



Gloucester County

Zoning Ordinance

Working Draft

Product of work to date related to reviewing and revising the definitions, use tables, district regulations, and supplemental regulations.

Print date: 12-8-22

Contents

ARTICLE 1. INTENT, TITLE, INTERPRETATION, AND ENACTMENT 1

 Section 1-1. Intent..... 1

 Section 1-2. Title..... 2

 Section 1-3. Provisions of ordinance declared to be minimum requirements. 2

 Section 1-4. Severability clause..... 3

 Section 1-5. Repeal of conflicting ordinance; effective date..... 3

ARTICLE 2. DEFINITIONS..... 4

 Section 2-1. Interpretation of term or words..... 4

 Section 2-2. Definitions..... 4

 Section 2-3. Diagrams..... 35

ARTICLE 3. PROVISIONS FOR OFFICIAL ZONING MAP 36

 Section 3-1. Official zoning map..... 36

 Section 3-2. Amendment to zoning map..... 36

 Section 3-3. Unauthorized changes..... 36

 Section 3-4. Replacement of the official zoning map..... 36

 Section 3-5. Interpretation of district boundaries..... 38

ARTICLE 4. ESTABLISHMENT OF DISTRICTS AND ALLOWABLE USES..... 39

 Section 4-1. Districts established; boundaries..... 39

 Section 4-2. Allowable Uses..... 40

ARTICLE 5. DISTRICT REGULATIONS..... 41

 Section 5-1. General..... 41

 5-1.1. Compliance with district regulations..... 41

 Sections 5-2 thru 5-9 Reserved..... 41

 Section 5-10. Conservation District(s)..... 41

 5-10.1. Regulations for Zoning District C-1, Conservation District..... 41

 Sections 5-11 thru 5-19 Reserved..... 46

 Section 5-20. Agriculture District(s)..... 46

 5-20.1. Regulations for Zoning District RC-1, Rural Countryside District..... 46

 5-20.2. Regulations for Zoning District RC-2, Rural Conservation District..... 52

 Sections 5-21-5-29 Reserved..... 57

 Section 5-30. Residential Districts..... 57

5-30.1. Regulations for Zoning District C-2, Bayside Conservation District. 57

5-30.2. Regulations for Zoning District SC-1, Suburban Countryside District. 63

5-30.3. Regulations for Zoning District SF-1, Single Family Detached Residential District. 68

5-30.4. Regulations for Zoning District MF-1 Residential Multi-Family District. 72

5-30.5. Regulations for Zoning District MH-1, Manufactured Home Park District. 77

Section 5-40. Mixed-Use Districts. 84

 5-40.1. Regulations for Zoning District B-2, Village Mixed Use District. 84

Section 5-50. Business Districts. 93

 5-50.1. Regulations for Zoning District B-1, General Business District. 93

 5-50.2. Regulations for Zoning District B-4, Rural Business District. 98

Section 5-60 Industrial Districts 103

 5-60.1. Regulations for Zoning District I-1, Industrial District..... 104

Section 5-70. Table of Uses Permitted by District 108

 5-70.1. Agriculture / Animal / Outdoor Uses 109

 5-70.2. Civic and Institutional Uses 111

 5-70.3. Commercial Products and Service Uses..... 113

 5-70.4. Industrial and Utility Uses..... 115

 5-70.5. Residential Uses 118

ARTICLE 6. HISTORIC OVERLAY DISTRICT REGULATIONS 119

 Sec. 6-1. List of historic districts..... 119

 Sec. 6-2. Required reviews..... 120

ARTICLE 6A. HIGHWAY CORRIDOR DEVELOPMENT DISTRICT 121

 Sec. 6A-1. Intent..... 121

 Sec. 6A-2. Establishment..... 121

 Sec. 6A-3. Applicability..... 121

 Sec. 6A-4. Access..... 122

 Sec. 6A-5. Architectural treatment. 122

 Sec. 6A-6. Setbacks. 123

 Sec. 6A-7. - Landscaping..... 124

ARTICLE 7. RESERVED..... 126

ARTICLE 8. PLANNED UNIT DEVELOPMENT DISTRICT 127

 Sec. 8-1. Purpose and intent. 127

 Sec. 8-2. General development standards..... 128

Sec. 8-3. Permitted uses. 130

Sec. 8-4. Procedure for approval. 130

Sec. 8-5. Amendments to final development plans. 135

ARTICLE 9A. SUPPLEMENTARY REGULATIONS APPLICABLE TO ALL DISTRICTS 136

Sec. 9A-1. Other regulations. 136

Sec. 9A-2. Emergency access. 136

Sec. 9A-3. Public roads. 136

ARTICLE 9B. SUPPLEMENTARY USE REGULATIONS..... 137

Sec. 9B-1. General..... 137

Sec. 9B-2. Agricultural uses..... 137

 9B-2.10. Application of biosolids. 137

 9B-2.20. Aquaculture facility..... 137

 9B-2.30. Concentrated Animal Feeding Operation..... 137

 9B-2.40. Farm brewery limited, Farm distillery limited, and Farm winery..... 138

 9B-2.50. Farmers’ market and Farm produce stand..... 138

 9B-2.60. Farm wayside stand..... 139

Sec. 9B-3. Animal related uses..... 139

 9B-3.10. Animal care and/or training facility (Kennel) & Animal shelter, private. 139

 9B-3.20. Animal training services..... 140

 9B-3.30. Chicken-keeping, backyard..... 140

 9B-3.40. Livestock, personal use or enjoyment..... 140

 9B-3.50. Stable, commercial. 141

 9B-3.60. Stable, private..... 142

Sec. 9B-4. Outdoor related uses. 143

 9B-4.10. Campground. 143

 9B-4.20. Firing range, outdoor..... 144

Sec. 9B-5. Civic and institutional uses..... 145

 9B-5.10. Cemetery. 145

 9B-5.20. Family day home..... 145

 9B-5.30. Park, natural area, or community facility. 146

 9B-5.40. Residential group homes, 1-8 individuals & 9+..... 146

 9B-5.50. Transitional homes (1-8 individuals) and transitional community facilities (9+ individuals).
 146

Section 9B-6. Consumer Products and Services Uses. 146

- 9B-6.10. Adult Business. 146
- 9B-6.20. Automobile impound facility. 147
- 9B-6.30. Automobile towing services. 148
- 9B-6.40. Automobile / vehicle service facility..... 148
- 9B-6.50. Automobile / vehicle storage facility..... 149
- 9B-6.60. Commercial outdoor entertainment, amusement, or sports (major & minor). 149
- 9B-6.70. Engine and equipment repair, small..... 150
- 9B-6.80. Event facilities..... 150
- 9B-6.90. Firing range, indoor. 151
- 9B-6.100. Sales, general store, country. 152
- 9B-6.110. Sales, retail / wholesale indoor. 152
- 9B-6.120. Sales, retail / wholesale outdoor..... 152
- 9B-6.130. Seasonal sales. 152
- 9B-6.140 Veterinary Clinic 153

Sec. 9B-7. Industrial Uses..... 153

- 9B-7.10. Animal slaughter and/or rendering establishment. 153
- 9B-7.20. Junkyard or salvage yard. 154
- 9B-7.30. Manufacturing, extractive. 155
- 9B-7.40. Mine, surface mineral..... 155
- 9B-7.50. Warehouse, mini. 156

Sec. 9B-8. Utility Uses. 156

- 9B-8.10. Commercial wireless communication facilities. 156
- 9B-8.20 Power utility-electric and Power utility-nuclear..... 160
- 9B-8.30. Solar energy facilities..... 160
- 9B-8.40 Uses required for provision and maintenance of public utilities. 167
- 9B-8.50. Wind energy facilities, small..... 168

Sec. 9B-9. Residential Uses. 169

- 9B-9.10. Ancillary residential structure or use. 169
- 9B-9.20. Dwelling, accessory. 169
- 9B-9.30. Dwelling, Multifamily..... 170
- 9B-9.40. Dwelling, single-family attached (town house) & two-family..... 172
- 9B-9.50. Dwelling, single family detached, cluster. 175

9B-9.60. Dwelling, single family detached, conventional. 179

9B-9.70. Home Occupations. 180

ARTICLE 9C. SCREENING AND BUFFERING 184

Sec. 9C-1. Intent 184

Sec. 9C-2. Applicability. 184

Sec. 9C-3. Screening and Buffering Standards. 184

Sec. 9C-4. Administration..... 185

ARTICLE 9D. TEMPORARY AND ACCESSORY USES/STRUCTURES..... 187

Sec. 9D-10. Freight containers. 187

Sec. 9D-20. Temporary buildings, construction trailers, temporary portable storage containers,
temporary portable waste collection containers, manufactured homes and travel trailers. 189

Sec. 9D-30. Temporary camping for personal use and enjoyment 191

Sec. 9D-40. Temporary family health care structures. 191

ARTICLE 9E. OTHER REGULATIONS 193

Sec. 9E-10. Common area regulations. 193

Sec. 9E-20. Family transfers. 196

Sec. 9E-30. Visibility at intersections. 196

ARTICLE 1. INTENT, TITLE, INTERPRETATION, AND ENACTMENT

Section 1-1. Intent.

- (1) **Authority.** Whereas, by the act of the General Assembly of Virginia as provided in Section 15.2-2280 **et seq.** of the Code of Virginia and the amendatory acts thereto, the governing body of any **locality** may, by ordinance, classify the territory under its jurisdiction or any substantial proportion thereof into districts of such number, shape, and size as it may deem best suited to carry out the purposes of such law and in each district it may regulate, restrict, permit, prohibit, and determine the following:
 - a. The use of land, buildings, structures, and other premises for agricultural, business, industrial, residential, flood plain, and other specific uses;
 - b. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;
 - c. The areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used; **or**
 - d. The excavation or mining of soil or other natural resources.

- (2) **Enactment.** Therefore, be it ordained, by the Gloucester County Board of Supervisors, Gloucester County, Virginia, for the purpose of promoting the health, safety, and general welfare of the public, and of further accomplishing the objectives of Section **15.2-2200** of the Code of Virginia, as amended, that the following be adopted as the zoning ordinance of Gloucester County, Virginia, together with the accompanying map.

- (3) **Purpose.** This ordinance has been designed:
 - a. To provide for adequate light, air, convenience of access, and safety from fire, flood, **impounding structure failure, crime** and other dangers;
 - b. To reduce or prevent congestion in the public streets;
 - c. To facilitate the creation of a convenient, attractive and harmonious community;
 - d. To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forest, playground, recreational facilities, airports and other public requirements;
 - e. To protect against destruction of or encroachment upon historic **and working waterfront development areas, and to provide for the preservation of the seafood industry;**

- f. To protect against one (1) or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, **impounding structure failure**, panic or other dangers;
- g. To encourage economic development activities that provide desirable employment and enlarge the tax base;
- h. To provide for the preservation of agricultural and forestal lands **and other lands of significance for the protection of the natural environment**;
- i. **To protect approach slopes and other safety areas of licensed airports, including those of the United States government and its armed forces**;
- j. **To promote the creation and preservation of affordable housing meeting the current and future needs of the county as well as a reasonable proportion of the current and future needs of the planning district within which the county is situated**;
- k. **To provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard**;
- l. **To provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.) or state and federal fair housing laws, as applicable**;
- m. **To include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and ground water as defined in § 62.1-255; and**
- n. To implement the comprehensive plan.

Section 1-2. Title.

This ordinance shall be known and may be cited as the "Zoning Ordinance of Gloucester County, Virginia."

Section 1-3. Provisions of ordinance declared to be minimum requirements.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standards shall govern.

Section 1-4. Severability clause.

Should any Section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1-5. Repeal of conflicting ordinance; effective date.

All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

ARTICLE 2. DEFINITIONS

Section 2-1. Interpretation of term or words.

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

- (1) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (3) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- (4) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- (5) The word "lot" includes the words "plot" or "parcel."

(6) The interpretation of any word not herein defined shall be derived from the definition in the most current edition of Webster's Dictionary and the context in which the word is used.

Section 2-2. Definitions.

Acreage, gross: The total area of a **site**.

Acreage, net: A unit of measure; gross acreage less the land area for (1) ponds, lakes, or other impounded water bodies; (2) **tidal** wetlands; and (3) other property reserved or dedicated for public ownership (parks, school sites, etc.) provided that the reduction for this purpose shall not exceed ten (10) percent of gross acreage.

Administrator, the: The zoning administrator of Gloucester County, Virginia. The official, appointed by the **Board of Supervisors or county administrator or their designee**, charged with the **administration and** enforcement of the zoning ordinance.

***Adult business:* Any adult bookstore, adult video store, adult movie theater, adult nightclub, adult store, business providing adult entertainment, or any other establishment that regularly exploits an interest in matter relating to "specified sexual activities" or "specified anatomical areas" or regularly features live entertainment intended for the sexual stimulation or titillation of patrons, and as such terms are hereinafter defined. For the purposes of this ordinance "specified sexual activities" shall mean human genitals in a state of sexual stimulation or arousal; sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast, including masturbation and "specified anatomical areas" shall mean less than completely and opaquely covered human genitals, pubic region,**

buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Agricultural operation: **Any commercial operation, including associated structures, devoted to** the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture **and hydroponic** activity. **This definition includes accessory uses for packing, storing and treating produce, equipment and materials, including processing, manufacturing, and storage of agriculture goods for distribution to final processing plants and markets; provided, however that the necessary accessory uses shall be secondary to that of the main agriculture activities. The term does not include agricultural processing, seafood processing plants, animal slaughter and/or rendering establishments, or farm livestock markets as defined herein.**

Agriculture processing: **Any commercial operation that processes or manufactures agricultural products as the principal use. This definition excludes the processing or manufacturing of agricultural products deemed accessory to on-site production. The term does not include seafood processing plants, animal slaughter and/or rendering establishments, or farm livestock markets as defined herein.**

Agricultural products: Crops, livestock, and livestock products, including **but not limited to:** field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs, **aquatic organisms** and furs.

Agritourism: Any activity carried out **on** a farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy **associated** activities, including farming, wineries, historical, cultural, harvest-your-own activities, or natural activities and attractions. **An activity is an agritourism activity** whether or not the participant paid to participate in the activity. **An activity shall not be deemed an agritourism activity solely by reason of it taking place on a farm or ranch. “Agritourism activity” does not include the following types of activity, among others not specifically listed: (i) the rental of a farm or ranch, or portion thereof, for events such as weddings, wedding receptions, parties, retreats, and other activities, unless such events themselves consists primarily of participation in an agritourism activity; or (ii) activities involving motor vehicle competitions or other activities involving the use of motor vehicles, other than farm vehicles.**

Airport, commercial: **Any runway, land area, or other facility designed and used for the landing and taking off of manned aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.**

Airstrip, private: Any runway, land area, or other facility designed and used privately for the landing and taking off of manned aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Alteration: Any change in the total floor area, height, use, **adaptation**, or external appearance of an existing structure.

Ancillary residential structure or use: A noncommercial structure or use, being of a nature customarily incidental and subordinate to a permitted principal use within the district, and which is owned and maintained for the personal use, benefit and enjoyment of the property owner, their family members or guests. Ancillary residential structures include sheds, garages, workshops, carports, gazebos, greenhouses, pools, docks, piers and similar unoccupied accessory residential structures located on property without an existing principal use or structure. This definition does not apply to structures listed in the official schedule of district regulations for the district or regulated elsewhere in the ordinance, such as private stables and freight containers.

Animal care and/or training facility (Kennel): Any facility designed to shelter, board, breed, raise or otherwise keep or care for animals, excluding the occupants' domestic pets, for any part of a 24-hour day or nightly basis for care, training, or sale. This use includes both for profit and not for profit facilities.

Animal shelter, private: A facility that is used to house or contain animals and that is owned or operated by an individual or incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of rehabilitation and/or finding permanent adoptive homes for animals.

Animal shelter, public: A facility operated by the Commonwealth, or Gloucester County, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals.

Animal slaughter and/or rendering establishment: A commercial establishment where livestock are killed and/or prepared for distribution to butcher shops and food markets and/or processing waste animal parts and/or products.

Animal training services: An establishment engaged in the training of domestic pets not involving the keeping or caring of animals for any part of a 24-hour day or nightly basis. This use includes both for profit and not for profit organizations. This use does not include training that is secondary to another use such as an animal care and/or training facility or retail sales pet store.

Antenna: Any system of wires, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic frequency signals when such system is either external to or attached to the exterior of a structure or other support mechanism.

Application of Biosolids: **The distribution of treated wastewater or sewage sludge upon, or insertion into, the land as regulated by Gloucester County Code Chapter 9.5 Health and Sanitation, Article IV – Land Application of Biosolids.**

Aquaculture: The propagation, rearing, enhancement, and harvest of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water.

Aquaculture facility: Any land, structure, or other appurtenance that is used for aquaculture, including any laboratory, hatchery, pond, raceway, pen, cage, incubator, or other equipment used in aquaculture. **This use includes the packing of whole organisms on ice for transport to market.**

Aquatic organisms: **Any species or hybrid of aquatic animal or plant, including fish, shellfish, marine fish, and marine organisms as those terms are defined by State Code.**

Architectural projections: **Extensions of a structure such as stoops, landings in excess of minimum building code requirements, decks, porches, canopies, balconies, carports, awnings, or other similar elements. This definition does not include steps, ADA accessible ramps and landings as required by building code, chimneys, and on-grade features such as patios, walkways, and driveways.**

Automobile graveyard: Any lot or place that is exposed to the weather and upon which more than five (5) motor vehicles of any kind **that are** incapable of being operated, and which would not be economically practical to make operative, are placed, located, or found. **The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable. The provisions established by this Subsection shall begin with the first day that the vehicle is placed on the subject property.**

Automobile impound facility: **A facility that provides temporary outdoor storage for vehicles that are to be claimed by titleholders or their agents where no motor vehicle is kept for more than ninety (90) days. This use shall include any person or business licensed as a "salvage Pool" by the Virginia Department of Motor Vehicles.**

Automobile towing services: **An establishment that transports vehicles for others for a fee or any person or establishment licensed as a "vehicle removal operator" by the Virginia Department of Motor Vehicles.**

Automobile / vehicle service facility: **An establishment that repairs, installs, or maintains the components or the bodies of any motor vehicle, recreational boat, construction equipment, commercial vehicle, agricultural implement**

and similar heavy equipment or that wash, clean, or otherwise protect the exterior or interior surfaces of these vehicles. Gasoline and other petroleum products may be sold. This use shall include facilities that perform heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work or any business licensed by the Virginia Department of Motor Vehicles as a “rebuilder”.

***Automobile / vehicle storage facility:* A facility that provides outdoor storage of vehicles as its principal use including the short-term of daily storage of vehicles that otherwise operate primarily in service to another use. This definition does not include the areas designated for the storage of motorized vehicles in a private development.**

Awning: A roof like cover designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door or the like. Awnings are often made of fabric, metal, or flexible plastic supported by a rigid frame and may be retracted into the face of the supporting building. A canopy that is not ground supported shall be considered synonymous with an awning.

Bed and breakfast: An owner/**operator**-occupied building or structure, other than a hotel or **inn**, containing no more than five (5) **guest** bedrooms, where lodging is provided to transient guests, and which **typically** provides breakfast for the guests.

Board, the: The board of zoning appeals of Gloucester County, Virginia

Buffer:* A strip of land planted with a dense planting of **trees and/or** shrubs in healthy condition **which provide year-round screening in accordance with this ordinance and the Screening and Buffering Standards, Article 9C.*

***Buildable area:* That portion of a lot excluding the required setbacks. See Section 2-3 for a visual representation.**

***Building:* Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any use or occupancy.**

Building, accessory: A subordinate structure customarily incidental to and located upon the same lot occupied by the **principal building**.

Building footprint: The area that falls directly beneath and shares the same perimeter as a structure **at the ground level; this area includes decks, open porches, and other architectural projections.**

Building height: The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

***Building line:* The line, parallel to any property line, that passes through the point of the principal building nearest that property line. See Section 2-3 for a visual representation.**

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Business: An organization or economic system where goods and services are exchanged for one another or for money **whether for profit or not.**

***By-right use:* A use that is permitted through the administrative process with the issuance of a zoning permit.**

***Campground:* Any lot or land used, maintained, or made available to the public as a place for use for camping or lodging purposes, either equipped with camping units or not so equipped, and by whatever name such place may be called, whether or not any fee is charged for the use thereof and which meets the requirements of Section 35.1-17 of the Code of Virginia, as amended.**

***Camping, personal use and enjoyment:* Any lot or land used for temporary camping by the property owner and/or invited guests where no fees are exchanged.**

***Camping unit:* Any tent, tent trailer, pickup camper, recreational vehicle, cabin, lean-to or similar structure designed as a temporary living accommodation for recreational and camping purposes established or maintained and operated in a campground for recreation, education, or vacation purposes.**

Capon: A neutered male chicken.

***Cemetery:* A place used for interment of human or animal remains, including a burial park for earth interments, chapels, administrative offices, maintenance/storage areas, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof in accordance with Section 57-26 of the Code of Virginia. Church and family cemeteries are exempt from local zoning regulations.**

Central water and/or sewer system: A water or sewer system owned and operated by the county, or owned and operated by a private individual or a corporation approved by the board of supervisors and properly licensed by the state corporation commission and meeting all standards of the state department of health.

***Chicken-keeping, backyard:* The keeping of domestic chickens, defined herein, subject to the conditions specified in Section 9B-3.30. Chicken keeping in districts other than SF-1 is regulated under "Livestock, personal use or enjoyment."**

***Churches and other places of worship:* A building, structure or location where in persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purposes. Includes synagogue, temple, mosque, or other such place**

for worship and religious activities which may include associated accessory uses.

Cluster development: A form of development that permits a reduction in lot area and bulk requirements, provided the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture. Open space is generally to be contiguous.

***Commercial:* A use operated as a business as defined herein.**

Commercial communication facility: Any structure designed and constructed for commercial communication or broadcasting use, including towers and antennas, along with any associated equipment or accessory structures. This definition shall be broken down as **minor and major**. Commercial communication facilities may be considered either principal or accessory uses, provided all applicable requirements are met. Towers and other facilities used exclusively by federally licensed amateur radio operators, as well as other non-commercial communication facilities, are specifically excluded from this definition. Such towers are subject to building code requirements. Receive-only antennas are also excluded.

***Commercial indoor amusement, entertainment, or sports:* Participant and/or spectator uses conducted within an enclosed building. Typical uses include game rooms, pool halls, video arcades, bingo parlors, theaters, concert halls, bowling alleys, ice and roller skating rinks, swimming, and/or indoor racquetball.**

***Commercial outdoor amusement, entertainment, or sports, major:* Large participant and/or spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, motorized cart and motorcycle tracks, motor vehicle or animal racing facilities, and outdoor amusement parks. These facilities typically, but not always, serve the local community as well as adjacent communities.**

***Commercial outdoor amusement, entertainment, or sports, minor:* Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include, but are not limited to, driving ranges, miniature golf, swimming pools, tennis courts, and outdoor racket courts. These uses typically, but not always, serve primarily the local community.**

***Commercial wireless communication facility, major:* Any commercial communication facility that does not qualify as a minor facility.**

***Commercial wireless communication facility, minor:* A commercial communication facility that is either: (1) A small cell facility as defined in State Code meaning a wireless facility that meets both of the following qualifications: (i) Each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) All other wireless equipment associated with**

the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services; (2) a support structure for a small cell facility that is not taller than 50' and not located within a designated local, state, or federal historic district, or (3) a co-location on any existing structure of a wireless facility that is not a small cell facility. For the purposes of this ordinance the following definitions from state code apply. "Existing structure" shall mean any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to a locality or the Department of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers. "Co-locate" shall mean to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.

Commission, the: The planning commission of Gloucester County, Virginia.

***Concentrated Animal Feeding Operation:* An animal feeding operation in which animals are raised in confinement—that has over 1000 "animal units" confined for over 45 days a year. An animal unit is an animal equivalent of 1000 pounds live weight and equates to 1000 head of beef cattle, 700 dairy cows, 2500 swine weighing more than 55 lbs., 125,000 broiler chickens, or 82,000 laying hens or pullets.**

***Conditional Use Permit:* A permit granted by the board of supervisors under a specific set of circumstances and conditions.**

***Condominium:* A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis as provided in State Code Chapter 19 Virginia Condominium Act.**

***Contractor:* A service provider engaged in the onsite construction, removal, repair, or improvement of structures and/or facilities.**

***Contractor storage yard:* An unenclosed portion of a lot or parcel upon which a construction contractor or service provider uses to store and maintain equipment and other materials customarily used in the trade or service. The lot or parcel may also include a business office.**

Day care center, adult: Any facility operated for the purpose of providing **supplementary care and** protection, to four (4) or more aged, infirm or disabled individuals over the age of eighteen (18) during only part of a 24-hour day. This term excludes any public or private educational facility, **any facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services**, and any home or residence of an individual who cares for only persons related to him by blood or marriage.

Day care center, child: **A facility or program that provides nonmedical care to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location. These facilities provide personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. This term includes nursery schools, preschools, and other similar uses. Child day care center operated at churches and other places of worship shall be considered accessory to the facility. Child day care center does not include family day homes as defined herein.**

Density, gross: The number of dwelling units, **or portion thereof**, per acre of the gross acreage.

Density, net: The number of dwelling units per acre, **or portion thereof**, of the net acreage.

Development: The establishment of any non-agricultural activity that results in a change in existing site conditions **or use and requires a zoning permit**.

Diameter at Breast Height (DBH): The diameter of a tree measured at 4.5 ft. above ground level.

Districts: **Designated zones in Gloucester County best suited to carry out the various purposes of this ordinance. See Article 4 for specific districts.**

Domestic chicken: A chicken of the species *Gallus domesticus* kept for the owner's personal enjoyment and/or source of meat and/or eggs.

***Domestic pets:* Animals that are personally kept for companionship or enjoyment, including dogs, cats, fish, birds, rabbits (not raised for human food or fiber) and other similar animals not herein defined as livestock. This use includes such animals kept in foster homes.**

***Dredge spoil site:* An area specifically designated and designed effectively to contain dredged material from a dredging operation, and to prevent dredge spoil return to state waters or transport to areas beyond approved spoil site limits. Spoil sites and dredging operations covered by this definition are subject to approval by the local wetlands board, the Virginia Marine Resources Commission, the U. S. Army Corps of Engineers, and all other applicable requirements.**

Dwelling, accessory: A dwelling unit clearly subordinate to the use of the principal structure, whether as part of the same structure or as a detached dwelling unit on the same lot. This use does not include temporary family health care structures which are regulated in Article 9D, Section 9D-3.

Dwelling, multifamily: A building, or portion thereof, containing three (3) or more principal dwelling units.

Dwelling, principal: The primary or predominant dwelling on a lot.

Dwelling, single family attached (townhouse): A one-family dwelling in a row or combination of no less than three (3) such units and no more than ten (10) principal dwelling units, with each unit having separate outside access, each unit separated from any other by one (1) or more common fire-retardant walls, and each unit located on a separate lot.

Dwelling, single-family detached, cluster: A building consisting of one (1) principal dwelling unit in a cluster subdivision.

Dwelling, single-family detached, conventional: A building consisting of one (1) principal dwelling unit not in a cluster subdivision.

Dwelling, two-family: A building consisting of two (2) principal dwelling units.

Dwelling unit: A single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, but not including a **camping unit, recreational vehicle, manufactured home, or room in a hotel or motel.**

Engine / equipment repair, small: An establishment that repairs, installs, or maintains the components of small engines and equipment. This use shall include engines and equipment such as, but not limited to, lawnmowers and outboard motors.

Event, commercial: A social, sporting, or charitable gathering open to the general public or invited guests held at a venue which is operated as a business **as defined herein.** Typical events include, but are not limited to, weddings, performances, conferences, social, or other events. Excluded from this definition are events held by a property owner for their personal use and enjoyment, and events held for charitable purposes by a non-profit entity properly registered as a 501(c) organization with the Internal Revenue Service, both of which are not regulated by this ordinance.

Event facility: A place of public assembly used for commercial events as defined herein.

Family day home, 5-12 children: A child day facility offered in the residence of the provider or the home of any of the children in care during part of the twenty-four-hour day for five through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the

home, when at least one child receives care for compensation. Family day homes shall comply with applicable state and local codes.

Farm: One or more **parcels** of land used for the production, cultivation, growing, harvesting, or processing of agricultural, **horticultural, floricultural, silvicultural, and aquicultural** products.

Farm brewery, limited: A brewery licensed as a limited brewery under Virginia Code § 4.1-206.1, located on one or more lots owned or leased by that brewery, that manufactures no more than 15,000 barrels of beer per calendar year, provided the agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on that farm.

Farm distillery, limited: A distillery licensed as a limited distillery under Virginia Code § 4.1-206.1, located on one or more lots owned or leased by that distillery, which uses agricultural products grown on that farm to produce no more than 36,000 gallons of alcoholic beverages other than wine or beer in a calendar year.

Farm livestock market: A commercial establishment wherein livestock are collected for sale or auction.

Farm produce stand: Any structure or land used for the sale of agricultural, horticultural, silvicultural, and/or seafood products, excluding livestock, produced off-site and brought to the market for sale. A farm produce stand may be open seasonally or year-round, but is considered to be permanent in nature.

Farm tenant dwelling: A dwelling located on a farm for the purpose **and exclusive use** of housing an employee of that farm operation and his/her family. This use is accessory and subordinate to a bona fide agricultural use, as defined herein.

Farm wayside stand: Any structure on, or area of, a farm where agricultural, horticultural, and/or hand-crafted products produced by the owner or his family are sold. This use excludes livestock.

Farm winery: A winery licensed as a **Class A** farm winery under Virginia Code § 4.1-206.1, located on one or more lots owned or leased by that winery, and where at least 51 percent of the fresh fruits or agricultural products used by the owner or lessee to manufacture the wine shall be grown or produced on such farm and no more than 25 percent of the fruits, fruit juices or other agricultural products used shall be grown or produced outside the Commonwealth of Virginia.

Farmers' market: A seasonal gathering of vendors in a predetermined, centralized location for the **sale** of regionally harvested **or hand-made** agricultural, horticultural, silvicultural, and/or seafood products, excluding livestock, produced off-site and brought to the market for sale.

Fenestration: The arrangement, proportioning, and design of windows and doors on the exterior of a building fronting on a road, street, drive or parking area intended to establish traditional neighborhood design and pedestrian oriented environment within the county's designated village areas.

Fire and/or EMS company stations: A facility primarily used for housing a firefighting and/or emergency medical services (EMS) organized pursuant to 27-8 in the Code of Virginia for the purpose of fighting fires, performing rescues or other emergency operations.

Firing range, indoor: An indoor specialized commercial facility designed for firearms qualifications, training, or practice where the use is operated as a business as defined herein. Paintball shooting ranges shall fall under the “Commercial amusement, entertainment, sports” use.

Firing range, outdoor: The use of land for the outside discharging of firearms for the purposes of target practice, skeet, and/or trap shooting where the use is operated as a business as defined herein. An indoor firing range can be accessory to the outdoor range use. General hunting, and unstructured and nonrecurring discharging of firearms on private property with the property owner's permission in compliance with applicable state, federal and local requirements is not regulated under zoning. Commercial uses such as archery and paintball park shooting ranges shall fall under the “Commercial amusement, entertainment, sports” use.

Flea market: A temporary (occasional or periodic) commercial market held in a structure or open area where one (1) or more individuals are involved in the setting up of tables, platforms, racks or similar display areas for the purpose of selling, buying, or exchanging merchandise, goods, materials, products or other items. This definition shall not be construed to include sidewalk sales by retail merchants, fruit or produce stands, bake sales, or garage/yard or rummage sales held in conjunction with residential uses or sponsored activities conducted by religious, civic, charitable or nonprofit organizations conducted not more than four (4) times a year.

Food bank or soup kitchen: A public or charitable institution that collects and/or distributes food or edible commodities to individuals in need. This can include food banks, food pantries, soup kitchens, hunger relief centers or other food or feeding centers similar in nature.

Forest: Well distributed trees of any size sufficient to meet the Virginia Department of Forestry minimum standards. Includes land that has been recently harvested of merchantable timber and is being regenerated into a new forest either by planting tree seedlings or naturally regenerating within 3 years.

Forestral products: Saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.

Forestry operation: The use of land for the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut. Excluded from this definition shall be the cutting of timber associated with land development approved by the county, which shall be considered

accessory to the development process and reviewed and approved by the county.

Freight containers: Portable, weather resistant receptacles designed for the multi-modal shipment of goods, wares, or merchandise. This definition includes shipping containers, cargo containers, and similar containers designed for multi-modal transport. This definition does not include trailers, travel trailers, tractor trailers, truck bodies, manufactured homes, motor vehicles, and similar transportable units.

***Freight containers as accessory structures:* Freight containers that are used only for storage of goods and equipment, with no improvements or modifications of any kind.**

Frontage: The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.

Frontage, building: The portion of the principal building of an establishment which faces a street or provides public access into the building. If the principal building(s) are arranged on the lot in such a manner as to face a parking area, then the area facing said parking area may be considered the building frontage.

***Funeral home and/or crematorium:* A building or part thereof used for funeral services. Such building may contain space and facilities for embalming and the performance of other services used in the preparation of the dead for burial; the storage of caskets, funeral urns, and other related funeral supplies; the storage of funeral vehicles; facilities for cremation; and/or living quarters for the owner or operator of the facility.**

Golf course: A publicly or privately owned course on which the game of golf is played, together with such necessary and usual accessory uses as a club house, caretakers' dwelling, dining and refreshment facilities, and other such uses provided that the operation of such facilities is incidental and subordinate to the operation of a golf course.

Governing body: The board of supervisors of Gloucester County, Virginia.

***Grade, finished:* The final elevation of the average ground level adjoining a structure or building at all exterior walls.**

Gross floor area: The total area of a building measured from the exterior faces of exterior walls, or the center line of walls separating two (2) attached buildings at each floor level intended for occupancy or storage. **This definition does not include decks, open porches, and other architectural projections.**

Gross living area: All living space that has heating, lighting and ventilation. The main rooms and bedrooms, hallways, bathrooms and kitchen footage is calculated to determine the gross living area. Finished attic space with a minimum of 5-foot walls and heat is calculated for gross living area. Patios, porches and garages are

not included in this measurement unless a garage has been converted into living space or an enclosed porch is heated.

Historical committee: That committee appointed by the Gloucester County Board of Supervisors to promote and preserve properties and events of historical significance to the county.

***Home occupation:* An accessory use of a residential property which is a business owner's bona fide residence involving the provision of goods and/or services in accordance with Section 9B-9.70 of this ordinance. This definition shall be further classified as Type I and Type II home occupations.**

Type I home occupations are permitted by right provided they meet the requirements of Section 9B-9.70 (1).

Type II home occupations are permitted by Special Exception (SE) and are subject to the requirements of Section 9B-9.70 (2).

Horse shows: **An exhibition of horses and/or ponies usually including a competition in riding, driving and/or jumping that is open to guests and the general public. This definition does not include programs for students in riding academies.**

Hospital: **An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and may include related facilities such as laboratories, outpatient facilities or training facilities.**

Hotel: **A building or group of buildings containing sleeping and/or living accommodations used only for transient occupancy. Such uses generally provide additional services such as daily maid service, restaurants, meeting rooms, personal services, and/or recreation facilities.**

Hunting and fishing clubs: Uses and structures which serve as social and organizational gathering spots for persons engaged in hunting **or** fishing. This definition does not include firing ranges, which are defined herein.

Inn: **A building or group of buildings, other than a hotel or bed and breakfast home, with no more than 50 rooms containing sleeping and/or living accommodations used only for transient occupancy. Such uses generally provide additional services such as daily maid service, meals, and personal services. Facilities may also include restaurants, meeting rooms, and/or recreation facilities.**

Junk: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, **or** waste; junked, dismantled, or wrecked automobiles, or parts thereof; **and old or scrap** iron, steel, or **other ferrous or** nonferrous material.

Junkyard or salvage yard: **Any land or buildings used, in whole or in part, for the commercial collection, storage, and/or sale of waste paper, rags, scrap**

metal, bottles, or other abandoned, discarded, demolished, or worn-out materials, and including the storage and dismantling of motor vehicles or machinery for parts; or for the collection and storage of recyclable materials (e.g., scrap metal, glass, tires) and/or the sorting and processing of such materials in preparation for shipment to others for use in manufacturing new products. The use also includes the dismantling of motor vehicles, including the collection and storage of parts for resale, and/or the storage of inoperative automobiles for future salvage, sale, disposal, or recycling. This use shall include all automobile graveyards and businesses licensed by the DMV as a demolisher, salvage dealer, or scrap metal processor.

Landfill, construction debris: **The use of land in accordance with State Code and VA DEQ regulations for the legal disposal of construction and demolition wastes including but not limited to lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metals and plastic associated with construction and wastes from land clearing operations including but not limited to stumps, wood, brush, and leaves.**

Landfill, sanitary: **A disposal facility in accordance with State Code and the Virginia Department of Environmental Quality for solid waste so located, designed and operated that it does not pose a substantial present or potential hazard to human health or the environment, including pollution of air, land, surface water or ground water.**

Livestock: **Animals, and especially farm animals including horses, ponies, buffalo, cattle, sheep, goats, swine, poultry, enclosed domesticated rabbits or hares raised for human food or fiber, or any other individual animal specifically raised for food or fiber, and other similar domesticated animals as defined in Chapter 3 of the County Code and Section 3.2-6500 of the Code of Virginia.**

Livestock, private use or enjoyment: **Livestock that are personally kept exclusively for companionship or enjoyment. Chicken-keeping in the SF-1 district is regulated under “Chicken keeping, backyard”.**

Lodge halls and clubs: **A building or property, or portion thereof, for use by civic or social clubs, fraternal or sororal organizations, and similar organizations, primarily for the use of members and guests. Clubs are often associated with a golf course, marina, tennis courts, and/or swimming pools.**

Long-term care facility: **A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, or mental illness. This definition includes life care facilities which provide continuing care for the elderly in independent living conditions, with or without kitchen facilities.**

Lot: **A parcel of land either shown on a plat of record or considered as a single unit of real property by the commissioner of revenue.**

Lot line, front: The line separating the lot from a street on which it fronts. **On lots with multiple street frontages or other unique situations where the front lot line is not clearly defined, the front line shall be determined by the applicant in consultation with the zoning administrator at the time of initial application for a zoning permit. See Section 2-3 for a visual representation.**

Lot line, rear: The lot line opposite and most distant from the front lot line. **Where the rear lot line does not exist (triangular shaped lot), the rear lot line shall be the point opposite and most distant from the front. See Section 2-3 for a visual representation.**

Lot line, side: Any lot line other than a front or rear lot line. **See Section 2-3 for a visual representation.**

Lot of record: A lot which has been recorded in the clerk's office of the Gloucester County circuit court.

***Lot, contiguous:* Lots that share a common border or touch.**

Lot, corner: A lot abutting on two (2) or more streets at their intersection.

Lot, interior: Any lot other than a corner lot **or through lot.**

***Lot, through:* A lot that fronts on two (2) parallel street or that fronts on two (2) streets that do not intersect at the boundaries of the lot.**

Lot, width of: The average horizontal distance between side lot lines.

Manufacture and/or manufacturing: **The mechanical or chemical transformation of materials or substances into articles of different character or use, including the assembling of component parts, the creation of products, and the blending of materials.**

Manufactured home: A structure which is subject to federal regulation, which is transportable in one (1) or more sections; is eight (8) feet or more in width and forty (40) body feet or more in length in traveling mode, or is three hundred twenty (320) or more square feet when erected on-site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. For the purposes of this ordinance, a manufactured home shall not be **classified as** a single family detached dwelling or **an accessory** dwelling.

Manufactured home park: A manufactured home park shall mean any parcel of land upon which two (2) or more occupied manufactured homes are located, or which is held out for the location of any such manufactured home. Manufactured homes in manufactured home parks shall not be required to have permanent foundations.

Manufacturing, craft: The production, construction, or arrangement of materials primarily by hand or with individually operated machine tools, primarily within enclosed structures, resulting in finished products or commodities such as apparel,

home decorations, candles, bath and body products, jewelry, toys, furniture, leather goods, metal works, wood products, dried flowers, hand-blown glass, pottery, edible products, or similar merchandise.

Manufacturing, extractive: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any natural resource including but not limited to coal, oil, and natural gas. This definition excludes retail establishments that sell crushed stone, woodchips, mulch, or similar material for general household purposes.

Manufacturing, food and beverage production and/or processing: An establishment in which food and/or beverages are processed or otherwise prepared for eventual consumption. Such establishments may offer to individuals visiting the premises product samples for on-site consumption **and purchase**.

Manufacturing, heavy: Manufacturing or other industrial use which produces moderate or high levels of external effects such as smoke, noise, soot, dirt, vibration, odor, or other similar objectional elements and/or includes the storage of highly flammable, toxic matter or explosive materials. This use may involve outdoor operations or storage as part of their manufacturing process.

Manufacturing, light: Manufacturing or industrial uses which are controlled operations; clean, quiet, and free of smoke, noise, soot, vibration, odor, dust, or similar objectionable elements; operation and storage is entirely within enclosed structures.

Manufacturing, medium: Manufacturing or industrial use which includes outdoor operations or storage. It may produce limited external effects such as smoke, noise, soot, vibration, odor, dust, or similar objectionable elements.

Marina: A boating establishment located on a navigable waterway, which may provide covered or uncovered boat slips or dock space, dry boat storage, boat repairs and/or construction, marine fuel and lubricants, marine supplies, restaurants or refreshment facilities, boat and boat motor sales or rental **and other uses clearly incidental to watercraft activities, sales and maintenance**.

Micro beverage production establishment: A facility, licensed in accordance with Title 4.1 of the Code of Virginia, as amended, in which beer, wine, cider, mead, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities not to exceed 15,000 barrels of beer, or 36,000 gallons of distilled spirits, wine, cider, or mead annually. Establishments exceeding the above production quantities shall be deemed a food and beverage manufacturing, production and processing establishment. A portion of the establishment sells directly to the consumer on site within a retail shop, bar, tasting room, tap room, restaurant, or similar facility.

Mine: Any underground mineral mine or surface mineral mine. Mines that are adjacent to each other and under the same management and which are administered as distinct units shall be considered as separate mines. A site shall

not be a mine unless the mineral extracted or excavated therefrom is offered for sale or exchange, or used for any other commercial purposes.

Mine, surface mineral: The pit and other active and inactive areas of surface extraction of minerals; the on-site mills, shops, loadout facilities, and related structures appurtenant to the excavation and processing of minerals; the impoundments, retention dams, tailing ponds, and other areas appurtenant to the extraction of minerals from the site; the on-site surface areas for the transportation and storage of minerals excavated at the site; the equipment, machinery, tools and other property used in, or to be used in, the work of extracting minerals from the site; the private ways and roads appurtenant to such area; and the areas used for surface-disturbing exploration (other than by drilling or seismic testing) or preparation of a site for surface mineral extraction activities. A site shall commence being a surface mineral mine upon the beginning of any surface-disturbing exploration activities other than exploratory drilling or seismic testing, and shall cease to be a surface mineral mine upon completion of reclamation activities. The surface extraction of a mineral shall not constitute surface mineral mining unless (a) the mineral is extracted for its unique or intrinsic characteristics, or (b) the mineral requires processing prior to its intended use.

Mineral: Clay, stone, sand, gravel, metalliferous and nonmetalliferous ores, and any other solid material or substance of commercial value excavated in solid form from natural deposits on or in the earth, exclusive of coal and those minerals which occur naturally in liquid or gaseous form.

Motor vehicle: Any vehicle as defined in Virginia State Code Section 46.2-100 that is self-propelled or designed for self-propulsion.

Multi-use path: An improved right of way for pedestrians **and non-motorized traffic**, separate from **the road right of way** and including access ramps, stairs and routes that are available for public use.

Mural: An artistic treatment or painting on a wall or structure which does not promote any product, activity, or service and also does not contain any lewd, obscene, or profane material, or any unlawful wording or material, or incite, encourage, or offer any unlawful activity. These shall not be considered signs and as such are not controlled by Sections of this ordinance pertaining to signage.

Museum: A building, property, or portion thereof having public significance by reason of its architecture, former use, or a building equipped for displaying, preserving, and exhibiting objects of community and cultural interest with or without an admission charge, and which is open to the general public. This use may include as an accessory use the sale of goods to the public.

Nature based tourism business: A business that relies on and preserves natural and cultural resources. Typical businesses include but are not limited to ecotourism, outdoor guides, and nature camps/centers.

Nonconforming lot: A lot of record that does not conform to the minimum requirements of this ordinance for the district in which it is located either at the effective date of this ordinance (**7/1/1984**) or as a result of subsequent amendments to the ordinance.

Nonconforming structure: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, designed or intended for a use that does not conform to the use regulations of this ordinance, for the district in which it is located either at the effective date of this ordinance (**7/1/1984**) or as a result of subsequent amendments to the ordinance.

Nonconforming use: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance (**7/1/1984**) or as a result of subsequent amendments to the ordinance.

Office, general: **Use of a site for business, professional, administrative offices, or medical offices. Typical uses include real estate, insurance, management, travel, financial, medical, or other business offices; organization and association offices; or law, architectural, engineering, accounting or other professional offices; or contractors offices that do not include outside storage.**

Off-street parking area: Space provided for vehicular parking not on a street or roadway.

Open space: An area that is intended for environmental, scenic, or recreational purposes. Open space may include, but need not be limited to, decorative plantings, bikeways, **multi-use paths, sidewalks**, outdoor active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, **and** greenways. The computation of open space shall not include **tidal wetlands, utility and drainage easements, stormwater management facilities, and** driveways, parking lots, or other surfaces designed or intended for motorized vehicular traffic.

Open space, common: Open space within a development or subdivision that is not a part of individually owned lots **and which is available** for the use and enjoyment of the residents of the development or subdivision.

Organic waste recycling facility: An enterprise that receives untreated **lumber and/or vegetative waste** such as stumps, limbs, bark, and brush associated with land clearing operations or construction, and processes such material for use.

Outdoor display: The display of products for sale, rent or lease outside of a building or structure **associated with a commercial use**, located on the same **or contiguous** lot as the establishment offering the product for sale, rent or lease. Outdoor display includes but is not limited to vehicles, garden supplies, flowers, shrubs, and other plant materials, boats, farm equipment, motor homes, and the like. It does not include outdoor storage as defined herein.

***Outdoor recreational club:* Uses and structures which serve as social and organizational gathering spots for members and guests engaged in outdoor recreational activities, sports, and events. This definition does not include golf courses, hunting/fishing clubs, or commercial recreation and amusement enterprises which are defined herein.**

Outdoor storage: The keeping, in an enclosed or unenclosed area outside of a building or structure **associated with a commercial use**, of any goods, materials, equipment or merchandise for storage **for a period of time greater than 72 hours in any one (1) week period** on the same **or contiguous** lot as the establishment or use for which it is providing the storage.

Parapet: The extension of the main walls of a building above the roof level.

***Park, natural area, or community facility:* A noncommercial, not-for-profit land or facility for recreational, educational, cultural, natural, or aesthetic purpose. Use may be public or for exclusive use by a development as common open space.**

***Parking lots or structures:* An off-street area or structure used for temporary parking of automobiles, whether or not for a fee that is the principal use of the site. Typical uses include but are not limited to public/private parking lots, parking structures and park and ride lots not associated with or incidental to a permitted use. This use does not include parking facilities that provide short-term or daily storage of vehicles that otherwise operate primarily in service to another use. See Automobile / vehicle storage facility.**

***Personal service establishment:* Establishments primarily engaged in providing services to people, their pets, or their belongings. Uses in this classification tend to serve the day to day needs of the community and include but are not limited to the following: laundry, including cleaning and pressing services; beauty shops; barber shops; shoe repair; pet grooming; and clothing rental.**

Photovoltaic (or "PV"): Materials and devices that absorb sunlight and convert it directly into electricity.

Planned unit development: An area of land in which a variety of housing types and/or compatible commercial and industrial facilities is accommodated in a preplanned environment under more flexible standards, such as lot size and setbacks, than those restrictions that would normally apply under this ordinance. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

Poultry: All domestic fowl and game birds raised in captivity.

***Power utility-electric:* A facility or structure used for the generation and/or storage of electric energy for use off site.**

***Power utility-nuclear:* A facility or structure used for the generation and/or storage of nuclear energy.**

***Processing:* To perform a series of mechanical or chemical operations on materials or products.**

***Public building / facility:* A facility belonging to, operated by, and/or used by a government agency for the transaction of public or quasi-public business including but not limited to libraries and other government functions.**

Rated capacity: The maximum capacity of a project, typically wind or solar, based on the sum total of the individual components as rated by the manufacturer.

***Recreational vehicle:* A vehicular-type portable camping unit without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes. Recreational vehicles include, but are limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. This definition does not include manufactured homes or temporary portable storage containers.**

Residence, principal: A residence that is a person's first and most regularly used location for living. It is **generally** the place a person lists on tax statements and financial transactions, and otherwise represents as his or her permanent address.

Residential group homes, 1-8 individuals: A **residential** facility, designed to provide residential services to **no more than eight (8)** aged, infirm, disabled, physically handicapped, mentally ill, and other developmentally disabled persons. **Such facilities may include** one (1) or more resident counselors or other staff persons. For the purposes of this Section, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia, as amended.

***Residential group homes, 9+ individuals:* A facility designed to provide residential services to nine (9) or more aged, infirm, disabled, physically handicapped, mentally ill, and other developmentally disabled persons. For the purposes of this Section, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia, as amended.**

Restaurant and catering facilities: Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises. Drive through food service is specifically excluded from this definition

***Restaurant, drive through:* Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises where ordering and pickup of food may take place from a vehicle within a drive lane specifically designated for that service.**

Right-of-way: A strip of land dedicated for **public or private access**. It may incorporate the roadway, curbs, lawn strips, sidewalks, lighting, and drainage facilities. **See Section 2-3 for a visual representation.**

Sales, general store, country: A single store, the ground floor area of which is four thousand (4,000) square feet or less and which primarily provides frequently or recurrently needed goods for household consumption, such as prepackaged or prepared food and beverages, and limited household supplies and hardware. This use may include fuel pumps and/or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

Sales, retail, convenience: Establishments selling primary food products, household items, newspapers and magazines, candy, and beverages, and a limited amount of freshly prepared foods for on or off premises consumption. This use may include fuel pumps and/or the selling of fuel for motor vehicles.

Sales, retail / wholesale, indoor: Establishments engaged in the selling or rental of goods or merchandise primarily indoors (usually to the general public for personal use or household consumption, although they may also serve business and institutional clients) and in rendering services incidental to the sale of such goods. This use includes the outdoor display of merchandise. Excludes those classified more specifically by these use type classifications.

Sales, retail / wholesale, outdoor: The display and sale or rental of products, primarily outside of and associated with a permanent commercial building, including vehicles, boats, farm equipment, structures, landscape materials and similar products. Includes both retail and wholesale sales. The facility may provide on-site facilities for the repair and service of the items sold or leased by the business. This use does not include flea markets.

Sales, seasonal: The temporary sale of goods and products, such as fireworks, pumpkins, and Christmas trees, that are associated with a particular season, holiday, or event.

Sand and gravel operation: Any operation involving the breaking or disturbing of the surface soil or rock, where the primary purpose of the operation is to extract or remove sand, soil, gravel, or other natural materials from the earth and to transport the material, or any portion thereof, off-site. Such operations which are incidental to and the result of other permitted uses are exempt from this definition.

Sawmills: A facility where logs or unfinished limber is processed to produce wood products.

School: Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge which may include industrial or vocational schools.

Schools, post-secondary: A post-secondary institution that provides education opportunities beyond secondary education and may have research facilities

and/or professional schools that grant associate, bachelor, master, and doctoral degrees. This may also include institutions that grant certificates of completion in business, vocational or technical fields.

***Schools, private elementary / secondary:* A private or parochial educational facility offering instruction at the pre-school, elementary, junior and/or senior high school levels. Private schools operated at churches and other places of worship shall be considered accessory to the facility.**

***Schools, private in-home (1-4 students):* A private school operated in the instructor's residence for not more than four (4) students, exclusive of the providers own children and any students who reside in the home, for educational purposes.**

***Schools, private in-home (5-12 students):* The use of a residential structure or portion thereof for between 5-12 students, exclusive of the providers own students and any students who reside in the home.**

***Schools, public elementary/ secondary:* A public educational facility offering instruction at the elementary, middle and/or high school levels in the branches of learning and study required to be taught in the public schools of Virginia.**

***Screening:* A method of visually shielding or buffering a structure or use from another by fencing, walls, berms, and/or densely planted vegetation.**

***Seafood processing plant:* The uses and structures associated with the preparing, altering and/or packing of seafood. The use may include harvesting and retail or wholesale sales as accessory uses.**

***Setback:* The minimum distance by which any building, structure, **or use** must be separated from property lines.**

***Setback, front:* The minimum distance by which any building, structure, or use must be separated from the front property line and extending across the full width of the lot. See Section 2-3 for a visual representation.**

***Setback, rear:* The minimum distance by which any building, structure, or use must be separated from the rear property line and extending across the full width of the lot. Where the rear lot line does not exist (such as in a triangular shaped lot where the rear is a point between the two side property lines), the rear setback line shall be measured as an arc from the point opposite the front lot line. See Section 2-3 for a visual representation.**

***Setback, side:* The minimum distance by which any building, structure, or use must be separated from the side property lines and extending from the front setback line to the rear setback line. See Section 2-3 for a visual representation.**

***Shopping Center:* Multiple commercial establishments planned, constructed and managed as a single entity with shared access and parking. For the purposes**

of Article 12 "Signs", shopping centers are categorized as small, medium, and large and further defined herein. This use may also include mixed use sites.

Shopping Center, large: A shopping center containing a total combined **gross floor** area of over 100,000 sq. ft.

Shopping Center, medium: A shopping center containing a total combined **gross floor** area of 50,000 sq. ft. (minimum) to 100,000 sq. ft. (maximum).

Shopping Center, small: A shopping center containing a total combined **gross floor** area of less than 50,000 sq. ft.

***Shrub, deciduous:* A small to medium sized woody plant, which usually has multiple permanent stems branching from or near the ground with a minimum height of three (3) feet, that sheds its leaves at the end of the growing season.**

***Shrub, evergreen:* A small to medium sized woody plant, which usually has multiple permanent stems branching from or near the ground with a minimum height of three (3) feet, that has leaves throughout the year.**

Sidewalk: **An ADA accessible route adjacent to** a roadway designed and intended for use by pedestrians.

Sign: Any display of letters, words, numerals, figures, devices, symbols, logos, trademarks, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or a part of a structure, surface, or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. Signs shall include billboards.

Sign, back-lit or channeled lettered: Any sign in which only the letters, characters, or figures are internally lighted. The background of the sign shall be opaque and shall not be internally illuminated.

Sign, building identification: Any sign that identifies a building or structure by its cultural or historical significance or that of the surrounding area and contains no advertising for the uses within the building.

Sign, construction: A freestanding non-illuminated sign, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress.

Sign, electronic display/variable message board/message center: Any sign containing light emitting diodes (LEDs), fiber optics, light bulbs, plasma display screens, or other internal illumination devices that are used to change the messages, intensity of light, or colors displayed by such sign. This term shall not include: a) signs defined as internally illuminated or back-lit or channeled lettered signs as defined in this Section or b) fuel prices for on premise fuel sales which do not exceed fifty percent (50%) of the sign area or c) signs on which lights or other illumination devices display in a single color only the temperature, date, and/or

time of day in alternating cycles of not less than five (5) seconds and for which the display of temperature, date, and or time does not exceed more than fifty percent (50%) of the sign area.

Sign, freestanding: Any sign not supported by or attached to or painted on a building.

Sign, illuminated: Any sign illuminated by electricity, gas or other artificial light, including reflecting or phosphorescent light.

Sign, internally illuminated: A sign of translucent or transparent material with the source of illumination, exposed or shielded, enclosed within the face or supporting structure of the sign. This term shall not apply to a sign on which only the letters, characters, or figures are internally lighted and the background of the sign is opaque.

Sign, monument: A free-standing sign, other than a pole sign, with sides parallel to or near parallel to each other in which the entire bottom is in contact with the ground or within twelve inches (12") of the ground.

Sign, off-premises: Any sign which **pertains** to a business, profession, commodity, activity or service not offered on the premises where the sign is located **or to a property other than the one on which it is located**. This definition shall not apply to shopping center signs as permitted in Article 12 "Signs".

Sign, on-structure: Any sign attached to or supported by a building(s) or canopy structure(s).

Sign, pole: A sign mounted on a free-standing pole or other support so that the bottom edge of the sign face is greater than twelve inches (12") above the ground.

Sign, projecting: An on-structure sign affixed to a wall and extending more than 12 inches from the surface of such wall, usually perpendicular to the wall surface.

Sign, temporary: A sign not permanently mounted to a building or into the ground.

Sign structure: Includes the support, uprights, bracing, and frameworks of any structure, be it single-faced, double-faced, v-type, or otherwise exhibiting a sign.

Site: The **parcel(s)** containing a development project; when multiple parcels are utilized, the area within the outside perimeter of all contiguous parcels shall constitute the site.

***Solar energy facility, commercial community-scale:* A commercial solar energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has a rated capacity to produce no more than three (3) megawatts. The primary purpose of community-scale solar energy facilities is to produce power for sale or profit to serve the electricity needs of properties other than the property on which the facility is located and/or adjacent parcels under common use, ownership, and control.**

Solar energy facility, private large-scale, ground mounted: A private solar energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has the rated capacity to produce more than 25 kilowatts (kW) of electrical power but not more than three (3) megawatts (MW) of electrical power. The primary purpose of large-scale facilities is to serve the electricity needs of the property upon which such facilities are located, and/or adjacent parcels under common use, ownership, and control.

Solar energy facility, private large-scale, roof mounted / solar canopy: A private solar energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has the rated capacity to produce more than 25 kilowatts (kW) of electrical power but not more than three (3) megawatts (MW) of electrical power. The primary purpose of large-scale facilities is to serve the electricity needs of the property upon which such facilities are located, and/or adjacent parcels under common use, ownership, and control.

Solar energy facility, private small-scale: A private solar energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has the rated capacity to produce not more than 25 kilowatts (kW) of electrical power.

Solar energy facility, utility-scale: An energy conversion system, whose primary purpose is to produce power for consumption by a utility provider or other purchaser authorized under Virginia law to purchase such power, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has the rated capacity to produce more than **three (3) megawatts (MWs)** of electrical power. **The primary purpose of utility-scale solar energy facilities is to produce power for sale or profit to serve the electricity needs of properties other than the property on which the facility is located and/or adjacent parcels under common use, ownership, and control.**

Special Exception permit: A permit issued by the administrator upon approval by the board **of zoning appeals** to allow a Special Exception use to be established **on a site** within a district.

Stable, commercial: A building and/or land where horses (**standard and/or miniature**), **ponies, donkeys, mules, and the like** are kept for remuneration, hire, sale, boarding, riding, or show.

Stable, private: A building and/or land that shelters horses (**standard and miniature**), **ponies, donkeys, mules, and the like** for noncommercial purposes.

Story: That portion of a building, other than the basement or cellar, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

Street classification: The functional classification of roads, as defined by the Virginia Department of Transportation.

Street or road: A public or private thoroughfare which affords principal means of access to abutting property.

Structure: **Anything that is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, including but not limited to buildings, signs, manufactured homes and swimming pools. Walls and fences shall not be deemed structures except as otherwise specifically provided in this ordinance. This definition does not include on-grade driveways, walkways, or patios, mailboxes, utilities pedestals, swing sets, or other similar features.**

Structure, accessory: A structure on the same lot or on a contiguous lot, in the same ownership, and of a nature customarily incidental and subordinate to, the principal structure and operated and maintained for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the zoning lot with the principal **structure**.

Structure, accessory attached: An accessory structure or an accessory dwelling which is connected to the principal structure in substantial manner, as by a wall or roof, shall be considered a part of the principal structure.

Structure, permanent: **A structure that is erected with a foundation or footings.**

Structure, temporary: **A structure that is erected without any foundation or footings and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.**

Studio, fine and performing arts: **A place of work by and artist, artisan, or craftsperson including persons engaged in the application, teaching or performance of fine, craft or performing arts such as but not limited to drawing, dance, music, painting, pottery, sculpture, and writing.**

Support mechanism: A structure including but not limited to clock towers, steeples, silos, water towers, fire towers, free-standing chimneys, utility poles and towers, buildings or similar structures that may support telecommunications antennas or similar devices.

Taxidermy and/or pet crematorium: **A facility established to provide taxidermy and/or pet cremation services. Such facility may contain space and facilities for the performance of other services used in the preparation of the dead; the storage of urns, and other related supplies; facilities for cremation; and/or living quarters for the owner or operator of the facility.**

Temporary family health care structure: A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than

its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in Virginia Code Section 63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (Virginia Code Section 36-70 et seq.) and the Uniform Statewide Building Code (Virginia Code Section 36-97 et seq.). **For the purposes of this Section the following definitions apply:**

Caregiver: An adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

Mentally or physically impaired person: A person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in Virginia Code Section 63.2-2200, as certified in writing provided by a physician licensed by the Commonwealth.

Temporary portable storage container: A fully enclosed box-like container designed to permit ease of loading to and from a transport vehicle and for temporary storage purposes on a site (typically known as PODS, MODS, etc.). This definition does not include trailers, travel trailers, tractor trailers, truck bodies, manufactured homes, motor vehicles, and similar transportable units.

Temporary portable waste collection container: A container designed or used on a property for the collection and hauling of waste or debris including but not limited to roll-off containers or boxes and bin containers (dumpsters).

Tower, guyed: A tower design which uses guy wires as an external means of support and/or stabilization.

Tower, lattice or monopole: A single-pole tower design which uses no external means for support and/or stabilization.

Transitional community facility, 9+ individuals: A residential facility for the temporary accommodations of **nine (9)** to a maximum of fifty (50) persons, including those on probation or parole, **those suffering or recovering from alcohol, drug or other addictions, those re-entering society after being released from a correctional facility or other institution, or those suffering from similar disorders**, which provides supervision and appropriate levels of care, **and may** include counseling and rehabilitative services. **This use shall include homeless shelters.**

Transitional home, 1-8 individuals: A residential facility for the temporary accommodations of no more than eight (8) persons, including those on probation or

parole, **those suffering or recovering from alcohol, drug or other addictions, those re-entering society after being released from a correctional facility or other institution, or those suffering from similar disorders**, which provides supervision and appropriate levels of care, **and may** include counseling and rehabilitative services. **This use shall include homeless shelters.**

Travel trailer: A travel trailer shall mean a self-propelled vehicle or a transportable structure which can be pulled behind a motor vehicle which is constructed on a permanent chassis, designed without a permanent foundation. Travel trailers are further designed for temporary living quarters or shelter during periods of recreation, vacation, leisure time or travel.

Tree, deciduous large: **A tree that sheds its leaves at the end of the growing season** having an average minimum mature crown spread greater than thirty (30) feet.

Tree, deciduous small: **A tree that sheds its leaves at the end of the growing season** having an average minimum mature crown spread of greater than twelve (12) feet, but less than or equal to thirty (30) feet.

Tree, evergreen: **A tree that has leaves throughout the year and is a minimum of five (5) feet in height at the time of planting.**

Truck and freight terminals: **A facility for the unloading, transferring, and storing of goods and materials being transported by truck. A truck and freight terminal may include facilities for the repair and servicing of transportation vehicles.**

Use: **The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.**

Use accessory: **A use on the same lot or on a contiguous lot, in the same ownership, and of a nature customarily incidental and subordinate to, the principal use and operated and maintained for the benefit or convenience of the owners, occupants, employees, customers, or visitors, of the zoning lot with the principal use.**

Use, permanent: **A use established with the intent to exist indefinitely.**

Use, principal: **The primary or predominant use of any lot(s) or building.**

Uses required for provision and maintenance of public utilities: **A public utility including gas, thermal, water, and sewerage infrastructure items such as water and wastewater treatment plants/pumping stations, transformer stations, substations, transmission lines and towers, equipment yards, and similar elements. This use shall not include power utility-electric, power utility-nuclear, solar energy facilities, small wind energy facilities, commercial communication facilities, and other uses as specifically defined herein.**

Use, temporary: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Variance: A reasonable deviation from those provisions of this ordinance regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purposes of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

Veterinary clinic: A facility established to supply examination, diagnostic and prophylactic services and medical and surgical treatment to companion animals and equipped to provide housing and nursing care for them during illness and/or convalescence.

Visible: Capable of being seen without visual aid by a person of normal visual acuity.

Warehouse: Uses including storage, warehousing and incidental dispatching of goods within enclosed structures, or outdoors. Typical uses include low-frequency wholesale distributors, storage warehouses, moving/storage firms.

Warehouse, distribution (last mile hubs): An establishment primarily engaged in the high-volume distribution of manufactured products, supplies, and equipment with incidental, short-term product storage.

Warehouse, distribution center (fulfillment center): A warehouse facility dedicated primarily to distributing goods that measures 400,000 square feet or greater.

Warehouse, mini: A self-storage warehouse facility consisting of individual, small self-contained units that are used to accommodate primarily individual households and general public, not intended for use by heavy commercial users and not involving frequent heavy trucking. **The outdoor storage of cars, boats, and the like are permitted as an accessory use of the lot.**

Watercourse: A channel in which the flow of water occurs, either continuously or intermittently, and in the latter, with some degree of regularity. Such flow must be in a definite direction and cover a prescribed area. Watercourses may be either natural or artificial, and both may occur either on the surface or underground.

Wellness and fitness center: An indoor establishment designed and equipped for the conduct of recreational sports, physical exercise, or other usual recreational activities, and open to members and guests or open to the public for a fee. Such establishments may offer classes or instruction in such activities as physical exercise, weight training, martial arts, or weight control and include such facilities and equipment as handball courts, basketball

courts, squash or racquetball courts, gymnasiums, tennis courts, swimming pools, cardio exercise apparatus, or weight training equipment.

Wetland mitigation bank: A wetland area that has been restored, established, enhanced, or preserved for the purpose of providing compensation for impacts to wetlands.

Wind energy facility: An electric generating facility, whose primary purpose is to supply electricity, consisting of one or more wind turbines, and other accessory structures and buildings including towers, substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

***Wind energy facility, small system:* A wind energy conversion system consisting of a single wind turbine, a single tower and/or mounting bracket, and its associated control and conversion hardware and/or electronics, which has a rated capacity of less than or equal to twenty-five (25) kilowatts (kW).**

Windmill: A machine designed to harness the energy of the wind to perform physical work, like grinding grain or pumping water; a windmill will have rotating blades or "sails" that will, typically through gears, levers, and/or pulleys, operate mechanical equipment.

Wind turbine: A machine designed to convert the energy of the wind into electrical power; a wind turbine will typically include such components as a nacelle, a rotor with multiple blades, a generator, and a transformer.

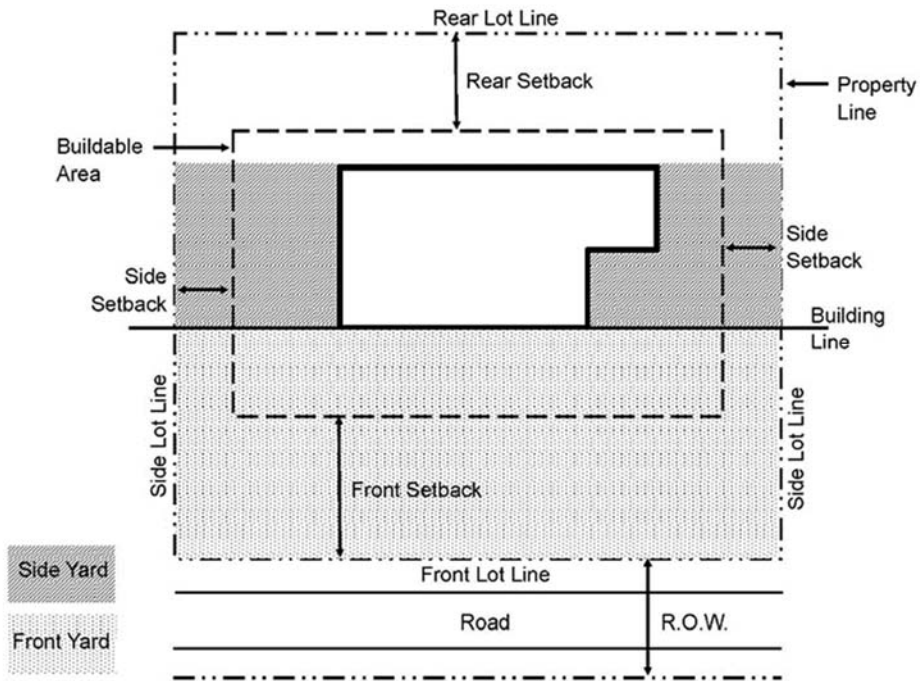
***Yard:* Any open area on a lot not occupied by a structure.**

***Yard, front:* The area between the front of the principal building (excluding steps, landings as required by building code and ADA accessible ramps) and the front lot or street line and extending across the full width of the lot. See Section 2-3 for a visual representation.**

***Yard, side:* The area between the side of the principal building (excluding steps, landings as required by building code and ADA accessible ramps) and the side lot or street line and extending from the front yard to the back of the principal building (excluding steps, landings as required by building code and ADA accessible ramps). See Section 2-3 for a visual representation.**

Zoning permit: A **permit** issued by the administrator authorizing the use of lots and/or structures, and the characteristics of uses **in conformance with this ordinance.**

Section 2-3. Diagrams.



ARTICLE 3. PROVISIONS FOR OFFICIAL ZONING MAP

Section 3-1. Official zoning map.

The location and boundaries of the zoning districts established by this ordinance are as indicated on a map entitled "Official Zoning Map, Gloucester County, Virginia," identified by the signature of the chairman of the Gloucester County Board of Supervisors, attested to by the county administrator, and bearing the seal of Gloucester County, Virginia, together with the date of the adoption of this ordinance, a copy of which shall be on file in the office of the zoning administrator; said map shall be deemed to be a part of this ordinance as if the same were fully set forth herein.

It is the intent of this ordinance that the entire area of the County of Gloucester, including all land, water area, and waterways, be included in the zoning districts established by this ordinance.

Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map, which shall be located in the office of the zoning administrator, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the county.

Section 3-2. Amendment to zoning map.

Whenever any amendment is made to the zoning map by action of the board of supervisors, **as outlined in Article 14**, such change shall be incorporated onto such zoning map at such time and in such manner as the board of supervisors may prescribe. Said changes shall be validated with reference to correct notation by the zoning administrator, who shall affix his signature thereto, thereby certifying that approved amendments to the zoning map have been correctly incorporated. The date of official action and nature of the changes shall be entered on the map. Any such change shall have the effect of law at 12:01 a.m., on the day following its legal adoption or on its effective date, if officially established as other than on the day following its legal adoption, whether or not it has been shown on said zoning map.

Section 3-3. Unauthorized changes.

No changes of any nature shall be made on said zoning map or any matter shown thereon except in conformity with the procedures and requirements of this ordinance. It shall be unlawful for any person to make unauthorized changes on the zoning map. Violations of this provision shall be punishable as provided in Article 15.

Section 3-4. Replacement of the official zoning map.

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the governing body may by ordinance adopt a new official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendments thereof.

The new official zoning map shall be identified by the signature of the chairman of the county board of supervisors, attested by the county administrator and bearing the seal of the county under the following words: "This is to certify that this official zoning map was **adopted on** _____ as part of the zoning ordinance of Gloucester County, Virginia." Unless the prior official zoning map has been lost, or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 3-5. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map, the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highways right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be such boundaries;
- (2) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines, or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map;
- (3) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries; and
- (4) Where a district boundary is indicated to follow a river, creek, branch, or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of change in the shoreline such boundary shall be construed as moving with the actual shoreline.

If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the boundary line shall be a property line or extension of a property line determined by the use of the scale shown on the official zoning map.

Where existing district boundaries do not follow property lines, such boundaries shall be treated as property lines for the purposes of this ordinance **and setbacks shall apply.**

In case of subsequent dispute, the matter shall be referred to the **Board of Zoning Appeals (BZA)**, which shall determine the boundary.

ARTICLE 4. ESTABLISHMENT OF DISTRICTS AND ALLOWABLE USES

Section 4-1. Districts established; boundaries.

(1) **Zoning Districts.** In order to carry out the purposes of this chapter and to allow a variety of uses in different districts which are appropriate to the character of the individual district, the county shall be divided into the following general zoning districts, the boundaries of which shall be shown on the official zoning maps:

- a. Conservation District(s)
 - i. Conservation C-1
- b. Agricultural District(s)
 - i. Rural Countryside RC-1
 - ii. Rural Conservation RC-2
- c. Residential District(s)
 - i. Residential Bayside Conservation C-2
 - ii. Residential Suburban Countryside SC-1
 - iii. Residential Single Family SF-1
 - iv. Residential Multi-Family MF-1
 - v. Residential Manufactured Home Park MH-1
- d. Mixed-Use District(s)
 - i. Village Mixed-Use B-2
- e. Business District(s)
 - i. General Business B-1
 - ii. Rural Business B-4
- f. Industrial District(s)
 - i. Industrial I-1
- g. Other Districts(s)
 - i. Planned Unit Development PUD

(2) **Overlay Districts.** Lands within the county also may be classified as one or more of the "overlay districts" set forth in Article 6 of this chapter. Where the property is classified in an overlay district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying general district. In the event of an express conflict between the

standards set forth in Article 5 and the standards set forth in Article 6 for an overlay district which may apply, Article 6 shall control.

- a. Historic Overlay District
- b. Highway Corridor Development District

Section 4-2. Allowable Uses.

No use shall be established in any zoning district unless it is expressly designated by this chapter as a "permitted use" or "special use" in the district in which the use is to be located, **see Article 5 District Regulations.**

ARTICLE 5. DISTRICT REGULATIONS

Section 5-1. General.**5-1.1. Compliance with district regulations.**

The regulations for each district set forth by this ordinance shall be minimum regulations, except as otherwise specifically provided, and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- (1) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;
- (2) Except as otherwise permitted, no yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein.
- (3) District regulations shall be set forth in **this Article** and in Article 9 of this ordinance, "Supplementary Regulations **Applicable to all Districts.**" District regulations for **overlay districts including the H-1 Historic Overlay district and the Highway Corridor Development District** shall be those specified in Article 6, **Overlay District Regulations.** District regulations for the PUD **Planned Unit Development** district shall be those specified in Article 8.
- (4) **Condominium development.**
 - a. **Permissibility generally. No use or structure shall be prohibited in any zoning district, nor any zoning regulation applicable thereto altered in any way, solely on the basis of its form of ownership as a condominium.**
 - b. **Density. Density of units for sale in condominiums shall be the same as the number of dwellings per acre permitted for a physically identical project under a different form of ownership in the same zoning district**

Sections 5-2 thru 5-9 Reserved.

Section 5-10. Conservation District(s).**5-10.1. Regulations for Zoning District C-1, Conservation District.**

- (1) **Intent.** The intent of the C-1 district is to conserve water and wildlife resources, to reduce soil and shore erosion, to protect watersheds, to reduce hazards from flood and fire, to protect the wetlands, and to set aside large areas as open space by permitting only those uses compatible with natural areas.
- (2) **Permitted Uses** (also identified in Table of Uses Permitted by District, Sec. 5-70).
 - a. The **use** table in (e) below lists Permitted uses (P) through administrative review, uses permitted by Special Exception (SE), and uses permitted by

Conditional Use Permit (CUP). Refer to Article 14 – Administrative Procedures Sections 14-16 thru 14-23 for procedures related to Special Exceptions (SE’s) and Conditional Use Permits (CUPs). **(Revise as needed once Art 14 is revised and reorganized.)**

- b. Certain uses have additional, modified or more stringent standards listed in Article 9B Supplemental Use Regulations. References to those regulations are identified in the use table in (e) below for each use in which they apply.
- c. No building or structure shall be erected, added to, structurally altered, or land use be established or changed in use without a permit issued by the administrator.
- d. **In the C-1 Conservation District more than one (1) permitted principal use and its associated structures may be established on a single lot, provided that yard and other requirements of this ordinance shall be met.**
- e. **Use Table for C-1 Conservation District.**

Permitted Uses: C-1 Conservation District	Supplemental Regulations	P	SE	CUP
Agricultural, Animal, and Outdoor				
Agriculture				
Agricultural operation				√
Aquaculture facility	9B-2.20		√	
Forestry operation		√		
Animal				
Domestic Pets		√		
Outdoor				
Camping, personal use or enjoyment	9D-30	√		
Hunting and fishing clubs			√	
Nature based tourism				√
Civic and Institution Uses				
Park, natural area, or community recreation facility	9B-5.30	√		
Public building / facility		√		
School, private, in-home		√		
Consumer Products & Services (commercial)				
None Permitted				
Consumer Products and Services (commercial) Lodging				
None Permitted				
Industrial and Utilities				

Permitted Uses: C-1 Conservation District	Supplemental Regulations	P	SE	CUP
Industrial				
Freight containers as accessory structures	9D-10	√		
Seafood processing plant				√
Utilities				
Commercial communication facility, major	9B-8.10		√	
Commercial communication facility, minor	9B-8.10	√		
Power utility-electric	9B-8.20			√
Solar energy facility, private large-scale, ground mounted	9B-8.30			√
Solar energy facility, private large-scale, roof mounted / solar canopy	9B-8.30	√		
Solar energy facility, private small-scale	9B-8.30	√		
Uses required for provision and maintenance of public utilities	9B-8.40	√		
Wind energy facility	9B-8.50	√		
Residential				
None Permitted				

(3) Minimum Lot Area and Maximum Residential Density.

- a. Lot size:
 - i. Minimum lot area: None (or as specified in Article 9B Supplementary Use Regulations for specific uses)
 - ii. Minimum frontage/average lot width: None (or as specified in Article 9B Supplementary Use Regulations for specific uses)
- b. Density: Maximum residential density: N/A

(4) **Lot coverage.** As required by other local, state, or federal regulations including but not limited to Chesapeake Bay Preservation and Stormwater Management Ordinances.

(5) Setback requirements.

- a. Setback table

	Front	Side	Rear
Principal Building / Structure	75 feet	50 feet	100 feet

	Front	Side	Rear
Accessory Building / Structure	75 feet	5 feet	5 feet

b. Additional Setback Regulations:

- i. For nonconforming lots of record see Section 10-3 Nonconforming lots of record.
- ii. There is no setback requirement for fences **or retaining walls'**, however on corner lots **they** must **comply with General Article 9E Other Regulations "Visibility at Intersections" Section 9E-30** and fences within the Highway Corridor Overlay District must comply with Article 6A Highway Corridor Development District setbacks.
- iii. Architectural projections, as defined in Article 2, shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard and shall comply with the requirements of the Virginia Uniform Statewide Building Code.
- iv. **There is no setback requirement for residential utilities and utility shelters such as well pump houses, heating, ventilation, and air conditioning (HVAC) units, generators, and the like.**
- v. **Where a development requiring a site plan is proposed to encompass and be situated on multiple existing lots, the lot lines separating said lots shall be vacated through the preparation and recordation of a plat in accordance with the subdivision ordinance. There shall be no fee for boundary line vacation plats necessitated by this requirement. The recordation of such plat shall be required prior to site plan approval. In the event the development proposed can stand alone on each of the lots and in compliance with all applicable setback, parking, and other zoning requirements, then vacation of the lot lines shall not be required. Buildings cannot straddle property lines unless they meet building code requirements and are located in a zoning district where setback requirements do not apply.**

(6) **Building/Structure Requirements. Maximum footprint and height.**

	Maximum Footprint	Maximum Height <i>See (i&ii) below.</i>
Principal Building / Structure	None	50 feet
Accessory Building / Structure	None	35 feet <i>See (iii) below.</i>

i - The height limitations do not apply to buildings / structures used for agricultural purposes or to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. For uses such as commercial communication facilities, solar energy facilities, utilities, and wind energy facilities see associated Article 9B Supplemental Use Regulations.

*ii - **The maximum permitted height of principal buildings located in designated special flood hazard areas inundated by the one hundred (100) year flood shall be an additional five (5) feet above the height limitation set forth above.***

iii - If an accessory building meets principal building setback requirements, it may also utilize the same maximum height.

(7) Other Requirements. (None)

(8) Other Regulations. The following regulations may be applicable to uses in this district.

- a. See Article 6A Highway Corridor Development District. For lots located along Route 17 additional requirements apply.
- b. See Article 9A for Supplementary Regulations applicable to all Districts.
- c. See Article 9B for Supplementary Use Regulations
- d. See Article 9C for Screening and Buffering regulations
- e. See Article 9D for regulations related to Temporary and Accessory Uses/Structures.
- f. See Article 10 for regulations related to Nonconformities.
- g. See Article 11 for regulations related to Off-Street Parking and Loading Facilities.
- h. See Article 12 for regulations related to Signs.

Sections 5-11 thru 5-19 Reserved

Section 5-20. Agriculture District(s).

5-20.1. Regulations for Zoning District RC-1, Rural Countryside District.

(1) **Intent.** The Rural Countryside district is an agriculture district. The intent of the RC-1 district is to conserve farm and forest land and to encourage agricultural activities, thereby helping to ensure that commercial agriculture and silviculture will continue as long-term land uses and viable economic activities within the county. The RC-1 district is also established to preserve natural features and the rural landscape, while allowing low density residential development when it is located and designed to minimize its impact on agricultural land, farming and silviculture, and sensitive environmental features; to create attractive rural developments; and to respect existing features of the rural landscape. Cluster development is encouraged to better achieve these goals.

(2) **Permitted Uses** (also identified in Table of Uses Permitted by District, Sec. 5-70).

- a. The **use** table in e below lists Permitted uses (P) through administrative review, uses permitted by Special Exception (SE), and uses permitted by Conditional Use Permit (CUP). Refer to Article 14 – Administrative Procedures Sections 14-16 thru 14-23 for procedures related to Special Exceptions (SEs) and Conditional Use Permits (CUPs). **(Revise as needed once Art 14 is revised and reorganized.)**
- b. Certain uses have additional, modified or more stringent standards listed in Article 9B Supplemental Use Regulations. References to those regulations are identified in the use table in (e) below for each use in which they apply.
- c. No building or structure shall be erected, added to, structurally altered, or land use be established or changed in use without a permit issued by the administrator. In the RC-1 district, buildings or other structures associated with the production of agricultural or forestal products are exempt from obtaining a zoning permit.
- d. **In the RC-1 district more than one (1) permitted principal use and its associated structures may be established on a single lot, provided that yard and other requirements of this ordinance shall be met.**
- e. **Use Table for RC-1 Rural Countryside District.**

Permitted Uses: RC-1 Rural Countryside District	Supplemental Regulations	P	SE	CUP
Agricultural, Animal, and Outdoor				
Agriculture				
Agricultural operation		√		
Agriculture processing				√
Agritourism		√		

Permitted Uses: RC-1 Rural Countryside District	Supplemental Regulations	P	SE	CUP
Application of Biosolids	9B-2.10	√		
Aquaculture facility	9B-2.20	√		
Concentrated animal feeding operation	9B-2.30	√		
Farm brewery, limited	9B-2.40	√		
Farm distillery, limited	9B-2.40	√		
Farm livestock market				√
Farm produce stand	9B-2.50		√	
Farm wayside stand	9B-2.60	√		
Farm winery	9B-2.40	√		
Farmers' market	9B-2.50		√	
Forestry operation		√		
Animal				
Animal care and/or training facility (Kennel)	9B-3.10		√	
Animal shelter, private	9B-3.10		√	
Animal training services	9B-3.20		√	
Domestic pets		√		
Livestock, private use or enjoyment	9B-3.40	√		
Livestock, private use or enjoyment, requesting acreage reduction	9B-3.40		√	
Stable, commercial	9B-3.50	√		
Stable, private	9B-3.60	√		
Stable, private requesting acreage reduction	9B-3.60		√	
Outdoor				
Campground	9B-4.10			√
Camping, personal use or enjoyment	9D-30	√		
Firing range, outdoor	9B-4.20			√
Golf course			√	
Hunting and fishing clubs		√		
Marina				√
Nature based tourism			√	
Outdoor recreational club			√	
Wetland mitigation bank				√
Civic and Institutional Uses				
Cemetery	9B-5.10			√
Churches and other places of worship		√		
Day care center, adult			√	
Day care center, child			√	
Family day home, 5-12 children	9B-5.20	√		
Fire and/or EMS company stations		√		
Food pantry / soup kitchen			√	
Lodge halls and clubs			√	

Permitted Uses: RC-1 Rural Countryside District	Supplemental Regulations	P	SE	CUP
Museum		√		
Park, natural area, or community facility	9B-5.30	√		
Public building / facility		√		
Residential group homes, 1-8 individuals	9B-5.40	√		
Residential group homes, 9+ individuals	9B-5.40			√
Schools, post-secondary				√
Schools, private elementary/secondary				√
Schools, private, in-home		√		
Schools, public elementary/secondary		√		
Transitional Home, 1-8 individuals	9B-5.50			√
Consumer Products and Services (commercial)				
Commercial outdoor entertainment, amusement, or sports, major	9B-6.60			√
Commercial outdoor entertainment, amusement or sports, minor	9B-6.60		√	
Event facility	9B-6.80			√
Firing range, indoor	9B-6.90			√
Sales, general store, country	9B-6.100		√	
Sales, retail/wholesale, outdoor	9B-6.120			√
Taxidermy and /or pet crematorium			√	
Veterinary clinic	9B-6.140		√	
Consumer Products and Services (commercial) Lodging				
Bed and breakfast			√	
Inn				√
Industrial and Utilities				
Industrial				
Airport, commercial				√
Airstrip, private				√
Contractor storage yards			√	
Dredge spoil site				√
Freight containers as accessory structures	9D-10	√		
Landfill, construction debris				√
Manufacturing, craft			√	
Manufacturing, extractive	9B-7.30			√
Manufacturing, light				√
Manufacturing, medium				√
Manufacturing, food and beverage production and/or processing				√

Permitted Uses: RC-1 Rural Countryside District	Supplemental Regulations	P	SE	CUP
Mine, surface mineral	9B-7.40			√
Organic waste recycling facility				√
Sawmills		√		
Seafood processing plant			√	
Utilities				
Commercial communication facility, major	9B-8.10		√	
Commercial communication facility, minor	9B-8.10	√		
Power utility-electric	9B-8.20			√
Solar energy facility, commercial community-scale	9B-8.30			√
Solar energy facility, private large-scale, ground mounted	9B-8.30	√		
Solar energy facility, private large-scale, roof mounted/solar canopy	9B-8.30	√		
Solar energy facility, private small-scale	9B-8.30	√		
Solar energy facility, utility -scale	9B-8.30			√
Uses required for provision and maintenance of public utilities	9B-8.40	√		
Wind energy facility	9B-8.50	√		
Residential				
Ancillary residential structure or use	9B-9.10	√		
Dwelling, accessory	9B-9.20	√		
Dwelling, single-family detached, cluster	9B-9.50	√		
Dwelling, single-family detached, conventional	9B-9.60	√		
Home occupation, Type I	9B-9.70	√		
Home occupation, Type II	9B-9.70		√	
Manufactured Home		√		

(3) **Minimum Lot Area and Maximum Residential Density.**

- a. Lot size:
 - i. Minimum lot area: 5 acres (or as specified in Article 9B Supplementary Use Regulations for specific uses)
 - ii. Minimum frontage/average lot width: 250 feet (or as specified in Article 9B Supplementary Use Regulations for specific uses)
- b. Density: Maximum residential density: 0.2 dwelling units **or manufactured homes** per gross acre; see Section 9B-9.50 for clustered single family residential and Section 9B-9.20 for **accessory** dwellings.

(4) **Lot coverage.** As required by other local, state, or federal regulations including but not limited to Chesapeake Bay Preservation and Stormwater Management Ordinances.

(5) **Setback requirements.**

a. Setback table

	Front	Side	Rear
Principal Building / Structure	75 feet	50 feet	100 feet
Accessory Building / Structure	75 feet	5 feet	5 feet

b. Additional Setback Regulations:

- i. For nonconforming lots of record see Section 10-3 Nonconforming lots of record.
- ii. If lot is part of a cluster subdivision, the setbacks shall be the same as those required for the cluster subdivision. See Section 9B-9.50 for cluster developments.
- iii. There is no setback requirement for fences **or retaining walls**; however on corner lots **they** must comply with Article 9E Other Regulations “Visibility at Intersections” Section 9E-30 and fences within the Highway Corridor Overlay District must comply with Article 6A Highway Corridor Development District setbacks.
- iv. Architectural projections, as defined in Article 2, shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard and shall comply with the requirements of the Virginia Uniform Statewide Building Code.
- v. **There is no setback requirement for residential utilities and utility shelters such as well pump houses, heating, ventilation, and air conditioning (HVAC) units, generators, and the like.**
- vi. **Where a development requiring a site plan is proposed to encompass and be situated on multiple existing lots, the lot lines separating said lots shall be vacated through the preparation and recordation of a plat in accordance with the subdivision ordinance. There shall be no fee for boundary line vacation plats necessitated by this requirement. The recordation of such plat shall be required prior to site plan approval. In the event the development proposed can stand alone on each of the lots and in compliance with all applicable setback, parking, and other zoning requirements, then vacation of the lot lines shall not be required. Buildings cannot straddle property lines unless**

they meet building code requirements and are located in a zoning district where setback requirements do not apply.

(6) Building / Structure Requirements. Maximum footprint and height.

	Maximum Footprint	Maximum Height <i>See i & ii below.</i>
Principal Building / Structure	None	50 feet
Accessory Building / Structure	None	35 feet <i>See iii below.</i>

i – The height limitations do not apply to buildings/structures used for agricultural purposes or to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. For uses such as commercial communication facilities, solar energy facilities, utilities, and wind energy facilities see associated Article 9B Supplemental Use Regulations.

*ii – **The maximum permitted height of principal buildings located in designated special flood hazard areas inundated by the one hundred (100) year flood shall be an additional five (5) feet above the height limitation set forth above.***

iii – If an accessory building meets principal building setback requirements, it may also utilize the same maximum height.

(7) Other Requirements. (None)

(8) Other Regulations. The following regulations may be applicable to uses in this district.

- a. See Article 6A Highway Corridor Development District. For lots located along Route 17 additional requirements apply.
- b. See Article 9A for Supplementary Regulations applicable to all Districts.
- c. See Article 9B for Supplementary Use Regulations
- d. See Article 9C for Screening and Buffering regulations
- e. See Article 9D for regulations related to Temporary and Accessory Uses/Structures.
- f. See Article 10 for regulations related to Nonconformities.
- g. See Article 11 for regulations related to Off-Street Parking and Loading Facilities.
- h. See Article 12 for regulations related to Signs.

5-20.2. Regulations for Zoning District RC-2, Rural Conservation District.

- (1) **Intent.** The Rural Conservation district is an agriculture district. The intent of the RC-2 is to protect the natural resources of the Bayside area of the county, to preserve prime agricultural soils, to protect watersheds and wildlife habitat, to reduce hazards from flood, hurricane, and fire, to protect wetlands, and to preserve large contiguous areas of open space and forests. A limited amount of residential development is permitted and clustering is encouraged to achieve the district’s intent.
- (2) **Permitted Uses** (also identified in Table of Uses Permitted by District, Sec. 5-70).
 - a. The use table in e below lists Permitted uses (P) through administrative review, uses permitted by Special Exception (SE), and uses permitted by Conditional Use Permit (CUP). Refer to Article 14 – Administrative Procedures Sections 14-16 thru 14-23 for procedures related to Special Exceptions (Ses) and Conditional Use Permits (CUPs). **(Revise as needed once Art 14 is revised and reorganized.)**
 - b. Certain uses have additional, modified or more stringent standards listed in Article 9B Supplemental Use Regulations. References to those regulations are identified in the use table in (e) below for each use in which they apply.
 - c. No building or structure shall be erected, added to, structurally altered, or land use be established or changed in use without a permit issued by the administrator. In the RC-2 district, buildings or other structures associated with the production of agricultural or forestal products are exempt from obtaining a zoning permit.
 - d. **In the RC-2 district more than one (1) permitted principal use and its associated structures may be established on a single lot, provided that yard and other requirements of this ordinance shall be met.**
 - e. **Use Table for RC-2 Rural Conservation District.**

Permitted Uses: RC-2 Rural Conservation District	Supplemental Regulations	P	SE	CUP
Agricultural, Animal, and Outdoor				
Agriculture				
Agricultural operation		√		
Agriculture processing				√
Agritourism		√		
Aquaculture facility	9B-2.20	√		
Concentrated animal feeding operation	9B-2.30	√		
Farm brewery, limited	9B-2.40	√		
Farm distillery, limited	9B-2.40	√		

Permitted Uses: RC-2 Rural Conservation District	Supplemental Regulations	P	SE	CUP
Farm livestock market				√
Farm produce stand	9B-2.50		√	
Farm wayside stand	9B-2.60	√		
Farm winery	9B-2.40	√		
Farmers' market	9B-2.50		√	
Forestry operation		√		
Animal				
Animal care facility (Kennel)	9B-3.10		√	
Animal shelter, private	9B-3.10		√	
Animal training services	9B-3.20		√	
Domestic pets		√		
Livestock, private use or enjoyment	9B-3.40	√		
Livestock, private use or enjoyment, requesting acreage reduction	9B-3.40		√	
Stable, commercial	9B-3.50	√		
Stable, private	9B-3.60	√		
Stable, private requesting acreage reduction	9B-3.60		√	
Outdoor				
Campground	9B-4.10			√
Camping, personal use or enjoyment	9D-30	√		
Firing range, outdoor	9B-4.20			√
Golf course			√	
Hunting and fishing clubs		√		
Marina				√
Nature based tourism			√	
Outdoor recreational club			√	
Wetland mitigation bank				√
Civic and Institution Uses				
Cemetery	9B-5.10			√
Churches and other places of worship		√		
Day care center, adult			√	
Day care center, child			√	
Family day home, 5-12 children	9B-5.20	√		
Fire and/or EMS company stations		√		
Food pantry / soup kitchen			√	
Lodge halls and clubs			√	
Museum		√		
Park, natural area, or community facility	9B-5.30	√		
Public building / facility		√		
Residential group homes, 1-8 individuals	9B-5.40	√		
Residential group homes, 9+ individuals	9B-5.40			√

Permitted Uses: RC-2 Rural Conservation District	Supplemental Regulations	P	SE	CUP
Schools, private elementary /secondary				√
Schools, private in-home		√		
Schools, post-secondary				√
Schools, public elementary /secondary		√		
Consumer Products and Services (commercial)				
Commercial outdoor entertainment, amusement or sports, minor	9B-6.60		√	
Event facility	9B-6.80			√
Firing range, indoor	9B-6.90			√
Sales, general store, country	9B-6.100		√	
Taxidermy and/or pet crematorium			√	
Veterinary clinic	9B-6.140		√	
Consumer Products and Services (commercial) Lodging				
Bed and breakfast			√	
Inn				√
Industrial and Utilities				
Industrial				
Airstrip, private				√
Dredge spoil site				√
Freight containers as accessory structures	9D-10	√		
Landfill, construction debris			√	
Manufacturing, craft			√	
Manufacturing, extractive	9B-7.30			√
Manufacturing, light				√
Manufacturing, food and beverage production and//or processing				√
Manufacturing, medium				√
Mine, surface mineral	9B-7.40			√
Sawmills				√
Seafood processing plant			√	
Utilities				
Commercial communication facility, major	9B-8.10		√	
Commercial communication facility, minor	9B-8.10	√		
Power utility-electric	9B-8.20			√
Solar energy facility, private large-scale, ground mounted	9B-8.30			√
Solar energy facility, private large-scale, roof mounted/solar canopy	9B-8.30	√		
Solar energy facility, private small-	9B-8.30	√		

Permitted Uses: RC-2 Rural Conservation District	Supplemental Regulations	P	SE	CUP
scale				
Uses required for provision and maintenance of public utilities	9B-8.40	√		
Wind energy facility	9B-8.50	√		
Residential				
Ancillary residential structure or use Dwelling, accessory	9B-9.10	√		
Dwelling, single-family detached, cluster	9B-9.20	√		
Dwelling, single-family detached, conventional	9B-9.50	√		
Home occupation, Type I	9B-9.60	√		
Home occupation, Type II	9B-9.70		√	
Manufactured Home	9B-9.70	√		

(3) **Minimum Lot Area and Maximum Residential Density.**

- a. Lot size:
 - i. Minimum lot area: 5 acres (or as specified in Article 9B Supplementary Use Regulations for specific uses)
 - ii. Minimum frontage/average lot width: 250 feet (or as specified in Article 9B Supplementary Use Regulations for specific uses)
- b. Density: Maximum residential density: 0.2 dwelling units **or manufactured homes** per gross acre; see Section 9B-9.50 for clustered single family residential and Section 9B-9.20 for **accessory** dwellings.

(4) **Lot coverage.** As required by other local, state, or federal regulations including but not limited to Chesapeake Bay Preservation and Stormwater Management Ordinances.

(5) **Setback requirements.**

a. Setback table.

	Front	Side	Rear
Principal Building / Structure	75 feet	50 feet	100 feet
Accessory Building / Structure	75 feet	5 feet	5 feet

- b. Additional Setback Regulations:
 - i. For nonconforming lots of record see Section 10-3 Nonconforming lots of record.

- ii. If lot is part of a cluster subdivision, the setbacks shall be the same as those required for the cluster subdivision. See Article 9B-9.50 for cluster developments.
- iii. There is no setback requirement for fences or retaining walls, however on corner lots they must comply with Article 9E Other Regulations “Visibility at Intersections” Section 9E-30 and fences within the Highway Corridor Overlay District must comply with Article 6A Highway Corridor Development District setbacks.
- iv. Architectural projections, as defined in Article 2, shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard and shall comply with the requirements of the Virginia Uniform Statewide Building Code.
- v. **There is no setback requirement for residential utilities and utility shelters such as well pump houses, heating, ventilation, and air conditioning (HVAC) units, generators, and the like.**
- vi. **Where a development requiring a site plan is proposed to encompass and be situated on multiple existing lots, the lot lines separating said lots shall be vacated through the preparation and recordation of a plat in accordance with the subdivision ordinance. There shall be no fee for boundary line vacation plats necessitated by this requirement. The recordation of such plat shall be required prior to site plan approval. In the event the development proposed can stand alone on each of the lots and in compliance with all applicable setback, parking, and other zoning requirements, then vacation of the lot lines shall not be required. Buildings cannot straddle property lines unless they meet building code requirements and are located in a zoning district where setback requirements do not apply.**

(6) **Building Requirements.** Maximum building footprint and height

	Maximum Footprint	Maximum Height <i>See i & ii below.</i>
Principal Building / Structure	None	50 feet
Accessory Building / Structure	None	35 feet <i>See iii below.</i>

i - The height limitations do not apply to buildings/ structures used for agricultural purposes or to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. For uses such as commercial

communication facilities, solar energy facilities, utilities, and wind energy facilities see associated Article 9B Supplementary Use Regulations.

*ii - The maximum permitted height of principal buildings located in designated special flood hazard areas inundated by the one hundred (100) year flood shall be **an additional five (5) feet above the** height limitation set forth **above**.*

iii - If an accessory building meets principal building setback requirements, it may also utilize the same maximum height.

(7) Other Requirements. (None)

(8) Other Regulations. The following regulations may be applicable to uses in this district.

- a. See Article 6A Highway Corridor Development District. For lots located along Route 17 additional requirements apply.
- b. See Article 9A for Supplementary Regulations applicable to all Districts.
- c. See Article 9B for Supplementary Use Regulations
- d. See Article 9C for Screening and Buffering regulations
- e. See Article 9D for regulations related to Temporary and Accessory Uses/Structures.
- f. See Article 10 for regulations related to Nonconformities.
- g. See Article 11 for regulations related to Off-Street Parking and Loading Facilities.
- h. See Article 12 for regulations related to Signs.

Sections 5-21-5-29 Reserved.

Section 5-30. Residential Districts.

5-30.1. Regulations for Zoning District C-2, Bayside Conservation District.

- (1) **Intent.** The intent of the C-2 district is to allow low density residential development in a manner which protects natural resources in a sensitive environment. The intent is further to prevent soil and shore erosion, to reduce hazards from flood, hurricane, and fire, and to protect wetlands. A limited amount of residential development is permitted and clustering is encouraged to achieve the district's intent.
- (2) **Permitted Uses** (also listed in Table of Uses Permitted by District, Sec. 5-70).
 - a. The use table in e below lists Permitted uses (P) through administrative review, uses permitted by Special Exception (SE), and uses permitted by Conditional

Use Permit (CUP). Refer to Article 14 – Administrative Procedures Sections 14-16 thru 14-23 for procedures related to Special Exceptions (SEs) and Conditional Use Permits (CUPs). **(Revise as needed once Art 14 is revised and reorganized.)**

- b. Certain uses have additional, modified or more stringent standards listed in Article 9B Supplementary Use Regulations. References to those regulations are identified in the use table in (e) below for each use in which they apply.
- c. No building or structure shall be erected, added to, structurally altered, or land use be established or changed in use without a permit issued by the administrator.
- d. **In the C-2 district only one permitted principal use and its associated structures may be established on a single lot except as otherwise permitted by Special Exception or Conditional Use Permit (CUP).**
- e. **Use Table for C-2 Bayside Conservation District.**

Permitted Uses: C-2 Bayside Conservation District	Supplemental Regulations	P	SE	CUP
Agricultural, Animal, and Outdoor				
Agriculture				
Agricultural operation			√	
Agritourism			√	
Aquaculture facility	9B-2.20		√	
Farm brewery, limited	9B-2.40		√	
Farm distillery, limited	9B-2.40		√	
Farm wayside stand	9B-2.60		√	
Farm winery	9B-2.40		√	
Forestry operation		√		
Animal				
Animal care and/or training facility (Kennel)	9B-3.10		√	
Animal shelter, private	9B-3.10		√	
Animal training services	9B-3.20		√	
Domestic pets		√		
Livestock, private use or enjoyment	9B-3.40	√		
Livestock, private use or enjoyment, requesting acreage reduction	9B-3.40		√	
Stable, commercial	9B-3.50	√		
Stable, private	9B-3.60	√		
Stable, private requesting acreage reduction	9B-3.60		√	
Outdoor				
Campground	9B-4.10			√
Camping, personal use or enjoyment	9D-30	√		
Firing range, outdoor	9B-4.20			√

Permitted Uses: C-2 Bayside Conservation District	Supplemental Regulations	P	SE	CUP
Golf course				√
Hunting and fishing clubs		√		
Marina				√
Nature based tourism				√
Outdoor recreational club				√
Wetland mitigation bank				√
Civic and Institutional Uses				
Cemetery	9B-5.10			√
Churches and other places of worship		√		
Day care center, adult			√	
Day care center, child			√	
Family day home, 5-12 children	9B-5.20	√		
Fire and/or EMS company stations		√		
Food pantry / soup kitchen				√
Lodge halls and clubs				√
Museum		√		
Park, natural area, or community recreation facility	9B-5.30	√		
Public building / facility		√		
Residential group homes, 1-8 individuals	9B-5.40	√		
Residential group homes, 9+ individuals	9B-5.40			√
Schools, private in-home		√		
Schools, public elementary/secondary		√		
Consumer Products and Services (commercial)				
Event facility	9B-6.80			√
Firing range, indoor	9B-6.90			√
Sales, general store, country	9B-6.100		√	
Consumer Products and Services (commercial) Lodging				
Bed and breakfast			√	
Inn				√
Industrial and Utilities				
Industrial				
Airstrip, private				√
Dredge spoil site				√
Freight containers as accessory structures	9D-10	√		
Manufacturing, extractive	9B-7.30			√
Mine, surface mineral	9B-7.40			√
Sawmills				√

Permitted Uses: C-2 Bayside Conservation District	Supplemental Regulations	P	SE	CUP
Seafood processing plant				√
Utilities				
Commercial communication facility, major	9B-8.10		√	
Commercial communication facility, minor	9B-8.10	√		
Power utility-electric	9B-8.20			√
Solar energy facility, private large-scale, ground mounted	9B-8.30			√
Solar energy facility, private large-scale, roof mounted / solar canopy	9B-8.30	√		
Solar energy facility, private small-scale	9B-8.30	√		
Uses required for provision and maintenance of public utilities	9B-8.40	√		
Wind energy facility	9B-8.50	√		
Residential				
Ancillary residential structure or use	9B-9.10	√		
Dwelling, accessory	9B-9.20	√		
Dwelling, single-family detached, cluster	9B-9.50	√		
Dwelling, single-family detached, conventional	9B-9.60	√		
Home occupation, Type I	9B-9.70	√		
Home occupation, Type II	9B-9.70		√	

(3) **Minimum Lot Area and Maximum Residential Density.**

- a. Lot size:
 - i. Minimum lot area: 5 acres (or as specified in Article 9B Supplementary Use Regulations for specific uses)
 - ii. Minimum frontage/average lot width: 250 feet (or as specified in Article 9B Supplementary Use Regulations for specific uses)
- b. Density: Maximum residential density: 0.2 dwelling units per gross acre; See Section 9B-9.50 for clustered single family residential and Section 9B-9.20 for **accessory** dwellings.

(4) **Lot coverage.** As required by other local, state, or federal regulations including but not limited to Chesapeake Bay Preservation and Stormwater Management Ordinances.

(5) **Setback requirements.**

a. Setback table.

	Front	Side	Rear
Principal Building / Structure	75 feet	50 feet	100 feet
Accessory Building / Structure	75 feet	5 feet	5 feet

b. Additional Setback Regulations:

- i. For nonconforming lots of record see Section 10-3 Nonconforming lots of record.
- ii. If lot is part of a cluster subdivision, the setbacks shall be the same as those required for the cluster subdivision. See Article 9B-9.50 for cluster developments.
- iii. There is no setback requirement for fences **or retaining walls**; however on corner lots **they** must **comply with Article 9E Other Regulations “Visibility at Intersections” Section 9E-30** and fences within the Highway Corridor Overlay District must comply with Article 6A Highway Corridor Development District setbacks.
- iv. Architectural projections, as defined in Article 2, shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard and shall comply with the requirements of the Virginia Uniform Statewide Building Code.
- v. **There is no setback requirement for residential utilities and utility shelters such as well pump houses, heating, ventilation, and air conditioning (HVAC) units, generators, and the like.**
- vi. **Where a development requiring a site plan is proposed to encompass and be situated on multiple existing lots, the lot lines separating said lots shall be vacated through the preparation and recordation of a plat in accordance with the subdivision ordinance. There shall be no fee for boundary line vacation plats necessitated by this requirement. The recordation of such plat shall be required prior to site plan approval. In the event the development proposed can stand alone on each of the lots and in compliance with all applicable setback, parking, and other zoning requirements, then vacation of the lot lines shall not be required. Buildings cannot straddle property lines unless they meet building code requirements and are located in a zoning district where setback requirements do not apply.**

(6) **Building / Structure Requirements.** Maximum footprint and height.

	Maximum Footprint	Maximum Height
		<i>See i & ii below.</i>

Principal Building / Structure	None	50 feet
Accessory Building / Structure	None	35 feet <i>See iii below.</i>

i - The height limitations do not apply to buildings / structures used for agricultural purposes or to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. For uses such as commercial communication facilities, solar energy facilities, utilities, and wind energy facilities see associated Article 9B Supplementary Use Regulations.

*ii - The maximum permitted height of principal buildings located in designated special flood hazard areas inundated by the one hundred (100) year flood shall be **an additional five (5) feet above the** height limitation set forth **above.***

iii - If an accessory building meets principal building setback requirements, it may also utilize the same maximum height.

(7) Other Requirements. (None)

(8) Other Regulations. The following regulations may be applicable to uses in this district.

- a. See Article 6A Highway Corridor Development District. For lots located along Route 17 additional requirements apply.
- b. See Article 9A for Supplementary Regulations applicable to all Districts.
- c. See Article 9B for Supplementary Use Regulations
- d. See Article 9C for Screening and Buffering regulations
- e. See Article 9D for regulations related to Temporary and Accessory Uses/Structures.
- f. See Article 10 for regulations related to Nonconformities.
- g. See Article 11 for regulations related to Off-Street Parking and Loading Facilities.
- h. See Article 12 for regulations related to Signs.

5-30.2. Regulations for Zoning District SC-1, Suburban Countryside District.

- (1) **Intent.** The intent of the SC-1 district is to allow medium density residential development. The SC-1 district is intended for limited areas suitable for such development by virtue of their non-prime, non-erodible soils and their suitability for conventional septic systems. In many cases, these areas are already largely committed to medium and low density residential subdivisions. Cluster development is encouraged in order to protect environmental and scenic resources.
- (2) **Permitted Uses** (also identified in Table of Uses Permitted by District, Sec. 5-70).
 - a. The use table in e below lists Permitted uses (P) through administrative review, uses permitted by Special Exception (SE), and uses permitted by Conditional Use Permit (CUP). Refer to Article 14 – Administrative Procedures Sections 14-16 through 14-23 for procedures related to Special Exceptions (SEs) and Conditional Use Permits (CUPs). **(Revise as needed once Art 14 is revised and reorganized.)**
 - b. Certain uses have additional, modified or more stringent standards listed in Article 9B Supplementary Use Regulations. References to those regulations are identified in the use table in (e) below for each use in which they apply.
 - c. No building or structure shall be erected, added to, structurally altered, or land use be established or changed in use without a permit issued by the Administrator.
 - d. **In the SC-1 district only one permitted principal use and its associated structures may be established on a single lot except as otherwise permitted by Special Exception or Conditional Use Permit (CUP).**
 - e. **Use Table for SC-1 Suburban Countryside District**

Permitted Uses: SC-1 Suburban Countryside District	Supplemental Regulations	P	SE	CUP
Agricultural, Animal, and Outdoor				
Agriculture				
Agricultural operation			√	
Agritourism			√	
Aquaculture facility	9B-2.20		√	
Farm brewery, limited	9B-2.40		√	
Farm distillery, limited	9B-2.40		√	
Farm wayside stand	9B-2.60		√	
Farm winery	9B-2.40		√	
Farmers’ market	9B-2.50		√	
Forestry operation		√		
Animal				
Animal care and/or training facility (Kennel)	9B-3.10		√	
Animal shelter, private	9B-3.10		√	
Animal training services	9B-3.20		√	

Permitted Uses: SC-1 Suburban Countryside District	Supplemental Regulations	P	SE	CUP
Domestic pets		√		
Livestock, private use or enjoyment	9B-3.40	√		
Livestock, private use or enjoyment, requesting acreage reduction	9B-3.40		√	
Stable, commercial	9B-3.50		√	
Stable, private	9B-3.60	√		
Stable, private requesting acreage reduction	9B-3.60		√	
Outdoor				
Campground	9B-4.10			√
Camping, personal use or enjoyment	9D-30	√		
Golf course				√
Hunting and fishing clubs		√		
Marina				√
Nature based tourism				√
Civic and Institutional Uses				
Cemetery	9B-5.10			√
Churches and other places of worship		√		
Day care center, adult			√	
Day care center, child			√	
Family day home, 5-12 children	9B-5.20	√		
Fire and/or EMS company stations		√		
Food pantry / soup kitchen				√
Lodge halls and clubs				√
Museum		√		
Park, natural area or community recreation facility	9B-5.30	√		
Public building / facility		√		
Residential group homes, 1-8 individuals	9B-5.40	√		
Residential group homes, 9+ individuals	9B-5.40			√
Schools, private elementary / secondary				√
Schools, private in-home		√		
Schools, public elementary/secondary		√		
Schools, post-secondary				√
Consumer Products and Services (commercial)				
Event facility	9B-6.80			√
Consumer Products and Services (commercial) Lodging				

Permitted Uses: SC-1 Suburban Countryside District	Supplemental Regulations	P	SE	CUP
Bed and breakfast			√	
Industrial and Utilities				
Industrial				
Airstrip, private				√
Freight containers as accessory structures	9D-10	√		
Manufacturing, extractive	9B-7.30			√
Manufacturing, light				√
Mine, surface mineral	9B-7.40			√
Seafood processing plant				√
Utilities				
Commercial communication facility, major	9B-8.10		√	
Commercial communication facility, minor	9B-8.10	√		
Power utility-electric	9B-8.20			√
Solar energy facility, commercial community-scale	9B-8.30			√
Solar energy facility, private large-scale, ground mounted	9B-8.30			√
Solar energy facility, private large-scale, roof mounted / solar canopy	9B-8.30	√		
Solar energy facility, private small- scale	9B-8.30	√		
Solar energy facility, utility -scale	9B-8.30			√
Uses required for provision and maintenance of public utilities	9B-8.40	√		
Wind energy facility	9B-8.50	√		
Residential				
Ancillary residential structure or use	9B-9.10	√		
Dwelling, accessory	9B-9.20	√		
Dwelling, single-family detached, cluster	9B-9.50	√		
Dwelling, single-family detached, conventional	9B-9.60	√		
Home occupation, Type I	9B-9.70	√		
Home occupation, Type II	9B-9.70		√	

(3) **Minimum Lot Area and Maximum Residential Density.**

a. Lot size:

- i. Minimum lot area: 2 acres (or as specified in Article 9B Supplementary Use Regulations for specific uses)
 - ii. Minimum frontage/average lot width: 200 feet (or as specified in Article 9B Supplementary Use Regulations for specific uses)
- b. Density: Maximum residential density: 0.5 dwelling units per gross acre; see Section 9B-9.50 for clustered single family residential and Section 9B-9.20 for **accessory** dwellings.
- (4) **Lot coverage.** As required by other local, state, or federal regulations including but not limited to Chesapeake Bay Preservation and Stormwater Management Ordinances.

(5) **Setback requirements.**

a. Setback table.

	Front	Side	Rear
Principal Building / Structure	75 feet	30 feet	100 feet
Accessory Building / Structure	75 feet	5 feet	5 feet

- b. Additional Setback Regulations:
- i. For nonconforming lots of record see Section 10-3 Nonconforming lots of record.
 - ii. If lot is part of a cluster subdivision, the setbacks shall be the same as those required for the cluster subdivision. See Article 9B-9.50 for cluster developments.
 - iii. There is no setback requirement for fences **or retaining walls**, however on corner lots they must comply with Article 9E Other Regulations “Visibility at Intersections” Section 9E-30 and fences within the Highway Corridor Overlay District must comply with Article 6A Highway Corridor Development District setbacks.
 - iv. Architectural projections, as defined in Article 2, shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard and shall comply with the requirements of the Virginia Uniform Statewide Building Code.
 - v. **There is no setback requirement for residential utilities and utility shelters such as well pump houses, heating, ventilation, and air conditioning (HVAC) units, generators, and the like.**
 - vi. **Where a development requiring a site plan is proposed to encompass and be situated on multiple existing lots, the lot lines separating said lots shall be vacated through the preparation and recordation of a plat in accordance with the subdivision ordinance. There shall be no fee for boundary line vacation plats necessitated by this requirement. The**

recording of such plat shall be required prior to site plan approval. In the event the development proposed can stand alone on each of the lots and in compliance with all applicable setback, parking, and other zoning requirements, then vacation of the lot lines shall not be required. Buildings cannot straddle property lines unless they meet building code requirements and are located in a zoning district where setback requirements do not apply.

(6) Building / Structure Requirements. Maximum footprint and height.

	Maximum Footprint	Maximum Height <i>See i & ii below.</i>
Principal Building / Structure	None	50 feet
Accessory Building / Structure	None	35 feet <i>See iii below.</i>

i - The height limitations do not apply to buildings/ structures used for agricultural purposes or to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. For uses such as commercial communication facilities, solar energy facilities, utilities, and wind energy facilities see associated Article 9B Supplementary Use Regulations.

*ii - The maximum permitted height of principal buildings located in designated special flood hazard areas inundated by the one hundred (100) year flood shall be **an additional five (5) feet above the** height limitation set forth **above.***

iii - If an accessory building meets principal building setback requirements, it may also utilize the same maximum height.

(7) Other Requirements. (None)

(8) Other Regulations. The following regulations may be applicable to uses in this district.

- a. See Article 6A Highway Corridor Development District. For lots located along Route 17 additional requirements apply.
- b. See Article 9A for Supplementary Regulations applicable to all Districts.
- c. See Article 9B for Supplementary Use Regulations
- d. See Article 9C for Screening and Buffering regulations

- e. See Article 9D for regulations related to Temporary and Accessory Uses/Structures.
- f. See Article 10 for regulations related to Nonconformities.
- g. See Article 11 for regulations related to Off-Street Parking and Loading Facilities.
- h. See Article 12 for regulations related to Signs.

5-30.3. Regulations for Zoning District SF-1, Single Family Detached Residential District.

- (1) **Intent.** The intent of the SF-1 district is to preserve existing residential areas and provide for future areas of similar character. To this end, infill residential development is encouraged and permitted uses are limited to detached single-family dwellings plus certain additional uses such as schools, parks, churches and certain public facilities that serve the residents of the district.
- (2) **Permitted Uses** (also identified in Table of Uses Permitted by District, Sec. 5-70).
 - a. The use table in (e) below lists Permitted uses (P) through administrative review, uses permitted by Special Exception (SE), and uses permitted by Conditional Use Permit (CUP). Refer to Article 14 – Administrative Procedures Sections 14-16 through 14-23 for procedures related to Special Exceptions (SEs) and Conditional Use Permits (CUPs). *(Revise as needed once Art 14 is revised and reorganized.)*
 - b. Certain uses have additional, modified or more stringent standards listed in Article 9B Supplementary Use Regulations. References to those regulations are identified in the use table in e below for each use in which they apply.
 - c. No building or structure shall be erected, added to, structurally altered, or land use be established or changed in use without a permit issued by the Administrator.
 - d. **In the SF-1 district only one permitted principal use and its associated structures may be established on a single lot except as otherwise permitted by Special Exception or Conditional Use Permit (CUP).**
 - e. **Use Table for the SF-1, Single Family Detached Residential District**

Permitted Uses: SF-1 Single Family Detached Residential District	Supplemental Regulations	P	SE	CUP
Agricultural, Animal, and Outdoor				
Agriculture				
Forestry operation		√		
Animal				

Permitted Uses: SF-1 Single Family Detached Residential District	Supplemental Regulations	P	SE	CUP
Chicken-keeping, backyard	9B-3.30	√		
Domestic pets		√		
Stable, private	9B-3.60	√		
Stable, private requesting acreage reduction	9B-3.60		√	
Outdoor				
Camping, personal use or enjoyment	9D-30	√		
Marina				√
Civic and Institutional Uses				
Cemetery	9B-5.10			√
Churches and other places of worship		√		
Family day home, 5-12 children	9B-5.20			√
Fire and/or EMS company stations		√		
Museum			√	
Park or natural area	9B-5.30	√		
Public building / facility		√		
Residential group homes, 1-8 individuals	9B-5.40	√		
Schools, private in-home		√		
Schools, public elementary/secondary		√		
Consumer Products and Services (commercial)				
None permitted				
Consumer Products and Services (commercial) Lodging				
Bed and breakfast			√	
Industrial and Utilities				
Industrial				
None permitted				
Utilities				
Commercial communication facility, major	9B-8.10		√	
Commercial communication facility, minor	9B-8.10	√		
Power utility-electric	9B-8.20			√
Solar energy facility, private large-scale, ground mounted	9B-8.30			√
Solar energy facility, private large-scale, roof mounted / solar canopy	9B-8.30	√		

Permitted Uses: SF-1 Single Family Detached Residential District	Supplemental Regulations	P	SE	CUP
Solar energy facility, private small-scale	9B-8.30	√		
Uses required for provision and maintenance of public utilities	9B-8.40	√		
Wind energy facility	9B-8.50	√		
Residential				
Ancillary residential structure or use	9B-9.10	√		
Dwelling, accessory	9B-9.20	√		
Dwelling, single-family detached, conventional	9B-9.60	√		
Home occupation, Type I	9B-9.70	√		
Home occupation, Type II	9B-9.70		√	

(3) **Minimum Lot Area and Maximum Residential Density.**

- a. Lot size:
 - i. Minimum lot area: 30,000 SF without public water and sewer; 10,000 SF with public water and sewer (or as specified in Article 9B Supplementary Use Regulations for specific uses). **However, all divisions of estate, family transfers, and minor subdivisions require a 30,000 SF minimum lot area regardless of the availability of public water and sewer.**
 - ii. Minimum frontage/average lot width: 100 feet without public water and sewer; 80 feet with public water and sewer (or as specified in Article 9B Supplementary Use Regulations for specific uses). **However, all divisions of estate, family transfers, and minor subdivisions require a 100 foot minimum frontage/average lot width regardless of the availability of public water and sewer.**
- b. Density: Maximum residential density: 1.45 dwelling units per gross acre without public water and sewer; 4.36 dwelling unit per gross acre with public water and sewer (or as specified in Article 9B Supplementary Use Regulations for specific uses). See Section 9B-9.20 for **accessory** dwellings.

(4) **Lot coverage.** As required by other local, state, or federal regulations including but not limited to Chesapeake Bay Preservation and Stormwater Management Ordinances.

(5) **Setback requirements.**

a. **Setback table.**

	Front	Side	Rear
Principal Building	35 feet	15 feet	30 feet

/ Structure			
Accessory Building / Structure	35 feet	5 feet	5 feet

b. Additional Setback Regulations:

- i. For nonconforming lots of record see Section 10-3 Nonconforming lots of record.
- ii. There is no setback requirement for fences or retaining walls’, however on corner lots they must comply with Article 9E Other Regulations “Visibility at Intersections” Section 9E-30 and fences within the Highway Corridor Overlay District must comply with Article 6A Highway Corridor Development District setbacks.
- iii. Architectural projections, as defined in Article 2, shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard and shall comply with the requirements of the Virginia Uniform Statewide Building Code.
- iv. **There is no setback requirement for residential utilities and utility shelters such as well pump houses, heating, ventilation, and air conditioning (HVAC) units, generators, and the like.**
- v. **Where a development requiring a site plan is proposed to encompass and be situated on multiple existing lots, the lot lines separating said lots shall be vacated through the preparation and recordation of a plat in accordance with the subdivision ordinance. There shall be no fee for boundary line vacation plats necessitated by this requirement. The recordation of such plat shall be required prior to site plan approval. In the event the development proposed can stand alone on each of the lots and in compliance with all applicable setback, parking, and other zoning requirements, then vacation of the lot lines shall not be required. Buildings cannot straddle property lines unless they meet building code requirements and are located in a zoning district where setback requirements do not apply.**

(6) **Building / Structure Requirements.** Maximum footprint and height.

	Maximum Footprint	Maximum Height <i>See i & ii below.</i>
Principal Building / Structure	None	50 feet
Accessory Building / Structure	None	35 feet <i>See iii below.</i>

i - The height limitations do not apply to buildings/ structures used for agricultural purposes or to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed

above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. For uses such as commercial communication facilities, solar energy facilities, utilities, and wind energy facilities see associated Article 9B Supplementary Use Regulations.

*ii - The maximum permitted height of principal buildings located in designated special flood hazard areas inundated by the one hundred (100) year flood shall be **an additional five (5) feet above the** height limitation set forth **above.***

iii - If an accessory building meets principal building setback requirements, it may also utilize the same maximum height.

(7) Other Requirements. (None)

(8) Other Regulations. The following regulations may be applicable to uses in this district.

- a. Article 6A Highway Corridor Development District. For lots located along Route 17 additional requirements apply.
- b. See Article 9A for Supplementary Regulations applicable to all Districts.
- c. See Article 9B for Supplementary Use Regulations
- d. See Article 9C for Screening and Buffering regulations
- e. See Article 9D for regulations related to Temporary and Accessory Uses/Structures.
- f. See Article 10 for regulations related to Nonconformities.
- g. See Article 11 for regulations related to Off-Street Parking and Loading Facilities.
- h. See Article 12 for regulations related to Signs.

5-30.4. Regulations for Zoning District MF-1 Residential Multi-Family District.

(1) **Intent.** The intent of the MF-1 district is to provide for a variety of housing accommodations, in suitable areas within the Development District, at moderate and high densities allowing for efficient delivery of utility services including public and semi-public facilities to serve the residents. Development in this district is intended to be served by public water and sewer.

(2) **Permitted Uses** (also identified in Table of Uses Permitted by District, Sec. 5-70).

- a. The use table in (e) below lists Permitted uses (P) through administrative review, uses permitted by Special Exception (SE), and uses permitted by Conditional Use Permit (CUP). Refer to Article 14 – Administrative Procedures Sections 14-16 through 14-23 for procedures related to Special Exceptions (SEs) and Conditional Use Permits (CUPs). **(Revise as needed once Art 14 is revised and reorganized.)**
- b. Certain uses have additional, modified or more stringent standards listed in Article 9B Supplementary Use Regulations. References to those regulations are identified in the use table in e below for each use in which they apply.
- c. No building or structure shall be erected, added to, structurally altered, or land use be established or changed in use without a permit issued by the Administrator.
- d. **In the MF-1 district only one permitted principal use and its associated structures may be established on a single lot except as otherwise permitted by Special Exception or Conditional Use Permit (CUP).**

e. Use Table for the MF-1, Multi-Family Residential District

Permitted Uses: MF-1 Multi-family Residential District	Supplemental Regulations	P	SE	CUP
Agricultural, Animal, and Outdoor				
Agriculture				
Forestry operation		√		
Animal				
Domestic Pets		√		
Outdoor				
Camping, personal use or enjoyment	9D-30	√		
Civic and Institutional Uses				
Churches and other places of worship		√		
Family day home, 5-12 children	9B-5.20			√
Fire and/or EMS company stations		√		
Museum			√	
Park, natural area, or community facility	9B-5.30	√		
Public building / facility		√		

Permitted Uses: MF-1 Multi-family Residential District	Supplemental Regulations	P	SE	CUP
Residential group homes, 1-8 individuals	9B-5.40	√		
Residential group homes, 9+ individuals	9B-5.40			√
Schools, private in-home		√		
Schools, public elementary /secondary		√		
Transitional home, 8 or fewer individuals	9B-5.50			√
Consumer Products & Services (commercial)				
Parking lots or structures		√		
Consumer Products and Services (commercial) Lodging				
None permitted				
Industrial & Utilities				
Industrial				
Freight containers as accessory structures	9D-10	√		
Utilities				
Commercial communication facility, major	9B-8.10		√	
Commercial communication facility, minor	9B-8.10	√		
Power utility-electric	9B-8.20			√
Solar energy facility, private large-scale, ground mounted	9B-8.30			√
Solar energy facility, private large-scale, roof mounted / solar canopy	9B-8.30	√		
Solar energy facility, private small-scale	9B-8.30	√		
Uses required for provision and maintenance of public utilities	9B-8.40	√		
Residential				
Dwelling, multifamily	9B-9.30	√		√
Dwelling, single-family attached (townhouse)	9B-9.40	√		
Dwelling, single-family detached, conventional	9B-9.60			√
Dwelling, two-family		√		
Home occupation, Type I	9B-9.70	√		
Home occupation, Type II	9B-9.70		√	

(3) **Minimum Lot Area and Maximum Residential Density.**

- a. Lot size:
 - i. Minimum lot area: 5,000 SF (or as specified in Article 9B Supplementary Use Regulations for specific uses)
 - ii. Minimum frontage/average lot width: 50 feet (or as specified in Article 9B Supplementary Use Regulations for specific uses)
- b. Density: Maximum residential density: 8 dwelling units / net acre. Public water and sewer required. (Up to 12 dwelling units / net acre possible with a Conditional Use Permit (CUP), see Section 14-23.)

(4) **Lot coverage.** As required by other local, state, or federal regulations including but not limited to Chesapeake Bay Preservation and Stormwater Management Ordinances.

(5) **Setback requirements.**

a. Setback table.

		Front	Side	Rear
b. Admitted into final	Principal Building / Structure	35 feet	10 feet (for townhomes see Section 9B-9.40)	30 feet
	Accessory Building / Structure	35 feet	5 feet	5 feet

Setback Regulations:

- i. For nonconforming lots of record see Section 10-3 Nonconforming lots of record.
- ii. There is no setback requirement for fences or retaining walls, however on corner lots they must comply with Article 9E Other Regulations “Visibility at Intersections” Section 9E-30 and fences within the Highway Corridor Overlay District must comply with Article 6A Highway Corridor Development District setbacks.
- iii. Architectural projections, as defined in Article 2, shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard and shall comply with the requirements of the Virginia Uniform Statewide Building Code.
- iv. **There is no setback requirement for residential utilities and utility shelters such as well pump houses, heating, ventilation, and air conditioning (HVAC) units, generators, and the like.**
- v. **Where a development requiring a site plan is proposed to encompass and be situated on multiple existing lots, the lot lines separating said lots shall be vacated through the preparation and recordation of a plat in accordance with the subdivision ordinance. There shall be no fee**

for boundary line vacation plats necessitated by this requirement. The recordation of such plat shall be required prior to site plan approval. In the event the development proposed can stand alone on each of the lots and in compliance with all applicable setback, parking, and other zoning requirements, then vacation of the lot lines shall not be required. Buildings cannot straddle property lines unless they meet building code requirements and are located in a zoning district where setback requirements do not apply.

(6) Building / Structure Requirements. Maximum footprint and height.

	Maximum Footprint	Maximum Height <i>See i & ii below.</i>
Principal Building / Structure	None	50 feet
Accessory Building / Structure	None	35 feet <i>See iii below.</i>

i - The height limitations do not apply to buildings/ structures used for agricultural purposes or to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. For uses such as commercial communication facilities, solar energy facilities, utilities, and wind energy facilities see associated Article 9B Supplementary Use Regulations.

*ii - The maximum permitted height of principal buildings located in designated special flood hazard areas inundated by the one hundred (100) year flood shall be **an additional five (5) feet above the** height limitation set forth **above.***

iii - If an accessory building meets principal building setback requirements, it may also utilize the same maximum height.

(7) Other Requirements.

- a. **All utility lines, including electrical, telephone, and cable television service shall be placed below ground except where not feasible based on documentation from the utility provider.**
- b. **Pedestrian Accommodations. All structures shall be served by ADA accessible routes to encourage pedestrian movement throughout the site and provide safe and convenient access to internal facilities, including parking lots, and to the adjacent streetscape.**

(8) **Other Regulations. The following regulations may be applicable to uses in this district.**

- a. See Article 6A Highway Corridor Development District. For lots located along Route 17 additional requirements apply.
- b. See Article 9A for Supplementary Regulations applicable to all Districts.
- c. See Article 9B for Supplementary Use Regulations
- d. See Article 9C for Screening and Buffering regulations
- e. See Article 9D for regulations related to Temporary and Accessory Uses/Structures.
- f. See Article 10 for regulations related to Nonconformities.
- g. See Article 11 for regulations related to Off-Street Parking and Loading Facilities.
- h. See Article 12 for regulations related to Signs.

5-30.5. Regulations for Zoning District MH-1, Manufactured Home Park District.

- (1) **Intent.** The intent of the MH-1 district is to permit, moderate density development of manufactured homes in well designed and safe manufactured home parks, thereby allowing for efficient utilization of private and public utility and infrastructure assets.
- (2) **Permitted Uses** (also listed in Table of Uses Permitted by District, Sec. 5-70).
 - a. The use table in (e) below lists Permitted uses (P) through administrative review, uses permitted by Special Exception (SE), and uses permitted by Conditional Use Permit (CUP). Refer to Article 14 – Administrative Procedures Sections 14-16 through 14-23 for procedures related to Special Exceptions (SEs) and Conditional Use Permits (CUPs). **(Revise as needed once Art 14 is revised and reorganized.)**
 - b. Certain uses have additional, modified or more stringent standards listed in Article 9B Supplementary Use Regulations. References to those regulations are identified in the table below for each use in which they apply.
 - c. No building or structure shall be erected, added to, structurally altered, or land use be established or changed in use without a permit issued by the Administrator.
 - d. **In the MH-1 district only one permitted principal use and its associated structures may be established on a single lot except as otherwise permitted by Special Exception or Conditional Use Permit (CUP).**
 - e. **Use Table for the MH-1 Manufactured Home Park Residential District**

Permitted Uses: MH-1, Manufactured Home Park District	Supplemental Regulations	P	SE	CUP
Agricultural, Animal, and Outdoor				
Agriculture				
None Permitted				
Animal				
Domestic Pets		√		
Outdoor				
Camping, personal use or enjoyment	9D-30	√		
Civic and Institutional Uses				
Church and other places of worship		√		
Fire and/or EMS company stations		√		
Park, natural area, or community facility	9B-5.30	√		
Public building / facility		√		
Residential group homes, 1-8 individuals	9B-5.40	√		
Schools, private in-home		√		
Schools, public elementary/secondary		√		
Consumer Products & Services (commercial)				
None Permitted				
Consumer Products and Services (commercial) Lodging				
None Permitted				
Industrial & Utilities				
Industrial				
Freight containers as accessory structures	9D-10			
Utilities				
Commercial communication facility, major	9B-8.10		√	
Commercial communication facility, minor	9B-8.10	√		
Power utility-electric	9B-8.20			√
Solar energy facility, private large-scale, ground mounted	9B-8.30			√
Solar energy facility, private large-scale, roof mounted / solar canopy	9B-8.30	√		
Solar energy facility, private small-scale	9B-8.30	√		
Uses required for provision and maintenance of public utilities	9B-8.40	√		

Permitted Uses: MH-1, Manufactured Home Park District	Supplemental Regulations	P	SE	CUP
Residential				
Home occupation, Type I	9B-9.70	√		
Home occupation, Type II	9B-9.70		√	
Manufactured home		√		

(3) **Minimum Lot Area and Maximum Residential Density.**

a. Lot size:

- i. Minimum lot area: 5 acres (or as specified in Article 9B Supplementary Use Regulations for specific uses)
- ii. Minimum frontage/average lot width: Must have deeded access to a state road of at least 50 feet and an average lot width excluding the access or right of way of at least 200 feet (or as specified in Article 9B Supplementary Use Regulations for specific uses).

b. Density: Maximum residential density:

- i. With public water and sewer – 1 space/site per 10,000 SF with 10,000 SF min area and one hundred (100) feet or more in width at the building line for each site. Fifty (50) feet of frontage for a site on a road shall be permitted on spaces/sites facing on a properly designed cul-de-sac.
- ii. With public water or sewer – 1 space/site per 20,000 SF with 20,000 SF min area and one hundred (100) feet or more in width at the building line for each site. Fifty (50) feet of frontage for a site on a road shall be permitted on spaces/sites facing on a properly designed cul-de-sac.
- iii. Without public water and sewer – 1 space/site per 30,000 SF with 30,000 SF min area and one hundred (100) feet or more in width at the building line for each site. Fifty (50) feet of frontage for a site on a road shall be permitted on spaces/sites facing on a properly designed cul-de-sac.

(4) **Lot coverage.** As required by other local, state, or federal regulations including but not limited to Chesapeake Bay Preservation and Stormwater Management Ordinances

(5) **Setback requirements.**

a. Setback table.

	Front	Side	Rear
Principal Building / Structure	50 feet <i>See 1 below.</i>	35 feet	35 feet

Accessory Building / Structure	50 feet <i>See 1 below.</i>	35 feet	35 feet
--------------------------------	--------------------------------	---------	---------

1 -
The

setback line on any manufactured home park shall not be closer than fifty (50) feet from the right-of-way line of a state-maintained street or seventy-five (75) feet from the center line of a state-maintained street, whichever is greater.

b. Additional Setback Regulations:

- i. For nonconforming lots of record see Section 10-3 Nonconforming lots of record.
- ii. There is no setback requirement for fences or retaining walls, however on corner lots they must comply with Article 9E Other Regulations “Visibility at Intersections” Section 9E-30 and fences within the Highway Corridor Overlay District must comply with Article 6A Highway Corridor Development District setbacks.
- iii. Architectural projections, as defined in Article 2, shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard and shall comply with the requirements of the Virginia Uniform Statewide Building Code.
- iv. **There is no setback requirement for residential utilities and utility shelters such as well pump houses, heating, ventilation, and air conditioning (HVAC) units, generators, and the like.**
- v. **Where a development requiring a site plan is proposed to encompass and be situated on multiple existing lots, the lot lines separating said lots shall be vacated through the preparation and recordation of a plat in accordance with the subdivision ordinance. There shall be no fee for boundary line vacation plats necessitated by this requirement. The recordation of such plat shall be required prior to site plan approval. In the event the development proposed can stand alone on each of the lots and in compliance with all applicable setback, parking, and other zoning requirements, then vacation of the lot lines shall not be required. Buildings cannot straddle property lines unless they meet building code requirements and are located in a zoning district where setback requirements do not apply.**

(6) **Building / Structure Requirements.** Maximum footprint and height

	Maximum Footprint	Maximum Height <i>See i & ii below.</i>
Principal Building / Structure	None	35 feet
Accessory Building / Structure	None	20 feet <i>See iii below.</i>

i - The height limitations do not apply to buildings/ structures used for agricultural purposes or to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. For uses such as commercial communication facilities, solar energy facilities, utilities, and wind energy facilities see associated Article 9B Supplementary Use Regulations.

*ii - **The maximum permitted height of principal buildings located in designated special flood hazard areas inundated by the one hundred (100) year flood shall be an additional five (5) feet above the height limitation set forth above.***

iii - If an accessory building meets principal building setback requirements, it may also utilize the same maximum height.

(7) Other Requirements.

- a. Markers for manufactured home lots. Every manufactured home space or site shall be clearly defined on the ground by permanent markers. The owner of the manufactured home park shall post and maintain in a conspicuous place on each lot a number corresponding to the number of each space or site as shown on the site plan as required in Section (9)(c)(v). Contents of application for approval of final development plan of this ordinance.
- b. Screening. A manufactured home park shall have a strip of land planted with an evergreen hedge or dense planting of evergreen shrubs of not less than twenty (20) feet along all park boundaries.
- c. Recreational areas. Manufactured home parks shall provide such reasonable amount of land, not less than ten (10) percent of the area of the park exclusive of streets and drainage reservations, for parks, playgrounds, ball fields, picnic areas, natural areas and the like as the commission deems necessary to protect the safety, general welfare and environmental amenity of the area. Such open space shall be permanently reserved and maintained by the manufactured home park owner for use by the park residents.
- d. Access. In all manufactured home park developments, which involve the construction and maintenance of a road, the following minimum standards shall be followed:
 - i. Manufactured home park roads shall be designed and constructed using the minimum standards developed by the Virginia Department of Transportation (VDOT) as outlined in VDOT's Subdivision Street Acceptance Requirements – Road Design Manual, Appendix B Subdivision, as amended.

- ii. Every manufactured home park plan involving private roads shall contain a statement by the owner that clearly states that any roads within the park that are not publicly maintained shall be maintained in good condition, passable by emergency vehicles at all times, by the owner of the park. The owner shall furnish, through the owner's engineer, certification that the roads are built to VDOT Subdivision Street Standards.
 - iii. Every manufactured home park plan containing roads intended to be public and conveyed to VDOT shall contain a statement that the owner will be responsible for, and bear all costs associated with, compliance with VDOT requirements for design, construction, inspections, and/or testing of any roadway to be accepted by such Department.
- e. Garbage and refuse disposal. The owner of the manufactured home park shall be responsible for collection and disposal of trash and garbage, either by means of central location of and collection of trash and garbage containers which shall be maintained in a safe and sanitary manner or organized pickup at individual home sites. Centralized garbage and refuse collection areas shall be screen from view.
- f. Water and sewer.
- i. The owner of the manufactured home park shall provide each manufactured home space with individual water and sewage connections in compliance with the requirements of the Director of Public Utilities.
 - ii. Where public water and/or sewage is available and abuts the property, the service shall be extended to all manufactured home spaces within the manufactured home park at the expense of the manufactured home park owner and in accordance with the requirements of the County Code.
 - iii. Where public water and/or sewage is not available, a privately owned and operated central water distribution system and/or sewage collection and treatment facility may be provided for an entire manufactured home park provided that any such installation must meet all of the requirements of the state water control board, the state health department, and any other state or county regulation having authority over such installations and, provided such facilities shall be maintained by a means acceptable by the governing body.
 - iv. Septic tanks and individual wells shall be adequate so long as their design and installation meet the specifications set forth by the Virginia Department of Health.
- g. Fire protection. The installation of adequate fire hydrants in a manufactured home park at locations approved by the Director of Public Utilities may be required, provided necessary water is available. The Zoning administrator shall consult with the Director of Public Utilities approving locations of such hydrants. The installation and placement of fire hydrants in manufactured

home parks shall be in accordance with requirements of the County Code and the Director of Public Utilities.

- h. Electrical connections. The owner of the manufactured home park shall provide each manufactured home space with suitable electrical outlets installed in accordance with the County Code. All utilities shall be underground, except control instrumentation and substations which must be screened by planting or ornamental walls. No overhead wires are permitted within the park.
- i. Blocking, tiedowns and skirting.
 - i. It shall be the responsibility of the manufactured home park owner to see that manufactured homes within the park are blocked and tied in accordance with the Virginia Uniform Statewide Building Code (USBC).
 - ii. It shall be the responsibility of the manufactured home park owner to see that all manufactured homes are completely skirted as required by the County Building Code.

(8) Other Regulations. The following regulations may be applicable to uses in this district.

- a. See Article 6A Highway Corridor Development District. For lots located along Route 17 additional requirements apply.
- b. See Article 9A for Supplementary Regulations applicable to all Districts.
- c. See Article 9B for Supplementary Use Regulations
- d. See Article 9C for Screening and Buffering regulations
- e. See Article 9D for regulations related to Temporary and Accessory Uses/Structures.
- f. See Article 10 for regulations related to Nonconformities.
- g. See Article 11 for regulations related to Off-Street Parking and Loading Facilities.
- h. See Article 12 for regulations related to Signs.

(9) **Procedure for approval of an MH-1 district. MH-1 districts may be established only through an amendment to the zoning map in accordance with the procedures for amendment as set forth in article 14, sections 14-1 through 14-10 of the zoning ordinance and as follows. (Revise if needed once Art 14 is revised and reorganized.)**

- a. At a minimum, the application shall contain the following information **in addition to those items required in article 14.**
 - i. A map or maps indicating the relation of the proposed district to the surrounding area. Such map or maps should demonstrate access to major streets without traveling minor streets in residential neighborhoods

and show the approximate location and sizes of existing public sewers, water lines, and other utilities and installations which will be expected to serve the development. Location of nearby schools and commercial facilities shall be indicated;

- ii. A preliminary development plan showing **the number, location and size of all manufactured home spaces; location of service buildings and other proposed structures; location and dimensions of buffering and screening areas;** layout, dimensions, and names of existing and proposed streets, rights-of-way, recreation areas; setback lines; preliminary improvements drawings showing water, sewer, drainage, electricity, garbage and refuse sites;
 - iii. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone **and internet services**, waste disposal facilities, street improvements, and nature and extent of earth work required for site preparation and development;
 - iv. Proposed development schedule; and
 - v. Ownership and responsibility for maintenance of manufactured home park.
- b.** Each application shall clearly state that approval may be revoked if construction on the project has not begun within five (5) years from the date of final approval by the governing body.

Section 5-40. Mixed-Use Districts.

5-40.1. Regulations for Zoning District B-2, Village Mixed Use District.

(1) **Intent.**

The intent of the B-2 district is to provide for the orderly growth and development of selected retail sales, office, service, and public use establishments, as well as compatible and supportive residential uses, which are primarily oriented to central business concentrations, particularly in and around the county's designated village areas (Gloucester Court House and Gloucester Point/Hayes).

The district is designed to foster village scale commercial, high density residential, and mixed-use developments in and around historic activity centers, and to encourage pedestrian activity and convenience through and interconnected network of streets, walkways and bikeways, with a mix of pedestrian-oriented uses, buildings, and streetscapes that create a sense of place and vitality, as called for in the Comprehensive Plan. Development in this district is intended to be served by public water and sewer; rezoning to this district for new development is appropriate only if public water and sewer service to the proposed site is available.

(2) **Permitted Uses** (also identified in Table of Uses Permitted by District, Sec. 5-70).

- a. The use table in (e) below lists Permitted uses (P) through administrative review, uses permitted by Special Exception (SE), and uses permitted by Conditional

Use Permit (CUP). Refer to Article 14 – Administrative Procedures Sections 14-16 through 14-23 for procedures related to Special Exceptions (SEs) and Conditional Use Permits (CUPs). **(Revise as needed once Art 14 is revised and reorganized.)**

- b. Certain uses have additional, modified or more stringent standards listed in Article 9B Supplementary Use Regulations. References to those regulations are identified in the use table in e below for each use in which they apply.
- c. No building or structure shall be erected, added to, structurally altered, or land use be established or changed in use without a permit issued by the Administrator.
- d. **In the B-2 district more than one (1) permitted principal use and its associated structures may be established on a single lot, provided that yard and other requirements of this ordinance shall be met.**
- e. **Use Table for the B-2 Village Mixed-Use District.**

Permitted Uses: B-2 Village Mixed-Use District	Supplemental Regulations	P	SE	CUP
Agricultural, Animal, and Outdoor				
Agriculture				
Farmers’ market	9B-2.50	√		
Forestry operation		√		
Animal				
Animal training services	9B-3.20		√	
Domestic pets		√		
Outdoor				
Nature based tourism		√		
Civic and Institution Uses				
Churches and other places of worship		√		
Day care center, adult		√		
Day care center, child		√		
Family day home, 5-12 children	9B-5.20			√
Fire and/or EMS company stations		√		
Food pantry / soup kitchen				√
Funeral Home and/or crematorium		√		
Lodge halls and clubs		√		
Long-term care facility		√		
Museum		√		
Park, natural area, or community facility	9B-5.30	√		
Public building / facility		√		

Permitted Uses: B-2 Village Mixed-Use District	Supplemental Regulations	P	SE	CUP
Residential group homes, 8 or fewer individuals	9B-5.40	√		
Residential group homes, 9+ individuals	9B-5.40			√
Schools, private elementary / secondary		√		
Schools, private in-home		√		
Schools, public elementary /secondary		√		
Schools, post-secondary		√		
Consumer Products & Services (commercial)				
Commercial indoor amusement, entertainment, sports		√		
Commercial outdoor amusement, entertainment, sports, major	9B-6.60			√
Commercial outdoor amusement, entertainment, sports, minor	9B-6.60		√	
Engine / equipment repair, small	9B-6.70			√
Event facilities	9B-6.80	√		
Micro beverage production establishment		√		
Office, general		√		
Parking lots or structures		√		
Personal service establishment		√		
Restaurant and catering facilities		√		
Sales, retail/ wholesale, indoor	9B-6.110	√		
Sales, seasonal	9B-6.130	√		
Studio, fine and performing arts		√		
Taxidermy and/or pet crematorium		√		
Veterinary clinic	9B-6.140	√		
Wellness and fitness center		√		
Consumer Products and Services (commercial) Lodging				
Bed and breakfast		√		
Inn		√		
Industrial & Utilities				
Industrial				
Manufacturing, craft		√		
Manufacturing, light		√		
Utilities				
Commercial communication facility, major	9B-8.10		√	
Commercial communication facility,	9B-8.10	√		

Permitted Uses: B-2 Village Mixed-Use District	Supplemental Regulations	P	SE	CUP
minor				
Power utility-electric	9B-8.20			√
Solar energy facility, private large-scale ground mounted	9B-8.30			√
Solar energy facility, private large-scale roof mounted / solar canopy	9B-8.30	√		
Solar energy facility, private small-scale	9B-8.30	√		
Uses required for provision and maintenance of public utilities	9B-8.40	√		
Residential				
Ancillary residential structure or use	9B-9.10	√		
Dwelling, accessory	9B-9.20	√		
Dwelling, multifamily	9B-9.30	√		
Dwelling, single-family attached (townhouse)	9B-9.40	√		
Dwelling, two family	9B-9.40	√		
Home occupation, Type I	9B-9.70	√		
Home occupation, Type II	9B-9.70		√	

- f. **The following use is exempt from certain district regulations as detailed below.**
- **Fire and EMS company stations are exempt from the following regulations:**
 - **Section 5-40.1(5) the maximum front setback.**
 - **section 5-40.1(6) all building / structure regulations except for maximum heights.**
 - **Section 5-40.1(7)(d) parking and loading item ii. Parking may be located to the rear or side of the principal building, but not in the front yard.**
- (3) **Minimum Lot Area and Maximum Density.**
- a. Lot size:
 - i. Minimum lot area: 2,500 square feet (or as specified in Article 9B Supplementary Use Regulations for specific uses)
 - ii. Minimum frontage/average lot width: 25 feet (or as specified in Article 9B Supplementary Use Regulations for specific uses)
 - b. Density: Maximum residential density: 16 dwelling units / net acre; Public water and sewer required.
- (4) **Lot coverage.** At least ten (10) percent of the total lot area must be in open space, landscaped area, **or civic space for community gathering and events.**

In the case of large developments where multiple lots are created, the ten (10) percent can be calculated for the development as a whole rather than for each individual lot.

(5) **Setback requirements.**

a. Setback table.

	Front		Side	Rear
	Minimum	Maximum		
Principal Building / Structure	5 feet from the Pedestrian Clear Zone. See Figure 5-10.7a <i>See 1 below</i>	30 feet <i>See 1, 2, & 3 below</i>	None	None
Accessory Building / Structure	Shall not be located in the front yard.	None	None	None

1 - For principal buildings/ structures along the following divided highways the minimum setback shall be 35' and there is no maximum setback. For lots located along George Washington Memorial Hwy (Rte. 17) see Article 6A Highway Corridor Development District for additional setback requirements.

- *George Washington Memorial Hwy (Rte. 17);*
- *Main Street (Rte. 17B) from George Washington Memorial Hwy (Rte. 17) to John Clayton Memorial Hwy (Rte. 3/14); and*
- *John Clayton Memorial Hwy (Rte. 3/14)*

*2 - **Alternatively to 1 above, applicant may apply a setback** in conformance with adjacent developed properties, where fifty (50) percent of the lots are occupied by buildings or structures and the average front yard depth of the existing buildings or structures is more than the maximum allowed by this ordinance, the average so established shall be taken in lieu of that which is normally required. For the purpose of this calculation, a block shall be lots on the same side of a street on either side of the lot in question for a distance of six hundred (600) feet or to the nearest street intersection, whichever is less.*

3 - A maximum of thirty (30) percent of the front façade may be recessed up to an additional twenty (20) feet (total of 50 feet) from the back of the Pedestrian Clear Zone (See 5-40.1(7)(a) Streetscape Requirements) if the additional space is used for greens, squares, courts, plazas or other similar civic features, including outdoor dining areas.

b. Additional Setback Regulations:

- i. For nonconforming lots of record see Section 10-3 Nonconforming lots of record.
- ii. There is no setback requirement for fences or retaining walls, however on corner lots they must comply with Article 9E Other Regulations “Visibility at Intersections” Section 9E-30 and fences within the Highway Corridor Overlay District must comply with Article 6A Highway Corridor Development District setbacks.
- iii. Architectural projections, as defined in Article 2, shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard and shall comply with the requirements of the Virginia Uniform Statewide Building Code.
- iv. Awnings attached to principal buildings fronting on the B-2 Village Mixed Use zoned portions of Main Street (Business 17) shall not be subject to setback requirements under the following conditions:
 - (a) An awning extending into the public right-of-way shall meet VDOT requirements.
 - (b) Awnings shall be installed in a manner that does not obstruct the visibility from the right-of-way of existing on-structure signs on adjacent structures.
 - (c) Awnings shall not obstruct the line of sight or accessibility of pedestrians, cyclists, or vehicles traveling on or entering streets, driveways or sidewalks.
 - (d) Awnings shall be maintained in a safe, secure, and good condition, free from holes, tears, shredding, fading or the development of any rust, corrosion, rotting, or other deterioration. Should an awning become unsafe, be in danger of falling, or otherwise become subject to the maintenance requirements contained in this Section, the owner of the building on which the awning is located shall, upon written notice from the administrator, remove or repair the awning in such a manner as to render it compliant with the requirements of this Article.
 - (e) In addition to the requirements of Sections 15-1 and 15-2 of this ordinance, applications for awnings shall provide information relative to the awning's proximity to features such as sidewalks, curb, streetlights, street trees, benches and other elements necessary to demonstrate compliance with the above conditions.
- v. **There is no setback requirement for residential utilities and utility shelters such as well pump houses, heating, ventilation, and air conditioning (HVAC) units, generators, and the like.**
- vi. **Where a development requiring a site plan is proposed to encompass and be situated on multiple existing lots, the lot lines separating said lots shall be vacated through the preparation and recordation of a plat in accordance with the subdivision ordinance. There shall be no fee for boundary line vacation plats necessitated by this requirement. The recordation of such plat shall be required prior to site plan approval. In**

the event the development proposed can stand alone on each of the lots and in compliance with all applicable setback, parking, and other zoning requirements, then vacation of the lot lines shall not be required. Buildings cannot straddle property lines unless they meet building code requirements and are located in a zoning district where setback requirements do not apply.

(6) Building / Structure Requirements.

a. Maximum footprint and height

	Maximum Footprint	Maximum Height
Principal Building / Structure	10,000 square feet <i>See i & ii below.</i>	45 feet <i>See iii & iv below.</i>
Accessory Building / Structure	Cannot exceed principal building footprint	35 feet <i>See v below.</i>

i - For principal buildings along the following divided highways the maximum building footprint is 15,000 square feet:

- *George Washington Memorial Hwy (Rte. 17);*
- *Main Street (Rte. 17B) from George Washington Memorial Hwy (Rte. 17) to John Clayton Memorial Hwy (Rte. 3/14); and*
- *John Clayton Memorial Hwy (Rte. 3/14)*

ii - Multiple buildings on a lot may be connected by enclosed walkways or subordinate connective building sections; the connecting sections are considered separate buildings.

iii - The height limitations do not apply to buildings/ structures used for agricultural purposes or to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. For uses such as commercial communication facilities, solar energy facilities, utilities, and wind energy facilities see associated Article 9B Supplementary Use Regulations.

*iv - **The maximum permitted height of principal buildings located in designated special flood hazard areas inundated by the one hundred (100) year flood shall be an additional five (5) feet above the height limitation set forth above.***

v - If an accessory building meets principal building setback requirements, it may also utilize the same maximum height.

- b. Façade requirements for principal buildings
 - i. Fenestration
 - (a) Ground floor – A minimum forty (40) percent of the front facade surface shall be in fenestration on the ground floor
 - (b) Upper floors – A minimum twenty-five (25) percent of the front facade surface shall be in fenestration on upper floors.
 - ii. **Pedestrian Entrances.** The front façade must have at least one ground floor entrance. A primary entrance providing both ingress and egress, operable during normal business hours, if applicable, is required to meet the street-facing entrance requirements. An angled entrance may be provided at either corner of a building along the street to meet the street entrance requirements. Facades greater than 50 feet must have an entrance an average of at least every 50 feet.
 - iii. The front façade must have a break in the wall surface at least every fifty (50) feet such that the break creates the visual appearance of separate building masses.
- c. Additional requirements for principal buildings fronting on Main Street (Rte. 17B) from Justice Drive (Private) to Fox Mill Run Creek (approximately 1,600 feet south of John Clayton Memorial Highway (Rt. 3/14))
 - i. At least fifty (50) percent of the lineal frontage of ground floor space along a depth of at least 30 feet deep into the building from the front façade must be used for commercial, office, or institutional uses.
 - ii. All garage and carport openings shall face to the rear or side of the lot.

(7) Other Requirements.

- a. Streetscape Requirements
 - i. **Front setback areas shall include the following**
 - 1) **Buffer Zone. An area at least five (5) feet in width, commonly referred to as the verge, measured from the back of curb or edge of pavement where no curb exists or is planned. Street trees shall be located in the buffer zone of the streetscape, in order to separate pedestrians from vehicular lanes and to provide room for tree canopies. This zone also accommodates public infrastructure needs such as utility poles, streetlights, street signs, etc. Street trees shall be planted at an average of one (1) tree per thirty (30) feet with a minimum requirement of 1 tree per lot. Acceptable street trees will be a minimum of 2 inches in caliper at planting. Trees shall be planted in accordance with guidelines established in the American National Standards Institute (ANSI) A300 Standards for Tree Care Operations.**
 - 2) **Pedestrian Clear Zone. An area at least five (5) feet in width shall be provided for pedestrians. Any portion of the pedestrian clear zone within the front setback area shall be**

improved as an extension of the public sidewalk and shall match the public sidewalk in design and material, providing a seamless physical transition.

- 3) **Remaining front setback area. An area at least five (5) feet in width shall be detailed appropriately for the ground story use of the building incorporating elements such as outdoor dining for commercial uses, foundation plantings for residential uses, etc.**
- b. All utility lines, including electrical, telephone, and cable television service shall be placed below ground except where not feasible based on documentation from the utility provider.
 - c. Pedestrian Accommodations. **ADA accessible routes shall be provided along all road frontages and** all structures shall be served by ADA accessible routes to encourage pedestrian movement throughout the site and provide convenient access to internal facilities, including parking lots, and to the adjacent streetscape.
 - d. Parking and Loading
 - i. No parking lots or parking structures are permitted **in the front yard** except for driveways.
 - ii. Off street parking must be located behind the buildings.
 - iii. Parking may be located on site or within 400 feet of any lot line if connected by a **sidewalk or multi-use path** meeting the Americans with Disabilities Act (ADA) Standards for Accessible Design, and if permanent use agreement is in place. Additional parking flexibility for the Gloucester Court House Village area is provided for in the parking ordinance. See **Sec. 11-12** Parking and loading space requirements.
 - iv. Loading activity may occur at the front of the principal building, but no loading docks, doors, or other structural elements **used exclusively for loading activities** are permitted on the front façade.
 - e. Drive-through facilities must be located at the rear or side of the principal building.
 - f. Mechanical equipment, whether ground-level or roof **mounted**, shall be shielded and screened from view from the public right of way, and shall be designed to be perceived as an integral part of the building.
 - g. Requirements affecting townhouse units (single-family attached) in the B-2 district supersede any conflicting language pertaining to Section 9B-9.40 Supplemental Use Regulations for single family attached dwellings (town homes).

(8) Other Regulations. The following regulations may be applicable to uses in this district.

- a. See Article 6A Highway Corridor Development District. For lots located along Route 17 additional requirements apply.
- b. See Article 9A for Supplementary Regulations applicable to all Districts.
- c. See Article 9B for Supplementary Use Regulations
- d. See Article 9C for Screening and Buffering regulations
- e. See Article 9D for regulations related to Temporary and Accessory Uses/Structures.
- f. See Article 10 for regulations related to Nonconformities.
- g. See Article 11 for regulations related to Off-Street Parking and Loading Facilities.
- h. See Article 12 for regulations related to Signs.

Section 5-50. Business Districts.

5-50.1. Regulations for Zoning District B-1, General Business District.

- (1) **Intent.** The intent of the B-1 district is to provide for the orderly growth and development of areas for the conduct of general business to which the public requires direct and frequent access.
- (2) **Permitted Uses** (also identified in Table of Uses Permitted by District, Sec. 5-70).
 - a. The use table in (e) below lists Permitted uses (P) through administrative review, uses permitted by Special Exception (SE), and uses permitted by Conditional Use Permit (CUP). Refer to Article 14 – Administrative Procedures Sections 14-16 through 14-23 for procedures related to Special Exceptions (SEs) and Conditional Use Permits (CUPs). **(Revise as needed once Art 14 is revised and reorganized.)**
 - b. Certain uses have additional, modified or more stringent standards listed in Article 9B Supplementary Use Regulations. References to those regulations are identified in the use table in e below for each use in which they apply.
 - c. No building or structure shall be erected, added to, structurally altered, or land use be established or changed in use without a permit issued by the Administrator.
 - d. **In the B-1 district more than one (1) permitted principal use and its associated structures may be established on a single lot, provided that yard and other requirements of this ordinance shall be met.**
 - e. **Use Table for the B-1 General Business District.**

Permitted Uses: B-1 General Business District	Supplemental Regulations	P	SE	CUP
Agricultural, Animal, and Outdoor				
Agriculture				
Agriculture processing				√
Aquaculture facility	9B-2.20	√		
Farmers' market	9B-2.50	√		
Forestry operation		√		
Animal				
Animal care and/or training facility (Kennel)	9B-3.10		√	
Animal shelter, private	9B-3.10		√	
Animal training services	9B-3.20	√		
Domestic pets		√		
Outdoor				
Nature based tourism activity		√		
Civic and Institution Uses				
Churches and other places of worship		√		
Day care center, adult		√		
Day care center, child		√		
Fire and/or EMS company stations		√		
Food pantry / soup kitchen		√		
Funeral Home and/or crematorium		√		
Hospital		√		
Lodge halls and clubs		√		
Long-term care facility		√		
Museum		√		
Park, natural area, or community facility	9B-5.30	√		
Public building / facility		√		
Schools, private elementary/secondary		√		
Schools, private in-home		√		
Schools, public elementary/secondary		√		
Schools, post-secondary		√		
Transitional community facility, 9+ individuals	9B-5.50			√
Commercial Products & Services (commercial)				
Automobile impound facility	9B-6.20	√		√
Automobile towing services	9B-6.30	√		
Automobile/vehicle service facility	9B-6.40	√		
Automobile/vehicle storage facility	9B-6.50			√
Commercial indoor amusement, entertainment, sports		√		

Permitted Uses: B-1 General Business District	Supplemental Regulations	P	SE	CUP
Commercial outdoor amusement, entertainment, sports, major	9B-6.60			√
Commercial outdoor amusement, entertainment, sports, minor	9B-6.60	√		
Engine / equipment repair, small	9B-6.70	√		
Event facilities	9B-6.80	√		
Firing range, indoor	9B-6.90	√		
Micro beverage production establishment		√		
Office, general		√		
Parking lots or structures		√		
Personal service establishment		√		
Restaurant and catering facilities		√		
Restaurant, drive through		√		
Sales, retail convenience		√		
Sales, retail/wholesale, indoor	9B-6.110	√		
Sales, retail/wholesale, outdoor	9B-6.120	√		
Sales, seasonal	9B-6.130	√		
Studio, fine and performing arts		√		
Taxidermy and/or pet crematorium		√		
Veterinary clinic	9B-6.140	√		
Wellness and fitness center		√		
Commercial Products and Services (commercial) Lodging				
Bed and breakfast		√		
Hotel		√		
Inn		√		
Industrial & Utilities				
Industrial				
Contractors' storage yards			√	
Freight containers as accessory structures	9D-10	√		
Junkyard or salvage yard	9B-7.20			√
Manufacturing, craft		√		
Manufacturing, food and beverage		√		
Manufacturing, light		√		
Manufacturing, medium				√
Mini-warehouse	9B-7.50	√	√	
Warehouse		√		
Warehouse, distribution (last mile hub)				√
Utilities				
Commercial communication	9B-8.10		√	

Permitted Uses: B-1 General Business District	Supplemental Regulations	P	SE	CUP
facility, major				
Commercial communication facility, minor	9B-8.10	√		
Power utility-electric	9B-8.20			√
Solar energy facility, private large-scale ground mounted	9B-8.30			√
Solar energy facility, private large-scale roof mounted / solar canopy	9B-8.30	√		
Solar energy facility, private small-scale	9B-8.30	√		
Uses required for provision and maintenance of public utilities	9B-8.40	√		
Residential				
Dwelling, accessory	9B-9.20		√	
Home occupation, Type I	9B-9.70	√		
Home occupation, Type II	9B-9.70		√	

(3) **Minimum Lot Area and Maximum Density.**

- a. Lot size:
 - i. Minimum lot area: None (or as specified in Article 9B Supplementary Use Regulations for specific uses)
 - ii. Minimum frontage: None (or as specified in Article 9B Supplementary Use Regulations for specific uses)
- b. Density: Maximum density for residential uses: N/A; see Section 9B-9.20 for **accessory** dwellings.

(4) **Lot coverage.** At least 10 percent of the total lot area must be in open space or other landscaped area. In the case of large developments where multiple lots are created, the ten (10) percent can be calculated for the development as a whole rather than for each individual lot.

(5) **Setback requirements.**

- a. Setback table.

	Front	Side	Rear
Principal Building / Structure	50 feet	None	None
Accessory Building / Structure	50 feet	None	None

- b. Additional Setback Regulations:

- i. For nonconforming lots of record see Section 10-3 Nonconforming lots of record.
- ii. There is no setback requirement for fences or retaining walls, however on corner lots they must comply with Article 9E Other Regulations “Visibility at Intersections” Section 9E-30 and fences within the Highway Corridor Overlay District must comply with Article 6A Highway Corridor Development District setbacks.
- iii. Architectural projections, as defined in Article 2, shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard and shall comply with the requirements of the Virginia Uniform Statewide Building Code.
- iv. There is no setback requirement for residential utilities and utility shelters such as well pump houses, heating, ventilation, and air conditioning (HVAC) units, generators, and the like.**
- v. Where a development requiring a site plan is proposed to encompass and be situated on multiple existing lots, the lot lines separating said lots shall be vacated through the preparation and recordation of a plat in accordance with the subdivision ordinance. There shall be no fee for boundary line vacation plats necessitated by this requirement. The recordation of such plat shall be required prior to site plan approval. In the event the development proposed can stand alone on each of the lots and in compliance with all applicable setback, parking, and other zoning requirements, then vacation of the lot lines shall not be required. Buildings cannot straddle property lines unless they meet building code requirements and are located in a zoning district where setback requirements do not apply.**

(6) **Building / Structure Requirements.** Maximum footprint and height.

	Maximum Footprint	Maximum Height
Principal Building / Structure	None	60 feet <i>See i & ii below.</i>
Accessory Building / Structure	None	35 <i>See iii below.</i>

i - The height limitations do not apply to buildings/ structures used for agricultural purposes or to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. For uses such as commercial communication facilities, solar energy facilities, utilities, and wind energy facilities see associated Article 9B Supplementary Use Regulations.

*ii - The maximum permitted height of principal buildings located in designated special flood hazard areas inundated by the one hundred (100) year flood shall be **an additional five (5) feet above the** height limitation set forth **above**.*

iii - If an accessory building meets principal building setback requirements, it may also utilize the same maximum height.

(7) **Other Requirements. (None)**

(8) Other Regulations. The following regulations may be applicable to uses in this district.

- a. See Article 6A Highway Corridor Development District. For lots located along Route 17 additional requirements apply.
- b. See Article 9A for Supplementary Regulations applicable to all Districts.
- c. See Article 9B for Supplementary Use Regulations
- d. See Article 9C for Screening and Buffering regulations
- e. See Article 9D for regulations related to Temporary and Accessory Uses/Structures.
- f. See Article 10 for regulations related to Nonconformities.
- g. See Article 11 for regulations related to Off-Street Parking and Loading Facilities.
- h. See Article 12 for regulations related to Signs.

5-50.2. Regulations for Zoning District B-4, Rural Business District.

- (1) **Intent.** The intent of the B-4 district is to provide for the needs of the rural residential and farming communities and to allow for a combination of business and industrial uses necessary to support the rural population.
- (2) **Permitted Uses** (also identified in Table of Uses Permitted by District, Sec. 5-70).
 - a. The use table in (e) below lists Permitted uses (P) through administrative review, uses permitted by Special Exception (SE), and uses permitted by Conditional Use Permit (CUP). Refer to Article 14 – Administrative Procedures Sections 14-16 through 14-23 for procedures related to Special Exceptions (SEs) and Conditional Use Permits (CUPs). **(Revise as needed once Art 14 is revised and reorganized.)**
 - b. Certain uses have additional, modified or more stringent standards listed in Article 9B Supplementary Use Regulations. References to those regulations are identified in the use table in e below for each use in which they apply.

- c. No building or structure shall be erected, added to, structurally altered, or land use be established or changed in use without a permit issued by the Administrator.
- d. **In the B-4 district more than one (1) permitted principal use and its associated structures may be established on a single lot, provided that yard and other requirements of this ordinance shall be met.**
- e. Use Table for the B-4 Rural Business District.

Permitted Uses: B-4 Rural Business District	Supplemental Regulations	P	SE	CUP
Agricultural, Animal, and Outdoor				
Agriculture				
Aquaculture facility	9B-2.20	√		
Farm livestock market				√
Farmers' market	9B-2.50	√		
Forestry operation		√		
Animal				
Animal care and/or training facility (Kennel)	9B-3.10		√	
Animal shelter, private	9B-3.10		√	
Animal training services	9B-3.20	√		
Livestock, private use or enjoyment	9B-3.40	√		
Livestock, private use or enjoyment, requesting acreage reduction	9B-3.40		√	
Stable, private	9B-3.60	√		
Stable, private requesting acreage reduction	9B-3.60		√	
Domestic pets		√		
Outdoor				
Nature based tourism		√		
Civic and Institution Uses				
Churches and other places of worship		√		
Day care center, adult		√		
Day care center, child		√		
Family day home, 5-12 children	9B-5.20	√		
Fire and/or EMS company stations		√		
Food pantry / soup kitchen		√		
Funeral Home and/or crematorium		√		
Lodge halls and clubs		√		
Long-term care facility		√		
Museum		√		
Park, natural area, or community facility	9B-5.30	√		
Public building / facility		√		
Residential group homes, 9+	9B-5.40			√

Permitted Uses: B-4 Rural Business District	Supplemental Regulations	P	SE	CUP
individuals				
Schools, private elementary / secondary		√		
Schools, private in-home		√		
Schools, public elementary /secondary		√		
Schools, post-secondary		√		
Transitional home, 1-8 individuals	9B-5.50			√
Commercial Products & Services (commercial)				
Automobile towing services	9B-6.30	√	√	
Automobile/vehicle service facility	9B-6.40	√	√	
Automobile/vehicle storage facility	9B-6.50			√
Commercial indoor amusement, entertainment, sports			√	
Commercial outdoor amusement, entertainment, sports, major	9B-6.60			√
Commercial outdoor amusement, entertainment, sports, minor	9B-6.60			√
Engine / equipment repair, small	9B-6.70	√		
Event facilities	9B-6.80			√
Micro beverage production establishment		√		
Office, general		√		
Parking lots or structures		√		
Personal service establishment		√		
Restaurant and catering facilities		√		
Restaurant, drive through		√		
Sales, general store, country	9B-6.100	√		
Sales, retail/ wholesale, indoor	9B-6.110	√		
Sales, retail/ wholesale, outdoor	9B-6.120	√		
Sales, seasonal	9B-6.130	√		
Studio, fine and performing arts		√		
Taxidermy and/or pet crematorium		√		
Veterinary clinic	9B-6.140	√		
Wellness and fitness center		√		
Commercial Products and Services (commercial) Lodging				
Bed and breakfast		√		
Inn				√
Industrial and Utilities				
Industrial				
Contractor storage yards			√	
Freight containers as accessory structures	9D-10	√		
Manufacturing, craft		√		

Permitted Uses: B-4 Rural Business District	Supplemental Regulations	P	SE	CUP
Manufacturing, food & beverage production		√		
Manufacturing, light		√		
Utilities				
Commercial communication facility, major	9B-8.10		√	
Commercial communication facility, minor	9B-8.10	√		
Power utility-electric	9B-8.20			√
Solar energy facility, private large-scale ground mounted	9B-8.30			√
Solar energy facility, private large-scale roof mounted / solar canopy	9B-8.30	√		
Solar energy facility, private small-scale	9B-8.30	√		
Uses required for provision and maintenance of public utilities	9B-8.40	√		
Residential				
Dwelling, accessory	9B-9.20	√		
Home occupation, Type I	9B-9.70	√		
Home occupation, Type II	9B-9.70		√	

(3) **Minimum Lot Area and Maximum Residential Density.**

a. Lot size:

- i. Minimum lot area: None (or as specified in Article 9B Supplementary Use Regulations for specific uses)
- ii. Minimum frontage: None (or as specified in Article 9B Supplementary Use Regulations for specific uses)

b. Density: Maximum density for residential uses: N/A; see Section 9B-9.20 for accessory dwellings.

(4) **Lot coverage.** At least ten (10) percent of the total lot area must be in open space or other landscaped area. In the case of large developments where multiple lots are created, the ten (10) percent can be calculated for the development as a whole rather than for each individual lot.

(5) **Setback requirements.**

a. **Setback table.**

	Front	Side	Rear
--	-------	------	------

Principal Building / Structure	35 feet <i>See 1 below.</i>	10 feet	20 feet
Accessory Building / Structure	35 feet <i>See 1 below.</i>	None	None

1 - For lots located along Route 17 see Article 6A Highway Corridor Development District for additional setback requirements.

b. Additional Setback Regulations:

- i. For nonconforming lots of record see Section 10-3 Nonconforming lots of record.
- ii. There is no setback requirement for fences or retaining walls, however on corner lots they must comply with Article 9E Other Regulations “Visibility at Intersections” Section 9E-30 and fences within the Highway Corridor Overlay District must comply with Article 6A Highway Corridor Development District setbacks.
- iii. Architectural projections, as defined in Article 2, shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard and shall comply with the requirements of the Virginia Uniform Statewide Building Code.
- iv. There is no setback requirement for residential utilities and utility shelters such as well pump houses, heating, ventilation, and air conditioning (HVAC) units, generators, and the like.**
- v. Where a development requiring a site plan is proposed to encompass and be situated on multiple existing lots, the lot lines separating said lots shall be vacated through the preparation and recordation of a plat in accordance with the subdivision ordinance. There shall be no fee for boundary line vacation plats necessitated by this requirement. The recordation of such plat shall be required prior to site plan approval. In the event the development proposed can stand alone on each of the lots and in compliance with all applicable setback, parking, and other zoning requirements, then vacation of the lot lines shall not be required. Buildings cannot straddle property lines unless they meet building code requirements and are located in a zoning district where setback requirements do not apply.**

(6) **Building Requirements.** Maximum footprint and height

	Maximum Footprint	Maximum Height
Principal Building / Structure	None	50 feet <i>See i & ii below.</i>
Accessory Building /	None	35 feet <i>See iii below.</i>

Structure		
-----------	--	--

i - The height limitations do not apply to buildings/ structures used for agricultural purposes or to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. For uses such as commercial communication facilities, solar energy facilities, utilities, and wind energy facilities see associated Article 9B Supplementary Use Regulations.

*ii - The maximum permitted height of principal buildings located in designated special flood hazard areas inundated by the one hundred (100) year flood shall be **an additional five (5) feet above the** height limitation set forth **above.***

iii - If an accessory building meets principal building setback requirements, it may also utilize the same maximum height.

(7) Other Requirements. (None)

(8) Other Regulations

- a. See Article 6A Highway Corridor Development District. For lots located along Route 17 additional requirements apply.
- b. See Article 9A for Supplementary Regulations applicable to all Districts.
- c. See Article 9B for Supplementary Use Regulations
- d. See Article 9C for Screening and Buffering regulations
- e. See Article 9D for regulations related to Temporary and Accessory Uses/Structures.
- f. See Article 10 for regulations related to Nonconformities.
- g. See Article 11 for regulations related to Off-Street Parking and Loading Facilities.
- h. See Article 12 for regulations related to Signs.

Section 5-60 Industrial Districts

5-60.1. Regulations for Zoning District I-1, Industrial District

- (1) **Intent.** The intent of the I-1 district is to encourage the clustering of industries in areas in the county where the principal use of land is reserved for industrial operations which may create some nuisance and therefore are not compatible with residential or commercial service areas.
- (2) **Permitted Uses** (also identified in Table of Uses Permitted by District, Sec. 5-70).
 - a. The use table in (e) below lists Permitted uses (P) through administrative review, uses permitted by Special Exception (SE), and uses permitted by Conditional Use Permit (CUP). Refer to Article 14 – Administrative Procedures Sections 14-16 through 14-23 for procedures related to Special Exceptions (SEs) and Conditional Use Permits (CUPs). **(Revise as needed once Art 14 is revised and reorganized.)**
 - b. Certain uses have additional, modified or more stringent standards listed in Article 9B Supplementary Use Regulations. References to those regulations are identified in the use table in e below for each use in which they apply.
 - c. No building or structure shall be erected, added to, structurally altered, or land use be established or changed in use without a permit issued by the Administrator.
 - d. **In the I-1 district more than one (1) permitted principal use and its associated structures may be established on a single lot, provided that yard and other requirements of this ordinance shall be met.**
 - e. Use Table for the I-1 Industrial District.

Permitted Uses: I-1 Industrial District	Supplemental Regulations	P	SE	CUP
Agricultural, Animal, and Outdoor				
Agriculture				
Agriculture processing		√		
Aquaculture facility	9B-2.20	√		
Forestry operation		√		
Animal				
Domestic pets		√		
Outdoor				
None permitted				
Civic and Institution Uses				
Fire and/or EMS company stations		√		
Park, natural area, or community facility	9B-5.30	√		
Public building / facility		√		
Schools, post-secondary			√	
Commercial Products & Services (commercial)				

Permitted Uses: I-1 Industrial District	Supplemental Regulations	P	SE	CUP
Adult business	9B-6.10			√
Automobile impound facility	9B-6.20	√		
Automobile towing services	9B-6.30	√		
Automobile/vehicle service facility	9B-6.40	√		
Automobile/vehicle storage facility	9B-6.50	√		
Engine / equipment repair, small	9B-6.70	√		
Firing range, indoor	9B-6.90	√		
Micro beverage production establishment		√		
Office, general		√		
Parking lots or structures		√		
Sales, retail/ wholesale, outdoor	9B-6.120	√		
Commercial Products and Services (commercial) Lodging				
None permitted				
Industrial & Utilities				
Industrial				
Airport, commercial				√
Animal slaughter and/or rendering establishment	9B-7.10			√
Contractor storage yards		√		
Freight containers as accessory structures	9D-10	√		
Junkyard or salvage yard	9B-7.20			√
Landfill, construction debris				√
Landfill, sanitary				√
Manufacturing, craft		√		
Manufacturing, extractive	9B-7.30			√
Manufacturing, food & beverage production		√		
Manufacturing, heavy				√
Manufacturing, light		√		
Manufacturing, medium		√		
Mine, surface mineral	9B-7.40			√
Organic waste recycling facility		√		
Sawmills		√		
Seafood processing plant		√		
Truck and freight terminals		√		
Warehouse		√		
Warehouse, distribution (last mile hub)		√		
Warehouse, distribution center (fulfillment center)				√
Warehouse, mini	9B-7.50	√		
Utilities				

Permitted Uses: I-1 Industrial District	Supplemental Regulations	P	SE	CUP
Commercial communication facility, major	9B-8.10		√	
Commercial communication facility, minor	9B-8.10	√		
Power utility-electric	9B-8.20			√
Power utility-nuclear	9B-8.20			√
Solar energy facility, private large-scale ground mounted	9B-8.30	√		
Solar energy facility, private large-scale roof mounted / solar canopy	9B-8.30	√		
Solar energy facility, private small-scale	9B-8.30	√		
Uses required for provision and maintenance of public utilities	9B-8.40	√		
Residential				
None permitted				

(3) **Minimum Lot Area and Maximum Density.**

a. Lot size:

- i. Minimum lot area: One (1) acre (or as specified in Article 9B Supplementary Use Regulations for specific uses).
- ii. Minimum frontage: None (or as specified in Article 9B Supplementary Use Regulations for specific uses).

b. Density: Maximum residential density: N/A

(4) **Lot coverage.** At least ten (10) percent of the total lot area must be in open space or other landscaped area. In the case of large developments where multiple lots are created, the ten (10) percent can be calculated for the development as a whole rather than for each individual lot.

(5) **Setback requirements.**

a. **Setback table.**

	Front	Side	Rear
Principal Building / Structure	35 feet <i>See 1 below.</i>	20 feet	20 feet

	Front	Side	Rear
Accessory Building / Structure	35 feet <i>See 1 below.</i>	None	None

1 – For lots located along Route 17 see Article 6A Highway Corridor Development District for additional setback requirements.

- b. Additional Setback Regulations:
 - i. For nonconforming lots of record see Section 10-3 Nonconforming lots of record.
 - ii. There is no setback requirement for fences or retaining walls, however on corner lots they must comply with Article 9E Other Regulations “Visibility at Intersections” Section 9E-30 and fences within the Highway Corridor Overlay District must comply with Article 6A Highway Corridor Development District setbacks.
 - iii. Architectural projections, as defined in Article 2, shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard and shall comply with the requirements of the Virginia Uniform Statewide Building Code.
 - iv. There is no setback requirement for residential utilities and utility shelters such as well pump houses, heating, ventilation, and air conditioning (HVAC) units, generators, and the like.**
 - v. Where a development requiring a site plan is proposed to encompass and be situated on multiple existing lots, the lot lines separating said lots shall be vacated through the preparation and recordation of a plat in accordance with the subdivision ordinance. There shall be no fee for boundary line vacation plats necessitated by this requirement. The recordation of such plat shall be required prior to site plan approval. In the event the development proposed can stand alone on each of the lots and in compliance with all applicable setback, parking, and other zoning requirements, then vacation of the lot lines shall not be required. Buildings cannot straddle property lines unless they meet building code requirements and are located in a zoning district where setback requirements do not apply.**

(6) Building / Setback Requirements.

- a. Maximum footprint and height

	Maximum Footprint	Maximum Height
Principal Building / Structure	None	65 feet <i>See i & ii below.</i>

Accessory Building / Structure	None	65 feet
--------------------------------	------	---------

i-- The height limitations do not apply to buildings used for agricultural purposes or to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. For uses such as commercial communication facilities, solar energy facilities, utilities, and wind energy facilities see associated Article 9B Supplementary Use Regulations.

*ii-- **The maximum permitted height of principal buildings located in designated special flood hazard areas inundated by the one hundred (100) year flood shall be an additional five (5) feet above the height limitation set forth above.***

(7) Other Requirements. (None)

(8) Other Regulations. The following regulations may be applicable to uses in this district.

- a. See Article 6A Highway Corridor Development District. For lots located along Route 17 additional requirements apply.
- b. See Article 9A for Supplementary Regulations applicable to all Districts.
- c. See Article 9B for Supplementary Use Regulations
- d. See Article 9C for Screening and Buffering regulations
- e. See Article 9D for regulations related to Temporary and Accessory Uses/Structures.
- f. See Article 10 for regulations related to Nonconformities.
- g. See Article 11 for regulations related to Off-Street Parking and Loading Facilities.
- h. See Article 12 for regulations related to Signs.

Section 5-70. Table of Uses Permitted by District

The following tables list Permitted uses (P) through administrative review, uses permitted by Special Exception (SE), and uses permitted by Conditional Use Permit (CUP). Refer to Article 14 – Administrative Procedures Sections 14-16 through 14-23 for procedures

related to Special Exceptions (SEs) and Conditional Use Permits (CUPs). The uses are subject to all other applicable requirements contained in the ordinance. Certain uses have additional, modified or more stringent standards listed in Article 9 Supplementary Use Regulations. (Staff note: Update as need based on Art 14 revisions.)

5-70.1. Agriculture / Animal / Outdoor Uses

Agriculture, Animal and Outdoor	Supp Reg	Zoning Districts											
		Cons.	Ag.		Residential					Mixed Use	Business		Ind.
		C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2	B-1	B-4	I-1
Agriculture													
Agricultural operation		CUP	P	P	SE	SE							
Agriculture processing			CUP	CUP							CUP		P
Agritourism			P	P	SE	SE							
Application of Biosolids	9B-2.10		P										
Aquaculture facility	9B-2.20	SE	P	P	SE	SE					P	P	P
Concentrated animal feeding operation	9B-2.30		P	P									
Farm brewery, limited	9B-2.40		P	P	SE	SE							
Farm distillery, limited	9B-2.40		P	P	SE	SE							
Farm livestock market			CUP	CUP								CUP	
Farm produce stand	9B-2.50		SE	SE									
Farm wayside stand	9B-2.60		P	P	SE	SE							
Farm winery	9B-2.40		P	P	SE	SE							
Farmers' market	9B-2.50		SE	SE		SE				P	P	P	
Forestry operation		P	P	P	P	P	P	P		P	P	P	P
Animal		C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2	B-1	B-4	I-1
Animal care and/or	9B-3.10		SE	SE	SE	SE					SE	SE	

Agriculture, Animal and Outdoor	Supp Reg	Zoning Districts											
		Cons.	Ag.		Residential					Mixed Use	Business		Ind.
		C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2	B-1	B-4	I-1
training facility (kennel)													
Animal shelter, private	9B-3.10		SE	SE	SE	SE					SE	SE	
Animal training services	9B-3.20		SE	SE	SE	SE			SE	SE	P	P	
Chicken-keeping, backyard	9B-3.30						P						
Domestic Pets		P	P	P	P	P	P	P	P	P	P	P	P
Livestock, private use or enjoyment	9B-3.40		P	P	P	P						P	
Livestock, private use or enjoyment, requesting acreage reduction or animal increase	9B-3.40		SE	SE	SE	SE						SE	
Stable, commercial:	9B-3.50		P	P	P	SE							
Stable, private:	9B-3.60		P	P	P	P	P					P	
Stable, private: requesting acreage reduction	9B-3.60		SE	SE	SE	SE	SE					SE	
Outdoor		C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2	B-1	B-4	I-1
Campground	9B-4.10		CUP	CUP	CUP	CUP							
Camping, personal use or enjoyment	9D-30	P	P	P	P	P	P	P	P				
Firing range, outdoor	9B-4.20		CUP	CUP	CUP								
Golf course			SE	SE	CUP	CUP							
Hunting and		SE	P	P	P	P							

Agriculture, Animal and Outdoor	Supp Reg	Zoning Districts											
		Cons.	Ag.		Residential					Mixed Use	Business		Ind.
		C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2	B-1	B-4	I-1
fishing clubs													
Marina			CUP	CUP	CUP	CUP	CUP						
Nature based tourism		CUP	SE	SE	CUP	CUP				P	P	P	
Outdoor recreational club			SE	SE	CUP								
Wetland mitigation bank			CUP	CUP	CUP								

5-70.2. Civic and Institutional Uses

Civic and Institutional	Supp Reg	Zoning Districts											
		Cons.	Ag		Residential					Mixed Use	Business		Ind.
		C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2	B-1	B-4	I-1
Cemetery	9B-5.10		CUP	CUP	CUP	CUP	CUP						
Churches and other places of worship			P	P	P	P	P	P	P	P	P	P	
Day care center, adult			SE	SE	SE	SE				P	P	P	
Day care center, child			SE	SE	SE	SE				P	P	P	
Family day home, 5-12 children	9B-5.20		P	P	P	P	CUP	CUP		CUP		P	
Fire and/or EMS company stations			P	P	P	P	P	P	P	P	P	P	P
Food pantry / soup kitchen			SE	SE	CUP	CUP				CUP	P	P	
Funeral Home and/or crematorium										P	P	P	
Hospital											P		

Civic and Institutional	Supp Reg	Zoning Districts											
		Cons.	Ag		Residential					Mixed Use	Business		Ind.
		C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2	B-1	B-4	I-1
Lodge halls and clubs			SE	SE	CUP	CUP				P	P	P	
Long-term care facility										P	P	P	
Museum			P	P	P	P	SE	SE		P	P	P	
Park, natural area, or community facility	9B-5.30	P	P	P	P	P	P	P	P	P	P	P	P
Public building / facility		P	P	P	P	P	P	P	P	P	P	P	P
Residential group homes, 1-8 individuals	9B-5.40		P	P	P	P	P	P	P	P			
Residential group homes, 9+ individuals	9B-5.40		CUP	CUP	CUP	CUP		CUP		CUP		CUP	
Schools, private elementary / secondary			CUP	CUP		CUP				P	P	P	
Schools, private in-home (1-4 students)		P	P	P	P	P	P	P	P	P	P	P	
Schools, private in-home (5-12 students)			P	P	P	P	CUP	CUP		CUP		P	
Schools, public elementary / secondary			P	P	P	P	P	P	P	P	P	P	
Schools, post-secondary			CUP	CUP		CUP				P	P	P	SE
Transitional Community Facility, 9+ individuals	9B-5.50										CUP		
Transitional Home, 1-8 individuals	9B-5.50		CUP					CUP				CUP	

5-70.3. Commercial Products and Service Uses

Commercial Products and Services	Supp Reg	Zoning Districts											
		Cons	Ag		Residential					Mixed Use	Business		Ind.
		C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2	B-1	B-4	I-1
Adult business	9B-6.10												CUP
Automobile impound facility	9B-6.20											P/ CUP	P
Automobile towing services	9B-6.30											P	P / SE
Automobile / vehicle service facility	9B-6.40											P	P/ SE
Automobile / vehicle storage facility	9B-6.50											CUP	CUP
Commercial indoor entertainment, amusement, or sports												P	P
Commercial outdoor entertainment, amusement, or sports, major	9B-6.60											CUP	CUP
Commercial outdoor entertainment, amusement, or sports, minor	9B-6.60											SE	P

Commercial Products and Services	Supp Reg	Zoning Districts											
		Cons	Ag		Residential					Mixed Use	Business		Ind.
		C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2	B-1	B-4	I-1
Engine / equipment repair, small	9B-6.70										P	P	P
Event facility	9B-6.80		CUP	CUP	CUP	CUP				P	P	CUP	
Fire range, indoor	9B-6.90		CUP	CUP	CUP						P		P
Micro-beverage production establishment										P	P	P	P
Office, general										P	P	P	P
Parking lots or structures								P		P	P	P	P
Personal service establishment										P	P	P	
Restaurant and catering facilities										P	P	P	
Restaurant, drive through											P	P	
Sales, general store, country	9B-6.100		SE	SE	SE							P	
Sales, retail, convenience											P		
Sales, retail / wholesale, indoor	9B-6.110									P	P	P	
Sales, retail / wholesale, outdoor	9B-6.120		CUP								P	P	P
Sales, seasonal	9B-6.130									P	P	P	
Studio, fine and performing arts										P	P	P	
Taxidermy and/or pet crematorium			SE	SE						P	P	P	

Commercial Products and Services	Supp Reg	Zoning Districts											
		Cons	Ag		Residential					Mixed Use	Business		Ind.
		C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2	B-1	B-4	I-1
Veterinary clinic	9B-6.140		SE	SE						P	P	P	
Wellness and fitness center										P	P	P	
Consumer Products and Services (lodging)													
Bed and breakfast			SE	SE	SE	SE	SE			P	P	P	
Hotel or motel											P		
Inn			CUP	CUP	CUP					P	P	CUP	

5-70.4. Industrial and Utility Uses

Industrial and Utility	Supp. Reg.	Zoning Districts											
		Cons.	Ag.		Residential					Mixed Use	Business		Ind.
		C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2	B-1	B-4	I-1
Industrial													
Airport, commercial			CUP										CUP
Airstrip, private			CUP	CUP	CUP	CUP							
Animal slaughter and/or rendering establishment	9B-7.10		CUP										CUP
Contractor storage yards			SE								SE	SE	P
Dredge spoil site			CUP	CUP	CUP								
Freight containers as accessory structures	9D-10	P	P	P	P	P			P		P	P	P

Industrial and	Supp.	Zoning Districts												
Junkyard or salvage yard	9B-7.20											CUP		CUP
Landfill, construction debris			CUP											CUP
Landfill, sanitary														CUP
Manufacturing, craft			SE	SE						P	P	P	P	
Manufacturing, extractive	9B-7.30		CUP	CUP	CUP	CUP								CUP
Manufacturing, food and beverage production			CUP	CUP							P	P	P	
Manufacturing, heavy														CUP
Manufacturing light			CUP	CUP		CUP				P	P	P	P	
Manufacturing, medium			CUP	CUP							CUP			P
Mine, surface mineral	9B-7.40		CUP	CUP	CUP	CUP								CUP
Organic waste recycling facility			CUP											P
Sawmills			P	CUP	CUP									P
Seafood processing plant		CUP	SE	SE	CUP	CUP								P
Truck and freight terminals														P
Warehouse											P			P
Warehouse, distribution (last mile hub)											CUP			P
Warehouse, distribution center (fulfillment center)														CUP

Industrial and	Supp.	Zoning Districts											
Warehouse, mini	9B-7.50											P/SE	P
Utilities		C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2	B-1	B-4	I-1
Commercial communication facility, major	9B-8.10	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Commercial communication facility, minor	9B-8.10	P	P	P	P	P	P	P	P	P	P	P	P
Power utility-electric	9B-8.20	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Power utility-nuclear	9B-8.20												CUP
Solar energy facility, commercial community-scale	9B-8.30		CUP			CUP							
Solar energy facility, private large-scale, ground mounted	9B-8.30	CUP	P	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P
Solar energy facility, private large-scale, roof mounted / solar canopy	9B-8.30	P	P	P	P	P	P	P	P	P	P	P	P
Solar energy facility, private small-scale	9B-8.30	P	P	P	P	P	P	P	P	P	P	P	P
Solar energy facility, utility-scale:	9B-8.30		CUP			CUP							
Uses required for provision and maintenance of public utilities	9B-8.40	P	P	P	P	P	P	P	P	P	P	P	P
Wind energy facility, small system	9B-8.50	P	P	P	P	P	P						

5-70.5. Residential Uses

Residential Uses	Supp Reg	Zoning Districts											
		Cons.	Ag.		Residential					Mixed Use	Business		Ind.
		C-1	RC-1	RC-2	C-2	SC-1	SF-1	MF-1	MH-1	B-2	B-1	B-4	I-1
Ancillary residential structure or use	9B-9.10		P	P	P	P	P			P			
Dwelling, accessory	9B-9.20		P	P	P	P	P			P	SE	P	
Dwelling, multifamily	9B-9.30							P / CUP		P			
Dwelling, single-family attached (townhouse)	9B-9.40							P		P			
Dwelling, single-family detached, cluster	9B-9.50		P	P	P	P							
Dwelling, single-family detached, conventional	9B-9.60		P	P	P	P	P	CUP					
Dwelling, two-family	9B-9.40							P		P			
Home occupation, Type I	9B-9.70		P	P	P	P	P	P	P	P	P	P	
Home occupation, Type II	9B-9.70		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	
Manufactured home			P	P					P				

ARTICLE 6. HISTORIC OVERLAY DISTRICT REGULATIONS

Sec. 6-1. List of historic districts.

The following listed properties which are included on the National Register of Historic Places, U.S. Department of Interior, shall constitute the historic preservation districts within Gloucester County:

Rosewell
Little England
Lowland Cottage
Toddsbury
Roaring Springs
Abingdon Glebe
Land's End
Burgh Westra
Fairfield
Walter Reed's Birthplace
Gloucester Woman's Club
Court House Square Historic District
Warner Hall
Holly Knoll
Ware Church
Abingdon Church
Kempsville
Timberneck

At all above sites the historic district boundary shall coincide with the boundary lines shown on the National Register of Historic Places nomination form or other boundaries that may be subsequently approved by the Board of Supervisors and designated on the Official Zoning Map.

Sec. 6-2. Required reviews.

- (1) No building or structure, including signs, shall be erected, reconstructed, altered or restored within any historic district unless approved by the Historical Committee or, on appeal, by the Board of Supervisors as being architecturally compatible with the historic landmarks, buildings or structures therein.**
- (2) No historic landmark, building or structure within any district shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by the Historical Committee or, on appeal, by the Board of Supervisors after consultation with the Historical Committee.**
- (3)** The Historical Committee shall review and decide on all applications within the historic preservation district taking the following criteria into consideration:
 - (1) Exterior architectural features, including signs;
 - (2) General design, scale and arrangement;
 - (3) Texture, material and color;
 - (4) Relation of above factors to buildings in the immediate surroundings;
 - (5) Extent to which building would preserve or protect historic sites, structures or area; **and**
 - (6) Extent to which preservation and protection would promote the general welfare of the county.

The Historical Committee shall also be responsible for advising the owners regarding the general appearance and maintenance of all areas and properties within Gloucester historic districts. They shall, as such, be familiar with any agreements between the Commonwealth and property owners relative to historic properties and shall assure that such properties are used and maintained in accordance with those agreements.

Sec. 6-3. Appeals.

- (1) The final decision of the Historical Committee may be appealed to the Board of Supervisors, provided an appeal is filed withing thirty (30) days from the date of any written decision adversely affecting an aggrieved person in the construction or removal of buildings and/or structures in any Historic District.**
- (2) The final decision of the Board of Supervisors shall be subject to review by the Circuit Court of Gloucester County, provided an appeal is filed withing thirty (30) days from the date of any written decision adversely affecting an aggrieved person setting forth the alleged illegality of the action in the construction or removal of buildings and/or structures in any Historic District.**

Sec. 6-4. Other regulations.

Any changes to the district boundaries and appeals, shall be governed by Section 15.2-2306 of the Code of Virginia, Preservation of historical sites and architectural areas, as amended.

ARTICLE 6A. HIGHWAY CORRIDOR DEVELOPMENT DISTRICT

Sec. 6A-1. Intent.

The intent of the Highway Corridor Development District (HCDD) is to protect the public health, safety, and welfare by encouraging growth and economic development along the primary highway corridor within the county's development district. Specifically, this Article is designed to:

- (1) Ensure the continued viability of Gloucester's primary corridor as an economic development tool.
- (2) Maintain the transportation safety of the corridor by managing access and visibility.
- (3) Ensure the long-term transportation efficiency of the corridor, which carries high volumes of commuter, tourist, and shipping traffic.
- (4) Enhance the visual quality of the corridor, which, as a point of entry into Gloucester County, conveys lasting impressions to residents and tourists.

Sec. 6A-2. Establishment.

The Highway Corridor Development District is hereby established on United States Route 17 (Route 17), within the Development District in Gloucester County to include only the portion of Route 17 between Crany Creek Drive (SR 1085) and the Coleman Bridge, and to business and industrial zoning outside of the Development District on the U.S. Route 17 Corridor.

Sec. 6A-3. Applicability.

The Highway Corridor Development District shall extend one hundred fifty (150) feet from the right-of-way of Route 17 or for the depth of any individual development project within that distance. For the purposes of this Section, large developments with multiple tenants, such as shopping centers, shall be considered an individual development project. The conditions of this Section shall apply to any development or redevelopment located within such boundaries, excluding parcels where only private streets or drive aisles providing direct access are within the boundary, which is subject to chapter 15 or chapter 15.5 of the Code of the County of Gloucester, Virginia. The standards of the Highway Corridor Development District are intended to apply in addition to those imposed by an underlying zoning district. Where multiple or conflicting regulations exist, the one imposing the highest standard shall apply. For development subject to these requirements, all required plans may be submitted as a single plan, provided that all required information is clearly shown on such plan.

Sec. 6A-4. Access.

Access requirements shall be governed by applicable Virginia Department of Transportation (VDOT) standards.

- (1) Internal circulation. All sites shall have direct and convenient vehicular circulation between adjacent properties, unless otherwise permitted by the administrator or his agent and VDOT.
- (2) **Bicycle and pedestrian access. Multi-use paths** and/or sidewalks shall be incorporated into each project in such a fashion as to minimize conflicts with vehicular traffic and shall connect uses within individual projects. **Multi-use paths/sidewalks** shall be designed and constructed in accordance with **the County's Comprehensive Plan Transportation Chapter and the Americans with Disabilities Act (ADA) Standards for the Accessible Design. Multi-use paths and/or** sidewalks shall extend to **the property line and align with existing facilities on adjacent parcels.** Where the existing or proposed right of way is insufficient to accommodate **bicycle and pedestrian facilities, they** may be located on property adjacent to the right of way and shall be maintained by the property owner. **Facilities** proposed for VDOT maintenance shall be completely contained within the right of way. **Facilities** shall be designed and constructed in accordance VDOT's Location and Design Instructional Memoranda IIM-LD-55, Curb Ramps and Sidewalks, located at <http://www.virginiadot.org/business/locdes/rd-ii-memoranda-index.asp> **or as may be amended.**
- (3) Within designated village areas, sidewalks meeting VDOT's design standards shall be provided along the site's street frontages and within the VDOT right of way where feasible. Where it is technically not feasible to construct **bicycle and pedestrian facilities** to VDOT's design standards, alternative designs may be considered for approval by VDOT and the zoning administrator. **Multi-use paths and/or sidewalks** shall be extended to adjacent parcels and **align with** adjacent existing **facilities.** The following HCDD Boundaries shall apply to the designated village areas:
 - a. The Gloucester Court House Village Sub-Area-- between Crany Creek Drive (SR 1085) at the northern boundary and Fleming-Rilee Lane at the southern boundary.
 - b. The Gloucester Point-- Hayes Village Development Area-- between Fields Landing Road (SR 1301) at the northern boundary and the Coleman Bridge at the southern boundary.

Sec. 6A-5. Architectural treatment.

In order to protect and enhance the visual quality of the Highway Corridor Development District, the following standards shall apply:

- (1) No building exterior shall be constructed of unpainted concrete block or unpainted or untreated corrugated and/or sheet metal.
- (2) Prefabricated structures, usually made of corrugated or galvanized steel, in the shape of a partial cylinder lying on the flat side shall not be permitted

as a principal structure within the HCDD. Such structures may be used as accessory buildings but shall not be visible from any public right of way.

- (3) Mechanical equipment, whether ground-level or rooftop, shall be shielded and screened from view from the public right of way, and shall be designed to be perceived as an integral part of the building.
- (4) Dumpsters and other types of waste receptacles and outside storage of materials or equipment shall be screened from view from the public right of way.

Sec. 6A-6. Setbacks.

In order to preserve and enhance highway safety and efficiency, setbacks in the Highway Corridor Development District (HCDD) shall apply to all structures, signs, parking areas, and drives (except those necessary for direct access). The setbacks shall apply to gasoline pumps and the drives serving those pumps, and to product displays such as boats, automobiles, equipment, and other movable objects. Outdoor display does not include outside storage of material and equipment which is not permitted in the front yard. Areas to be used for outdoor display shall be depicted on the site plan or zoning permit plot plan in compliance with this ordinance. Within the HCDD, the front yard is always the yard abutting Route 17, regardless of how the yards are defined pursuant to Section 2-2 of this ordinance. In addition to the setbacks contained herein, all landscaping and location of structures must comply with VDOT's sight distance requirements. The setbacks shall be applied as follows:

Structure or Object	Front Yard Setback	Side and Rear Yard Setback
Fixed above-ground structures (structures and accessory structures with foundation, parking lots, light posts, etc. but excluding monument signs see Article 12)	Lots abutting Route 17— 50 feet; (otherwise the setback shall revert to the underlying zoning requirements)	Lots adjacent to a public right of way—10 feet Lots adjacent to residential uses or districts - as required under Article 9C
Outdoor Display	25 feet	Lots adjacent to a public right of way—10 feet Lots adjacent to residential uses or districts - as required under Article 9C

Sec. 6A-7. - Landscaping.

Well planned and maintained landscaping will achieve several benefits in furtherance of the intent of this Article. Specifically, this Section is designed to:

- (1) Preserve and enhance the visibility of traffic on the designated corridor.
- (2) Preserve and enhance the visual quality of the designated corridor.
- (3) Maintain existing topography.
- (4) Buffer adjacent uses.
- (5) Reduce the volume and improve the quality of stormwater runoff.
- (6) Shade parking lots, reducing heat generation.

a. *Landscaping plan required.* A landscaping plan shall be submitted in conjunction with the site plan in accordance with the County's Stormwater Ordinance, Erosion and Sediment Control Ordinance, Chesapeake Bay Preservation Ordinance, and other requirements of this ordinance. Such plan shall be drawn to scale, shall show dimensions and distances, shall delineate all proposed structures, parking areas, and drives, and shall specify the location, size, and description of all landscaping materials to be installed or vegetation to be preserved.

b. *Plant materials specifications.* All plant materials shall be living and in healthy condition. In order to achieve the highest likelihood of survival, plants shall be suitable for climatic zone 7a, 7b, and 8a as defined on the United States Department of Agriculture (USDA) Plant Hardiness Zone Map.

c. *Installation and bonding requirements.*

i. All landscaping shall be installed in accordance with professionally accepted landscaping practices and procedures. Once completed, landscaped areas shall be protected from vehicular encroachment by means such as, but not limited to, wheel stops, concrete, or bituminous curbs.

ii. **Landscaping required by this Section shall be in place and in good condition prior to a final certificate of occupancy being issued for the site or a surety shall be posted.**

iii. **A surety shall be required when plants are not installed during a planting season, when not installed prior to a final certificate of occupancy, or when it is unclear whether required plantings are alive at the site inspection. The surety shall be based on a reasonable estimate, provided by the applicant, of the cost of the landscaping and installation plus a ten percent contingency. All required landscaping shall be installed no later than the first planting season following issuance of a certificate of occupancy.**

iv. **The owners shall be responsible for protecting and maintaining all required landscaping in healthy and living condition. Any dead,**

diseased, or dying plant materials shall be replaced by the next planting season or within one (1) year.

ARTICLE 7. RESERVED

ARTICLE 8. PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 8-1. Purpose and intent.

The purpose and intent of Planned Unit Development (PUD-1) District is to allow and encourage more unique, flexible, creative and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements. In addition, the Planned Unit Development (PUD-1) District aims to:

- (1) Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that contribute to the livability of a community.
- (2) Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions.
- (3) Provide for the more efficient use of land and the protection of open space and existing traditional land uses such as agriculture, aquaculture and silviculture through clustering and other flexible, innovative development arrangements.
- (4) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces.
- (5) Provide more desirable or alternative living environments than would be possible through the strict application of conventional requirements to promote pedestrian and non-vehicular interconnectivity, mixed use, transportation planning, storm water management and sustainable planning principles.
- (6) Establish application requirements that are more rigorous than land use rezoning applications but no more burdensome than is necessary to establish the potential benefits and impacts to the community.
- (7) Ensure that the designs of building forms are interrelated and architecturally harmonious with surrounding development.
- (8) Facilitate the protection of designated land use designations in which the development is located and of the surrounding area as depicted in the comprehensive plan.
- (9) Provide for higher gross and net development densities and intensities within and adjacent to village areas identified in the comprehensive plan as an inducement to develop in a manner consistent with "traditional neighborhood design" features, including a mix of uses and dwelling types, pedestrian-oriented streetscapes, parking on street and/or behind buildings, well-defined green areas or pocket parks, and residential neighborhoods that are well-connected to adjacent, or integrated within commercial areas, employment areas, parks, and institutional sites by streets, alleys, **multi-use paths**, and sidewalks.

PUD-1 districts shall be generally located in areas shown in the comprehensive plan for residential expansion or the equivalent, within and/or adjacent to designated village areas. However, a PUD-1 district may be appropriate in other areas of the county, provided the design of the development is consistent with the

recommendations of the comprehensive plan for the use, density, and type of the development in the proposed location of the PUD.

Because of the special characteristics of PUD-1 districts, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other Articles of this ordinance, the provisions of this Article shall prevail for the development of land for PUD-1 districts. Subjects not covered by this Article shall be governed by the applicable provisions found elsewhere in this ordinance.

Sec. 8-2. General development standards.

- (1) *Project ownership.* The tract or parcel(s) of land proposed as a PUD-1 district must be in single ownership, either individual or corporate, or the application for such district must be filed jointly by the owners of all the properties included. The holder of a written option to purchase land shall be deemed to be an owner of such land. Notwithstanding the foregoing, every PUD-1 district must be in common ownership at the time the final development plan is approved.
- (2) *Adequacy of public facilities.* PUD-1 districts shall be so located and developed that they will not exceed the existing or planned capacity of the county's public facilities including, but not limited to, the transportation network that will serve the property, the capacity of public sewer and water system, and the ability and capacity for the county to provide for adequate public safety, recreation, education and library services within the existing and planned facilities. The rate of development shall not significantly exceed the rate of construction and increasing capacity of any limiting facility.
- (3) *Open space.* At least twenty (20) percent of the gross area of any PUD-1 district shall be retained in open space. Open space may include perimeter buffers, buffers between various uses or densities, public open space, recreation areas, parks, greens, areas of excessive slopes, low lying areas, marsh, historic or archeological sites or other areas which will enhance the value of the site, reduce adverse impacts and otherwise be an asset to the community. The required amount of open space reserved in PUD-1 districts shall either be held in corporate ownership by owners of the planned unit development for the use of residents of the development or be dedicated to the county and retained as permanent open space for parks, recreation, and related uses or for other uses which benefit the long term interests of the community. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the PUD-1 district.
- (4) *General dimensional, density and design requirements.* Unless provided otherwise in the regulations impacting developments, the ordinance approving the PUD-1 district shall address standards for each of the following:
 - a. *Water and sewer.* All development within and adjacent to the development district as designated in the comprehensive plan shall be served by Gloucester County public water and sewer systems. Approval of PUD-1 districts without public water and sewer may be permitted outside the development district providing the proposed PUD achieves or furthers goals and objectives in the comprehensive plan.

- b. *Residential density.* The maximum residential development density shall be calculated based on the net acreage of the entire project and shall be approved by the board of supervisors as a part of the PUD-1 approval. The density should be generally consistent with the provisions of the comprehensive plan and the intent of the PUD district to provide opportunities for higher gross and net development densities as an inducement to improved design. The permitted density should include consideration of the nature of the development proposed, the layout and design, the amount of open space and recreational amenities included, and the mitigation of potential development impacts offered by the project.
- c. *Non-residential intensity.* The PUD-1 district shall identify allowed non-residential intensities by maximum allowable Floor Area Ratio (FAR), maximum lot coverage, or maximum square footage. Form-Based Code regulations may be utilized in lieu of establishing FAR, coverage, or square footage.
- d. *Setbacks and yard requirements.* Minimum lot size and minimum front, side or rear yard, and other requirements for any lot within a PUD-1 district shall be as specified in final master plans and in the ordinance establishing the PUD-1 district.
- e. *Height and spacing of buildings.* The maximum height and spacing of all structures within a PUD-1 district shall be as specified in the ordinance establishing the PUD-1 district.
- f. *Buffers, landscaping and tree standards.* The ordinance establishing the PUD-1 district shall identify the required buffer standards and methodologies for preserving natural areas or provisions for appropriate plantings in these contexts. Landscape, tree preservation and planting standards that adequately address the public space, streetscapes, and parking areas shall be specifically included in the ordinance establishing the PUD-1 district or the ordinance shall clearly reference landscaping standards within the Gloucester County zoning ordinance that will apply to the PUD-1 district.
- g. *Parking.* The ordinance establishing the PUD-1 district shall either refer to the county's existing parking requirements or identify parking requirements for the proposed uses in the PUD-1 district and indicate how that parking will be provided including, but not limited to, on and off-street parking requirements, shared parking, parking structures and/or modifications to the size and spacing of required parking and loading areas.
- h. *Utilities.* Unless otherwise provided for as part of the ordinance establishing the PUD-1 district, all new utilities shall be placed underground. Facilities requiring placement above the ground shall be effectively screened from public rights of way.
- i. *Streets and drainage facilities.* Where new streets are proposed, the ordinance establishing the PUD-1 district shall include streetscape design guidelines to provide complete streets or, based on proposed land uses of a

given street or corridor within the street network, designate one or more travel modes to be emphasized in the design.

- i. All public streets and drainage facilities shall meet the requirements of the Virginia Department of Transportation.
- ii. Where streets or drainage facilities are proposed to be private, the developer shall submit assurances satisfactory to the board of supervisors that a properly constituted property owners association or other entity will be responsible for the perpetual maintenance of such improvements. Construction of such private streets and facilities and all maintenance assurances shall be in accordance with Gloucester County zoning and subdivision ordinances.
- j. *Lighting standards.* The ordinance establishing the PUD-1 district shall provide criteria for nonresidential site lighting and street lighting within the PUD-1 district or refer to the requirements of the zoning ordinance to provide a minimum standard.
- k. *Recreation areas.* Where applicable, the PUD-1 district shall include provisions for parks, civic, and other amenities to serve the residential and non-residential components of the district.

Sec. 8-3. Permitted uses.

The ordinance establishing the PUD-1 district shall identify the allowable principal and accessory uses in the PUD-1 district and any restrictions or other criteria regarding their location within. For uses not currently defined in **Section 2-3 Use Type Definitions** of the zoning ordinance, a definition shall be provided as part of the ordinance establishing the PUD-1 district. The list may include, but is not limited to, the following:

Residential uses (single family attached/detached; multi-family; townhomes; mixed density; etc.)

Commercial uses (general business; office business; retail; restaurants; lodging; etc.)

Light industrial uses

Cultural, civic and institutional uses (churches and religious places of assembly; social clubs; schools; museums; libraries; etc.)

Lodging (hotels; motels; short term and long term rentals; etc.)

Recreational uses (parks, places of commercial amusement; outdoor passive uses)

Temporary and permanent agricultural and agritourism uses

Sec. 8-4. Procedure for approval.

PUD-1 districts may be established only through an amendment to the zoning map in accordance with the procedures for amendment as set forth in Article 14 of the zoning ordinance and as follows:

- (1) *Pre-application meeting.* The applicant shall meet with the planning commission and staff prior to the submission of the preliminary plan for the

purpose of discussing early and informally the proposed development, the purpose of the PUD-1 ordinance and how the proposal meets goals and objectives outlined in the comprehensive plan.

- (2) *Pre-application conference.* Prior to preparation of an application for rezoning to a PUD-1, the applicant shall meet with the site plan review committee and other interested or affected departments or agencies. The purpose of the pre-application conference is to give the applicant an idea of the capacity of existing public facilities and what may need to be considered in evaluating whether the existing or planned public facilities, site conditions or other factors are adequate for the scale and scope of the proposed PUD-1 district. The general criteria of the proposal shall be adequately articulated through the pre-application form. The applicant shall provide maps, site plans and other information to provide reviewers with an accurate understanding of the proposed development. Project goals and any special initiatives including potential variation from applicable regulations or criteria shall be clearly identified during the pre-application process.
- (3) *Application for rezoning.* The owner of the property for which a planned unit development is proposed shall seek designation as a PUD-1 zoning district by filing fifteen (15) copies of each of the following documents with the zoning administrator. The zoning administrator may waive or modify any of the submission requirements where the features of the site or the nature of the proposed development make such requirements unnecessary or inapplicable. The number of copies of each of the documents may also be modified to provide adequate copies for the planning commission and other reviewing departments or agencies.
 - a. *Application.* The application for rezoning shall be prepared in accordance with Article 14 of the zoning ordinance.
 - b. *Master Plan.* The master plan shall be prepared by a team of design professionals such as licensed surveyors, engineers, architects and planners and, at a minimum, shall contain the following information:
 - i. Proposed name of PUD-1 district, owner, surveyor, engineer, architect and planner, magisterial district, county, state, tax map parcel number(s), RPC number, date of drawing, number of sheets, north arrow, source of meridian used for survey and scale.
 - ii. Location of proposed PUD by an insert map at a scale legible to determine the location of the proposed PUD within the county by proximity to adjoining roads, their names and numbers, subdivisions, streams adjoining or running through the land and other prominent or well-known landmarks.
 - iii. Total gross and net acreage of the proposed PUD-1 district and the gross acreage remaining in the original tract, if any.
 - iv. Current zoning, zoning district lines and acreage in each zoning district.
 - v. The general location of all historic, archeological, natural heritage or environmentally sensitive resources.

- vi. The general location of all the proposed land uses and environmental lands described in the PUD written text.
 - vii. The general plan and layout for public utilities, the general layout, character, and dimensions of proposed streets, alleys, sidewalks, and pathways, and proposed open space and recreational areas.
 - viii. The physical features of the proposed development in sufficient detail to specify how the essential physical elements will meet the policies of the comprehensive plan, and how it will conform to the standards of the district. In keeping with the nature and scope of the project, these features may include: existing topography and proposed rough finish contours; areas to be screened, fenced, and/or landscaped; proposed streets, **sidewalks**, and **multi-use paths**; the number of floors, ground floor "footprint" area, height and general location of each major building, proposed yard and setback requirements, and proposed phasing of development.
- c. *Description.* The application shall include a narrative review of the PUD-1 district to consist of the following information:
- i. Overall land use description. The description shall provide an overview of the project describing the theme, development intent and any unique planning and design solutions.
 - ii. Description of project elements. The narrative shall include a detailed description articulating the type of uses, amenities and recreation, required on-site and off-site infrastructure including utilities, drainage and transportation improvements, phasing and other project elements.
 - iii. Tables. The PUD-1 application shall include a land use table articulating the estimated area of proposed land uses including open space, recreation areas, wetlands and areas of wetland impacts, the approximate square footage and types of all non-residential uses and the number and type of units for all residential uses.
 - iv. Phasing. The land use table, master plan and site plans shall identify each land use and any associated improvements by phase.
 - v. Exceptions to existing regulations. Any proposed departures from specific standards of any county regulations, codes, guidelines or standards, including but not limited to the zoning ordinance, subdivision ordinance, site development standards and/or land development ordinances shall be identified within the PUD description. The PUD description shall identify the proposed PUD-1 district requirements for each proposed land use and state the extent that they differ from current regulations, codes, guidelines or standards affecting the property. When specified in the adopted PUD-1 ordinance, the provisions of the PUD-1 district will govern the future development of the property.
 - vi. Community impact statement. The community impact statement is a written document which describes and documents the probable effects of the proposed development upon the community, evaluates

the adequacy of existing and proposed public facilities, and explains measures taken in the proposed PUD-1 district to address any identified deficiencies in the capacity of public facilities. At a minimum, it shall address the following topics as they would relate to the project:

- (a) Detailed analysis of the adequacy of existing public facilities and services to accommodate the proposed and projected development including sewer, water, schools, fire and rescue, parks, public safety and other major publicly funded facilities.
 - (b) Additional on-site and off-site public facilities or services which would be required as a result of the development.
 - (c) Traffic to be generated by the project, parking requirements and availability, the capacity of surrounding roads, and specific on and off-site road improvements necessary.
 - (d) Fiscal (capital) and economic impact of the proposed project, such as estimated tax revenues to be generated versus the cost of public improvements to be financed by the county or the state.
 - (e) Impact of construction and permanent changes in land use upon surrounding property, such as aesthetics, vegetation, storm water drainage, noise and air or water pollution and proposed measures to mitigate those impacts.
 - (f) Permanent and temporary employment opportunities to be generated by the project.
- (4) *Final action by the board of supervisors.* Upon receiving the recommendation of the planning commission and after the required public notice and hearing, the board of supervisors shall either approve as presented, approve with modifications, or disapprove the proposed PUD master plan and ordinance.
- a. At the written request of the applicant, the board of supervisors may allow delays in its initial consideration of the application, so as to permit the applicant to make revisions. Such applicant-initiated delays shall not be considered part of the maximum time allowed for processing the application.
 - b. The PUD-1 district is deemed established upon approval and incorporation of the master plan and the establishing ordinance. Such ordinance shall establish such minimum and maximum design parameters as the board of supervisors deems appropriate and may include such other conditions and requirements as the board of supervisors deems necessary. All development within the district shall be in accordance with the master plan and the establishing ordinance; and the master plan may not be substantially altered until such changes are reviewed by the planning commission and approved by the board of supervisors except as set forth in Section 8-5 of this Article.
 - c. The master plan and establishing ordinance shall guide the general location and development of all features with the established PUD-1

district, including land uses, densities, height, setbacks, road requirements, public utilities and facilities, public uses and other elements.

- (5) *Final plans.* The applicant may, upon approval of master plan and establishing ordinance, or at any time thereafter, submit for review and approval the final plans for the development of the district or any part or parts thereof.
- a. Final approval shall not be given for any phase of the project until the master plan has been approved and the district has been established by the board of supervisors.
 - b. Separate subdivision or site plans shall be submitted for each development stage or section as set forth in the approved master plan or approved as a logical phase/section by the zoning administrator. Such plans shall be prepared in accordance with the master plan, establishing ordinance and all applicable provisions of the zoning, subdivision, site plan and other applicable ordinances of the county and other approval agencies.
 - c. Plan submittal shall include copies of all covenants, restrictions and other instruments pertaining to the use, maintenance, operation and control of all common space areas and facilities related to the area to be developed as required by **Section 9E-10 Common Area Regulations** of the zoning ordinance or as specified in the ordinance establishing the PUD.
 - d. Once final approval is received, and prior to the approval of the final plat for recordation, site plan or a certificate of occupancy, all common and public improvements within the district or area shall be subject to performance agreements and surety requirements as with any development. The zoning administrator shall ensure that such agreements and surety are sufficient to guarantee the property owners within the district that the facilities will be available, regardless of the financial circumstances of the developer, at the time set for completion. In addition, those common improvements which generally constitute the "amenity package" for the development, including the common open space, recreational facilities, landscaping, maintenance facilities, trails, walkways, and other similar improvements shall be physically installed and completed prior to or concurrently with any abutting or adjacent building, whether residential or non-residential.

Sec. 8-5. Amendments to final development plans.

- (1) An approved final site development plan may be amended by a written determination of the zoning administrator, provided that the proposed amendment is generally consistent with the approved master plan and does not:
 - a. Alter a recorded plat.
 - b. Conflict with specific requirements of this Article or with specific requirements in the ordinance establishing the PUD.
 - c. Change the general character or content of an approved development plan or use.
 - d. Have an appreciable effect on adjoining or surrounding property.
 - e. Result in substantial change to external access points.
 - f. Increase the approved number of dwelling units or height of buildings.
 - g. Decrease the minimum specified yards and open spaces.
- (2) Any amendments to a final development plan shall comply with the applicable regulations impacting the plan including but not limited to the Gloucester County Code and the Code of Virginia, as amended.
- (3) Any proposed adjustment or revision other than those authorized in Section 8-5(1) shall not be approved without an amendment to the master plan and the establishing ordinance in accordance with the same procedures and time limitations specified for initial approval.
- (4) Additional land area may be added to an existing planned unit development if it forms a logical addition to, and if it is under the same ownership or control as, the original parcel. The procedure for an addition shall be the same as an original application, and the requirements of this Article shall apply. The rezoning fee shall be calculated based upon the acreage of the additional land unless the addition results in a substantial deviation from the master plan, in which case the fee shall be calculated based upon the total acreage of the lands affected by the rezoning.
- (5) PUD-1 districts approved prior to October 4, 2016 are subject to the development standards in the approved master plans and ordinances approving those projects and no amendments to this Article are intended to impact any vested rights of the owners of said properties.
 - a. An amendment to the development standards within any such district may be requested by the owner in accordance with the submission requirements in effect at the time such amendment is applied for.
 - b. Only those amendments requested by the owner will be considered and all other requirements of the original approval shall be unaffected by any approved amendment.
 - c. The zoning administrator may waive or modify any of the submission requirements where the nature of the requested amendment(s) make such requirements unnecessary or inapplicable.

ARTICLE 9A. SUPPLEMENTARY REGULATIONS APPLICABLE TO ALL DISTRICTS

Sec. 9A-1. Other regulations. It shall be the applicant's responsibility to ensure compliance with all other local, state, and federal regulations.

Sec. 9A-2. Emergency access. It shall be the applicant's responsibility to ensure that any development shall be accessible to fire, police, emergency, and service vehicles.

Sec. 9A-3. Public roads. The width, grade, location, alignment, and arrangement of public dedicated streets and associated features and any work conducted within or adjacent to a state owned or maintained right of way shall conform to the requirements of the Virginia Department of Transportation and other codes of the county.

ARTICLE 9B. SUPPLEMENTARY USE REGULATIONS

Sec. 9B-1. General.

- (1) **The district regulations contained in Article 5 shall apply to all of the following use types, unless specifically modified and/or superseded by the use and design standards below.**
- (2) **The regulations shall apply in all districts in which the use type is permitted by right or permitted subject to approval of a Conditional Use Permit or Special Exception. See Article 5, Section 5-70 Table of Permitted Uses by District for how individual uses are permitted.**
- (3) **Where a specific zoning district is indicated, the regulations listed below shall apply to that zoning district in addition to any general regulations listed for that use.**

Sec. 9B-2. Agricultural uses.**9B-2.10. Application of biosolids.**

Gloucester County Code Chapter 9.5 Health and Sanitation, Article IV Land Application of Biosolids sets forth the procedures to be followed for land application of biosolids in the county.

9B-2.20. Aquaculture facility.

The following regulations shall apply to Aquaculture facilities.

- (1) **This ordinance shall not apply to aquaculture facilities that are located below mean low water (MLW) and regulated by other agencies or entities. However, any activities above mean low water (MLW) are regulated by this ordinance.**
- (2) **Setbacks shall be as required by the zoning district or as otherwise permitted by the Chesapeake Bay Preservation and Erosion Commission.**

9B-2.30. Concentrated Animal Feeding Operation.

The following regulations shall apply to Concentrated Animal Feeding Operations.

- (1) **Minimum lot size: 20 acres**
- (2) **Setbacks shall be as follows:**
 - a. **From existing dwelling units and manufactured homes in a nonresidential district: 300 feet.**
 - b. **From existing similar facilities not owned by the operator: 300 feet.**
 - c. **From property lines and public roadways: 150 feet.**
 - d. **From platted residential subdivisions, residentially zoned districts, manufactured home parks, schools, churches, publicly owned buildings and recreation areas, public reservoirs: 1,000 feet.**

9B-2.40. Farm brewery limited, Farm distillery limited, and Farm winery.**The following regulations shall apply to Farm breweries limited, Farm distilleries limited, and Farm wineries**

- (1) Farm brewery, limited: The sale of beer-related items that are incidental to the sale of beer shall also be permitted at a licensed limited farm brewery.
- (2) Farm distillery, limited: The sale of items related to alcoholic beverages, other than wine or beer, that are incidental to the sale of such alcoholic beverages shall also be permitted at a licensed limited farm distillery.
- (3) Farm winery: A farm winery licensee may also manufacture and sell cider per Virginia Code § 4.1-213.

9B-2.50. Farmers' market and Farm produce stand.

The following requirements and limitations shall apply to and farmers' markets **and farm produce stands**:

- (1) An application for a **farmers' market or farm produce stand** permit must be submitted to the Zoning administrator for review and approval prior to any **farmers' market or farm product stand** activities. If at any time any of the information upon which the permit materially changes, a revised application shall be submitted to the Zoning administrator for review and approval pursuant to this Section. The application for a permit shall contain and be accompanied by the following:
 - a. A written narrative describing the nature of the proposed activities, proposed duration of such activities, and the proposed daily hours of operation.
 - b. A legible **plot plan**, drawn to scale, depicting the proposed location of the activities - including, but not limited to, merchandise, parking, circulation, pedestrian and vehicular ingress/egress, surface materials, and sanitary facilities, if any.
 - c. Written and signed authorization from any property owner upon whose property the proposed activities are to take place, confirming that the applicant has the right to use such property for the entire duration listed on the application.
 - d. Proof of applicable Health Department approvals if the proposed activity requires the same, or a letter from the Health Department stating that none are required.
 - e. Payment of all appropriate application fees.

- (2) No permit shall be issued unless adequate provision is made for off-street parking and safe ingress and egress to the adjacent street; VDOT review and approval may be required.
- (3) Any signs shall be permitted in accordance with the provisions of Article 12.
- (4) **The occasional sales of pumpkins, Christmas trees, and other annual products shall also be permitted.**
- (5) **In addition to the requirements listed above, the following provisions shall apply to farmers' markets: No overnight storage of vehicles shall be permitted, and no permanent structures associated with the site's use as a farmers' market shall be placed or erected on the site. However, temporary structures can remain overnight during multi-day events during the time frame noted on the approved zoning permit.**

9B-2.60. Farm wayside stand.

The following regulations apply to Farm wayside stands.

- (1) **Front yard setback: Thirty-five (35) feet from any public right-of-way.**
- (2) **At least fifty (50) percent of the goods and/or merchandise shall be produced on the site of the stand, on adjoining contiguous property, or on other properties owned or leased by the owner of the site on which the wayside stand is located.**
- (3) **Entrances and exits to roads shall be clearly delineated, shall be so located as to provide safe ingress and egress from roads, and shall be approved by the Virginia Department of Transportation.**

Sec. 9B-3. Animal related uses.

All animal uses shall also comply with Chapter 3 of the Gloucester County Code - Animal Welfare and Control. The Department of Planning and Zoning shall send applications requiring a Special Exception or Conditional Use Permit to the Department of Animal Control for their review and comment.

9B-3.10. Animal care and/or training facility (Kennel) & Animal shelter, private.

The following regulations apply to Animal care and/or training facilities and private animal shelters.

- (1) **All outdoor activities shall be conducted at least one hundred (100) feet from any watercourse or water body, unless they are water dependent.**
- (2) **A minimum lot size of two (2) acres is required in the RC-1, RC-2, C-2, and SC-1 districts.**

9B-3.20. Animal training services.

All outdoor activities shall be conducted at least one hundred (100) feet from any watercourse or water body unless they are water dependent.

9B-3.30. Chicken-keeping, backyard.

The following requirements and limitations shall apply to Chicken-keeping, **backyard. Chicken keeping in districts other than Residential-Single Family (SF-1) is regulated under "Livestock, private use or enjoyment".**

- (1) The keeping of up to four (4) female, domestic chickens shall be permitted under this Section on any property containing an occupied single-family dwelling, or on an adjacent property with the same zoning and under the same ownership.
- (2) On eligible lots greater than 10,000 square feet but less than two (2) acres in area, a maximum of twelve (12) domestic chickens may be kept - provided there is a minimum total lot area of 2,500 square feet per chicken kept. Eligible lots over two (2) acres in area shall not be subject to the twelve (12) domestic chicken maximum.
- (3) Domestic chickens shall be kept contained within a fenced or enclosed area **and shall not occupy any front or side yard.**
- (4) Chicken coops shall observe the same setbacks **requirements** as the principal structure and shall not occupy any front **or side yard.**
- (5) All chicken feed and other products for consumption by domestic chickens shall be kept so as not to attract rodents, insects, or predators.
- (6) Outdoor slaughtering of domestic chickens is prohibited.
- (7) The keeping of roosters, capons, or crowing hens is prohibited.

9B-3.40. Livestock, personal use or enjoyment.

The following requirements shall apply to livestock for personal use or enjoyment.

- (1) **Acreage requirements. A minimum of two (2) acres is required, however no minimum acreage is required for poultry. A reduction of the minimum acreage may be allowed by Special Exception. See Section X.xx Special Exceptions. Two (2) or more parcels may be used to meet the acreage requirements, provided the parcels are located within one hundred fifty (150) feet of each other and are not separated by a state right-of-way greater than fifty (50) feet.**

- (2) **Number of livestock permitted. Poultry is excluded from the restrictions below. Acreage requirements below must meet (1) above and be sufficient to ensure adequate care in compliance with Chapter 3 of the Gloucester County Code. An increase in the number of livestock animals may be allowed by Special Exception. See **Section X.xx** Special Exceptions.**
- a. **Lots with 2 or more acres but less than 4 acres – up to five (5) livestock animals.**
 - b. **Lots with 4 or more acres but less than 6 acres – up to ten (10) livestock animals.**
 - c. **Lots with 6 or more acres but less than 8 acres – up to fifteen (15) livestock animals.**
 - d. **Lots with 8 or more acres but less than 10 acres – up to twenty (20) livestock animals.**
 - e. **Lots with 10 or more acres – no limit on the number of livestock animals.**
- (3) **All livestock animals and poultry shall be contained within a fenced or enclosed area.**
- (4) **Setbacks.**
- a. **Structures/stables – shall meet accessory structure setbacks for the district.**
 - b. **Pasture fencing – no setback**
 - c. **It shall be the owner’s/operator’s responsibility to ensure that composting piles are at least one hundred (100) feet from all property lines, watercourses, and water wells.**

9B-3.50. Stable, commercial.

The following requirements shall apply to commercial stables:

- (1) **Acreage requirements.** A minimum of **two (2) acres** is required. Two (2) or more parcels may be used to meet the acreage requirements, provided the parcels are located within one hundred fifty (150) feet of each other and are not separated by a state right-of-way greater than **fifty (50) feet**.
- (2) **Containment.** All **animals** shall be contained within a fenced **or enclosed** area.
- (3) **Access.**
 - a. Commercial stables accessed from roads that are not included in the state highway system **or do not have exclusive access to a road in**

- the state highway system** shall have no more than five (5) boarded horses, exclusive of horses owned by the property owner(s).
- b. Commercial stables **with exclusive access to or direct access** from roads included in the state highway system and **are** served by an entrance meeting the standards of the Virginia Department of Transportation, are permitted to have more than five (5) boarded horses, in addition to those owned by the property owner(s).
- (4) **Horse shows. Horse shows shall only be permitted for commercial stables with exclusive access to or direct access from roads included in the state highway system that are served by an entrance meeting the standards of the Virginia Department of Transportation and are located on ten (10) or more acres.**
- (5) **Setbacks.**
- a. Activity areas and/or structures established as part of the use, such as stables, arenas, and the like, shall be located a minimum of one hundred (100) feet from all property lines. Should an existing private stable be converted to a commercial stable, the minimum setback may be reduced to fifty (50) feet - provided that said **activity areas and structures were legally permitted and are** effectively screened from the adjacent property by a landscaped buffer at least twenty (20) feet in width and consisting of evergreen trees planted in staggered rows.
 - b. Areas for routine turnout and pasturing shall have no required setback
 - c. **It shall be the owner's/operator's responsibility to ensure that** all composting piles are located a minimum of one hundred (100) feet from all property lines, watercourses, and water wells.

9B-3.60. Stable, private.

The following requirements shall apply to private stables.

- (1) **Acreage requirements. A minimum of two (2) acres is required. A reduction to the minimum acreage may be permitted by Special Exception. See Section X.xx Special Exceptions. Two (2) or more parcels may be used to meet the acreage requirements, provided the parcels are located within one hundred fifty (150) feet of each other and are not separated by a state right-of-way greater than fifty (50) feet.**
- (2) **Number of animals permitted. Acreage requirements below must meet (1) above and be sufficient to ensure adequate care in compliance with Chapter 3 of the Gloucester County Code. An increase in the number of animals may be permitted by Special Exception. See Section X.xx Special Exceptions.**
 - a. **Lots with 2 or more acres but less than 4 acres – up to five (5) animals.**
 - b. **Lots with 4 or more acres but less than 6 acres – up to ten (10) animals.**

- c. **Lots with 6 or more acres but less than 8 acres – up to fifteen (15) animals.**
 - d. **Lots with 8 or more acres but less than 10 acres – up to twenty (20) animals.**
 - e. **Lots with 10 or more acres – no limit on the number of animals.**
- (3) **All animals shall be contained within a fenced or enclosed area.**
- (4) **Setbacks.**
- a. **Structures/stables – shall meet accessory structure setbacks for the district.**
 - b. **Pasture fencing – no setback.**
 - c. **It shall be the owner’s/operator’s responsibility to ensure that composting piles are at least one hundred (100) feet from all property lines, watercourses, and water wells.**

Sec. 9B-4. Outdoor related uses.

9B-4.10. Campground.

The following requirements shall apply to campgrounds.

- (1) **A minimum lot size of 5 acres is required.**
- (2) **No camping unit shall be used for permanent year-round habitation.**
- (3) **No more than one (1) manufactured home shall be permitted in a campground. Manufactured homes in campgrounds may only be used as a residence for a campground manager or other campground related facilities such as a store, laundry, or office. Manufactured homes in campgrounds shall not be used for storage or rental to nonemployees of the campground.**
- (4) **All accessory uses and structures within the campground, such as but not limited to water parks, miniature golf, and event stages shall be included in the application for a Conditional Use Permit (CUP).**
- (5) **All above ground structures and activity areas shall be located at least thirty-five (35) feet from all property lines, excluding piers and docks or other structures as approved through the Conditional Use Permit (CUP) process.**
- (6) **This use does not include temporary camping for personal use and enjoyment on private property which is regulated under Article 9D Temporary and Accessory Uses/Structures.**

9B-4.20. Firing range, outdoor.

The following requirements shall apply to outdoor firing ranges.

(1) General standards:

- a. **No combined shoulder arms (rifles) or pistol range shall be less than twenty-five (25) acres in size. A range for the use of pistols shall be no less than five (5) acres. Required acreage must be in common ownership prior to receiving a Certificate of Occupancy (CO).**
- b. **It shall be the property owner or lessee's responsibility to ensure that the range is supervised by an individual currently certified to perform such supervision by a federal, state, local, or other nationally recognized certification program during all hours of operation that the range is open to the general public.**

(2) A conceptual site plan and building plan (if indoor range proposed as well) shall be submitted demonstrating how the site and proposed facilities will meet, at a minimum, the technical range design criteria developed by the U.S. Department of Energy, Office of Health, Safety and Security; the National Rifle Association; or the National Shooting Sports Foundation for the type of range proposed.

- a. **The site plan shall detail the location of all facilities on the site including but not limited to buildings, firing points, parking, fences, wetlands, and similar elements.**
- b. **The location for storage of ammunition, if any, shall be identified on the site plan.**
- c. **All firing points shall be located at least three hundred (300) feet from any residence. The site plan shall contain a sheet showing the proximity of any existing structures within 300 feet of the exterior property lines.**
- d. **Conceptual site plan shall be prepared by a professional engineer or other design professional licensed by the Commonwealth of Virginia. Professional shall certify that the conceptual site plan meets at a minimum, the technical range design criteria developed by the U.S. Department of Energy, Office of Health, Safety and Security; the National Rifle Association; or the National Shooting Sports Foundation for the type of range proposed.**

(3) The county will consult with the Sheriff of Gloucester County for review of the Conditional Use Permit application related to safety of the range.

- (4) **The Planning Commission and Board of Supervisors may consider the recommendations of all reviewing agencies and public comments, and shall include in the Conditional Use Permit decision, conditions and limitations on approval necessary for the protection of the public health, safety and welfare, which may include, but are not limited to:**
- a. **Noise abatement features;**
 - b. **Location of firing points relative to adjacent land uses;**
 - c. **Security fencing and or signage; and**
 - d. **Methods for collection and or recycling of spent ammunition.**

Sec. 9B-5. Civic and institutional uses.

9B-5.10. Cemetery.

The following requirements shall apply to cemeteries.

- (1) **Exemptions. The following use regulations shall not apply to interment of the dead in any churchyard or for interment of members of a family, including pets, on private property. However, these facilities must meet all state and federal regulations.**
- (2) **Setbacks.**
 - a. **Minimum of 250 yards from any residence unless consent of the owner of the residence; if a state highway separates the residence than it shall not be less than 250 feet from the residence at its nearest point;**
 - b. **Not located within 300 yards of any property owned by any locality or water company, upon which a portion of which are now located driven wells from which water is pumped or drawn from the ground in connection with the public water supply.**

9B-5.20. Family day home.

The following requirements shall apply to family day homes.

- (1) **There shall be no parking lots or other features not normally found in a single-family neighborhood.**
- (2) **Signs shall be permitted per Article 12.**
- (3) **Facility shall function in the manner of a normal single-family household and environment. Such a facility must comply with the minimum standards of the departments of building inspections, fire and health.**

9B-5.30. Park, natural area, or community facility.

- (1) **Outdoor active recreational facilities including, but not limited to, sports fields, basketball courts, tennis courts, and pools shall have a 50-foot setback with an evergreen hedge or dense planting of evergreen shrubs, with a minimum height of 5 feet, located along property lines adjacent to residentially zoned parcels not located within the same subdivision or development.**
- (2) **Parks used for the exclusive use of a community shall be owned and maintained pursuant to 9E-10 Common area regulations.**

9B-5.40. Residential group homes, 1-8 individuals & 9+.

Applicant for a group home shall have a license from either the Virginia Department of Behavioral Health and Developmental Services or the Virginia Department of Social Services. A copy of the applicant's license shall be provided with the zoning permit application.

9B-5.50. Transitional homes (1-8 individuals) and transitional community facilities (9+ individuals).

The following requirements shall apply to transitional homes and transitional community facilities.

- (1) **A copy of the applicant's license shall be provided with the zoning permit application.**
- (2) **Licensing/Reporting requirements. Transitional homes and Transitional community facilities shall obtain and maintain, for the duration of the use, a license to operate issued by the Commonwealth of Virginia, if such a license is obtainable and applicable to the permitted use. Additionally, the owner/applicant issued a Conditional Use Permit must submit a report to the zoning administrator, on an annual basis, demonstrating compliance with all of the requirements and conditions contained in the Conditional Use Permit, all applicable licenses and license requirements, and all other applicable local, state, and federal laws and regulations.**

Section 9B-6. Consumer Products and Services Uses.**9B-6.10. Adult Business.**

The following requirements shall apply to adult businesses.

- (1) **Adult businesses shall not be located within 1,000 feet of the following preexisting places:**
 - a. **Primary or secondary educational facility, and their adjunct play areas;**
 - b. **Child day care center;**
 - c. **Public park, recreational facility, or library;**

- d. **Churches and other places of worship;**
 - e. **Sites listed in the Virginia Landmarks Register (VLR) or the National Register of Historic Places.**
 - f. **Boundary of the following zoning districts: SF-1, MF-1, MH-1 and B-2;**
 - g. **Boundary of a Planned Unit Development (PUD) zoning district with a net residential density of 4 units per acre or greater; or**
 - h. **Another adult business.**
- (2) **Method of measurement. For the purpose of Subsection (1) above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business is conducted, to the nearest property line of the other specified use or district.**
- (3) **Adult businesses are not permitted as home occupations.**
- (4) **All activities related with the adult business must be conducted indoors.**

9B-6.20. Automobile impound facility.

The following requirements shall apply to automobile impound facilities.

- (1) **Automobile impound facilities located in the Business General (B-1) district are permitted by right provided that all structures and storage areas observe at least a 200-foot front yard setback and 50-foot side yard setback from the public right-of-way and meet the requirements listed in Subsections (2) thru (6) below. All other automobile impound facilities which cannot meet these setbacks shall meet the requirements listed in Subsections (2) thru (6) and require a Conditional Use Permit (CUP).**
- (2) **All areas for storing vehicles shall be screened from the public right-of-way and all exterior property lines by one of the options listed under Section 9C-3 Screening and Buffering Standards. Such vehicles shall not be parked in any required landscape area, best management practice area depicted on an approved site plan, Chesapeake Bay Resource Protection Area (RPA) or in the required front setback of the Highway Corridor Development District, See Section 6A-6 Setbacks.**
- (3) **All vehicles shall be stored on a gravel or paved surface located on the parcel(s) of the business property.**
- (4) **The on-site demolition or junking of motor vehicles is prohibited.**
- (5) **Vehicles shall not be parked or stored as a source of parts.**
- (6) **Automobile / vehicle service facilities, towing services, and other uses located on the same parcel(s) must meet the regulations for those**

facilities. See the Table of Permitted Uses Section 5-70 and Article 9B Supplemental Use Regulations.

9B-6.30. Automobile towing services.

The following requirements shall apply to automobile towing services.

- (1) Automobile towing services located in the Rural Business (B-4) district are permitted by right if parcel fronts on Rte. 17. All other Rural Business district locations require a Special Exception (SE). See Section **xx.xx**.**
- (2) All areas for storing vehicles shall be screened from the public right-of-way and all exterior property lines by one of the options listed in Article 9C-3 Screening and Buffering Standards. Such vehicles shall not be parked in any required landscape area, stormwater best management practice (BMP) area depicted on an approved site plan, Chesapeake Bay Resource Protection Area (RPA) or in the required front setback of the Highway Corridor Development District, See Section 6A-6 Setbacks.**
- (3) All vehicles shall be stored on a gravel or paved surface located on the parcel(s) of the business property. A minimum of 200 square feet per vehicle temporarily stored shall be required. Storage area shall be identified on a plot plan drawn to scale with a maximum number of vehicles stored permitted.**
- (4) The demolition or junking of motor vehicles is prohibited.**
- (5) Vehicles shall not be parked or stored for more than 30 days or stored and used as a source of parts.**

9B-6.40. Automobile / vehicle service facility.

The following requirements shall apply to automobile / vehicle service facilities.

- (1) Automobile / vehicle service facilities located in the Rural Business (B-4) district are permitted by right if parcel fronts on Rte. 17. All other Rural Business district locations require a Special Exception (SE). See Section **xx.xx**.**
- (2) Repair and installation work shall primarily take place within an enclosed structure.**
- (3) All vehicles shall be stored on a gravel or paved surface located on the parcel(s) of the business property.**
- (4) No outdoor storage of parts or supplies shall be permitted. Used or damaged equipment removed from vehicles during the repair process**

- shall be stored indoors or shall be deposited in an appropriate waste receptacle in accordance with DEQ for off-site disposal. The location and size of any tire storage shall be approved by the Building Official and DEQ to ensure compliance with Uniform Statewide Building Code (USBC) and all other local and state regulations.**
- (5) Wrecked or inoperative vehicles shall not be stored on site for longer than 90 calendar days.**
 - (6) The demolition or junking of motor vehicles is prohibited.**
 - (7) Vehicles shall not be parked or stored as a source of parts.**
 - (8) Automobile impound lots on the same parcel(s) must meet the regulations for impound facilities. See the Table of Permitted Uses Section 5-70 and Article 9 Supplemental Use Regulations, Section 9B-6.20.**

9B-6.50. Automobile / vehicle storage facility.

The following requirements shall apply to automobile / vehicle storage facilities.

- (1) All areas for storing vehicles shall be screened from the public right-of-way and all exterior property lines by one of the options listed in Article 9C-3 Screening and Buffering Standards. Such vehicles shall not be parked in any required landscape area, stormwater best management practice (BMP) area depicted on an approved site plan, Chesapeake Bay Resource Protection Area (RPA) or in the required front setback of the Highway Corridor Development District, See Section 6A-6 Setbacks.**
- (2) All vehicles shall be stored on a gravel or paved surface located on the parcel(s) of the business property.**
- (3) The demolition or junking of motor vehicles is prohibited.**
- (4) Vehicles shall not be parked or stored as a source of parts.**
- (5) When this use is accessory to another use, such as a mini-warehouse, these requirements apply to the area utilized for vehicle storage.**

9B-6.60. Commercial outdoor entertainment, amusement, or sports (major & minor).

The Planning Commission, Board of Supervisors, and Board of Zoning Appeals may consider the recommendations of all reviewing agencies and public comments, and shall include in the Conditional Use Permit decision, when required, conditions and limitations on approval necessary for the protection of the public health, safety, and welfare, which may include, but are not limited to:

- (1) **The frequency and number of functions which may be held,**
- (2) **Event duration,**
- (3) **Maximum number of attendees per function,**
- (4) **Location and surface type for each access point and parking area,**
- (5) **Removal of temporary facilities, and**
- (6) **Temporary and permanent water and wastewater access and disposal protocols acceptable to the Health Department.**

9B-6.70. Engine and equipment repair, small.

The following requirements shall apply to small engine and equipment repair facilities.

- (1) **All outdoor storage shall be screened from the public right-of-way and all exterior property lines by one of the options listed in Article 9C-3 Screening and Buffering Standards.**
- (2) **All storage shall be located on a gravel or paved surface on the parcel(s) of the business property.**
- (3) **Equipment shall not be parked in any required landscape area, stormwater best management practice (BMP) area depicted on an approved site plan, Chesapeake Bay Resource Protection Area (RPA) or in the required front setback of the Highway Corridor Development District, See Section 6A-6 Setbacks.**
- (4) **Used or damaged items removed from small engines / equipment during the repair process shall be stored indoors or shall be deposited in an appropriate waste receptacle in accordance with DEQ for off-site disposal.**

9B-6.80. Event facilities.

The following shall apply to event facilities:

- (1) Event facilities can be a principal or accessory use. Event facilities in a residential or agricultural district that are accessory to the site's principal use shall not substantially change the character of the **principal** use of the property.
- (2) All signs shall conform to the requirements in Article 12 - Signs. Event facilities located in residential or agricultural districts as a principal use may have signage as allowed per Section 12-7 (2) Non-residential signs in residential districts.

- (3) Property, buildings, and/or structures shall comply with the provisions of this chapter and other ordinances of the county and any applicable laws of the state. It is the responsibility of the applicant to ensure compliance with all applicable laws relating to the operation of their business.
- (4) The Planning Commission and Board of Supervisors may consider the recommendations of all reviewing agencies and public comments, and shall include in the Conditional Use Permit decision, **when required**, conditions and limitations on approval necessary for the protection of the public health, safety and welfare, which may include, but are not limited to:
 - a. The frequency and number of functions which may be held,
 - b. Event duration,
 - c. Maximum number of attendees per function,
 - d. Location and surface type for each access point and parking area,
 - e. Removal of temporary facilities,
 - f. Temporary and permanent water and wastewater access and disposal protocols acceptable to the Health Department, **and**
 - g. **Access to a state-maintained road and entrance characteristics.**

9B-6.90. Firing range, indoor.

The following requirements shall apply to indoor firing ranges.

(1) General Standards

- a. **It shall be the property owner or lessee's responsibility to ensure the range is supervised by an individual currently certified to perform such supervision by a federal, state, local, or other nationally recognized certification program during all hours of operation that the range is open to the general public.**
 - b. **The range shall meet the range design criteria developed by the U.S. Department of Energy, Office of Health, Safety and Security; the National Rifle Association; or the National Shooting Sports Foundation for the type of range proposed.**
- (2) When a CUP is required, a conceptual site plan and building plan prepared by a design professional certified by the state shall be submitted. The professional shall certify that the conceptual site plan meets, at a minimum, the technical range design criteria developed by the U.S. Department of Energy, Office of Health, Safety and Security; the National Rifle Association; or the National Shooting Sports Foundation for the type of range proposed. The county will consult with the Sheriff of Gloucester County for review of the Conditional Use Permit application related to safety of the range.**

9B-6.100. Sales, general store, country.

The following requirements shall apply to general stores, country.

- (1) All sale items parked on site shall not encroach into required setbacks.**
- (2) Required parking cannot be utilized for outdoor sales and the display of outdoor merchandise cannot impede site circulation.**

9B-6.110. Sales, retail / wholesale indoor.

In the B-4 (B-4) district indoor retail / wholesale sales shall be limited to 10,000 square feet in size.

9B-6.120. Sales, retail / wholesale outdoor.

The following requirements shall apply to outdoor retail / wholesale sales.

- (1) All sale items displayed or stored on site shall not encroach into required setbacks.**
- (2) Required parking cannot be utilized for outdoor sales and the display or storage of outdoor merchandise cannot impede site circulation.**
- (3) Vehicle and engine repair services located on the same parcel(s) must meet the regulations for automobile, vehicle services/facilities. See the Table of Permitted Uses Section 5-70 and Article 9B Supplemental Use Regulations.**

9B-6.130. Seasonal sales.

The following requirements and limitations shall apply to seasonal sales:

- (1) An application for a seasonal sales permit must be submitted to the zoning administrator for review and approval prior to any seasonal sales activities. A seasonal sales permit will be valid during the season for which the permit was issued **and for no longer than 60 days**, subject to all of the information on the application remaining materially unchanged. If at any time any of the information upon which the seasonal sales permit materially changes, a revised application shall be submitted to the zoning administrator for review and approval pursuant to this Section. The application for a seasonal sales permit shall contain and be accompanied by the following:

- a. A written narrative describing the nature of the proposed activities, proposed duration of such activities, and the proposed daily hours of operation.
 - b. A legible **plot** plan, drawn to scale, depicting the proposed location of the activities - including, but not limited to, merchandise, parking, circulation, pedestrian and vehicular ingress/egress, surface materials, and sanitary facilities, if any.
 - c. Written and signed authorization from any property owner upon whose property the proposed activities are to take place, confirming that the applicant has the right to use such property for the entire duration listed on the application.
 - d. Proof of applicable Health Department approvals if the proposed activity requires the same, or a letter from the Health Department stating that none are required.
 - e. Payment of all appropriate application fees.
- (2) Other requirements:
- a. **The site must have adequate existing infrastructure to support vehicular and pedestrian ingress and egress, and parking for customers and vendors. Staff will coordinate with VDOT to determine if the entrance is adequate for the proposed use.**
 - b. No permanent structures associated with the site's use as **seasonal sales** shall be placed or erected on the site.
- (3) Any signs shall be permitted in accordance with the provisions of Article 12.

9B-6.140 Veterinary Clinic

Boarding of animals shall only be conducted indoors, on a short-term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as an animal care facility (kennel).

Sec. 9B-7. Industrial Uses.

9B-7.10. Animal slaughter and/or rendering establishment.

The following requirements shall apply to animal slaughter and/or rendering establishments.

- (1) **A minimum two hundred (200) foot setback shall be provided for structures and animal enclosures with a minimum four hundred (400) foot setback for any enclosure used for slaughtering of animals. Setbacks shall be from any public right of way and from any property line of any property not owned or leased by the establishment.**

- (2) Measures shall be developed to mitigate obnoxious odors, dust, smoke, or similar nuisances.**
- (3) Waste or any decomposable residue from the livestock processing or abattoir operation shall only be disposed of in strict compliance with any applicable state regulations.**
- (4) Design, construction, and operation of the facility must meet or exceed the requirement of all current state and federal regulations. Specifically, the operation must conform to any guidelines or specifications concerning design, construction, and operation as published or otherwise disseminated by the U.S. Department of Agriculture and/or Virginia Department of Agriculture and Consumer Services (VDACS).**

9B-7.20. Junkyard or salvage yard.

The following requirements shall apply to junkyards and salvage yards.

- (1) All junkyard and salvage yard uses are subject to the maintenance and operation regulations contained in Gloucester County Code Chapter 4 Automobile Graveyards and Junkyards.**
- (2) All storage areas of such uses shall be effectively screened from view from all public streets and adjacent properties by landscaping supplemented by appropriate fencing materials. The contents of a junkyard or salvage yard shall not be placed or deposited to a height greater than the height of the fence surrounding it. The landscape plan to accomplish this shall comply with the applicable sections of Article 9C Screening and Buffering unless a more stringent standard is required by the board pursuant to the issuance of a Conditional Use Permit (CUP).**
- (3) Upon arrival, vehicles and parts shall be drained of all liquids, fuel, and oil prior to storage within the junk yard or salvage yard. All liquids, fuel, and oil shall be stored and disposed of in accordance with all federal and state statutes and regulations.**
- (4) No storage or display of inoperable vehicles, vehicle parts, or other contents shall be located in any required landscape area, stormwater best management practice (BMP) area depicted on an approved site plan, Chesapeake Bay resource protection area or required front setback within the underlying zoning district or as regulated under Article 6A Highway Corridor Development District.**

9B-7.30. Manufacturing, extractive.

Extractive manufacturing uses are subject to the following **requirements**:

- (1) All structure and activity areas shall be located at least one hundred (100) feet from all property lines.
- (2) All activities shall be conducted at least two hundred (200) feet from any watercourse.
- (3) Activities shall be conducted at least five hundred (500) feet from any residential district or habitable residential structure whether occupied or vacant.
- (4) Internal access roads shall be located at least one hundred (100) feet from all property lines. All entrances to state-maintained highways shall be paved for a distance of at least one hundred (100) feet from the point of intersection with the state highway and a wash rack for wheels shall be installed at the end of the paved portion of the entrance road most distant from the state highway. The paved portion of all entrance roads shall be kept free and clear at all times of any build-up of dirt, gravel, or other material which might be tracked onto the state highway.
- (5) All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, odor, and vibration.
- (6) Two (2) or more parcels may be used to establish an extractive manufacturing use provided they share a common boundary line sufficient in length for access.

9B-7.40. Mine, surface mineral.

The following **requirements** shall apply to surface mineral mines:

- (1) The surface mining of minerals in **RC-1**(Rural Countryside), and **SC-1** (Suburban Countryside) districts may be permitted by Conditional Use Permit when the minimum standards of Section **9B-7.40(2)** can be met.
- (2) Surface mineral mining uses in the I-1, **RC-1**, and **SC-1** districts are subject to the following limitations:
 - a. **Use shall require a minimum of 5 acres in area.**
 - b. Property shall have frontage on, or adequate deeded access to, a state-maintained road and be served by an entrance meeting the standards of the Virginia Department of Transportation.
 - c. All new entrances to state-maintained highways shall be paved for a distance of at least one hundred (100) feet from the point of intersection with the state highway, and a wash rack for wheels shall be installed at the end of the paved portion of the entrance road most distant from the state highway. The paved portion of all entrance roads shall be kept free

and clear at all times of any build-up of dirt, gravel, or other material which might be tracked onto the state highway.

- d. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, odor, and vibration.
- e. Two (2) or more parcels may be used to establish a surface mining use provided they share a common boundary line sufficient in length for access.

9B-7.50. Warehouse, mini.

The following requirements shall apply to mini warehouses.

- (1) **In the B-1 (Business General) district, mini warehouses shall be permitted by right if the facility is set back a minimum of two hundred (200) feet from the public right of way. Otherwise, the use will require a Special Exception. See **Section XX Special Exceptions.****
- (2) **The outdoor storage of vehicles shall comply with the supplementary regulations for Automobile / vehicle storage facilities.**

Sec. 9B-8. Utility Uses.

9B-8.10. Commercial wireless communication facilities.

The following requirements shall apply to commercial wireless communication facilities.

- (1) **Compliance with Electronics Industry, FCC, Building Code and other regulations.**
 - a. **The facility shall not** interfere with public safety communications.
 - b. Before any building permit is issued for any commercial **wireless communication facility**, the appropriate data including engineering calculations for each installation shall be prepared by a registered structural engineer and submitted to the **building official**. This data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the building code.
 - c. If any additions, changes, or modifications are to be made to the tower, the building official shall have the authority to require proof through the submission of engineering data that the addition, change, or modification conforms to structural wind load and all other requirements of the building code.
- (2) **Discontinuation of Use.**

Facilities which remain unused for a continuous period exceeding twenty-four (24) months shall be removed at the expense of the provider and/or property owner within 30 days.

(3) **Signage.**

Warning signage shall be placed on commercial wireless communication equipment and facilities as required by the FCC or other regulatory agency. Commercial wireless communication equipment shall not be used for the display of advertising, except for reasonable identification of the equipment manufacturer or operator of the commercial wireless communication facility. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on commercial wireless communication equipment except as follows: (a) manufacturer's or installer's identification; (b) warning signs and placards; (c) signs required by a federal or state agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger.

(4) **Coordination with other service providers.**

- a. Prior to the issuance of a permit **or Special Exception for a commercial wireless communication facility**, the **county will coordinate with emergency management and fire and rescue to determine if the location is needed for public safety and provide the opportunity for right of first offer** for the use of the space.
- b. **Planning and Zoning staff shall provide information about the location, height, and design of each new facility to the Geographic Information Systems (GIS) department for the purpose of maintaining** an inventory of the locations of these facilities.
- c. If the County has adopted a master plan delineating communication service areas, the applicant shall submit documentation describing the relationship of the proposed facility to the County's master plan map. Specifically, the applicant shall demonstrate that the proposal facilitates the service build out foreseen by the map, and promotes the goal of minimizing the number of facilities needed to serve the County.

(5) **Minor commercial wireless communication facilities shall comply with the following regulations:**

- a. **Permitting Process.**
 - i. **Minor commercial wireless communication facilities shall be permitted administratively through the submittal of a zoning permit application as per Article 15. The application shall include with it a list of all locations (tax map number and RPC) and a plot plan for each location. Up to thirty-five (35) locations can be included on a single application. A fee of thirty-five**

dollars (\$35) shall be charged for each location, up to a maximum of five hundred dollars (\$500).

- ii. **The County shall review applications and notify applicants of incomplete applications within ten (10) business days after receiving the application. The notice shall specify any additional information required to complete the application. The notice shall be sent by electronic mail to the applicant's email address provided in the application.**

b. **Site and Facility Design.**

- i. **Minor commercial wireless communication facilities located on legally established existing structures shall meet the applicable setbacks for the structure on which they are located.**
- ii. **Minor commercial wireless communication facilities located on new structures shall meet the minimum setbacks for principal structures in the zoning district where located or one-hundred ten percent (110%) of facility/structure height, whichever is greater.**

(6) **Major commercial wireless communication facilities shall comply with the following regulations:**

a. **Permitting process. Major commercial wireless communication facilities shall require a Special Exception (SE) as per Article 14 with the additional regulations detailed below.**

- i. The applicant shall submit a scaled site plan and scaled elevation view, along with other supporting drawings, calculations, and documentation, signed and sealed by an appropriate licensed professional, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height **and fall radius**, setbacks, **access** drives, parking, fencing, landscaping, adjacent uses, and other information necessary to assess compliance with this ordinance.
- ii. **The County shall review applications and notify applicants of incomplete applications within ten (10) business days after receiving the application. The notice shall specify any additional information required to complete the application. The notice shall be sent by electronic mail to the applicant's email address provided in the application.**
- iii. **In the case of disapproval, the BZA shall identify the reasons for disapproval in a written statement.**

b. **Site and Facility Design**

- i. Lot size **shall** be of adequate width and dimensions to handle a collapse of the structure within the boundaries of the property.
- ii. **Commercial wireless communication facilities shall meet the minimum setbacks for principal structures in the zoning district where located or one-hundred ten percent (110%) of facility/structure height, whichever is greater, or as determined by the BZA.**
- iii. **A tower shall not exceed 199 feet in height. The BZA may grant Special Exceptions for towers exceeding this requirement, under the following circumstances:**
 - 1) The proposal involves a height increase of an existing tower. To the extent that painting and lighting in this circumstance can be made less visible (e.g. to a neutral paint color or non-strobe lighting) within air safety requirements, such measures shall be required.
 - 2) The proposal involves a new tower, and the applicant submits evidence demonstrating that a height above 199' is necessary for the proposed service or will prevent the need for additional towers within a defined service area.
- iv. The applicant shall submit engineering data to verify that the facility is of sufficient strength and height to allow co-location of at least three additional service providers, and shall submit an agreement to negotiate in good faith with future providers for location on the facility.
- v. The tower shall be a neutral color **with a non-reflective finish**. Tower lighting shall be prohibited, unless required by FAA or FCC regulation. If lighting is required, the BZA may review lighting alternatives, and approve the design that would cause the least disturbance to the surrounding area.
- vi. The applicant shall submit a photo-simulation or other visual simulation sufficient to allow an assessment of the visual impact of the facility on adjacent land uses and scenic viewsheds.
- vii. Existing vegetation within the tower fall zone shall be preserved, except as necessary to provide for tower and support building construction, permanent tower access, and necessary utilities. **Tower facilities shall meet the minimum standards of screening per Article 9C Screening and Buffering. The BZA may impose additional requirements during the SE process.**
- viii. Towers shall be enclosed by security fencing not less than 6 feet high, which shall be equipped with an appropriate anti-climbing device. The BZA may waive this requirement, as it deems appropriate.

ix. Facilities shall not be permitted in jurisdictional wetlands.

- (7) Commercial wireless communication facilities in compliance with this Section and those for which a Special Exception (SE) is approved by the Board of Zoning Appeals, shall be deemed substantially in accord with the comprehensive plan.**

9B-8.20 Power utility-electric and Power utility-nuclear.

Power utility-electric and Power utility-nuclear uses in compliance with this Ordinance and those for which a Conditional Use Permit (CUP) is approved shall be deemed substantially in accord with the comprehensive plan.

9B-8.30. Solar energy facilities.

- (1) The following general requirements shall apply to all solar energy facilities, unless otherwise provided:
- a. The maximum height of all ground mounted solar facilities, including any mounts, shall not exceed twenty (20) feet above the ground when oriented at maximum tilt (except for the poles and wires associated with the interconnection to the Dominion Power distribution system) unless otherwise approved by the Board of Supervisors as a condition of approval for a Conditional Use Permit. Roof-mounted solar energy facilities shall be exempt from the building height requirements for the zoning district in which they are located.
 - b. All solar projects shall comply with generally accepted current national environmental protection and product safety standards for the use of solar panels for solar photovoltaic (electric energy) projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electro technical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. All site plans for solar facilities shall make reference to the specific safety and environmental standards being met.
 - c. Battery storage facilities associated with a solar facility shall comply with generally accepted current national environmental protection and product safety standards for the use of battery technologies projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electro technical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. All site plans

including battery storage facilities shall make reference to the specific safety and environmental standards being met.

- d. The following maximum percentages of total land area devoted to community- and utility-scale solar facilities have been established within the districts identified below. The total developed solar acreage shall be calculated and updated by the Department of Planning, Zoning, and Environmental Programs upon approval of the site plan for a solar facility. The land area devoted to solar shall be derived from approved site plans that are currently valid for solar facilities and shall only include those portions of the parcel(s) on which the solar panels and associated elements such as inverters and switching facilities that exist or are approved to be located (typically the area within a perimeter fence) and shall not include other acreage associated with a project on which the panels and associated elements are not placed including but not limited to buffers, wetlands, and stormwater management areas.
 - i. Suburban Countryside (SC-1) district – Two (2) percent.
 - ii. Rural Countryside (RC-1) district – Two (2) percent.
- e. All large-, community-, and utility-scale solar facilities shall develop a decommissioning plan, which shall include the following: (1) the anticipated life of the project; (2) the estimated decommissioning cost in current dollars, not including any salvage value; (3) how said estimate was determined; (4) the manner in which the project will be decommissioned including the submittal of a site plan for review and approval prior to the start of decommissioning; and (5) a surety, in a form acceptable to the County Attorney, sufficient to cover the cost of preparing the site plan for and the completion of decommissioning the solar energy facility. The decommissioning plan shall be submitted for review concurrent with the site plan and shall be re-reviewed not less frequently than every five (5) years after initial approval; the decommissioning surety shall be updated as needed based on plan re-review and revised estimates provided by owner, lessee, or developer.
 - i. As used in this Section, the term “decommission” means the removal and proper disposal of all solar energy equipment, facilities, and devices. Decommissioning also includes the restoration of the real property, including soil stabilization and revegetation of the ground cover of the real property disturbed by the installation and removal of such equipment, facilities, and devices when applicable. Buffers, roadways, stormwater basins and other site conditions associated with the use of the site as a solar facility may remain based on these features being included on the approved site plan and any required maintenance agreements in place prior to decommissioning.
 - ii. The decommissioning plan shall be approved and a surety shall be posted prior to obtaining a land disturbance permit (LDP) or zoning

- permit for the project; or in the case of a multi-phase project, a separate decommissioning surety may be submitted prior to land disturbance permitting or zoning permit for each individual phase of the project provided that the plan is also broken into phases so that the surety can be calculated for each phase.
- f. Prior to the approval of a zoning permit for a by-right large-scale facility and as a condition of the approval of a site development plan for any other large-, community-, or utility-scale solar generation facility, the owner, lessee, or developer of the project (the “responsible party”) shall enter into a written project development agreement with the county, setting forth, at a minimum, that:
- i. If the facility ceases generating electricity for more than 12 consecutive months, the responsible party will provide for its decommissioning;
 - ii. If the owner, lessee, or developer defaults in the obligation to decommission the facility, the county has the right to enter the real property without further need of consent of the owner to engage in decommissioning; and
 - iii. The decommissioning surety shall be based upon an estimate by a professional engineer licensed in the Commonwealth, who is engaged by the responsible party and who has experience in preparing decommissioning estimates. The estimate and surety **are subject to approval** by the county. The estimate shall equal the total projected cost of decommissioning, including the cost for preparation of a site plan for decommissioning, a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor. The decommissioning estimate shall not include salvage value of the materials being removed.
 - iv. Prior to decommissioning, a site plan detailing the decommissioning process and final site conditions shall be submitted for review and approval pursuant to Chapter 15.5 of the County Code.
- g. The following testing shall be required for all ground-mounted, large-, community-, and utility-scale solar facilities:
- i. Post-land disturbance soils testing, utilizing a standardized methodology for determining soil composition, shall be required for each phase or sub-phase of development in order to formulate the proper seed mixture for the establishment of permanent ground cover at the solar facility site.
 - ii. The county may require the owner to engage a qualified neutral third party to perform soil and ground water sample testing subsequent to an event causing damage to the panels due to wind, hail, or other similar hazards. Developers shall provide to the county the results of these tests and be responsible for

to a contiguous area of 5,000 square feet. Those areas shall be preserved in their existing state. This does not include slopes on areas that have been in agriculture crop, pastureland, or grassland for the previous five (5) years.

- ii. The following setbacks shall be met for all buildings, structures, and above-ground ancillary equipment related to the solar facility including fences and all facilities necessary to transmit the electricity generated at the facility to the grid, if applicable:
 - 1) The front yard setback and setback adjacent to any public or private road shall be a minimum of seventy-five (75) feet. This shall not include sections of private roads exclusively serving the solar facility.
 - 2) Side yard setbacks shall be a minimum of fifty (50) feet.
 - 3) Rear yard setbacks shall be a minimum of one hundred (100) feet.
- iii. Landscape buffers are required that minimize impacts year-round on the view from an existing public right-of-way (ROW), historic properties listed in Appendix B - Zoning, Article 6, Section 6-1, the Virginia Landmarks Register, the National Register of Historic Places, and adjacent parcels. Required buffers shall be placed or preserved between the solar facility and adjoining properties and adjacent public or private rights-of-way.
 - 1) The use of existing vegetation shall be allowed in place of required new plant material provided the vegetation to be used adequately screens the solar panels from view from the right of way and adjacent parcels, is a minimum of twenty-five (25) feet in width, and is located entirely on the applicant's property. The applicant shall submit a landscape plan drawn by a professional landscape architect showing the location, size, and type of the existing plant material in the buffer area that is being used to meet the screening requirement. The plan shall include supplemental plantings wherever needed to ensure year-round screening. Should the buffer be damaged or destroyed at any time during the operation of the solar energy facility, additional vegetation shall be planted to restore the required vegetative buffer based on the approved or an amended plan.
 - 2) Where adequate vegetative screening does not exist, buffers shall consist of a continuous landscaping strip of not less than twenty-five (25) feet in width planted with a mix of large deciduous trees, large evergreen trees, and shrubs forming a continuous screen. At least seventy-five (75) percent of the plantings shall be evergreen. The required screening shall be placed within the twenty-five (25) feet closest to the perimeter of the site area. The applicant shall

submit a landscape plan drawn by a professional landscape architect showing the location, size, and type of the plant material in the buffer area that is being used to meet the screening requirement and demonstrate compliance with this Section.

- 3) The zoning administrator shall require a surety prior to site plan approval in an amount sufficient and with conditions satisfactory to secure to the county compliance with the landscaping requirements set forth above. The landscaping surety will be held for the life of the project and will be released upon completion of decommissioning.
 - 4) The buffer shall be maintained for the life of the facility. Dead, diseased, or dying plants shall be replaced within the next planting season unless the remaining healthy vegetation provides the required screening.
 - 5) Buffers shall not be required when the property on which the solar energy facility is located and the adjoining property are under the same ownership. However, buffers along property lines within one hundred (100) feet of a public right of way or historic feature as described in iii above will be required unless an adequate buffer exists as described in iii (1) or (2) above.
 - 6) Buffers shall not be required when the operator of a solar energy facility and the adjoining property owner(s) agree that no buffer is necessary and provide a written affidavit to that effect to the zoning administrator. However, buffers along property lines within one hundred (100) feet of a public right of way or historic feature as described in iii above will be required unless an adequate buffer exists as described in iii (1) or (2) above.
- (4) All solar facilities requiring a Conditional Use Permit shall be subject to the following submittal requirements. This information must be provided at the time of application for the Conditional Use Permit, in addition to other requirements of Section 14-23 Conditional Use Permits.
- a. A narrative identifying the applicant, owner, and operator, and describing the proposed solar energy project, including: an overview of the project and its location, approximate rated capacity of the solar energy project, the approximate number, representative types and expected footprint of solar equipment to be constructed, and a description of ancillary facilities, if applicable, including the type and location of all facilities necessary for electric grid interconnection.
 - b. A site concept plan that includes the following information and details:
 - i. Location and proposed heights of all electrical cabling from the solar systems to the substations, ancillary equipment, buildings, and structures including all facilities necessary to transmit the electricity generated at the facility to the grid, if applicable.

- ii. Existing and proposed access roads, permanent entrances, temporary construction entrances, drives, and similar elements.
 - iii. Fencing and other methods of ensuring public safety.
 - iv. Identification of the proposed setbacks for all buildings, structures, and above-ground ancillary equipment related to the solar facility, including fences and all facilities necessary to transmit the electricity generated at the facility to the grid, if applicable. Below are the required minimum setbacks, which may be modified by the Board of Supervisors as a condition of approval for a Conditional Use Permit.
 - 1) The front yard setback and setback adjacent to any public road shall be a minimum of seventy-five (75) feet.
 - 2) Side yard setbacks shall be a minimum of fifty (50) feet.
 - 3) Rear yard setbacks shall be a minimum of or one hundred (100) feet.
 - v. Landscape plans depicting areas where buffers will be maintained and/or installed to ensure that the solar project minimizes impacts year-round on the view from an existing public right-of-way (ROW), historic properties listed in Appendix B - Zoning, Article 6, Section 6-1, the Virginia Landmarks Register, the National Register of Historic Places, and adjacent parcels. Landscaping shall at a minimum comply with that required for private large-scale facilities under Section 9-28(3)(c)(iii) unless modified by the Board of Supervisors as part of the CUP approval. Except that for purposes of review by the Board during the CUP process, landscape plans may be conceptual and, upon approval, comply with the requirement of being drawn by a professional landscape architect at the time of site plan review.
 - vi. Wetlands, Resource Protection Areas, and woodlands.
 - vii. Existing and proposed topographic information. The United States Geographic Service (USGS) topographical maps (most recent edition) can be utilized to display existing topographic information. No land disturbing activity as defined in the County's Erosion and Sediment Control Ordinance shall occur on slopes greater than eight (8) percent when the eight (8) percent slopes are greater than or equal to a contiguous area of 5,000 square feet. Those areas shall be preserved in their existing state. This does not include slopes on areas that have been in agriculture crop, pastureland, or grassland for the previous five (5) years.
- c. An environmental and cultural resources review, including the following:
- i. Virginia Cultural Resource Information System report. A report by the Virginia Department of Historic Resources Virginia Cultural Resource Information System shall be submitted to identify historical, architectural, archeological, or other cultural resources on or near the proposed facility.

- ii. Cultural resources report. A copy of the cultural resources review conducted in conjunction with the State Department of Historic Resources for the Department of Environmental Quality permit by rule process. This report shall be in addition to the report required in Section 9-28(4)(c)(i) and shall further identify historical, architectural, archeological, or other cultural resources on or abutting the proposed site.
 - iii. A report on the potential impacts on wildlife and wildlife habitats at the site and within a two-mile radius of the proposed facility using information provided by the Department of Game and Inland Fisheries or a report prepared by a qualified third-party.
 - iv. A report on potential impacts on pollinators and pollinator habitats at the site, including but not necessarily limited to the submission of a completed solar site pollinator habitat assessment.
 - v. A glint and glare study that demonstrates that the panels will be sited, designed, and installed to eliminate glint and glare effects on roadway users, nearby residences, commercial areas, and other sensitive viewing locations, or that the applicant will use all reasonably available mitigation techniques to reduce glint and glare to the lowest achievable levels. The study shall assess and quantify potential glint and glare effects and address the potential health, safety, and visual impacts associated with glint and glare. Any such assessment shall be conducted by qualified individuals using appropriate and commonly accepted software and procedures.
- d. Additional information to enable the Board of Supervisors to evaluate the proposal shall include: a scaled elevation view and other supporting drawings, photographs of the proposed site, traffic analysis of the impacts during construction and operation, and a fiscal & economic analysis.
 - e. Documentation of right to use property for the proposed project, to include proof of control over the land or possession of the right to use the land in the manner requested.
- (5) Solar generation facilities in compliance with this Section and those for which a Conditional Use Permit (CUP) is approved in accordance with this Section, shall be deemed substantially in conformance with the comprehensive plan.

9B-8.40 Uses required for provision and maintenance of public utilities.

In compliance with the Code of Virginia Section 15.2-2232 Legal Status of Plan, where this use is permitted by right, it shall be considered as being substantially in accord with the adopted comprehensive plan provided where appropriated the use has been properly licensed by the State Corporation Commission and approved by the Virginia Department of Health.

9B-8.50. Wind energy facilities, small.

The following requirements shall apply to small wind energy facilities:

- (1) The maximum allowable system height for small wind energy facilities shall be one-hundred twenty (120) feet. System height shall be interpreted to mean the installed vertical height of a wind energy facility as measured from the average grade to the turbine rotor at its highest point or the tip of the turbine blade when it reaches its highest elevation, without regard to whether it is ground-mounted or affixed to a structure. In no case shall the manufacturer's recommended maximum installation height be exceeded.
- (2) No small wind energy facility shall be permitted in any required front yard.
- (3) The minimum side yard setback for small wind energy facilities shall be one-hundred ten percent (110%) of system height or that required by the zoning district, whichever is greater.
- (4) The minimum rear setback for small wind energy facilities shall be one-hundred ten percent (110%) of system height or that required by the zoning district, whichever is greater.
- (5) The minimum setback from any street or road shall be one-hundred ten percent (110%) of system height or that required by the zoning district, whichever is greater.
- (6) For guyed towers, their anchors shall meet the setback requirement for accessory structures in the zoning district which they are located.
- (7) The supporting structure of the small wind energy facility shall not be climbable for the first twelve (12) feet above ground level.
- (8) The small wind energy facility must have a separation of at least twenty (20) feet between ground level and the lowest point in the arc of the rotating blade assembly.
- (9) Small wind energy facilities must meet the requirements of the Virginia Uniform Statewide Building Code (USBC) in force at the time of permitting. System designs, including but not necessarily limited to the tower and base, must carry the signature and stamp of a licensed professional engineer (P.E.).
- (10) Small wind energy facilities shall comply with any applicable provisions of the Gloucester County noise ordinance; however exemptions to this requirement shall apply during brief events such as wind storms and power outages.
- (11) Small wind energy facilities connected or intended to be connected to the utility grid shall comply with the provisions of 20VAC5-315, which govern net energy metering.
- (12) Small wind energy facilities shall be constructed so as not to interfere with radio, television, and satellite signals, and shall comply with the provisions of 47CFR15, which govern radio frequency devices and emissions.
- (13) No part of the wind turbine or its supporting structure may be artificially illuminated, unless required by federal, state, or local regulations.
- (14) Small wind energy facilities shall have a galvanized steel, matte gray, matte white, or otherwise neutral and non-reflective finish.
- (15) No signs, except manufacturer's nameplates, placards, decals, and/or signs placed for the purpose of warning of potential hazards shall be permitted upon

any portion of a small wind energy facility. Any sign that could be construed as advertising shall be prohibited.

- (16) The owner of the property upon which a small wind energy facility is located shall maintain said facility in proper working order.
 - a. Any small wind energy facility found to be in an inoperable condition shall either be repaired or removed within ninety (90) days.
 - b. Any small wind energy facility found to have been abandoned or unused for a period exceeding twenty-four (24) months shall be removed within thirty (30) days.

Sec. 9B-9. Residential Uses.

9B-9.10. Ancillary residential structure or use.

Ancillary residential structures and uses shall meet the setback and height restrictions of accessory structures for the district in which they are located. Ancillary residential structures that meet the setbacks for principal structures can also utilize the principal height for the district in which they are located.

9B-9.20. Dwelling, accessory.

The following requirements shall apply to accessory dwellings.

- (1) **If the principal structure is served by well and that well is capable of serving the accessory dwelling, the requirement for public water shall be determined by the Gloucester County Utility Department and the Virginia Department of Health. If the principal structure is served by septic and that septic is capable of serving the accessory dwelling, the requirement for public sewer shall be determined by the Gloucester County Utility Department (Chapter 19 of the County Code) and the Virginia Department of Health.**
- (2) **Accessory dwellings located in the Business General (B-1) and Business Rural (B-4) districts:**
 - a. **Only one accessory dwelling is permitted per parcel improved with a commercial structure. When a structure straddles multiple parcels, for the purposes of this section, the underlying parcels shall be considered one parcel.**
 - b. **The gross living area square footage of the accessory dwelling shall be no greater than 1,200 square feet. However, in no case shall the gross living area of the accessory dwelling be equal to or greater than the building footprint of the commercial structure.**
 - c. **In the B-1 district, the accessory dwelling must be located in the structure housing the business use. In the B-4 district, the accessory dwelling may be located in the structure housing the business use or in an accessory structure. Manufactured homes cannot be utilized as accessory dwellings.**

- (3) **Accessory dwellings located in the RC-1, RC-2, C-2, SC-1, and SF-1 districts:**
- a. **Only one accessory dwelling shall be permitted per parcel with a principal dwelling. Accessory dwellings can be either located in the principal structure or an accessory structure.**
 - b. On lots less than two (2) acres, the gross living area of the **accessory** dwelling unit shall be no larger than 800 square feet or thirty-five (35) percent of the gross floor area of the principal structure, whichever is greater.
 - c. On lots two (2) acres or greater, the gross living area of the **accessory** dwelling unit shall be no larger than 800 square feet or forty-nine (49) percent of the gross floor area of the principal structure, whichever is greater.
 - d. **Lots with manufactured homes as the principal dwelling can only have an accessory dwelling if the principal dwelling has been converted to real property as regulated by the Code of Virginia Section 46.2-653.1.**
 - e. **The following additional regulations shall apply to accessory dwellings located in an accessory structure.**
 - i. **When the proposed accessory dwelling is located in a new accessory structure, the side and rear yard setbacks shall be fifteen (15) feet. When located in an existing legally established accessory structure, the setbacks of that structure when legally established can be maintained provided the structure was established prior to the adoption of this ordinance.**
 - ii. **Manufactured homes cannot be utilized as accessory dwellings.**

9B-9.30. Dwelling, Multifamily.

The following requirements shall apply to multi-family dwellings.

- (1) **Multifamily dwellings in the Residential Multi-Family (MF-1) district. A maximum of twelve (12) dwelling units per acre may be permitted with an approved Conditional Use Permit (See xxx Conditional Use Permits). The Planning Commission and Board of Supervisors may consider the recommendations of all reviewing agencies and public comments, and may consider in the Conditional Use Permit decision, conditions and limitations on approval necessary for the protection of the public health, safety and welfare, which may include, but are not limited to:**
- a. **Traffic impacts, on and off site**
 - b. **Existing or proposed setbacks and/or buffers to mitigate adverse impacts to adjacent properties**

- (2) **All multifamily developments that abut a Single Family (SF-1), Suburban Countryside (SC-1), Bayside Conservation (C-2), Rural Countryside (RC-1), or Rural Conservation (RC-2) district shall provide a minimum thirty (30) foot peripheral setback buffer area along the abutting property lines. The developer shall plant trees and shrubs in sufficient numbers and size to achieve a landscaping ratio of at least one (1) large tree and four (4) evergreen shrubs, either existing or newly planted, for each two hundred (200) square feet of setback buffer area. Where feasible, existing mature and healthy trees or shrubs located throughout the setback buffer area shall be preserved and protected during and after the development process and can be utilized to meet the required ratio.**
- (3) **Multifamily dwellings consisting of more than thirty-five (35) units, or smaller phases of a larger development that will consist of more than thirty-five (35) units, shall provide common open space. Such common open space shall meet the following requirements:**
- a. **Amount required. The development shall include a minimum of ten (10) percent of the net acreage currently under consideration for development as common open space.**
 - b. **Purpose. Required common open space shall be for the purpose of providing parks, playgrounds, sports play fields, recreation areas, picnic areas, natural areas and the like. In all developments, to the maximum degree reasonably practicable, efforts shall be made to preserve local, state, or federally eligible or designated historic, cultural, and natural heritage sites as portions of required open spaces. When such features are preserved, those areas will count double toward meeting the required percentage of open space.**
 - c. **Exclusions. For the purposes of meeting the net acreage open space requirements, open space areas may not include any of the following areas:**
 - i. **Tidal wetlands;**
 - ii. **Land within public or private road rights-of-way and parking areas;**
 - iii. **Land within any utility or drainage easements;**
 - iv. **Land on which new storm water management facilities are provided to address stormwater from the development;**
 - d. **Restrictions. For the purposes of meeting the net acreage open space requirements, the following restrictions apply.**
 - i. **Areas of ponds, lakes, or other impounded water bodies (not including manmade storm water management areas) up to the normal watermark, as determined by the Army Corps of Engineers, may not make up more than fifty (50) percent of the required open space.**

- ii. **Areas of required setback buffers that are adjacent to common open space areas at least ten thousand square feet (10,000 SF) may be included; however, the area counted toward open space within the required setback buffers shall not make up more than fifty (50) percent of the required open space.**
- e. **All land provided for open space shall be located on land well suited for intended recreational or conservation purposes. Land provided for recreational purposes shall be accessible from all the lots of the subdivision. An ADA compliant access to recreational open space shall be provided.**
- f. **All land provided for open space shall be located within the boundaries of the development being presented for approval.**
- g. **The minimum size of an open space area shall be ten thousand square feet (10,000 SF). Open space areas not meeting the requirement above can be provided but will not count toward the minimum amount of required open space.**
- h. **When required open space is to be held in common ownership by persons residing in or owning lots in the development, the requirements of Section 9E-10 Common area regulations shall apply.**

9B-9.40. Dwelling, single-family attached (town house) & two-family.

The following requirements shall apply to single-family attached and two-family dwellings.

- (1) **All single-family attached and two-family dwelling developments that abut a Single Family (SF-1), Suburban Countryside (SC-1), Bayside Conservation (C-2), Rural Countryside (RC-1), or Rural Conservation (RC-2) district shall provide a minimum thirty (30) foot peripheral setback buffer area along the abutting property lines. The developer shall plant trees and shrubs in sufficient numbers and size to achieve a landscaping ratio of at least one (1) large tree and four (4) evergreen shrubs, either existing or newly planted, for each two hundred (200) square feet of setback buffer area. Where feasible, existing mature and healthy trees or shrubs located throughout the setback buffer area shall be preserved and protected during and after the development process and can be utilized to meet the required ratio.**
- (2) **Open space requirements. Single family attached and two-family dwelling developments consisting of more than thirty-five (35) lots or units, or smaller phases of a larger development that will consist of more than thirty-five (35) single family attached lots or units, shall provide common open space. Such common open space shall meet the following requirements.**

- a. **Amount required.** The subdivision or development shall include a minimum of ten (10) percent of the net acreage currently under consideration for development as common open space.
- b. **Purpose.** Required common open space shall be for the purpose of providing parks, playgrounds, sports play fields, recreation areas, picnic areas, natural areas and the like. In all developments, to the maximum degree reasonably practicable, efforts shall be made to preserve local, state, or federally eligible or designated historic, cultural, and natural heritage sites as portions of required open spaces. When such features are preserved, those areas will count double toward meeting the required percentage of open space.
- c. **Exclusions.** For the purposes of meeting the net acreage open space requirements, open space areas may not include any of the following areas:
 - i. **Tidal wetlands;**
 - ii. **Land within public or private road rights-of-way and parking areas;**
 - iii. **Land within any utility or drainage easements;**
 - iv. **Land on which storm water management facilities are provided;**
- d. **Restrictions.** For the purposes of meeting the net acreage open space requirements, the following restrictions apply.
 - i. **Areas of ponds, lakes, or other impounded water bodies (not including manmade storm water management areas), up to the normal watermark, as determined by the Army Corps of Engineers, may not make up more than fifty (50) percent of the required open space.**
 - ii. **Areas of required setback buffers that are adjacent to common open space areas at least ten thousand square feet (10,000 SF) may be included; however, the area counted toward open space within the required setback buffers shall not make up more than fifty (50) percent of the required open space.**
- e. **All land provided for open space shall be located on land well suited for intended recreational or conservation purposes. Land provided for recreational purposes shall be accessible from all the lots/units of the development. An ADA compliant access to recreational open space shall be provided.**
- f. **All land provided for open space shall be located within the boundaries of the development being presented for approval.**
- g. **The minimum size of an open space area shall be ten thousand square feet (10,000 SF). Open space areas not meeting the requirement above**

can be provided but will not count toward the minimum amount of required open space.

- h. When required open space is to be held in common ownership by persons residing in or owning lots in the development or subdivision the requirements of Section 9E-10 Common area regulations shall apply.**

(3) *Lot and yard requirements:*

- a. The minimum lot area for each dwelling unit in a **single family attached/**town house development shall be two thousand two hundred fifty (2,250) square feet.
 - b. The minimum lot width for each dwelling unit in a **single family attached/**town house development shall be twenty (20) feet for interior and thirty (30) feet for end lots measured at the building location.
 - c. The **front and rear yard setbacks shall conform to the district in which the development is located.** Each lot shall abut a private drive, public road, group parking area or common open space area. All applicable setback and yard requirements shall be maintained between all units and any public street right-of-way, private drive, group parking area or common open space area.
 - d. **The minimum side yard setback for each dwelling unit in a single family attached/ town house development shall be zero (0) feet for interior and ten (10) feet for end lots measured at the building location.**
- (4) *Water and Sewer:* All dwelling units shall be served by public water and public sewer.
- (5) *Variety in facades:* No more than two (2) abutting attached units shall have uniform roof lines or the same setbacks. Variations in the setback of building faces shall be at least two (2) feet.
- (6) *Rear yard/patio area:* Each town house unit shall have direct access to a private rear yard/patio area. **Attached** accessory storage sheds, or other **attached** structures, designed and constructed at the time of development as an architecturally compatible addition to the town house unit, may occupy up to sixty (60) square feet of the required rear yard area **defined by the principal setback.** Such **attached structures** shall not exceed six (6) feet in width nor ten (10) feet in depth and shall be located along one of the side lot lines in order to serve as a privacy screen and to maximize the usefulness of the remaining rear yard/patio area.
- (7) *Streets:* **The width, grade, location, alignment, and arrangement of all streets and sidewalks shall conform to the requirements of the Virginia Department of Transportation and other codes of the county. Such streets shall be constructed with curb and gutter designed in accordance with Virginia Department of Transportation specification or alternate and comparable design/specifications approved by the zoning administrator. The owner/developer shall submit a certified statement from a licensed engineer that the improvements meet VDOT's pavement design and construction standards.**

- (8) *Off-street parking*: All off-street parking spaces and areas within a town house project, whether in a group arrangement or on individual lots, shall be constructed of concrete, asphalt, or other **hardened** surface such as brick, pavers, or similar material.

9B-9.50. Dwelling, single family detached, cluster.

The following requirements shall apply to single family detached cluster developments.

- (1) **The purpose of single family detached cluster development is to:**
- a. **Provide for residential development that permits flexibility of design in order to promote environmentally sensitive and efficient uses of land including land for agricultural and horticultural uses.**
 - b. **Preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.**
 - c. **Permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.**
 - d. **Promote interconnected greenways and corridors throughout the community to serve as wildlife and passive recreational corridors.**
 - e. **Promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities.**
 - f. **Preserve important historic and archaeological sites.**
 - g. **Protect the rural character and viability of agricultural districts by allowing clustered residential development while protecting and maintaining valuable farmland and forestry tracts.**
- (2) Cluster subdivision requirements.
- a. This type of subdivision consists of cluster lots, which are **the** portion or portions of the parcel being subdivided, and a preserved area (**consisting of a preservation parcel or parcels**), which is the entire residual area of the parcel being subdivided.
 - b. **Manufactured homes are not permitted in a cluster subdivision other than on the preservation parcel.**
 - c. The design of a cluster subdivision shall reflect the intended principal use or uses of the preserved area (i.e. farming, silviculture, conservation area, **recreation**, or other allowed uses as listed in Subsection g below). As applicable, cluster subdivisions shall be designed to accomplish the following objectives:
 - i. Result in a preserved area which is **supportive of** its intended uses;
 - ii. Cluster new lots in an arrangement which minimizes adverse impacts on the functioning of the preserved area;
 - iii. Minimize disturbance of existing farm or silviculture operations **to remain**;

- iv. Avoid the need for removal of existing hedge rows or tree stands, particularly along public street rights-of-way and between housing and farmland;
 - v. Maximize the frontage of lots onto internal local roads and minimize the frontage and access of lots to state roads of a minor collector or higher classification;
 - vi. Buffering where lots back onto public roads of a minor collector or higher classification; existing wooded buffers shall be preserved **as part of the preservation parcel** for a minimum depth of fifty (50) feet or a similar landscape buffer shall be planted;
 - vii. Preserve the rural and scenic quality of the landscape, particularly as viewed from public roads;
 - viii. Open space and conservation areas shall be contiguous both on site and off site. Stream corridors and contiguous wetlands can provide linkage;
 - ix. **Required Open Space. At least forty (40) percent of the gross tract area shall be preserved as preservation parcels for open space and other uses described above.**
- d. The maximum cluster lot sizes **and density** shall be as **follows**:
- i. RC-1, RC-2, & C-2: 1 acre minimum lots at a **gross** density of 1 dwelling unit per 4 acres
 - ii. SC-1: 30,000 sq. ft. minimum at a **gross** density of 1 dwelling unit per 1 .5 acres
- e. The maximum number of cluster lots which may be created shall be calculated by dividing the **gross** acreage of the parcel being subdivided by the density given **above**. One (1) additional principal dwelling unit (or manufactured home in the **RC-1 and RC-2** districts) shall be allowed on a **preservation parcel**, provided the **preservation parcel** is at least **ten (10)** acres. If a dwelling unit (or manufactured home in the **RC-1 and RC-2** districts) is to be allowed on the preserved area, and the preserved area is less than **ten (10)** acres, the number of permitted cluster lots shall be decreased by one (1). Only one (1) preservation parcel within a cluster subdivision may be improved by a dwelling.
- f. The maximum density established **above** refers to principal dwelling units and not to accessory uses such as farm tenant houses or **accessory dwellings**.
- g. The final plat(s) for the entire preserved area of a cluster subdivision shall be recorded at the same time that final plats are recorded for all cluster lots or the first section of cluster lots in the subdivision **and may be adjusted as necessary during the platting of each subsequent phase**. Bulk parcels may be recorded for future sections of cluster lots, provided such parcels **remain undeveloped** until subdivided into cluster lots. **Alternatively, cluster subdivisions can be done in phases provided each phase meets the density and open space requirements per this Section.**
- h. The following requirements and restrictions shall apply to the preserved area of a cluster subdivision.
- i. The preserved area may be divided into more than one (1) **parcel** only at the time that the preserved area is originally recorded and only if the lots are designed for different principal uses in accordance with

- the **9B-9.50 (1)**. The lot or lots which constitute the preserved area for a cluster subdivision shall be referred to as preservation parcels.
- ii. **The precise boundaries of the preservation parcels in multiphase developments may not be fixed at the time the first phase is recorded. The final approved and recorded subdivision plats for each phase of the development shall show the final location of all boundaries of the preservation parcels included in each phase and such final plat shall be deemed to amend the descriptions of the preservation parcels contained within the easement and as shown on previously recorded plats. Any alteration to the preservation parcel boundaries shall be minor and shall not reduce the total acreage dedicated as preservation parcels below that permitted in Section 9B-9.50(2)(b)(ix).**
 - iii. **Only the following uses may be permitted on the preservation parcels as shown in the table below. Uses are either Permitted uses (P) through administrative review, permitted by Special Exception (SE), or permitted by Conditional Use Permit (CUP). Uses requiring a SE or CUP shall not be permitted on preservation parcels unless they support the primary purpose of the preservation parcel. Refer to Article 14 – Administrative Procedures Sections 14-16 thru 14-23 for procedures related to Special Exceptions (SEs) and Conditional Use Permits (CUPs). The uses are subject to all other applicable requirements contained in the ordinance. Certain uses have additional, modified or more stringent standards listed in Article 9B Supplementary Use Regulations.**

Permitted Uses on Preservation Parcels	Supplemental Regulations	RC-1	RC-2	C-2	SC-1
Agricultural, Animal, and Outdoor					
Agriculture					
Agricultural operation		P	P	SE	SE
Agritourism		P	P	SE	SE
Aquaculture facility	9B-2.20	P	P	SE	SE
Farm brewery, limited	9B-2.40	P	P	SE	SE
Farm distillery, limited	9B-2.40	P	P	SE	SE
Farm produce stand	9B-2.50	SE	SE		
Farm wayside stand	9B-2.60	P	P	SE	SE
Farm winery	9B-2.40	P	P	SE	SE
Farmers’ market	9B-2.50	SE	SE		SE
Forestry operation		P	P	P	P
Animal					
Livestock, private use or enjoyment	9B-3.40	P	P	P	P
Livestock, private use or enjoyment, requesting acreage	9B-3.40	SE	SE	SE	SE

Permitted Uses on Preservation Parcels	Supplemental Regulations	RC-1	RC-2	C-2	SC-1
<u>reduction</u>					
Stable, commercial	9B-3.50	P	P	P	SE
Stable, private	9B-3.60	P	P	P	P
Stable, private <u>requesting acreage reduction</u>	9B-3.60	SE	SE	SE	SE
Outdoor					
Golf course		SE	SE	CUP	CUP
Hunting and fishing clubs		P	P	P	P
<u>Nature based tourism</u>		SE	SE	CUP	CUP
Civic and Institutional Uses					
Lodge halls and clubs		SE	SE	CUP	CUP
Museum		P	P	P	P
Park, <u>natural area, or community facility</u>	<u>9B-5.30</u>	P	P	P	P
Commercial Products and Services					
Event facility	9B-6.80	CUP	CUP	CUP	CUP
Residential Uses					
<u>Dwelling, accessory</u>	<u>9B-9.20</u>	P	P	P	P
<u>Dwelling, single-family detached, conventional</u>	<u>9B-9.60</u>	P	P	P	P
Home occupation, Type I	9B-9.70	P	P	P	P
Home occupation, Type II	9B-9.70	SE	SE	SE	SE
Manufactured Home		P	P	-	-

- iv. **Preservation Parcel Easement Agreement.** For each preservation parcel, a preservation parcel easement agreement shall be recorded in the Land Records of Gloucester County at the time of recordation of the final plat. The easement agreement shall be approved by the zoning administrator prior to recordation. **Regardless of who the owner of a preservation parcel is or will be, the property owner and the county shall be parties to the above easement.** The easement shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:
 - 1) The location and size of the preservation parcel.
 - 2) Existing improvements on the preservation parcel.
 - 3) A prohibition on future residential, commercial, or industrial development of the preservation parcel, other than the uses listed in this Section. The easement **shall** specify the **principal** use of

- the preservation parcel and prohibit the use of the preservation parcel for incompatible uses.
- 4) A prohibition on future subdivision of the preservation parcel.
- 5) Provisions for maintenance of the preservation parcel.
- 6) Responsibility for enforcement of the easement.
- 7) Provisions for succession in the event that one of the parties to an easement agreement ceases to exist.

9B-9.60. Dwelling, single family detached, conventional.

The following requirements shall apply to single family detached conventional developments.

- (1) **Conventional single family detached dwellings in the Residential Multi-family (MF-1) zoning district – Two or more single family detached dwelling may be allowed on a single lot with an approved Conditional Use Permit (See xxx Conditional Use Permits).**
- (2) **Open space requirements. Single family detached developments consisting of more than fifty (50) lots, or smaller phases of a larger development that will consist of more than fifty (50) single family detached lots, shall provide common open space. Common open space shall meet the following requirements.**
 - a. **Purpose. Required common open space shall be for the purpose of providing parks, playgrounds, sports play fields, recreation areas, picnic areas, natural areas and the like. In all subdivisions, to the maximum degree reasonably practicable, efforts shall be made to preserve local, state, or federally eligible or designated historic, cultural, and natural heritage sites as portions of required open spaces. When such features are preserved, those areas will count double toward meeting the required percentage of open space.**
 - b. **Amount required. The development shall provide for the following percentages of the net acreage of such subdivision to be designated for open space.**

Median Lot Size	Percent of Open Space Required
Up to 10,000 SF	10
10,001 to 30,000 SF	7.5
30,001 SF to 2 acres	5
Over 2 acres	None required

- c. **Exclusions. For the purposes of meeting the net acreage open space requirements, open space areas may not include any of the following areas:**
 - i. **Tidal wetlands;**

- ii. **Land within public or private road rights-of-way and parking areas;**
 - iii. **Land within any utility or drainage easements;**
 - iv. **Land on which storm water management facilities are provided;**
- d. **Restrictions. For the purposes of meeting the net acreage open space requirements, areas of ponds, lakes, or other impounded water bodies (not including manmade storm water management areas), up to the normal watermark, as determined by the Army Corps of Engineers, may not make up more than fifty (50) percent of the required open space.**
- e. **All land provided for open space shall be located on land well suited for intended recreational or conservation purposes. Any land provided for recreational purposes shall be accessible from all the lots of the subdivision. An ADA compliant access to recreational open space shall be provided.**
- f. **All land provided for open space shall be located within the boundaries of the subdivision being presented for approval.**
- g. **The minimum size of an open space area shall be ten thousand square feet (10,000 SF). Open space areas not meeting the requirement above can be provided but will not count toward the minimum amount of required open space.**
- h. **When required open space is to be held in common ownership by persons residing in or owning lots in the development or subdivision the requirement of Section 9E-10 Common area regulations shall apply.**

9B-9.70. Home Occupations.

The following requirements shall apply to home occupations.

- (1) No alteration to the exterior of the principal and/or accessory buildings or the property shall be made which substantially changes the residential character thereof as a dwelling and property.
- (2) No sign may be placed on the property advertising the home occupation.
- (3) All structures on the property shall be lawfully permitted at the time of application.
- (4) Type I home occupations typically include home offices and/or other unobtrusive activities that do not have an impact on the **principal** use of the property, adjacent parcels, or the surrounding area. They are permitted by-right provided they meet the following criteria:

- a. No equipment is used or process performed which creates smoke, cinders, dust, noise, vibration, glare, offensive odors, or noxious gases, or is dangerous or detrimental to persons in the home or on adjacent property.
- b. There shall be no employee, volunteer, or customer traffic. Traffic generated by the home occupation shall not cause the total traffic to the residence to more than double that which is normally expected for a single-family home (typically ten (10) vehicle trips per day).
- c. No more than two (2) commercial vehicles are permitted. The following restrictions apply.
 - i. All vehicles must be stored on the parcel(s) where the home occupation is located or another legally permitted location.
 - ii. On lots greater than or equal to one-half acre, one (1) of the permitted commercial vehicles may be a vehicle with a Gross Vehicle Weight Rating (GVWR) of over 14,000. Only one vehicle of this size is permitted per parcel regardless of the number of home occupations permitted. On lots less than one-half acre in size, vehicles over 14,000 GVWR are not permitted.
 - iii. Applicant shall provide documentation showing the vehicle(s) GVWR as part of their permit application, if requested based on the type of vehicle and its proximity to the size limitation in the ordinance. This information can be found on the vehicle's Safety Compliance Certification Label, located on the driver's side door framing.
- d. For lots less than 5 acres in area in a RC-1, RC-2, C-2, or SC-1 district and all lots of any size in other districts:
 - i. All onsite operations and storage at the residence shall be conducted within the bona fide residence of the business owner or in an accessory building thereto. There shall be no outside storage or operations for Type I home occupations with the exception of the vehicles permitted under (4)(c) and other items, such as, but not limited to, utility trailers, which are commonly used residentially.
 - ii. The maximum indoor floor area permitted for a Type I home occupation shall be twenty-five (25) percent of the gross floor area of the residence. An accessory structure may be used with the home occupation, provided that the combined total floor area devoted to the home occupation in the accessory structure and residence does not exceed twenty-five (25) percent of the gross floor area of the residence.
- e. For lots equal to or greater than five (5) acres in area in a RC-1, RC-2, C-2, or SC-1 district:
 - i. The maximum indoor floor area permitted for a home occupation shall be the equivalent of twenty-five (25) percent of the

cumulative gross floor area of the residence and any accessory buildings thereto.

- ii. The maximum outdoor area permitted for storage and operations shall not exceed one half (0.5) acre (21,780 SF) of the parcel.
 - 1) All outdoor storage of items solely utilized by the business associated with the home occupation, with the exception of the vehicles permitted under (4)(c) above shall be screened from all property lines. Outdoor storage includes, but is not limited to tools, equipment, products, and additional vehicles. One of the options listed in Article 9C - Section 9C-3, Screening and Buffering Standards, shall be utilized to obtain the required screening.
 - 2) Outdoor operations shall be screened from all property lines and shall meet the minimum setback requirements of the district for principal buildings. One of the options listed in Article 9C - Section 9C-3, Screening and Buffering Standards, shall be utilized to obtain the required screening.
 - 3) A plot plan drawn to scale shall be submitted with the zoning permit application for a Home Occupation Type I with outside storage or operations.
 - a) The plot plan shall show the location and dimensions of all outdoor areas utilized by the home occupation.
 - b) The plot plan shall indicate the existing or proposed screening that satisfies the requirement that the outdoor areas associated with the Home Occupation will not be visible from any property line.
 - c) The business owner shall be responsible for providing and maintaining screening in compliance with this Section. Noncompliance shall be enforced pursuant to Section 15 and may result in the revocation of the zoning permit.
- f. **Accessory** Dwellings. Home occupations permitted in **accessory** dwellings shall comply with the following criteria:
- i. Shall be conducted within a structure which is the bona fide residence of the business owner.
 - ii. The maximum indoor floor area permitted for the home occupation shall be twenty-five (25) percent of the gross floor area of the **accessory** dwelling residence.

(5) Type II home occupations are those which exceed the indoor or outdoor area regulations and/or number of vehicles permitted for Type I home occupations, include customer, employee, or volunteer traffic, or entail

other impacts such as those detailed in (4)(a) above. Examples of Type II home occupations include but are not limited to a one chair hair salon, an accountant with employee or customer traffic, or a business use with outdoor storage or operations not located on a lot which permits such uses as described in (4)(e). They require a Special Exception (SE) and shall meet the following criteria:

- a. Type II Home Occupations are not permitted in **accessory** dwellings.
- b. Home occupations with employee, volunteer and/or customer traffic may be considered a place of public accommodation under the Uniform Statewide Building Code (USBC) and accessibility requirements for such uses shall be determined by the Building Official prior to review by the BZA for a Special Exception.
- c. All operations, storage, and vehicles associated with the home occupation shall be located on the same parcel as the business owner's bona fide residence.
- d. Any additional conditions imposed by the board of zoning appeals (BZA).

ARTICLE 9C. SCREENING AND BUFFERING

Sec. 9C-1. Intent. It is the intent of these provisions to:

- (1) **Set minimum standards that will ease the transition and provide visual buffers between nonresidential and residential land uses.**
- (2) **Encourage the preservation and incorporation of existing vegetation into new developments.**

Sec. 9C-2. Applicability. These provisions and requirements shall apply to buildings and developments in which a site plan or zoning permit is required as referenced below. The Board of Supervisors shall also have the authority to apply any of these requirements as a condition of a Conditional Use Permit and the Board of Zoning Appeals may apply any of these requirements as a condition of a Special Exception.

- (1) **A site plan is required pursuant to Chapter 15 Subdivisions or Chapter 15.5 Site Plans of the County's ordinance, or**
- (2) **A zoning permit is required pursuant to Section 15-1 of this ordinance and which includes additions to an existing building, new buildings, additional parking areas, or changes to the site which involve additional features on the property. The provisions of this Section shall only apply to the new development/redevelopment on the site and not to the existing features.**

Sec. 9C-3. Screening and Buffering Standards. Where nonresidential buildings or uses abut any lot line of a residential district (as defined in Article 4 Section 4-1(1) of this ordinance) **or residential use**, and where no other landscaping is required, one of the following methods shall be used to buffer the nonresidential use from the residential lot line:

- (1) A minimum thirty-foot setback **from the residential lot line to** all buildings and uses, in conjunction with a continuous landscaping strip of not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs located between the nonresidential use and the residential lot line.
- (2) A six-foot high **solid stockade style fence (wood, plastic, or other similar manmade material) or wall (brick, stone, or similar material)** located between the nonresidential use and the residential lot line. A continuous landscaping strip of not less than **ten (10)** feet in width shall be **provided**, and shall be planted with one (1) evergreen tree (**at least five (5) feet at the time of planting**) and two (2) medium shrubs (each at least 24 inches in height at the time of planting) for every ten (10) linear feet.
- (3) **A minimum ten-foot setback of all buildings and uses from the residential lot line, in conjunction with a continuous evergreen hedge with a minimum height at planting of two (2) feet and be a species that will reach a minimum height of six (6) feet within five (5) growing seasons and one large evergreen or deciduous tree (at least five (5) feet at the time of planting) for every twenty-five (25) linear feet.**
- (4) **A modified plan in cases where special consideration is warranted by virtue of site design, topography, unique relationships to other**

properties, or existing natural vegetation, provided the modified plan provides year-round vegetative screening.

Sec. 9C-4. Administration.

- (1) The use of existing vegetation, not including invasive species or noxious weeds, shall be allowed in place of required new plant material if the vegetation to be used provides a continuous screen of the new development from view from the adjacent property, is a minimum of 10' in width, and is located entirely on the applicant's property. The applicant shall submit a landscape plan showing the location, size, and type of the existing plant material in the buffer area that is being used to meet the screening requirement. The plan shall include supplemental screening wherever needed to ensure year-round screening.**
- (2) Required plantings shall not obscure traffic visibility within fifty (50) feet of an intersection as per Section 9E-30 Visibility at intersections.**
- (3) Screening is not required if conditions such as those listed below make screening unnecessary. In these circumstances, the zoning administrator shall include a written statement as such for the project file or to be included as part of the approved zoning permit or site plan.**
 - a. A distance greater than one thousand (1,000) feet between the new development and the property line.**
 - b. Topographical features such as slopes and ravines that provide visual barriers.**
 - c. The adjacent parcel is under the same ownership and the property owner submits a written request.**
 - d. Other required or existing screening on the parcel(s) provide the required buffer.**
- (4) Landscaping required by this ordinance shall be in place and in good condition prior to a final certificate of occupancy being issued for the site or a surety shall be posted. In cases where a final certificate of occupancy is not required, such as with home occupations, a surety shall be posted.**
- (5) A surety shall be required when plants are not installed during a planting season, when not installed prior to a final certificate of occupancy, or when it is unclear whether required plantings are alive at the site inspection. The surety will be based on a reasonable estimate, provided by the applicant, of the cost of the landscaping and installation plus a ten percent contingency. All required landscaping shall be installed during the first planting season following issuance of a certificate of occupancy.**
- (6) The owners shall be responsible for protecting and maintaining all required landscaping in healthy and growing condition. Any dead, diseased, or dying plant materials shall be replaced by the next**

planting season or within one (1) year unless the remaining healthy vegetation forms a continuous screen.

ARTICLE 9D. TEMPORARY AND ACCESSORY USES/STRUCTURES

Sec. 9D-10. Freight containers.

The following requirements shall apply to freight containers:

(1) **Freight containers cannot be ancillary structures.**

(2) Storage of freight containers.

- a. Freight containers may only be stored in a legally established truck and freight terminal as defined and permitted by this ordinance.
- b. Freight containers that have transported goods to a site may be used for the temporary storage of such transported goods as an accessory use to a legally established principal use in industrial and business districts subject to the following conditions:
 - i. The location of the temporary storage area shall be noted on the site plan or plot plan establishing the principal use of the site.
 - ii. The temporary storage area shall not be visible from a public right of way or from any residential use or district.
 - iii. The use of the freight containers for temporary storage shall not exceed three (3) months.
 - iv. Freight containers shall not be stacked, **unless in conformance with 9D-10(5) below.**
 - v. Freight containers shall not be converted into permanent structures or used for permanent storage without a zoning permit (see **(3) & (5) below**).

(3) Freight containers **as accessory structures** used only for storage of goods and equipment.

- a. Freight containers used only for storage of goods and equipment, with no improvements or modifications of any kind, shall be permitted as an accessory use to a lawfully established principal use in compliance with the requirements of this chapter for accessory uses and structures subject to following conditions:
 - i. Freight containers shall not be stacked, **unless in conformance with 9D-10(5) below.**
 - ii. The exterior of the freight container shall be maintained structurally intact.
 - iii. **Freight containers are not allowed in the Single-Family Residential District (SF-1), the Multi-family Residential District (MF-1), or in the Village Mixed Use (B-2). Freight containers are not allowed in any other residential district on a lot less than two (2) acres.** No more than one (1) freight container shall be allowed **in a residential district** on a lot **equal to or greater** than two (2) acres in area **and less than 5 acres in area**; and a maximum of **three (3) freight** containers shall be allowed **in residential districts** on lots over five (5) acres in area. Regardless of the number of containers, their placement must comply with the provisions of

this ordinance and all other requirements of the county code for accessory structures.

- iv. There is no maximum number of freight containers permitted to be used as storage accessory to permitted agricultural, commercial or industrial uses, provided the placement of the containers complies with the provisions of this ordinance and all other requirements of the county code for accessory structures.
 - b. Modifications to, or the use of, freight containers for a use other than the storage of goods and equipment of a nature customarily incidental and subordinate to use of the principal structure and for the benefit or convenience of the owners, occupants, or employees of the principal use are not permitted **unless in conformance with 9D-10(5) below.**
- (4) Freight containers used for storage during construction.
- a. Freight containers may be used in all zoning districts for the temporary storage of construction-related materials on a building site for which an **unexpired** building permit and/or land disturbance permit has been issued. The application for such permit shall contain express reference to the proposed use of the freight container for storage purposes.
 - b. Freight containers used for storage during construction are subject to the following conditions:
 - i. Freight containers shall not be stacked, **unless in conformance with 9D-10(5).**
 - ii. Freight containers shall be placed in locations that minimize their visibility from the public street or right-of-way and adjacent residential properties.
 - iii. Freight containers shall not be placed in the public street or right-of-way or block public access or fire hydrants.
 - iv. The storage of hazardous materials is prohibited. A hazardous material is defined as substances or materials which may pose unreasonable risks to health, safety, property, or the environment when used, transported, stored or disposed of, which may include materials which are in solid, liquid, or gaseous form.
 - v. Freight containers shall be sealed against leakage and maintained in structurally sound condition.
 - vi. Freight containers shall only be allowed for temporary storage during construction **and shall be removed upon completion of construction and prior to the issuance of a certificate of use and occupancy.**
- (5) Modification and/or use of freight containers other than as permitted above is prohibited unless the proposed modification and use conforms to any and all requirements of Uniform Statewide Building Code (USBC), the Gloucester County Code of Ordinances and any other applicable local, state, or federal requirements for the use to be established.

Sec. 9D-20. Temporary buildings, construction trailers, temporary portable storage containers, temporary portable waste collection containers, manufactured homes and travel trailers.

The following requirements shall apply to temporary buildings, construction trailers, temporary portable storage containers, temporary portable waste collection containers, manufactured homes and travel trailers.

(1) Temporary uses associated with construction.

- a. Temporary buildings, construction trailers, temporary portable storage containers, **and** temporary portable waste collection containers used in conjunction with construction work only, may be permitted in any district **upon issuance of a zoning permit by the zoning administrator** during the period when construction work is in progress, as shown by possession of a valid building permit, but such temporary facilities shall be removed upon completion of the construction work. Temporary structures and containers placed on the property during construction shall not interfere with the access or mobility of any actively used site or structure.
- b. Manufactured homes **and travel trailers (recreational vehicles)** used as temporary residence during construction or reconstruction of a permanent residential structure may be permitted for up to twelve (12) months upon approval by the zoning administrator. Extension(s) of six (6) months may be granted at the discretion of the zoning administrator. **In cases of reconstruction or repair of a permanent residential dwelling damaged or destroyed, as to be made uninhabitable, by fire, storm, or other natural disaster** the first six (6) months of the initial twelve (12) month period, no **active** building permit **shall be required**. The issuance of a zoning permit by the zoning administrator for **manufactured homes and travel trailers (recreational vehicles)** to be used as temporary residences shall in all cases be subject to the following requirements:
 - i. The **temporary residence** shall be placed no closer than five (5) feet to any **external** lot line.
 - ii. Sanitary (water and sewer) and electrical connections shall be provided by the applicant(s), **shall** be quick disconnect **for travel trailers**, and conform to county and state regulations.
 - iii. The inhabitants shall **be responsible for** evacuating themselves and/or the travel trailer (recreational vehicle) when climatic conditions warrant, and within four (4) hours of notification by federal, state or local authorities. The owner(s) shall acknowledge **on the zoning permit** and agree to hold harmless the County from liability for any fire, theft, or casualty loss associated with the temporary use.

- iv. The **temporary residence** shall be disconnected from sanitary and electrical connections and shall cease to be used as a temporary residence, upon the earlier of either completion of the reconstruction of the permanent residence or the expiration of the permit.
Manufactured homes used as temporary residences shall be removed either prior to issuance of final Certificate of Occupancy (CO) or within 30 days of a passed (successful) final building inspection.
- c. **Temporary structures, manufactured homes, and portable buildings** may be used **for non-residential uses such as temporary offices, classrooms, or the like** in any zoning district upon issuance of a zoning permit by the zoning administrator, subject to the following considerations:
 - i. The temporary building or structure shall be necessary for use during the planning and construction of any **non-residential** structure or structures or for the sale or rental of on-site property by a developer.
 - ii. The temporary building or structure shall not be used for residential purposes.
 - iii. **One temporary structure shall be permitted for each five thousand (5,000) square feet of lot area.**
 - iv. The structure shall not be placed closer than **five (5)** feet to any **external** lot line.
 - v. The sanitary facilities shall conform to county and state health regulations.
 - vi. **The structure must meet Uniform Statewide Building Code for occupancy and all other related building codes.**
 - vii. The temporary **facility** shall be used for a period not to exceed one (1) year; provided that **the** one-year time period may be extended by written request to the zoning administrator showing reasonable cause.
 - viii. The temporary **facility** shall be removed from the site within sixty (60) days after the completion of **the related construction project**. The applicant shall post a letter of credit or cash escrow in the amount of one thousand five hundred dollars (\$1,500.00) per temporary **facility**, not to exceed seven thousand five hundred dollars (\$7,500.00) per construction project, to guarantee the removal of such temporary **facility(ies)**.
- (2) **Temporary use not associated with construction.**
 - a. Temporary portable storage containers shall be allowed for short term use accessory to a legally permitted use under the following conditions:
 - i. Only one (1) such container per parcel.
 - ii. A minimum five (5) foot setback from any property line.
 - iii. A maximum of **sixty (60)** days of temporary accessory use without a permit. The **sixty (60)** day time period may be extended in response

to a written request to the zoning administrator showing reasonable cause.

Sec. 9D-30. Temporary camping for personal use and enjoyment

The following requirements shall apply to temporary camping for personal use and enjoyment.

- (1) No more two (2) temporary camping units are permitted on lots less than or equal to five (5) acres. One (1) additional temporary camping unit is allowed for every additional 5 acres of lot area to a maximum of ten (10) temporary camping units total.**
- (2) Temporary camping shall not occur for periods in excess of one (1) week, nor may camping occur in excess of thirty (30) days within any calendar year. Occupancy beyond these time limits requires approval as a campground per this ordinance.**
- (3) No camping shall be permitted in the B-1, B-2, B-4, or I-1 districts.**
- (4) Temporary camping units shall meet principal structure setbacks.**
- (5) No utility hookups are permitted for temporary use of camping units. This does not include the temporary hook-up of water and/or electricity to clean and/or maintain campers.**
- (6) In order to confirm compliance with this ordinance, individuals wishing to temporarily camp on their property in conformance with this ordinance can register that activity by calling the Gloucester County zoning staff to state their intent to do so and the days they will be camping on their property.**

Sec. 9D-40. Temporary family health care structures.

The following requirements shall apply to temporary family health care structures.

- (1) Temporary family health care structures shall be permitted as an accessory use in any zoning district which permits single family detached dwellings as a principal use.
- (2) Such structures shall comply with all setback requirements that apply to the **principal** structure.
- (3) Placing the temporary family health care structure on a permanent foundation shall not be permitted.**
- (4) Only one (1) family health care structure shall be allowed on a lot or parcel of land.

- (5) Any temporary family health care structure installed pursuant to this Section may be required to connect to any water, sewer, and electric utilities that are serving the **principal dwelling** on the property and shall comply with all applicable requirements of the Virginia Department of Health.
- (6) A Zoning Permit shall be required prior to the installation of a temporary family health care structure and, in addition to the requirements of Section 15-2 the application shall contain evidence of compliance with this Section including:
 - a. The relationship of the caregiver to the occupant(s) of the temporary family health care structure; and
 - b. Written certification provided by a physician licensed by the Commonwealth establishing that the occupant(s) of the temporary family health care structure meet the criteria established in Virginia Code Section 15.2-2292.1.
- (7) No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- (8) Any temporary family health care structure installed pursuant to this Section shall be removed within sixty (60) days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this Section. The applicant shall notify the County upon removal of the temporary family health care structure and provide for proper disconnection of all any water, sewer, electric and other utilities that served the structure.
- (9) The zoning administrator may revoke the zoning permit if the permit holder violates any provision of this Section.

ARTICLE 9E. OTHER REGULATIONS

Sec. 9E-10. Common area regulations.

- (1) **Applicability.** This Section shall apply to the following features in developments, referred to in this Section as "common areas", where such features are required or proposed to be held in common ownership by persons residing in or owning lots in the development or subdivision:
- a. All lands in common open space not part of individual lots designed for the mutual benefit of persons residing in or owning lots in a development or major subdivision, whether or not such lands are required by the Gloucester County Zoning or Subdivision Ordinances;
 - b. All private streets, driveways, parking bays, sidewalks, **multi-use paths**, bikeways, streetlights, street trees, landscaping, drainage facilities, lakes, easements, facilities, structures, and buildings or portions thereof as may be provided for the common use, benefit and enjoyment of the occupants of a development or major subdivision, whether or not such improvements are required by the Gloucester County Zoning or Subdivision Ordinances.
- (2) Declaration of covenants and restrictions. Whenever a major subdivision **development** includes common areas, the developer shall prior to, or at the time of, recordation of the final subdivision plat, provide for and establish a nonprofit incorporated property owners association, or other legal entity under the laws of Virginia, for the ownership, care and maintenance of all such common areas.
- a. Such association shall be governed by a declaration of covenants and restrictions (referred to in this Section as the "declaration") running with the land and shall be composed of all persons having ownership within the development. Such association shall be responsible for the perpetuation, care, and maintenance of all common areas.
 - b. The covenants shall provide that membership in the association by property owners is mandatory; and **that** the association shall have the authority to assess its members for, such maintenance and improvements as set forth in the instrument creating the association, or as its members deem appropriate.
 - c. Voting membership in the association shall, in the case of a residential subdivision, be comprised of a single class, with the owners of lots casting one (1) vote per lot owned. In the case of a non-residential development, voting rights shall be clearly stipulated in the declaration. In no case shall the developer of a residential development control the association beyond ten (10) years of the first lot being conveyed to a person or entity other than the developer.
 - d. The declaration shall:
 - i. Describe and identify all common areas as to location, size, use and control.

- ii. Set forth the method of assessment for the maintenance of the common areas.
 - iii. Control the availability of the common areas, ensure that land set aside for open space may not be developed for an unapproved purpose in the future, and ensure that the common areas are maintained in their intended function in perpetuity unless and until the board of supervisors by ordinance, authorizes and approves revisions.
 - iv. Set forth the schedule under which the developer must convey common property and facilities to the association. Such conveyance shall generally occur within thirty (30) days of completion of the facility unless otherwise stipulated in the declaration.
 - v. Provide that the association shall not be dissolved nor shall such association dispose of any common areas by sale or otherwise, except to an organization conceived and organized to own and to maintain the common areas, without first offering to convey the same to the county or other appropriate governmental agency in exchange for compensation in an amount not exceeding the appraisal of a mutually acceptable appraiser.
 - vi. Remain in full force and effect unless terminated in the manner set forth above.
- e. The declaration shall provide a clearly defined procedure for the county to ensure a remedy in the event the association or any successor organizations, shall at any time after the establishment of the development fail to maintain the common areas in reasonable order and condition in accordance with the plans approved by the county.

(3) Submission requirements.

- a. Before a developer establishes a nonprofit organization as provided by subsection (2) above, the following documents shall be submitted to the county:
 - i. The articles of incorporation or other documents which will establish or create the nonprofit property owners association.
 - ii. The proposed declaration of covenants and restrictions.
 - iii. The proposed bylaws of the association.
- b. The developer shall submit to the county, along with the required articles of incorporation (or similar documents) and declaration of covenants and restrictions, a certification by an attorney licensed to practice law in the Commonwealth of Virginia that the attorney has reviewed such documents and that they comply with:
 - i. The requirements of this Article, and identifying where each requirement is addressed;
 - ii. If applicable, the provisions of the Virginia Property Owners Association Act (Section 55-508 et. seq. of the Code of Virginia); and

- iii. If applicable, the provisions of the Virginia Subdivided Land Sales Act (Section 55-336 et. seq. of the Code of Virginia).
 - iv. **If applicable, the provisions of the Virginia Condominium Act (Title 55.1, Chapter 19 et. seq. of the Code of Virginia).**
 - c. The attorney shall also certify that the common areas, when conveyed to the association, will be conveyed without encumbrances or liens, other than easements for public utilities, and such other similar encumbrances as may be specifically identified in the declaration.
 - d. The county attorney shall review and approve for consistency with the requirements of this Article the certification submitted in conformance with Subsection (ii) above, and the articles of incorporation (or similar documents) and the declaration of covenants and restrictions.
- (4) Miscellaneous common area requirements and regulations.
- a. Nothing contained herein shall be deemed to require the County of Gloucester to be responsible for the maintenance of any of the common areas referred to in this Section.
 - b. Relationship of residential lots to common area.
 - i. Residential lots adjacent to common areas shall not be platted until the common area and any facilities thereon have been completed and the area has been conveyed (or will be conveyed contemporaneously with platting) to the association or other entity controlling such common ground.
 - ii. Alternatively, the zoning administrator may authorize such lots as described in paragraph (i) above to be platted provided that each person or entity to which any of these lots are subsequently conveyed prior to completion and conveyance of the common area execute a statement which clearly discloses to them what common area improvements are to be constructed, the anticipated duration of construction, and the estimated date of completion. The disclosure statement shall be prepared by an attorney licensed to practice law in Virginia and a copy shall be submitted to the county for approval prior to approval of a record plat. Executed disclosure statements shall be recorded contemporaneously with deeds conveying such lots.
 - c. The developer may propose that the ownership, maintenance and perpetuation of all or a portion of the common areas in a development be guaranteed by some method or measure other than the formation of a nonprofit incorporated property owners association. In such case, the county attorney and zoning administrator shall ensure that all relevant requirements of paragraph (a) of this Section are substantially satisfied with respect to protecting the future property owners and ensuring the county's interest. Certification by an attorney licensed to practice law in Virginia that all relevant requirements have been satisfied and fully describing how they are met, and which requirements were deemed to not be relevant and why, shall be submitted with site plans or subdivision plats.

Sec. 9E-20. Family transfers.

A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner is permitted in **RC-1** and **RC-2** rural districts and all residential districts provided the divisions of such lands meet the minimum requirements of the Gloucester County Subdivision Ordinance **for Family transfers** in effect at the time the request for subdivision is made.

Sec. 9E-30. Visibility at intersections.

- (1) On a corner lot in any district, **no building, fence, wall, other structure, vehicle or planting**, shall be erected, placed, planted or allowed to grow in such a manner as to impede vision **between** a height of two and one-half (2½) feet **and eight (8) feet** above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line adjoining points along said street lines fifty (50) feet from the point of intersection.
- (2) **Exclusions. This provision shall not be applicable to public utility poles, official street signs, fire hydrants and other appurtenances, installed by a governmental agency for public safety purposes, or to tree trunks, columns, or posts separated by not less than six feet from each other which do not impair visibility.**

