

AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY ADDING WETLAND MITIGATION BANK AS A USE PERMISSIBLE BY SPECIAL USE PERMIT IN SECTION 10-21(4) A-1, AGRICULTURAL; SECTION 10-22(4) C-1, CONSERVATION; SECTION 10-34 (4) PUD-COM, PLANNED UNIT DEVELOPMENT – COMMERCIAL; AND SECTION 10-35 (4) PUD-RES, PLANNED UNIT DEVELOPMENT - RESIDENTIAL AND BY ADDING WETLAND MITIGATION BANK AS A DEFINED USE UNDER SECTION 10-61 DEFINITIONS

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 10, entitled Zoning Sections 10-21(4), 10-22(4), 10-34 (4), and 10-35 (4), and Section 10-61 respectively of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

Sec 10-21 A-1 Agricultural District

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.
- ax. Telecommunications tower, freestanding.
- ay. Transition house.
- az. Wetland Mitigation Bank.

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

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.
- k. Telecommunications tower, freestanding.
- l. Wetland mitigation bank.

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 10-34 PUD-COM Planned Unit Development-Commercial District

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. Building greater than fifty (50) feet in height.
- c. Convenience store with gasoline sales.
- d. Dwelling unit.
- e. General store, convenience store with motor fuel sales.
- f. Golf driving range, miniature golf and similar outdoor recreation.
- g. Kennel.
- h. Mini-warehouse.
- i. Mobile home, Class A or B.
- j. Motor vehicles rentals.
- k. Park and ride lot of more than fifty (50) spaces.
- l. Public utility plant, other.
- m. Public utility plant, water or sewer.
- n. Public utility substation.
- o. Public water or sewer treatment plant.
- p. Recycling facility.
- q. Service station.
- r. Solar energy system, major.
- s. Telecommunication tower, freestanding.
- t. Other use types that are not listed above and that are determined to be appropriate and compatible with the proposed development and surrounding uses may be specifically approved in concurrent rezoning and special use permit applications or in a subsequent special use permit application.
- u. Wetland mitigation bank.

Sec 10-35 PUD-RES Planned Unit Development-Residential District

4. *Uses permitted by special use permit.* Other use types that are not listed above and that are determined to be appropriate and compatible with the proposed development and surrounding uses may be specifically approved in concurrent rezoning and special use permit applications or in a subsequent special use permit application.

- a. Park and ride lot of more than fifty (50) spaces.
- b. Public use, public facility.

- c. Solar energy system, major.
- d. Wetland mitigation bank.

Section 10-61 Definitions.

Add the following new definition:

Wetland mitigation bank: an area of land on which wetlands are to be restored, created, enhanced or preserved in a manner that will qualify the land for the purpose of engaging in the sale, exchange or transfer of wetlands mitigation credits required by federal or state authorities to compensate for adverse impact to wetlands. This definition shall not include wetlands mitigation banks owned and controlled by the United States, the Commonwealth of Virginia, the County, or any department or agency thereof.