that were legally established before the adoption of this Ordinance, or any subsequent amendment thereto, that do not conform to the requirements of this Ordinance.
- B.** Provisions in other articles of this Ordinance may establish rules for specific nonconformities. Those rules control to the extent that there is inconsistency between them and the general rules for nonconformities in this article.

### ***Sec. 24-6102. Authority to Continue***

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- A.** Any nonconforming use, structure, lot, sign, or other site feature may be continued, repaired, and maintained (see Sec. 24-6103, Minor Repairs and Maintenance, below).
- B.** A nonconforming use, structure, lot, sign, or other site feature must not be altered, enlarged, or extended, except in accordance with this article, or, in the case of a nonconforming use or structure within a resource protection area, unless a waiver is granted in accordance with Sec. 24-5806, Chesapeake Bay Preservation: Nonconforming Uses and Noncomplying Structures in RPAs.

### ***Sec. 24-6103. Minor Repairs and Maintenance***

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- A.** Routine repair and maintenance of nonconforming structures, signs, and other site features, and structures housing nonconforming uses, necessary to keep the structure or other site feature in the same condition as at the time the nonconformity was established, is allowed.
- B.** No provision of this article will be construed to prohibit modifications to structures necessary for compliance with the Americans with Disabilities Act (ADA), or actions to bring to a safe condition any structure declared to be unsafe by any official charged with protecting the public safety, health, or welfare.

### ***Sec. 24-6104. Change of Tenancy or Ownership***

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A change of tenancy or ownership does not, in and of itself, affect nonconforming status.

## Article 6 Nonconformities

### Division 2. Nonconforming Uses

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## **DIVISION 2. NONCONFORMING USES**

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### ***Sec. 24-6201. Nonconforming Use May be Continued***

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A nonconforming use or 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. 24-6202. Change to Other Nonconforming Use***

---

A nonconforming use may be changed to another nonconforming use in the same use category or to any other use that the applicant demonstrates to the satisfaction of the Planning Director does not create more external effects than the existing nonconforming use with respect to traffic generation, parking requirements, noise, smoke, dust, gasses, heat, odor, glare, vibration, storage, and waste disposal.

### ***Sec. 24-6203. Enlargement or Extension***

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- A.** A nonconforming use of land located outside of a structure must not be enlarged to occupy more land than it occupied at the time the use became nonconforming.
- B.** A nonconforming use of a structure may be enlarged or extended only into portions of the structure that were arranged or designed for the use at the time the use became nonconforming. The enlargement or extension of the use must not involve any structural alterations to the building.

### ***Sec. 24-6204. Reestablishment after Cessation of Use Prohibited***

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The reestablishment of a nonconforming use in a structure or on a premises where the nonconforming use has ceased for at least two years, or following the destruction of the structure even if it is eligible to be rebuilt in accordance with Sec. 24-6304, Reconstruction After Damage or Destruction, is prohibited.

## **DIVISION 3. NONCONFORMING STRUCTURES**

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A nonconforming structure must not be moved, enlarged, extended, reconstructed, or otherwise structurally altered except as provided in this division.

### ***Sec. 24-6301. Special Flood Hazard Area***

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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. Enlargement***

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- A.** Any structure that is conforming as to use 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.

### ***Sec. 24-6303. Relocation***

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A nonconforming structure must not be moved, in whole or in part, to another location on or off the parcel of land on which it is located unless upon relocation it conforms to the requirements of this Ordinance.

### ***Sec. 24-6304. Reconstruction After Damage or Destruction***

---

- A.** A nonconforming residential or commercial building may be repaired, rebuilt, or replaced after being damaged or destroyed by a natural disaster or other act of God, provided:
  - 1.** The building must be repaired, rebuilt, or replaced within four years of the date of the natural disaster or other act of God;
  - 2.** The nonconformity must be eliminated or reduced to the extent possible. In repairing, rebuilding, or replacing the building, the owner must comply with the floor area, lot, yard, distance, and height requirements of this Ordinance as nearly as possible;
  - 3.** The building must comply with the Uniform Statewide Building Code; and
  - 4.** The building must comply with the floodplain regulations of Chapter 10 of the County Code.
- B.** For purposes of this section, the term "act of God" will include any natural disaster or phenomenon including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein will be construed to enable the property owner to commit an arson under § 18.2-77 or § 18.2-80 of the Code of Virginia and obtain rights under this section.

### ***Sec. 24-6305. Abandonment***

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A nonconforming structure that remains vacant or completely inactive for a period of two years will be deemed abandoned and will lose its nonconformity status.

## Article 6 Nonconformities

### Division 4. Nonconforming Lots of Record

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## DIVISION 4. NONCONFORMING LOTS OF RECORD

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### **Sec. 24-6401. General Provisions**

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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.

- A.** Any nonconforming lot of record that has come into conformity with this Ordinance must not again be changed to a nonconforming lot of record by action of the landowner.
- B.** Any nonconforming lot of record or any part of the lot that is nonconforming with respect to dimensional standards must not be modified to increase the nonconformity.
- C.** If a dwelling was built across a common lot line, or so close to the lot line that it would only have met the requirements in effect at the time if the two lots were consolidated, they will be considered to have been consolidated and will not be considered separate lots under this Ordinance unless both lots are brought into compliance with the standards 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 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 may be developed for a single-family dwelling if it meets the following requirements.
  - 1.** If the lot is shown as a numbered residential lot on a subdivision plat that was reviewed and approved by the County, it may be developed in accordance with the minimum lot area and minimum lot width standards in effect when the plat was recorded.
  - 2.** If the lot is shown on a subdivision plat that was not reviewed and approved by the County, it may be developed for a single-family dwelling only if it meets the minimum area and minimum lot width requirements for the zoning district in which it is located in accordance with Table 6402: Requirements for Nonconforming Lots on Non-Approved Plat. (For lots that are not served by public water and sewer, see paragraph 4 below.)

Table 6402: Requirements for Nonconforming Lots on Non-Approved Plat		
Zoning District	Minimum Area (square feet)	Minimum Lot Width (feet)
A-1	30,000	150
R-0	25,000	100
R-1	15,000	80
R-2	11,000	65
R-2A	10,000	65
R-3	8,000	65
R-4	6,000	50
R-5	6,000	50

3. The dwelling must meet the minimum setback requirements of Sec. 24-3105.G, Dimensional Standards for Lots Created Prior to January 1, 1960.
  4. 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 or the minimum in Table 6402, whichever is greater.
  5. The height of the dwelling 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).
  6. The lot must meet the public street frontage requirements in Sec. 24-4306.E, Dwelling, All Single-Family Detached.
- B.** A 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 of multiple lots in accordance with Chapter 19 of the County Code, if the boundary adjustment or lot assembly 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). 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.
- D.** A lot that does not conform to the minimum lot width requirements in this Ordinance based on the rules of measurement that determine how lot width is measured, but that did previously comply with the minimum lot width standards based on the rules of measurement in effect at the time the lot was platted, will be deemed a lawful nonconforming lot.

### ***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, Reconstruction After Damage or Destruction.

## Article 6 Nonconformities

### Division 5. Nonconforming Signs

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#### **Sec. 24-6404. Government Acquisition of Land**

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Any lot of record 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 lot becoming nonconforming as to lot area, lot width, or both, by 10 percent or less of the applicable standard, will be deemed a lawful nonconforming lot. Any proposed development of such lots must comply with all other standards and requirements of this Ordinance, including all dimensional standards other than the nonconforming lot area or lot width resulting from the governmental land acquisition.

### **DIVISION 5. NONCONFORMING SIGNS**

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#### **Sec. 24-6501. General Provisions**

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- A.** A nonconforming sign is any sign lawfully existing on April 25, 2017, that does not conform to the provisions of Article 5, Division 7, Signs, except any outdoor advertising sign (i) allowed by Sec. 24-5707.D.7; (ii) not prohibited by Sec. 24-5704, Prohibited Signs; and (iii) meeting the requirements of Sec. 24-5705, General Requirements, will be considered a conforming sign. A nonconforming sign may remain, subject to the requirements of this division.
- B.** Nothing in this division will be deemed to prevent maintenance or repair of a nonconforming sign, or the alteration to the face of a sign involving the replacement of materials or parts, or the replacement with a different type of sign of the same size (e.g., replacement of a sign cabinet with channel letters).
- C.** The owner of the property where a sign is located will have the burden of establishing the nonconforming status, physical characteristics, and location of the sign. Upon notice from the Planning Director, a property owner must submit verification that a sign was lawfully existing at the time of erection. Failure to provide such verification will be cause for an order to remove the sign or bring the sign into compliance with Article 5, Division 7, Signs.
- D.** A nonconforming sign may be replaced with a new sign of lesser height or area, or both, and the replacement sign will be deemed nonconforming and may remain in accordance with this division.
- E.** A nonconforming sign that is changed to become conforming or is replaced by a conforming sign will no longer be deemed nonconforming, and thereafter such sign must be maintained in accordance with Article 5, Division 7, Signs.

#### **Sec. 24-6502. Enlargement or Increase of Features**

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A nonconforming sign must not be enlarged and any feature of a nonconforming sign, such as illumination, must not be increased. This paragraph is not intended to prohibit upgrades in the efficiency of lighting of any sign, or the addition of solar panels to an outdoor advertising sign subject to Sec. 24-5707.D.7.

***Sec. 24-6503. Reconstruction After Damage or Destruction***

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- A.** A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding 50 percent of its area may be restored within two years after such destruction or damage but must not be enlarged in any manner.
- B.** If a nonconforming sign is destroyed or damaged to an extent exceeding 50 percent of its area, it must not be reconstructed but may be replaced with a sign that complies with Article 5, Division 7, Signs.

***Sec. 24-6504. Relocation***

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A nonconforming sign must not be moved unless the change in location will make the sign more conforming with the standards in Article 5, Division 7, Signs.

***Sec. 24-6505. Removal of Nonconforming Sign***

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A nonconforming sign structure will be subject to the removal provisions in Article 5, Division 7, Signs. In addition, a nonconforming sign structure will be considered abandoned if the use to which it is accessory has not been in operation for a period of two years or more. Following the expiration of the two-year period, any abandoned nonconforming sign must be removed by the owner of the property on which the sign is located, if notified by the County to do so. If, following such two-year period, the County has made a reasonable attempt to notify the property owner, the County through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal will be chargeable to the owner of the property.

**DIVISION 6. GRADUATED COMPLIANCE OF NONCONFORMING SITE FEATURES**

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***Sec. 24-6601. Graduated Compliance: Purpose and Intent***

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This division establishes rules for increasing compliance of nonconforming sites when a use is changed or a building is expanded. It is intended to promote reinvestment in small commercial properties where nonconforming site features make it difficult or impossible to adapt existing buildings to new uses. Where possible, nonconforming sites should be brought into full compliance with this Ordinance. When a small commercial site would otherwise remain vacant because there is insufficient space to bring nonconforming parking or landscaping into full compliance with this Ordinance, this division may provide relief. For such sites, this division allows for graduated compliance while requiring those improvements that are practical, but not requiring full compliance where it would be impossible or impractical.

***Sec. 24-6602. Graduated Compliance Required***

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For any commercial site of two acres or less, where a proposed building addition or change of use would increase the degree of nonconformity and full compliance with the requirements of this Ordinance is precluded by the area of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, or other environmental constraints, the applicant must comply with the requirements of this section to the maximum extent practicable as determined by the Planning Director.

## Article 6 Nonconformities

### Division 6. Graduated Compliance of Nonconforming Site Features

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- A.** Any addition to the building must conform to the requirements of Article 3, Zoning Districts regarding setbacks, height limitations, and other dimensional standards.
- B.** The proposed use of the property must conform to Article 4, Use Regulations.
- C.** Any outdoor storage or display must conform to Article 4, Use Regulations, including the requirements for screening in Division 3, Standards for Specific Principal Uses and Division 4, Accessory Uses and Structures.
- D.** Transitional buffers must be provided as required by Sec. 24-5310, Transitional Buffers.
- E.** For any proposed change of use that would result in a deficit between the parking provided and the parking that would be required after the change of use:
  - 1.** If the deficit would be 3 or fewer parking spaces, no additional parking is required.
  - 2.** If the deficit would be 4 to 7 parking spaces, additional parking must be provided to make up 50% of the deficit. For example, if a building has 10 existing parking spaces, and a change of use is proposed that would require 16 parking spaces, the deficit is 6 spaces (16-10). The applicant must provide 3 additional spaces (50% of the 6-space deficit) for a total of 13 (10 existing plus 3 additional).
  - 3.** If the deficit would be 8 to 15 parking spaces, additional parking must be provided to make up 75% of the deficit. For example, if a building has 20 existing parking spaces, and a change of use is proposed that would require 32 parking spaces, the deficit is 12 spaces (32-20). The applicant must provide 9 additional spaces (75% of the 12-space deficit) for a total of 29 (20 existing plus 9 additional).
  - 4.** If the deficit would be 16 or more parking spaces, additional parking must be provided to meet the requirements of Article 5, Division 1, Access, Circulation, Off-Street Parking, and Loading.
- F.** For any proposed building addition that would result in an increase in required parking:
  - 1.** If the floor area of the proposed addition is less than 25 percent of the floor area of the nonconforming building, additional parking must be provided as required for the addition only.
  - 2.** If the floor area of the proposed addition is greater than or equal to 25 percent but less than 75 percent of the floor area of the nonconforming building, additional parking must be provided as required for the addition plus a percentage of nonconforming parking equal to the percentage of additional floor area. For example, a retail building with 4,000 square feet of floor area requires 14 parking spaces. If the property only has 10 parking spaces, it falls short of the requirement by 4 spaces. An addition of 2,000 square feet would increase the floor area by 50 percent and would require an additional 7 parking spaces. The addition would require a total of 9 spaces: 7 for the addition plus 50% of the 4-space shortfall, or 2 more spaces.
  - 3.** If the floor area of the proposed addition is greater than or equal to 75 percent of the floor area of the nonconforming building, all parking required for the nonconforming building and the addition must be provided.
- G.** Off-site parking that conforms to Sec. 24-5116 may be counted toward 100% of the parking required by this section.
- H.** All new parking must be landscaped as provided in Article 5 Division 4. Existing parking must be brought into conformance with the landscaping requirements to the degree the Planning Director determines it is practical to do so.







# 7

## ARTICLE 7: ENFORCEMENT

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# ARTICLE 7 ENFORCEMENT

## DIVISION 1. PURPOSE

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**Sec. 24-7101.** This article establishes procedures by which the County seeks to ensure compliance with the provisions of this Ordinance and to obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this article are intended to encourage the voluntary correction of violations where possible.

## DIVISION 2. COMPLIANCE REQUIRED

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**Sec. 24-7201.** Compliance with all the procedures, standards, and other provisions of this Ordinance is required by any person owning, developing, managing, using, or occupying land or structures in the County.

**Sec. 24-7202.** All permits and development approvals required by this Ordinance must be obtained prior to development.

**Sec. 24-7203.** Each permit or development approval authorizes only the development set forth in that permit or development approval.

## DIVISION 3. VIOLATIONS

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### **Sec. 24-7301. *Violations Generally***

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Any failure to comply with this Ordinance, or the terms or conditions of any permit or other development approval or authorization granted in accordance with this Ordinance, will constitute a violation of this Ordinance as provided in this article.

### **Sec. 24-7302. *Specific Violations***

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It will be a violation of this Ordinance to undertake any development contrary to the provisions of this Ordinance, including any action to:

- A.** Disturb or develop land without first obtaining all appropriate permits and development approvals and complying with their terms and conditions.
- B.** Occupy or use land or a structure without first obtaining all appropriate certificates, permits and development approvals and complying with their terms and conditions.
- C.** Disturb any landscaped area or vegetation required by this Ordinance, including the topping of trees that is detrimental to the long-term viability of the trees.
- D.** Install, create, erect, alter, or maintain any sign without first obtaining the appropriate permits or development approvals and complying with their terms and conditions.
- E.** Fail to remove any sign installed, created, erected, altered, or maintained in violation of this Ordinance, or for which the permit has expired.

## **Article 7 Enforcement**

### **Division 4. Persons Held Responsible for Violations**

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- F.** Create, expand, replace, or change any nonconformity except in accordance with this Ordinance.
- G.** Reduce or diminish the dimensions of a lot such that it falls below the minimum requirements for use, development, design, or dimensional standards in this Ordinance.
- H.** Increase the intensity or density of development, except in accordance with the standards of this Ordinance.
- I.** Violate, by act or omission, any term, condition of approval, or qualification of a permit or development approval, or other form of authorization granted by the County to allow development.
- J.** Engage in any development or other activity in any way inconsistent with a permit or development approval, or other form of authorization granted for such activity by the County under this Ordinance.
- K.** Obtain a permit or development approval through false or misleading information.

## **DIVISION 4. PERSONS HELD RESPONSIBLE FOR VIOLATIONS**

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### ***Sec. 24-7401. Joint and Several Liability***

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All persons responsible for a violation of this Ordinance may be held jointly and severally liable for the violation. Any person who violates this Ordinance is subject to the remedies and penalties set forth in this article.

### ***Sec. 24-7402. Meaning of "Person"***

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For the purposes of this article, "person" includes an individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established in this article for Ordinance violations include the owner, tenant, or occupant of the land or structure that is in violation of this Ordinance, and a builder, contractor, agent, or any other person who knowingly causes an Ordinance violation (e.g., knowingly erecting a structure that violates the plans or conditions of an approved development application).

## **DIVISION 5. ENFORCEMENT GENERALLY**

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### ***Sec. 24-7501. Responsibility for Enforcement***

---

The Planning Director will be responsible for enforcing the provisions of this Ordinance in accordance with the Code of Virginia. The Planning Director may appoint one or more deputies to assist in the enforcement of this Ordinance. All other County officials will fully cooperate with the Planning Director and any appointed deputies in the enforcement of this Ordinance.

---

## Sec. 24-7502. *Enforcement Procedure*

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### A. Complaints and Investigation

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint, identifying the alleged violation and the person making the complaint, with the Planning Director. The Planning Director will record the complaint, investigate promptly, and take action to abate or correct any violation that is found.

### B. Notice of Violation

1. On finding that a violation of this Ordinance exists, whether from an investigation of a written complaint or otherwise, the Planning Director, or any deputy appointed by the Planning Director, will provide written notice of the violation to the owner of the land on which the violation exists, the occupant (if applicable), and the person causing or maintaining the violation. The written notification will be sent by registered or certified mail to the last known address or usual place of abode of such individuals, or their registered agents, if any. There shall be a rebuttable presumption that the last known address is that shown on the current real estate tax assessment records, or the address of a registered agent that is shown in the records of the Clerk of the State Corporation Commission. Such notification will:
  - (a) Describe the location and nature of the violation;
  - (b) Order that the violation be corrected within a specified time;
  - (c) State the action(s) that may be taken if the violations are not corrected, which may not be exhaustive;
  - (d) State the recipient may have the right to appeal the notice within 10 days for temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, or similar short-term, recurring violations, and within 30 days for all other violations, in accordance with Code of Virginia §15.2-2311 and Sec. 24-2320, Appeal of Administrative Decisions, and that the decisions will be final and unappealable if not appealed within the time limit; and
  - (e) State the appeal fee, if any, and include a reference to where additional information may be obtained regarding filing of an appeal.
2. If the owner of the land cannot be located or determined, the Planning Director, or any deputy appointed by the Planning Director, will post a copy of the notice at the **last known address or usual place of abode of the owner of the land or the owner's** registered agent, and post notice on the building, structure, sign, or site that is the subject of the violation.
3. Additional written notices may be provided at the discretion of the Planning Director or deputy appointed by the Planning Director.

### C. Appeal of Notice of Violation

1. Time Period for Appeal

A notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, or similar short-term, recurring violations must be appealed within ten days in accordance with the Code of Virginia. Any other notice of violation must be appealed within 30 days. If no appeal has been filed within the appeal period, the notice will be deemed final and unappealable.

## Article 7 Enforcement

### Division 6. Remedies and Penalties

---

#### 2. Filing of Appeal Stays Other Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Planning Director certifies to the BZA or Board of Supervisors, as applicable, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the Planning Director and for good cause shown.

#### D. Application of Remedies and Penalties

On determining that the violator has failed to correct the violation within the time limit specified in the notice of violation or within 30 days (whichever is less), or any granted extension, the Planning Director, or deputy appointed by the Planning Director, will take appropriate action, as provided in Article 7, Division 6, Remedies and Penalties, to correct and to abate the violation and to ensure compliance with this Ordinance.

#### E. Emergency Enforcement without Notice

On determining that delay in abating the violation would pose imminent peril to life or property, the Planning Director may seek immediate enforcement without prior written notice by invoking any of the remedies authorized in Article 7, Division 6, Remedies and Penalties. The person responsible for the violation will be notified as soon as is reasonably possible.

## DIVISION 6. REMEDIES AND PENALTIES

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### ***Sec. 24-7601. Stop Work Order Issuance***

---

The County may issue a stop work order on any building or structure on any land on which there is or has been an uncorrected violation of this Ordinance or of a permit or development approval or other form of authorization issued hereunder in accordance with its powers to stop work under the Virginia Uniform Statewide Building Code.

### ***Sec. 24-7602. Criminal Penalties***

---

- A.** Any person who violates any of the provisions of this chapter will be deemed guilty of a misdemeanor offense and upon conviction will be fined not more than \$1,000.
- B.** If the violation is uncorrected at the time of conviction, the court will order the violator to abate or remedy the violation in compliance with this chapter within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period will constitute a separate misdemeanor offense punishable by a fine of not more than \$1,000. Any such failure during the next 10-day period will constitute a separate misdemeanor offense punishable by a fine of not more than \$1,500. Any such failure during any succeeding 10-day period will constitute a separate misdemeanor offense for each succeeding 10-day period punishable by a fine of not more than \$2,000.



### ***Sec. 24-7603. Tree Replacement***

---

Any person who violates Sec. 24-5313, Tree Protection, will be deemed guilty of a misdemeanor offense and upon conviction will be ordered by the court to replace any trees that have been removed unlawfully. The number and size of trees to be planted will be as set forth in Sec. Sec. 24-5313.F, Replacement and Mitigation of Protected Trees.

### ***Sec. 24-7604. Other Penalties Authorized by Code of Virginia***

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Any violation of this Ordinance may be restrained, corrected, or abated by injunction or other appropriate proceeding in accordance with the Code of Virginia. The County may exercise any other remedies allowed by the Code of Virginia for violations of this Ordinance. To the extent allowed by law, all remedies and penalties provided herein will be cumulative.

### ***Sec. 24-7605. Revocation of Permits***

---

#### **A. General**

If the recipient of a permit issued by the Planning Director fails to develop or maintain the land or structure(s) subject to the permit or comply with the terms and conditions of the permit, the permit may be revoked by the Planning Director in accordance with the procedures and standards of this section.

#### **B. Notification of Revocation of Permits**

On determining that the recipient of the permit has failed to develop or maintain the land or structure in compliance with the terms and conditions of the permit, that the recipient has failed to comply with the terms and conditions of the permit, or that information in the permit application was materially false or misleading, the Planning Director may revoke the permit by providing written notification. The notification must include a statement of the specific reasons or findings of fact that support the revocation. The notification must also include notification that the Planning Director's decision may be appealed to the BZA in accordance with Sec. 24-2320, Appeal of Administrative Decisions.

#### **C. Appeal of Revocation of Permits**

A revocation of a permit by the Planning Director may be appealed by any person aggrieved within 30 calendar days to the BZA in accordance with Sec. 24-2320, Appeal of Administrative Decisions.

#### **D. Effect of Revocation**

No person may continue to use land or buildings in the manner authorized by a permit after the permit is revoked in accordance with this section.



# 8

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# ARTICLE 8 DEFINITIONS

## DIVISION 1. GENERAL RULES FOR INTERPRETATION

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The rules in this division will apply for construing or interpreting the terms and provisions of this Ordinance.

### ***Sec. 24-8101. Meanings and Intent***

---

All provisions, terms, phrases, and expressions contained in this Ordinance will be interpreted in accordance with the general purposes set forth in Sec. 24-1104, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term will govern.

### ***Sec. 24-8102. Headings, Illustrations, and Text***

---

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text will govern. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

### ***Sec. 24-8103. Lists and Examples***

---

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

### ***Sec. 24-8104. Computation of Time***

---

When a notice is required to be given, the day of such notice is given will not be counted against the time allowed, but the day on which such act is performed may be counted as part of the time. When the last day for any act to be done falls on a Saturday, Sunday or legal holiday, or any day on which county offices are closed, the act may be done on the next day that county offices are not closed. References to days are calendar days unless otherwise stated.

### ***Sec. 24-8105. References to Other Regulations and Publications***

---

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it will mean a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

### ***Sec. 24-8106. Delegation of Authority***

---

Any act authorized by this Ordinance to be carried out by the Planning Director may be delegated by the Planning Director to a professional-level County employee.

## Article 8 Definitions

### Division 2. Table of Abbreviations

---

#### **Sec. 24-8107. Public Officials and Agencies**

---

All public officials, bodies, and agencies to which references are made are those of the County of Henrico, Virginia, unless otherwise indicated.

#### **Sec. 24-8108. Mandatory and Discretionary Terms**

---

The word "must" is mandatory, establishing an obligation or duty to comply with the particular provision. The word "may" is permissive.

#### **Sec. 24-8109. Conjunctions**

---

Unless the context clearly suggests the contrary, conjunctions will be interpreted as follows:

"And" indicates that all connected items, conditions, provisions or events apply; and

"Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

#### **Sec. 24-8110. Tenses and Plurals**

---

Unless the context clearly suggests the contrary, words used in the present tense include the future tense, the singular number includes the plural number and the plural number includes the singular number, and the masculine gender includes the feminine gender.

#### **Sec. 24-8111. Term Not Defined**

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If a term used in this Ordinance is not defined in this Ordinance, the Planning Director is authorized to interpret its meaning in accordance with Sec. 24-2317, Interpretation. Such interpreted meaning will be based upon the definitions used in accepted sources, including A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions (all published by the American Planning Association), as well as general dictionaries such as Merriam-Webster, American Heritage, Webster's New World, and New Oxford American dictionaries.

## **DIVISION 2. TABLE OF ABBREVIATIONS**

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Table 8200: Abbreviations, includes abbreviations and their corresponding terms.

Table 8200: Abbreviations	
Abbreviation	Corresponding Term
ac	acre or acres
DBH	diameter at breast height
ft	feet
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
GFA	gross floor area
max.	maximum
min.	minimum
n/a	not applicable
PD	Planned Development
RMA	Resource Management Area
RPA	Resource Protection Area

Table 8200: Abbreviations	
Abbreviation	Corresponding Term
sf	square feet
VDOT	Virginia Department of Transportation

## DIVISION 3. MEASUREMENT, CALCULATION, AND EXCEPTIONS

### Sec. 24-8301. Measurement and Calculation

This division establishes the rules that generally apply for measuring and calculating to determine compliance with the standards in this Ordinance. The general rules in this division may be modified by more specific provisions elsewhere in this Ordinance.

### 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.

#### 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.

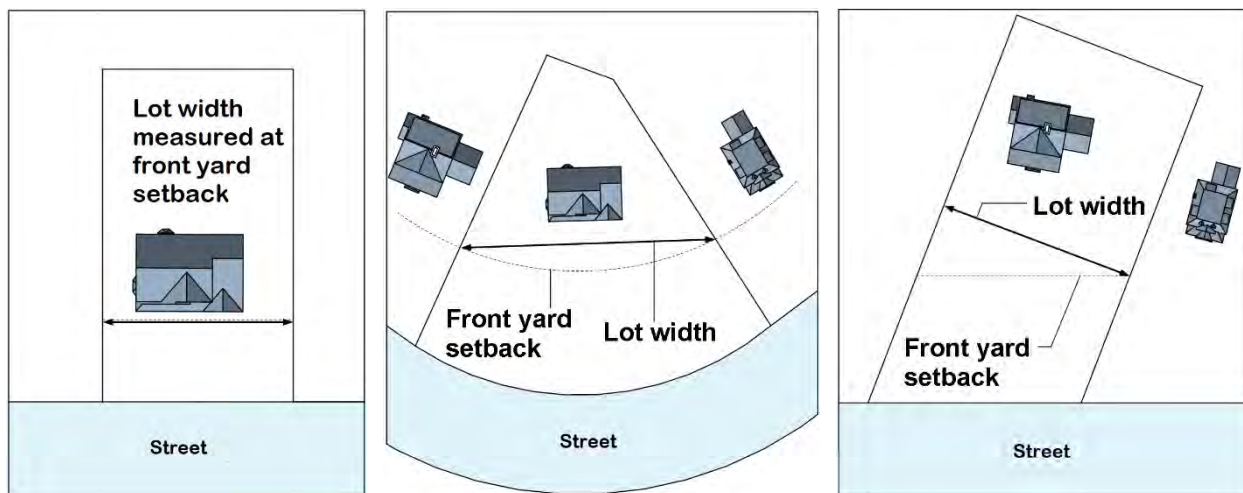


Figure 8302A: Lot width on three standard lots



## Article 8 Definitions

### Division 3. Measurement, Calculation, and Exceptions

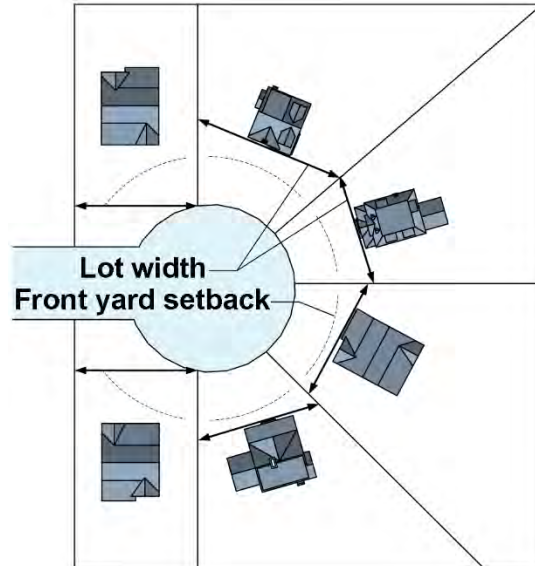


Figure 8302B. Lot width on cul-de-sac lots

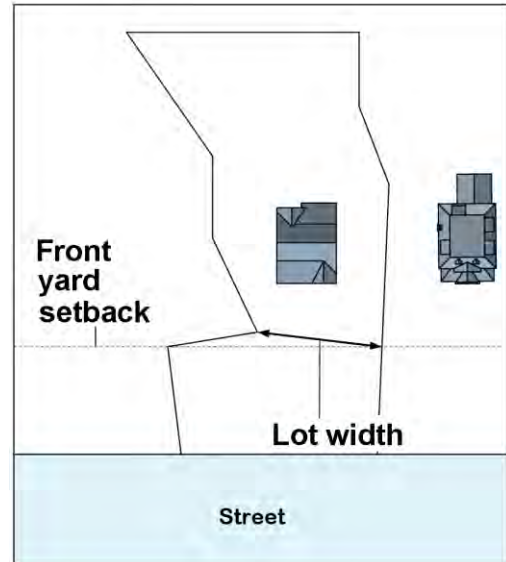


Figure 8302C: lot width on an irregular lot

### C. Lot Depth

Lot depth will be determined by calculating the mean horizontal distance between the front lot line and the rear lot line.

### D. Lot Coverage

Lot coverage (expressed as a percentage of lot area) is determined by measuring the total horizontal land area covered by all buildings, structures, and impervious surfaces, dividing that area by the lot area, and multiplying the result by 100.

### ***Sec. 24-8303. Measurement of Residential Density***

Except in the interpretation of proffers, residential density means the number of dwelling units on a parcel divided by the total area of land within the boundaries of the parcel excluding public rights-of-way, bodies of water (lakes, ponds, and submerged land other than wetlands), and special flood hazard areas.

### ***Sec. 24-8304. Measurement of Floor Area***

The floor area of a building will be determined by summing the gross horizontal areas of each floor of the building, measured from the exterior walls or from the centerline of party walls, but not including elevator shafts or any area used exclusively for the parking of motor vehicles.

### ***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.

### **A. Front Lot Line**

1. If a lot abuts one public street, the front lot line is the line separating the lot from the public street.
2. If a lot abuts two public streets at their intersection, and the classification of the two streets is different (e.g., one local street and one collector road), the front lot line is the line abutting the street with the lower classification (e.g., the local street).
3. If a lot abuts two public streets of the same classification at their intersection, and the subdivision plat shows a building restriction line on one street and not the other, the front lot line is the street frontage with the building restriction line; or if the subdivision plat shows a more restrictive building line on one street than the other, the front lot line is the street frontage with the more restrictive building line.
4. If a lot abuts two public streets of the same classification at their intersection, and there is no building line on the subdivision plat, the front lot line is the shorter of the two.
5. If a lot abuts two public streets but not at their intersection, or if a lot abuts more than two public streets, the front will be determined based on the predominant building pattern in the adjoining blocks.
6. If a lot does not abut a public street, the front lot line is the line where access to the lot is provided (along or abutting a private drive or access easement).

### **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.
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**

1. If a lot abuts one public street, the front lot line is the line separating the lot from the public street on which it fronts.
2. If a lot abuts two or more public streets, the front lot line is the line separating the lot from the street which the primary building entrance faces, unless another front lot line is designated on an approved plan of development or site plan.
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 designated on an approved plan of development or site plan.

### **B. Side and Rear Lot Lines**

1. Any public street frontage other than the front lot line is a street side lot line.

## Article 8 Definitions

### Division 3. Measurement, Calculation, and Exceptions

2. The rear lot line is the line most directly opposite and farthest from the line separating the lot from the street which the primary building entrance faces, unless another rear lot line is designated on an approved plan of development or site plan.
3. Any property line other than a front, street side, or rear lot line is an interior side lot line.

### **Sec. 24-8307. General Rule for Measurement of Front, Side, and Rear Yards**

The depth or width of a front, street side, interior side, or rear yard means the shortest horizontal distance that extends from the reference line specified below to the nearest point of the building or use area on the lot, excluding allowable encroachments (see Sec. 24-8308, Allowable Encroachments into Required Yards). A required minimum front, street side, interior side, or rear yard consists of the area between the reference line and a line on the lot parallel to the reference line at the required minimum distance.

#### **A. Front Yard or Street Side Yard**

The reference line for measuring a front yard or a street side yard is the existing street right-of-way line, except in the following cases:

1. Where a street is designated for widening or extension on the Major Thoroughfare Plan, the reference line is the future right-of-way line as determined by the County Engineer.
2. On a residential stem lot, the reference line for measuring a front yard is the lot line delineating the end of the "stem" portion of the lot (see Figure 8307A: Stem lot Front Yard).

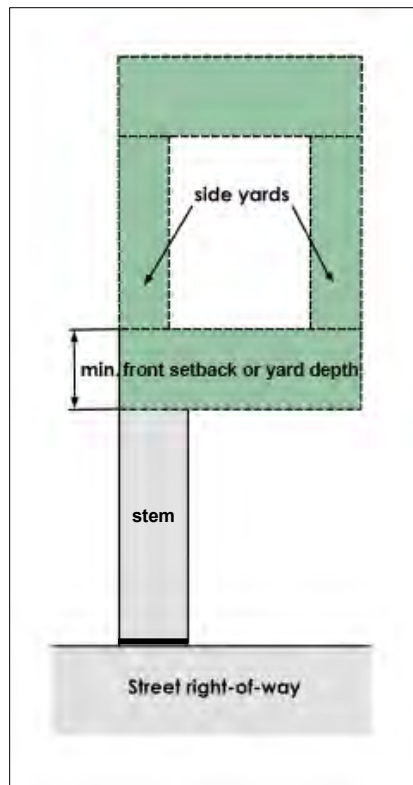


Figure 8307A: Stem lot Front Yard

3. On a corner lot where the intersecting street right-of-way lines are defined by a radius, the reference lines for the front yard and the street side yard will not include the portion defined by the radius but will instead be extended in a straight line until they intersect.

### B. Interior Side Yard

The interior side lot lines of a lot are the reference lines for the interior side yards.

### C. Rear Yard

The rear lot line of a lot is the reference line for the rear yard on the lot, except as follows:

1. On a triangular lot with a front lot line and two side lot lines but no rear lot line, the reference line is a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line (see Figure 8307B: Rear Yard on a Triangular Lot).

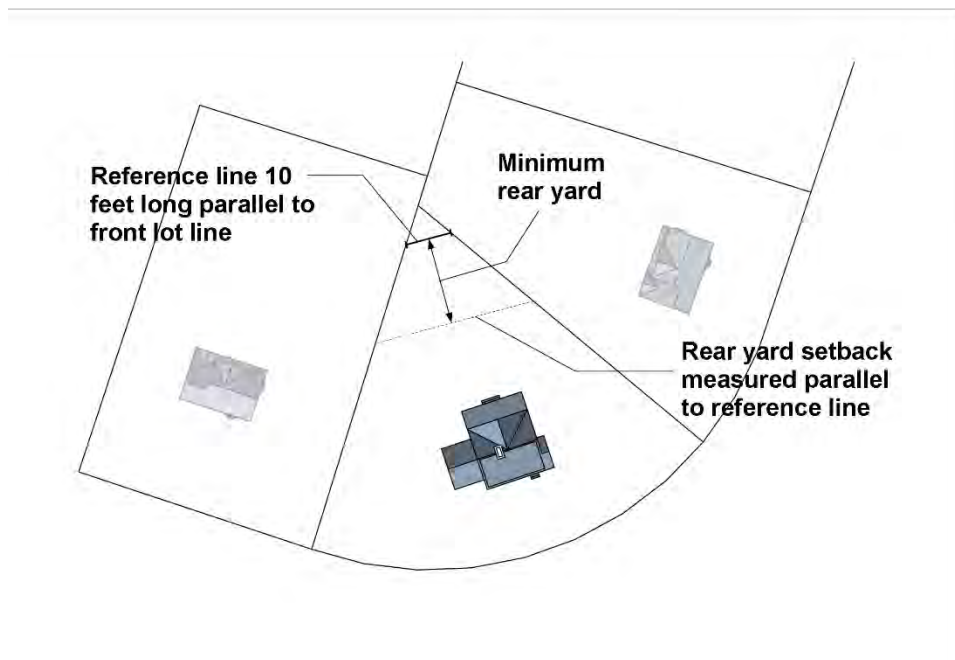


Figure 8307B: Rear Yard on Triangular Lot

2. On a lot with five or more sides where no lot line is clearly the most directly opposite and farthest from the front lot line, each rear lot line is a reference line for the rear yard (see Figure 8307C: Rear Yard on a Five-Sided Lot).

## Article 8 Definitions

### Division 3. Measurement, Calculation, and Exceptions

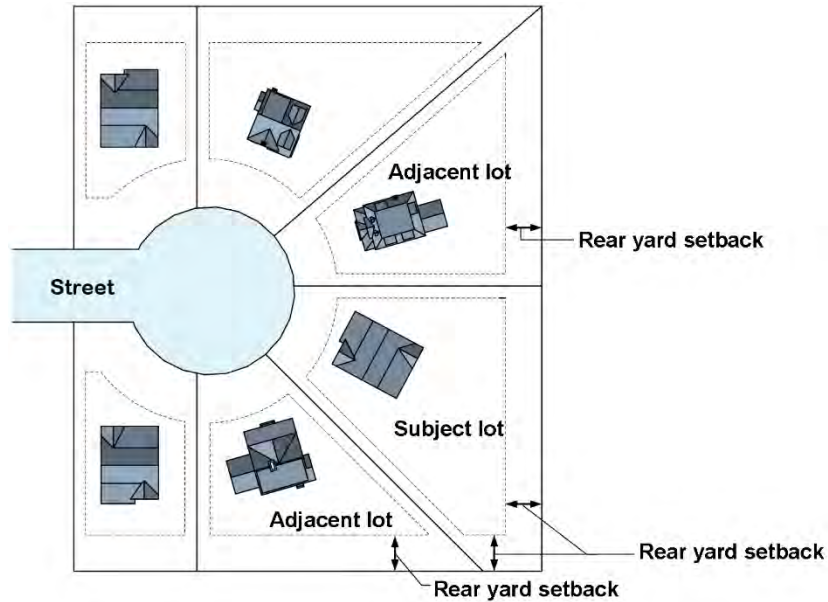


Figure 8307C: Rear Yard on a Five-Sided Lot

### Sec. 24-8308. Allowable Encroachments into Required Yards

Every part of every required yard will remain unoccupied and unobstructed by a structure or portion of a structure from the ground to the sky, except as otherwise allowed in Table 8308: Allowable Encroachments into Required Yards, or as otherwise allowed or limited elsewhere in this Ordinance.

Table 8308: Allowable Encroachments into Required Yards	
Feature	Extent and Limitations on Encroachment
Cornices, eaves, sills, leaders, belt courses, and similar ornamental features	May extend up to three feet into any required minimum yard
Uncovered stairs or fire escapes	May extend up to four and one-half feet into any required minimum yard
Bay windows, balconies, or chimneys less than one-third of the length of the wall	May extend up to three feet into any required minimum yard
Decks, stoops, terraces, steps, and landings, not higher than the floor of the building where the primary entrance is located (may include an awning, trellis, or other shade structure but not a solid roof)	May extend up to ten feet into any required yard provided it does not extend to within five feet of an interior side lot line or within ten feet of a street side lot line
A porch consisting of a roof supported by columns but unenclosed on the sides	May extend up to eight feet into the required minimum front yard
Bus shelters, gate houses, security stations, subdivision entrance features, cluster mailboxes, bird baths, sundials, sculptures, and similar structures	May be located in a front, side, or rear yard, but must be set back from all property lines by a distance equal to or greater than the height of the structure. Such structures must not exceed 15 feet in height. Such structures must not interfere with sight distance, and vehicular stopping, standing, or parking must not block any travel lane.
Fences and walls	May extend into or be located in required yards only in accordance with Article 5, Division 4, Fences and Walls.
Signs	May extend into or be located in required yards only in accordance with Article 5, Division 7, Signs.

Table 8308: Allowable Encroachments into Required Yards	
Feature	Extent and Limitations on Encroachment
Structures or uses accessory to water resources, such as docks and bulkheads	May extend any distance into any yard which adjoins the open water, provided the location complies with all other local, state, and federal laws
Structures or uses accessory to a single-family detached or single-family attached, manufactured home, or duplex dwelling	See Sec. 24-4403, General Standards for All Accessory Uses and Structures.

**Sec. 24-8309. Measurement of Height**

**A. Measurement of Building Height**

The height of a building in feet generally means the vertical distance from the base reference height (see subsection C below) up to:

1. The highest point of the deck of a flat roof;
2. The deck line of a mansard roof; or
3. The midpoint between the eaves and the ridge for a gable, hip, cone, gambrel, or shed roof (see Figure 8301B: General Building Height Measurement).

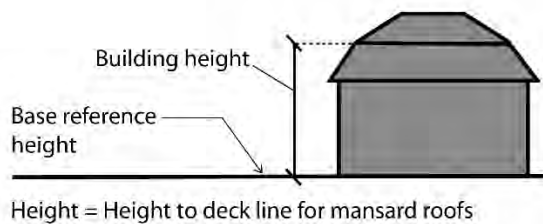
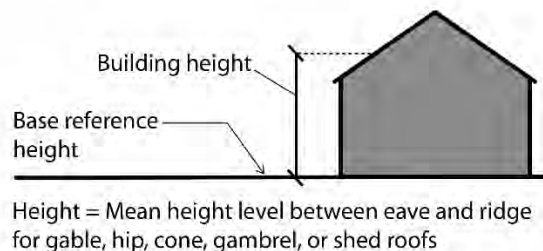
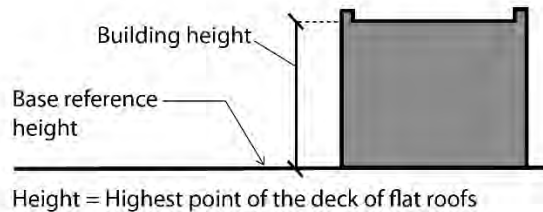


Figure 8309A: General Building Height Measurement

## Article 8 Definitions

### Division 3. Measurement, Calculation, and Exceptions

#### B. Measurement of the Height of Other Structures

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

#### C. Base Reference Height

The base reference height for a building or structure is the higher of:

1. The average finished grade at the front building line or the base of the structure; or
2. The average established curb grade of the street directly in front of the building or structure, or from which a sign is intended to be viewed (see Figure 8309B: Base Reference Height).

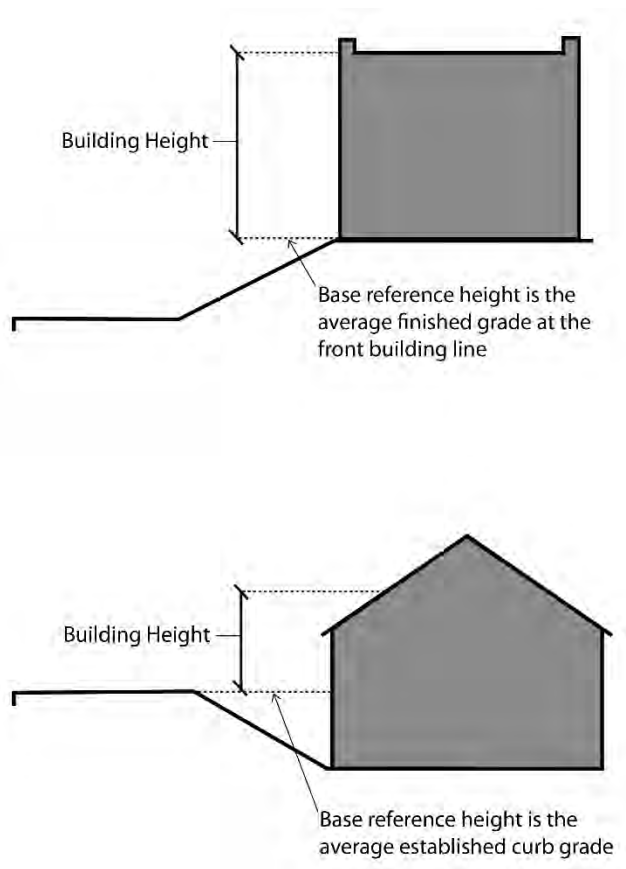


Figure 8309B: Base Reference Height

#### 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, 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:



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. Flagpoles;
5. Ornamental 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. Public monuments;
8. Silos and grain dryers;
9. Stair towers;
10. Tanks;
11. Water towers and standpipes;
12. Windmills; and
13. Electric power structures and lines, derricks, or other necessary industrial, utility or public service structures, other than wireless communication towers.

## **DIVISION 4. USE DEFINITIONS AND INTERPRETATION**

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### ***Sec. 24-8401. Principal Use Classification System***

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#### **A. Purpose**

This division is intended to provide a systematic framework for identifying, describing, categorizing, consolidating, and distinguishing land uses in a way that makes it easier to determine whether a particular use, activity, or combination of activities should be considered a form or example of a use listed as an allowable principal use in Article 4, Division 2, Principal Use Table, or is subject to other use-specific provisions in this Ordinance. This division is also intended to guide interpretations of how a particular unlisted use should be categorized and to address future additions to the use table.

#### **B. Structure of Principal Use Classification System**

The three-tiered hierarchy of use classifications, use categories, and use types described in this subsection is used to organize allowable uses listed in Article 4, Division 2, Principal Use Table, and the use-specific standards set out in Article 4, Division 3, Standards for Specific Principal Uses.

##### **1. Use Classifications**

Use Classifications are very broad and general (e.g., Agricultural, Residential, Institutional, Commercial, and Industrial).

##### **2. Use Categories**

Use categories represent major subgroups of the use classifications that have common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants, users, or customers, or operational

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characteristics. For example, the Commercial Use Classification is divided into multiple use categories, like “Eating Establishments” and “Offices.” Each use category is described in terms of the common characteristics of included use types (including common or typical accessory uses), examples of common use types included in the category, and, for a number of use categories, exceptions, i.e., those uses that might appear to fall within the use category but are included in another use category.

#### 3. Use Types

Use types identify specific principal land uses whose characteristics are considered to fall within the various use categories. For example, “Hospital” and “Nursing home” are use types within the “Health Care Facilities” Use Category. Certain use types are defined in Sec. 24-8402 through Sec. 24-8406 below.

## Sec. 24-8402. *Agricultural Use Classification*

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### A. Horticulture

The Horticulture use category is characterized by the cultivation and production of orchard, garden, nursery, or field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar plant-based products. The use category also includes agronomy, demonstration farms, honey production, vermiculture, and similar uses. Accessory uses may include offices, storage areas and repair facilities related to agriculture uses.

### 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.

### C. Agriculture Support and Services (Directly-Related)

The Agriculture Support (Directly-Related) use category includes use types that provide support and services to agricultural, horticultural and animal husbandry activities, which are limited to and that operate in conjunction with and on the site of on-going horticultural or animal husbandry uses. Examples of agricultural support and services (directly-related) use types include: agri-education; agricultural processing; equestrian **facility**; **farmer’s market**; production nursery; and produce market.

#### [Agri-education](#)

A facility for the investigation, testing, or demonstration of, or for training or educating persons in, products and processes related to agriculture, horticulture, or animal husbandry, including veterinary, soil, plant, and animal sciences.

#### [Agricultural processing](#)

Processing operations for agricultural products including meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting, and grading.

#### [Equestrian facility](#)

A facility designed and intended for the keeping or boarding of horses; or teaching and display of equestrian skills, including show jumping and dressage, and the hosting of events,

competitions, exhibitions, or other displays of equestrian skills. Accessory uses include the caring for, breeding, boarding, dealing, selling, renting, riding, or training of equines. It includes barns, stables, rings, paddocks, or other related accessory structures.

**Farm or limited production of food and beverages**

The manufacture of food and beverages, including a farm winery, limited brewery, or limited distillery.

**Farm winery**

A business licensed by the Commonwealth as a farm winery under title 4.1 of the Code of Virginia.

**Limited brewery**

A business licensed by the Commonwealth to manufacture no more than 15,000 barrels of beer per calendar year, provided (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm.

**Limited distillery**

A business licensed by the Commonwealth to manufacture no more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are grown on the farm.

**Nursery, production**

The growing, storage, and sale of garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials for resale, typically occurring as wholesale or retail sales directly to landscaping professionals. Such uses may include limited incidental retail sales to members of the general public. Such uses may include greenhouses; outdoor storage of goods, materials, and equipment; **irrigation systems; and caretaker's dwelling.**

**Produce market**

An establishment engaged in the retail sales of horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products, all or part of which are produced on-site.

**D. Agriculture Support and Services (Not Directly Related)**

The Agriculture Support and Services (Not Directly Related) use category includes use types that provide support and services to off-site agricultural, horticultural, and animal husbandry activities and that are not directly related to on-going agricultural, horticultural, or animal husbandry uses on the same property.

**Agricultural research facility**

A facility for the investigation, testing, and demonstration of agricultural products and processes, including veterinary, soil, plant, and animal sciences.

**Distribution hub for agricultural products**

A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers. This definition does not include such industrial uses as trucking operation, stockyard, auction house, slaughterhouse, or cannery or other processing facility.

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#### Farm machinery sales, rental, and service

An establishment for the sale, rental, or service of equipment normally or routinely used on farms and gardens, and related parts, tools and accessories, but not of non-farm equipment or materials.

#### Stockyard or Slaughterhouse

A facility where livestock is confined and butchered.

### E. Silviculture

The development and maintenance of a forest or woodland area under a forest management plan. Included are establishments engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products or other silvicultural activities, including the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the state forester under Code of Virginia, § 10.1-1105, and are located on property defined as real estate devoted to forest use under Code of Virginia, § 58.1-3230.

## Sec. 24-8403. Residential Use Classification

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### A. Household Living

The Household Living use category includes use types providing for the residential occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-month or longer basis. Use types include: duplex dwelling; live/work dwelling; manufactured home dwelling; multifamily dwelling; single family attached dwelling; single family detached dwelling; townhouse dwelling; and upper story dwelling. Group homes (see Article 8, Division 5, General Definitions) and assisted living homes for eight or fewer residents are considered residential occupancy by a single family under this Ordinance in accordance with § 15.2-2291 of the Code of Virginia. The Household Living use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., assisted living facilities), which are categorized as Group Living Use category. Accessory uses common to Household Living Uses include recreational activities, gardening, raising of domestic pets, hobbies, swimming pools, and parking of the **occupants' vehicles**. **Some accessory uses (e.g., home occupations and accessory dwelling units)** are subject to additional regulations.

#### Dwelling, duplex

A building or structure, other than an upper story dwelling, that contains exactly two dwelling units and is situated on and serves as the principal use for a lot or premises.

#### Dwelling, live/work

A structure or portion of a structure combining a residential dwelling unit with an integrated workspace principally used by one or more of the dwelling unit residents.

#### Dwelling, manufactured home

A dwelling unit fabricated in an off-site manufacturing facility for installation at the building site, bearing a seal certifying that it was built in compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974, as amended.

**Dwelling, multifamily**

A building or buildings, other than a townhouse or upper story dwelling, that contains three or more dwelling units. Units may be located side by side in a horizontal configuration, stacked one above the other in a vertical configuration and sharing common vertical walls or horizontal floors and ceilings, or constructed as separate structures on a single lot. Multifamily dwellings include what are commonly called apartments or condominium units.

**Dwelling, single-family attached**

One of two dwelling units, each having a separate entrance and situated on a separate lot, with each dwelling unit separated from the other by a party wall or exterior wall located on the common lot line.

**Dwelling, single-family detached**

A building, other than a manufactured home or upper story dwelling, that contains exactly one dwelling unit, is not physically attached to any other principal structure, and is situated on and serves as the principal use for a lot or premises. Manufactured home dwellings, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary housing or portable housing do not constitute a single-family detached dwelling.

**Dwelling, townhouse**

A structure, other than an upper story dwelling, containing three or more dwelling units that are separated from one another by party walls extending at least from the lowest floor to roof and having no doors, windows, or other provisions for human passage or visibility between the party walls, with each dwelling unit located on an individual lot and having an individual entry.

**Dwelling, upper story**

A building containing one or more dwelling units and having only nonresidential uses, including Eating Establishments, Offices, and Retail Sales and Services uses, on its street level.

## B. Group Living

The Group Living use category includes use types providing for the residential occupancy of a group of living units by persons who typically do not constitute a single family or housekeeping unit (but not always) and who may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities and are generally occupied on a monthly or longer basis. Use types include: boarding house, **children's residential facility**, dormitory, and group home. This use category does not include use types where persons generally occupy living units for periods of less than 30 days (e.g., hotels or motels), which are categorized as Visitor Accommodations use category. It also does not include use types where residents or inpatients are routinely provided health care services (e.g., nursing homes), which are categorized in the Health Care Facilities use category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

**Boardinghouse**

A building other than a group home, hotel, motel, bed and breakfast home, or short-term rental, where lodging is provided for compensation for three or more, but not exceeding nine, residents.

**Children's residential facility**

Has the meaning provided in Code of Virginia § 63.2-100.

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#### Dormitory

A building used for lodging by students and other individuals affiliated with an educational institution providing secondary or post-secondary education. It may include facilities for dining for the residents, employees, and guests of the residents, as well as indoor and outdoor athletic facilities.

#### Group home

A congregate service licensed by the Commonwealth of Virginia to provide 24-hour supervision in a community-based home having eight or fewer residents. Services include supervision, support, counseling, and training in activities of daily living based on an individualized services plan, in accordance with Title 12, Agency 35, Chapter 105 of the Virginia Administrative Code.

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

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### **A. Community Services**

The Community Service use category includes use types of a public, nonprofit, or charitable nature providing a local service directly to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. The uses may provide special counseling, education, or training of a public, nonprofit, or charitable nature. Use types include: auditorium, conference, or convention center; club or lodge; community center; cultural facility; public recreation facility; religious institution; and radio or television station. This use category does not include uses with a residential component, private health clubs (categorized in the Recreation and Entertainment Uses category), or counseling in an office setting (categorized in the Office Use category). Accessory uses may include offices, meeting areas, food preparation and dining areas, parking, health and therapy areas, and recreation and athletic facilities.

#### Auditorium, conference, and convention center

A facility principally used to host community, business, and professional conferences, seminars, training programs, exhibitions, presentations, and similar events and which may include indoor halls and seating areas, food preparation and dining areas, reception centers, and meeting areas. This use does not include religious institutions, theaters, or arenas, amphitheaters, or stadiums.

#### Club or lodge

A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

#### Community center

A facility within a residential development that is designed and incorporated into the development to provide social and recreational opportunities for the residents of the development; or a facility operated by a nonprofit entity to provide social or recreational programs to members and their guests. Community centers may include clubhouses, swimming pools, tennis courts, boating clubs, country clubs, and similar facilities. This does not include golf courses, which are in the Outdoor Recreation and Entertainment use category.

**Cultural facility**

A facility for storing, using, loaning, and occasionally selling literary, historical, scientific, musical, artistic, or other reference materials (e.g., a private library), or for displaying or preserving objects of interest or providing facilities for one or more of the arts or sciences to the public (e.g., museum). Accessory uses include offices and storage facilities used by staff and meeting rooms.

**Donation center**

A building or designated area where donated goods are dropped off for resale or reuse by a charitable organization.

**Public recreation facility**

A building operated by a government entity to provide social or recreational programs to the public and which may be designed to accommodate and serve significant segments of the community. Examples include aquatic facilities, gymnasiums and fitness centers, and senior centers.

**Radio or television station**

A building or portion of a building used as a place to stage, record, and broadcast content for radio, television, or other broadcast media.

**Religious institution**

A building, or portion thereof, maintained and controlled by a religious organization and used for religious services, where individuals regularly assemble to conduct religious worship, ceremonies, rituals, and related education. Religious institutions include chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other similar religious places of assembly. Accessory uses may include administrative offices, classrooms, meeting rooms, schools, day care facilities, cooking and eating facilities, other accessory uses customary to the operation of a religious institution, or a dwelling for persons who regularly participate in the operation of the institution. Religious institutions may also include housing for the religious community such as a convent or monastery, typically used by nuns, priests, monks, or other similar religious persons.

**B. Day Care**

The Day Care use category includes use types providing nonmedical care during working hours. Use types include: adult day care center; child care center; and similar use types.

**Adult day care center**

A facility that provides supplementary care and protection during only a part of the day to four or more aged, infirm, or disabled adults who reside elsewhere. This does not include services provided within the home of the provider.

**Child care center**

A facility for a regularly operating service arrangement for children where, for compensation and during the absence of a parent or guardian, a person or organization provides care to one or more children for less than a 24-hour period. This does not include a family day home or child care services provided by a school or religious institution, in the home of the provider, or in the home of any of the children in care.

**C. Educational Facilities**

The Educational Facilities use category includes use types such as public schools and private schools (including charter schools) at the elementary, middle, and high school level that provide state-mandated basic education or a comparable equivalent. This use category also



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includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at schools may include offices, play areas, recreational and sport facilities, cafeterias, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities may include offices, dormitories, food service, laboratories, health care facilities, recreational and sports facilities, theaters, meeting areas, maintenance facilities, and supporting commercial uses (e.g., eating establishments or bookstores).

#### College or university

An institution offering a program of post-secondary education and instruction leading to associate, baccalaureate, or higher degrees, that is accredited by a national association of colleges and universities.

#### School, elementary or secondary

An educational institution that offers a program of instruction for any grade level or combination of grade levels kindergarten through 12th grade meeting Commonwealth requirements for a school. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, and other facilities that further the educational mission of the institution.

#### Vocational or trade school

A public or private school that offers vocational or trade instruction, such as teaching of trade or industrial skills, clerical or data processing, barbering or hair dressing, computer or electronic technology, or artistic skills, to students, that operates in buildings or structures or on premises on land leased or owned by the educational institution, and that meets the State requirements for a vocational training facility.

## D. Funeral and Mortuary Services

The Funeral and Mortuary Services use category includes establishments that provide services related to the death of a human being or an animal.

#### Crematory

A facility primarily used for the reduction of dead bodies to ashes by fire.

#### Funeral home

An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming, performance of autopsies or other surgical procedures, or cremation.

## E. Government Facilities

The Government Facilities use category includes use types that provide for the general operations and functions of local, state, or federal governments. Use types include government maintenance, storage, or distribution facility; government office; facilities providing public safety services to the general public; and similar use types. Accessory uses may include maintenance, storage (indoor and outdoor), fueling facilities, satellite offices, and parking areas.

#### Correctional facility

A federal or state facility for the detention and housing of persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense. Such uses may include cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, agricultural facilities, and facilities for the production of goods or materials produced for sale.

**Government maintenance, storage, or distribution facility**

A facility housing government shops, maintenance and repair centers, equipment, and outdoor storage yards. This use includes a bus depot.

**Government office**

An office of a governmental agency that provides administrative support or direct services to the public, such as county administration building, public library, post office, employment office, public assistance office, or motor vehicle licensing and registration services office.

**Police, fire, or EMS facility**

A facility for the provision of (1) local police services, including sheriff’s department facilities and County courthouse and jail, or (2) rapid response emergency services such as firefighting and mobile emergency medical services, including areas for the storage and maintenance of emergency vehicles, and equipment and facilities for the housing and feeding of emergency personnel while on duty.

**F. Health Care Facilities**

The Health Care Facilities use category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Health care services may be provided on an inpatient or outpatient basis, or routinely to residents of the facility. Use types include: assisted living facility, continuing care retirement community, hospice facility, hospital, medical treatment facility, and nursing home. This use category does not include group homes, which focus primarily on providing personal care rather than medical care to residents. Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, memory care facilities, hospices, maintenance facilities, staff residences, and limited accommodations for members of patients’ families.

**Assisted living facility**

Has the meaning provided in Code of Virginia § 63.2-100. An assisted living home for eight or fewer residents is treated as a single-family dwelling.

**Continuing care retirement community**

An integrated development that offers persons over 55 years of age a full continuum of housing options and assistance, ranging from fully independent dwelling units, to assistance with personal care in assisted living facilities, to long-term skilled nursing care in a nursing home. The residential opportunities may include dwelling units, living units, and lodging units, as well as nursing home beds. Services provided may range from food services, health and beauty services, recreational and social opportunities, to skilled nursing care and medical services.

**Hospice facility**

Has the meaning provided in Code of Virginia § 32.1-162.1.

**Hospital**

Has the meaning provided in Code of Virginia § 32.1-123.

**Medical treatment facility**

A facility other than a hospital or medical or dental office where medical services are provided to individuals on an outpatient basis. Examples of medical treatment facilities include urgent care centers, dialysis centers, drug or alcohol treatment facilities, blood or tissue collection facilities, and diagnostic and laboratory services.

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#### Nursing home

Has the meaning provided in Code of Virginia § 32.1-123.

## G. Parks and Open Areas

The Parks and Open Areas use category includes use types focusing on open space areas largely devoted to natural or curated landscaping and outdoor recreation and tending to have no or few structures. Use types include: cemetery; community garden; public park; and similar uses. This use category does not include golf courses, golf driving ranges, or other primarily outdoor recreational uses (categorized in the Recreation and Entertainment (Outdoor) use category). **Accessory uses may include caretaker's quarters, clubhouses, recreational structures, statuary, fountains, maintenance facilities, concessions, parking, and columbaria and mausoleums (as accessory to cemeteries).**

#### Cemetery

A place where lots are sold for burial or internment of the dead and which may include columbaria and mausoleums but not crematories. This use does not include family graveyards where graves and entombment rights are not sold or offered for sale to the public.

#### Community garden

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, family, or organization for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

#### Public park

Land maintained and made available to the general public for recreation, exercise, sports, education, rehabilitation, or similar activities, or to enhance the enjoyment of natural features or natural beauty. Public parks may include athletic fields, open areas, playgrounds, dog parks, walking trails, outdoor marine recreation areas, such as beaches and fishing areas, and similar areas. This definition does not include community centers or amusement parks, commercial golf course, or other uses in the Outdoor Recreation and Entertainment use category.

#### Parks and open areas not specified elsewhere

Land, other than public parks, maintained, not for profit, as a programmed open space area largely devoted to natural or curated landscaping and outdoor recreation. Examples include arboretums, botanical gardens, greenways, athletic fields, and similar uses. This definition does not include community centers or amusement parks, golf courses, or other uses in the Outdoor Recreation and Entertainment use category.

## H. Transportation

The Transportation use category includes use types providing for the landing and takeoff of airplanes and helicopters, including loading and unloading areas and associated aircraft sales, repair, fuel sales, and flight instruction uses. It also includes passenger terminals for surface transportation. Accessory uses may include freight handling areas, concessions, offices, maintenance, limited storage, and fueling facilities. Use types include: airport; helicopter landing facility; passenger terminal, surface transportation; and similar uses. This use category does not include small transit-related infrastructure such as bus stops and bus shelters (deemed minor utilities under the Utilities Use category).

**Airport**

A place licensed or approved for aircraft to take off or land, discharge or receive cargo or passengers, be repaired or serviced, take on fuel, or be stored. The term includes landing areas, runways, and other facilities designed, used, or intended to be used for the landing or taking off of aircraft, including taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces, as well as terminals, parking facilities, and passenger loading and unloading areas. Accessory uses include offices, eating establishments, convenience and gift shops, and similar uses.

**Helicopter landing facility**

An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and which may include auxiliary facilities such as parking, waiting rooms, and fueling and maintenance equipment.

**Passenger terminal, surface transportation**

Any structure or transit facility that is primarily used as part of a transit system for the purpose of loading, unloading, or transferring of passengers or accommodating the movement of passengers from one mode of transportation to another. This does not include bus stops and bus shelters, which are classified under the use type "Utility, minor."

**I. Utilities**

The Utilities use category includes both major utilities, which are infrastructure services that provide regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near where the service is provided. Large-scale solar arrays and large-scale wind energy facilities that constitute a principal use of a lot are included as a special type of major utility use. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, or storage areas.

**Solar array**

A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, and storage) that collects solar energy and converts it into electricity or transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling. As a principal use, a solar array is designed to meet demands for a large area and is typically mounted on the ground.

**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, and electrical substations.

**Utility, minor**

A structure or facility that by itself is a relatively small component peripheral to the functioning of an infrastructure system that provides community- or region-wide utility services and that needs to be in or near the neighborhood or use type where the service is provided. Examples of minor utility facilities include water and sewage pump stations, stormwater retention and detention facilities, telephone local exchanges, electric transformers, and bus stops and shelters.

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#### Wind energy facility, large

A facility consisting of one or more wind turbines and related equipment that converts the kinetic energy in wind into mechanical energy, with a rated capacity exceeding 100 kilowatts (kW).

#### Wireless communications short structure or co-location

Any installation or construction of a structure or co-location of a wireless facility that is an administrative review-eligible project as defined in Article 7.2, Chapter 22, Title 15.2 of the Code of Virginia, or any installation of a small cell facility as defined in Article 7.2, Chapter 22, Title 15.2 of the Code of Virginia, on an existing structure. This does not include (1) routine maintenance, or (2) the replacement of wireless facilities or wireless support structures within a six-foot perimeter with wireless facilities or wireless support structures that are substantially similar or the same size or smaller.

#### Wireless communications tower, freestanding

A tower that supports communication equipment and accessory equipment utilized by commercial, governmental, or other public and quasi-public users, not including home use of radio and television antennas, satellite dishes or antennas, but including satellite dishes or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission (FCC). This does not include a wireless communications short structure or co-location.

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## Sec. 24-8405. Commercial Use Classification

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### A. Adult Uses

The Adult Uses use category includes any establishment that regularly exploits an interest in matter relating to specified sexual activities or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons. Use types include adult model studio, adult motel, adult movie theater, adult nightclub, adult store (including bookstore or video store), and business providing adult entertainment. Definitions pertaining to adult uses other than definitions of use types are in Article 8, Division 5, General Definitions.

#### Adult model studio

A commercial establishment, including a lingerie store or novelty store, in which a person performs or simulates specified sexual activities, exposes specified anatomical areas, or engages in other performances intended for the sexual stimulation or titillation of patrons.

#### Adult motel

A motel, hotel, or similar commercial establishment that: (i) provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including newspapers, magazines, pamphlets or leaflets, radio or television; or (ii) offers a sleeping room for rent for a time period less than ten hours; or (iii) allows a tenant or occupant to subrent the sleeping room for a time period of less than ten hours.

#### Adult movie theater

An enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or

specified anatomical areas for observation by patrons, excluding movies that have been rated "G," "PG," "PG-13," or "R" by the Motion Picture Association of America.

**Adult nightclub**

A restaurant, bar, club, or similar establishment that regularly features adult entertainment.

**Adult store**

An establishment having adult merchandise as a substantial or significant portion of its stock-in-trade.

**B. Animal Care**

The Animal Care Use category is characterized by use types related to the provision of medical services, general care, and boarding services for household pets and domestic animals. Use types include: animal grooming; kennel or animal shelter; veterinary clinic; and similar uses.

**Animal grooming**

An establishment, other than a kennel or veterinary hospital, for the cleaning and grooming of dogs, cats, birds, and other small domestic animals.

**Kennel or animal shelter**

An establishment primarily engaged in the boarding of dogs, cats, birds, and other small domestic animals for compensation, or a facility used to house and care for stray, homeless, abandoned, or neglected household and domestic animals. A kennel or animal shelter may include the grooming, training, breeding, or selling of animals.

**Veterinary hospital or clinic**

A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals. Accessory uses may include animal grooming services, short-term boarding that is incidental to medical care or treatment, cremation services, and limited retail sales of pet-related merchandise.

**C. Eating Establishments**

The Eating Establishment use category consists of establishments primarily engaged in the preparation and serving of food or beverages for on- or off-premises consumption. Use types include: microbreweries, restaurants with indoor or outdoor seating; specialty eating establishment; and similar uses. Accessory uses may include areas for outdoor seating, drive-through service facilities, facilities for live entertainment, and valet parking services.

**Microbrewery**

A business licensed by the Commonwealth to brew beer that brews no more than 3,000 barrels of beer per calendar year for sale primarily at a restaurant or retail business on the same premises where the beer is brewed.

**Restaurant**

An establishment 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:

1. A drive-through facility or walk-up window;
2. Facilities for customers to order food from and consume food in their vehicles; or

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3. 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.

#### Specialty eating establishment

An establishment primarily engaged in the preparation and delivery of food and beverages for consumption off the premises, usually as part of an ongoing meal delivery service or pre-arranged to cater an event or gathering. This also includes the commissary for one or more mobile food units.

### D. Office

The Office uses category includes office buildings housing activities conducted in a professional setting, generally focusing on the provision of business services, professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., lenders, brokerage houses, tax preparers), or medical and dental services. Use types include: business and sales; and professional services. This use category does not include offices that are a component of or accessory to a principal use in another use category, such as administrative government services (categorized in the Government Facilities use category), or banks or other financial institutions (categorized in the Retail Sales and Services use category). Accessory uses may include cafeterias, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees of the office use.

#### Business and sales

A facility primarily used for conducting the affairs of various businesses and services in an office setting with limited contact with general public, including administration, record keeping, clerical work, and similar business functions, as well as sales departments other than those in a retail setting. Accessory uses may include uses intended to serve the daily needs of office employees, such as restaurants, coffee shops, and newsstands.

#### Business school

A for-profit school that offers business, computer software, data processing, clerical, or secretarial training courses and degrees, to students, during the day or in the evening. Such uses may include classrooms, laboratories, libraries, cafeterias, and similar facilities, but do not include dormitories, residence halls, or any living facilities.

#### Business training and conference facility

A for-profit establishment whose primary purpose is to offer business training courses and conference facilities for groups of 15 persons or more. Examples of the types of business training courses offered include the Commonwealth real estate exam for brokers, continuing education courses for accountants, lawyers, and other professionals, general business training courses offered by businesses, computer software courses, and the like. Such uses may include classrooms, areas to serve refreshments and meals prepared off the premises, and offices for the training staff.

#### Data center

A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features. A data center typically has few on-site employees.



#### Professional services

A facility primarily used for conducting the affairs of various professional services in an office setting, including legal services, counseling services, real estate offices, financial services, insurance services, and medical and dental services. Accessory uses may include uses intended to serve the daily needs of office employees, such as restaurants, coffee shops, and newsstands.

### **E. Parking, Commercial**

The Commercial Parking use category includes parking lots and parking structures for the temporary parking or storage of passenger vehicles as the principal use of the property. The category does not include maintenance or sales facilities within the Vehicle Sales and Services use categories.

#### Parking lot

An off-street, hard-surfaced, ground level area that is used exclusively for the temporary storage of motor vehicles, including any appurtenant spaces, aisles, and driveways. This use does not include parking as an accessory use.

#### Parking structure

A structure or portion of a structure composed of one or more levels or floors that is used exclusively for the temporary storage of motor vehicles, including any appurtenant spaces, aisles, and driveways. A parking structure may be totally below grade or partially or totally above grade, with levels either being open to the sides (deck) or enclosed (garage).

### **F. Recreation and Entertainment, Indoor**

The Recreation and Entertainment, Indoor use category includes use types providing indoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include: fitness center, indoor shooting range, theater, and similar uses, such as arcades, indoor basketball courts, bowling alleys, event venues, indoor skating rinks, indoor swimming pools, indoor tennis courts, pool or billiard halls, public dancehalls, indoor volleyball courts, spa services, indoor archery or hatchet throwing facilities, trampoline facilities, and rock climbing facilities. Accessory uses may include changing rooms and shower facilities, concessions, vending machines, and similar uses.

#### Fitness center

An indoor facility, other than a community center, where patrons participate in exercise, weight reduction, physical therapy, or similar activities designed to improve and preserve physical fitness, including health clubs. Licensed massage therapy is allowed as an accessory use.

#### Shooting range, indoor

A facility used by patrons for firearm target practice that is completely contained within a building.

#### Theater

A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances. A theater typically has fixed seating.

#### Arcade

An establishment offering to patrons the use of three or more machines or devices, such as video games or pin-ball machines, operated by means of the insertion of a coin, token or similar object, for the purpose of gaming, amusement, and skill. This does not include

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vending machines that do not incorporate gaming or amusement features, gambling or lottery-type machines, or adult uses.

#### Bowling alley

A building containing facilities for the game of bowling.

#### Indoor skating rink

A building where a smooth surface is provided for ice skating or roller skating and related activities.

#### Indoor swimming pool

A building containing a confined body of water used for swimming.

#### Indoor tennis courts

A building containing facilities for the game of tennis.

#### Pool or billiard hall

A business establishment or club open to the public in which three or more tables are maintained for the play of billiards, pool, or bagatelle as the principal use of the building.

#### Public dance hall

Any building, room, or portion of a building that is used for dancing and to which an admission is charged or at which any fee or monetary contribution is received from persons in attendance, unless located in a school or community center. This use does not include a restaurant with a dance floor smaller than 250 square feet or 10 percent of the gross floor area, whichever is less.

## G. Recreation and Entertainment, Outdoor

The Recreation and Entertainment, Outdoor use category includes use types providing outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include: amusement park, sports park, or waterpark; arena, amphitheater, or stadium; golf course; marina; outdoor racetrack; outdoor shooting range; outdoor skating areas, outdoor swimming pools, outdoor tennis courts, and outdoor bocce fields.

#### Amusement park, sports park, or waterpark

An establishment primarily engaged in providing outdoor recreation and entertainment which may include motorized and nonmotorized rides, live entertainment, booths for the conduct of games, water slides, go-cart tracks, and limited sports-related facilities such as golf driving ranges, miniature golf courses, and batting cages. Accessory uses may include offices, concessions stands, retail sales, and restaurants.

#### Arena, amphitheater, or stadium

A building or structure, other than an outdoor racetrack, designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. This use includes drive-in theaters.

#### Golf course

An area of land laid out for playing golf. Accessory facilities may include putting greens, driving ranges, a club house, a country club, concessions for serving food and refreshments to members and guests, and similar facilities.

#### Marina

A waterfront facility which, for a fee, provides for the berthing, mooring, or water storage of boats. The use may include such facilities as major and minor boat repair; boat docks,

piers, and slips; boat fueling; dry land boat maintenance and storage; pump-out stations; boat sales, including parts; boat rental; **restaurants; ship's store; sale of ice; car and boat trailer parking; laundromat; locker rooms; outdoor playing courts; and picnic areas.**

#### **Racetrack, outdoor**

An outdoor facility for sanctioned competition of racing, such as cars, trucks, motorcycles, and other vehicles designed for racing purposes. The facility may include spectator seating, concessions areas, related retail sales, facilities for the temporary storage and preparation of racing vehicles, and offices.

#### **Shooting range, outdoor**

An outdoor facility used by patrons for firearm target practice, including skeet and trap shooting.

#### **Skating area, outdoor**

An outdoor area designed for ice skating, roller blading, roller skating, skateboarding, and similar activities.

#### **Swimming pool, outdoor**

An outdoor, constructed, confined body of water used for swimming. An outdoor swimming pool may include more than one such body of water, such as a lap pool and a pool for children. This does not include waterparks, which are typically larger in scale and contain water slides, rides, wave pools, and similar attractions.

## **H. Retail Sales and Services**

The Retail Sales and Services use category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. Use types include: artist studio; auction house; convenience store; drug store or pharmacy; financial institution; grocery store; laundromat; personal services establishment; repair establishment; retail sales establishment not elsewhere listed; and similar uses. This use category does not include sales or service establishments related to vehicles (the Vehicle Sales and Services use categories), establishments primarily selling supplies to contractors or retailers (categorized as the Wholesale Sales use category), the provision of financial, professional, or business services in an office setting (categorized in the Offices use category), uses providing recreational or entertainment opportunities (categorized in the Recreation and Entertainment use categories), or Adult Entertainment uses. Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise.

#### **Aircraft and aircraft parts sales**

The display and sale of aircraft or aircraft parts. This use does not include maintenance or repair of aircraft, which are included in the Industrial Services category.

#### **Alternative lending institution**

An establishment providing short-term loans to individuals, including bail bond brokers, pay day lenders as regulated by Chapter 18, Title 6.2, Code of Virginia and motor vehicle title lenders as regulated by Chapter 22, Title 6.2, Code of Virginia. This use does not include a pawn broker or a financial institution, including state or federally chartered banks, savings and loan institutions, and credit unions.

#### **Artist studio**

An enclosed space used by anyone engaged in artistic employment or instruction in painting, sculpture, photography, music, dancing, dramatics, literature, or similar activities.

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#### Auction house

A place where the property of others, such as objects of art, furniture, and other goods (except livestock) are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales.

#### Convenience store

A small retail establishment, typically having less than 5,000 square feet of floor area, that sells a limited range of merchandise oriented to daily convenience and travelers' shopping needs, such as groceries, toiletries, soft drinks, tobacco products, ready-to-eat food products (which may be prepared to order), and newspapers.

#### Drug store or pharmacy

A retail store engaged in the filling and sale of prescription drugs and the sale of medical supplies, nonprescription medicines, and related goods and services. It may also sell nonmedical goods such as cosmetics, cards, drinks, candy, and the like. Accessory uses may include automated teller machines (ATMs), soda fountains, minute-clinics, and facilities providing drive-through service.

#### Farmer's market

A collection of vendors selling agricultural and horticultural products grown by the vendor; value-added items produced by the vendor from agricultural, horticultural, or forestry products; or foods prepared by the vendor. **If the farmers' market occurs regularly for all or most of the year, it is considered a principal use. If the farmers' market occurs only occasionally or periodically for only a limited time during the year, it is considered a temporary use.**

#### Financial institution

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This use type does not include check cashing services or bail bond brokers. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

#### Grocery store

An establishment that offers a diverse variety of food and non-food commodities, such as dairy, dry goods, fresh produce and other perishable items, frozen foods, household products, paper goods, and beverages, including beer and wine, and markets the majority of its merchandise at retail. A grocery store may include accessory uses such as a pharmacy, delicatessen, bakery, or restaurant.

#### Laundromat

A retail-scale facility for self-service laundry or drop off and pick up of laundry or dry cleaning. This use does not include industrial facilities where laundry or dry cleaning is performed in bulk, which are categorized as an Industrial Services use.

#### Personal services establishment

An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include: barbershops and beauty parlors, tattoo establishments, nail salons, aestheticians, licensed massage therapists, packaging stores, mailing services, printing, engraving, photocopying, picture framing, tailoring, drapery making, taxidermy, employment agencies, travel agents, and fortunetelling.

#### Repair establishment

An establishment primarily engaged in the repair of personal property, including repair of televisions and electronics, bicycles, clocks, watches, shoes, guns, canvas products,

appliances, and office equipment, as well as locksmiths and upholsterer services. This does not include automotive repair services.

**Retail sales establishment. not elsewhere listed**

An establishment, not listed elsewhere, involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. Examples include department stores; antique shops; florist or flower shops; furniture shops; pet and pet supply stores; art and art supply stores; book stores; clothing stores; shoe stores; coin shops; computer and software sales; fabric sales; furniture and appliance sales; garden supply stores; gift shops; souvenir shops; glass sales and service (excluding automobiles); handcrafts; hardware stores; hobby stores; jewelry stores; office supply and stationery stores; paint, wallpaper, or carpet stores; pawn shops, sporting goods stores; consumer electronics stores; newspaper and magazine stands; tobacco or valet shops; variety stores; and building materials stores.

**Sign printing and painting**

An establishment that offers the art of painting lettering on buildings, billboards, or signs by sign writers for profit, for the purposes of announcing or advertising products, services, and events.

**I. Vehicle Sales and Services**

The Vehicle Sales and Services Uses category includes use types involving the direct sale, rental, and servicing of motor vehicles, including automobiles, trucks, motorcycles, and recreational vehicles, as well as trailers, whether for personal transport, commerce, or recreation. Use types include aircraft parts, sales, and maintenance; automobile rentals; automobile sales; automotive filling station (fuel only); automotive painting and body shop; automotive parts and installation; automotive repair and servicing (major); automotive repair and servicing (minor); automotive wrecker service; boat and marine rental, sales, and service; car wash or auto detailing; fleet terminal; and similar uses. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and vehicle storage.

**Automobile rentals**

An establishment that provides for the rental of automobiles, small trucks or vans, trailers, or recreational vehicles to retail customers, usually for periods of less than 30 days. Typical examples include car rental agencies and moving equipment rental establishments (e.g., U-Haul).

**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. 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.

**Automotive filling station (fuel only)**

Any place of business with pumps and underground storage tanks having as its principal purpose the retail sale of vehicle fuels. Accessory uses may include convenience stores, drive-through restaurants, and automatic car washes.

**Automotive painting and body shop**

A facility that provides automobile customization or collision repair services, including body and frame repair, replacement of damaged parts, and painting.

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#### Automotive parts and installation and minor servicing

The on-site sale and subsequent installation of various automobile parts and accessories or replacement or exchange of fluids, including tires, mufflers, brakes, batteries, audio systems, and lubricants such as engine oil. Servicing of vehicles must be limited to lubrication, tune-ups, state inspections, and similar services. Such uses do not include the sale of gasoline or other fuels or the servicing or repair of vehicles having a gross vehicle weight over 10,000 pounds.

#### Automotive repair

General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, not including bodywork, framework, and major painting service. This use includes businesses licensed by the Department of Motor **Vehicles as a "Rebuilder"** but only to the extent of repairing automobiles that have salvage titles. It does not include stripping vehicles for parts, sale of used auto parts, or storage of inoperable vehicles.

#### Boat and marine rental, sales, and service

An establishment for the display, sale, rental, repair, or maintenance of new or used boats, personal watercraft, marine engines, or marine equipment.

#### Car wash or auto detailing

An establishment primarily engaged in the washing, cleaning, and detailing of passenger vehicles, recreational vehicles, or other light duty equipment.

#### Commercial fuel depot

A facility primarily used to dispense fuel to businesses, organizations, municipalities, and other entities that maintain a fleet of vehicles. This use does not include retail sale of gasoline to the general public or retail sales of goods, vehicle service, or vending operations.

#### Commercial vehicle repair and maintenance

An establishment, excluding automotive painting and body shops, that repairs, installs, or maintains the mechanical components or the bodies of large trucks (gross vehicle weight over 10,000 pounds), mass transit vehicles, or commercial boats. This use does not include repair and maintenance of large construction or agricultural equipment, aircraft, or railway vehicles, which are included in the Industrial Services use category.

#### Commercial vehicle sales and rentals

Uses that provide for the sale or rental 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 included in the Industrial Services use category, or aircraft and aircraft parts sales, which is included in the Retail Sales and Services use category.

#### Fleet terminal

A central facility for the distribution, storage, loading and repair of commercial fleets of automobiles, vans, and light trucks, with or without associated dispatch services and offices. This definition includes uses such as courier, delivery, and express services; key and lock services; security services; limousine services; armored car services; and taxi services. This use does not include the storage of semitrailers or tractor or trailer units.

#### 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 does not include junk, salvage, scrap, or wrecking yards.

## J. Visitor Accommodations

The Visitor Accommodations use category includes use types providing lodging units or rooms for short-term stays of typically less than 30 days for rent, lease, or interval occupancy. Use types include: bed and breakfast inn; campground; hotel or motel; and similar use types. This use category does not include boardinghouses, which are generally occupied for tenancies of a month or longer and are categorized in the Group Living use category. Accessory uses may include pools and other recreational facilities, restaurants, limited storage, laundry facilities, gift shops, supporting commercial activities, meeting facilities, and offices.

### [Bed and breakfast inn](#)

An establishment offering lodging in a structure originally designed as a single-family detached dwelling to transient guests for a fee.

### [Campground](#)

An outdoor facility designed for overnight accommodation in tents, rustic cabins, and shelters for recreation, education, naturalist, or vacation purposes. Accessory uses may include office, retail, and other commercial uses commonly established in such facilities and related parking facilities.

### [Hotel or motel](#)

A building or group of attached or detached buildings containing in combination three or more guestrooms intended primarily for rental or lease to transients by the day or week, as distinguished from multifamily dwellings in which rentals or leases are for longer periods and occupancy is generally by residents rather than for transients. This does not include a bed and breakfast inn.

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## **Sec. 24-8406. Industrial Use Classification**

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### 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. Accessory uses may include washing and grading plants, offices, storage areas, and vehicle washing facilities.

### B. Industrial Services

The Industrial Services use category includes use types involving the repair or servicing of industrial or business machinery equipment, products, or by-products, and firms that service consumer goods for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. The category also includes use types involving the storage or movement of goods. Use types include: contractor service; fuel oil or bottled gas distributor; general industrial service and repair; heavy equipment sales, rental, and service; laundry, dry cleaning, and carpet cleaning plants; manufactured home and prefabricated building construction and sales; research and development; and similar use types.

### [Contractor services](#)

Offices for landscaping, building, heating, plumbing, or electrical contractors, and related storage facilities.



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#### Fuel oil or bottled gas distributor

An establishment principally engaged in the sale, distribution, and delivery of fuel oil or bottled gases such as propane or liquified petroleum.

#### General industrial service and repair

An establishment engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that provide these services provide centralized services for separate retail outlets. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, and storage.

#### Heavy equipment sales, rental, and service

An establishment engaged in the display, sale, rental, repair, servicing, or storage of heavy equipment of 10,000 or more pounds gross vehicular weight (GVW) such as bulldozers, backhoes, bucket trucks, and dump trucks. This use includes aircraft maintenance and repair, but not aircraft sales, which is a separate use in the Retail Sales and Services category. This use does not include sales, repair, or maintenance of large trucks (gross vehicle weight over 10,000 pounds), mass transit vehicles, or commercial boats, which are included in the Vehicle Sales and Services use category.

#### Laundry, dry cleaning, and carpet cleaning plants

An industrial facility where laundry or dry cleaning is performed in bulk. This use is distinguished from retail facilities where the public drops off or picks up dry cleaning or laundry that is cleaned off-site.

#### Manufactured home and prefabricated building sales

An establishment engaged in the construction and sale of manufactured homes or prefabricated buildings, which may be displayed on-site.

#### Research and development facility

A facility for research, synthesis, analysis, development, and testing in a laboratory setting, which may include incidental fabrication, assembly, mixing, and preparation of equipment and components.

## C. Manufacturing and Production

The Manufacturing and Production use category includes use types involved in the manufacturing, processing, production, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally sold on the wholesale market, transferred to other plants, or made to order for firms or consumers. This use category includes artisan manufacturing, light manufacturing, and heavy manufacturing, based on the general extent of off-site impacts and the extent of outdoor storage. Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the site. Accessory uses may include wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters.

#### Manufacturing, artisan

Small-scale fabrication, preparation, or production of arts, crafts, foods, and beverages by an artist, artisan, craftsperson, or cook, on the premises, by hand or with minimal automation. Examples include small-scale welding and sculpting or arts and crafts, firing of pottery or sculpture in kilns, and local, small-batch bakeries, candy shops, and cheese shops. Accessory uses include retail teaching of these skills to others in the course of fabrication, preparation, or production, and outdoor seating areas. This use does not include

farm or limited production of alcoholic beverages or a microbrewery or other eating establishment.

#### **Manufacturing, heavy**

An establishment engaged in manufacturing and production activities that may result in substantial off-site noise, odor, vibration, dust, or hazard. Examples include the manufacture or assembly of machinery, vehicles, and appliances; the smelting or reduction of ores; oil refining; stockyards, slaughterhouses, and rendering facilities; the manufacture of petroleum products, explosives, cement, lime, gypsum, plaster-of-paris, fertilizer, corrosive acid, insecticides, radioactive materials, and plastic and synthetic resins; and distilleries when not classified as limited distilleries.

#### **Manufacturing, light**

An establishment primarily engaged in printing, production, processing, assembly, manufacturing, compounding, or preparation of goods or products for sale to the wholesale or retail markets or directly to consumers, that does not meet the definition of artisan manufacturing or heavy manufacturing. This use is wholly confined within an enclosed building, does not include processing of hazardous gases and chemicals, and does not generate off-site noise, odor, vibration, dust, or hazard. Examples include assembly of prefabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and drugs; breweries and wineries when not classified as Agricultural; manufacturing and mixing of paints, and manufacturing of components, jewelry, clothing, trimming decorations, and similar items.

### **D. Warehouse and Freight Movement**

The Warehouse and Freight Movement use category includes use types involving the storage or movement of goods and their delivery to other firms or the final consumer. There is little on-site sales activity with the customer present. Use types include cold storage plant; outdoor storage (as a principal use); self-service storage; truck or freight terminal; warehouse (distribution); warehouse (storage); and similar use types. This use category does not include contractor services (categorized in the Industrial Services use category), or use types categorized in the Waste-Related Services use category. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas.

#### **Cold storage plant**

A facility primarily engaged in the cold processing and storage of chilled or frozen food products.

#### **Mini-warehouse**

A building or group of buildings, located in a controlled-access area, containing partitioned spaces designed to be leased to tenants for the storage of unused or seldom used personal property. Each space is accessible to the tenant directly from the exterior of the building, unlike a self-service storage facility.

#### **Outdoor storage (as a principal use)**

Outdoor storage as a principal use is the keeping, in an open or roofed but unenclosed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, where such storage is the principal use of a lot. This use does not include parking lots, parking structures, self-service storage facilities, warehouses, uses in the Vehicle Sales and Services use category, or uses in the Waste-Related Services use category.

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#### Self-service storage facility

A facility primarily engaged in providing rented self-contained spaces for storing unused or seldom used personal property. Each space is accessible to the tenant only from the interior of a building, unlike a mini-warehouse.

#### Truck or freight terminal

A facility where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of buses and trucks is performed.

#### Warehouse (distribution)

An establishment primarily engaged in the distribution of manufactured products, supplies, and equipment.

#### Warehouse (storage)

One or more buildings primarily used for the storage of products, supplies, and equipment. This does not include outdoor storage (as a principal use) or self-service storage facilities.

## E. Waste-Related Services

The Waste-Related Services use category includes use types receiving solid or liquid wastes from others for on-site disposal, storage, processing, or transfer to another location for processing or disposal, or uses that manufacture or produce goods or energy from the composting of organic material or reuse, recycling, or processing of scrap or waste material. This use category also includes use types that receive hazardous wastes from others. Use types include construction, demolition and debris landfill; sanitary landfill; recycling collection center; recycling processing center; salvage and junkyard; sewage disposal and sludge storage; solid waste transfer station; waste composting; and similar use types. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

#### Landfill, construction, demolition, and debris

A facility licensed by the Commonwealth for the disposal of construction waste, demolition waste, and debris.

#### Landfill, sanitary

An engineered land burial facility licensed by the Commonwealth for the disposal of household waste. A sanitary landfill also may receive other types of solid waste in accordance with state law.

#### Recycling collection center

A facility, other than a donation box or donation center, where recyclable materials are dropped off and stored until they are transported to a recycling processing center.

#### Recycling processing center

A facility for the sorting, processing, assembling, packaging, baling and storage of materials.

#### 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 auto recyclers, demolishers, salvage pools, scrap metal processors, and vehicle removal operators as defined by the Virginia Department of Motor Vehicles.

**Solid waste transfer station**

A facility where solid waste, including sealed containers of medical waste, is taken from a collection vehicle and placed in a larger truck or shipping container for transport to a facility that disposes of solid waste

**Waste composting**

A facility where organic matter derived primarily from off-site is processed by composting or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

**F. Wholesale Sales**

The Wholesale Sales use category includes use types involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, greenhouses (for plant nurseries), and repackaging of goods.

**Sec. 24-8407. Interpretation of Unlisted Uses**

**A. Procedure for Interpreting Unlisted Uses**

The Planning Director may interpret a proposed principal or accessory 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 below, as appropriate, and in accordance with the procedures in Sec. 24-2317, Interpretation.

**B. Criteria for Allowing Unlisted Principal Uses**

The Planning Director will interpret an unlisted principal use as a permitted use, a use requiring a conditional use permit, or a use requiring a provisional use permit in a particular zoning district only after finding that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use type or use category that is allowed in the zoning district that the unlisted use should be deemed allowed in the same manner (i.e., as a permitted use, conditional use, or provisional use) as the similar use type or use category and subject to the same use-specific standards. In making such interpretation, the Planning Director will compare the relevant characteristics of the unlisted use to the those of listed and defined use types and use categories described in this division, and will consider the purpose and intent statements in this Ordinance concerning the zoning district (see Article 3: Zoning Districts) and the character of use types allowable in the district. The relevant characteristics of the unlisted use that should be considered in making this interpretation include the following:

1. The impact on adjacent lands created by the use, which should not be greater than that of other use types allowed in the zoning district in the same manner;
2. Actual or projected characteristics of each activity likely to occur as part of the unlisted use;
3. The type, size, orientation, and nature of buildings and structures devoted to each activity;

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4. The number and density of employees and customers on the site in relation to business hours and employment shifts;
5. Vehicles used and their parking requirements, including the ratio of the number of spaces required;
6. Transportation demands, including the volume and frequency of trips generated to and from the site, the size of vehicle commonly used, the split of traffic volume among various modes of transportation, and other characteristics of trips and traffic;
7. Relative amounts of sales or revenue from each activity;
8. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;
9. Whether business activity is wholesale or retail;
10. How the use is advertised, including signs;
11. The amount and nature of any nuisances generated on the premises, including noise, smoke, odor, glare, vibration, radiation, and fumes; and
12. Any special public utility requirements for serving the use, including water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities.

### C. Criteria for Allowing Unlisted Accessory Uses and Structures

The Planning Director will interpret an unlisted use or structure as an allowable accessory use or structure to a principal use allowed in a particular zoning district if the Planning Director determines that:

1. The use or structure is accessory to the principal use, in accordance with the definitions of “accessory use” and “accessory structure” in this article, and consistent with the example accessory uses listed in the definition of the principal use or the description of the relevant use category in Article 8, Division 4, Use Definitions and Interpretation;
2. The nature, function, and potential impacts of the use or structure are so similar to those of uses or structures that are accessory to the principal use, or of accessory uses allowable in the zoning district, that the unlisted use or structure should be deemed allowable in the same manner as the similar accessory uses or structures;
3. The use or structure is compatible with the character of principal and accessory uses allowable in the zoning district; and
4. Allowing the use or structure as an accessory use or structure is consistent with the purpose and intent statements in this Ordinance concerning the zoning district (see Article 3: Zoning Districts).

## DIVISION 5. GENERAL DEFINITIONS

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### Abutting

Sharing a common boundary line.

### Accessory dwelling unit

An ancillary or secondary living unit to a single-family detached dwelling that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or in a detached structure on the same lot, as the primary dwelling unit. For purposes of determining maximum density, an accessory dwelling unit will not count as a dwelling unit.

### Accessory use or structure

A use or structure subordinate to the principal use or structure on the same lot and serving a purpose customarily 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).

### Adjacent

An arrangement where two properties either share a common boundary line or would share a common boundary line but for a street, alley, easement, narrow strip, drive aisle, rail line, or stream that divides the properties.

### Administrative Manual

A document prepared by the Planning Director that contains requirements for application contents and forms, submittal schedules, and the fee schedule adopted by the Board of Supervisors, and which may contain additional information relevant to the submittal and review of development applications (see paragraph D of Sec. 24-2105, Planning Director).

### Administrative modification

See Sec. 24-2319, Administrative Modification.

### Adult entertainment

Dancing, modeling or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons; or the showing of films, motion pictures, videotapes, slides, photographs, CD-ROMs, DVD-ROMs, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

### Adult merchandise

Magazines, books, other periodicals, videotapes, films, motion pictures, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices, or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs; or lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

### Age restricted community

A residential community that limits residency to persons who are over a set age (e.g., 55 years old).

### Agritourism activity

Events and activities conducted on a working farm offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the farm operation, and that are directly associated with and incidental to on-going agricultural activity on-site. Agritourism activities include farm tours (which may include overnight stays), hayrides, corn mazes, petting zoos, classes related to agricultural products or skills, farm-to-table dining, and picnic and party facilities offered in conjunction with such activities.

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#### Agribusiness

A commercial enterprise in which agricultural products produced on a site are marketed and sold directly to consumers without an intermediate wholesaler or distributor, other than a farm co-op organization. Direct market business may include enterprises such as pick-your-own operations, and operations in **which delivery of products is made directly to consumers, such as "farm share" arrangements under which periodic delivery of farm products is made for a subscription fee.**

#### Alley

A vehicular accessway less than 30 feet in width that provides secondary access to the rear of a building, where the primary access to the front of the building is from a street.

#### Antenna

Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

#### Appeal

See Sec. 24-2320, Appeal of Administrative Decisions.

#### Attention getting device

A device placed upon or attached to any land, structure or building which is designed to be inflated or moved by action of the air to attract attention, such as pennants, banners, streamers, balloons and inflatable devices when displayed outdoors.

#### Automated teller machine (ATM)

A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions. Where an ATM is provided at the site of a bank or other business for use by customers in motor vehicles, the ATM is considered a drive-through service accessory use. At other locations, an ATM may be considered an accessory use to the principal use of the location.

#### Automatic car wash (as an accessory use)

A structure providing the exterior washing of vehicles by an automated system of rollers and brushes.

#### Base flood

A flood having a one percent chance of being equaled or exceeded in any given year.

#### Base flood elevation

The water surface elevation of the base flood as shown on either the most recent Federal Emergency Management Agency Flood Insurance Rate Map or Flood Insurance Study or on the County's most recent comprehensive drainage study map, whichever is higher. The County Engineer may amend the County's comprehensive drainage study map at any time upon review of additional engineering studies of floodplain areas. For areas without mapped base flood elevations, the developer must use the 100-year flood elevations and floodway information from federal and state sources, if available, or, when such information is not available, flood elevations derived from sufficiently detailed hydrologic and hydraulic computations by a professional engineer who certifies the correct use of currently accepted technical concepts.

#### Bicycle parking rack

A stationary fixture to which a bicycle can be supported upright, provide two points of contact, and be securely attached (typically using a bicycle lock) to prevent theft.



#### Bicycle share station

A service in which bicycles are made available for shared use to individuals on a short-term basis (less than one day) at a designated location.

#### Block

A unit of land bounded by streets or by a combination of streets and public lands, railroad rights-of-way, waterways, or other barriers to the continuity of development.

#### Block Face

Two sides of one street between intersecting streets.

#### Board of Supervisors

The Board of Supervisors of Henrico County, Virginia (see Sec. 24-2102, Board of Supervisors).

#### Board of Zoning Appeals

The Board of Zoning Appeals of Henrico County, Virginia (see Sec. 24-2104, Board of Zoning Appeals (BZA)). **The Board of Zoning Appeals may be abbreviated as "BZA" in this Ordinance.**

#### Brewery

A business licensed by the Commonwealth to brew beer without limitation as to number of barrels per year, which may include bottling and wholesale distribution.

#### Building

Any structure having a roof supported by columns or walls, used or intended to be used for the shelter, housing or enclosure of persons, animals, or property.

#### Building Official

The Building Official of Henrico County, Virginia (see Sec. 24-2106, Building Official).

#### Building permit

See Sec. 24-2309, Building Permit.

#### Build-to line

The distance from the front lot **line along which the principal vertical plane of the building's primary facades must be erected.**

#### BZA

The Board of Zoning Appeals of Henrico County, Virginia (see Sec. 24-2104, Board of Zoning Appeals (BZA)).

#### Caliper

The standard for trunk diameter measurements of nursery stock. Caliper of the trunk is measured six inches above the ground for four-inch or smaller caliper trees and 12 inches above the ground for larger sizes. The caliper size of a multi-trunk tree will be deemed to be the average caliper size of the largest three leaders. **For mature trees, see "diameter at breast height."**

#### Caretaker dwelling

A dwelling unit, located within a building containing a Commercial use or an Industrial use, for occupancy by the proprietor or an employee of an establishment within the building, or by an employee of a business that is under contract to provide ongoing security, maintenance, or similar services for the building, **and the proprietor's or employee's family.**

## Article 8 Definitions

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#### Circuit Court

The Henrico Circuit Court of the 14th Judicial Circuit of Virginia.

#### Composting, small scale

An enclosed area not larger than 100 square feet in area that contains a compost tumbler or similar apparatus designed for the purpose of converting household kitchen and yard waste into fertilizer.

#### Comprehensive plan

The comprehensive plan of the County of Henrico, Virginia. The plan required by Code of Virginia §15.2-2223 for the physical development of the territory within the County.

#### Conditional use permit

See Sec. 24-2308, Conditional Use Permit.

#### Conditional zoning

See Sec. 24-2304, Conditional Zoning.

#### Conservation and Agricultural districts

The C-1 and A-1 districts.

#### Construction waste

Solid waste that is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes include lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos-containing material, any liquid, compressed gases, or semi-liquids and garbage are not construction wastes.

#### Construction-related building, structure, or use

A temporary structure, facility, or space associated with the staging, management, and security of new construction, including an office building, security building, storage buildings, construction waste and recycling receptacles, temporary sanitation facilities, outdoor storage, and employee parking areas, on or adjacent to a site subject to a valid building permit.

#### Controlled access road

Roads designated on the Major Thoroughfare Plan where vehicle access is allowed only at designated interchanges. Trip lengths on a controlled access road are longer. With the exception of certain rush hour periods, these roads primarily are for inter-city travel. The function of controlled access roads is to move large volumes of traffic through the metropolitan area, and to serve major population centers and civil defense activities with full control of access.

#### County

Henrico County, Virginia, unless the term is used in conjunction with another county.

#### County Code

The Code of Ordinances of the County of Henrico, Virginia.

#### County comprehensive drainage study map

The most recent map approved and maintained by the County Engineer designating the 100-year floodplain in the County.

#### County Engineer

The Director of the Department of Public Works of Henrico County, Virginia.

#### Cremation chamber

A furnace used to reduce human or animal remains to ashes by fire.

#### Damaged or destroyed building

A damaged or destroyed building or structure is one for which the cost of restoring the building or structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred.

#### Debris waste

Solid waste resulting from land clearing operations. Debris wastes include stumps, wood, brush, leaves, soil, and road spoils.

#### Demolition waste

Solid waste produced by the destruction of structures and their foundations. Demolition waste includes the same materials as construction waste.

#### Developer

Any person who is responsible for development as defined in this section.

#### Development

Any manmade change to improved or unimproved real estate, including buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

#### Diameter at breast height (DBH)

The diameter of a mature tree, in inches, measured 54 inches above the ground. If the tree splits into multiple trunks at a height below 54 inches, the diameter is measured at the narrowest point below the split. **For nursery stock, see "caliper."**

#### Distillery

A business licensed by the Commonwealth to manufacture alcoholic beverages other than wine and beer, which may include bottling and wholesale distribution.

#### Donation box

A container where donated goods are dropped off for resale or reuse by a charitable organization.

#### Drip line

A vertical line extending from the outermost edge of a tree canopy or shrub branch spread to the ground.

#### Drive-through facility

A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or via a mechanical device (e.g., a pneumatic tube system). In addition to the pick-up window or door, drive-through service facilities also may include remote menu boards and ordering stations. Use types that commonly have drive-through service as an accessory use include banks and drugstores. A drive-through restaurant is a principal use.

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#### Driveway

An accessway that functions solely to provide direct and immediate vehicular access between an alley or street and the principal origin and destination points within an abutting development, or part of a large development.

#### Dwelling

Any building or portion of a building occupied or designed to be occupied exclusively for residential purposes, but not including a tent, recreational vehicle, cabin, hotel or motel, boardinghouse, hospital, or other accommodation used for transient occupancy.

#### Dwelling unit

Within a dwelling, one or more rooms connected together and constituting a single housekeeping unit, with independent cooking, bathroom, and sleeping facilities, designed or used for occupancy by a single family or housekeeping unit, for owner occupancy or rental for periods of 30 consecutive days or more, and separate from any other dwelling units or rooms in the same building.

#### Electric vehicle (EV) level 1, 2, or 3 charging station

A vehicle parking space served by an electrical component assembly or cluster of components assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.

A Level 2 charging station is a medium-speed-charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt Alternating Current circuit.

A level 3 charging station is a high-speed industrial grade charging station that operates on a high-voltage circuit.

#### Family

A person living alone or any number of persons living together as a single housekeeping unit including domestic servants, caregivers, foster children and adults, and supervisory personnel in a group care **facility. The term "family"** will not include the members of a social club; the residents of a convalescent or nursing home, retirement home, assisted living, or memory care facility; the residents of a boardinghouse; the guests of a hotel, motel, or bed and breakfast home; or short-term renters.

#### Family day home

A private dwelling where care is provided as an accessory use for up to 12 children, exclusive of the provider's own children and any children who reside in the home. A small family day home provides care for five or fewer children, and a large family day home provides care for six to 12 children.

#### Family healthcare home, temporary

A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who must be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in Code of Virginia § 63.2-2200, as certified in writing by a physician licensed in the Commonwealth, (iii) has no more than 300 gross square feet of floor area, and (iv) complies with applicable provisions of the Virginia Industrialized Building Safety Law and the Uniform Statewide Building Code.

### **Farmers' market, temporary**

A site used for the sale of agricultural and horticultural products grown by the vendor, or for the sale of **baked, canned, or preserved foods prepared by the vendor. If the farmers' market occurs regularly for all or most of the year, it is considered a principal use. If the farmers' market occurs only occasionally or periodically for only a limited time period during the year, it is considered a temporary use.**

### **Fence**

A barrier of man-made construction preventing movement across a boundary, including walls that do not support a roof, but not retaining walls.

### **Flea market, temporary**

A site used for the temporary and occasional sale, from one consumer to another, of previously-owned merchandise, collectibles, crafts, antiques, and other items, excluding automobiles, automobile parts, and nonportable household appliances.

### **Floodway**

The channel of a river or other watercourse and the adjacent land areas shown on the most recent Flood Insurance Study or Federal Emergency Management Agency Flood Insurance Rate Map that must be reserved from encroachment in order to discharge a base flood without cumulatively increasing the water surface elevation of the flood by more than one foot.

### **Floor area, finished**

That portion of the floor area of a building, measured in square feet, which is so completed as to be in conformity with the conditions of the main occupied area, but not necessarily utilizing the same building materials.

### **Floor area, gross**

See Error! Reference source not found., Error! Reference source not found..

### **Front building line**

A line that is parallel to the street line and intersects the point of a building nearest the street.

### **Garage or yard sale**

The temporary and occasional use of the premises of a dwelling for the sale, open to the public, of personal property.

### **Greenhouse**

A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants.

### **Green roof**

A vegetative layer grown on a rooftop.

### **Group home**

A residential facility licensed by the Commonwealth in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons; or, a residential facility in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, as specified in Virginia Code § 15.2-2291. Group homes are considered residential occupancy by a single family under this Ordinance in accordance with Virginia Code § 15.2-2291.

## Article 8 Definitions

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#### Guesthouse

An accessory building without cooking facilities, intended for intermittent occupancy by one or more guests, and for which a certificate of occupancy has been issued.

#### Hard-surfaced

Having a surface made of asphalt, concrete, brick, stone pavers, or an equivalent hard, dustless, and bonded material.

#### Home garden

An on-site garden planted by an owner or occupant of a dwelling unit.

#### Home occupation

An occupation, profession or trade customarily and commonly carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit.

#### Home occupation, office activities

A business activity conducted in a dwelling unit in which no customers come to the dwelling and no products are sold at the dwelling. It may include the sale of goods or provision of services where all transactions take place at other locations (e.g., web-based sales where goods are shipped directly from a distributor to the customer without ever passing through the dwelling, mobile car detailing where the service is only provided at the customer's location). This definition also includes an artist's studio.

#### Home occupation, provision of services

A business activity conducted in a dwelling unit in which customers come to the dwelling to receive services, but no stock-in-trade is kept at the dwelling and no products are sold at the dwelling.

#### Home occupation, sale of goods

A business activity conducted in a dwelling unit in which handicrafts made on site, clothes made on site, and home-cooked food items are kept at the dwelling and sold at the dwelling.

#### Hospice

A coordinated program of home and inpatient care provided directly or through an agreement under the direction of an identifiable hospice administration providing palliative and supportive medical and other health services to terminally ill patients and their families. A hospice utilizes a medically directed interdisciplinary team. A hospice program of care provides care to meet the physical, psychological, social, spiritual and other special needs which are experienced during the final stages of illness, and during dying and bereavement. Hospice care must be available twenty-four hours a day, seven days a week.

#### Interpretation

See Sec. 24-2317, Interpretation.

#### Land records

The land records of Henrico County, Virginia.

#### Limited fuel oil or bottled gas distribution

The distribution, for compensation, of fuel oil or bottled gases such as propane or liquified petroleum in containers no greater than five gallons in volume.

#### Liner building

A building specifically designed to mask a parking lot or a parking garage from a street.

#### Livestock

Animals commonly regarded as farm animals, including cattle, horses, goats, llamas, ostriches, pigs, hogs, and sheep, but excluding smaller animals such as rabbits and poultry.

#### Local street

See "Street, local."

#### Lot, corner

A lot bordering on 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 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.

#### Lot, double-frontage

A lot, other than a corner lot, that has a frontage on two more or less parallel streets.

#### Lot, stem

A lot that has access to a public cul-de-sac street through a part of the lot (access strip) that is at least 20 feet wide, but which is narrower than the required lot width at a distance from the street right-of-way line equal to the minimum front yard depth.

#### Lot line, front

For a lot used for a single-family, duplex, townhouse, or manufactured home dwelling, the line separating the lot from the street on which it fronts. For all other uses, any lot line separating the lot from a street. See also Sec. 24-8305, Determination of Front, Side, and Rear Yards.

#### Lot line, interior side

Any lot line other than a front, street side, or rear lot line. See also Sec. 24-8305, Determination of Front, Side, and Rear Yards.

#### Lot line, rear

The lot line opposite and most distant from the front lot line. See also Sec. 24-8305, Determination of Front, Side, and Rear Yards.

#### Lot line, street side

For a lot used for a single-family, duplex, townhouse, or manufactured home dwelling, any lot line other than a front lot line that abuts a public street. See also Sec. 24-8305, Determination of Front, Side, and Rear Yards.

#### Major access road

Roads designated on the Major Thoroughfare Plan that provide access for commercial and industrial concentration centers. Roads within business and industrial parks are prime examples. Because of the



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abutting land uses, major access roads generally require higher design standards than local residential streets to allow safe and efficient movement of goods and services.

#### Major arterial

Roads designated on the Major Thoroughfare Plan that connect major centers of activity within the metropolitan area. Next to controlled access roads, major arterials are the highest traffic volume corridors and are designed to accommodate the longest trips within the area. These roads should carry a large portion of the total area traffic on a minimum of road mileage. Service to abutting land should be secondary to the provision of mobility for major traffic movements. The function of major arterials is to provide high traffic volume and maximum travel service to and between regional centers of activity.

#### Major collector

Roads designated on the Major Thoroughfare Plan that provide both access and service for local traffic movements within residential neighborhoods, commercial areas, and industrial areas. The collector system may penetrate neighborhoods, collecting traffic from the local streets throughout the area and channeling it to higher-level roads. Major collectors provide a slightly higher level of mobility and a slightly lower level of access than minor collectors. The function of major collectors is to collect and distribute traffic between local streets and arterial roads.

#### Map amendment

See Sec. 24-2303, Map Amendment (Rezoning).

#### Memory care facility

A form of long-term skilled nursing that specifically caters to patients with Alzheimer's disease, varying levels of dementia, and other types of memory problems. It involves creating a structured environment that has set schedules and routines in place to create a stress-free lifestyle, safety features to ensure the health of a senior, programs designed to cultivate cognitive skills, and architectural designs to ensure the patient cannot leave the facility. A memory care facility may provide less than 24 hour care for a patient (care during the day and evening), or long-term care in which the patient lives at the facility. Long-term memory care facilities provide all necessary living accommodations to the memory care patient. A memory care facility may be located within a continuing care facility or an assisted living facility.

#### Minor arterial

Roads designated on the Major Thoroughfare Plan that augment the higher road classifications and that should not penetrate identifiable neighborhoods. Because of mobility and safety concerns for longer-distance trips, adequate access is provided through turning lanes and signalization. These roads place more emphasis on land access and offer a lower level of traffic mobility than major arterials. The function of minor arterials is to interconnect with and augment the major arterial system.

#### Minor collector

Roads designated on the Major Thoroughfare Plan that generally provide the same service as major collector roadways; however, minor collectors provide for a slightly lower level of mobility and a slightly higher level of access than major collectors. The function of minor collectors is to collect and distribute traffic between local streets and arterial roads.

#### Model sales home or unit

A dwelling, dwelling unit, or other marketable unit of a new development that is used for real estate sales or leasing activities associated with the development pending construction of the development and the initial sales of homes or units in the development.

#### Nonpoint source pollution

Pollution from diffuse sources such as runoff from agriculture, silvicultural and land development and uses.

#### Nonresidential and Mixed-Use districts

The O-1, O-2, O-3, O/S, B-1, B-2, B-3, CMU, M-1, M-2, and M-3 districts.

#### Noxious weeds

Weeds that are difficult to control effectively, such as Johnson grass, Cogon grass, Wavyleaf basketgrass, kudzu, multiflora rose.

#### Occupancy permit

See Sec. 24-2310, Certificate of Occupancy.

#### Outdoor display of merchandise (as accessory to a Retail Sales and Services use)

The placement of products or materials for sale outside the building of a retail sales and services establishment.

#### Outdoor seating (as accessory to an Eating Establishments use)

The provision of on-site seating 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.

#### Parking facility (as an accessory use)

An off-street, hard-surfaced, ground level area, or a structure composed of one or more levels or floors, that is used exclusively for the temporary storage of motor vehicles associated with the principal use of the lot (for residents, employees, customers, visitors, etc.).

#### Parking lot

An outdoor area designed and used for the temporary storage of motor vehicles, including any appurtenant spaces, aisles, and driveways.

#### Parking lot, public

A parking lot designed for and available to the public as an accommodation for patrons, customers, or employees, either with or without charge.

#### Parking space

A space that is designated for the temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking lot aisle.

#### Plan of development

See Sec. 24-2314, Plan of Development.

#### Planned development

See Sec. 24-2305, Planned Development.

#### Planning Commission

The Planning Commission of Henrico County, Virginia (see Sec. 24-2103, Planning Commission).

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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 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.

#### Produce stand (as accessory to a Horticulture use or a community garden)

An accessory structure for the retail sale of fruits and vegetables grown on-site.

#### Proffer interpretation

See Sec. 24-2318, Proffer Interpretation.

#### Provisional use

A use or deviation from a standard that may be permitted under certain circumstances with suitable regulations and safeguards to be determined in each case by the Board of Supervisors through the authorization and issuance of a provisional use permit in accordance with Sec. 24-2306, Provisional Use Permit.

#### Provisional use permit

See Sec. 24-2306, Provisional Use Permit.

#### Public parking lot

See "Parking lot, public".

#### Rainwater cistern or barrel

A catchment device to capture rainwater from a roof or other surface before it reaches the ground, and store it either above or below ground level.

#### Recreational vehicle

A vehicle built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily as temporary living quarters for recreational, travel, camping or seasonal use.

#### Recyclables collection point, temporary

An outdoor area temporarily designated for the collection of reusable or recyclable materials.

#### Resident

Any person who lives in a dwelling unit or portion thereof on a long-term or permanent basis, as distinguished from a guest or short-term renter.

#### Residential districts

The R-O, R-OA, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-5, R-5A, R-6, and RTH districts.

#### Resource management area (RMA)

That component of the Chesapeake Bay Preservation Area that is not classified as the resource protection area (RPA). It will include land types that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the RPA.

#### Resource protection area (RPA)

That component of the Chesapeake Bay Preservation Area comprised of sensitive lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

#### Retail sales (as accessory to an Industrial use)

The offering of products associated with an Industrial use for retail sale to the general public on the premises of the Industrial use. An example is an outlet or seconds shop located at a manufacturing plant.

#### Retaining wall

A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a slope.

#### Sawmill, temporary

A temporary operation or facility established for the purpose of sawing or planing of logs or trees cut from the property where the sawmill is located.

#### School

An elementary or secondary (kindergarten through 12<sup>th</sup> grade) school.

#### Seasonal decorations display and sales

A temporary business enterprise that is conducted primarily outdoors and offers for retail sale decorative items that are, by their nature, in particular demand during a relatively short peak season, including Christmas trees, pumpkins, and flowers.

#### Short-term rental

The provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

#### Short-term rental, hosted stay

A short-term rental during which the homeowner is present in the dwelling.

#### Short-term rental, unhosted stay

A short-term rental during which the homeowner is not present in the dwelling.

#### Short-term renter

Any person permitted to occupy a short-term rental for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy, and any companions or guests of such person.

#### Sidewalk

A hard-surfaced walk or raised path and any curb ramps or blended transitions along and generally paralleling the side of the streets for pedestrians. Sidewalks do not include the curb or gutter structures.

#### Sight distance triangle

A triangular area that is included between the lines of an intersecting public street or private driveway, extended to the point where the lines intersect, and, at points on each line 20 feet distant from that point for a public street or 10 feet distant for a private driveway, a straight line connecting them.

## Article 8 Definitions

### Division 5. General Definitions

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#### Sign permit

See Sec. 24-2311, Sign Permit.

#### Site plan

See Sec. 24-2315, Site Plan

#### Solar energy equipment

Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof of one or more buildings, but may be mounted on other structures, or on the ground.

#### Specified anatomical areas

Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

#### Specified sexual activities

Human genitals in a state of sexual stimulation or arousal; sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast, including masturbation.

#### State

Of or referring to the Commonwealth of Virginia.

#### Steep slopes

Any land area within a resource management area (RMA) which rises or falls at a rate of 20 feet or more per 100 feet as measured in the horizontal plane.

#### 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.

#### Street, local

Streets having the function of providing direct access to abutting land and to the collector system.

#### Street, major arterial

See "Major arterial".

#### Street, major collector

See "Major collector".

#### Street, minor arterial

See "Minor arterial".

#### Street, minor collector

See "Minor collector".

#### Street right-of-way line

The boundary line of right-of-way containing or intended to contain a street.

### 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.

### Structure

Anything constructed by an assembly of materials, the use of which requires a fixed location on the ground or attachment to something having a fixed location on the ground.

### Substantial improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term includes structures that have incurred damage of any origin for which the cost of restoring the structure to its pre-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term does not include work to correct existing violations of state or local requirements to ensure safe living conditions or alterations that do not change the official designation of historic structures.

### Surface flow

The flow of water normally associated with wetlands hydrology. The term pertains to the saturation or inundation of the surface of the ground. Water must be visually observable at the top of the uppermost soil horizon, excluding organic litter or "duff," for a period of 35 consecutive days between the dates of March 3 and December 7. When saturation to the surface of the ground is in question, it will be considered present, when the water level in an open, unlined bore hole is at or on the top of the uppermost soil horizon. Mere runoff will not be deemed surface flow.

### Swimming pool (as an accessory use)

A man-made enclosure that is filled with water and used for swimming, and that is accessory to a principal use.

### Temporary produce stand

A temporary structure used for the sale of agricultural products grown on-site, which may include the incidental sale of other products not produced on the premises.

### Temporary use permit

See Sec. 24-2312, Temporary Use Permit.

### Text amendment

See Sec. 24-2302, Text Amendment.

### Tidal shore

Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

### Transfer of provisional use permit

See Sec. 24-2307, Transfer of Provisional Use Permit.

### Tree, Heritage

Any tree which has been designated by the Board of Supervisors as having notable historic or cultural significance.

## Article 8 Definitions

### Division 5. General Definitions

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#### Tree, Memorial

Any tree which has been designated by the Board of Supervisors to be a special commemorating memorial.

#### 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.

#### Tree, Specimen

Any tree which has been designated by the Board of Supervisors to be notable by virtue of its outstanding size or quality for its particular species.

#### Tree protection zone

The area within the drip line of any protected tree extended one foot outward.

#### Tree removal permit

Sec. 24-2313, Tree Removal Permit.

#### Truck rental (as accessory to retail sales, mini-warehouse, or self-service storage)

The rental of motor vehicles to customers for the transport of their personal property as a use accessory to a retail sales establishment, mini-warehouse, or self-service storage facility.

#### Underground storage tank

An underground enclosure for the storage of liquids.

#### Uniform Statewide Building Code

The Virginia Uniform Statewide Building Code adopted by the General Assembly, and any amendments thereto.

#### Variance

See Sec. 24-2316, Variance.

#### Wall

See definition of "Fence."

#### Water-dependent facilities

Any use that cannot exist outside of the resource protection area and must be located on the shoreline or within water because of the intrinsic nature of its operation. Such uses include ports; intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; marinas and other boat docking structures; beaches and other water-dependent recreation areas; and fisheries or other marine resource facilities.

#### Vending machine

A machine that automatically dispenses food, drinks, videos, cigarettes, or other consumer items, when a coin, bill, credit card, token, or comparable form of payment is inserted.

#### Wetlands, nontidal

Those wetlands other than tidal wetlands that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by current federal regulatory programs under section 404 of the Clean Water Act.



#### Wetlands, tidal

Vegetated and nonvegetated wetlands as defined in Virginia Code § 28.2-1300.

#### Wind energy system (small)

A facility consisting of one or more wind turbines and related equipment that converts the kinetic energy in wind into mechanical energy with a rated capacity not exceeding 100 kW. A wind energy system with a rated capacity exceeding 100 kW is a principal use (see Sec. 24-8404.1, Wind energy system, large).

#### Winery

A business licensed by the Commonwealth as a winery under title 4.1 of the Code of Virginia.

#### Yard

An open space on the same lot with a building, a group of buildings, or a use, which space is unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

#### Yard, front

A yard lying between the front lot line and the nearest part of the building or use and extending across the full width of the lot.

#### 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.

#### Yard, interior side

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

#### 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.

#### Zero-Lot-Line

The placement of dwellings touching an interior side lot lines such that there is zero interior side yard on one side of the building.

#### Zoning Districts Map

The maps derived from digital source files maintained by the County entitled "Zoning Districts Map of Henrico County, Virginia," effective January 1, 2002, establishing the location and boundaries of the various base zoning districts, overlay zoning districts, and planned development districts under this Ordinance (see Article 1, Division 3, Zoning Districts Map).