

MONTGOMERY COUNTY PLANNING COMMISSION
September 16, 2020 7:00PM
Board Room, Government Center
755 Roanoke Street, Christiansburg, VA

I. CALL TO ORDER

II. DETERMINATION OF A QUORUM

III. APPROVAL OF AGENDA

IV. APPROVAL OF CONSENT AGENDA

- a. August 12, 2020 Meeting Minutes
- b. Upcoming Public Hearing- SU-2020-18659- SUP for Telecommunication Tower

V. PUBLIC HEARING

- a. An ordinance amending Chapter 2, Division 7, Entitled Agricultural and Forestral District Administrative Procedures of the Code of the County of Montgomery, Virginia by adding data poles, **telecommunications** facilities attached, and telecommunications facilities freestanding as same-compatible uses in Section 2-147; amending Chapter 10 entitled Zoning By Adding Data Pole as a use permissible by right in Section 10-21(3) Agricultural, Section 10-22(3) Conservation, Section 10-23(3) Rural Residential, Section 10-24(3) Residential 1, Section 10-25(3) Residential 2, Section 10-26(3) Residential 3, Section 10-27(3) Multiple Family Residential, Section 10-28(3) General Business, Section 10-29(3) Community Business, Section 10-30(3) M-1 Manufacturing, Section 10-31(3) M-L Manufacturing Light, Section 10-32(B, 1) Planned Unit Development-Traditional Neighborhood Development Infill; adding telecommunication facility, microwireless and telecommunications facility, small cell as a use permissible by special use permit in Section 10-21(4) Agricultural, Section 10-22(4) Conservation, Section 10-23(4) Rural Residential, Section 10-28(4) General Business, Section 10-29(4) Community Business, Section 10-30(4) M-1 Manufacturing, Section 10-31(4) M-L Manufacturing Light; adding telecommunications facility microwireless and telecommunications facility, small cell to section 10-41(7A) permitted structures in required yards; adding telecommunication facility, microwireless and telecommunication facility, small cell to Section 10-48 additional regulations for special uses; modifying the definition of telecommunications tower, attaching and telecommunications tower, freestanding in section 10-61 definitions; and by adding co-locate, data pole, telecommunications facility, microwireless and telecommunications facility, small cell as defined uses in Section 10-61 definitions.

VI. PUBLIC ADDRESS

VII. OLD BUSINESS

VIII. NEW BUSINESS

IX. LIAISON REPORTS

- Board of Supervisors – Sara Bohn
- Public Service Authority – Sara Bohn
- Blacksburg Planning Commission – Coy Allen
- Christiansburg Planning Commission – Trey Wolz or Bryan Rice
- Radford Planning Commission – Bob Miller
- Tourism Council – Bob Miller
- Parks and Recreation – Adam Workman
- Planning Director’s Report – Emily Gibson

X. ADJOURNMENT

UPCOMING MEETING DATES:

October 14, 2020	Potential Meeting	7:00 PM
October 21, 2020	Meeting/Public Hearing	7:00 PM

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON AUGUST 12, 2020 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER

Chair Foster called the meeting to order at 7:00.

DETERMINATION OF A QUORUM

Mr. Workman called the roll to determine a quorum.

Present: Bill Foster, Chair
Trey Wolz, Vice-Chair
Adam Workman, Secretary
Bryan Katz
Scott Kroll
Robert Miller
Bryan Rice
Sara Bohn, Board of Supervisors Liaison

Absent: Coy Allen
Will Bulloss

Staff: Emily Gibson, Director of Planning & GIS Services
Brea Hopkins, Development Planner
Justin Sanders, Development Planner

APPROVAL OF AGENDA

On a motion by Mr. Miller, and seconded by Mr. Katz, the Planning Commission unanimously approved the agenda as presented.

APPROVAL OF CONSENT AGENDA

July 15, 2020 Planning Commission Meeting Minutes

On a motion by Mr. Rice, and seconded by Mr. Workman, the Planning Commission unanimously approved the consent agenda as presented, with noted corrections to the July 15, 2020 meeting minutes.

PUBLIC ADDRESS

Chair Foster opened this portion of the meeting at 7:03 PM. Having no speakers, the public address session was closed.

OLD BUSINESS: None.

NEW BUSINESS:

WORK SESSION

- a. **ZA-2020-04: Draft Text Amendment to the Zoning Ordinance to Address Updates on Telecommunication Facilities**

Mr. Sanders introduced several proposed amendments to the Zoning Ordinance concerning updates to regulation of telecommunications facilities throughout the County. He detailed legislation passed in 2017 and 2018 by the General Assembly regarding micro-wireless and small-cell telecommunications facilities, which requires localities to remove Special Use Permit restrictions on the co-location of these facilities on existing structures.

Mr. Sanders outlined the review process undertaken by staff in drafting the proposed amendments, which included reviewing the actions by the General Assembly, a comprehensive review of existing regulation in the Zoning Ordinance, and review the Development Subcommittee. Mr. Sanders noted that staff is also in the process of reviewing administrative procedures and fee structures relating to telecommunications facilities are part of this review.

Mr. Sanders then outlined existing definitions and references to telecommunications facilities throughout the Zoning Ordinance. His overview included a description of the Zoning Ordinances distinction between attached and freestanding telecommunications towers. Mr. Sanders noted that the definition for attached telecommunications towers included the placement of an antenna on any existing building, telecommunication tower, billboards, silos, etc. He also shared that these attached towers are permitted by right in all zoning districts, while freestanding towers were permitted in most zoning districts by Special Use Permit.

Mr. Sanders then shared the proposed amendments of the Zoning Ordinance to align with the changes to State Code. He shared that staff proposes adding definitions for the terms "co-locate," "micro-wireless," and "small cell" to Section 10-61. These definitions mirror language in State Code regarding these facilities. He also noted the proposed amendment of the existing definition of "telecommunications tower, attached" to include co-location of small cell and micro-wireless facilities. Mr. Sanders stated that the inclusion of this verbiage would meet the intent of State Code for allowing these facilities, as attached towers are already permitted by right in all respective zoning districts.

Mr. Sanders also shared that staff proposes adding free standing small cell and micro-wireless facilities as uses permitted by Special Use Permit in all districts which currently allow free standing telecommunications facilities by SUP. He also noted other proposed additions of freestanding small cell and micro wireless facilities to the existing list of structures permitted in required yards and additional regulations for freestanding towers approved by SUP.

Mr. Sanders then shared a proposal to permit certain freestanding towers by right, in an effort to facilitate the implementation of new wireless technologies, broadband, and other services throughout the County. These towers would be limited in height and would be regulated with standards consistent with those found throughout the Zoning Ordinance regarding setbacks, color/reflectivity, and screening of equipment. Mr. Sanders also noted that action taken in 2013 permitted amateur radio towers in most Zoning Districts as a use permitted by right, up to a height of 75 feet. He noted that the Commission could consider that height restriction when discussing a proposed height for freestanding towers permitted by right. Mr. Sanders also noted that the Commission had expressed consistency in a 40 foot height restriction for high rise signs and other structures.

Mr. Sanders concluded his presentation and asked members of the Commission for their feedback on the proposed amendments and their opinions on a maximum height for proposed freestanding towers permitted by right.

Chair Foster then opened the floor for discussion on the proposed amendments. Mr. Wolz stated that broadband and cellular service are a necessity in today's society, and facilitating the expansion is in the best interest of the County and Commission. Mr. Miller expressed agreement, noting that

considerations should be made for those residents in the County who don't have access and how the Commission can work to fill those gaps in service.

Ms. Gibson noted that the County is seeing an interest from providers for transmission poles under the 40' requirement, and noted that the proposed change aligns with the types of projects the County sees most often.

Chair Foster expressed his agreement that a 40 foot height restriction for freestanding poles would be acceptable and would align with other height restrictions imposed throughout the Zoning Ordinance. He also noted that when siting these facilities that line of sight considerations should be taken into account to ensure that the technologies work effectively without the need for more transmission poles.

Mr. Kroll asked if there was merit in considering a stepped approach to height considerations, providing additional review to poles over 40 feet in height, but less than 75 feet in height. He reasoned that the flexibility might be beneficial to applicants in avoiding Special Use Permits, but still allowing discretion by the Planning Commission and staff.

Mr. Katz asked for more information concerning the fee structure for towers, noting that the fees for shorter towers may be cost prohibitive. Ms. Gibson noted that staff would be reviewing the fee structure for permitting various tower heights.

Ms. Gibson then addressed the issue of tower placement in areas designed at Agricultural and Forestal Districts. She noted that these districts exist in areas of the County experiencing gaps in service for cellular and broadband service. She asked members of the Commission for their feedback on balancing these needs for access with the stated goals of the AFDs to preserve the rural character and natural assets of the County.

Chair Foster felt that it was best for staff and the Board of Supervisors to be proactive in addressing telecommunications facilities in the AFDs. He noted that as technologies continue to evolve, the need for large towers will become less pressing. He shared that flexibility in these areas, like that provided by the proposal for smaller towers, may be a good solution to access issues in these areas.

After more discussion, Chair Foster asked if members of the Commission felt comfortable with the proposed amendments. He noted that there seemed to be a consensus on a 40 foot height limit on poles by right throughout the various zoning districts. Mr. Kroll agreed that the proposal would address his earlier concern of balancing the needs of the applicants and the necessary review by staff. Hearing no further objection, Chair Foster asked staff to continue the process of bringing the amendments forth for consideration by the Planning Commission at a future meeting.

WORK SESSION

a. Long Range Planning Update-Village Land Use Designations

Ms. Hopkins provided the Commission with an update on the development of the Village Land Use Designations Guide and provided copies of the graphics produced by the New River Valley Regional Commission for the designations. Ms. Hopkins noted the selected color scheme for the graphics for each designation, and noted that this color pallet would be used throughout the updated Village Plans for continuity. She also shared how each information sheet provided an overview of density requirements, permitted housing types, and other land use items. Ms. Hopkins also shared graphic representations of road cross sections produced by the Commission that will be used in each Village Plan. Ms. Hopkins stated that the work on developing these elements for the Price's Fork Village Plan took more time as staff was utilizing these design and formatting elements as a template for future

Village Plans. She noted that having this template would make the compilation of the future Village Plans that much faster and more efficient.

b. Long Range Planning Update- Prices Fork Village Planning

Ms. Hopkins then shared information with the Commission regarding the development of the Price's Fork Village Plan. She provided the Commission with demographic data for the Village, including population, income, and housing data. Ms. Hopkins then shared information that was shared by community members at the public input sessions held in the Village regarding their favorite things about the Village and important issues they felt were impacting the future development of Price's Fork. Ms. Hopkins then shared information about population, income, and housing projections for the future of the Village. She noted key concepts from the public input sessions that were guiding the Village Plan development, including transportation improvements, preservation of the historic and natural resources of the Village, and high quality compatible growth.

Chair Foster then opened the floor for discussion on the presented materials. Mr. Rice asked Ms. Hopkins about Price's Fork residents' opinions on future growth. Ms. Hopkins noted that residents had expressed that they did, in fact, want to see growth and development in the Village. She shared that residents had stated that this growth should be carefully managed to respect the Village's character.

Chair Foster asked that staff provide population and demographic information for the entire County in conjunction with the data shared for Prices Fork to provide context to the numbers.

Mr. Miller shared that he liked the format on the Village Plan and looks forward to the continuity between the various plans.

Mr. Kroll asked staff about the updating of other plans and integration of those plans and studies into the Village plans. Ms. Gibson noted that the intention was to integrate transportation related plans and other studies into the text of each Village and to clearly reference each related study or plan.

Chair Foster asked about the next steps in the Village Plan updates. Ms. Gibson noted that once staff completes the update of the Prices Fork Village Plan, they will move into the update for Riner. Ms. Gibson noted that staff may decide to move on to work on the full Comprehensive Plan, with new data coming available from the recently completed housing study, spearheaded by the Regional Commission. If the full Comprehensive Plan is not reviewed next, staff will proceed forward with the Shawsville, Elliston/Lafayette, and Plum Creek Village Plans.

LIAISON REPORTS

Board of Supervisors – Supervisor Bohn provided the Commission with an update on recent actions of the Board of Supervisors. She noted that the Board had recently approved the recent rezoning applications recommended for approval by the Planning Commission as well as the text amendments concerning high rise signs and travel centers. Supervisor Bohn stated that the Board had recognized members of the County's fire and rescue departments for 25 years of service at their recent meeting. She also noted that the Board had set a public hearing date for an upcoming decision to establish satellite offices for voting for the upcoming election.

She shared that the County had received another round of funding from the CARES Act and was working to establish how those funds would be used to assist in COVID-19 response throughout the County. Supervisor Bohn also noted that the Board had approved a lifetime dog license for pet owners. She noted the work of the Treasurer's office to provide this service to County residents.

She also shared an update on efforts to expand broadband access throughout the County, noting that the RFP process had concluded and a provider selected. She shared that the Board had worked to facilitate the addition of mobile internet hotspots to fill gaps in broadband coverage.

Supervisor Bohn also noted that the Board had recently met to discuss a number of capital projects including Creed Fields, a maintenance facility for General Services, and the Phlaegar Building/Magistrate's Office relocation.

Public Service Authority – No report.

Blacksburg Planning Commission – Ms. Gibson shared that the Planning Commission had recently reviewed a proposed change in height of the Midtown Development at the Old Blacksburg Middle School site. This requested change relates to the parking structure and Police Department facility being built as part of the redevelopment.

Christiansburg Planning Commission – Mr. Rice stated that the Planning Commission had recently recommended approval of a rezoning and conditional use permit for a new housing development off Vinnie Avenue.

Radford Planning Commission – No report.

Tourism Council – No Report.

Parks and Recreation – No report.

Planning Director's Report – Ms. Gibson shared that staff would be receiving training on a new software system for permitting and planning applications beginning the following week. She noted that one module of the new system was already active and allows County staff to input service requests. Ms. Gibson shared that the Regional Commission would be releasing the results of the housing study in September. She is hopeful the study will inform the housing section of the Comprehensive Plan update currently being worked on by staff. Ms. Gibson also noted that COVID continues to impact County operations, but that staff was working diligently to continue to provide services to the public while juggling the new responsibilities.

Ms. Gibson shared that the Agricultural and Forestral District Committee would meet on September 3 to discuss renewals and withdrawals. She also shared that staff was working to finalize the applications for Smart Scale with the assistance of a transportation consultant. Ms. Gibson also noted that RFPs will soon be released for a consultant for on-call transportation assistance. This partnership allows County staff to be proactive with transportation projects and supplements the time available for staff to dedicate to these projects.

Responding to an inquiry from Mr. Kroll about the recently approved travel center text amendment and potential applicants, Ms. Gibson noted that staff expects a concept plan to come soon from an interested developer.

ADJOURNMENT

With no additional business, Chair Foster adjourned the meeting at 9:15 p.m.

SU-2020-18659

PID(s): 012633

Tax Parcel(s): 119-A 55

Riner Magisterial District

Property Owners	Sandra M. Prillaman & Carman Miles Steele
Applicant/Agent	Agent: Larry Bickings, Sites Unlimited, Inc. (Verizon Wireless)
Request	Special Use Permit for a new telecommunications tower
Current Zoning	Agricultural (A-1)
Current Use	Agriculture
Acreage	126.174 (portion of)
Location	North Side of Union Valley Road (St. Rt. 669) approximately $\frac{3}{4}$ of a mile east of the intersection with Riner Road (VA Rt 8) The proposed tower site is situated behind the existing residence addressed as 1516 Union Valley Road
Future Land Use	Resource Stewardship
Village	N/A - Site lies immediately adjacent to the east of the Riner Village
Village Land Use	N/A
Brief Description	The applicant is requesting a Special Use Permit to allow construction of a new telecommunication tower to serve the area. The proposed tower will be 195 ft. in height with a 4 ft. lightning rod for a total of 199 ft. overall height. The existing farm entrance will be improved to access the proposed tower site to be located just north of the pasture area.
Staff	Dari Jenkins
Anticipated Timeline	<ul style="list-style-type: none"> • Site Visit: *See below • PC Hearing: October 21, 2020 (Tentative) • BOS Hearing: November 9, 2020 (Tentative)
PC Action Required	None

* A formal site visit of the Planning Commission will not be scheduled for this request due to COVID-19 recommendations. Staff encourages available Commission members visit the site on their own to view the balloon test once it is scheduled. More details will be provided for those wishing to participate.

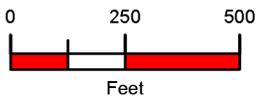


Subject Parcel

SU-2020-18659
SUP for telecom. tower
(Verizon)
Sandra Prillaman (owner)
Larry Bickings (applicant)

Parcel ID 012633
1542 Union Valley RD

- Tax Parcels
- Subject Parcel
- Village Boundary



Scale 1:5,000

Prepared by Montgomery County,
VA GIS & Planning Services
6/4/2020



2019 3 inch & 2018 9 inch imagery flown by Eagleview

MEMORANDUM

TO: Planning Commission

FROM: Planning and GIS Services Staff

CC: Mary M. McMahon, County Attorney

DATE: September 9 for September 16, 2020 Planning Commission Meeting

SUBJECT: Telecommunication Zoning Text Amendments - ZA-2020-04

At the September 16 public hearing, staff will review a series of text amendments concerning telecommunications facilities. The proposed amendments were reviewed by the Development Subcommittee during their meeting on Wednesday, July 29 and by the full Commission during its work session on August 12. Staff has taken the feedback provided by the Commission and has worked with the County Attorney to finalize the proposed amendments for consideration. Staff is prepared to provide an overview to the full Commission on the update on these items.

Background

Wireless and telecommunications companies continue to develop new technologies to deliver cellular and data services throughout the country. Micro-wireless and small cell facilities are two of the newest advances in the telecommunications industry and requests by companies to install these new facilities continue to increase. These facilities are aimed at increasing cellular and wireless data capacity in high use areas and are often installed on existing towers or other infrastructure.

The increased demand for these facilities was underscored by legislation passed by the General Assembly in 2017 and 2018. Through this legislation, the General Assembly mandated that localities modify their zoning ordinances to allow for the timely implementation of these technologies throughout Virginia. The General Assembly action requires that localities remove requirements for Special Use Permits for the location of micro-wireless and small cell facilities on existing towers and that localities streamline administrative review processes.

The demand for increased broadband coverage has also led to the need to review smaller broadcast towers, repeaters, and other infrastructure in various locations throughout the County. These facilities, which are often smaller in scale and impact than traditional towers, have been previously regulated with the same standards as larger telecommunications facilities.

Staff has reviewed the zoning ordinance and suggests a number of amendments to ensure compliance of Montgomery County's ordinance with the legislation passed by the General Assembly and to aid the County's expansion of broadband and mobile technology. The attached information sheet fully detail the proposed changes and relevant Code sections. The proposed changes would:

- define terms not currently addressed in the zoning ordinance - "co-location," "data pole," "small cell," and "micro-wireless"
- revise existing definitions to include co-located "small cell" and "micro-wireless" facilities as permitted by right in zoning districts where attached towers are permitted by right
- revise existing definition of a free standing telecommunications tower to exclude data poles
- add free standing "small cell" and "micro-wireless" facilities as uses permitted by SUP in zoning districts which currently allow freestanding towers by SUP
- add data poles (defined as 50 feet or less in height) as a permitted use in all zoning districts
- outline additional use regulations for small cell and micro-wireless facilities
- amend administrative procedures to permit data poles, telecommunications towers, attached, and telecommunications towers, freestanding as compatible uses in Agriculture and Forestral Districts

Upon review and recommendation by the Planning Commission, the proposed text amendments will advance forward for a public hearing at the September 28 Board of Supervisors meeting.

Proposed Amendments to the Montgomery County, Virginia Ordinance Regarding Telecommunications Facilities

Chapter 2 Administration – Division 7 Agricultural and Forestal District Administrative Procedures

Proposed uses to be added to Section 2-147 Same Compatible Uses

- Add data poles
- Add telecommunications facilities, attached
- Add telecommunications facilities, freestanding

Chapter 10 Zoning

Proposed Definitions to be added/amended in Section 10-61 Definitions

- Modify definition of Telecommunications tower, attached:

Telecommunications tower, attached: A telecommunications antenna which is placed on an existing building, existing telecommunication tower, or other existing non-telecommunications structure including but not limited to a billboard sign, public utility structures, silos, and church steeples. Includes co-location of micro wireless (see *Telecommunications facility, micro wireless*) and small cell (see *Telecommunications facility, small cell*) facilities. Private flag poles and/or private utility poles shall not be utilized for telecommunications antenna. The top of any antenna array shall not extend more than twenty (20) feet above the existing facility.

- Modify definition of Telecommunications tower, freestanding:

Telecommunications tower, freestanding: An independent structure of skeletal framework or a pole, guyed or self-supporting, used to support antennas. Guy wire, framework and other stabilizing devices are considered part of the structure of the tower. Does not include data poles.

- Add new definition for co-locate:

Co-locate: to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure.

- Add new definition for data pole:

Data pole: an existing, replacement, or erected electrical transmission or distribution pole, telephone pole, street light, or other approved self-supporting monopole with an attached antenna (the absolute height of the facility, including the antenna, shall not exceed 50 feet). Includes co-location of micro-wireless and small cell facilities.

- Add new definition for Telecommunications facility, micro wireless:

Telecommunications facility, micro wireless: a wireless facility which meets all criteria of a small cell facility (see Telecommunications facility, small cell) and is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

- Add new definition for Telecommunications facility, small cell:

Telecommunications facility, small cell: a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Proposed Amendments to Zoning District Regulations

Section 10-21 (3) Agricultural (A-1) – Uses Permitted by Right

- Add Data Pole

Section 10-21 (4) Agricultural (A-1)- Uses permitted by Special Use Permit

- Add Telecommunications facility, micro wireless
- Add Telecommunications facility, small cell

Section 10-22 (3) Conservation (C-1) – Uses Permitted by Right

- Add Data Pole

Section 10-22 (4) Conservation (C-1)- Uses permitted by Special Use Permit

- Add Telecommunications facility, micro wireless

- Add Telecommunications facility, small cell

Section 10-23 (3) Rural Residential (R-R) – Uses Permitted by Right

- Add Data Pole

Section 10-23 (4) Rural Residential (R-R)- Uses permitted by Special Use Permit

- Add Telecommunications facility, micro wireless
- Add Telecommunications facility, small cell

Section 10-24 (3) Residential (R-1) – Uses Permitted by Right

- Add Data Pole

Section 10-25 (3) Residential (R-2) – Uses Permitted by Right

- Add Data Pole

Section 10-26 (3) Residential (R-3) – Uses Permitted by Right

- Add Data Pole

Section 10-27 (3) Multiple Family Residential District (RM-1) – Uses Permitted by Right

- Add Data Pole

Section 10-28 (3) General Business (GB) – Uses Permitted by Right

- Add Data Pole

Section 10-28 (4) General Business (GB) - Uses permitted by Special Use Permit

- Add Telecommunications facility, micro wireless
- Add Telecommunications facility, small cell

Section 10-29 (3) Community Business (CB) – Uses Permitted by Right

- Add Data Pole

Section 10-29 (4) Community Business (CB) - Uses permitted by Special Use Permit

- Add Telecommunications facility, micro wireless
- Add Telecommunications facility, small cell

Section 10-30 (3) Manufacturing (M-1) – Uses Permitted by Right

- Add Data Pole

Section 10-30 (4) Manufacturing (M-1) - Uses permitted by Special Use Permit

- Add Telecommunications facility, micro wireless
- Add Telecommunications facility, small cell

Section 10-31 (3) Manufacturing Light (M-L) – Uses Permitted by Right

- Add Data Pole

Section 10-31 (4) Manufacturing Light (M-L) - Uses permitted by Special Use Permit

- Add Telecommunications facility, micro wireless
- Add Telecommunications facility, small cell

Section 10-32 (b, 1.) Planned Unit Development-Traditional Neighborhood Development District – Permitted Neighborhood Center Uses by Category, Commercial Uses

- Add Data Pole

Section 10-32.1 (6a) Traditional Neighborhood Development Infill District – Permitted Traditional Neighborhood Infill District Uses by Category, Commercial Uses

- Add Data Pole

Additional Amendments

Section 10-41 (7a) - Permitted structures in required yards

- Add Telecommunications facility, micro wireless
- Add Telecommunications facility, small cell

Section 10-48 Additional Regulations for Special Uses

- Add Telecommunications facility, micro wireless and Telecommunications facility, small cell:
- Except for antennas completely enclosed within a structure, all antennas and their supporting mounts must be designed to match or blend with the structure on which it is mounted or provide other means of visual mitigation.
- Commercial advertising or signs are not allowed on any monopole, tower, antenna, antenna support structure, or related equipment cabinet or structure.
- If any additions, changes or modifications are to be made to these facilities, the Zoning Administrator has the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modifications conforms to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code.

- Signals, lights or illumination are not permitted unless required by federal, state, or local law.
- All antennas and related equipment cabinets or structures must be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use.
- Any antennas, equipment, and associated support structures that are clearly depicted on the Special Use Permit application may be approved as part of the wireless facility and would not be subject to separate permit approval that would otherwise be required for such installations.

AN ORDINANCE AMENDING CHAPTER 2 ADMINISTRATION DIVISION 7
AGRICULTURAL AND FORESTAL DISTRICT ADMINISTRATIVE PROCEDURES OF
THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA
BY ADDING DATA POLES, TELECOMMUNICATIONS FACILITIES, ATTACHED, AND
TELECOMMUNICATIONS FACILITIES, FREESTANDING, IN SECTION 2-147
AMENDING CHAPTER 10 ENTITLED ZONING
OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA
BY ADDING DATA POLE AS A USE PERMISSIBLE BY RIGHT
IN SECTION 10-21(3) AGRICULTURAL (A-1); SECTION 10-22(3) CONSERVATION (C-1);
SECTION 10-23(3) RURAL RESIDENTIAL (R-R); SECTION 10-24(3) RESIDENTIAL (R-1);
SECTION 10-25(3) RESIDENTIAL (R-2); SECTION 10-26(3) RESIDENTIAL (R-3);
SECTION 10-27(3) MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM-1); SECTION 10-
28(3) GENERAL BUSINESS (GB); SECTION 10-29(3) COMMUNITY BUSINESS (CB);
SECTION 10-30 (3) MANUFACTURING (M-1); SECTION 10-31(3) MANUFACTURING
LIGHT (M-L); SECTION 10-32(B1.) PLANNED UNIT DEVELOPMENT-TRADITIONAL
NEIGHBORHOOD DEVELOPMENT DISTRICT – PERMITTED NEIGHBORHOOD
CENTER USES BY CATEGORY, COMMERCIAL USES; 10-32.1 (6A) TRADITIONAL
NEIGHBORHOOD DEVELOPMENT INFILL DISTRICT – PERMITTED TRADITIONAL
NEIGHBORHOOD INFILL DISTRICT USES BY CATEGORY, COMMERCIAL USES;
BY ADDING TELECOMMUNICATIONS FACILITY, MICRO WIRELESS, AND
TELECOMMUNICATIONS FACILITY, SMALL CELL, AS A USE PERMITTED BY
SPECIAL USE PERMIT TO SECTION 10-21(4) AGRICULTURAL (A-1); SECTION 10-22(4)
CONSERVATION (C-1); SECTION 10-23(4) RURAL RESIDENTIAL (R-R); SECTION 10-
28(4) GENERAL BUSINESS (GB); SECTION 10-29(4) COMMUNITY BUSINESS (CB);
SECTION 10-30(4) MANUFACTURING (M-1); SECTION 10-31(4) MANUFACTURING
LIGHT (M-L); ADDING TELECOMMUNICATIONS FACILITY, MICRO WIRELESS, AND
TELECOMMUNICATIONS FACILITY, SMALL CELL, AS PERMITTED STRUCTURES IN
REQUIRED YARDS IN SECTION 10-41(7A); ADDING ADDITIONAL REGULATIONS
FOR SPECIAL USES IN SECTION 10-48 AND BY ADDING CO-LOCATE; DATA POLE;
TELECOMMUNICATIONS FACILITY, MICRO WIRELESS; TELECOMMUNICATIONS
FACILITY, SMALL CELL, UNDER SECTION 10-61 DEFINITIONS; AND AMENDING
DEFINITIONS OF TELECOMMUNICATIONS TOWER, ATTACHED; AND
TELECOMMUNICATIONS TOWER, FREESTANDING, UNDER SECTION 10-61
DEFINITIONS

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 2, Administration, Division 7, Agricultural and Forestal District Administrative Procedures Section 2-147; Chapter 10, entitled Zoning Sections 10-21(3), 10-21(4), 10-22(3), 10-22(4), 10-23(3), 10-23(4), 10-24(3), 10-25(3), 10-26(3), 10-27(3), 10-28(3), 10-28(4), 10-29(3), 10-29(4), 10-30(3), 10-30(4), 10-31(3), 10-31(4), 10-32(B 1.), Section 31.2(6a), Section 10-41(7a.), 10-48 and 10-61 respectively of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

Sec 2-147 Same - Compatible Uses

- (a) The following uses are found to be in compliance with the stated purpose of agricultural and forestal districts.
- (1) Residential dwellings of farm/forest owners, members of their immediate families and their employees;
 - (2) General farming, agriculture, horticulture, viticulture and dairying, including accessory buildings and uses;
 - (3) Temporary sawmills and forestry operations, including accessory buildings and uses;
 - (4) Watershed areas;
 - (5) Temporary exploratory activities for oil or gas resources, such as seismic surveys and the drilling of test wells or cores.
 - (6) **Data poles.**
 - (7) **Telecommunications tower, attached.**
 - (8) **Telecommunications tower, freestanding.**
- (b) Other uses shall not be established within agricultural and forestal districts, unless they are first found to be in compliance with the stated purposes of such district by the board of supervisors upon recommendation of the planning commission and advisory committee. However, nonconforming uses in existence at the time of adoption of this policy need not be discontinued.

Sec 10-21 A-1 Agricultural District

- 3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development and performance standards contained in this chapter, and all other applicable regulations:
- (a) Agriculture.
 - (b) Agriculture, intensive.
 - (c) Agriculture, small scale.
 - (d) Amateur Radio Tower (subject to requirements of Section 10-41(20) of County Code).
 - (e) Bed and breakfast homestay.
 - (f) Cemetery.
 - (g) Church.
 - (h) Clean earth fill area not exceeding an aggregate volume of fifteen thousand (15,000) cubic yards (subject to the requirements of subsection 10-41(22)).
 - (i) **Data Pole.**

- (i)-(j). Dwelling, single-family.
- (j)-(k). Farm enterprise.
- (k)-(l). Fire, police and rescue stations.
- (l)-(m). Home occupation.
- (m)-(n). Manufactured (mobile) home, Class A or B.
- (n)-(o). Natural area.
- (o)-(p). Park, unlighted.
- (p)-(q). Pet, farm.
- (q)-(r). Pet, household.
- (r)-(s). Playground, unlighted.
- (s)-(t). Public use, public facility.
- (t)-(u). Public utility lines, other; and public utility lines, water and sewer.
- (u)-(v). Sawmill, temporary.
- (v)-(w). School.
- (w)-(x). Solar energy system, minor.
- (x)-(y). Telecommunications tower, attached.
- (y)-(z). Veterinary practice, animal hospital.

4) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and all other applicable regulations:

- a. Accessory structures that exceed the square footage or height of the principal structure when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
- b. Bed and breakfast inn.
- c. Boarding house.
- d. Campground.
- e. Camp, boarding.
- f. Civic club.
- g. Contractor's storage yard.
- h. Country club.
- i. Country inn.
- j. Custom meat cutting, processing and packaging.
- k. Day care center.
- l. Disposal facility, landfill.
- m. Exploratory activities associated with extractive industries.
- n. Extractive industries and accessory uses including, but not limited to, the mining of minerals and the operation of oil and gas wells.
- o. Flea market (also subject to requirements of article VI of the

- County Code).
- p. Game preserve.
- q. Garden center.
- r. General store or specialty shop, provided gross floor area is two thousand (2,000) square feet or less.
- s. Golf course.
- t. Golf driving range.
- u. Grain mill, feed mill.
- v. Home business.
- w. Junkyard, automobile graveyard.
- x. Kennel, commercial (refer to use limitations in subsection (7)).
- y. Landfill (see Disposal facility).
- z. Livestock market.
- aa. Park, lighted.
- (ab) Park and ride lot.
- (ac) Playground, lighted.
- (ad) Public utility plant, other.
- (ae) Public utility substations.
- (af) Public utility plant water or sewer (not including distribution or collection lines).
- (ag) Recreational vehicle park.
- (ah) Recycling collection points.
- (ai) Repair shop, automotive (refer to use limitations in subsection (g)).
- (aj) Restaurant, provided gross floor area is two thousand (2,000) square feet or less.
- (ak) Rural resort.
- (al) Sawmill.
- (am) School of special instruction.
- (an) Shooting range (as principal use or accessory to a gun shop). (Refer to use limitations in subsection (7)).
- (ao) Slaughterhouse.
- (ap) Solar energy system, major. (aq) Solid waste collection point.
- (ar) Stable, commercial.
- (as) Stone engraving and sales.
- (at) Structures, nonresidential, totaling in excess of twenty thousand (20,000) gross square feet.
- (au) Structures over forty (40) feet in height.
- (av) Telecommunications facility, micro wireless.
- (aw) Telecommunications facility, small cell.
- ~~(av)~~(ax) Telecommunications tower, freestanding.
- ~~(aw)~~ (ay) Transition house.

Special uses. The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

- (a) Accessory structures that exceed the square footage or height of the principal structure.
- (b) Farm enterprise with less than forty (40) feet of public road frontage subject to the requirements of section 10-41(18)(g) of this Zoning Ordinance.

Sec 10-22 C-1 Conservation District

3. *Use permitted by right.* The following uses are permitted by right, subject to

compliance with all approved plans and permits, development standards and performance standards contained in this chapter, and all other applicable regulations:

- (a) Agriculture.
- (b) Agriculture, small scale.
- (c) Amateur Radio Tower (subject to requirements of Section 10-41(20) of County Code).
- (d) Bed and breakfast homestay.
- (e) Cemetery.
- (f) **Data Pole.**
- ~~(f)~~ ~~(g)~~ Dwelling, single-family.
- ~~(g)~~ ~~(h)~~ Farm enterprise.
- ~~(h)~~ ~~(i)~~ Game preserve.
- ~~(j)~~ ~~(j)~~ Home occupation, as defined in this chapter.
- ~~(j)~~ ~~(k)~~ Manufactured home, Class A and Class B.
- ~~(m)~~ ~~(l)~~ Natural area.
- ~~(n)~~ ~~(m)~~ Pet, farm.
- ~~(o)~~ ~~(n)~~ Pet, household.
- ~~(p)~~ ~~(o)~~ Public use, public facility.
- ~~(q)~~ ~~(p)~~ Public utility lines, other; public utility lines, water and sewer.
- ~~(r)~~ ~~(q)~~ Sawmill, temporary.
- ~~(s)~~ ~~(r)~~ **Telecommunications tower, attached.**
- ~~(t)~~ ~~(s)~~ Veterinary practice, animal hospital.

4. *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and all other applicable regulations:

- (a) Accessory structures that exceed the square footage or height of the principal structure when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
- (b) Bed and breakfast inn.
- (c) Campground.
- (d) Park, unlighted.
- (e) Park and ride lot.
- (f) Playground, unlighted.
- (g) Sawmill, temporary.
- (h) Structures over sixty-five (65) feet in height.
- (i) Telecommunications facility, micro wireless
- (j) Telecommunications facility, small cell
- (i)(k) Telecommunications tower, freestanding.

The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

- (a) Accessory structures that exceed the square footage or height of the principal structure.

Sec 10-23 R-R Rural Residential District

3. *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter, and with all other applicable regulations:

- (a) Agriculture, small-scale.
- (b) Amateur Radio Tower (subject to requirements of section 10-41(20) of County Code).
- (c) Bed and breakfast homestay.
- (d) Church.
- (e) Data Pole.
- ~~(e)~~(f) Dwelling, single-family.
- ~~(f)~~(g) Home occupation.
- ~~(g)~~(h) Park, unlighted.
- ~~(h)~~(i) Pet, farm.
- ~~(i)~~(j) Pet, household.
- ~~(j)~~(k) Playground, unlighted.
- ~~(k)~~(l) Public utility lines, other; public utility lines, water and sewer.
- ~~(l)~~(m) School.
- ~~(m)~~(n) Telecommunications tower, attached.

4. *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and to all other applicable regulations:

- (a) Accessory structures that exceed the square footage or height of the principal structure when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
- (b) Bed and breakfast inn.
- (c) Cemetery.
- (d) Civic club.
- (e) Country club.
- (f) Day care center.
- (g) Fire, police and rescue stations.
- (h) Golf course.
- (i) Golf driving range.
- (j) Home business.
- (k) Park, lighted.
- (l) Park and ride lot.
- (m) Playground, lighted.
- (n) Public use, public facility.
- (o) Public utility substations.
- (p) Public utility plant, water or sewer.
- (q) Stable, commercial.
- (r) Structures over fifty (50) feet in height.
- (s) Telecommunications facility, micro wireless**
- (t) Telecommunications facility, small cell**
- (s)(u) Telecommunications tower, freestanding.**
- ~~(t)~~(v) Veterinary practice, animal hospital.

The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

- (a) Accessory structures that exceed the square footage or height of the principal structure.

Sec 10-24 R-1 Residential District

3. *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits,

development standards and performance standards contained in this chapter, and with all other applicable regulations:

- (a) Amateur Radio Tower (subject to requirements of Section 10-41(20) of County Code).
- (b) Bed and breakfast homestay.
- (c) Church.
- (d) **Data Pole.**
- ~~(d)~~(e) Dwelling, single-family.
- ~~(e)~~(f) Home occupation.
- ~~(f)~~(g) Library.
- ~~(g)~~(h) Pet, household.
- ~~(h)~~(i) Public utility lines, other.
- ~~(i)~~(j) Public utility lines, water or sewer.
- ~~(j)~~(k) School.
- ~~(k)~~(l) **Telecommunications tower, attached.**
- ~~(l)~~(m) Urban agriculture (subject to the requirement of section 10-41(19) of the county zoning ordinance).

Sec 10-25 R-2 Residential District

3. *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter, and with all other applicable regulations:

- (a) Amateur Radio Tower (subject to requirements of Section 10-41(20) of County Code).
- (b) Bed and breakfast homestay.
- (c) Church.
- (d) **Data Pole.**
- ~~(d)~~(e) Dwelling, single-family.
- ~~(e)~~(f) Dwelling, two-family.
- ~~(f)~~(g) Home occupation.
- ~~(g)~~(h) Library.
- ~~(h)~~(j) Pet, household.
- ~~(i)~~(j) Public utility lines, other.
- ~~(j)~~(k) Public utility lines, water or sewer.
- ~~(k)~~(l) School.
- ~~(l)~~(m) **Telecommunications tower, attached.**
- ~~(m)~~(n) Urban agriculture (subject to the requirement of section 10-41(19) of the county zoning ordinance).

Sec 10-26 R-3 Residential District

3. *Uses permitted by right.* The following uses are permitted by right in the R-3 district, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter, and with all other applicable regulations:
- (a) Amateur Radio Tower (subject to requirements of Section 10-41(20) of County Code).
 - (b) Church.
 - (c) Data Pole.**
 - ~~(e)~~(d) Dwelling, single-family.
 - ~~(d)~~(e) Dwelling, two-family.
 - ~~(e)~~(f) Home occupation.
 - ~~(f)~~(g) Library.
 - ~~(g)~~(h) Pet, household.
 - ~~(h)~~(i) Public utility lines, other.
 - ~~(i)~~(j) Public utility lines, water or sewer.
 - ~~(j)~~(k) School.
 - ~~(k)~~(l) Telecommunications tower, attached.**
 - ~~(h)~~(m) Urban agriculture (subject to the requirement of section 10-41(19) of the county zoning ordinance).

Sec 10-27 RM-1 Multiple-Family Residential District

3. *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter, and with all other applicable regulations:
- (a) Church.
 - (b) Data Pole.**
 - ~~(b)~~(c) Dwelling, multifamily (apartment).
 - ~~(e)~~(d) Dwelling, single-family attached (townhouse).
 - ~~(d)~~(e) Dwelling, two-family (duplex).
 - ~~(e)~~(f) Home occupation.
 - ~~(f)~~(g) Pet, household.
 - ~~(g)~~(h) Public utility lines, other.
 - ~~(h)~~(i) Public utility lines, water or sewer.
 - ~~(i)~~(j) School.
 - ~~(k)~~(l) Telecommunications tower, attached.**

Sec 10-28 GB General Business

3. *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:
- (a) Amateur Radio Tower (subject to requirements of Section 10-41(20) of County Code).
 - (b) Apartment as accessory use, maximum of two (2) per business structure.
 - (c) Assembly of electrical, electronic devices, less than three thousand (3,000) square feet floor area.
 - (d) Automotive, light truck, sales, service, rental and repair, excluding motor fuel sales.
 - (e) Building material sales.
 - (f) Business or trade school.
 - (g) Cabinet shop, furniture, upholstery, craft industry of less than three thousand (3,000) square feet.
 - (h) Cemetery.
 - (i) Church.
 - (j) Civic club.
 - (k) Community center.
 - (l) Conference or training center.
 - (m) Crematorium.
 - (n) Custom meat cutting, processing and sales (excluding slaughtering).
 - (o) **Data Pole.**
 - ~~(p)~~(p) Day care center.
 - ~~(q)~~(q) Equipment sales and service.
 - ~~(r)~~(r) Farm machinery sales and service.
 - ~~(s)~~(s) Financial services.
 - ~~(t)~~(t) Fire, police, rescue facility.
 - ~~(u)~~(u) Funeral home.
 - ~~(v)~~(v) Garden center.
 - ~~(w)~~(w) General store, convenience store without motor fuel sales.
 - ~~(x)~~(x) Homeless shelter.
 - ~~(y)~~(y) Hotel, motel.
 - ~~(z)~~(z) Laundromat.
 - ~~(aa)~~(aa) Library.
 - ~~(ab)~~(ab) Medical care facility.
 - ~~(ac)~~(ac) Motor vehicle rentals.
 - ~~(ad)~~(ad) Office, administrative, business or professional.
 - ~~(ae)~~(ae) Park.
 - ~~(af)~~(af) Park and ride lot, of fifty (50) or fewer spaces.

- ~~(af)~~(ag) Pet, household.
- ~~(ag)~~(ah) Post office.
- ~~(ah)~~(ai) Printing service.
- ~~(ai)~~(aj) Public use, public facility.
- ~~(aj)~~(ak) Public utility lines, other distribution or collection facility.
- ~~(ak)~~(al) Public utility lines, water or sewer.
- ~~(al)~~(am) Radio station; excluding tower.
- ~~(am)~~(an) Restaurant.
- ~~(an)~~(ao) Retail sales and services.
- ~~(ao)~~(ap) School.
- ~~(ap)~~(aq) School of special instruction.
- ~~(aq)~~(ar) Shopping center.
- ~~(ar)~~(as) Telecommunication tower, attached.
- ~~(as)~~(at) Veterinary practice, animal hospital.

4. *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and with all other applicable regulations:

- (a) Assembly of electrical, electronic devices, greater than three thousand (3,000) square feet floor area.
- (b) Boarding house.
- (c) Building greater than fifty (50) feet in height.
- (d) Contractors service establishment.
- (e) Feed and seed store and mill.
- (f) General store, convenience store with motor fuel sales.
- (g) Golf driving range, miniature golf and similar outdoor recreation.
- (h) Kennel, commercial.
- (i) Livestock market.
- (j) Mini-warehouse.
- (k) Night club.
- (l) Outpatient mental health and substance abuse center.
- (m) Park and ride lot of more than fifty (50) spaces.
- (n) Public utility plant, other.
- (o) Public utility substation.
- (p) Public utility plant, water or sewer.
- (q) Recreation establishment.
- (r) Recycling facility.
- (s) Service station.
- (t) Shooting range, indoor.
- (u) Stone engraving and sales.
- (v) Telecommunication tower, freestanding.**

(w) Telecommunications facility, micro wireless

(x) Telecommunications facility, small cell

~~(w)~~(y) Transition house.

~~(x)~~(z) Travel Center.

~~(y)~~(aa) Truck, trailer, heavy equipment sales, service, rental and repair.

Sec 10-29 CB Community Business

3. *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

(a) Apartment as accessory use, maximum of two (2) per business structure.

(b) Assembly of electrical, electronic devices, less than one thousand two hundred (1,200) square feet floor area.

(c) Automotive, light truck, sales, service, rental and repair, without motor fuel sales, less than two thousand (2,000) square feet.

(d) Business or trade school.

(e) Cabinet shop, furniture, upholstery, craft industry of less than one thousand two hundred (1,200) square feet.

(f) Cemetery.

(g) Church.

(h) Civic club.

(i) Community center.

(j) Conference or training center.

(k) Crematorium.

(l) Custom meat cutting, processing and sales (excluding slaughtering).

(m) Data Pole.

~~(m)~~(n) Day care facility.

~~(n)~~(o) Farm machinery sales and service.

~~(o)~~(p) Financial services.

~~(p)~~(q) Fire, police, rescue facility.

~~(q)~~(r) Funeral home.

~~(r)~~(s) Garden center.

~~(s)~~(t) General, convenience store less than three thousand (3,000) square feet, without motor fuel sales.

~~(t)~~(u) Homeless shelter.
~~(u)~~(v) Library.
~~(v)~~(w) Medical care facility.
~~(w)~~(x) Office, administrative, business or professional less than three thousand (3,000) square feet.
~~(x)~~(y) Park, unlighted.
~~(y)~~(z) Park and ride lot, of fifty (50) or fewer spaces.
~~(z)~~(aa) Pet, household.
~~(aa)~~(ab) Post office.
~~(ab)~~(ac) Printing service.
~~(ac)~~(ad) Public use, public facility.
~~(ad)~~(ae) Public utility lines, other.
~~(ae)~~(af) Public utility lines, water or sewer.
~~(af)~~(ag) Restaurant.
~~(ag)~~(ah) Retail sales and services less than three thousand (3,000) square feet.
~~(ah)~~(ai) Roadside stand.
~~(ai)~~(aj) School.
~~(aj)~~(ak) School of special instruction.
~~(ak)~~(al) Telecommunication tower, attached.

4. *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and with all other applicable regulations:

- (a) Assembly of electrical, electronic devices, greater than one thousand two hundred (1,200) square feet floor area.
- (b) Boarding house.
- (c) Building greater than thirty-five (35) feet in height.
- (d) Contractors service establishment.
- (e) Convenience store less than three thousand (3,000) square feet, with motor fuel sales.
- (f) Dwelling, single-family or two-family.
- (g) Feed and seed store and mill.
- (h) Golf course.
- (i) Golf driving range.
- (j) Kennel, commercial.
- (k) Mini-warehouse.
- (l) Park and ride lot of more than fifty (50) spaces.
- (m) Public utility plant, other.
- (n) Public utility substation.
- (o) Public utility plant, water or sewer.
- (p) Recreation establishment.
- (q) Recycling facility.

- (r) Stone engraving and sales.
- (s) Telecommunications, facility, micro wireless
- (t) Telecommunications, facility, small cell
- ~~(s)~~(u) Telecommunication tower, freestanding.
- (v) Transition house.
- (w) Truck, trailer sales, service, rental and repair with outside operations.
- (x) Veterinary practice, animal hospital.

Sec 10-30 M-1 Manufacturing

3. *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

- (a) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts.
- (b) Automobile or mobile home assembling, painting, public garages, upholstering repairing, rebuilding, reconditioning, truck repairing or overhauling and tire retreading or recapping.
- (c) Cabinets, furniture and upholstery shop.
- (d) Civic club.
- (e) Contractor service establishment.
- (f) Crematorium.
- (g) Custom meat cutting, processing and sales.
- (h) Data Pole.
- ~~(h)~~(i) Day care center.
- ~~(i)~~(j) Equipment sales and service.
- ~~(j)~~(k) Feed and seed store and mill.
- ~~(k)~~(l) Fire, police, rescue facility.
- ~~(l)~~(m) Fruit processing and storage.
- ~~(m)~~(n) Laboratory.
- ~~(n)~~(o) Laundry, dry cleaning plant.
- ~~(o)~~(p) Manufacture of musical instruments, toys, novelties, rubber and metal stamps.
- ~~(p)~~(q) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
- ~~(q)~~(r) Manufacturing, compounding, assembling or treatment of articles of merchandise from the following previously prepared

materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, rubber, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn and paint.

~~(r)~~(s) Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and tobacco products.

~~(s)~~(t) Monument stone works.

~~(t)~~(u) Park and ride lot, of fifty (50) or fewer spaces.

~~(u)~~(v) Pet, household.

~~(v)~~(w) Public use, public facility.

~~(w)~~(x) Public utility lines, other.

~~(x)~~(y) Public utility line, water or sewer.

~~(y)~~(z) Railroad facility.

~~(z)~~(aa) Recycling facility.

~~(aa)~~(ab) Retail sales and service incidental to any other permitted use.

~~(ab)~~(ac) Solar energy system, minor.

~~(ac)~~(ad) Telecommunication tower, attached.

~~(ad)~~(ae) Truck terminal.

~~(ae)~~(af) Welding or machine shop.

~~(af)~~(ag) Wholesale business, storage warehouse.

~~(ag)~~(ah) Wood preserving operation.

4. *Uses permissible special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter:

- (a) Airport.
- (b) Building material sales yard.
- (c) Cement manufacturing, concrete mixing plant, block plant and production of other concrete and asphaltic products.
- (d) Contractor service establishment with permitted outdoor storage of equipment and/or materials.
- (e) Contractors' storage yard and/or rental of equipment commonly used by contractors.
- (f) Extractive industries and accessory uses including, but not limited to, the mining of minerals, the operation of oil and gas wells, and exploratory activities associated with extractive industry.
- (g) Fertilizer manufacturing.
- (h) Junkyards and automobile graveyards, provided the use is not within three hundred (300) feet of an existing dwelling.

- (i) Kennel, commercial.
- (j) Park and ride lot of more than fifty (50) spaces.
- (k) Public utility plant, other.
- (l) Public utility substation.
- (m) Public utility plant, water.
- (n) Refining, processing or distribution of petroleum, petroleum products, natural gas and other forms of liquid fuel, aboveground.
- (o) Sawmill and planing mill, coal and wood yard.
- (p) Solar energy system, major.
- (q) Slaughterhouse.
- (r) Storage of bulk petroleum products.
- (s) Telecommunications facility, micro wireless.
- (t) Telecommunications facility, small cell.
- ~~(s)~~(u) Telecommunication tower, freestanding.
- ~~(t)~~(v) Travel center.
- ~~(u)~~(w) Use listed in subsection (3), if a manufacturing process is to take place outside.
- ~~(v)~~(x) Use similar to (1) through (16) above.

Sec 10-31 M-L Manufacturing-Light

3. *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

- (a) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts.
- (b) Business or trade school.
- (c) Cabinets, furniture and upholstery shop.
- (d) Civic club.
- (e) Conference or training center.
- (f) Contractor's service establishment.
- (g) Crematorium.
- (h) **Data Pole.**
- ~~(h)~~(i) Day care center.
- ~~(i)~~(j) Equipment sales and service.
- ~~(j)~~(k) Financial services.
- ~~(k)~~(l) Fire, police, rescue facility.
- ~~(l)~~(m) Flex-industrial use.
- ~~(m)~~(n) Homeless shelter.
- ~~(n)~~(o) Hotel, motel.

~~(p)~~(p) Laboratory.
~~(q)~~(q) Laundry, dry cleaning plant.
~~(r)~~(r) Manufacture of musical instruments, toys, novelties, rubber and metal stamps.
~~(s)~~(s) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
~~(t)~~(t) Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and tobacco products.
~~(u)~~(u) Monument stone works.
~~(v)~~(v) Offices, administrative, business or professional.
~~(w)~~(w) Park and ride lot.
~~(x)~~(x) Pet, household.
~~(y)~~(y) Post office.
~~(z)~~(z) Printing service.
~~(aa)~~(aa) Public use, public facility.
~~(ab)~~(ab) Public utility lines, other.
~~(ac)~~(ac) Public utility lines, water or sewer.
~~(ad)~~(ad) Research, experimental, testing or development activity.
~~(ae)~~(ae) Retail sales and service incidental to any other permitted use.
~~(af)~~(af) Solar energy system, minor.
~~(ag)~~(ag) Telecommunication tower, attached.
~~(ah)~~(ah) Veterinary service; animal hospital.
~~(ai)~~(ai) Wholesale business, storage warehouses.

4. *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and with all other applicable regulations:

- (a) Airport.
- (b) Contractor's service establishment with permitted outdoor storage of equipment and/or materials.
- (c) Farm machinery sales and service.
- (d) Feed and seed stores and mill.
- (e) Kennel, indoor.
- (f) Mini-warehouse.
- (g) Motor vehicles rentals.
- (h) Recreation establishment.
- (i) Recycling facility.
- (j) Park and ride lot of more than fifty (50) spaces.

- (k) Public utility plant, other.
- (l) Public utility substation.
- (m) Public utility plant, water or sewer.
- (n) Shooting range, indoor.
- (o) Solar energy system, major.
- (p) Telecommunications facility, micro wireless.**
- ~~(p)~~**(q) Telecommunications facility, small cell.**
- ~~(q)~~**(r) Telecommunication tower, freestanding.**
- ~~(r)~~**(s) Travel center.**
- ~~(s)~~**(t) Use listed in subsection (3), if a manufacturing process is to take place outside.**
- ~~(t)~~**(u) Use similar to (1) through (14) above.**

Sec 10-32 PUD-TND Planned Unit Development-Traditional Neighborhood Development District

5. TND Subarea Standards and Uses.

- (a) *Neighborhood Center:* Each PUD-TND neighborhood shall have a core made up primarily of commercial, residential, civic or institutional, and open space uses.

(1) Neighborhood Center Requirements

- (a) The neighborhood center shall be no less than ten percent (10%) and no more than thirty percent (30%) of the total PUD-TND district area and shall include the four different categories of land uses set forth in (e)(2) below: Residential, Commercial, Civic or Institutional and Open Space.
- (b) A minimum of five percent (5%) and a maximum of thirty percent (30%) of the net development area of the Neighborhood Center shall be designated for a combination of office, commercial and/or service uses. Individual buildings shall not exceed twenty thousand (20,000) square feet in total size, or ten thousand (10,000) square feet per floor without approval of a special use permit. Hard surfaced pedestrian pathways with a minimum of five (5) feet clear zone shall be provided between buildings on the same lot and between buildings on adjacent lots to ensure a continuous

- pedestrian pathway throughout the center;
- (c) Crosswalks shall be incorporated within the project, at intersections where new streets are proposed, within parking lots, or other needed pedestrian connections subject to VDOT approval. Crosswalks shall be designed to be an amenity to the development, e.g. heavy painted lines, pavers, edges, and other methods of emphasizing pedestrian use, including bulb-outs and other pedestrian designs to shorten walking distances across open pavement. Medians may be used in appropriate areas to encourage walking and to act as a refuge for crossing pedestrians;



Figure 5. Bulb-outs and crosswalks. Figure . Crosswalk and Median Refuge.

- (d) The timing of construction of the non-residential portions of the Neighborhood Center shall be left to the discretion of the applicant(s) as long as the approved concept plan reserves an area for such uses and provided not more than seventy five (75) percent of the total approved residential units (for the entire PUD-TND) may be built prior to construction of at least fifty (50) percent of the approved non-residential floor area of the Neighborhood Center.

(b) *Permitted Neighborhood Center Uses by Category:*

(1) *Commercial uses.*

(a) Church.

(b) Conference or training center.

- (c) **Data Pole.**
- ~~(e)~~(d) Day Care Center.
- ~~(d)~~(e) Financial Institutions.
- ~~(e)~~(f) Funeral Home.
- ~~(f)~~(g) Hotels and Motels.
- ~~(g)~~(h) Laundromat.
- ~~(h)~~(i) Medical Care Facility.
- ~~(i)~~(j) Office, administrative, business or professional.
- ~~(j)~~(k) Park and ride lot, of fifty (50) or fewer spaces.
- ~~(k)~~(l) Public or private parking structures, areas, and lots that are accessory to any permitted or permissible commercial, residential, civic, institutional or open space use.
Restaurants and Outdoor seating (see Section 10-32(3)(c)).
- ~~(l)~~(m) Retail Sales and Services including, convenience stores and general stores without fuel sales.

Sec 10-32.1 Traditional Neighborhood Development Infill District

6. *Permitted traditional neighborhood infill district uses by category:*

(a) *Commercial uses.*

- (1) Convenience stores and general stores without fuel sales.
- (2) **Data Pole.**
- ~~(2)~~(3) Day care center.
- ~~(3)~~(4) Financial services.
- ~~(4)~~(5) Funeral home.
- ~~(5)~~(6) Laundromat.
- ~~(6)~~(7) Medical care facility.
- ~~(7)~~(8) Mixed use buildings (integrated horizontally or vertically) which include residential and commercial uses.
- ~~(8)~~(9) Office, administrative, business or professional, less than twenty thousand (20,000) square feet in size, and no more than ten thousand (10,000) square feet per floor plate.
- ~~(9)~~(10) Park and ride lot, of fifty (50) or fewer spaces.
- ~~(10)~~(11) Parking areas that are accessory to any permitted or permissible commercial, residential, civic, institutional or open space use.
- ~~(11)~~(12) Printing services.

~~(12)~~(13) Restaurants and outdoor seating associated with Restaurants subject to the provisions of section 11.d, below.
~~(13)~~(14) Retail Sales and Services, no larger than ten thousand (10,000) square feet in size.

Sec 10-41 Supplemental District Regulations

7. Permitted structures in required yards.

- (a) For any yard, including front yards, the following structures shall be permitted, provided applicable sight distance and fire safety requirements are met and maintained:
- (1) Fences, provided that no fence in a front yard of a residential district shall exceed four (4) feet in height.
 - (2) Ground level terraces, patios or decks not over thirty (30) inches high which do not include a permanently roofed-over terrace or porch.
 - (3) Awnings or canopies provided they do not project more than eight (8) feet from the existing building face.
 - (4) Bay windows and overhanging eaves or gutters projecting no more than four (4) feet into the yard.
 - (5) Architectural features, chimneys, or the like, projecting a maximum of three (3) feet into any yard, provided that such projection does not reduce the width of a yard to less than three (3) feet.
 - (6) Covered entry porches, enclosed or unenclosed, may project a maximum of four (4) feet provided such projection does not reduce the width of the yard to less than three (3) feet.
 - (7) Arbors and trellises not exceeding ten (10) feet in height, provided that such structures do not reduce the width of the yard to less than three (3) feet.
 - (8) Flag poles.
 - (9) Recreational equipment, provided that such equipment does not reduce the width of the yard to less than three (3) feet.
 - (10) **Telecommunications facility, micro wireless.**

(11) Telecommunications facility, small cell.

Sec 10-48 Additional Regulations For Special Uses

8. Telecommunications facility, micro wireless and Telecommunications facility, small cell.

- (a) Except for antennas completely enclosed within a structure, all antennas and their supporting mounts must be designed to match or blend with the structure on which it is mounted or provide other means of visual mitigation.
- (b) Commercial advertising or signs are not allowed on any monopole, tower, antenna, antenna support structure, or related equipment cabinet or structure.
- (c) If any additions, changes or modifications are to be made to these facilities, the Zoning Administrator has the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modifications conforms to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code.
- (d) Signals, lights or illumination are not permitted unless required by federal, state, or local law.
- (e) All antennas and related equipment cabinets or structures must be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use.
- (f) Any antennas, equipment, and associated support structures that are clearly depicted on the Special Use Permit application may be approved as part of the wireless facility and would not be subject to separate permit approval that would otherwise be required for such installations.

Section 10-61 Definitions.

Add the following new definitions:

Co-locate: to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure.

Data pole: an existing, replacement, or erected electrical transmission or distribution pole, telephone pole, street light, or other approved self-supporting monopole with an attached antenna (the absolute height of the facility, including the antenna, shall not exceed 50 feet). Includes co-location of micro-wireless and small cell facilities.

Telecommunications facility, micro wireless: a wireless facility which meets all criteria of a small cell facility (see Telecommunications facility, small cell) and is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

Telecommunications facility, small cell: a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Modify the following definitions:

Telecommunications tower, attached: A telecommunications antenna which is placed on an existing building, existing telecommunication tower, or other existing non-telecommunications structure including but not limited to a billboard sign, public utility structures, silos, and church steeples. Includes co-location of micro wireless (see Telecommunications facility, micro wireless) and small cell (see Telecommunications facility,

small cell) facilities. Private flag poles and/or private utility poles shall not be utilized for telecommunications antenna. The top of any antenna array shall not extend more than twenty (20) feet above the existing facility.

Telecommunications tower, freestanding: An independent structure of skeletal framework or a pole, guyed or self-supporting, used to support antennas. Guy wire, framework and other stabilizing devices are considered part of the structure of the tower. Does not include data poles.