

AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA RELATING TO SHORT TERM RENTALS AND LODGING USES BY ADDING BED AND BREAKFAST INN, CAMP DAY AND SHORT TERM TOURIST RENTAL AS A USE PERMISSIBLE BY RIGHT IN SECTION 10-21(3) A-1 AGRICULTURAL DISTRICT; BY ADDING CAMP OVERNIGHT AS A USE PERMISSIBLE BY SPECIAL USE PERMIT IN SECTION 10-21(4) A-1 AGRICULTURAL DISTRICT; BY ADDING BED AND BREAKFAST INN AND CAMP DAY AS A USE PERMISSIBLE BY RIGHT IN SECTION 10-22(3) C-1 CONSERVATION DISTRICT; BY ADDING CAMP OVERNIGHT AS A USE PERMISSIBLE BY SPECIAL USE PERMIT IN SECTION 10-22(4) C-1 CONSERVATION DISTRICT; BY ADDING BED AND BREAKFAST INN AS A USE PERMISSIBLE BY RIGHT IN SECTION 10-23(3) R-R RURAL RESIDENTIAL DISTRICT; BY ADDING COUNTRY INN AND SHORT TERM TOURIST RENTAL AS A USE PERMISSIBLE BY SPECIAL USE PERMIT IN SECTION 10-23 (4) R-R RURAL RESIDENTIAL DISTRICT; BY ADDING SHORT TERM TOURIST RENTAL AS A USE PERMISSIBLE BY SPECIAL USE PERMIT IN SECTION 10-24(4) R-1 RESIDENTIAL DISTRICT; BY ADDING SHORT TERM TOURIST RENTAL AS A USE PERMISSIBLE BY SPECIAL USE PERMIT IN SECTION 10-25(4) R-2 RESIDENTIAL DISTRICT; BY ADDING SHORT TERM TOURIST RENTAL AS A USE PERMISSIBLE BY SPECIAL USE PERMIT IN SECTION 10-26(4) R-3 RESIDENTIAL DISTRICT; BY ADDING SHORT TERM TOURIST RENTAL AS A USE PERMISSIBLE BY SPECIAL USE PERMIT IN SECTION 10-27(4) RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICT; BY ADDING BED AND BREAKFAST INN AS A USE PERMISSIBLE BY RIGHT IN 10-29(3) CB COMMUNITY BUSINESS; BY ADDING PERMISSIBLE BY RIGHT IN 10-29(3) CB COMMUNITY BUSINESS; BY ADDING CAMP GROUND AND COUNTRY INN AS USES PERMISSIBLE BY SPECIAL USE PERMIT IN SECTION 10-29(4) CB COMMUNITY BUSINESS; BY ADDING BED AND BREAKFAST INN AS A USE PERMISSIBLE BY RIGHT IN SECTION 10-35(3) PUD-RES PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICT; BY AMENDING THE SUPPLEMENTAL REGULATIONS FOR BED AND BREAKFAST ESTABLISHMENTS AND RURAL LODGING ESTABLISHMENTS BY DELETING BED AND BREAKFAST HOME STAY AS A DEFINED USE; BY ADDING DEPARTMENT OF HEALTH AND FIRE CODE REQUIREMENTS TO BED AND BREAKFAST INN, COUNTRY INN AND RURAL RESORT; AND BY CREATING SHORT TERM TOURIST RENTALS SUPPLEMENTAL REGULATIONS IN SECTIONS 10-41(5) (a)(b)(c) AND 10-41(6) SUPPLEMENTAL DISTRICT REGULATIONS; BY AMENDING SECTION 10-61 DEFINITIONS BY ADDING NEW USE DEFINITIONS FOR CAMP DAY, CAMP OVERNIGHT, AND SHORT TERM TOURIST RENTAL; BY AMENDING EXISTING USE DEFINITIONS FOR BED AND BREAKFAST INN, CAMPGROUND, COUNTRY INN, HOTEL/MOTEL AND RURAL RESORT; AND BY DELETING BED AND BREAKFAST HOMESTAY, CAMP BOARDING, MOTEL AND RECREATIONAL VEHICLE PARK AS DEFINED USES

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that 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(4), 10-25(4), 10-26(4), 10-27(4), 10-29(3), 10-29(4), 10-35(3), 10-41(5), 10-41(6), and 10-61 respectively of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

10 ARTICLE II BASE DISTRICT REGULATIONS

Sec 10-21 A-1 Agricultural District

1. *Purpose.* The A-1 Agricultural District is intended to preserve and enhance the rural, low density character and natural resources of the rural portions of the county where agriculture, forest and open space uses predominate, as well as to accommodate limited amounts of low density residential development that is generally not served by public water or wastewater systems.

This district is generally intended to apply to lands designated in the comprehensive plan as rural or resource stewardship areas. Land in this district is generally not intended to be served with public water or wastewater or to be in proximity to other public services.

2. *Qualifying lands.* Lands qualifying for inclusion in the A-1 zoning district shall be those within the current A-1 district on the date of adoption of this chapter and other lands within areas mapped as rural or resource stewardship in the comprehensive plan. Qualifying lands shall generally not include those served or planned to be served by public water or sewer service. The minimum area required to create a district shall be ten (10) acres of total contiguous land.
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~~ Bed and Breakfast Inn.
 - (f) Camp, Day.
 - (~~f~~) (g) Cemetery.
 - (~~g~~) (h) Church.
 - (~~h~~) (i) 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) (j) Data Pole.
- (j) (k) Dwelling, single-family.
- (k) (l) Farm enterprise.
- (l) (m) Fire, police and rescue stations.
- (m) (n) Home occupation.
- (n) (o) Manufactured (mobile) home, Class A or B.
- (o) (p) Natural area.
- (p) (q) Park, unlighted.
- (q) (r) Pet, farm.
- (r) (s) Pet, household.
- (s) (t) Playground, unlighted.
- (t) (u) Public use, public facility.
- (u) (v) Public utility lines, other; and public utility lines, water and sewer.
- (v) (w) Sawmill, temporary.
- (w) (x) School.
- (x) (y) Short-Term Tourist Rental.
- (y) (z) Solar energy system, minor.
- (z) (aa) Telecommunications tower, attached.
- (aa) (bb) 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) (b) Boarding house.
- (d) (c) Campground.
- (e) ~~Camp, boarding~~ Camp, overnight.
- (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) Mitigation Bank
- ~~(ab)~~(bb) Park, lighted.
- ~~(ac)~~(cc) Park and ride lot.
- ~~(ad)~~(dd) Playground, lighted.
- ~~(ae)~~(ee) Public utility plant, other.
- ~~(af)~~(ff) Public utility substations.
- ~~(ag)~~(gg) Public utility plant water or sewer (not including distribution or collection lines).
- ~~(ah)~~(hh) Recreational vehicle park.
- ~~(ai)~~(ii) Recycling collection points.
- ~~(aj)~~(jj) Repair shop, automotive (refer to use limitations in subsection (g)).
- ~~(ak)~~(kk) Restaurant, provided gross floor area is two thousand (2,000) square

feet or less.

~~(al)~~(ll) Rural resort.

~~(am)~~(mm) Sawmill.

~~(an)~~(nn) School of special instruction.

~~(ao)~~(oo) Shooting range (as principal use or accessory to a gun shop).
(Refer to use limitations in subsection (7)).

~~(ap)~~(pp) Slaughterhouse.

~~(aq)~~(qq) Solar energy system, major.

~~(ar)~~(rr) Solid waste collection point.

~~(as)~~(ss) Stable, commercial.

~~(at)~~(tt) Stone engraving and sales.

~~(au)~~(uu) Structures, nonresidential, totaling in excess of twenty thousand
(20,000) gross square feet.

~~(av)~~(vv) Structures over forty (40) feet in height.

~~(aw)~~(ww) Telecommunications facility, micro wireless.

~~(ax)~~(xx) Telecommunications facility, small cell.

~~(ay)~~(yy) Telecommunications tower, freestanding.

~~(az)~~(zz) 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.

5. *Lot requirements.*

- (a) *Minimum lot area.* One (1.0) acre.
- (b) *Density.* In addition to the minimum required lot area defined above, the maximum gross density (total number of lots per parent parcel after subdividing) for residential development in the A-1 district shall be in accord with the following sliding scale:

<i>Parent Parcel Area</i>	<i>Total Lots Permitted on Parent Parcel</i>
Less than 1.0 acre	0 lots
Less than 2.0 acres	1 lot
Less than 3.0 acres	2 lots
3.0 to 10.0 acres	Up to 3 lots
More than 10.0 acres up to 30.0 acres	Up to 4 lots
More than 30.0 acres up to 50.0 acres	Up to 5 lots
More than 50.0 acres up to 70.0 acres	Up to 6 lots
More than 70.0 acres up to 90.0 acres	Up to 7 lots
More than 90.0 acres up to 110.0 acres	Up to 8 lots
More than 110.0 acres up to 130.0 acres	Up to 9 lots
More than 130.0 acres	One (1) additional lot for every 20 acres over 130 acres

All lots in the A-1 district are subject to the above sliding scale and all applicable regulations for on-site water supply and wastewater treatment, which may limit the number of lots permitted; except for green space (open space) lots and conservation easements, public utility, telecommunications towers or public water or sewer installation lots or similar which are not for habitation and which may be a minimum of ten thousand (10,000) square feet. Moreover, the board of supervisors may authorize the issuance of a special use permit for more lots than the total permitted by the sliding scale in situations where a family subdivision conflicts with the sliding scale.

- (c) *Clustering of permitted lots between parent parcels.* A landowner with several contiguous parent parcels may cluster the number of permitted lots from any one parent parcel to any other contiguous parent parcel provided the landowner merges the two (2) contiguous parent parcels into one (1) parcel by vacating the boundary line and all other lot requirements under this subsection (5) are met.

- (d) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system or from a hard-surfaced private street designed by a professional engineer to meet current VDOT subdivision street requirements with one exception. Under the exception, one lot divided from any parent parcel may be served by a private access easement at least forty (40) feet in width.
- (e) *Maximum coverage.* No more than twenty (20) percent of any lot shall be covered by buildings and no more than thirty (30) percent of any lot shall be covered by impervious surfaces.
- (f) *Minimum width.* One hundred twenty (120) feet at the minimum setback line of the front yard. Frontage requirements for family subdivisions and public utility or public water or sewer installation lots shall be in accord with the Montgomery County Subdivision Ordinance.
- (g) *Maximum length/width ratio.* Five to one (5:1) for any lot less than twenty (20) acres in area.

6. *Building requirements.*

- (a) *Minimum yards:*
 - (1) *Front.* Forty (40) feet (also refer to additional setback requirements pertaining to residential uses near intensive agricultural operations, section 10-41(16)).
 - (2) *Side.* Fifteen (15) feet for each principal structure.
 - (3) *Rear.* Forty (40) feet.
 - (4) *Accessory buildings.* No accessory building may be located closer than ten (10) feet to a side or rear lot line.
- (b) *Maximum building height.* No building or structure, except for exempted structures provided for in section 10-2(5)(b) of this chapter, shall exceed forty (40) feet in height, as defined, except by special use permit and that for every one (1) foot above forty (40) feet, the building or structure shall be set back an additional two (2) feet up to a maximum of one hundred (100) feet.

7. *Use limitations.*

- a. *Repair shop, automotive.* All work must be conducted within a completely enclosed building and the shop shall be at least three hundred (300) feet from any residential zoning district or existing dwelling, other than the owner's dwelling.

- b. *kennels*. No principal or accessory use or structure shall be within five hundred (500) feet of an existing dwelling, other than the owner's dwelling, nor within three hundred (300) feet of any adjacent lot.
- c. *Shooting ranges*. Shooting ranges shall not operate between 10:00 p.m. and 7:00 a.m.

Sec 10-22 C-1 Conservation District

1. *Purpose*. The C-1 Conservation District is established for the specific purpose of providing recreational, conservation and scenic areas for the growing population of the county and its vicinity. It is intended to facilitate the conservation of water and other natural resources, to assist the U.S. Forest Service with its conservation programs, to encourage the closure of the boundaries of the national forest within one (1) contiguous conservation area and to encourage the retention of the open space characteristic of excessive slope and floodplain areas or other areas not amenable to good development practices. This district contains all of the forest and mountain land in the Jefferson National Forest. The land area of this district is essentially undeveloped open space, except for some private holdings. This district is generally intended to apply to lands designated in the comprehensive plan as rural or resource stewardship areas.
2. *Qualifying lands*. Lands qualifying for inclusion in this district shall be current C-1 on the date of adoption of this chapter and other lands within areas mapped as rural or resource stewardship in the comprehensive plan. Qualifying lands shall not generally include those served or planned to be served by public water or sewer service. The minimum area required to create a district is twenty (20) acres of total contiguous land.
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~~ Bed and Breakfast Inn.
 - (e) Camp, Day.
 - ~~(e)~~ (f) Cemetery.
 - ~~(f)~~ (g) Data Pole.

- ~~(g)~~ (h) Dwelling, single-family.
- ~~(h)~~ (i) Farm enterprise.
- ~~(i)~~ (j) Game preserve.
- ~~(j)~~ (k) Home occupation, as defined in this chapter.
- ~~(k)~~ (l) Manufactured home, Class A and Class B.
- ~~(l)~~ (m) Natural area.
- ~~(m)~~~~(n)~~ (n) Pet, farm.
- ~~(n)~~ (o) Pet, household.
- ~~(o)~~ (p) Public use, public facility.
- ~~(p)~~ (q) Public utility lines, other; public utility lines, water and sewer.
- ~~(q)~~ (r) Sawmill, temporary.
- ~~(r)~~ (s) Telecommunications tower, attached.
- ~~(s)~~ (t) 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.~~
- (b) Campground.
- (c) **Camp overnight.**
- (d) Mitigation bank.
- (e) Park, unlighted.
- (f) Park and ride lot.
- (g) Playground, unlighted.
- (h) Sawmill, temporary.
- (i) Structures over sixty-five (65) feet in height.
- (j) Telecommunications facility, micro wireless.
- (k) Telecommunications facility, small cell.

(l) 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.

5. Lot requirements.

(a) *Minimum lot area.* Two and one-half (2.5) acres.

(b) *Density.* In addition to the minimum required lot area defined above, the maximum gross density (total number of lots per parent parcel after subdividing) for residential development in the C-1 district shall be in accord with the following sliding scale:

<i>Parent Parcel Area</i>	<i>Total Lots Permitted on Parent Parcel</i>
Less than 2.5 acres	0 lots
Less than 5.0 acres	1 lot
Less than 7.5 acres	Up to 2 lots
7.5 acres up to 10.0 acres	Up to 3 lots
More than 10.0 acres	One (1) additional lot for every additional 30 acres over first 10 acres

All lots in the C-1 district are subject to all applicable regulations for on-site water supply and wastewater treatment, which may limit the number of lots permitted.

(c) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator; except that up to three (3) lots divided from any parent parcel may be served by a private access easement at least forty (40) feet in width.

(d) *Minimum width.* One hundred twenty (120) feet at the setback line of the front yard.

(e) *Maximum length/width ratio.* Five to one (5:1) for any lot of less than twenty (20) acres.

6. *Building requirements.*

(a) *Minimum yards.*

- (1) *Front.* Forty (40) feet (also refer to additional setback requirements pertaining to residential uses near intensive agricultural operations, section 10-41(16)).
- (2) *Side.* Fifteen (15) feet for each principal structure.
- (3) *Rear.* Forty (40) feet.
- (4) *Accessory buildings.* Ten (10) feet to rear and side lot line.

(b) *Maximum building height.* No building or structure shall exceed forty (40) feet in height, as defined, except by special use permit and that for every one (1) foot above forty (40) feet, the building or structure shall be set back an additional two (2) feet up to a maximum of one hundred (100) feet.

7. *Use limitations.* [Reserved.]

Sec 10-23 R-R Rural Residential District

1. *Purpose.* The R-R Rural Residential District is composed of certain quiet, low-density, residential areas with a rural character, plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life, to provide for an orderly transition from predominately agricultural or forestal uses to mostly rural residential uses, and to strictly limit activities of a commercial nature. To these ends, development is limited to relatively low densities and permitted uses are limited basically to single-family dwellings for the residents, home- occupation uses for compatible home-based businesses, as well as certain additional institutional uses such as schools, parks and churches that serve the residents of the district. The purpose of the R-R district is to accommodate residential development of a strictly rural nature, and therefore is generally not intended to be served with public water and wastewater services.
2. *Qualifying lands.* Lands qualifying for inclusion in the R-R zoning district shall be within areas mapped as rural, rural communities, or residential transition in the comprehensive plan. Qualifying lands shall generally not include those served or planned to be served by public water or sewer service. The minimum area required to create a district shall be five (5) acres of contiguous total land.

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~~ Bed and Breakfast Inn.
- (d) Church.
- (e) Data Pole.
- (f) Dwelling, single-family.
- (g) Home occupation.
- (h) Park, unlighted.
- (i) Pet, farm.
- (j) Pet, household.
- (k) Playground, unlighted.
- (l) Public utility lines, other; public utility lines, water and sewer.
- (m) School.
- (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) (b) Cemetery.~~
- ~~(d) (c) Civic club.~~
- ~~(e) (d) Country club.~~
- ~~(f) (e) Country Inn.~~
- ~~(g) (f) Day care center.~~
- ~~(h) (g) Fire, police and rescue stations.~~

- ~~(h)~~ (h) Golf course.
- ~~(i)~~ (i) Golf driving range.
- ~~(j)~~ (j) Home business.
- ~~(k)~~ (k) Park, lighted.
- ~~(l)~~ (l) Park and ride lot.
- ~~(m)~~ (m) Playground, lighted.
- ~~(n)~~ (n) Public use, public facility.
- ~~(o)~~ (o) Public utility substations.
- ~~(p)~~ (p) Public utility plant, water or sewer.
- ~~(q)~~ (q) **Short Term Tourist Rental.**
- ~~(r)~~ (r) Stable, commercial.
- ~~(s)~~ (s) Structures over fifty (50) feet in height.
- ~~(t)~~ (t) Telecommunications facility, micro wireless.
- ~~(u)~~ (u) Telecommunications facility, small cell.
- ~~(v)~~ (v) Telecommunications tower, freestanding.
- ~~(w)~~ (w) 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.

5. *Lot requirements.*

(a) *Minimum lot area.*

- (1) For small-scale agriculture: Five (5) acres.
- (2) For all other uses: One and one-half (1.5) acres.

(b) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system.

(c) *Maximum coverage.*

- (1) Buildings shall not exceed ten (10) percent of gross site area.
- (2) Impervious surfaces shall not exceed thirty (30) percent of gross site area.

- (d) *Minimum width.* One hundred twenty (120) feet at the setback line of front yard.
- (e) *Maximum length/width ratio.* Five to one (5:1) for any lot less than fifty (50) acres.

6. *Building requirements.*

(a) *Minimum yards.*

- (1) *Front.* Forty (40) feet (also refer to section 10-41(16) for setbacks from existing intensive agriculture operations).
- (2) *Side.* The minimum side yard for each main structure shall be fifteen (15) feet for each principal structure.
- (3) *Rear.* Each main structure shall have a rear yard of forty (40) feet.
- (4) *Accessory buildings.* No accessory building may be located closer than ten (10) feet to any side or rear lot line.

(b) *Building height.*

- (1) No building shall exceed thirty-five (35) feet in height, as defined.
- (2) No structure shall exceed fifty (50) feet in height, as defined, unless authorized by special use permit.

7. *Use limitations.* [Reserved.]

8. *Compact development option.* The purpose of the compact development option is to provide flexibility in site design in order to encourage:

- Natural resource preservation.
- Pedestrian-friendly streetscapes.
- Cost-efficiency in providing infrastructure.
- Appropriate design solutions for unique site conditions.

Use of the compact development option is voluntary on the part of applicants.

The compact development option permits smaller lot sizes in return for providing permanent green space within the development, and a more compact, cost-effective network of streets and utilities. Except for modifications to the lot and building requirements defined below, all other provisions of the R-R district pertain to the compact development option.

(a) *Lot requirements for compact option.*

(1) *Minimum lot size.* One (1) acre, provided that no less than twenty- five (25) percent of the gross area parent tract is preserved in permanent green space, as defined herein.

(2) *Minimum required green space.*

a. *Minimum lot area.* Twenty-five (25) percent of the gross area parent tract. No one (1) lot of such required green space in any compact development shall be less than one and one-quarter (1.25) acres. Green space may include active or passive recreational uses, and may be held in either public or private ownership. If held in private ownership, the green space shall be held by a homeowner's association or other form of common interest private ownership comparable to a homeowner association acceptable to the zoning administrator. Green space established for purposes of meeting the requirements of this provision shall not be included as part of any residential lot, and shall be restricted from any future development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the county. Accessory structures such as picnic shelters, ball fields, nature trails and other similar recreational amenities shall be permitted within the green space. Parking areas and enclosed buildings are prohibited on the green space.

b. *Maximum length/width ratio.* Five to one (5:1).

c. *Minimum width.* One hundred (100) feet at the setback line of the front yard.

(b) *Building requirements for compact option.* Minimum yards:

(1) *Front.* Thirty (30) feet.

(2) *Side.* Ten (10) feet for each principal structure.

(3) *Rear.* Thirty (30) feet.

(4) *Accessory buildings.* No less than ten (10) feet to side or rear lot line.

Sec 10-24 R-1 Residential District

1. *Purpose.* The R-1 Residential District is intended to accommodate moderate density, suburban residential uses to be served by public water and sewer facilities and low density suburban residential uses in the village expansion and residential transition areas to be served by public water and/or sewer facilities. It includes areas currently zoned R-1 and planned for residential transition, villages, village expansion and urban expansion as shown in the comprehensive plan. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life and to permit certain limited commercial and institutional uses of a scale and character that will not create concentrations of traffic, crowds of customers, general outdoor advertising or other conflicts with the neighboring residential uses.

To these ends, retail activity is sharply limited, and this district is protected against encroachment of general commercial or industrial uses. Residential uses are limited to single family structures. Although this district is basically residential in character, certain compatible public and semipublic uses are permitted in the district.

2. *Qualifying lands.* Lands qualifying for inclusion in the R-1 zoning district shall be R-1 residential on the date of adoption of this chapter and other lands within areas mapped as residential transition, village, village expansion, or urban expansion in the comprehensive plan. The minimum area required to create a district shall be three (3) acres of total contiguous land.
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.~~
 - ~~(e) Dwelling, single-family.~~
 - ~~(f) Home occupation.~~
 - ~~(g) Library.~~
 - ~~(h) Pet, household.~~

- (i) (h) Public utility lines, other.
- (j) (i) Public utility lines, water or sewer.
- (k) (j) School.
- (l) (k) Telecommunications tower, attached.
- (m) (l) Urban agriculture (subject to the requirement of section 10-41(19) of the county zoning ordinance).

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 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) Cemetery.
- (e) Civic club.
- (f) Country club.
- (g) Day care center.
- (h) Fire, police and rescue stations.
- (i) Funeral home.
- (j) Golf course.
- (k) Home business.
- (l) Nursing home.
- (m) Park, lighted or unlighted.
- (n) Park and ride lot.
- (o) Playground, lighted or unlighted.
- (p) Private club.
- (q) Public use, public facility.
- (r) Public utility plant, other.
- (s) Public utility plant, water or sewer.

(t) ~~Transition house~~ Short Term Tourist Rental.

(†) (u) Transition House.

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) —(o). Reserved.

5. *Lot requirements.*

- (a) *Minimum lot area.* Twenty thousand (20,000) square feet.
- (b) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system.
- (c) *Maximum lot coverage.* Building coverage shall not exceed thirty (30) percent of gross site area. Impervious surfaces shall not exceed fifty (50) percent of gross site area.
- (d) *Minimum width.* One hundred (100) feet at the setback line of the front yard.
- (e) *Maximum length/width ratio.* Five to one (5:1).

6. *Building requirements.*

- (a) *Minimum yards.*
 - (1) *Front.* Forty (40) feet.
 - (2) *Side.* Fifteen (15) feet for each principal structure.
 - (3) *Rear.* Forty (40) feet.
 - (4) *Accessory buildings.* Ten (10) feet to any side or rear lot line.
- (b) *Maximum building height.* Buildings may be erected up to thirty-five (35) feet in height from grade, except that:
 - (1) The height limit for dwellings may be increased up to ten (10) feet, provided that there are two (2) side yards for each permitted use, each of which is fifteen (15) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.
 - (2) A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty (60) feet from

grade, provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

- (3) No accessory building which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

7. *Use limitations.*

(a) *Public water and wastewater service.* Public water and wastewater services are required for all moderate density developments in any R-1 district established after the date of adoption of this chapter. In instances when public water or public wastewater service is not available, low density developments located in village expansion and residential transitions areas as indicated on the comprehensive plan may be allowed in R-1 when these developments are serviced by either public water or public wastewater, but not both.

(b) *Keeping and raising horses and ponies.*

- (1) Horses and ponies may only be kept for personal enjoyment and not for commercial purposes;
- (2) A minimum of five (5) acres of open or forestal land is available for the horses and ponies; and
- (3) No more than two (2) horses and ponies collectively (being one (1) horse and one (1) pony, two (2) horses, or two (2) ponies) shall be permitted per each five (5) acres with a maximum of four (4) horses and ponies collectively for parcels of land of ten (10) acres or more.

8. *Compact development option.* The purpose of the compact development option is to provide flexibility in site design in order to encourage:

- Natural resource preservation.
- Pedestrian-friendly streetscapes.
- Cost-efficiency in providing infrastructure.
- Appropriate design solutions for unique site conditions.

Use of the compact development option is voluntary on the part of applicants.

The compact development option permits smaller lot sizes in return for providing permanent green space within the development, and a more compact, cost-effective network of streets and utilities. Except for modifications to the lot and building requirements defined below, all other provisions of the R-1 district pertain to the compact development option.

(a) *Lot requirements for compact option.*

(1) *Minimum lot size.* Fourteen thousand (14,000) square feet, provided that no less than twenty-five (25) percent of the gross area parent tract is preserved in permanent green space, as defined herein.

(2) *Minimum required green space.*

a. *Minimum lot area.* Twenty-five (25) percent of the gross area parent tract. No one (1) lot of such required green space in any compact development shall be less than fourteen thousand (14,000) square feet. Green space may include active or passive recreational uses, and may be held in either public or private ownership. If held in private ownership, the green space shall be held by a homeowner's association or other form of common interest private ownership comparable to a homeowner's association acceptable to the zoning administrator. Green space established for purposes of meeting the requirements of this provision shall be restricted from any future development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the county. Accessory structures such as picnic shelters, ball fields, nature trails and other similar recreational amenities shall be permitted within the green space. Parking areas and enclosed buildings are prohibited on the green space.

b. *Maximum length/width ratio.* Five to one (5:1).

c. *Minimum width.* Eighty (80) feet at the setback line of the front yard.

(b) *Building requirements for compact option.* Minimum yards:

(1) *Front.* Thirty (30) feet.

(2) *Side.* Fifteen (15) feet for each principal structure.

(3) *Rear.* Thirty (30) feet or more.

(4) *Accessory buildings.* No less than ten (10) feet to side.

Sec 10-25 R-2 Residential District

1. *Purpose.* The R-2 Residential District is intended to accommodate moderate density, suburban residential uses to be served by public water and sewer facilities. It includes areas currently zoned R-2 and planned for urban or rural expansion in the comprehensive plan. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life and to permit certain limited commercial and institutional uses of a scale and character that will not create concentrations of traffic, crowds of customers, general outdoor advertising or other conflicts with the neighboring residential uses.

To these ends, retail activity is sharply limited, and this district is protected against encroachment of general commercial or industrial uses. Residential uses are limited to single-family and two-family structures. Although this district is basically residential in character, certain compatible public and semipublic uses are permitted in the district.

2. *Qualifying lands.* Lands qualifying for inclusion in the R-2 zoning district shall be R-2 residential on the date of adoption of this chapter and other lands within areas mapped as residential transition, village, village expansion, urban development area, or urban expansion in the comprehensive plan. The minimum area required to create a district shall be three (3) acres of total contiguous land.
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.~~
 - (b) Church.
 - (c) Data Pole.
 - (d) Dwelling, single-family.
 - (e) Dwelling, two-family.
 - (f) Home occupation.
 - (g) Library.
 - (h) Pet, household.

- (i) Public utility lines, other.
- (j) Public utility lines, water or sewer.
- (k) School.
- (l) Telecommunications tower, attached.
- (m) Urban agriculture (subject to the requirement of section 10-41(19) of the county zoning ordinance)

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 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) Cemetery.
- (e) Civic club.
- (f) Country club.
- (g) Day care center.
- (h) Fire, police and rescue stations.
- (i) Funeral home.
- (j) Golf course.
- (k) Home business.
- (l) Nursing home.
- (m) Park, lighted or unlighted.
- (n) Park and ride lot.
- (o) Playground, lighted or unlighted.
- (p) Private club.
- (q) Public use, public facility.
- (r) Public utility plant, other.
- (s) Public utility plant, water or sewer.

(t) ~~Transition house~~ Short Term Tourist Rental.

(t) ~~(u)~~ Transition House.

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.

5. *Lot requirements.*

(a) Minimum lot area. Fifteen thousand (15,000) square feet.

(b) Lot access. Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system.

(c) Maximum lot coverage. Building coverage shall not exceed thirty (30) percent of gross site area. Impervious surfaces shall not exceed fifty (50) percent of gross site area.

(d) Minimum width. Ninety (90) feet at the setback line of front yard.

(e) Maximum length/width ratio. Five to one (5:1).

6. *Building requirements.*

(a) *Minimum yards.*

(1) *Front.* Forty (40) feet (also refer to section 10-41(16) for setbacks from existing intensive agriculture operations).

(2) *Side.* Fifteen (15) feet for each principal structure.

(3) *Rear.* Forty (40) feet.

(4) *Accessory buildings.* Ten (10) feet to any side or rear lot line.

(b) *Maximum building height.* Buildings may be erected up to thirty-five (35) feet in height from grade, except that:

(1) The height limit for dwellings may be increased up to ten (10) feet, provided that there, is one (1) additional foot or more of side yard in each side yard for each additional foot of building height over thirty-five (35) feet.

(2) A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty (60) feet from grade, provided that required front, side and rear yards shall be

increased one (1) foot for each foot in height over thirty-five (35) feet.

- (3) No accessory building which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

7. *Use limitations.*

(a) *Public water and wastewater service.* Public water and wastewater services are required for all development in any R-2 district established after the date of adoption of this chapter.

(b) *Keeping and raising horses and ponies.*

- (1) Horses and ponies may only be kept for personal enjoyment and not for commercial purposes;
- (2) A minimum of five (5) acres of open or forestal land is available for the horses and ponies; and
- (3) No more than two (2) horses and ponies collectively (being one (1) horse and one (1) pony, two (2) horses, or two (2) ponies) shall be permitted per each five (5) acres with a maximum of four (4) horses and ponies collectively for parcels of land of ten (10) acres or more.

8. *Compact development option.* The purpose of the compact development option is to provide flexibility in site design in order to encourage:

- Natural resource preservation.
- Pedestrian-friendly streetscapes.
- Cost-efficiency in providing infrastructure.
- Appropriate design solutions for unique site conditions.
- Transit-supportive design.

Use of the compact development option is voluntary on the part of applicants.

The compact development option permits smaller lot sizes in return for providing permanent open space within the development, and a more compact, cost-effective network of streets and utilities.

(a) *Lot requirements for compact option.*

(1) Minimum lot size. Eight thousand (8,000) square feet, provided that no less than twenty-five (25) percent of the gross area parent tract is preserved in permanent open space, as defined herein.

(2) Minimum lot width ninety (90) feet. Lot width may be reduced to seventy (70) feet if the following is provided:

a. Curb and gutter shall be required in R-2 Compact Subdivision containing lots with less than ninety (90) feet in width. Curb and gutter design shall be in accordance with Virginia Department of Transportation (VDOT) Standards.

(3) *Minimum required open space.*

a. *Minimum required open space.* A minimum of twenty-five

(25) percent of the gross area parent tract shall be set aside as open space. At least one (1) area of such required open space in any compact development shall be eight thousand (8,000) square feet. Open space may include active or passive recreational uses, and may be held in either public or private ownership. If held in private ownership, the open space should be held by a homeowner's association or other form of common interest private ownership comparable to a homeowner's association acceptable to the zoning administration. Open space established for purposes of meeting the requirements of this provision shall be restricted from any future development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the county. Accessory structures such as picnic shelters, ball fields, nature trails and other similar recreational amenities shall be permitted within the open space and maintained by the appropriate owner.

For the purposes of this article, the following items shall qualify as open space: Natural areas including environmental corridors, greenways, protected natural areas and reserves; Parks, squares, greens and plazas; Streams, ponds, and other water bodies; Stormwater detention/retention facilities; Accessory parking areas or lots located within public parks or publicly accessible

natural areas; Recreational facilities, such as ballfields, playgrounds.

The subdivision plat shall establish, where applicable, a buffer at least one hundred (100) feet wide from the center of all streams and a buffer of at least fifty (50) feet from all lakes, ponds, springs, and other surface waters. This shall be set aside as open space.

Lots, buildings, structures, streets, and parking areas shall be situated to minimize the alteration of natural features, natural vegetation, and topography.

The subdivision plat shall accommodate and preserve any features of historic, cultural, or archaeological value.

Floodplains, wetlands, and areas with slopes in excess of twenty-five (25) percent shall be protected from development.

(b) *Building requirements for compact option.*

Minimum yards:

(1) *Front:*

- a. Minimum: Ten (10) feet.
- b. Maximum: Twenty-five (25) feet.

(2) *Side:*

- a. Minimum: Ten (10) feet.
- b. Maximum: None.

(3) *Rear:*

- a. Minimum: Twenty-five (25) feet.
- b. Maximum: None

(4) *Accessory buildings:* Not less than ten (10) feet to side or rear lot line.

(c) *Streets.*

- (1) *Public streets:* New streets as part of the compact development option shall be public and designed and constructed in accordance with the minimum standards of the Virginia Department of Transportation, except that the

surface pavement layer shall be asphalt concrete.

- (2) *Private streets*. The board of supervisors may permit construction of private streets so long as such streets are not likely to inhibit future development of adjacent land consistent with the standards set forth in Section 8-152.
- (3) Street patterns shall form a broadly rectilinear network, with variations as needed for topographic, environmental and other design considerations, in accordance with the minimum standards required by VDOT.
- (4) Streets shall be designed to:
 - a. Parallel and preserve existing fence lines, tree lines, hedgerows, stone walls and watercourses; and
 - b. Minimize alteration of natural, cultural or historic site features; and
 - c. Promote pedestrian movement.
- (5) All streets shall be designed to promote pedestrian circulation. Pedestrian circulation shall be designed with respect to topography, integration with surrounding streets, connection to existing or future pedestrian ways and transit stops, interior circulation and the separation of pedestrians from vehicles. Sidewalks, informal walkways and footpaths shall be no less than five (5) feet wide. Paths in open space shall be constructed using mulch or stone. The compact development option shall create a completely linked neighborhood of walkways connecting all uses with parks and other open space areas.

- (d) *Maximum density*. The density of development under the compact development option shall be no greater than four (4) dwelling units per gross acre.

Sec 10-26 R-3 Residential District

1. *Purpose*. The R-3 Residential District is intended to accommodate moderate density suburban residential uses to be served by public water and sewer facilities. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family

life, and to permit certain compatible commercial uses of a character unlikely to develop general concentration of traffic, crowds of customers and general outdoor advertising.

To these ends, retail activity is sharply limited and this district is protected against encroachment of general commercial or industrial uses. Although this district is basically residential in character, certain compatible public and semipublic uses are permitted in the district.

2. *Qualifying lands.* Lands qualifying for inclusion in the R-3 zoning district shall be R-3 Residential on the date of adoption of this chapter and other lands within areas mapped as residential transition, village, village expansion, urban development area, or urban expansion in the comprehensive plan. The minimum area required to create a district shall be two (2) acres of total contiguous land.
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.
 - (d) Dwelling, single-family.
 - (e) Dwelling, two-family.
 - (f) Home occupation.
 - (g) Library.
 - (h) Pet, household.
 - (i) Public utility lines, other.
 - (j) Public utility lines, water or sewer.
 - (k) School.
 - (l) Telecommunications tower, attached.
 - (m) Urban agriculture (subject to the requirement of section 10-41(19) of the county zoning ordinance).
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 homestay~~ Bed and Breakfast Inn.
- (c) Boarding house.
- (d) Cemetery.
- (e) Civic club.
- (f) Country club.
- (g) Day care center.
- (h) Fire, police and rescue stations.
- (i) Funeral home.
- (j) Golf course.
- (k) Home business.
- (l) Manufactured home, Class A and Class B.
- (m) Medical care facility.
- (n) Nursing home.
- (o) Park, lighted or unlighted.
- (p) Park and ride lot.
- (q) Playground, lighted or unlighted.
- (r) Public use, public facility.
- (s) Public utility plant, other.
- (t) Public utility substations.
- (u) ~~Transition house~~ Short Term Tourist Rental.
- ~~(u)~~ (v) Transition House.

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.

5. *Lot requirements.*

- (a) *Minimum lot area* (also refer to "lot coverage"). Ten thousand (10,000) square feet.
- (b) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system.
- (c) *Maximum lot coverage.* Lot coverage shall not exceed thirty (30) percent of gross site area. Impervious surfaces shall not exceed fifty (50) percent of gross site area.
- (d) *Minimum width.* Eighty (80) feet at the setback line of front yard.
- (e) *Maximum length/width ratio.* Five to one (5:1) for any lot less than two (2) acres.

6. *Building requirements.*

(a) *Minimum yards.*

- (1) *Front.* Twenty-five (25) feet (also refer to section 10-41(16) for setbacks from existing intensive agriculture operations).
- (2) *Side.* Ten (10) feet for each principal structure.
- (3) *Rear.* Twenty-five (25) feet.
- (4) *Accessory buildings.* Ten (10) feet to any side or rear lot line.

(b) *Maximum building height.* Up to thirty-five (35) feet in height from grade, except that:

- (1) The height limit for dwellings may be increased up to ten (10) feet, provided that there are two (2) side yards for each permitted use, each of which is fifteen (15) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.
- (2) A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty (60) feet from grade, provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- (3) No accessory building which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

7. *Use limitations.*

(a) *Public water and wastewater service.* Public water and wastewater services are required for all development in any R-3 district established after the date of adoption of this chapter.

(b) *Keeping and raising horses and ponies.*

(1) Horses and ponies may only be kept for personal enjoyment and not for commercial purposes;

(2) A minimum of five (5) acres of open or forestal land is available for the horses and ponies; and

(3) No more than two (2) horses and ponies collectively (being one (1) horse and one (1) pony, two (2) horses, or two (2) ponies) shall be permitted per each five (5) acres with a maximum of four (4) horses and ponies collectively for parcels of land of ten (10) acres or more.

8. *Compact development option.* The purpose of the compact development option is to provide flexibility in site design in order to encourage:

- Natural resource preservation.
- Pedestrian-friendly streetscapes.
- Cost-efficiency in providing infrastructure.
- Appropriate design solutions for unique site conditions.
- Transit-supportive design.

Use of the compact development option is voluntary on the part of applicants.

The compact development option permits smaller lot sizes in return for providing permanent open space within the development, and a more compact, cost-effective network of streets and utilities. Except for modifications to the lot and building requirements defined below, all other provisions of the R-3 district pertain to the compact development option.

(a) *Lot requirements for compact option.*

(1) *Minimum lot size.* Five thousand (5,000) square feet, provided that no less than twenty-five (25) percent of the gross area parent tract is preserved in permanent open space, as defined herein.

- (2) Minimum lot width eighty (80) feet. Lot width may be reduced to sixty (60) feet if the following is provided:
- a. Curb and gutter shall be required in R-3 Compact Subdivision containing lots with less than eighty (80) feet in width. Curb and gutter design shall be in accordance with Virginia Department of Transportation (VDOT) Standards.
- (3) *Minimum required open space.* A minimum of twenty-five (25) percent of the gross area parent tract shall be set aside as open space. At least one (1) area of such required open space in any compact development shall be five thousand (5,000) square feet. Open space may include active or passive recreational uses, and may be held in either public or private ownership. If held in private ownership the open space shall be held by a homeowner's association or other form of common interest private ownership comparable to a homeowner's association acceptable to the zoning administrator. Open space established for purposes of meeting the requirements of this provision shall be restricted from any future development by the establishment of permanent conservation easements held in perpetuity by a public or private entity acceptable to the county. Accessory structures such as picnic shelters, ball fields, nature trails and other similar recreational amenities shall be permitted within the open space and maintained by the appropriate owner.

For the purposes of this article, the following items shall qualify as open space: Natural areas including environmental corridors, greenways, protected natural areas and reserves; Parks, squares, greens and plazas; Streams, ponds, and other water bodies; Stormwater detention/retention facilities; Accessory parking areas or lots located within public parks or publicly accessible natural areas; Recreational facilities, such as ballfields, playgrounds.

The subdivision plat shall establish, where applicable, a buffer at least one hundred (100) feet wide from the center of all streams and a buffer of at least fifty (50) feet from all lakes, ponds, springs, and other surface waters. This shall be set aside as open space.

Lots, buildings, structures, streets, and parking areas shall be situated to minimize the alteration of natural features, natural vegetation, and topography.

The subdivision plat shall accommodate and preserve any features of historic, cultural, or archaeological value.

Floodplains, wetlands, and areas with slopes in excess of twenty-five (25) percent shall be protected from development.

(b) *Building requirements for compact option.* Minimum yards:

(1) *Front:*

- a. Minimum: Ten (10) feet.
- b. Maximum: Twenty-five (25) feet.

(2) *Side:*

- a. Minimum: Ten (10) feet.
- b. Maximum: None.

(3) *Rear:*

- a. Minimum: Twenty-five (25) feet.
- b. Maximum: None.

(4) *Accessory buildings:* Not less than ten (10) feet to side or rear lot line.

(c) *Streets.*

- (1) Public streets. New streets as part of the compact development option shall be public and designed and constructed in accordance with the minimum standards of the Virginia Department of Transportation, except that the surface pavement layer shall be asphalt concrete.
- (2) Private streets. The board of supervisors may permit construction of private streets so long as such streets are not likely to inhibit future development of adjacent land consistent with the standards set forth in Section 8-152.
- (3) Street patterns shall form a broadly rectilinear network, with variations as needed for topographic, environmental and other design considerations, in accordance with the minimum standards required by VDOT.
- (4) Streets shall be designed to:
 - a. Parallel and preserve existing fence lines, tree lines, hedgerows, stone walls and watercourses; and
 - b. Minimize alteration of natural, cultural or historic site features; and

c. Promote pedestrian movement.

(5) All streets shall be designed to promote pedestrian circulation. Pedestrian circulation shall be designed with respect to topography, integration with surrounding streets, connection to existing or future pedestrian ways and transit stops, interior circulation and the separation of pedestrians from vehicles. Sidewalks, informal walkways and footpaths shall be no less than five (5) feet wide. Paths in open space shall be constructed using mulch or stone. The compact development option shall create a completely linked neighborhood of walkways connecting all uses with parks and other open space areas.

(d) *Maximum density.* The density of development under the compact development option shall be no greater than five (5) dwelling units per gross acre.

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

1. *Purpose.* The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations in the Multiple-Family Residential, RM-1 district. This district provides for multiple-family residences and is for the purpose of accommodating the construction of townhouse developments and garden-type apartments in appropriate locations in order to provide convenient and compact residential neighborhoods, efficient provision of public facilities and services, and a range of housing prices, including moderately priced housing.
2. *Qualifying lands.* Lands qualifying for inclusion in the RM-1 zoning district shall be RM-1 Residential on the date of adoption of this chapter and other lands within areas mapped as urban expansion, village, village expansion, or urban development area in the comprehensive plan. The minimum area required to create a district is one (1) acre of total contiguous land.
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.
 - (c) Dwelling, multifamily (apartment).
 - (d) Dwelling, single-family attached (townhouse).
 - (e) Dwelling, two-family (duplex).

- (f) Home occupation.
- (g) Pet, household.
- (h) Public utility lines, other.
- (i) Public utility lines, water or sewer.
- (j) School.
- (k) 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) Boarding house.
- (b) Cemetery.
- (c) Civic club.
- (d) Congregate care facility.
- (e) Country club.
- (f) Country inn.
- (g) Day care center.
- (h) Dormitory.
- (i) Fire, police and rescue stations.
- (j) Funeral home.
- (k) Golf course.
- (l) Medical care facility.
- (m) Nursing home.
- (n) Park, lighted or unlighted.
- (o) Park and ride lot.
- (p) Playground, lighted or unlighted.
- (q) Public use, public facility.
- (r) Public utility substations.
- (s) Senior living facility.
- (t) ~~Transition house~~ Short Term Tourist Rental.
- (†) (u) Transition House.

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.

5. *Lot requirements.*

(a) *Minimum lot area.*

- (1) *For single-family attached (townhouse) units:* Two thousand (2,000) square feet minimum lot area. Sixteen (16) feet minimum lot width.
- (2) *For all other uses:* Six thousand (6,000) square feet minimum lot area.

- (b) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator.

(c) *Maximum lot coverage.*

- (1) Forty (40) percent of gross site area.
- (2) Gross development density of single-family attached units shall not exceed eight (8) dwellings per acre;
- (3) Gross development density of multifamily units shall not exceed twelve (12) dwellings per acre;
- (4) Impervious surfaces shall not exceed sixty (60) percent of the gross site area.

(d) *Minimum green space.*

- (1) Fifteen (15) percent of the gross acreage of the tract shall be reserved as common green space, developed as active recreation and/or passive park use. All such green space lots shall have a length/width ratio of no less than five to one (5:1).
- (2) Active recreation space shall be suitably graded and equipped for active recreational facilities to serve the residents of the development. Passive park space shall be designed to preserve important site amenities and environmentally sensitive areas.

(3) Multifamily and single-family attached developments of more than twenty (20) individual units shall create an active recreation area of no less than ten thousand (10,000) square feet in area and incorporate a playground and items such as tot lots, school bus shelters and other community facilities deemed appropriate by the zoning administrator at time of site plan review.

(e) *Minimum width.* Sixty-four (64) feet at the setback line of the front yard for multifamily structures; sixteen (16) feet for townhouse units.

6. *Building requirements.*

(a) *Minimum yards.*

(1) *Front.* Twenty-five (25) feet.

(2) *Side.* Twenty-five (25) feet.

a. Between townhouse groups and two-family units: Fifteen (15) feet.

b. Between two-family or end townhouse unit and lot line: Twenty-five (25) feet.

c. Between multifamily structures: Twenty-five (25) feet.

d. Between multifamily structures and the lot line: Twenty-five (25) feet.

All required side yard dimensions in between townhouse groups and between multifamily structures set forth above are the minimum dimensions that must be clear of other structures such as air handling units and storage units, so as to allow passage of emergency vehicles.

(3) *Rear.* Thirty (30) feet.

(4) *Accessory buildings.* Ten (10) feet to any side or rear lot line.

(b) *Maximum building height.* Thirty-five (35) feet in height from grade, except that:

(1) The height limit for dwellings may be increased up to ten (10) feet, provided that there are two (2) side yards for each permitted use, each of which is fifteen (15) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

(2) A public or semipublic building such as a school, church, library or hospital may be erected to a height of sixty (60) feet from grade, provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

(3) No accessory building which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

(c) *Groups of single-family attached dwellings (townhouses)*. No more than eight (8) and not less than three (3) single-family attached dwellings (townhouses) shall be included in one (1) connected group.

7. *Use limitations.*

(a) *Public water and wastewater service*. Public water and wastewater services are required for all development in the RM-1 district.

Sec 10-29 CB Community Business

1. *Purpose*. The Community Business, CB district is intended to create locations in the county for the provisions of nonintensive and small scale commercial services to the rural communities, residential transition, village, village expansion, or urban expansion designated in the comprehensive plan. Such locations shall be designated principally along the secondary road system where they are in the best interest of promoting community life and reducing travel costs. The scale and character of uses shall be compatible with crossroads settlement and village locations. Lighting, hours of operation and other characteristics shall respect neighboring uses and community character.

Activities in CB districts shall have limited traffic and other impacts on uses in other districts through proper location at street intersections, preference for locations adjoining existing nonresidential uses and zoning, and provision of space and physical buffers as prescribed. Areas designated for use in the comprehensive plan are best suited for rezoning to this district.

2. *Qualifying lands*. Lands qualifying for inclusion in the district shall be those within the current CB district on the date of adoption, or other lands within areas mapped as rural communities, residential transition, village, village expansion, or urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. Locations not meeting county criteria may be permitted if all water and sewage disposal facilities are approved by health official prior to approval of rezoning or special use permit. The minimum area required to create a district shall be one (1) acre of total contiguous land.

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.

(d) Bed and Breakfast Inn.

- ~~(e)~~ (e) Business or trade school.
- ~~(e)~~ (f) Cabinet shop, furniture, upholstery, craft industry of less than one thousand two hundred (1,200) square feet.
- ~~(f)~~ (g) Cemetery.
- ~~(g)~~ (h) Church.
- ~~(h)~~ (i) Civic club.
- ~~(i)~~ (j) Community center.
- ~~(j)~~ (k) Conference or training center.
- ~~(k)~~ (l) Crematorium.
- ~~(l)~~ (m) Custom meat cutting, processing and sales (excluding slaughtering).
- ~~(m)~~ (n) Data Pole.
- ~~(n)~~ (o) Day care facility.
- ~~(o)~~ (p) Farm machinery sales and service.
- ~~(p)~~ (q) Financial services.
- ~~(q)~~ (r) Fire, police, rescue facility.
- ~~(r)~~ (s) Funeral home.
- ~~(s)~~ (t) Garden center.
- ~~(t)~~ (u) General, convenience store less than three thousand (3,000) square feet, without motor fuel sales.
- ~~(u)~~ (v) Homeless shelter.
- ~~(v)~~ (w) Library.
- ~~(w)~~ (x) Medical care facility.
- ~~(x)~~ (y) Office, administrative, business or professional less than three

thousand (3,000) square feet.

~~(y)~~ (z) Park, unlighted.

~~(z)~~ (aa) Park and ride lot, of fifty (50) or fewer spaces.

~~(aa)~~(bb) Pet, household.

~~(ab)~~(cc) Post office.

~~(ae)~~(dd) Printing service.

~~(ad)~~(ee) Public use, public facility.

~~(ae)~~(ff) Public utility lines, other.

~~(af)~~(gg) Public utility lines, water or sewer.

~~(ag)~~(hh) Restaurant.

~~(ah)~~(ii) Retail sales and services less than three thousand (3,000) square feet.

~~(ai)~~(jj) Roadside stand.

~~(aj)~~(kk) School.

~~(ak)~~(ll) School of special instruction.

~~(al)~~(mm) 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) Camp ground.

~~(d)~~ (e) Contractors service establishment.

(f) Country Inn.

~~(e)~~ (g) Convenience store less than three thousand (3,000) square feet, with motor fuel sales.

~~(f)~~ (h) Dwelling, single-family or two-family.

~~(g)~~ (i) Feed and seed store and mill.

~~(h)~~ (j) Golf course.

~~(i)~~ (k) Golf driving range.

~~(j)~~ (l) Kennel, commercial.

- ~~(k)~~ (m) Mini-warehouse.
- ~~(l)~~ (n) Park and ride lot of more than fifty (50) spaces.
- ~~(m)~~ (o) Public utility plant, other.
- ~~(n)~~ (p) Public utility substation.
- ~~(o)~~ (q) Public utility plant, water or sewer.
- ~~(p)~~ (r) Recreation establishment.
- ~~(q)~~ (s) Recycling facility.
- ~~(r)~~ (t) Stone engraving and sales.
- ~~(s)~~ (u) Telecommunications facility, micro wireless.
- ~~(t)~~ (v) Telecommunications facility, small cell.
- ~~(u)~~ (w) Telecommunication tower, freestanding.
- ~~(v)~~ (x) Transition house.
- ~~(w)~~ (y) Truck, trailer sales, service, rental and repair with outside operations.
- ~~(x)~~ (z) Veterinary practice, animal hospital.

5. *Lot requirements.*

- ~~(a)~~ *Minimum lot area.* Twenty thousand (20,000) square feet for lots sharing access with another lot and connected to public water or sewer, one (1) acre otherwise, except for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.
- ~~(b)~~ *Lot access.* Lots shall be accessed from a shared access drive connected to a road in the VDOT system wherever possible. Access roads shall be hard-surfaced roads designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshal. Lot access for CB uses shall avoid impacting residential subdivisions with primary access and through traffic.
- ~~(c)~~ *Minimum width.* Seventy-five (75) feet for lots sharing access with another lot, one hundred fifty (150) feet otherwise. Width requirements for public utility or public water or sewer installations which shall be in accordance with the Montgomery County Subdivision Ordinance.
- ~~(d)~~ *Maximum floor area ratio.* 0.40.
- ~~(e)~~ *Maximum coverage by buildings.* Forty (40) percent.
- ~~(f)~~ *Total impervious surface.* The total impervious surface located on a

lot shall not exceed seventy-five (75) percent of the gross site area.

6. *Building requirements.*

~~(a)~~ *Minimum yards.*

- (1) *Front.* Fifty (50) feet when any off-street parking is in front of building and opposing street frontage is residential district; thirty-five (35) feet otherwise. Fifteen (15) feet when no off-street parking is in front of building.
- (2) *Side.* Forty (40) feet when adjacent lot is residential district; ten (10) feet otherwise.
- (3) *Rear.* Forty (40) feet when adjacent lot is residential district; ten (10) feet otherwise.

~~(b)~~ *Maximum building height.* Thirty-five (35) feet (reference subsection (4) for exception).

7. *Use limitations.*

~~(a)~~ *Screening and landscaping.* Notwithstanding other buffer, landscaping and screening requirements of this chapter, outside storage areas for materials, equipment or trash are accessory uses, may not exceed forty

(40) percent of building area, must be located in side or rear yards adjacent to building, and must be screened from view of adjacent streets or adjacent land.

~~(b)~~ *Off-street parking and loading.*

- (1) Off-street parking permitted in required setback.
- (2) Must be provided in accordance with section 10-44.

~~(c)~~ *Indoor/outdoor operations.* All repair and service operations must take place within a completely enclosed building, unless permission for outside operations is specifically granted by the board of supervisors in a special use permit.

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

1. *Purpose.* This district is established to provide for the development of planned residential communities that incorporate a variety of housing options as well as commercial and office uses. This district is intended to allow greater flexibility than is generally possible under conventional zoning district

regulations. This district is intended to encourage ingenuity, imagination, and high quality design on the part of the developer. The end result of design is to support a superior neighborhood environment and promote a sense of community. The protection of important natural and cultural resources is to be accomplished in exchange for development flexibility and economies. Design must have equal or less impact on surrounding areas than a standard residential district.

2. *Qualifying lands.* Lands qualifying for inclusion in the district shall be PUD-RES on the date of passage of this chapter, or other lands within areas mapped as village, village expansion, urban development area, or urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be ten (10) net acres of total contiguous land in the urban expansion area and five (5) net acres in the village or village expansion area.
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:
 - (a) Bed and Breakfast Inn.
 - ~~(a)~~ (b) Cemetery.
 - ~~(b)~~ (c) Church.
 - ~~(c)~~ (d) Civic club.
 - ~~(d)~~ (e) Conference or training center.
 - ~~(e)~~ (f) Congregate care facility.
 - ~~(f)~~ (g) Convenience store, without motor fuel sales.
 - ~~(g)~~ (h) Day care center.
 - ~~(h)~~ (i) Dwelling, multifamily (apartment).
 - ~~(i)~~ (j) Dwelling, single-family.
 - ~~(j)~~ (k) Dwelling, single-family attached (townhouse).
 - ~~(k)~~ (l) Dwelling, two-family (duplex).
 - ~~(l)~~ (m) Financial services.
 - ~~(m)~~ (n) Fire, police and rescue station.
 - ~~(n)~~ (o) Funeral home.
 - ~~(o)~~ (p) Golf course.
 - ~~(p)~~ (q) Home occupation (new).
 - ~~(q)~~ (r) Library.

- ~~(r)~~(s) Medical care facility.
- ~~(s)~~(t) Mobile home, Class A.
- ~~(t)~~(u) Nursing home.
- ~~(u)~~(v) Office, administrative, business or professional.
- ~~(v)~~(w) Park, lighted or unlighted.
- ~~(w)~~(x) Park and ride lot, of fifty (50) or fewer spaces.
- ~~(x)~~(y) Pet, household.
- ~~(y)~~(z) Playground, lighted or unlighted.
- ~~(z)~~ (aa) Post office.
- ~~(aa)~~ (bb) Public utility lines, other.
- ~~(ab)~~(cc) Public utility lines, water or sewer.
- ~~(ae)~~(dd) Recreation establishment.
- ~~(ad)~~(ee) Recycling collection point.
- ~~(ae)~~(ff) Restaurant with gross floor area of less than two thousand (2,000) square feet.
- ~~(af)~~(gg) Retail sales and services.
- ~~(ag)~~(hh) School.
- ~~(ah)~~(ii) Senior living facility.
- ~~(ai)~~(jj) Solar energy system, minor.
- ~~(aj)~~(kk) Telecommunication tower, attached.
- ~~(ak)~~(ll) Urban agriculture (subject to the requirement of section 10-41(19) of the county zoning ordinance).

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) Mitigation bank.
- (c) Public use, public facility.
- (d) Solar energy system, major.

5. Lot requirements.

(a) *Minimum lot area, density.*

- (1) Lot area shall be determined by designation of one (1) or more base district (article II) designations on each land bay in the approved concept development plan. Variations from base district lot area may be permitted by the board of supervisors in cases where amenities and open space quantities in excess of zoning ordinance minimum requirements are provided as part of approval of the concept development plan.
- (2) Density shall be a maximum of four (4) dwelling units per net residential acre in urban expansion areas and three (3) dwelling units per net residential acre in village or village expansion areas.

(b) *Lot access.* Lots shall be accessed from a road in the VDOT system or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator and the fire marshal. For additional standards see subsection (g).

(c) *Maximum coverage by buildings.* Twenty (20) percent.

(d) *Minimum width.* Minimum width shall be determined by designation of a base district designation on each land bay in the approved concept development plan.

(e) *Maximum coverage of impervious surface.* The maximum coverage of impervious surface on a lot shall be determined as part of the approved concept development plan.

6. Building requirements.

(a) *Minimum yards.* Yards shall be determined by designation of a base district designation on each land bay in the approved concept development plan.

(b) *Maximum building height.* Thirty-five (35) feet in height unless authorized by special use permit.

(c) *Variations permissible.* Variations from base district width, setback and or yards may be permitted by and at the sole discretion of the board of supervisors in cases where amenities and open space quantities in excess of zoning ordinance minimum requirements are provided as part of approval of the concept development plan and where intent of provisions of subsection (g) are met.

7. *Use limitations.*

- (a) *Public water and wastewater service.* Public water and wastewater services are required for all development in the PUD-RES district.
- (b) *Off-street parking and loading.* Off-street parking and loading must be provided in accordance with section 10-44.
- (c) *Commercial and/or office criteria.*
 - (1) The maximum area for commercial and/or office uses shall be ten (10) percent of the net area of the project.
 - (2) Commercial and office uses shall be screened and landscaped as for base districts in accord with the buffer/landscape matrix.
 - (3) Construction of commercial and office uses shall not begin until twenty-five (25) percent of the residential units or two hundred twenty (220) dwelling units, whichever is less, of the total project have been issued certificates of occupancy.
 - (4) Safe and convenient pedestrian access is required between the residential, commercial, and office uses within the project.
 - (5) Commercial and office uses shall be oriented away from adjoining residential uses and access shall avoid impact on residential subdivisions from primary access and through traffic.
 - (6) Lighting shall be designed and arranged to be oriented away from adjacent residential uses.
- (d) *Open-space criteria.*
 - (7) A minimum of twenty (20) percent of the total gross area of the development shall be reserved as common open space and/or recreational areas.
 - (8) A minimum of twenty thousand (20,000) square feet of usable, active recreation space shall be contiguous. Trails and walkways shall not be included in this calculation.
 - (9) Common open space shall not include existing and/or proposed street rights-of-way, parking areas as required or established under a county ordinance, driveways, or sites reserved for places of religious assembly.
 - (10) Common open space shall be arranged in a fashion to allow all residential areas within the development pedestrian access to the open space.
 - (11) A minimum of thirty (30) percent of the common open

space should be suitable for active recreational usage such as playgrounds, ballfields, bike paths, and trails. Suitable active open space should be of usable size, shape, location, and topography. A minimum of two hundred dollars (\$200.00) per dwelling unit (1997 dollars) shall be expended on active recreation facilities not including site preparation.

(e) *Width, setbacks and yards.*

(12) Minimum requirements for width, setbacks and/or yards other than as for base districts, and as established in subsection (f), shall be specifically established during the review and approval of the concept development plan. The following guidelines shall be used in establishing any width, setback and/or yard building spacing variations from requirements of subsection (f). Variations shall not:

- a. Impair safety from the standpoint of fire and rescue access to properties;
- b. Increase danger or probability of accidents involving vehicles and/or pedestrians;
- c. Be done with the major purpose to decrease development costs;
- d. Be done when the effect is to decrease privacy, adequacy of light and air, or buffering beyond base district regulations' effects; and
- e. Abrogate the principal that sides of structures located on and backing up to the outer perimeter of the project shall conform to the setback and yard requirements of the adjoining district or the setbacks established in the project, whichever is greater.

(f) *Streets.*

(13) Streets serving single-family attached dwellings, multifamily dwellings, commercial and office uses may be dedicated to public use or may be retained under private ownership. Not more than three (3) single-family dwellings may be served by a single pipestem access easement or driveway directly connected to a public street.

(14) Public streets shall be designed and constructed in accordance with the minimum standards of the Virginia Department of Transportation.

(15) Privately owned and maintained streets may be approved, provided:

- a. All parking is off-street and designated areas of off-street parking are provided that are in excess of and complementary to private driveways;
- b. A plan is submitted and approved for school bus pick up and drop off areas for property owners abutting the private street;
- c. A plan is submitted and approved for emergency access, snow clearance and postal delivery for all property owners abutting the private street;
- d. The private streets are not through streets;
- e. The private streets are developed to a pavement section equal to VDOT standard for the projected traffic volume and to a geometric standard meeting county requirements.
- f. The minimum width of the streets is eighteen (18) feet or wider exclusive of any on-street parking based on the projected vehicle trips per day for the streets;
- g. The right-of-way for all private streets shall be dedicated to the PUD homeowners association; and
- h. Deeds for property abutting the private street must state that the street is private and will not be maintained by the state or county. If the property owners association officially petitions to dedicate the necessary right-of-way to the state or county it must be at no cost to the state or county and the association shall pay the full cost to bring the street up to state standards.

Sec 10-41 Supplemental District Regulations

1. Accessory uses and structures.

- (a) Accessory uses and structures are permitted in connection with, and incidental and subordinate to a permitted principal use or structure and in compliance with all other provisions of this chapter. Accessory structures shall not exceed the square footage or height of the principal structure unless authorized by special use permit.
- (b) Residential accessory uses and structures shall be limited to the following and to any other use or structure the zoning administrator

determines to be similar in scope, size and impact as those listed herein, and are in compliance with all other provisions of this chapter:

- (1) Above ground deck.
- (2) Clothesline.
- (3) Fence or wall.
- (4) Freestanding air conditioning unit.
- (5) Parking for motor vehicles, subject to subsection (14).
- (6) Patio, porch, gazebo.
- (7) Pet houses and pens.
- (8) Play equipment and playhouses.
- (9) Private garage, carport for personal, non-commercial use and shall be subordinate to principal structure unless authorized by special use permit.
- (10) Private greenhouse.
- (11) Private swimming pool.
- (12) Private tennis court or outdoor recreational court.
- (13) Radio or satellite antennas, freestanding or on roof, setback from required yards a minimum of one (1) foot for each one (1) foot in height
- (14) Storage shed for personal, noncommercial use, and clearly subordinate to principal structure.
- (15) Studios and workshops without outdoor display for personal use, and clearly subordinate to principal structure.
- (16) Accessory dwellings in accord with subsection (2).
- (17) Solar energy system, accessory use.
- (18) Enclosed areas devoted to collection of recyclable materials generated by the principal use.
- (19) Bus shelter or bus stand.

(c) Commercial and industrial accessory uses and structures shall be limited to the following and to any other use or structure the zoning administrator determines to be similar in scope, size and impact as those listed herein, and are in compliance with all other provisions of this chapter:

- (1) Dumpsters and dumpster pads.

- (2) Emergency power generators.
- (3) Fence or wall.
- (4) Freestanding air conditioning unit.
- (5) Parking uses and structures. Parking uses in the Community and General Business Zoning Districts shall be limited to the personal non-commercial vehicles driven by property owners, tenants who live on premises and their guests, the employees who work on site or the customers who patronize the business and to commercial vehicles weighing less than five (5) tons GVW that are owned and associated with the business. The parking or storing of commercial vehicles weighing over five (5) ton GVW or semitrailers associated or not associated with the business shall only be permitted pursuant to a special use permit authorized by the Board of Supervisors.
- (6) Recycling facilities, in accord with subsection (7).
- (7) Storage sheds, clearly subordinate to principal structure.
- (8) Stormwater management facilities, BMP facilities.
- (9) Bus shelter or bus stand.
- (10) Accessory living quarters for watchman, guard or custodian.
- (11) Sculpture, fountain, etc., clearly subordinate to principal structure.
- (12) Solar energy system, accessory use.

(d) Use limitations:

- (1) Accessory structures shall be located on the same lot as the principal use or structure, except in the A-1 agricultural and C-1 conservation districts.
- (2) Accessory structures shall be included in the calculations for height, bulk and coverage as required by this chapter.
- (3) Except as otherwise permitted herein and subject to subsection (8), no accessory use or structure shall be located in a required yard.
- (4) No accessory use or structure shall create a nuisance or hazard.
- (5) No accessory use or structure shall be used as a dwelling or for lodging purposes, except for living quarters for guards or custodians as provided for in subsection (3)10. above.
- (6) Home occupation uses shall comply with the provisions of subsection (4).

- (7) Accessory uses and structures shall be operated and maintained under the same ownership as the principal use.
- (8) No accessory uses or structures shall be established until the principal use or structure is established except in the A-1 agricultural and C-1 conservation districts.

2. *Accessory dwellings.* Accessory dwellings are permitted as rental units for tenants as an accessory use in the A-1 Agricultural District, C-1 Conservation District, R-Rural Residential, R-1 Residential District, R-2 Residential and R-3 Residential Districts, subject to all applicable district regulations of this chapter, the issuance of a zoning permit and the following additional restrictions:

- (a) In the A-1 Agricultural District and the C-1 Conservation District, accessory dwellings which are a detached structure not within the same structure as the principal dwelling are permitted provided that:
 - (1) The accessory dwelling shall be located on a parcel not less than five (5) acres. For parcels with more than one (1) accessory dwelling, not more than one (1) additional accessory dwelling unit is permitted per each twenty (20) acres on any single parcel, in addition to the principal dwelling. Accessory dwellings shall not include duplex unit types.
 - (2) The accessory dwelling shall not exceed two thousand (2,000) square feet in floor area, except that dwellings exceeding that floor area constructed prior to adoption of this chapter may be used for tenant purposes, but may not be expanded for such purposes.
 - (3) The accessory dwelling may be permitted to have its own electrical service meter if the structure meets the dwelling unit separation requirements of the Virginia Uniform Statewide Building Code.
- (b) In the A-1 Agricultural District and the C-1 Conservation District, accessory dwellings which are within the same structure as the principal dwelling are permitted provided that:
 - (1) The accessory dwelling and principal dwelling shall be located on a parcel not less than two (2) acres.
 - (2) The accessory dwelling shall not exceed two thousand (2,000) square feet in floor area, but may contain all aspects of a separate dwelling unit including kitchen, bathroom, and bedroom facilities.

- (3) No accessory dwelling shall be established without prior written approval from the Virginia Department of Health as to the location and area for both the original and reserve drain fields and that the drain fields are adequate to serve both the main dwelling and the accessory dwelling.
 - (4) No accessory dwelling shall be established without first obtaining a building permit to ensure compliance with building code requirements.
 - (5) Not more than one (1) accessory dwelling shall be permitted within any single family principal dwelling and the accessory dwelling shall not have its own electrical service meter.
- (c) In the R-Rural Residential, R-1 Residential, R-2 Residential and R-3 Residential Districts, accessory dwellings are permitted provided that:
- (1) An accessory dwelling that is a detached, separate structure from the principal use shall be located on a parcel of no less than one (1) acre, and no more than one (1) accessory dwelling is permitted per parcel, in addition to the principal dwelling.
 - (2) An accessory dwelling that is contained within the principal structure may be located on a parcel of no less than one-half ($\frac{1}{2}$) acre, and no more than one (1) accessory dwelling is permitted per parcel, in addition to the principal dwelling.
 - (3) No accessory dwelling shall exceed one thousand two hundred (1,200) square feet in floor area.
 - (4) No less than one (1) additional off-street parking space must be provided for the accessory dwelling; such parking shall not be located in the front yard except on an existing driveway.
 - (5) Under no circumstances shall there be a total of more than two (2) dwelling units on any single parcel.

Temporary Family Health Care Structures. Subject to requirements imposed upon other authorized accessory structures a temporary family health care structure, shall be a permitted accessory use on any property zoned for a single family detached dwelling owned or occupied by a caregiver as his or her residence subject to the following:

- (a) Only one (1) temporary family health care structure (the structure) shall be allowed on a lot or parcel of land and shall be limited to one (1)

occupant who shall be the mentally or physically impaired person or in the case of a married couple, two (2) 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 Section 63.2-2300 of the 1950 Code of Virginia, as amended, as certified in writing by a physician licensed in the Commonwealth.

- (b) The structure shall have a maximum gross floor area of three hundred (300) square feet.
- (c) The structure shall comply with applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code.
- (d) The structure shall not be placed on a permanent foundation.
- (e) The structure shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
- (f) No signage that advertises or promotes the structure shall be permitted on the exterior of the structure or elsewhere on the property.
- (g) Written certification verifying the status of the mentally or physically impaired occupant of the structure shall be provided by a physician licensed by the Commonwealth.
- (h) Evidence of compliance with this Section must be provided annually on the anniversary date of the initial zoning approval, including a current written certification by a physician licensed by the Commonwealth.
- (i) The structure shall be removed within sixty (60) days of the date on which the structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance for which the structure was provided.

For Purposes of this Section Temporary Family Health Care Structure shall mean a transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, (caregiver and mentally or physically impaired are defined in §15.2-2292.1 of the 1950 Code of Virginia, as amended) that is primarily assembled at a location other than its site of installation.

3. *Temporary uses and permits.* The following temporary activities and activities of a similar nature, subject to the conditions and restrictions set forth herein, may be approved by the zoning administrator in any zoning district through the issuance of a temporary commercial activity permit when, in the sole judgment of the zoning administrator, the public health, safety and welfare will not be

impaired, and when the use is not so recurring in nature as to constitute a permanent use requiring and approved site plan.

(a) *General standards.* All temporary uses shall meet the following restrictions:

(1) Structures shall not exceed four hundred (400) square feet in floor area nor be closer than thirty (30) feet to a public road right-of-way.

(b) *Carnivals, circuses, fairs, athletic tournaments and similar activities.* Carnivals, circuses, fairs, athletic tournaments and similar activities are permitted subject to chapter 5, article II of the Montgomery County Code.

(c) *Other conditions.* The zoning administrator may impose additional conditions on any temporary use or activity if the administrator deems such conditions necessary to alleviate or prevent any adverse impacts, including but not limited to limitations or requirements regarding noise, hours of operation, wastewater disposal, outdoor lighting and security measures.

(d) *Construction activities.* Temporary buildings and storage of materials necessary to support on-site activities for constructing buildings and structures are permitted when located on the same parcel where the construction is taking place and when limited to the duration of the construction.

4. *Home occupations and home businesses.* Home occupations and home businesses, as defined in article VI of this chapter, are permitted in certain districts as provided herein, subject to the following requirements:

(a) Members of the family residing on the premises are permitted to be engaged in such occupation or business.

(b) For activities meeting the definition of home business, in addition to family members residing on the premises, up to two (2) nonresident, nonfamily employees (equivalent to two (2) full-time workers at forty (40) hours per week) shall be permitted, subject to one (1) additional off-street parking space being provided for each such employee. Such parking space(s) shall not be located in the required front yard, unless located on an existing driveway.

(c) The use of the dwelling for the home occupation or business shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. The area used for the home occupation or

business shall not exceed an amount equal to twenty-five (25) percent of the gross floor area of the dwelling unit.

- (d) No change shall be made to the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of the home occupation or business, other than one (1) nonilluminated sign, not exceeding four (4) square feet in area on each side.
- (e) No traffic shall be generated by such home occupation or business in greater volumes than would normally be expected from a residential use. Any need for parking generated by the conduct of the home occupation or business shall be met by off-street parking other than in a required front yard unless located on an existing driveway.
- (f) No on-site retail sales, other than of items hand-crafted on the premises, nor personal services that generate traffic to the site in excess of what would normally be expected from a residential use, shall be permitted.
- (g) No equipment or process used in such home occupation or business shall create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses or use of radio, TV or telephone equipment off the lot or in adjacent dwelling units.

5. *Bed and breakfast establishments and rural lodging establishments.*

The following establishments are permitted subject to all applicable district regulations of this chapter and the issuance of a zoning permit:

~~(a) Bed and breakfast homestay.~~

- ~~(1) The owner of the premises shall reside in and manage the establishment.~~
- ~~(2) The establishment shall not contain restaurant facilities, but may provide food service for transient, overnight guests only.~~
- ~~(3) Up to five (5) guest rooms may be provided for paying guests.~~
- ~~(4) Outdoor events such as weddings, receptions, and similar activities may be conducted for compensation subject to the provisions for temporary uses set forth in subsection (3).~~

~~(b) (a) Bed and breakfast inn.~~

- (1) The owner or manager shall provide full-time management of the establishment at all times when the facility is occupied by one (1) or more guests.
- (2) The establishment shall not contain restaurant facilities, but

may provide food service for transient, overnight guests only.

(3) The establishment shall meet all requirements, for the Virginia Department of Health for food service as outlined in 12 VAC 5-421 et seq.

(4) The establishment shall meet all requirements for fire safety as outlined in the Virginia State Fire Prevention Code.

~~(3)~~(5) Up to fifteen (15) guest rooms may be provided for paying guests.

~~(4)~~(6) Outdoor events such as weddings, receptions, and similar activities may be conducted for compensation subject to the provisions for temporary uses set forth in subsection (3).

~~(5)~~(7) The establishment shall be located on a public road, and the site shall have safe access from the public road.

~~(e)~~ (b) *Country Inn.*

(1) The owner or manager shall provide full-time management of the establishment at all times when the facility is occupied by one (1) or more guests.

(2) The establishment may contain full-service restaurant facilities that provide meal service to guests and to the general public.

(3) The establishment shall meet all requirements, for the Virginia Department of Health for food service as outlined in 12 VAC 5-421 et seq.

(4) The establishment shall meet all requirements for fire safety as outlined in the Virginia State Fire Prevention Code.

~~(3)~~ (5) Up to thirty (30) guest rooms may be provided for paying guests.

~~(4)~~ (6) Outdoor events such as weddings, receptions, and similar activities may be conducted for compensation subject to the provisions for temporary uses set forth in subsection (3).

~~(5)~~ (7) The establishment shall be located on a public road, and the site shall have safe access from the public road.

~~(e)~~ (c) *Rural resort.*

(1) The establishment shall be located on parcels no less than twenty-five (25) acres, of which no less than eighty (80) percent of the site shall remain in open space uses.

(2) The establishment may contain full-service restaurant

facilities that provide meal service to guests and to the general public.

- (3) The establishment shall meet all requirements, for the Virginia Department of Health for food service as outlined in 12 VAC 5-421 et seq.
- (4) The establishment shall meet all requirements for fire safety as outlined in the Virginia State Fire Prevention Code.
- ~~(3)~~ (5) More than thirty (30) guest rooms may be provided for paying guests.
- (4) (6) All new buildings, active recreational areas, parking and lighted areas shall be set back a minimum of two hundred (200) feet from adjacent properties.
- ~~(5)~~ (7) The establishment shall be located on a public road, and the site shall have safe access from the public road.
- ~~(6)~~ (8) Parking for the bed and breakfast inn shall be located in driveways and other designated approved parking areas. The parking of vehicles is prohibited in or along all rights-of-way and in yards

6. Short Term Tourist Rentals. Short Term Tourist Rentals are permitted subject to all applicable district regulations of this chapter and the issuance of a zoning permit:

- (a) The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Virginia Department of Health.
- (b) Parking for the short-term tourist rental shall be located in driveways and other designated approved parking areas. The parking of vehicles is prohibited in or along all rights-of-way and in yards.
- (c) Property boundaries, or limitations within the property's boundaries where transient guests are allowed, must be clearly marked at all times.
- (d) There shall be no visible evidence of the conduct of such short-term tourist rentals on the outside appearance of the property.
- (e) There shall be no signage identifying the use as a short-term tourist rental.
- (f) The short-term tourist rental shall meet all requirements for fire safety as outlined in the Virginia State Fire Prevention Code.
- (g) A property management plan demonstrating how the short-term tourist rental will be managed and how the impact on neighboring properties will be minimized shall be submitted for review and

approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants and utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to County staff, public safety officials and, if applicable, the HOA/POA of the subdivision. The plan must be provided as part of the rental contract.

- (h) If the property is located within a subdivision governed by a homeowners' association/property owners' association, the Planning Department must receive a written recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental.
- (i) The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood.
- (j) A copy of Section 7, Article 4 of the Montgomery County Code relative to noise must be provided at the short-term tourist rental.
- (k) The short-term tourist rental shall provide a connection to local phone service.
- (l) All outdoor burning shall be done in compliance with Section 4, Article 1 of the Montgomery County Code.

6. 7. Recycling and solid waste collection facilities.

a. *Recycling and solid waste collection points shall be subject to the following restrictions:*

- i. The facility shall be set back a minimum of fifty (50) feet from the right-of-way of any public street or any lot zoned, used or planned for residential purposes.
- ii. Collection sites shall be maintained free of litter, shall be cleaned of debris on a daily basis.
- iii. All facilities shall be screened from the view of abutting residential uses or districts by fences and landscaping conformance with the requirements of section 10-44(3) of this chapter for light industrial uses abutting a residential use.
- iv. Containers shall be at least one hundred fifty (150) feet from any residential dwelling.
- v. No hazardous or toxic materials shall be accepted or permitted at such sites.
- vi. No noxious odors shall be emitted beyond the boundaries of the facility.

b. Other recycling and solid waste collection facilities shall be subject to

additional conditions as may be imposed by the county through the special use permit process.

7. 8. *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:
 - i. Fences, provided that no fence in a front yard of a residential district shall exceed four (4) feet in height.
 - ii. Ground level terraces, patios or decks not over thirty (30) inches high which do not include a permanently roofed-over terrace or porch.
 - iii. Awnings or canopies provided they do not project more than eight (8) feet from the existing building face.
 - iv. Bay windows and overhanging eaves or gutters projecting no more than four (4) feet into the yard.
 - v. 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.
 - vi. 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.
 - vii. 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.
 - viii. Flag poles.
 - ix. Recreational equipment, provided that such equipment does not reduce the width of the yard to less than three (3) feet.
 - x. Telecommunications facility, micro wireless.
 - xi. Telecommunications facility, small cell.

- b. For any yard in a residential district, except front yards, the following structures shall be permitted, provided applicable sight distance and fire safety requirements are met and maintained:
 - i. Clotheslines.
 - ii. Fences shall not exceed eight (8) feet in height in residential areas.

- iii. Balconies projecting a maximum of four (4) feet provided they do not reduce the width of the yard to less than three (3) feet.
- iv. Air conditioners rated at twenty-four thousand (24,000) BTU or less which do not discharge air within six (6) feet of any lot line, and air conditioners greater than twenty-four thousand (24,000) BTU which do not discharge air within twelve (12) feet of any lot line.
- v. In conjunction with single-family dwellings only, small sheds, pet houses and pens, provided that such structures:
 - a. Are not in excess of one hundred fifty (150) square feet in floor area.
 - b. Not in excess of twelve (12) feet in height.
 - c. At least fifty (50) feet from any street right-of-way or private access easement at the front of the lot.
 - d. At least twenty (20) feet from any street right-of-way or private access easement at the rear of the lot.
- vi. Decks exceeding thirty (30) inches in height may be permitted in rear yards provided that they are no closer than twenty (20) feet to a property line.

8. 9. Condominium conversion. In all zoning districts, a structure or use may convert to condominium ownership only if all requirements of this zoning ordinance, the subdivision ordinance, the comprehensive plan, and all other applicable ordinances can be met. There shall be no vested right to convert to condominium ownership without such conformance, however, conversion may be allowed without such conformance with a special use permit, or, if otherwise authorized, a variance.

9. 10. Number of dwelling units per parcel. Except as provided for in the provisions for accessory dwelling units in section 10-41(2) and for multifamily or condominium dwellings as provided herein, no greater than one (1) dwelling unit shall be permitted per parcel for single-family residential uses.

40. 11. Visibility at intersections.

- a. For protection against traffic hazards, no sign, fence, wall, hedge, planting or other obstruction to vision extending to a height in excess of three (3) feet above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and straight line connecting them at points a distance of twenty (20) feet from the intersection of the street lines.

- b. Exceptions to the above requirements may be permitted by the zoning administrator when terrain features present substantial obstacles to provision and maintenance of such visibility triangles, but in such cases, the minimum clearance required shall be the maximum which is reasonably practicable to provide and maintain in the sole determination of the zoning administrator.
41. 12. *Interparcel connections.* In every district, projects shall be laid out so as to provide vehicular interparcel connections with surrounding properties, in a location and design consistent with this chapter and the comprehensive plan, provided that the zoning administrator determines that such connections will not promote inappropriate cut-through traffic inconsistent with the design and function of the roadway and adjacent land uses in the district.
42. 13. *Storage of inoperable vehicles.*
- a. Inoperable vehicles shall be permitted to be stored only in a lawful motor vehicle graveyard or in a lawful, licensed motor vehicle repair facility.
 - b. Not more than one (1) inoperable vehicle may be parked outside a building at any time in any residential or agricultural district.
43. 14. *Limitations on vehicles and parking in residential districts.*
- a. Parking areas in front yards shall be limited to the area contained in paved or gravel driveways.
 - b. Parking of not more than one (1) commercial vehicle associated with an approved home occupation or home business shall be permitted, provided that such vehicles shall not include any tractor trailer or vehicle exceeding one and one-half (1½) ton capacity. Parking for such vehicles shall not be in any required front or side yard.
 - c. Parking of small cargo trailers and recreational vehicles or equipment in a residential district including but not limited to boats, boat trailers, camping trailers, travel trailers, motorized dwellings, tent trailers, houseboats and horse vans, are subject to the following limitations:
 - i. Such equipment shall not be used for living, sleeping or other occupancy when parked or stored on a residential lot or in any other location not approved for such occupancy use.
 - ii. Such equipment six (6) feet or more in average height, not parked or stored in a garage, carport or other structure, shall not be located in any required front or side yard and shall be located at least three (3) feet from all buildings.
 - d. Outdoor storage or overnight parking of buses, trucks or other vehicles exceeding one and one-half (1½) ton capacity shall not be permitted in

residential districts on lots of less than two (2) acres.

44. 15. Screening of storage containers. Storage containers used for shipping purposes or truck compartments or trailers shall be screened from view of public rights-of-way and adjacent uses. This standard shall not apply to any lawful agricultural operation.

45. 16. Intensive agriculture.

a. *Special definitions for this subsection.*

Livestock: All domestic or domesticated bovine animals, including but not limited to cattle, equine animals including horses, ovine animals including sheep, porcine animals including hogs.

Intensive agriculture: Intensive agriculture involves the raising, breeding and keeping of animals in concentrated, confined conditions, which may include such operations as swine, veal, sheep; houses and pens for poultry or other fowl; feed lots for beef, dairy cattle, swine, sheep and other animals; livestock markets and pet farms.

Intensive agriculture facility (also "livestock facility"): An intensive agriculture facility is any enclosed field, range, pen or building where three hundred (300) or more total animal units are confined or housed for either more than forty-five (45) consecutive days or more than ninety (90) total days in any part of any twelve-month period, and crops, vegetation, forage growth or post-harvest residues are not sustained over any significant portion of such field, range, pen, or building. Any poultry operation containing ten (10) or more animal units in a single enclosed field, range, pen or building, or twenty (20) or more animal units on a single tract.

Equivalent of 300 animal units:

- 300 slaughter or feeder cattle
- 750 swine
- 150 horses
- 3,000 sheep or lambs
- 200 mature dairy cattle
- 16,500 turkeys

- 30,000 laying hens or broilers

Livestock, dairy, poultry structure: Any building, structure, installation, storage container, or storage site used in the operations of an intensive livestock, dairy or poultry facility, including, but not limited to, feed storage bins, litter storage sites, incinerators, manure storage sites, swine or poultry house, livestock or poultry disposal pits and dead livestock or poultry cold storage chests.

Livestock raiser, dairy operator, poultry grower: The owner or operator of the livestock, dairy or poultry facility, or the land on which such facility is located.

Existing dwelling: A residential dwelling which is occupied or suitable for occupancy or which has been issued a building permit on or before the date a zoning permit for an intensive agricultural facility has been approved by the zoning administrator.

Existing livestock, dairy, poultry facility: An intensive agriculture facility which has been in operation for a one-year period within the five (5) years immediately preceding the date on which a zoning permit is sought for a dwelling.

Applicant: An owner, operator or potential operator of an intensive agricultural facility who submits any application associated with the requirements of this section.

- b. *Acreage requirements.* The minimum number of acres on which an intensive livestock, dairy or poultry facility may be established shall be as follows:

- Intensive poultry facility:* Fifty (50) acres or the number of acres required by the nutrient management plan as provided for in subsection (p)(7), whichever is greater.
- Intensive beef, swine or dairy cattle facility:* One hundred (100) acres or the number of acres required by the nutrient management plan as provided for in subsection (16)(g), whichever is greater.

All such acres required to meet the minimum acreage as defined in (2)a. and (2)b. for any one intensive facility or operation need not be contiguous provided that all of the minimum required acreage is in the same ownership, or the operator has a written agreement with the landowner acceptable to the county, for use and access to the land in accord with the provisions of the approved nutrient

management plan and provisions of this section.

Intensive facilities of all types which are in operation as of the effective date of this chapter which do not meet the acreage requirements set forth herein shall be considered nonconforming uses, subject to the provisions of section 10-47(4) regarding nonconforming uses.

c. *Setbacks from existing uses.* Except for existing dairy operations and beef cattle feedlot operations specified below, all intensive livestock, dairy or poultry structures, as defined herein, shall be set back from any existing use at the time of establishment of the intensive agriculture operation or facility, as follows:

- i. From an existing dwelling in the A-1 agriculture or C-1 conservation districts not owned by the operator: Three hundred (300) feet.
- ii. From an existing dwelling in a residential district: Five hundred (500) feet.
- iii. From existing churches, platted residential subdivisions, residential zoning districts, mobile home parks, schools, parks, playgrounds, incorporated towns, or public water facilities such as impoundments, wells or treatment plants: One thousand (1,000) feet.
- iv. From property lines and public rights-of-way: Three hundred (300) feet.
- v. No intensive livestock facilities or structures shall be located within the floodplain as defined herein.
- vi. From an existing river or perennial stream: Five hundred (500) feet, which may be reduced to one hundred (100) feet if a planted grass filter strip at least fifty (50) feet in width is maintained.

All existing dairy operations and beef cattle feedlot operations need not meet the above setbacks from existing uses until such time that their number of animal units confined or housed totals three hundred (300) animal units plus the average number of animal units they confined or housed during calendar year 1999. For each qualifying operation, the Virginia Cooperative Extension Service shall determine the average number of animal units confined or housed during 1999 and report this number to the board of supervisors not later than March 31, 2000.

d. *Setbacks from existing livestock, dairy or poultry facilities.* Each new

dwelling not owned by the operator shall be set back from all existing livestock, dairy or poultry structures a minimum of three hundred (300) feet.

- e. *Certified plat required.* The owner of an intensive facility completed after the effective date of this chapter shall file with the zoning administrator a plat (or similar documentation satisfactory to the zoning administrator) showing all of the parcels on which the facility is located and also showing the location of the facility within the parcel or parcels. With this plat, the owner shall submit a written statement, sworn to and subscribed before a notary public, by which the owner certified to the zoning administrator that the intensive facility shown on the plat meets all applicable setback requirements of this chapter.
- f. *Facility development plans.*
 - i. Prior to receiving a zoning permit, an applicant (operator or potential operator) shall submit to the zoning administrator a development plan which accurately shows the number, size and location of livestock, dairy or poultry structures and facilities for the subject property. Within thirty (30) days of acceptance of the plan, the zoning administrator shall review it and either approve the plan or provide the applicant with a written description of the portion(s) of the plan that do not comply with this chapter.
 - ii. The development plan shall remain in force until completion of the proposed structures or for up to five (5) years, whichever is less. Any modifications to such structures or addition of new structures shall require the same procedures as provided in section 10-41(16)(f)i.
- g. *Nutrient management plans.*
 - i. After the effective date of this chapter, no intensive facility shall commence operation until a nutrient management plan for the proposed facility has been prepared by the applicant and:
 - a. Reviewed and approved by the Virginia Cooperative Extension Service or by a person certified or employed by the Commonwealth of Virginia as a nutrient management planner.
 - b. Submitted to the zoning administrator for informational purposes.
 - ii. If off-site disposal is part of the nutrient management plan, the applicant shall provide, as part of that plan, written documentation of an agreement with the receiver of the wastes produced at the

applicant's facility or an affidavit, sworn and subscribed before a notary public, that states the applicant's commitment to dispose of the wastes through sale in retail establishments or otherwise marketing to consumers. Documentation shall specify the duration of the agreement and the nature of the application of use of the wastes.

- iii. A nutrient management plan containing such an agreement shall be valid only as long as agreement remains in force and shall be reviewed whenever such an agreement expires or is terminated by either party. The operator shall notify the zoning administrator whenever such an agreement is terminated before its stated expiration date within fifteen (15) days of such termination. The nutrient management plan shall be reviewed and updated every five (5) years by the Virginia Cooperative Extension Service or by a person certified or employed by the Commonwealth of Virginia as a nutrient management planner and by the zoning administrator, and updated by the operator as necessary to meet the requirements of this chapter.
- iv. The nutrient management plan shall provide for the safe disposal of one hundred (100) percent of the animal waste produced at the facility. Disposal or use shall be accomplished by means of land application at agronomic rates, as established by the Virginia Cooperative Extension Service or by the county. Alternative methods of disposal may be provided in the nutrient management plan subject to approval by the zoning administrator.
- v. The nutrient management plan shall take into consideration, among other things, the presence of rivers, streams and private wells, springs and sinkholes, slope, soil and geological features that may indicate a susceptibility to groundwater contamination.
- vi. Disposal of dead animals shall be provided by operator in accord with the requirements of the Commonwealth of Virginia.

~~46.~~ 17. *Prohibited use of manufactured homes.*

- a. A manufactured home shall not be used for the purpose of an accessory use, such as a separate storage facility except as permitted in subsections i and ii below.
 - i. Emergency uses of individual manufactured homes shall be allowed in all residential districts where a natural disaster or fire has destroyed or damaged normal dwellings. This emergency use would alleviate the hardships inflicted on the people involved. A temporary manufactured home permit shall be required prior to the

placement of the manufactured home and the zoning administrator shall set the time period that such use is permitted. The zoning administrator may grant one (1) extension of the time period of up to six (6) months.

- ii. Manufactured homes shall be permitted as temporary offices or storage structures (not for permanent residential use) in business, industrial or residential districts in the construction phase of buildings or other construction projects in such districts. A temporary manufactured home permit shall be required prior to the placement of the manufactured home and the zoning administrator shall set the time period that such use is permitted. The zoning administrator may grant one (1) extension of the time period of up to six (6) months.

- b. An individual manufactured home shall not be attached to another manufactured home, travel trailer or single-family dwelling.

47. 18. Private streets.

- a. *Design.* Private streets shall be hard-surfaced roads designed and certified by a professional engineer to meet current VDOT subdivision street requirements.
- b. *Entrance.* The entrance point of any private street onto a public street shall comply with applicable VDOT entrance requirements.
- c. *Subdivision ordinance.* Private streets shall comply with applicable subdivision ordinance requirements including the requirement that a statement be included on the subdivision plat and in each deed stating that the streets are private streets and that the streets do not meet state standards, if applicable, and will not be maintained by the state or county. If the property owners association officially petitions to dedicate the necessary right-of-way to the state or county then the association shall pay the full cost to bring the street up to state standards.

48. 19. Farm enterprises. Farm enterprises, as defined in Article VI of this chapter, are permitted in the A-1 Agriculture District subject to the following requirements:

- a. The gross floor area of any structure(s) devoted to the farm enterprise use shall not exceed two thousand (2,000) square feet.
- b. In addition to family members residing on the farm or the farm operators, up to two (2) nonresident, nonfamily employees (equivalent to two (2) full-time workers at forty (40) hours per week) are permitted to be engaged in the enterprise on an annual basis.

- c. Structures and parking areas shall be located at least one hundred (100) feet from any residential zoning district and adjacent dwellings, other than the owner's dwelling.
- d. At least thirty (30) percent by retail value of the products sold from the farm enterprise on an annual basis shall have been grown or produced on the farm.
- e. Hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- f. One sign shall be permitted and shall be non-illuminated and not exceed twenty (20) square feet in area.
- g. The enterprise shall have at least forty (40) feet of frontage on at least one public road. In cases where the proposed farm enterprise does not meet the minimum road frontage, the board of zoning appeals may grant a special use permit for such a use provided all parties with interest in any private access easement used to serve the farm enterprise have received notification of the request.

49. 20. *Urban agriculture.*

- a. *Residential chicken keeping* as defined in section 10-61 of this chapter, are permitted in the Residential (R-1), (R-2), (R-3), (TND) and (PUD-RES) zoning districts subject to the following requirements:
 - i. A minimum lot size of two (2) acres is required.
 - ii. The owner of the chickens must reside on the property on which the chickens are kept.
 - iii. The keeping of male chickens is prohibited.
 - iv. Chickens shall be kept within a predator-resistant coop or chicken enclosure and shall not be allowed to roam free and shall be confined to enclosure/structure.
 - v. Coops and chicken enclosures shall be located in the rear yard only and shall be setback at least fifty (50) feet from side and rear property lines. Portable coops shall not be utilized.
 - vi. Chicken enclosures shall not exceed ten (10) feet in height.
 - vii. Chicken enclosures shall be well-ventilated and kept in a condition that is conducive to the well-being of chickens at all times.
 - viii. Chickens shall be kept for the household's personal enjoyment only. On-site commercial uses such as selling eggs or chickens for meat shall be prohibited.
 - ix. Provision shall be made for the storage and removal of chicken

waste (manure). Such waste shall not create a nuisance or health hazard to adjoining property owners.

- x. All feed or other materials intended for consumption by chickens shall be kept in containers impenetrable by rodents, insects, or predators.
- xi. A zoning permit shall be obtained by the owner of the chickens.
- xii. Residential chicken keeping shall comply with chapter 3 and chapter 7, article III of the County Code.

b. *Residential beekeeping* as defined in section 10-61 of this chapter, are permitted in the residential (R-1), (R-2), (R-3), (TND) and (PUD-RES) zoning districts subject to the following requirements:

- i. A minimum lot size of one-half ($\frac{1}{2}$) acre is required.
- ii. A density of two (2) hives per one-half ($\frac{1}{2}$) acre is permitted in residential zoning districts, with an equal number of nucleus hives.
- iii. Beehives shall be located in the rear yard only and shall be setback at least twenty-five (25) feet from side and rear property lines.
- iv. Water supply for bees. Every person owning, possessing, or keeping any beehive shall maintain, within fifty (50) feet of each beehive, an adequate, accessible, and useable supply of water for the bees.
- v. Bees shall be kept for the household's personal use and enjoyment only. Onsite commercial uses such as sales of honey, beeswax, or bees shall be prohibited.
- vi. Residential beekeeping shall comply chapter 7, article III of the County Code.

~~20.~~ 21. *Amateur Radio Towers.* Amateur radio towers, as defined in Section 10-61 of this chapter, are permitted in the Agricultural (A-1), Conservation (C-1), Rural Residential (R-R), Residential (R-1), Residential (R-2), Residential (R-3), General Business (GB), Community Business (CB), Manufacturing (M-1), Manufacturing-Light (M-L), Planned Industrial (PIN), Planned Unit Development - Commercial (PUD-COM) and Planned Unit Development-Residential (PUD- RES) Districts, and permitted by special use in the Multiple-Family Residential (RM-1), Planned Unit Development-Traditional Neighborhood Development (PUD-TND), Traditional Neighborhood Development Infill and Planned Mobile Home Residential Park (PMR) Districts subject to the following requirements:

- a. Maximum height: Seventy-five (75) feet. An amateur radio tower greater than seventy-five (75) feet shall require a special use permit in all zoning

districts.

- b. The set-back requirement for the tower shall be a distance equal to the height of the tower.
 - i. Tower guys and accessory structures shall meet the minimum accessory building setback requirements of the district.
- c. Towers shall be located in the side and rear yards only.
- d. Towers shall be of a natural metal color or a non-reflective, neutral finish.

~~21.~~ 22. *Park and Ride Lot.*

- a. Park and ride lots shall be exempt from all maximum lot coverage requirements contained in this ordinance.
- b. Park and ride lots shall meet the minimum yard requirements of the zoning district in which they are located, except when adjacent to a structure used by children for school purposes, in which case the park and ride lot shall be set back a minimum of one thousand (1,000) feet from the common property line.
- c. Park and ride lots shall comply with the off-street parking and loading requirements listed in Sections 10-44(2)(c) through 10-44(2)(f).
- d. Park and ride lots shall comply with the parking lot landscaping and screening requirements listed in Section 10-43(9).

~~22.~~ 23. *Clean earth fill areas.* Clean earth fill areas as defined in Montgomery County Code, Section 10-61, Definitions, are permitted in Agricultural (A-1) Districts and shall be subject to the following requirements:

- a. Each clean earth fill area shall be only for the disposal of soil, spoil or inert waste as defined in section 10-61 of the Code. The disposal of any other materials in a fill or waste area is prohibited.
- b. No clean earth fill area shall be located within the flood hazard overlay district, except as authorized by section 10-37 of the Code. Any fill activities adjacent to rivers, stream channels, waters and other natural resources shall comply with all applicable state and federal regulations.
- c. Each active clean earth fill area shall be shaped and sloped in a manner to comply with County Code, section 7-55, Premises to be kept clear of stagnant water, drained, etc., to eliminate breeding places for mosquitoes and other insects.
- d. Prior to issuance of a permit to establish a clean earth fill area, the zoning administrator will coordinate with the program administrator to insure the proposed clean earth fill area meets the requirements of Montgomery

County Code, chapter 8, article III.

- i. In lieu of a plan or narrative, the program administrator may accept a contractual agreement between the Virginia Department of Transportation and its contractor for a public road project; provided the agreement is at least equivalent to the requirements and intent of this section.
- e. Unless authorized by the program administrator, reclamation of each clean earth fill area shall commence within seven (7) days of completion of the fill activity. Reclamation shall include:
 - i. Restoring the area to approximate natural contours; shaping and sloping the area to satisfy the requirements of requirement (v)(3) above;
 - ii. Covering the area with clean soil to a minimum depth of two (2) feet to allow for permanent stabilization and reclamation;
 - iii. Establishing a permanent vegetative ground cover; except that the program administrator may reduce the minimum depth of clean fill to one (1) foot if the area is unlikely to be redeveloped.
- f. Clean earth fill activities shall maintain a setback of fifty (50) feet from each adjacent property boundary unless the adjacent property is identified on the site plan and is in common ownership as the clean earth fill site.
- g. Clean earth fill activities involving trucks and/or other heavy construction equipment shall be limited to the hours of 7:00 a.m. to 7:00 p.m.
- h. Clean earth fill areas shall have at least forty (40) feet of frontage on a public road. In cases where the proposed clean earth fill site does not meet the required public road frontage, the applicant must demonstrate the authority to use the private road and a method to maintain the portion of the road being used for clean earth fill activities.
- i. Clean earth fill areas and the access roads thereto shall be treated or maintained to prevent dust or debris from blowing or spreading onto adjacent properties and public streets.
- j. The placement of clean earth fill shall be completed within one (1) year of its commencement, except for reclamation activities and any other activities associated with the final stabilization of the area. The zoning permit may be renewed provided the applicant demonstrates in writing that factors beyond the control of the applicant prevented the completion within the one (1) year period.
- k. Approval of a special use permit to allow a "construction debris landfill" or

a "rubble landfill", as defined in section 10-61 of the Code, is required prior to the placement of more than fifteen thousand (15,000) cubic yards of soil, spoil or inert waste on a site other than the site where the material was excavated or removed and/or for a site used longer than the one (1) year period identified above in subsection (22)(j) of these requirements.

Sec 10-61 Definitions

Add the following new definitions:

Camp, Day - A lot, tract, or parcel of land operated as a commercial or noncommercial enterprise in which facilities are provided for traditional outdoor recreation activities such as: picnicking, boating, fishing, swimming, outdoor games, sport and other activities incidental and relating to outdoor recreation activities. Day Camps do not include structures for the housing of overnight guests.

Camp, Overnight - A lot, tract, or parcel of land operated as a commercial or noncommercial enterprise in which facilities are provided for traditional outdoor recreation activities such as: camping, picnicking, boating, fishing, swimming, outdoor games, sport and other activities incidental and relating to outdoor recreation activities. The foregoing activities do not include golf, golf driving ranges, miniature golf, or mechanical amusement devices. Structures for lodging of overnight guests may be permitted on the premises.

Short-Term Tourist Rental - A single family dwelling, or portion thereof, located on an individual lot that is rented for compensation to short-term transient guests. The operator does not live on the same parcel or an adjacent parcel (also see Bed and Breakfast Inn).

Delete the following definitions:

~~*Bed and breakfast homestay:* An owner occupied single family dwelling, or portion thereof, where short-term lodging is provided, with or without meals, for compensation, to transient guests only. Meals may be provided to guests only. Up to five (5) guest rooms may be provided (also see "Bed and breakfast inn" and "Country inn").~~

~~*Camp, boarding:* As for campground, except that uses and structures shall be permitted for the lodging of guests engaged in outdoor recreation activities. Boarding camp does not mean "mobile home park" as defined herein.~~

~~*Motel:* A building, or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for motor vehicle travelers and having a parking space adjacent to each sleeping room. Includes motor lodge, tourist court, tourist cabin or motor court.~~

~~*Recreational vehicle park:* A plot of land upon which two (2) or more recreational vehicles are located, established or maintained, temporarily or otherwise, as temporary living quarters for recreation, leisure, camping or travel purposes (also see "Campground").~~

Modify the following definitions:

Bed and breakfast inn: A single-family dwelling, or portion thereof, where short-term lodging is provided for compensation to transient guests only. The operator ~~may or may not~~ lives on the premises, on the same parcel or on a contiguous parcel under the same ownership. Meals may be provided to guests only. Up to ~~fifteen (15)~~ ten (10) guest rooms may be provided (also see "Bed and breakfast homestay" and "Country inn").

Campground: A lot, ~~or tract or parcel~~ of land operated either as a commercial or non-commercial enterprise providing three or more spaces for camping and/or lodging of short term transient guests in structures such as tents, tent houses, huts, yurts, cabins, cottages, campers, recreational vehicles, or travel trailers. Campgrounds require provision of potable water and sanitary facilities. ~~in which seasonal facilities are provided for all or any of the following: camping in tents, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and related to the foregoing, but not including golf, golf driving ranges, miniature golf, mechanical amusement devices or permanent housing facilities for guests. Campground does not mean "recreational vehicle park" nor "mobile home park" as defined herein.~~

Country inn: A business which offers short term accommodations and dining in a rural area. ~~Overnight~~ A Country Inn may provide lodging of up to thirty (30) rooms for lodging is available and ~~a~~ full-service restaurant may provide meals to guests and the general public (also see "Bed and breakfast inn").

Hotel: ~~A building designed or occupied as the more or less temporary abiding place for individuals who are, for compensation, lodged with or without meals, and in which provisions may or may not be made for cooking in individual rooms or suites.~~ Hotel/Motel: any group of lodging units used for the purpose of housing short-term transient guests for compensation. Each lodging unit shall provide sleeping, toilet, and bath facilities. A hotel may include restaurants, taverns or club rooms, public banquet halls, ballrooms and meeting rooms. ~~A hotel contains a central entrance lobby and does not provide a motor vehicle parking space adjacent to each individual room as does a motel.~~

Rural resort: A private establishment consisting of a detached structure or structures located in a rural setting in which lodging of greater than thirty (30) rooms is available to short term transient guests for compensation as the principal use, ~~and which~~ A Rural Resort may include conference and meeting facilities, restaurant and/or banquet facilities and/or recreational amenities of a rural nature for guests and the general public.